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The City Council met in regular weekly session on Wednesday, February 2, 1938, at 4:00 o'clock P. M., with Mayor Douglas presiding and Councilmen Albea, Baxter, Durham, Griswold, Hovis, Hudson, Huntley, Little, Nance and Sides present.

Absent: Councilman Wilkinson.

MINUTES APPROVED.

The minutes of the January 26th. meeting were read and on motion of Councilman Albea, seconded by Councilman Griswold, were approved.

CENTRAL LABOR ORGANIZATION ASKED FOR CONTINUANCE OF CARNIVAL DATE ANOTHER WEEK.

Mr. Moore, of the Charlotte Central Labor Union, asked that the granting of permission to his organization for sponsoring a carnival, be withheld another week, due to negotiations with the Knights of Columbus regarding the dates to be used.

STREET ASSESSMENT OF A. W. SMITH.

Mr. David Henderson, attorney, appeared before the Council relative to a street assessment of Mr. A. W. Smith on Kenilworth Avenue, stating that Mr. Smith purchased the lot in question after the street was paved and did not know there were street assessments against it and that he had not received notices of assessments due; that the original assessment was \$250.00, which with interest is now \$450.23 plus cost of action and that the City is bringing suit to collect this assessment. He stated his client is willing to settle if the interest is cancelled, as he did not feel that he should have to pay same when he did not wilfully ignore it but did not know there were assessments against it.

After hearing the above, no action was taken on this by the Council at this time, the matter being taken up later in the City Manager's report.

RECOGNITION OF VISITING WIVES OF THREE COUNCILMEN.

At this time the Mayor recognized as visitors in the Council Chamber, Mesdames Hudson, Huntley and Nance, wives of three of the Councilmen, who stated that they were merely visitors and had not come to speak.

REGRETS OVER LOSING TOM WATKINS AS CITY HALL REPORTER AND CONGRATULATIONS ON PROMOTION EXTENDED.

Mayor Douglas announced that the City Hall was losing Mr. Tom Watkins, it's Charlotte Observer reporter, in that he had been promoted to City Editor, and that while the Council was very sorry to lose him they extended congratulations on his promotion. Mr. Watkins expressed his regret at leaving but stated he would be ready to assist the Council at any time.

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PURCHASE OF CARLOAD OF MIXED ASPHALT.

The following bids having been received on one car of mixed Asphalt, for use in repairing City streets, on motion of Councilman Hudson, seconded by Councilman Albea, contract was awarded to the low bidder, The Texas Company, on a unit pricenbasis, totaling \$577.26, and the Mayor and Clerk were authorized to sign the contract:

The Texas Company, Richmond, Va.

Approx. 1620 Gals. ACP-1 Cold Patch Asphalt		
@\$.1080 per gal.		\$174.96
" 1350 Gals. AF-2 Joint Filler "		
@\$.1000 per gal.		135.00
" 2700 Gals. AP-2 Penetration "		
@\$.0990 per gal.		267.30
	Total	<u>\$577.26</u>

Terms 2% 10 days.

Standard Oil Company of New Jersey, Charleston, S.C.

Approx. 1620 Gals. ACP-1 Cold Patch Asphalt		
@\$.1080 per gal.		\$174.96
" 1350 Gals. Joint Filler AF-2 "		
@\$.1087 per gal.		146.75
" 2700 Gals AP-2 Penetration "		
@\$.1040 per gal.		280.80
	Total	<u>\$602.51</u>

American Bitumuls Company, Baltimore, M.D.

Approx. 1620 Gals. ACP-1 Cold Patch Asphalt		
@\$.1107 per gal.		\$179.33
" 1350 Gals. AF-2 Joint Filler "		
@\$.1057 per gal.		142.70
" 2700 Gals. AP-2 Penetration "		
@\$.1057 per gal.		285.39
	Total	<u>\$607.42</u>

RE-ASSESSMENT ORDINANCE - EAST FOURTH STREET.

On motion of Councilman Hudson, seconded by Councilman Huntley, the following re-assessment ordinance on East Fourth Street, was unanimously adopted on three readings and declared to be an ordinance of the City of Charlotte by the Mayor.

