

July 22, 1936.

The regular weekly meeting of the City Council was held in the Council Chamber, City Hall, at 4:00 o'clock P. M., Wednesday, July 22, 1936, with Mayor Ben E. Douglas presiding, and present Councilmen: Albea, Baxter, Boyd, Durham, Hovis, Hudson, Huntley, Nance, Sides and Tipton.

Absent: Councilman Wilkinson.

-----

MINUTES OF JULY 8th MEETING READ AND APPROVED.

On motion of Councilman Tipton, seconded by Councilman Durham, the minutes of the meeting of July 8th, 1936, were approved as read.

PARKING REGULATIONS IN BUSINESS SECTION PROTESTED.

Mr. Louis Carter appeared before the Council with a petition signed by a number of merchants in the business section, protesting the present parking regulations which prohibit parking on certain streets between the hours of 1 o'clock A. M. and 10 o'clock A. M., and also 4 o'clock P. M. to 7 o'clock P. M., stating they were suffering loss of business and profits, and requested relief on this situation.

Mayor Douglas referred the matter to the Police Committee to confer with the Chief of Police at once.

REDUCTION IN RENTAL ON ARMORY ASKED BY MR. CROCKETT OF WRESTLING ASSOCIATION.

Mr. Elbert Foster, Attorney for Mr. Jim Crockett, wrestling promotor, appeared before the Council asking for reduction in rent charged Mr. Crockett on the Armory-Auditorium, contending that Mr. Crockett was a consistent renter of the Armory year in and year out, paying in a large sum to the City each year.

Councilman Baxter made a motion that the present ordinance regulating the leasing of the Armory be revised to give Mr. Crockett a reduced rent, which was seconded by Councilman Albea, but after discussion, Councilman Baxter, with the consent of his second, withdrew the motion in order that the matter might be taken up with the City Attorneys.

RESOLUTION REGARDING PAYMENT TO MR. JOE GARIBALDI - SOUTH GRAHAM STREET.

The following Resolution was presented by the City Manager, and on motion of Councilman Sides, seconded by Councilman Nance, was unanimously adopted:

July 22, 1936  
Page 393.

A RESOLUTION  
FOR THE PAYMENT OF THE SUM OF \$2710.00 TO  
JOE GARIBALDI, IN LIEU OF THE CITY OF CHAR-  
LOTTE BUILDING A RETAINING WALL ON THE SAID  
PROPERTY OF THE SAID JOE GARIBALDI, ABUTT-  
ING ON SOUTH GRAHAM STREET IN THE CITY OF  
CHARLOTTE.

-----

WHEREAS, the City of Charlotte in that Special Proceeding entitled, "CITY OF CHARLOTTE vs. H. M. WADE, ET ALS.," was to build, under the terms of the Report filed by the Commissioners in said cause, a retaining wall on the property of the said Joe Garibaldi at the cost of \$2710.00, and

Whereas, the said Joe Garibaldi and the City of Charlotte have agreed that the said sum of \$2710.00 shall be paid unto the said Joe Garibaldi, in lieu of the City of Charlotte spending an equal amount for the building of said retaining wall, and that the said cost of said retaining wall or the sum given to the said Joe Garibaldi, has been charged as "Benefits" against the property owners abutting on South Graham Street in the City of Charlotte, and

Whereas, the City of Charlotte and the said Joe Garibaldi have petitioned the Clerk of Superior Court of Mecklenburg County that an Order be signed, permitting and allowing and authorizing the City Treasurer to pay the said sum of \$2710.00 to the said Joe Garibaldi in lieu of building the said retaining wall for the said Joe Garibaldi at a like cost and that said Order has been duly signed.

