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A regular meeting of the City Council was held in the Council Chamber, City Hall, at 4 p.m., on Wednesday, July 9, 1947, with Mayor Baxter presiding, and Councilmen Albea, Childs, DeLaney, Jordan, Lambeth, McKee and White present.

INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED WITH CORRECTION.

Upon motion of Councilman Albea, seconded by Councilman DeLaney, the Minutes of the meeting on July 2, 1947 were approved with correction in line one of paragraph three, to change the spelling of the name of Mr. Gluck.

AMENDMENT TO ZONING ORDINANCE DENIED.

Hearing was continued from the Council Meeting on July 2nd on a recommended amendment to the Zoning Ordinance, to change from Residence-2 district to Business-1 district the area on the north side of and fronting West Boulevard, between Merriman Avenue and Spruce Street, and south of and fronting West Boulevard between Spruce Street and Merriman Avenue and south of West Boulevard.

Six of the seven residents of the affected block were present in protest of the change in zoning.

Councilman White moved that no change be made in the present zoning of the area. Motion seconded by Councilman Jordan, and unanimously carried.

LEASE OF IRWIN CREEK WATER WORKS PROPERTY TO S. W. GARDNER.

Mr. Chas. H. Stone, Chairman of the Park & Recreation Commission, requested that title to the Irwin Creek Water Works Property be vested in the Park & Recreation Commission for use as park property. He stated they desired to again put into operation the swimming pool on the property when funds were available. He urged that the property be conveyed to them for park purposes and not otherwise leased.

Following the discussion, Councilman McKee moved that the property be leased to Mr. S. W. Gardner. Motion seconded by Councilman Lambeth, and unanimously carried.

RESOLUTIONS PROVIDING FOR THE ISSUANCE OF \$1,500,000 CITY OF CHARLOTTE BONDS.

Councilman Albea introduced the following resolution which was read:

RESOLUTION PROVIDING FOR THE
ISSUANCE OF \$50,000 SIDEWALK
BONDS.

BE IT RESOLVED by the City Council of the City of Charlotte:

Section 1. That the City Council has determined and does hereby find and declare:

(a) That it is necessary to issue all of the \$50,000 Sidewalk Bonds authorized by an ordinance passed on September 18, 1945.

(b) That in anticipation of the receipt of the proceeds of said

bonds there have been issued:

(i) a \$50,000 Sidewalk Bond Anticipation Note, dated November 1, 1945 and maturing November 1, 1946, which note was delivered on November 9, 1945;

(ii) a \$50,000 Sidewalk Bond Anticipation Note dated November 1, 1946 and maturing February 1, 1947 (for the particular purpose of paying said note maturing November 1, 1946);

and

(iii) a \$50,000 Sidewalk Bond Anticipation Note (which note is now outstanding), dated February 1, 1947 and maturing August 1, 1947 (for the particular purpose of paying said note maturing February 1, 1947).

(c) That the sidewalks, curbs and gutters provided for by said ordinance have heretofore been constructed, and have been constructed of concrete.

(d) That the probable period of usefulness of the sidewalks, curbs and gutters which have been constructed pursuant to said ordinance is a period of twenty years from September 18, 1946, being a date not later than one year after the passage of said ordinance, and that said period expires September 18, 1966.

Section 2. That petitions were duly filed, pursuant to law, praying that local improvements be made of the character provided in said ordinance, and praying, further, that a portion of the cost thereof, said portion being at least one-fourth of such cost, be specially assessed; and that the estimated cost of the work so petitioned for but not provided for by other bond issues or otherwise, is \$50,000.

Section 3. That for the purpose provided in said ordinance, there shall be issued the negotiable coupon bonds of the City of Charlotte, in the aggregate principal amount of \$50,000, designated "Sidewalk Bonds", consisting of 50 bonds of the denomination of \$1,000 each, numbered 1 to 50, inclusive, dated August 1, 1947, maturing annually, February 1, in numerical order, lowest numbers first, \$2,000 1950 to 1954 and \$5,000 1955 to 1962, all inclusive, without option of prior payment, and bearing interest at a rate or rates not exceeding 6% per annum, to be determined by the Local Government Commission at the time the bonds are sold, which interest shall be payable semi-annually on the first days of February and August of each year, both the principal of and the interest on said bonds to be payable at the Central Hanover Bank and Trust Company in the City of New York in any coin or currency of the United States of America which, at the respective dates of payment thereof, is legal tender for the payment of public and private debts.

