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The City Council met in regular weekly session in the Council Chamber, City Hall, at 4:00 o'clock P. M., Wednesday, June 1, 1938, Mayor Douglas presiding, and Councilmen Albea, Durham, Hovis, Hudson, Huntley, Sides and Wilkinson being present.

Absent: Councilmen Baxter, Griswold, Little and Nance.

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MINUTES APPROVED.

On motion of Councilman Huntley, seconded by Councilman Albea, the minutes of the May 25th meeting were approved as read.

MEALS FOR PRISONERS IN CITY JAIL.

Mr. J. Lawrence Jones, Attorney, appeared before the Council on behalf of the Court Cafe, East Trade Street, relative to the City of Charlotte giving notice to this Cafe to discontinue serving meals to prisoners in the City jail. Mr. Jones stated that this place of business was to a great extent dependent upon this business for its existence and that no complaint had been made of the service. Mayor Douglas informed Mr. Jones that the Court Cafe had received this business for the past four years and that it was the policy of the City of Charlotte to alternate business.

After discussion, the Mayor referred the matter to the Police Committee to confer with the Chief of Police.

NOTICE OF CLAIM AGAINST THE CITY OF CHARLOTTE.

In the matter of the suit of James Colsten against the City of Charlotte, concerning which Mr. Thad Adams, Attorney, appeared before the Council at the last meeting; Mr. Adams was again present, advising that he had taken a non-suit in the case and filed a new claim and the following notice was read by Mr. Adams to the Council:

TO THE CITY COUNCIL OF CHARLOTTE, N. C.

Gentlemen:

About six o'clock, Monday morning, February 21, 1938, James Colsten was walking hurriedly in a Western direction on the North side of East 8th Street, on the cement side walk intended for and used by pedestrians, looking forward for an expected bus which he intended to enter on Myers Street, when the front part of his left foot got caught under the metal cover or lid of a water meter box, which threw him down, and, in trying to catch or keep his stomach and face from coming violently in contact with the cement side walk, he broke his right arm, causing excruciating pains and agonies then and thereafter, which yet continue.

His injuries were caused by the negligence of the city in allowing that particular water meter box and the lid thereon and the cement around it to be or remain in a defective condition, the box being slightly too high and the cement side walk around it worn and broken, and the lid on it was and is an out of date, lightweight lid without any ring, groove, lock or catch to hold it in place, and the said box had been broken and the fractured parts thereof in the S.E. corner sticking up out of line so that the said lightweight lid could not fit as it should, and a sudden step or jar upon either side would cause it to rock, tilt, or get out of place and become an immediate instrument of danger.

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The street light on Myers Street also blinded him, and the shadows caused by the said light were cast upon or around the said water meter box and lid or its immediate surroundings so that the defects could not be seen.

The said defective water meter box is the second water meter box on the North side of East 8th Street going in an Eastern direction from its N.E. intersection with North Myers Street, which is approximately 150 feet East from the said intersection; and the metal lid or covering on the said water meter box has in raised letters the word "water" and the figures "10004" thereon.

The foregoing information is sufficient to identify the place where the injuries occurred (which you have already had examined), and I have already stated the time, and the way or manner and extent of his injuries, causing a severe jolt generally throughout his body, several bruises and much soreness, and his right arm broken between the wrist and elbow, which is perhaps a permanent injury, causing his expense for medicine and doctor's bills, loss of time, and intense pains and sufferings, all to his great injury and damage in the sum of \$5,000.

As his counsel I hereby present to you as our City Council the said claim of James Colston for personal injuries and damages in the sum aforesaid, and request payment thereof, and I will thank you to take immediate action thereon.

Yours very truly,

THADDEUS A. ADAMS.

TAA/eb

On motion of Councilman Huntley, seconded by Councilman Albea, the above notice was referred to the City Attorney for handling.

REQUEST FOR PERMISSION TO OPERATE PRIVATE DETECTIVE AGENCY.

Mr. J. B. Stanton appeared and asked permission for himself and L. R. Connell to operate a private detective agency in the City of Charlotte, the Revenue Ordinance requiring permission of the Council before license can be issued.