NOW, THEREFORE, BE IT RESOLVED by the City Council that the said L. L. Ledbetter, Treasurer of the City of Charlotte, be and he is hereby authorized to pay unto Joe Garibaldi, the sum of \$2710.00, in lieu of building for the said Joe Garibaldi a retaining wall at a like cost and that the said L. L. Ledbetter is hereby instructed and empowered to pay to the said Joe Garibaldi the sum of \$2710.00, in accordance with Order heretofore signed in this cause by J. Lester Wolfe, Clerk of Superior Court of Mecklenburg County.

THIS THE 22ND. DAY OF JULY, 1936.

REQUEST FOR ADJUSTMENT OF LICENSE TAX FOR CERTAIN CONCERNS ON NORTH  
GRAHAM STREET HELD IN ABEYANCE.

The City Manager presented a recommendation from the Tax Collector, in which he concurred, that the firms listed below be credited with one-half year's license fee because of the fact that they are located between the two bridges on North Graham Street and their business will be handicapped seriously during the construction of these two structures:

Beatty Bros. Service Station	900 N. Graham Street
Hames Barber Shop	908 N. " "
Bridge Garage	1000 N. " "
Little Mack Lunch	1028 N. " "
A. & P. Store	1030 N. " "
Wallace Brothers	919 N. " "
H. L. Miller - Gulf Station	1031 N. " "

Total amount of license paid yearly by these concerns if \$208.90 and this grant will cost the City \$104.45.

Councilman Boyd, seconded by Councilman Albea, moved that this reduction be granted, but Councilman Hudson opposed it on the ground that some of the concerns listed above are not located between the two bridges. Councilman Hudson, however, stated that he was in favoring of granting this credit to those firms located between the two bridges.

July 22, 1936  
Page 394.

After discussion, Councilman Boyd withdrew the above motion and made a motion, which was seconded by Councilman Albea, that the matter be held in abeyance for one week in order that Mr. Armstrong, Collector of Revenue, investigate this. Motion unanimously carried.

**RE-ASSESSMENT - THE PLAZA.**

On motion of Councilman Hudson, seconded by Councilman Huntley, the following re-assessment ordinance was unanimously adopted on three readings:

The City Council of the City of Charlotte, North Carolina, DO ORDAIN that the special benefits to the abutting property on the Plaza, on account of the paving of the street, beginning at the north-east corner of the intersection of The Plaza and Commonwealth Avenue, and running with the easterly edge of The Plaza in a northerly direction a distance of 162.5 feet, being originally assessed as a whole against Dolly Lane, is hereby sub-divided and re-assessed on the easterly side only, as follows:

NEW NO.	OWNER	FRONTAGE	WATER	SEWER	STREET WALK	TOTAL
1200-02	Dolly Lane	51.16	---	---	284.52 --	\$ 284.52
1204-06	Marsh Realty Co.	54.17	---	14.08	301.26 --	315.34
1208-10	Marsh Realty Co.	57.17	---	14.08	317.95 --	332.03

**PURCHASE OF STATE HIGHWAY BOND.**

On motion of Councilman Albea, seconded by Councilman Hudson and unanimously carried, the City Manager was authorized to purchase one N. C. State Highway  $4\frac{1}{2}\%$  Bond, due January 1, 1937, at \$101.35, to yield 1%.

**INSTALLATION OF SEWER ON MIDWOOD PLACE AUTHORIZED.**

Councilman Nance moved that sewer installation on Midwood Place, from Tippah Avenue to Ashland Avenue, a distance of 460 feet, be made, this work being estimated to cost \$392.92 and serve two houses already constructed and six additional lots for which the petitioners have prospective purchasers. Motion seconded by Councilman Durman and unanimously carried.

**LATE RETURN PENALTY OF LAURA J. BAIRD WAIVED.**

Upon the recommendation of the Collector of Revenue, Councilman Albea moved that the late return penalty on property of Laura J. Baird for 1932-33 taxes be waived. Motion seconded by Councilman Nance and carried unanimously.

July 22, 1936  
Page 394.