Section 4. That \$50,000 of the proceeds of said bonds shall be used to pay the note described in item (iii) of paragraph (b) of Section 1 of this resolution.

Thereupon, upon motion of Councilman Albea, seconded by Councilman Jordan, and unanimously carried, the foregoing resolution entitled "Resolution providing for the issuance of \$50,000 Sidewalk Bonds" was passed by the following vote:

Yeas: Councilmen Albea, Childs, DeLaney, Jordan, Lambeth, McKee and White.

Nays: None.

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Thereupon, Councilman Albea introduced the following resolution which was read:

RESOLUTION PROVIDING FOR THE ISSUANCE
OF \$100,000 SANITARY SEWER BONDS.

BE IT RESOLVED, by the City Council of the City of Charlotte:

Section 1. That the City Council has determined and does hereby find and declare:

(a) That it is necessary to issue \$100,000 of the \$2,325,000 Sanitary Sewer Bonds authorized by an ordinance passed on March 11, 1946, which ordinance was approved by the vote of a majority of the qualified voters of said City who voted at an election duly called and held on April 23, 1946.

(b) That a \$93,000 Sanitary Sewer Bond Anticipation Note dated February 1, 1947 has been issued in anticipation of the receipt of the proceeds of a like amount of said bonds, which note matures on August 1, 1947.

(c) That the probable period of usefulness of the improvements (extending and enlarging the sanitary sewer system), which have been or will be made pursuant to said ordinance, is a period of forty years from March 11, 1947, being a date not later than one year after the passage of said ordinance, and that said period expires March 11, 1987.

Section 2. That for the purpose provided in said ordinance, there shall be issued the negotiable coupon bonds of the City of Charlotte, in the aggregate principal amount of \$100,000 designated, "Sanitary Sewer Bonds", consisting of 100 bonds of the denomination of \$1,000 each, numbered 1 to 100, inclusive, dated August 1, 1947, maturing annually, February 1, in numerical order, lowest numbers first, \$5,000 1950 to 1969, inclusive, without option of prior payment, and bearing interest at a rate or rates not exceeding 6% per annum, to be determined by the Local Government Commission at the time the bonds are sold, which interest shall be payable semi-annually on the first days of February and August of each year, both the principal of and the interest on said bonds to be payable at the Central Hanover Bank and Trust Company in the City of New York in any coin or currency of the United States of America which, at the respective dates of payment thereof, is legal tender for the payment of public and private debts.

Section 3. That \$93,000 of the proceeds of said bonds shall be used to pay the note described in paragraph (b) of Section 1 of this resolution.

Thereupon, upon motion of Councilman Albea, seconded by Councilman Jordan, and unanimously carried, the foregoing resolution entitled "Resolution providing for the issuance of \$100,000 Sanitary Sewer Bonds" was passed by the following vote:

Yeas: Councilmen Albea, Childs, DeLaney, Jordan, Lambeth, McKee and White.

Nays: None.

Thereupon, Councilman Albea introduced the following resolution which was read:

RESOLUTION PROVIDING FOR THE ISSUANCE
OF \$200,000 STREET IMPROVEMENT BONDS.

BE IT RESOLVED by the City Council of the City of Charlotte:

Section 1. That the City Council has determined and does hereby find and declare:

(a) That it is necessary to issue all of the \$200,000 Street Improvement Bonds authorized by an ordinance passed on March 11, 1946, which ordinance was approved by the vote of a majority of the qualified voters of said City who voted at an election duly called and held on April 23, 1946.

(b) That a \$200,000 Street Improvement Bond Anticipation Note dated April 1, 1947 has been issued in anticipation of the receipt of the proceeds of said bonds, which note matures on August 1, 1947.

