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The City Council met in regular session in the Council Chamber, City Hall, Wednesday, January 19, 1938, at four o'clock P.M., Mayor Ben E. Douglas presiding and Councilmen Albea, Baxter, Durham, Hovis, Hudson, Huntley, Little, Nance and Sides being present.

Absent: Councilmen Griswold and Wilkinson.

APPROVAL OF MINUTES.

On motion of Councilman Albea, seconded by Councilman Huntley, the minutes of the January 12th. meeting were approved without change.

REQUEST OF CHARLOTTE CENTRAL LABOR UNION FOR LICENSE TO HOLD CARNIVAL DEFERRED ONE WEEK.

A representative of the Charlotte Central Labor Union appeared before the Council requesting permission to sponsor a carnival in Charlotte during the week of April 11th. He explained to the Council that several months ago permission was granted the Sheesley shows the privilege of showing some time in April and that he did not want their show to conflict with the other, but he felt that such broad concessions should not be made. Mr. Elbert Foster, attorney, who represented the Sheesley shows, was present and explained that the County Commissioners had granted the same concession but that they had written to Mr. F. A. Miller, of this concern, asking what dates in April they expect to show and that he did not think the dates would conflict, inasmuch as Sheesley shows had wintered in Savannah and would open there the week of the 16th. of April.

On motion of Councilman Baxter, seconded by Councilman Sides, this matter was postponed for one week and the Clerk instructed to write to Mr. F. A. Miller regarding the date the Sheesley shows expect to be in Charlotte.

STREET ASSESSMENT OF MR. O. J. THIES.

Mr. O. J. Thies appeared at this time regarding street assessment against his property on the corner of 8th. and Tryon Streets, stating that the City Attorney was preparing to bring suit against him for the amount due on this assessment, \$510.52, which he did not feel that he should pay inasmuch as the City took 2.7 feet of his property which was left when he squared up his building, and explained in detail the trouble he had had in the past regarding this property.

Councilman Durham stated that the Finance Committee had gone into this matter and that that Committee recommends that the City pay Mr. Thies the sum of \$250.00 for this 2.7 feet of land, which is the figured worth of same, or that Mr. Thies being unwilling to accept this, the sidewalk on this strip will be removed and Mr. Thies can have his land.

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Councilman Hovis moved that the recommendation of the Committee be accepted, which motion was seconded by Councilman Durham and carried.

Mr. Thies advised that he would consider the matter and was asked to confer with the City Attorney relative to same.

CANSLER ASSESSMENT ON EAST FOURTH STREET.

Mr. E. T. Cansler and Mr. John Robinson were again present to go into the matter of the Cansler assessment on East Fourth Street, carried over from the last meeting. Mr. Cansler contended that the benefits derived from this assessment were a great deal less than the benefits set up and for this reason he was asking that he be put upon the same basis as Mr. J. H. Wearn had settled with the City for.

Councilman Durham, of the Finance Committee, stated that his Committee did not recommend that the matter be settled on that basis, and moved that the City not accept Mr. Cansler's compromise proposition, which was seconded by Councilman Hovis and carried.

To which order Mr. Cansler took exception and stated he would appeal to the Superior Court.

Thereupon, Councilman Huntley, seconded by Councilman Hovis, moved that the Collector of Revenue, Mr. Jas. W. Armstrong be instructed to return to Mr. Cansler the check tendered in settlement of the above claim.

DOUBLE STREET ASSESSMENTS IN TWO CASES CANCELLED.

Mr. B. M. Boyd, City Attorney, advised the Council that while the City charter provides that no piece of property shall be assessed twice within ten years and that this has been upheld in Supreme Court in a number of cases, there are a number of such cases now pending in court and should be settled by consent judgment, he would prefer that the Council authorize him to do so as a matter of record.

The two cases which he wished approval on at this time were C. B. Kimball and wife, and W. M. Giles and wife.

Thereupon, Councilman Sides, seconded by Councilman Nance, moved that the City Attorney be authorized to sign consent judgments consenting and agreeing that the second assessment in these cases be cancelled from the records. Motion carried.