After discussion, Councilman Boyd withdrew the above motion and made a motion, which was seconded by Councilman Albea, that the matter be held in abeyance for one week in order that Mr. Armstrong, Collector of Revenue, investigate this. Motion unanimously carried.

**RE-ASSESSMENT - THE PLAZA.**

On motion of Councilman Hudson, seconded by Councilman Huntley, the following re-assessment ordinance was unanimously adopted on three readings:

The City Council of the City of Charlotte, North Carolina, DO ORDAIN that the special benefits to the abutting property on the Plaza, on account of the paving of the street, beginning at the north-east corner of the intersection of The Plaza and Commonwealth Avenue, and running with the easterly edge of The Plaza in a northerly direction a distance of 162.5 feet, being originally assessed as a whole against Dolly Lane, is hereby sub-divided and re-assessed on the easterly side only, as follows:

NEW NO.	OWNER	FRONTAGE	WATER	SEWER	STREET WALK	TOTAL
1200-02	Dolly Lane	51.16	---	---	284.52 --	\$ 284.52
1204-06	Marsh Realty Co.	54.17	---	14.08	301.26 --	315.34
1208-10	Marsh Realty Co.	57.17	---	14.08	317.95 --	332.03

**PURCHASE OF STATE HIGHWAY BOND.**

On motion of Councilman Albea, seconded by Councilman Hudson and unanimously carried, the City Manager was authorized to purchase one N. C. State Highway  $4\frac{1}{2}\%$  Bond, due January 1, 1937, at \$101.35, to yield 1%.

**INSTALLATION OF SEWER ON MIDWOOD PLACE AUTHORIZED.**

Councilman Nance moved that sewer installation on Midwood Place, from Tippah Avenue to Ashland Avenue, a distance of 460 feet, be made, this work being estimated to cost \$392.92 and serve two houses already constructed and six additional lots for which the petitioners have prospective purchasers. Motion seconded by Councilman Durman and unanimously carried.

**LATE RETURN PENALTY OF LAURA J. BAIRD WAIVED.**

Upon the recommendation of the Collector of Revenue, Councilman Albea moved that the late return penalty on property of Laura J. Baird for 1932-33 taxes be waived. Motion seconded by Councilman Nance and carried unanimously.

July 22, 1936  
Page 395.

**SANITARY SEWER ON AVONDALE AVENUE AUTHORIZED.**

The City Manager reported a request received for the construction of a sanitary sewer on Avondale Avenue from Dairy Branch 2190 feet to the City Limits, estimated to cost \$2239.05, stating that this sewer line would serve ten houses on this street, and recommended that this line be constructed.

Councilman Albea, seconded by Councilman Boyd, moved that the City Manager's recommendation be complied with. Motion unanimously carried.

**SEWER LINE ON SUNSET DRIVE AND EDGEHILL AVENUE NOT ALLOWED.**

On recommendation of the City Manager, the request for the construction of a sanitary sewer on Sunset Drive and Edgehill Avenue, estimated to cost \$1,719.85, on which there are no houses, was not authorized.

**NORTH GRAHAM STREET BRIDGE.**

The City Manager reported that the State Highway and Public Works Commission have received bids on the North Graham Street Bridge over the Southern Railway, Hobbs-Peabody Construction Company, being the low bidder, bid amounting to \$27,745.00. And, that by agreement with the Highway Commission the City of Charlotte is to pay the cost of this Bridge, plus engineering charge of 10%, making a total of \$30,519.50. He advised that the City is billing the Southern Railway with one-half this cost and asked for authority to send the Highway Commission check for the full amount immediately in order that the work can be started at the earliest possible moment.

Councilman Hudson moved that the City Manager be so authorized. Motion seconded by Councilman Boyd and carried unanimously.