Councilman Hovis moved that the matter be referred to the Police Committee for investigation, which was seconded by Councilman Albea and carried.

CHAS. YOUNG POST, AMERICAN LEGION, COLORED, GRANTED FREE USE OF ARMORY FOR DANCE ON JUNE 14TH.

Robert Mitchell, colored, appeared before the Council, on behalf of the Chas. Young Post No. 168, of the American Legion, asking free use of the Armory-Auditorium for a dance on the night of June 14th., stating that the proceeds from this dance would be used by the Post for its delegates to attend the State Convention at Winston-Salem, and would not be used for the benefit of any individual.

On motion of Councilman Sides, seconded by Councilman Wilkinson, this request was granted provided that date was open, if not, that another date be selected. Motion carried. And the City Manager advised that the requested date was open and would be reserved for them.

REPORT OF COMMITTEE ON REQUEST OF MR. CARL OVERCASH TO OPERATE REFRESHMENT STAND IN THE BASEMENT OF CITY HALL.

Councilman Hovis reported for the Buildings Committee, in the absence of its Chairman, regarding the matter of request of Mr. Carl

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Overcash, a member of the Mecklenburg Association for the Blind, to operate a refreshment and soft drink stand in the basement of the City Hall, that the Committee disapproved of the request and recommended that it not be granted. Mayor Douglas advised Mr. Overcash that such a project would not prove profitable due to the small number of people to be served.

NEW CONCORD HIGHWAY.

The City Manager advised that in connection with the construction of the new highway from Charlotte to Concord, the City had received a new agreement from the Highway Commission asking that the City provide additional right-of-way for that part of the roadway which will be inside the city limits. That under the plan as approved by the Bureau of Public Roads, the right-of-way on the left hand side will be 9½ feet wider than the present street line, from the old city limits to the present city limits, and 9½ feet wider on the right hand side from 36th Street to the city limits, and that the Highway Commission had requested the City to obtain this right-of-way and to acquire it from the abutting property owners.

On motion of Councilman Albea, seconded by Councilman Wilkinson, Mr. Marshall, City Manager, was authorized to proceed with obtaining the necessary rights-of-way.

The following resolution was then offered by Councilman Hovis and seconded by Councilman Huntley, and upon being put to a vote was unanimously carried:

"Whereas, that improvement designated by the State Highway and Public Works Commission as Project #6582, is considered to be the most necessary improvement in the highway system in the corporate limits of the said municipality, for the promotion of public safety and convenience:

'Now, Therefore, Be It Resolved that the above Project #6582 be and is hereby formally approved by the City Council of the said municipality, and that the Mayor and Clerk of the said municipality be and are hereby empowered to sign and execute the required agreements between the said municipality and the State Highway and Public Works Commission."

P AND N RAILWAY AGREEMENT FOR WATER LINE.

On motion of Councilman Albea, seconded by Councilman Wilkinson, the Mayor and Clerk were authorized to execute an agreement with the Piedmont and Northern Railway for the construction of an 8-inch water line on the Thrift Road, wherein the Power Company agrees to pay the cost of construction of the water line, with the understanding that the City will take over the line and pay the company the construction cost when the revenue derived from it equals 5% of the cost.

SEWER EXTENSION OFF BELVEDERE AVENUE.

On motion of Councilman Huntley, seconded by Councilman Wilkinson, the construction of a sewer in an alley north of Belvedere Avenue, between Ashland Avenue and Winter Street, to serve one house, and estimated to cost \$90.75, was authorized.

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PURCHASE OF BONDS FOR SINKING FUND ACCOUNT.

On motion of Councilman Hovis, seconded by Councilman Durham, authority was given for the purchase of \$10,000 Town of Lincolnton, 5 $\frac{1}{2}$ % Bonds, maturing \$5000.00 March 1, 1941 and \$5,000 March 1, 1942, to yield 3 $\frac{1}{2}$ %, for the Sinking Fund Account, subject to the approval of the Local Government Commission.