(c) That the surface of the streets which have been or are to be constructed or reconstructed pursuant to said ordinance is to be constructed of bricks, blocks, sheet asphalt, bitulithic or bituminous concrete, laid on a solid foundation, or of concrete.

(d) That the probable period of usefulness of the streets which have been or will be constructed or reconstructed pursuant to said ordinance, is a period of twenty years from March 11, 1947, being a date not later than one year after the passagg of said ordinance, and that said period expires March 11, 1967.

Section 2. That for the purpose provided in said ordinance, there shall be issued the negotiable coupon bonds of the City of Charlotte, in the aggregate principal amount of \$200,000, designated "Street Improvement Bonds", consisting of 200 bonds of the denomination of \$1,000 each, numbered 1 to 200, inclusive, dated August 1, 1947, maturing annually, February 1, in numerical order, lowest numbers first, \$10,000 1950 to 1960 and \$15,000 1961 to 1966, all inclusive, without option of prior payment, and bearing interest at a rate or rates not exceeding 6% per annum, to be determined by the Local Government Commission at the time the bonds are sold, which interest shall be payable semi-annually on the first days of February and August of each year, both the principal of and the interest on said bonds to be payable at the Central Hanover Bank and Trust Company in the City of New York in any coin or currency of the United States of America which, at the respective dates of payment thereof, is legal tender for the payment of public and private debts.

Section 3. That \$200,000 of the proceeds of said bonds shall be used to pay the note described in paragraph (b) of Section 1 of this resolution.

Thereupon, upon motion of Councilman Albea, seconded by Councilman Jordan, and unanimously carried, the foregoing resolution entitled, "Resolution providing for the issuance of \$200,000 Street Improvement Bonds" was passed by the following vote:

Yeas: Councilmen Albea, Childs, DeLaney, Jordan, Lambeth, McKee and White.

Nays: None

Thereupon, Councilman Albea introduced the following resolution which was read:

RESOLUTION PROVIDING FOR THE ISSUANCE
OF \$1,150,000 WATER BONDS.

BE IT RESOLVED by the City Council of the City of Charlotte:

Section 1. That the City Council has determined and does hereby find and declare:

(a) That it is necessary to issue \$1,150,000 of the \$1,800,000 Water Bonds authorized by an ordinance passed on March 11, 1946, which ordinance was approved by the vote of a majority of the qualified voters of said City who voted at an election duly called and held on April 23, 1946.

(b) That a \$53,000 Water Bond Anticipation Note dated February 1, 1947, has been issued in anticipation of the receipt of the proceeds of a like amount of said bonds, which note matures on August 1, 1947.

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(c) That the probable period of usefulness of the improvements (extending and enlarging the waterworks system) which have been or will be made, pursuant to said ordinance, is a period of forty years from March 11, 1947, being a date not later than one year after the passage of said ordinance, and that said period expires March 11, 1987.

Section 2. That for the purpose provided in said ordinance, there shall be issued the negotiable coupon bonds of the city of Charlotte, in the aggregate principal amount of \$1,150,000, designated "Water Bonds", consisting of 1,150 bonds of the denomination of \$1,000 each, numbered 1 to 1,150 inclusive, dated August 1, 1947, maturing annually, February 1, in numerical order, lowest numbers first, \$20,000 1950 to 1957, \$40,000 1958 to 1966 and \$45,000 1967 to 1980, all inclusive, without option of prior payment, and bearing interest at a rate or rates not exceeding 6% per annum, to be determined by the Local Government Commission at the time the bonds are sold, which interest shall be payable semi-annually on the first days of February and August of each year, both the principal of and the interest on said bonds to be payable at the Central Hanover Bank and Trust Company in the City of New York in any coin or currency of the United States of America which, at the respective dates of payment thereof, is legal tender for the payment of public and private debts.

Section 3. That \$53,000 of the proceeds of said bonds shall be used to pay the note described in paragraph (b) of Section 1 of this resolution.

