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8PCAY

A regular meeting of the City Council was held in the Council Chamber, City Hall, at 4 p.m., on Wednesday, March 17, 1948, with Mayor Baxter presiding, and Councilmen Albea, Childs, DeLaney, Jordan, Lambeth, McKee and White present.

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INVOCATION.

The invocation was given by the Reverend Mr. George L. Hocutt, Pastor, North Charlotte Baptist Church.

MINUTES APPROVED.

Upon motion of Councilman Jordan, seconded by Councilman McKee, the minutes of the last meeting, on March 10th, were approved as submitted.

HEARING ON PROPOSED ORDINANCE (NO. 39) TO AMEND THE ZONING ORDINANCE CONTINUED ONE WEEK.

At the request of Mr. Guy Beatty, resident of Henley Place, that he be given an opportunity to study the proposed amendment to the Zoning Ordinance to change from Residence-2 district to Business-1 district certain area near Henley Place, Councilman Lambeth moved that the hearing on the amendment be continued for one week. Motion seconded by Councilman Albea, and unanimously carried.

ADOPTION OF ORDINANCE (NO. 40) AMENDING THE ZONING ORDINANCE.

An ordinance entitled, "An Ordinance Amending the City Code with respect to the Zoning Ordinance", was presented and read. Upon motion of Councilman DeLaney, seconded by Councilman Albea, Section A of said Ordinance was unanimously adopted. Upon motion of Councilman Lambeth, seconded by Councilman Childs, Section B of said ordinance was unanimously adopted. Upon motion of Councilman Childs, seconded by Councilman Jordan, Section C of said ordinance was unanimously adopted. Ordinance is recorded in full in Ordinance Book 9, at Page 482.

RESOLUTION WITH REGARD TO EXCAVATION UNDER SIDEWALK AT 106 WEST SEVENTH ST.

A resolution entitled, "Resolution with regard to Excavation under the Sidewalk in front of 106 West Seventh Street" was presented for the second and final reading. Upon motion of Councilman White, seconded by Councilman Lambeth, the resolution was adopted upon its final reading. Resolution is recorded in full in Resolutions Book 1, at Page 104.

TRANSFER OF FUNDS.

Upon motion of Councilman Albea, seconded by Councilman Childs, and unanimously carried, authorization was given the transfer of \$5,000.00 to Road Machinery Account (Code 1513-G-25) from Airport Lights, Gas and Maintenance Account (Code 506-B-17-A).

CANCELLATION OF LEASE FOR AIRPORT BUILDING #227 WITH CAROLINA SPASTICS ASSO.

Motion was made by Councilman Jordan, seconded by Councilman Childs, and unanimously carried, approving the cancellation of lease for Airport Building #227, to the Carolina Spastics Association, at their request.

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CONTRACT WITH D. L. PHILLIPS FOR WATER MAINS CONSTRUCTION IN WASHBURN HEIGHTS SUBDIVISION.

Councilman Albea moved that contract be authorized with D. L. Phillips for the construction of water mains, for a distance of 240 feet in Washburn Heights Subdivision, at an estimated cost of \$240.00, at the applicant's expense. Motion seconded by Councilman Childs, and unanimously carried.

CONTRACTS FOR PURCHASES.

Upon motion of Councilman Lambeth, seconded by Councilman Jordan, and unanimously carried, the following contracts and purchases and the allocation of funds therefor, if necessary, were authorized:

- (a) Contract with Blythe & Isenhour, for the general construction of Fire Station #2, on the base bid of \$57,950.00, and Alternate #1 to deduct \$65.00, for use of salt glazed structural tile in lieu of ceramic glazed tile, and Alternate #2 an addition of \$300.00 for a finish on the engine house concrete floor, making a total price of \$58,185.00.
- (b) Contract with J. V. Andrews, for Plumbing at Fire Station #2 at a price of \$3,821.00.
- (c) Contract with J. V. Andrews, for Heating Fire Station #2, at a price of \$3,497.00.
- (d) Contract with Economy Electric Company, for Electrical work at Fire Station #2, at a price of \$1,985.00.
- (e) Contract with R. C. Hicks, for the general construction of Fire Station #8, on the base bid of \$39,000.00, and Alternate #1 to deduct \$140.00 for use of salt glazed structural tile in lieu of ceramic glazed tile, and Alternate #2 an addition of \$325.00 for a finish on the engine house concrete floor, making a total price of \$40,175.00.
- (f) Contract with J. V. Andrews, for Plumbing at Fire Station #8 at a price of \$4,255.00.
- (g) Contract with J. V. Andrews, for Heating at Fire Station #8 at a price of \$3,994.10.
- (h) Contract with B. F. Todd, for Electrical work at Fire Station #8, at a price of \$1,764.00.
- (i) Contract with Concrete Supply Company, for 8,000 tons of Crushed Stone, on a unit price basis, at a net delivered price of \$21,616.00.
- (j) Contract with North Carolina Equipment Company, for Asphalt Distributor, at a net delivered price of \$3,600.00.
- (k) Contract with B. F. Goodrich Stores, for Four Motor Grader Tires, at a net delivered price of \$339.00.
- (l) Contract with Patterson Coal & Oil Company, for 59.10 tons of Coal, at a net delivered price of \$799.62.
- (m) Purchase of 11,000 - 3¢ Stamped Envelopes, from the Charlotte Postmaster at \$368.52, for the Tax Department.

RESOLUTION, AND AGREEMENT, WITH REGARD TO EXCAVATION UNDER SIDEWALK AT 106 WEST SEVENTH STREET.