EAST FOURTH STREET

The City Council of the City of Charlotte, North Carolina, DO ORDAIN that the special benefits to the abutting property on EAST FOURTH STREET on account of the benefits of the paving of the roadway and sidewalks assessed as a result of widening of the street, beginning at a point 194.7 feet easterly from the southeasterly corner of the intersection of South Brevard Street and East Fourth Street and running thence in an easterly direction with East Fourth Street, a distance of 103 feet; being originally assessed as a whole against N. W. WALLACE, SR. ESTATE, is hereby sub-divided and re-assessed on the southerly side only, as follows:

NEW NO.	OWNER	FRONTAGE	WATER	SEWER	STREET	SIDEWALK	TOTAL
							PERMANENT IMPROVEMENT
416	Commercial Nat'l. Bnk. By I.W.Stewart	23 ft.			BENEFITS OF STREET WIDENING		\$499.91
418	Daisy M. Andrews	20'			"		391.22
420	" W "	20'			"		391.23
422	Joe W. Grier	20'			"		391.23
424	Ruth W. Street	20'			"		391.23

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STREET ASSESSMENTS PEGRAM STREET.

The City Manager reported that in the matter of street assessment account No. 21010 against a lot located at 1224-26 Pegram Street, the original amount being \$328.18, that the owner of the lot had offered to pay that amount in cash as full settlement. An appraisal made by an independent real estate man valued the lot at \$350.00, and that it was the recommendation of the Collector of Revenue that the City settle this claim in full for \$328.18 in cash, as it is doubtful if the lot could be sold at this time for an amount in excess of \$300.00.

Councilman Durham, seconded by Councilman Griswold, moved that this claim be settled in full for \$328.18 in cash, which motion was unanimously carried.

SMITH STREET ASSESSMENT AGAIN BROUGHT UP.

In the matter of the street assessment of A. W. Smith, on Kenilworth Ave., presented by Mr. David Henderson earlier in the meeting, it was recommended by the City Manager that this matter be referred to the Finance Committee for investigation, and on motion of Councilman Albea, seconded by Councilman Little and carried, this was done.

STREET ASSESSMENT ON BEATTY'S FORD ROAD.

Mr. Marshall reported that street assessment No. 23484, at 522 Beatty's Ford Road, which is negro property in bad state of repair, the lot being valued at not more than \$450.00 and the house at \$300.00, that the entire amount of this assessment is now \$621.37. Mr. David Henderson stated that he was also interested in this property; that the owner, a negro, Dwight Bland, was in bankruptcy, and would like to settle and get it dismissed from the bankruptcy court. It was the recommendation of the Collector of Revenue that the matter be settled for \$450.00 in full, which is the value of the lot.

On motion of Councilman Huntley, seconded by Councilman Sides and carried, the recommendation of the Collector of Revenue was accepted and the street assessment on this property was ordered settled in full for \$450.00.

RENTAL OF HOUSE ON ELMWOOD CEMETERY PROPERTY REFERRED TO CEMETERY COMMITTEE AND CHAIRMAN OF REAL ESTATE COMMITTEE.

In the matter of an offer received from a monument company to rent the small house on Elmwood Cemetery property with adjacent property, for a display yard for memorials, on motion of Councilman Baxter, seconded by Councilman Hudson, this was referred to the Cemetery Committee and to Councilman Huntley, Chairman of the Real Estate Committee, for investigation and report back to the Council.

SEWER ON MIDDLETON DRIVE.

On motion of Councilman Sides, seconded by Councilman Durham, the installation of a sewer on Middleton Drive, between Providence Road and Cherokee Road, to serve six houses and estimated to cost \$1,187.78, was ordered.

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RE-NAMING OF WEST SIXTH STREET.

On motion of Councilman Huntley, seconded by Councilman Albea, a portion of West Sixth Street, from Graham to the Railroad, is to be designated as West Sixth Street Place, and the new extension, caused by the opening of West Sixth Street west of Graham Street, is to be called West Sixth Street.

SINKING FUND INVESTMENTS.

Mr. Marshall reported that in January the Council approved the exchange of Charlotte Bonds in the Special Assessment Fund for 10 \$1000.00 Wilson County Bonds, bearing an earlier maturity, but that the City was not able to consummate this trade and now have a proposal to sell 18- City of Charlotte Bonds with 1952 and 1953 maturity at \$118.50.

On motion of Councilman Griswold, seconded by Councilman Baxter and carried, the recommendation for the following purchases was approved, subject to the approval of the Local Government Commission:

- \$5,000. Wilson County Highway, 4-3/4% Bonds due 4-1-41 to yield 2.75.
- \$4,000. Reidsville, N. C. Sewer & Street Improvement 5% Bonds due 1-1-41, to field 2.75.
- \$8,000. Thomasville, N.C. Public Improvement 5-3/4% Bonds, due 11-1-40 to yield 2.90.