Thereupon, upon motion of Councilman Albea, seconded by Councilman Jordan, and unanimously carried, the foregoing resolution entitled, "Resolution providing for the issuance of \$1,150,000 Water Bonds" was passed by the following vote:

Yeas: Councilmen Albea, Childs, DeLaney, Jordan, Lambeth, McKee and White.
Nays: None

Thereupon, Councilman Albea introduced the following resolution which was read:

RESOLUTION FIXING THE FORM AND MANNER OF EXECUTION OF \$1,500,000 BONDS AND PROVIDING FOR THEIR SALE.

BE IT RESOLVED by the City Council of the City of Charlotte:

Section 1. That the \$50,000 Sidewalk Bonds, \$100,000 Sanitary Sewer Bonds, \$200,000 Street Improvement Bonds and \$1,150,000 Water Bonds to be issued under date of August 1, 1947, shall be signed by the Mayor and the City Clerk, under the corporate seal of the City, and the annexed interest coupons shall be executed with the facsimile signature of said City Clerk. Said bonds and coupons and the endorsements to be printed upon the reverse thereof shall be in substantially the following forms:

No. _____

\$1,000

UNITED STATES OF AMERICA
STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

CITY OF CHARLOTTE

The City of Charlotte, North Carolina, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the files of the City Clerk.

at the rate of _____ per centum per annum,

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payable semi-annually on the first days of February and August of each year. Both the principal of this bond and, unless this bond be registered as to both principal and interest, the interest hereon are payable at the Central Hanover Bank and Trust Company in the City of New York in any coin or currency of the United States of America which, at the respective dates of payment thereof, is legal tender for the payment of public and private debts. Payment of the interest on this bond to the maturity hereof shall be made only upon presentation and surrender of the coupons, if any, representing such interest as the same respectively fall due; or, if this bond be registered as to both principal and interest payment of the interest on this bond on any interest payment date shall be made by check or draft drawn to the order of the registered owner hereof. For the prompt payment hereof, both principal and interest as the same shall fall due, the full faith and credit of said City are hereby irrevocably pledged.

This bond is one of a series issued by said City pursuant to and in full compliance with The Municipal Finance Act, 1921, as amended, and the Local Government Act, as amended, and an ordinance (in the Sanitary Sewer Bonds, Street Improvement Bonds and Water Bonds insert the words "which was approved by the vote of a majority of the qualified voters of said City who voted at an election duly called and held,") and resolutions duly passed by the City Council of said City for the purpose of

It is hereby certified and recited that all acts, conditions and things required to happen, exist and be performed precedent to and in the issuance of this bond by the Constitution and laws of North Carolina, have happened, exist and have been performed in regular and due form and time as so required; that provision has been made for the levy and collection of a direct annual tax upon all taxable property within said City sufficient to pay the principal of and the interest on this bond as the same shall fall due; and that the total indebtedness of said City, including the indebtedness evidenced by this bond, does not exceed any constitutional or statutory limitation thereon.

This bond is registerable as to principal alone and as to both principal and interest in accordance with the provisions endorsed hereon.

IN WITNESS WHEREOF, the said City of Charlotte has caused this bond to be signed by its Mayor and City Clerk, and its corporate seal to be affixed hereto, and the annexed interest coupons to be executed with the facsimile signature of said City Clerk, all as of the first day of August, 1947.

Mayor

City Clerk

(ENDORSEMENTS ON BONDS)

This bond may be registered as to principal in the Bond Register of the City of Charlotte by the City Treasurer as Bond Registrar or by such other bond Registrar as may be legally appointed by the governing body of said City, notation of such registration to be made hereon by such Bond Registrar, and this bond may thereafter be transferred on said Bond Register only upon a written assignment of the registered owner or his attorney, duly acknowledged or proved, such transfer to be endorsed hereon by the Bond Registrar. Unless this bond be registered as to both principal and interest, such transfer may be to bearer and thereby transferability by delivery shall be restored, subject, however, to successive registrations and transfers as before. The principal of this bond, if registered, shall be payable only to the registered owner, or his legal representative. Notwithstanding the registration of this bond, the coupons shall remain payable to bearer and shall continue to be transferable by delivery unless this bond shall be in like manner registered as to both

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principal and interest, notation whereof and of the cancellation of unmatured coupons is to be made on this bond, after which registration both principal and interest hereof shall be payable to the person in whose name it is registered, or his legal representative.

