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The regular weekly meeting of the City Council was held in the Council Chamber, City Hall, at 4:00 o'clock P. M., Wednesday, January 12, 1938, with Mayor Douglas presiding and Councilmen Albea, Baxter, Durham, Griswold, Hovis, Hudson, Huntley, Little, Nance and Sides being present.

Absent: Councilman Wilkinson.

MEETING APPROVED.

On motion of Councilman Hudson, seconded by Councilman Nance, the minutes of the January 5th. meeting were approved.

OFFER OF COMPROMISE ON EAST FIFTH STREET ASSESSMENTS.

Mr. Hunter Jones and Mr. J. H. Cutter appeared before the Council offering a compromise settlement of the contested assessments against Efirds Department Store and the Cutter Realty Company, which cases have been pending for trial before a jury in Superior Court on an exception filed, these assessments being on account of the widening of East Fifth Street.

Mr. Jones asked that the City Manager read letters received from Mr. Wayt Thomas, former City Engineer, in which Mr. Thomas stated that it was his understanding that the purchasers of the Old City Hall lot were not to pay toward the widening of East Fifth Street; also a letter from Mr. J. H. Carson regarding this assessment, and several other letters, after which arguments by Messrs. Cutter, John Robinson and Mr. Jones were heard.

Councilman Durham, Chairman of the Finance Committee, stated that a majority of his committee recommended that the offer not be accepted. Mr. Baxter, representing the minority of the Finance Committee, stated that he felt the offer should be accepted inasmuch as it might go to court and drag on for two or three years, at which time the City might lose all or win all, and advised that this was the recommendation of the Collector of Revenue and the City Attorney. Whereupon Councilman Baxter, seconded by Councilman Griswold, moved that Mr. Cutter's and Efird's offers be accepted.

After discussion between the Chairman of the Finance Committee and the City Attorney regarding the City Attorney's recommendation; it being the understanding of Councilman Durham that the City Attorney did not recommend settlement, a vote on Councilman Baxter's motion was taken as follows:

For the motion: Councilmen Baxter, Griswold and Sides.  
Against: Councilmen Durham, Albea, Nance, Hudson,  
Huntley and Little, Councilman Hovis not  
being present at this time.

Whereupon, the Mayor declared the motion lost.

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INVITATION EXTENDED TO COUNCIL TO VISIT RESCUE MISSION.

Mr. Guy M. Beatty and a Mr. Booker extended to the Council an invitation to visit the Rescue Mission in the old Tompkins Bldg. on South Church Street, and see the work being carried on there, stating that they want the interest and suggestions of the Council in this work and that they were raising the money to pay their indebtedness and were not asking for monetary aid.

CANSLER ASSESSMENT AGAIN DEFERRED ONE WEEK.

Mr. E. T. Cansler was again present at the Council meeting with reference to his offer of settlement of assessment on his property on East Fourth Street, which was referred to the Finance Committee at the last meeting for report.

Councilman Durham, Chairman of the Finance Committee, stated that he had not had time to meet with his committee, that he had been trying to get all the data on the matter before doing so, and presented the original assessment roll on this widening project, showing benefits and damages, stating that he had found Mr. Cansler's assessment to be in line with all others made, with the exception of the Wearn assessment on which settlement had been made by a former Board, which was excessive in comparison to the others.

After discussion, Councilman Hudson moved that the Finance Committee be given another week before making report, which was seconded by Councilman Albea and carried.

SETTLEMENT OF SUIT OF LENA ANDERSON.

Mr. B. M. Boyd, City Attorney, reported in connection with the suit of Lena Anderson (colored) against the City of Charlotte for \$3,000.00 damages for injury to her leg received in August 1936, on Canton Street. Mr. Boyd advised that Mr. J. M. Scarborough had gone to St. Petersburg, Fla., as authorized by the Council, where he examined witnesses and doctors, and that after getting this testimony and the report of the Engineering Department that the pipe on which she received her injury had been there for about one year, and that the claimant had suffered a permanent injury, it was his recommendation that the suit be settled for \$700.00, which the plaintiff was willing to accept.

Councilman Sides moved that the suit be settled for that sum in accordance with the City Attorney's recommendation. Motion seconded by Councilman Nance and carried.

RETAINING WALL ON NORTH BREVARD STREET.

The City Manager reported that through the assistance of the W.P.A. the City is constructing a retaining wall on North Brevard Street to prevent further erosion in the banks of the Cut through the Calvin Mills Village and that in this connection the street is being widened from 40 feet to 45 feet and that the agreement for this additional right of way has been signed by the Chadwick-Hoskins Company and should be a matter of record on the minutes of the City Council.

Thereupon, Councilman Albea, seconded by Councilman Huntley moved that the letter from the Chadwick-Hoskins Company be made a matter of record. This letter is as follows:

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Mr. J. B. Marshall, City Manager  
Charlotte, N. C.

Dear Mr. Marshall:

In consideration of the City of Charlotte building retaining walls on each side of our property on North Brevard Street between 12th Street and the Seaboard Air Line Railway tracks, together with grading the banks so that the houses we own on each side of this street will be properly protected, we are glad to agree to the widening of this block of North Brevard Street from its present width of forty feet to a total of forty-five feet. We understand you will make proper arrangements to grade down the ends of these banks immediately adjoining the Seaboard Air Line Railway tracks, so that the present dangerous grade crossing will be materially improved.

We want to take this opportunity of thanking you for having arranged to do this work.

Yours very truly,

(Signed) B. B. Gossett,  
President.

STREET MAINTENANCE, ONE BLOCK ON EUCLID AVENUE.

