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The City Council met at 4:00 o'clock P. M., Wednesday, November 1st, 1939, in regular weekly session, in the Council Chamber, City Hall. Mayor Pro Tem Hovis presided in the absence of Mayor Douglas, who is ill, and Councilmen Baxter, Britt, Hudson, Huntley, Sides, Ward and Wilkinson were present.

Absent: Mayor Douglas, Councilmen Albea, Little and Nance.

MINUTES OF OCTOBER 18th. APPROVED.

The minutes of the last meeting, October 18th. were read and on motion of Councilman Huntley, seconded by Councilman Hudson, were unanimously approved.

INJURY OF MRS. WADE BAILEY.

Mr. L. L. Caudle, attorney for Mrs. Wade Bailey, who is bringing suit against the City of Charlotte for alleged injuries to her leg caused by falling on a broken curbing on East Seventh Street, near Sugaw Creek, appeared and offered to accept \$100.00 in settlement of this claim.

On motion of Councilman Sides, seconded by Councilman Baxter, this offer of settlement was referred to the City Attorney for his investigation.

PURCHASE OF REPAIR PARTS FOR MATTHEWS HYDRANTS.

On motion of Councilman Huntley, seconded by Councilman Britt, the Mayor and Clerk were authorized to sign a contract with R. D. Wood & Company for the purchase of a list of repair parts for Matthews Hydrants, at a total price of \$211.61.

WATER METERS PURCHASED FROM NEPTUNE METER COMPANY.

Bids having been received on 12- 2" Water Meters from Neptune Meter Company, Pittsburgh Equitable Meter Company and Hersey Manufacturing Company, all at the price of \$635.04, and following the City's policy of alternating bids, price and quality being equal, the Mayor and Clerk were authorized to execute contract with the Neptune Meter Company for these meters, on motion of Councilman Wilkinson, seconded by Councilman Baxter and unanimously carried.

RADIO EQUIPMENT FOR POLICE DEPARTMENT.

Radio equipment required by the Police Department exceeding the amount appropriated for this equipment by \$250.00, Councilman Ward moved that this amount be transferred to that account from the Emergency Fund. Motion seconded by Councilman Sides and unanimously carried.

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ONE CAR CLAY PIPE PURCHASED FOR SEWER CONSTRUCTION.

On motion of Councilman Wilkinson, seconded by Councilman Hudson and carried, the Mayor and Clerk were authorized to sign a contract with J. L. Wiggins & Son Lumber Company for one car (1302 feet) of 8-inch Vitrified Clay Pipe, for use in sewer construction, at a total delivered price of \$340.99. The bids received from seven local concerns were all at this price.

NOTICE OF SUIT OF HATTIE LAURA WILSON VS. CITY OF CHARLOTTE.

The City Manager reported receipt of notice of suit of Hattie Laura Wilson against the City of Charlotte for alleged injuries sustained from falling into an open culvert on South Alexander Street, on September 16th. 1939, plaintiff being represented by A. A. Tarlton and Wm. H. Abernathy and the amount of suit - \$10,000.00.

CITY MAINTENANCE FOR BAY STREET.

On motion of Councilman Huntley, seconded by Councilman Britt and unanimously carried, East Bay Street, from St. Julian Street to Clarice Avenue, was taken over for maintenance.

MAINTENANCE ON LINDEN STREET. (Should be BASCOMB).

(Bascomb)  
Linden Street, from Commonwealth to Westmoreland Avenues, was also taken over for city maintenance, on motion of Councilman Britt, seconded by Councilman Ward and carried.

MAINTENANCE FOR FAIRWOOD STREET.

On motion of Councilman Huntley, seconded by Councilman Sides, the request of residents of Fairwood Street for city maintenance on one block of this street, (the Engineering Department reporting a large number of colored families living on this block) was granted.

STREET MAINTENANCE FOR MORTON STREET.

On motion of Councilman Wilkinson, seconded by Councilman Ward, Morton Street, from West Morehead to Berryhill Road, a distance of approximately 850 feet, was taken over for maintenance.

SEWER EXTENSION ON NORTH LAUREL AVENUE.

The request of Mr. Arthur Goodman for the extension of a sewer on North Laurel Avenue, from Vail Avenue, 150 feet south, estimated to cost \$107.25, was granted on motion of Councilman Huntley, seconded by Councilman Britt and unanimously carried.

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MAINTENANCE KENMORE AVENUE AND EMERSON STREET.

Councilman Sides moved that the request of Blythe Bros. Company that the City take over for maintenance one block on Kenmore Avenue and one block on Emerson Street from Fifth to Kenmore, be granted. Motion seconded by Councilman Baxter and unanimously carried.

CITY ATTORNEY TO PREPARE INJUNCTION AGAINST MOORE SMELTING COMPANY.

Mr. Marshall reported that numerous complaints have been received from the southern section of the city relative to the fumes from the plant of the Moore Smelting Company, which make it imperative that some action be taken relative to the abatement of this nuisance. He stated that these people had made promises to remedy this matter but that so far nothing has been done to relieve the situation and that it was his recommendation that the City Attorney be instructed to prepare an injunction against them to restrain them from this type operation.

After discussion, Councilman Ward moved that the City Manager's recommendation be approved, which was seconded by Councilman Britt and unanimously carried.

EMPLOYMENT OF MESSENGER BOY FOR CITY HALL.

The City Manager reported that he had employed Harry Kerr as messenger for the City Hall.

AUDITOR'S REPORT.

Mr. Marshall advised the Council that Geo. G. Scott & Company have submitted the Audit Report for the year ending June 30, 1939 and that one copy has been delivered to the Mayor, three copies are on file in the Councilmen's room and one copy is on file in his office, so that any Councilman desiring to do so may look over this report at any time.

