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The City Council met in regular weekly session in the Council Chamber, City Hall, at 4 o'clock P. M., Wednesday, March 31st, 1943, with Mayor Currie presiding and Councilmen Albea, Baker, Beasley, Daughtry, Hovis, Painter, ~~Price~~, Ross, Slye and Ward being present.

Absent: Councilman Little, and Councilman Price.

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AIR RAID WARNING SYSTEM FOR CHARLOTTE AND MECKLENBURG COUNTY.

Mr. Henry Dockery, Civilian Defense Coordinator, with a delegation of Civilian Defense officials, including Mr. Martin Cannon, Chairman of the Local Civilian Defense Council, appeared before the Council requesting a better air raid warning system for Charlotte and Mecklenburg County; Mr. Dockery stating that the present system is very inadequate. He presented to each member of the Council the proposed design for this new system, consisting of 19 new sirens within the City limits and 12 to be provided for the rural areas of Mecklenburg County. Industrial Chief John Elting, Chairman of the survey committee, explained some of the details of this system to the Council.

This proposed system called for an expenditure within the city limits of \$5,392.52, and in the county of \$3,573.55, which the Board of County Commissioners had already approved.

After hearing Mr. Dockery and Mr. Elting, the matter was discussed and Councilman Ross moved that the project be approved and a committee be appointed by the Mayor to work out the details of finance between the City and County, and that actual figures be presented to the Council at a later date. This motion was seconded by Councilman Albea and unanimously carried.

MINUTES APPROVED.

On motion of Councilman Baker, seconded by Councilman Albea, the minutes of the meeting of March 24th were approved as read.

REQUEST OF ATTORNEYS FOR ESTATE OF JOSEPH F. CANNON, JR., THAT CITY OF CHARLOTTE AGREE TO PAYMENT OF INHERITANCE TAXES OUT OF CORPUS OF ESTATE.

Mr. Frank McCleneghan, Attorney for the Estate of Joseph F. Cannon, Jr., again appeared before the Council, in connection with the Will of the late Joseph F. Cannon, in which the City of Charlotte is a beneficiary, requesting that the City agree to the payment of inheritance taxes out of the corpus of said estate rather than by the widow of the deceased, and in event the City does not agree to such payment, advised that Mrs. Cannon has signified her intention of dissenting from the Will, in which case, the City would receive less money than if the terms of the Will are carried out. He also stated that it was the desire of Mrs. Cannon to comply with the terms of the Will if possible, but that she is faced with the necessity of paying an inheritance tax of more than \$27,000. between this date and the 8th day of April, and will have to dissent from said Will if this tax cannot be paid from the corpus of the estate.

Mr. Carol Taliaferro, representing Mrs. Cannon, also explained Mrs. Cannon's position in the matter, and after hearing these two attorneys,

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Mayor Currie advised that the Council would probably wish to go into the matter of this request more fully with the City Attorney, and that after clearing the meeting of all other business, the Council would recess to his office and discuss the matter more fully.

REPORT FROM RETIREMENT FUND COMMITTEE.

Councilman Baker reported that the committee appointed by the Mayor to go into the matter of consideration of a retirement fund for City employees, had met the previous day in the City Attorney's office and after a thorough discussion of same, deemed it unwise to go any further in the matter until they could get an actuary to tell just what such a retirement plan would cost the City as well as the employees, and that one actuary has been written for advice on this subject.

RESOLUTION RELATIVE TO STREET ASSESSMENT AGAINST J VAN DUNCAN.