PETITION FOR LIGHT NEAR VILLA HEIGHTS SCHOOL REFERRED TO

A petition was presented by the City Manager from a large number of signers in the vicinity of Parkwood Ave. and Pegram Street, near the Villa Heights school, asking that traffic lights be placed at this intersection, and on motion of Councilman Albea, seconded by Councilman Griswold, this was referred to the Committee on Safety with the recommendation that if humanly possible this be done.

SEABOARD UNDERPASS- NORTH TRYON STREET.

The following motion was made by Councilman Sides, seconded by Councilman Griswold and carried:

"After the extensive investigation made by Mr. Marshall, the City Engineer and the Council, and with the estimate brought down more than \$28,000 from the original estimate and with the possibility that 10% of the money held back by the State Highway Commission for emergencies might come to Charlotte, I move that the City accept the State Highway Commission's proposal on the Seaboard Underpass on North Tryon Street, and guarantee to the State Highway and the Federal Government the City's part of this project."

WESLEY HEIGHTS METHODIST CHURCH STREET ASSESSMENT.

Mr. Marshall reported that the Wesley Heights Methodist Church is trying to refinance and make disposition of the street assessment account against that Church, which consists of eight installments now due, the first two installments having been paid. This church asked that a re-assessment be made in order that they may be granted additional time to take care of same. Mr. Boyd, City Attorney advised that under the law it was within the jurisdiction of the Council to re-assess the

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property and set the payments to begin as of next October in ten equal installments.

Councilman Albea stated that he was in favor of doing this if it would not be setting a precedent, and on motion of Councilman Baxter, seconded by Councilman Griswold the following Resolution was adopted regarding this:

WHEREAS, on the 1st day of January 1925, the Governing Body of the City of Charlotte confirmed an assessment roll for street paving against two lots of land fronting 54.17 feet each, on Grandin Road, being known and designated as Nos. 201 and 205 Grandin Road, according to the present system of street numbering of the City of Charlotte, being further known and designated as Assessment Nos. 9915 and 9916 in the Assessment Books in the office of the Collector of Revenue of the City of Charlotte, the total principal amount of each assessment was \$230.43, which was set up to be paid in ten equal annual installments, the first one of which became due January 1, 1926, and

WHEREAS, the first two installments on each of the said assessments have been paid, leaving eight installments on each assessment in the total sum of \$335.74, which amount includes the principal interest, advertising costs and Court costs up to October 1, 1938 on each lot, and

WHEREAS, the trustees of Wesley Heights Methodist Church, the present owners of the said two lots, have requested the Governing Body of the City of Charlotte to extend the time for the payment of the said installments in conformity with the provisions of Section 2717-B of the Consolidated Statutes of North Carolina, and the Amendments thereto, particularly Chapter 172 of the Public Laws of 1937.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Charlotte that the Collector of Revenue of the City of Charlotte is hereby authorized and directed to ascertain the total amount of the principal and interest on the two said assessment numbers above referred to up to October 1, 1938, and add to that amount the advertising costs of \$2.80 to each one and the Court cost of \$7.50 to each one, and divide this amount into ten equal annual installments so that the first one shall become due on the first Monday in October 1939, and one on the first Monday in October of each year thereafter, and that the total amount of assessments to be due as of October 1, 1938, including interest and costs, shall bear interest at the rate of 6% per annum from October 1, 1938 until the entire amount has been paid in full.

REPORT OF SPECIAL COMMITTEE ON QUEENS ROAD AND PLAZA WIDENING.

Councilman Hovis, Chairman of the special committee appointed at the last meeting to go into the matter of the widening of The Plaza and Queens Road due to the abandoning of the street car tracks and the substitution of buses, reported that his committee recommended that the City Manager and the City Treasurer be authorized to sign application for these projects, which they recommended also include West Tenth Street, with the WPA and that the money come from the amount given the City by the Duke Power Co. for covering street car tracks and from unappropriated surpluses, and moved the adoption of this recommendation, which was seconded by Councilman Baxter, another member of this special committee.

Both Councilman Hovis and Councilman Baxter stated that these streets would originally have received their proportionate share of the \$20,000, and that in using it in this manner the City would be getting \$81,000 for only \$19,000, and that the work would have to be done in a very short time regardless, and that the street car tracks will be covered as abandoned in any event. Discussions were held, Councilman Sides contending that the property owners on these streets should be assessed for the work, and after hearing pro and con from several of the Councilmen Councilman Hovis' motion was carried, with Councilman Sides voting "No", and Councilman Griswold being absent from the room at the time of voting.