Mr. Marshall reported request received from the Southside Land Company that the City take over for maintenance and surfacing McDonald Avenue from Lyndhurst Avenue to Magnolia Avenue, and Euclid Avenue from McDonald Avenue to Magnolia Avenue. He advised that McDonald Avenue is a real estate development entirely and in his opinion the City would not be justified in taking it over until the street had been put in proper condition, but that the one block on Euclid Avenue is a through street, giving a direct connection from Morehead Street to the State Highway going to Columbia and is adjacent to the new water tank which the City has recently constructed. It was his recommendation that this one block be taken over by the City for maintenance and Councilman Huntley, seconded by Councilman Little, so moved. Motion carried.

REQUEST OF COCHRAN AND ROSS COMPANY FOR ADJUSTMENT OF STREET PAVING REFERRED TO FINANCE COMMITTEE.

A letter from the City Attorney relative to adjustment of street paving assessment of Cochran and Ross Company, on West Sixth Street, was presented, but after discussion, this matter was referred by the Mayor to the Finance Committee for report at the next meeting.

STREET ASSESSMENTS OF SARA AND ROSE HAWKINS.

With further reference to the recommended adjustment of street assessments against Sara and Rose Hawkins, on South Graham Street, held over from the last meeting, on motion of Councilman Huntley, seconded by Councilman Little, the following Resolution was unanimously adopted on three readings:

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WHEREAS, on the 12th day of January 1936, the City Council of the City of Charlotte confirmed an assessment roll for the paving and widening of South Graham Street against the property of Sarah and Rosa Hawkins at 429-433 South Graham Street in the principal sum of \$654.55, and

WHEREAS, it has come to the attention of the Council in the form of a letter dated October 19, 1937 signed by E. S. DeLaney and T. C. Wilson and J. E. Barrentine that they have inspected and appraised the property, and have investigated the report of the appraisers appointed by the Court to take the assessment, which report was confirmed by the City Council on the above date, and from this letter of E. S. DeLaney, T. C. Wilson and J. E. Barrentine, it appears that an error of \$309.60 was made in the amount assessed against the property in question for the widening and the paving of said street.

NOW, THEREFORE, upon motion of Councilman Huntley, hereby ordained that the amount of the assessment heretofore confirmed against this property in the sum of \$654.55 be reduced by the sum of \$309.60, making the principal amount of the assessment to be \$344.95, and that the Collector of Revenue is hereby authorized and instructed to change his records accordingly.

#### APPOINTMENT.

The City Manager reported that Mr. J. F. Hartsell had been employed as blacksmith to replace Mr. J. C. Rogers, resigned, in the Equipment Depot Division.

#### CITY MANAGER AND CITY ATTORNEY TO CONFER WITH OFFICIALS REGARDING SAL UNDERPASS.

Mr. Marshall reported to the Council that he and the City Attorney would go to Raleigh on next Tuesday to confer with Mr. W. D. Faucette, Chief Engineer of the Seaboard Railway and the State Highway officials, regarding the proposed underpass on North Tryon Street.

#### RESOLUTION WITH REGARD TO THE DEATH OF FIREMAN MATTHEW D. YANDLE.

On motion of Councilman Albea, seconded by Councilman Hudson and unanimously carried, the following Resolution was adopted:

#### RESOLUTION

WHEREAS, in the providence of the Almighty God and in his Divine Wisdom, He has called Matthew D. Yandle from our midst; and

WHEREAS, Mr. Yandle loyally and faithfully served the City of Charlotte in the Fire Department for thirty-eight years, it is with deep appreciation and respect that we honor his memory.

NOW, THEREFORE, BE IT RESOLVED: First: That we, as members of the City Council of Charlotte bow in humble submission to His will, knowing that He is too kind to willingly afflict without cause. Second: That we extend to his family our sympathy and pray God's blessings to rest on them. Third: That a copy of this Resolution be spread upon the minutes of the City Council meeting and a copy be sent to the family of the deceased.

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CEMETERY DEED.

On motion of Councilman Hudson, seconded by Councilman Albea the following cemetery deed was approved:

Mrs. C. B. Downer, Lot No. 73, in Section "Y", Elmwood \$35.00

SEIGLE STREET PROPERTY DEVELOPMENT REFERRED TO FINANCE COMMITTEE.

Councilman Durham stated that the Collector of Revenue had asked him to present to the Council the proposition of Mr. C. W. Allison, Jr., Agent for the Orr Land Company, relative to the street assessments on Seigle Street property between 10th. Street and the City Garage. He stated that when this street was paved the property was handled on an acreage basis and the assessment was put on the property as a whole. The assessments and taxes against these lots amount to \$30,469.00, and Mr. Allison is asking that the City cancel the assessments on the back of this property in order that he may develop it, the saving to be applied against the development of the property and if any left against the assessment on the front of the property.

This matter was referred to the Finance Committee for further study and report at the next meeting.

OLD INCINERATOR BUILDING TO BE ADVERTISED.

Mayor Douglas advised that some time ago the Council had decided not to sell the old building on the old Incinerator property thinking that perhaps it could be used by the City in some manner but that now it appears to be of no use to the City and the Chairman of the Real Estate Committee had suggested that an appraisal, which would not cost over \$10.00, be made to ascertain the worth of this building.

Councilman Huntley, seconded by Councilman Albea, then made a motion that an appraisal of this building be made. Motion carried.

Councilman Hovis, seconded by Councilman Sides, moved that the building be advertised for sale, which motion also carried.

ADJOURNMENT.

On motion of Councilman Albea, seconded by Councilman Hudson, the meeting then adjourned.

*Alice B. McCull*  
City Clerk