On motion of Councilman Baker, seconded by Councilman Beasley and carried, the following resolution, relative to street assessment No. 25042, was unanimously adopted:

WHEREAS, street assessment #25042, principal and interest, remains unpaid; and whereas, the records indicate that the assessments against numerous lots on this same street (Commonwealth Avenue) have been reduced; but whereas, the Council is advised by the City Attorneys that no legal reduction can be made in said street assessment; and, whereas, the first two instalments of the above numbered street assessment have now been barred by the Statute of Limitation:

NOW, THEREFORE, at the request of the owners of the property assessed as above and in order to make it possible for said owners to pay the above assessment, it is hereby

RESOLVED that an extension of time be and the same is hereby granted, under the provisions of section 2717(b) of the North Carolina Consolidated Statutes, for the payment of the last eight annual instalments of street assessment #25042, including accrued interest thereon and costs accrued, if any, and the Collector of Revenue of the City of Charlotte is hereby authorized and directed to arrange such instalments, interest and costs into a new series of ten equal instalments so that one of said instalments shall fall due on the first Monday in October after the expiration of one year after the adoption of this resolution and one of said instalments on the first Monday in October of each year thereafter for the remaining nine years;

AND RESOLVED FURTHER that the City Accountant and the City Treasurer be, and they hereby are, authorized and directed to issue a check in the amount of \$19.25, payable to J. Lester Wolfe, Clerk of the Superior Court, in payment ~~thereof~~ of costs accrued in Tax Suits Nos. 183 and 283 heretofore instituted by the City of Charlotte against J. Van Duncan and others for the enforcement of the lien of street assessment #25042, and that said amount of \$19.25 be included by the Collector of Revenue in the total amount to be arranged into a new series of ten equal instalments.

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LETTER OF THANKS FROM COL. C. W. WOODWARD.

A letter was read by the Clerk from Col. C. W. Woodward, of the Charlotte Quartermaster Corps, thanking the Mayor and City Council for the honor bestowed upon him in naming the street adjacent to the Quartermaster Depot, Woodward Avenue.

APPROPRIATION OF \$150.00 FOR RAT POISON.

On motion of Councilman Albea, duly seconded by Councilman Baker, the sum of \$150.00 was appropriated from the Emergency Fund to purchase rat poison bait for the remainder of this fiscal year.

CEMETERY IMPROVEMENTS.

Likewise, on motion of Councilman Baker, seconded by Councilman Daughtry, the sum of \$789.80 is to be used from the Cemetery Sinking Fund, "Betterment of Cemetery Property Account" for the purpose of putting concrete curb and gutter around the lower side of Section "Y" and part of the north part of Section "X"; also, to take care of filling in part of Section "Y", and for grading and gravel in the drive adjoining the curb.

PURCHASE OF UNIFORMS FOR POLICE AND FIRE DEPARTMENTS.

Bids having been received on March 29th. for uniforms for the Police and Fire Departments, as follows:

Coats, vests, trousers, caps and shirts for Fire Department			
Coats, trousers, breeches and caps for Police Department:			
Elliot & Fink	Net Bid (both Departments)		\$5302.10
Martin's Dept. Store,	"	"	5855.86
Belk Bros. Co.	"	"	6053.45

Thereupon, on motion of Councilman Baker, seconded by Councilman Beasley, the award was made to the lowest bidder, Elliot & Fink, at the net bid of \$5302.10 and the Mayor and Clerk were authorized to sign the contract for same.

Separate bids were received on 828 shirts for the Fire Department, the only one being that of Belk Brothers Co., whose net bid was \$1449.00 and on motion of Councilman Baker, seconded by Councilman Beasley, Belk Bros. Company were awarded the contract at this price; the Mayor and Clerk being authorized to sign same.

50000 POSTAL CARDS TO BE PURCHASED FOR WATER DEPARTMENT.

Councilman Beasley moved that 50,000 postal cards be bought from the U. S. Post office, for the Water Department, at the total sum of \$500.00.

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CEMETERY DEEDS.

The following cemetery deeds and perpetual care agreements were authorized to be issued, on motion made by Councilman Albea and seconded by Councilman Baker.

Estate of Ray Blume, Lot No. 285, "W", Elmwood, with perpetual care \$	60.00
Hugh B. Smith & wife, W 1/2 No. 62, D-Annex, Elmwood	35.00

COPY OF DOG LEASH ORDINANCE TO BE SENT TO EACH MEMBER OF COUNCIL.