A resolution entitled, "Resolution with regard to Excavation under the Sidewalk in front of 106 West Seventh Street" was presented and read. Upon motion of Councilman White, seconded by Councilman Lambeth, the resolution was adopted upon its second and final reading. Resolution is recorded in full in Resolutions Book 1, at Page 104.

The above resolution was passed subject to the provision set forth therein that Matheson Associates, Inc., enter into the following agreement:

A G R E E M E N T

THIS AGREEMENT, made and entered into this 17th day of March, 1948, by and between the City of Charlotte, a municipal corporation of the State of North Carolina (hereinafter referred to as the City), party of the one part, and Matheson Associates, Inc., hereinafter referred to as owner, whether one or more persons or corporations, party of the other part;

W I T N E S S E T H

The City Council of the City of Charlotte at two regular meetings of said Council duly passed resolutions set forth in Minute Book 32, at Pages 321 and 326, authorizing this agreement be entered into granting a special privilege to the owner of the property known as 106 West Seventh Street, to excavate under the sidewalk immediately adjacent to said property and to use said excavated space, same being more particularly described as follows:

A space in front of 106 West Seventh Street under the sidewalk on the north side of said street having a length along the sidewalk of 34 feet 6 inches and a depth under said sidewalk of 8 feet.

This special privilege is granted upon the following conditions which are agreed to by the property owner as conditions precedent to the initial and continued exercise of such privilege.

(1) The special privilege for the construction and maintenance of said excavated space shall be revocable at the will of the governing body of the City, at any time, with or without any cause whatsoever, and in the event said special privilege is revoked, then said excavation shall be filled in promptly in accordance with the specifications of, and in a manner satisfactory to, the City, and said sidewalk shall be restored in accordance with the specifications of, and in a manner satisfactory to, the City.

(2) The plan and method of excavating and maintaining the excavated space shall be submitted to and be subject to the approval of the City.

(3) During the existence of said excavated space and for a period of three years after the filling in of same, in case of revocation of this special privilege as hereinabove provided, the property owner agrees:

- (a) Continuously to maintain the sidewalk over said excavated space in a manner satisfactory to the City and to indemnify and save harmless the City from any and all claims of any nature whatsoever, due directly or indirectly to the property owner's failure to do this, including but not limited to claims on account of storm drainage and on account of injury to persons or property, which may arise against the City, whether justified or unjustified, and whether directly or indirectly due to the granting of this special privilege;

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- (b) To indemnify and save harmless the City from any and all costs of investigating such claims and/or defending such claims in court or otherwise;
- (c) To record this agreement in the office of the Register of Deeds for Mecklenburg County, N.C., and to furnish the City with the recorded copy;
- (d) To furnish the City a bond in the amount of \$10,000.00, with a corporation authorized to do business in the State of North Carolina, as surety, said bond to be conditioned upon compliance by the present or any subsequent owner of said property with each and all of the conditions set forth and contained in this agreement.

IN TESTIMONY WHEREOF, this instrument has been duly executed, this day and year first above written by the parties hereto and their seals hereto affixed.

THE CITY OF CHARLOTTE

By \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

MATHESON ASSOCIATES, INC.

By \_\_\_\_\_  
Owner

**EASTER HOLIDAY.**

Upon motion of Councilman Alba, seconded by Councilman Jordan, and unanimously carried, a holiday was granted City Employees on Easter Monday, March 29th.

**CEMETERY DEED.**

Motion was made by Councilman Childs, seconded by Councilman McKee, and unanimously carried, authorizing the Mayor and City Clerk to execute a deed with Mrs. Frances T. Furr, for the transfer of Lot 288, Section 3, Evergreen Cemetery, at a price of \$81.90.

**LEASE OF AIRPORT BUILDING TO QUALITY HEMING AND MANUFACTURING COMPANY.**

The City Manager reported that lease had been concluded on Airport Building #316 with Quality Heming and Manufacturing Company, at a monthly rental of \$40.00, effective January 15, 1948, for a period of one year.

**APPOINTMENT OF COMMITTEE TO STUDY NEED FOR CURFEW LAW.**

Mayor Baxter appointed a Committee composed of Councilman White, Lambeth and Childs, to study the need for a curfew law and to recommend within two weeks relative to the advisability of the adoption of such an ordinance.

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UNANIMOUS CONSENT GIVEN THE PRESENTATION OF ITEM NOT ON DOCKET.

Upon motion of Councilman Albea, seconded by Councilman Childs, the unanimous consent of Council was given to Councilman Jordan to present the matter of the reappointment of Park and Recreation Commissioners whose term will expire on March 21st.

REAPPOINTMENT OF MR. FRANKLIN BROWN AND MR. ERNEST SIFFORD TO THE PARK AND RECREATION COMMISSION.

Councilman Jordan placed in nomination Mr. Franklin Brown for reappointment to the Park and Recreation Commission, for a term of three years from March 21, 1948. Nomination seconded by Councilman McKee, and Mr. Brown was unanimously reappointed.

Councilman Childs placed in nomination Mr. Ernest Sifford for reappointment to the Park and Recreation Commission, for a term of three years from March 21, 1948. Nomination seconded by Councilman Albea, and Mr. Sifford was unanimously reappointed.

ADJOURNEMENT.

Upon motion of Councilman Albea, seconded by Councilman Childs, and unanimously carried, the meeting was adjourned.

Lillian R. Hoffman  
City Clerk