**SEWER TAX ON CERTAIN PROPERTIES ON SOUTH TRYON STREET REFUNDED.**

Councilman Huntley, seconded by Councilman Durham, moved that the sewer tax charged to Boyd and Goforth on property on S. Tryon Street, for the years 1933, 34 and 35, be refunded; this sewer tax being billed for these years through a misunderstanding, the branch sewer having been laid but outfall line never constructed and connections not available. This refund amounting to \$9.00. Motion carried unanimously.

**SOUTH GRAHAM STREET BRIDGE.**

The City Manager reported that in accordance with agreement with the State Highway Commission, it is necessary for the City to acquire an easement from the Summerville Heirs for the Southern Railway Bridge on South Graham Street, said easement being necessary because the construction of the new bridge projects onto the Summerville property, and recommended that the City Treasurer be authorized to issue the City's check for \$1100.00 for this piece of land.

Councilman Albea, seconded by Councilman Hudson, moved that the City Manager's recommendation be complied with. Motion unanimously carried.

July 22, 1936  
Page 396.

HEBREW CEMETERY ASSOCIATION REQUEST FOR FREE WATER NOT GRANTED.

The City Manager reported that he had received a ruling from the City Attorneys upon the matter of the Hebrew Cemetery Association's request for free water in their cemetery, in which they ruled that the City is without authority to furnish free water for this purpose.

LISTING OF TAXES.

At a joint meeting of the City Council and the Board of Commissioners of Mecklenburg County, held on Monday, July 20th., a motion was passed relative to the listing of taxes, the City to pay one-half the cost of the listing of property within the City limits, the County to pay the other half and the County to pay the cost of listing all property outside the City.

Mr. Marshall reported that he and the City Attorneys had met with the County Board regarding the amount of property listed, 70,000 tax receipts being sent out, which includes 40,000 within the City, and that according to the motion adopted at the joint meeting, the City of Charlotte is to pay two-sevenths of the cost of the entire listing.

Councilman Sides then made the following motion, which was seconded by Councilman Durham and unanimously carried:

"I move that the City of Charlotte cooperate with Mecklenburg County with reference to the cost of listing and preparing the tax scrolls for Taxes by paying 28.6% of the total cost of such work."

REQUEST OF CLAY RUTLEDGE FOR DREDGING CREEK REFERRED TO CITY MANAGER.

The request of Mr. Clay Rutledge that Kennedy Branch be cleared and dredged, was referred by the Mayor to the City Manager to confer with Mr. Vest, Superintendent of the Water Department.

SUNDAY SITUATION.

Councilman Hovis asked if anything had been done about the situation which happened last Sunday with reference to the base-ball game held on that day, stating that if the ordinance with reference to Sunday sports, etc. is not going to be enforced that it should be taken from the books.

Councilman Nance then moved that the law enforcement bodies be reprimanded for not enforcing the law.

City Manager Marshall stated he wished to correct the statement purported to have been made by Chief Pittman that he was awaiting instructions before upholding the Sunday observance law, stating that he was convinced that Chief Pittman did not make that statement, but meant that he was awaiting instructions from the City Manager as to what action to take with regard to that one affair. Mr. Marshall also advised that Chief Pittman and 57 officers attended the Hargett funeral held on Sunday afternoon and that only one officer was on the field during the ball game and that he was not clear as to his duties with regard to the matter.

July 22, 1936  
Page 397.

Councilman Boyd then asked that Chief Pittman be called before the Council to explain his action.

Mayor Douglas called for a second to Councilman Nance's motion, but no second was made and the motion was dropped.

**PERPETUAL CARE AGREEMENT - ELMWOOD CEMETERY - APPROVED.**

On motion of Councilman Hudson, seconded by Councilman Albea, the following perpetual care agreement covering lot in Elmwood Cemetery, was unanimously approved:

Mrs. L. L. Little, N. Half of Lot #170, Section "Q" \$50.00.

**ADJOURNMENT.**

On motion of Councilman Hudson, seconded by Councilman Nance and unanimously carried, the meeting adjourned.

*Alicia B. McConnell*  
City Clerk.