Councilman Slye reported that copies of the proposed new dog leash ordinance was being sent to all members of the Council for study before any action is to be taken.

RECESS.

Shortly after 5 o'clock the Council recessed to the Mayor's office to go into the matter of the request made earlier in the meeting by the Attorney for the Estate of Joseph F. Cannon, Jr., and the Attorney for Mrs. Cannon.

At 6:07 P.M. they returned to the Council Chamber and the meeting was again called to order by Mayor Currie.

RESOLUTION OF THE CITY COUNCIL OF CITY OF CHARLOTTE - JOSEPH F. CANNON, JR. ESTATE.

The following resolution was then read by the Clerk, and on motion of Councilman Ross, duly seconded by Councilman Baker, was unanimously adopted:

WHEREAS, it has been made to appear to the City Council that the City of Charlotte is a remainder beneficiary under the Last Will and Testament of Joseph F. Cannon, Jr. to the extent of at least one-fourth of such estate, which Will was duly probated in the Superior Court of Mecklenburg County on the 8th day of October, 1942, and that there is no provision in said Will for the payment of North Carolina inheritance taxes out of the corpus of said estate; and

WHEREAS, it further appears that Nella Douglas Cannon, widow of Joseph F. Cannon, Jr., has signified her intention to dissent from said Will unless the North Carolina inheritance taxes, in the amount of \$47,120.62, chargeable against the beneficiaries of said estate, are payable out of the corpus of said estate and not charged against said beneficiaries; and

WHEREAS, it appears that in the event of such dissent said Nella Douglas Cannon would be entitled to immediately receive, in fee simple, from said estate in value the sum of \$371,161.67, which would be removed from the corpus of said estate leaving presently payable to the City of Charlotte, as such beneficiary, in value, the sum of \$43,579.81 with a like amount, or possibly more, to be payable upon the death of the life beneficiary, John A. Cunningham, or an ultimate total in the event of dissent of \$87,158.02, and that in the event no dissent from said Will be had and the North Carolina inheritance taxes paid out of the corpus and not charged to the beneficiaries, there would remain a net estate of \$652,441.64, one fourth of which, or \$163,110.41, would be payable to the City of Charlotte upon the termination of the life estates with the possibility of realizing a further interest in the event of failure of the other remainder beneficiaries to take under the Will; and

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WHEREAS, it further appears that the other remainder beneficiaries, Grandfather Home for Orphans of Banner Elk and Charlotte Observer Fresh Air Camp, have agreed, in writing, that the North Carolina inheritance taxes be paid out of the corpus of said estate and not be charged to the beneficiaries provided the City of Charlotte would likewise so agree;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte that the Executors of the Estate of Joseph F. Cannon, Jr. be and they hereby are authorized and directed to pay the North Carolina inheritance taxes in connection with the estate of Joseph F. Cannon, Jr. out of the corpus of said estate and that the same be not chargeable against the beneficiaries under said Will, provided that said Mrs. Cannon shall have finally waived and renounced her right to dissent from said Will before such payment of said taxes and provided further that the Trustees will agree as soon as the trust is set up to furnish to the City Treasurer an inventory of the Estate and semi-annually thereafter to send to the City Treasurer a report of the income and outgo of the Estate, all changes in investments and all of their other operations under the Will.

PAYMENT TO BE MADE TO ATTORNEY FRED B. HELMS FOR SERVICES RENDERED IN DRAFTING AMENDMENTS TO CHARTER, CITY OF CHARLOTTE, 1943.

On motion of Councilman Ross, seconded by Councilman Daughtry, the sum of \$750.00 is to be paid to Mr. Fred B. Helms, Attorney, for his work in connection with the drafting of various amendments to the Charter of the City of Charlotte, etc., at the 1943 session of the Legislature, plus the sum of \$28.17 expenses incurred in connection therewith, this money to be appropriated from the Emergency Fund.

ADJOURNMENT.

On motion of Councilman Beasley, the meeting then adjourned.


City Clerk