CONTRACT FOR ANNUAL AUDIT AWARDED TO GEORGE G. SCOTT & COMPANY.

The following bids were received on the Annual Audit for the City of Charlotte:

	<u>Rate Senior Accountant</u>	<u>Rate Junior Accountant</u>	<u>Guaranteed Not to Exceed</u>
J. E. Bevis and Richard M. Hunter	\$25.00	\$15.00	\$ 0
Walter Charnley & Co.	25.00	15.00	2,500.00
Peat-Marwick-Mitchell Co.	125.00 wk.		5,000.00
Harry C. Northrop	20.00	12.50	2,245.00
Geo. G. Scott & Company	25.00	15.00	2,300.00
Walter M. Finley	25.00	12.00	1,820.00

On motion of Councilman Hudson, seconded by Councilman Albea, the contract was awarded to George G. Scott and Company, and the Mayor and Clerk were authorized to sign the contract.

SPECIAL OFFICER PERMIT.

On motion of Councilman Wilkinson, seconded by Councilman Durham, the application of the Charlotte Branch of the Federal Reserve Bank for appointment of Carl E. Wilson as a Special Officer on their property, was approved.

REVENUE ORDINANCE TO BE STUDIED FOR ONE WEEK.

A copy of the proposed Revenue Ordinance for the fiscal year 1938-39 was furnished each member of the Council for study during the coming week, before adoption at the next meeting.

ADDITIONAL LEGAL HELP GIVEN CITY ATTORNEY ON TWO CASES PENDING IN COURT.

City Attorney B. M. Boyd asked for additional legal assistance on three cases pending, that are very complicated and important; the first of these being the case of the Plant Food Company against the City of Charlotte coming up for trial; the case of the City of Charlotte against the Southern Railway Company for half the costs of construction of one or two bridges, and the per capita payment of the school debt owed the City by the County, amounting to \$16,000.00, on which he will have to bring mandamus proceedings.

Councilman Durham suggested that before bringing such action against the County a joint meeting be held. Mr. Boyd advised that the County had refused to do anything about it. However, Councilman Durham moved that the Mayor call a meeting of the County Board of Commissioners with the Council, but the Mayor suggested that instead of a meeting of the entire boards that a committee be appointed to meet with a committee from the County Board. Councilman Albea moved that a meeting

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of the Finance Committee with a committee from the County Board be held, which motion was seconded by Councilman Wilkinson and carried.

Councilman Huntley then moved that the City Attorney be authorized to employ additional counsel to assist him in the other two cases, which motion was seconded by Councilman Hudson and carried.

NUISANCE OF BARKING DOGS REPORTED BY RESIDENTS OF GREENWOOD CLIFF.

Councilman Sides reported that a number of residents of Greenwood Cliff had complained of the barking of dogs across the creek in the negro section; advising that the dogs are boarded by the negroes and are not properly fed and that during the summer, when windows are open, the barking is most annoying. Mr. Marshall advised that it would be necessary for some one in that neighborhood to swear out a warrant and try them on the grounds of maintaining a nuisance, but Mr. Sides stated the parties did not want to do that. The matter was referred to the City Manager to see what could be done to remedy the situation.

CEMETERY DEEDS.

On motion of Councilman Hudson, seconded by Councilman Albea, the following cemetery deeds were approved:

J. A. and Bertha E. McAdoo, S.E. 1/4 Lot No. 44-A, D Annex	\$35.00
W. E. Norton, Lot No. 2, Section "Z"	35.00
Transfer of S.E. 1/4 Lot No. 45, Section "H", from John P. Tipton, only heir of B. F. Tipton to Douglas and Sing,	1.00
New deed issued to E. F. and C. B. Blackwelder, only living heirs of L. A. Blackwelder, to Lot No. 29, Section "H", (on affidavit that original deed cannot be found)	1.00

ADJOURNMENT.

On motion of Councilman Huntley, seconded by Councilman Wilkinson, the meeting then adjourned.

*Allice P. McConnell*  
City Clerk