<u>Date of Registration</u>	<u>Registered Owner</u>	<u>Bond Registrar</u>
.....
.....
.....

It is hereby certified that at the request of the holder of the within bond for its conversion into a bond registered as to both principal and interest, the undersigned has this day cut off and cancelled all unmatured coupons attached thereto, being _____ in number, numbered from _____ to _____, inclusive, of the aggregate face value of \$ _____, and that the within bond is hereby converted into a registered bond, the principal and interest of which are payable to the registered owner named in the registration blank above or his legal representative.

Dated _____, 19____.

Bond Registrar

The issuance of the within bond has been approved under the provisions of the Local Government Act of North Carolina.

W. E. EASTERLING,
Secretary, Local Government Commission

By _____
Designated Assistant.

(FORM OF COUPON)

No. _____ \$ _____

On _____ 1, 19____

the City of Charlotte, North Carolina, will pay to bearer at the Central Hanover Bank and Trust Company in the City of New York, the sum of _____ Dollars in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts, as provided in and for the semi-annual interest then due on its _____ Bond, dated August 1, 1947, numbered _____.

City Clerk

Section 2. That the dotted line in the foregoing bond form following the words "for the purpose of" shall be filled out as follows in the four bond issues herein provided for:

In the bonds designated "Sidewalk Bonds" the words:

"constructing sidewalks, curbs and gutters within the City".

In the bonds designated "Sanitary Sewer Bonds" the words:

"extending and enlarging the sanitary sewer system of the City".

In the bonds designated "Street Improvement Bonds" the words:

"constructing or reconstructing the surface of streets in said City".

In the bonds designated "Water Bonds" the words:

"extending and enlarging the waterworks system of the City".

Section 3. That all of said Bonds shall be registerable as to principal alone and as to both principal and interest in accordance with the provisions of The Municipal Finance Act, 1921, as amended, and with the provisions for registration hereinabove provided for endorsement upon said bonds, and the City Treasurer is hereby appointed Bond Registrar for the purpose of registering said bonds, subject to the right of the City Council hereafter to appoint another Bond Registrar. No charge shall be made to any bondholder for the privilege of registration herein granted.

Section 4. That the application of the City Treasurer to the Local Government Commission for the advertisement and sale of said bonds is hereby ratified.

Thereupon, upon motion of Councilman Albea, seconded by Councilman Jordan, and unanimously carried, the foregoing resolution entitled "Resolution fixing the form and manner of execution of \$1,500,000 Bonds and providing for their sale", as hereinabove set forth, was passed by the following vote:

Yeas: Councilmen Albea, Childs, DeLaney, Jordan, Lambeth, McKee and White.

Nays: None

BUDGET ESTIMATE FOR FISCAL YEAR 1947-48.

Councilman Albea moved that the Budget Estimate for the fiscal year 1947-48, submitted today by the City Manager, be filed with the City Clerk to remain open for public inspection for twenty days, and that a copy be furnished each newspaper published in the City of Charlotte and a synopsis be published in a local newspaper as required by law. Motion seconded by Councilman Jordan, and unanimously carried.

RESOLUTION WITH RESPECT TO AN APPROPRIATION FOR ERECTION OF VETERANS RECREATION CENTER WHEN PROJECT READY TO COMMENCE.

Councilman White introduced the following resolution and moved its adoption:

BE IT RESOLVED by the City Council of the City of Charlotte that:

WHEREAS, there has been omitted on the tentative budget this day filed, any appropriation for the erection of the Veterans Recreation Center. That if and when construction on said project is ready to commence, this City Council now goes on record as favoring an appropriation for this purpose, provided the Board of County Commissioners make a suitable appropriation to be used in connection therewith.

Motion seconded by Councilman McKee, and unanimously carried.

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EJECTMENT PROCEEDINGS VS. SOUTHEAST AIRLINES, INC. AT AIRPORT.

Councilman White moved that the City Attorney be authorized, and directed, to institute ejectment proceedings against Southeast Airlines, Inc., for failure to comply with the terms of their lease at Douglas Municipal Airport. Motion seconded by Councilman Childs, and unanimously carried.