COPY OF BUDGET STATEMENT AS OF SEPTEMBER 30, 1939.

A copy of the budget statement as of September 30, 1939 was furnished each member of the Council and Mr. Marshall called attention to the fact that the appropriations budget for the first three months shows a saving of \$1837.00, and also that collections on bank tax levies have been coming in better than the average.

CITY ATTORNEY PREPARING TWO CASES FOR SUPREME COURT.

Mr. Marshall explained the absence of the City Attorney from this meeting due to pressure of work in preparing two cases appealed to the Supreme Court from the lower courts, one regarding the office of the Commissioner of Police and one in connection with the collapse of the bridge over Sugaw Creek, resulting in the drowning of several negroes.

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RESOLUTION  
RELATIVE TO SALE OF PROPERTY OF  
LEONARD DRY CLEANING COMPANY.

On motion of Councilman Baxter, seconded by Councilman Wilkinson, the following resolution was unanimously adopted:

WHEREAS, the City of Charlotte has levied on the property of Leonard Dry Cleaning Company, along with the County of Mecklenburg, on account of the taxes for the years 1938 and 1939, and

WHEREAS, the amount of the total of said City and County Taxes was \$357.03, and that the same was bid in for the benefit of the City and County in said sum of \$357.03, and that

WHEREAS, the County of Mecklenburg and the City of Charlotte have been offered the price of \$357.03, plus the costs of selling, for said property and it is of the opinion that James W. Armstrong, Collector of Revenue, that it is to the best interests of the City to sell the same to the proposed buyer, Mr. William L. Sullivan, in said sum of \$357.03, plus the costs and to pro rate the same by the City and County in accordance with the taxes due, said purchaser William L. Sullivan is to pay \$150.00 cash and to pay the remainder in two equal monthly installments, due thirty and sixty days from date, giving a Chattel Mortgage on said property to secure the payment of the remainder.

It is therefore moved that the said City of Charlotte join in with the County and sell said property to William L. Sullivan, as hereinabove set forth.

COLLECTOR OF REVENUE AUTHORIZED TO PAY 25¢ FEE TO JUSTICE OF PEACE FOR LEVYING UPON SALARIES.

The following motion was made by Councilman Baxter, duly seconded by Councilman Ward and unanimously carried:

That the Collector of Revenue, James W. Armstrong, be and he is hereby authorized to pay unto any Justice of the Peace he may see fit, the costs of \$0.25 each, incurred in levying upon salaries, which may be due said delinquent taxpayers in the City of Charlotte who are delinquent in their City taxes, in order that the collection of these delinquent taxes may be facilitated.

COUNCIL INVITED TO ATTEND DINNER OF N. C. SECTION, AMERICAN WATER WORKS ASSOCIATION.

The City Manager extended to the Council an invitation to attend the dinner on Monday, November 6th. 1939, at 6:30 o'clock honoring the visiting delegates and their wives attending the North Carolina Section of the American Water Works Association meeting in Charlotte November 6th. thru 8th., also to attend any of the session they may desire to sit in on.

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POSTPONEMENT OF OYSTER SUPPER TO BE GIVEN BY MR. KEELY GRICE.

Mr. Hovis, Mayor Pro Tem, announced postponement of the oyster supper to have been given by Mr. Kelly Grice from this date to a later one, due to the illness of the Mayor.

FIRST METHODIST CHURCH TO USE ARMORY-AUDITORIUM ON JANUARY 10th WITHOUT CHARGE.

On motion of Councilman Wilkinson, seconded by Councilman Hudson, and unanimously carried, the request of Rev. Chas C. Weaver for use of the Armory-Auditorium on the evening of January 10, 1940, for a pageant to be given during the Missionary Council of the Methodist Church meeting in Charlotte January 9th. thru 12th., without cost, was granted.

CEMETERY DEEDS.

On motion of Councilman Huntley, seconded by Councilman Baxter, the following cemetery deeds were approved:

Mrs. A. F. Long, N.W. Quarter Lot No. 10-A, "D Annex" Elmwood	\$35.00
Mrs. Burnie Adams, Lot No. 25, Section "Y"	63.00
W. D. & Kate Lawrence Clark, Lot No. 99, Section "Y"	35.00
Duplicate deed to be issued to J.Y.C. Gaillard for S. Half Lot No. 36, Section "Q", replacing deed misplaced by City in sending wrong deed to him for lot in Pinewood, due to similarity of names.	

ADJOURNMENT.

On motion of Councilman Ward, seconded by Councilman Baxter, the meeting adjourned at 4:35 P.M.

*Alvin B. M. Powell*  
City Clerk

OMITTED WHEN MINUTES THIS DATE WRITTEN UP. ERROR CAUGHT AND CORRECTION MADE FROM NOTES, THIS 20th DAY OF FEBRUARY 1940:

RECONSTRUCTION OF BRIDGE ON WEST TRADE STREET.

Mr. Marshall reported that the joint City and State bridge on the city limits over Stewart's Creek, at Trade Street, was badly damaged during the recent freshet and since it was an old wooden bridge, it was not considered worth rebuilding. The Highway Department agreed to share jointly in the reconstruction of this bridge with a Standard I Beam or Girder Bridge with creosote piles, estimated to cost \$1665.00, the City's share of this would be approximately \$850.00, but no provision was made for it in the budget. On motion of Councilman Baxter, seconded by Councilman Huntley and carried, this work was authorized to be done; the \$850.00 for the City's share of same to be provided from the Emergency Fund.

*Alvin B. M. Powell*  
City Clerk  
Feb. 20, 1940