SALE OF TAX FORECLOSED PROPERTY AT 2622 SOUTH TRYON STREET TO J. W. SPRATT.

Councilman Childs moved the acceptance of the bid of J. W. Spratt in the amount of \$425.00 for taxforeclosed property at 2622 South Tryon Street, sold at public auction on June 16, 1947. Motion seconded by Councilman McKee, and unanimously carried.

CONTRACT WITH CHARLOTTE EQUIPMENT COMPANY FOR WATER MAINS IN HUTCHINSON AVE.

Councilman Albea moved that contract be authorized with Charlotte Equipment Company, for the construction of water mains in Hutchinson Avenue, for a distance of 5,270 feet, at an estimated cost of \$11,096.00, to be borne by the applicant.

CONTRACTS WITH PLAZA ACRES CONSTRUCTION COMPANY FOR WATER MAINS IN PLAZA ACRES SUBDIVISION.

Upon motion of Councilman White, seconded by Councilman Albea, contracts were unanimously authorized with The Plaza Acres Construction Company for the installation of water mains, as follows:

- (a) In Plaza Adres Subdivision, south of Plaza Road, serving 17 lots in parts of Blocks 1 and 4, for a total distance of 1,336 feet, at an estimated cost of \$1,851.00; the City to finance the construction costs and the applicant to guarantee a 10% revenue of said cost.
- (b) In Plaza Acres Subdivision, south of Plaza Road, serving parts of Blocks 1 and 4 and all of Blocks 2 and 3, outside the corporate limits, for a total distance of 3,085 feet, at an estimated cost of \$3,807.00, to be borne by the applicant.

CONTRACT WITH POMONA TERRA GOTTA COMPANY.

Motion was made by Councilman Childs, seconded by Councilman Albea, and unanimously carried, authorizing a contract with Pomona TerraGotta Company, for 1,002 feet of pipe in the sum of \$385.77.

CONTRACT WITH SECURITY BANK NOTE COMPANY FOR PRINTING BONDS.

Councilman White moved that contract be awarded the Security Bank Note Company, New York City, for printing the \$1,500,000 Bonds, at a price of \$650.00. Motion seconded by Councilman Jordan, and unanimously carried.

SPECIAL OFFICER PERMITS.

Upon motion of Councilman McKee, seconded by Councilman Childs, and unanimously carried, Special Officer Permits were authorized issued to Charley Dean on the premises of Lawrence Cafe, 527 East 1st Street, and Permits renewed for one year to D. L. Jordan and John H. Holden on the premises of Elmwood and Pinewood Cemeteries.

LEASE OF AIRPORT BUILDING NO. 59 TO HINSON MFG. & DISTRIBUTION COMPANY.

The City Manager reported the lease of Building No. 59, at Douglas Municipal Airport, to Hinson Manufacturing & Distribution Company, at a monthly rental of \$27.32, for a period of 5 years from July 1, 1947.

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CEMETERY DEEDS.

Upon motion of Councilman White, seconded by Councilman Albea, the Mayor and City Clerk were authorized to execute deeds for the following cemetery lots:

- (a) To Mrs. Pauline E. Boyd, Lot 45, Section 3, Evergreen Cemetery, at \$156.00.
- (b) To J. B. Davis, Lot 14, Section L-Annex, Elmwood Cemetery, at \$180.00, and Perpetual Care thereon at \$100.00.
- (c) To T. Edward Helms, Perpetual Care on southwest 1/4 of Lot 34, Section W, Elmwood Cemetery, at \$36.00.
- (d) To Thomas J. Wilson, Perpetual Care on Lot 67, Section D-Annex, Elmwood Cemetery, at \$100.00.
- (e) To Mrs. Lucy Maxwell, Lot 2, Section Luke, West Pinewood Cemetery, at \$41.00.
- (f) To Jessie L. Poag, Lot 3, Section D, West Pinewood Cemetery, at \$71.50.

ADJOURNMENT.

Upon motion of Councilman Albea, seconded by Councilman McKee, the meeting was adjourned.

Lillian R. Hoffman
City Clerk