STREET ASSESSMENT OF ED CLANTON.

Mr. Boyd also presented for action by the Council, the matter of street assessment against Mr. Ed Clanton, stating that when Cottage Place was paved some years ago and the petition secured, ~~and the petition obtained~~ and signed by the required number of owners the signature of a Mr. Heath was obtained on the Clanton lot and notices were sent to Mr. Heath and not to Mr. Clanton. When the assessment roll was confirmed it was in the name of Mr. Heath and not Mr. Clanton and all notices of the assessments due have been mailed to Mr. Heath instead of to Mr. Clanton. He stated that up until recently Mr. Clanton did not know that the City was claiming anything against him on the lot on account of this assessment and that Mr. Clanton is asking that the City cancel the interest on the assessment from 1930 to date, amounting to \$124.80. The principal, which he is willing to pay,

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amounts to \$258.85.

Councilman Baxter, seconded by Councilman Hovis, moved that this interest charge be cancelled, but after discussion the following vote was taken and the Mayor declared the motion lost:

For: Councilmen Baxter, Hovis, Hudson and Nance.
Against: Councilmen Durham, Albea, Sides, Huntley and Little.

REQUEST OF LADIES AUXILIARY, STONEWALL JACKSON POST, DENIED.

On motion of Councilman Hudson, seconded by Councilman Huntley and carried, the request of Mrs. F. P. Smith for free license for the sale of extracts, the proceeds of which would go to the Ladies Auxiliary, Stonewall Jackson Post No. 1160, Veterans of Foreign Wars, was denied.

RE-ASSESSMENT ORDINANCE - STATESVILLE AVENUE.

On motion of Councilman Albea, seconded by Councilman Hudson, the following re-assessment ordinance for property of Mr. Fred Millersham on Statesville Avenue, was unanimously adopted on three readings:

STATESVILLE AVENUE

The City Council of the City of Charlotte, North Carolina, DO ORDAIN that the special benefits to the abutting property on STATESVILLE AVENUE on account of the paving of the roadway and sidewalks, beginning at a point 114.5 feet southerly from the southwest corner of the intersection of STATESVILLE AVENUE and Kohler Avenue, and running thence in a southerly direction a distance of 131.0 feet, and being originally assessed as a whole against Fred Millersham, is hereby subdivided and re-assessed on the west side only, as follows:

NEW NO.	OWNER	FRONTAGE	WATER	SEWER	STREET	SIDEWALK	TOTAL
2101-05	F. R. Millersham	71	15.00	-	441.62	66.03	522.65
2107-09	General Realty Co.	60	-	-	373.20	55.80	429.00

LEASE AGREEMENT WITH JUNIUS BRYANT FOR RENT OF CITY PROPERTY.

On motion of Councilman Hudson, seconded by Councilman Huntley, the Mayor and Clerk were authorized to sign lease-agreement with Mr. Junius Bryant for the rental of the Old Marsh property, on the Sugaw Creek Disposal Plant property, containing approximately 66 acres, on a three year basis, for \$7.00 per month, payable in advance; the City reserving the right to cancel the lease at the end of any crop year provided the property is needed for City purposes or that the City desires to sell same.

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EXCHANGE OF BONDS.

On motion of Councilman Hovis, seconded by Councilman Durham, approval was given for the exchange of nine \$1,000 City of Charlotte Bonds in the Special Assessment Fund for ten \$1,000 Wilson County Bonds bearing an earlier maturity.

BUDGET STATEMENT AS OF DECEMBER 31, 1937 FURNISHED THE COUNCIL.

Each member of the Council was furnished a copy of the Budget Statement as of December 31, 1937.

UNCOLLECTABLE WATER ACCOUNTS TO BE CHARGED OFF.

Mr. Marshall advised that over a period of fifteen to seventeen years the Water Department had accumulated a number of small uncollectable accounts where the City had done certain construction work, etc., on which special efforts in the last year have been made to collect but that due to the statute of limitations effecting a great many, removals from the City, death and other causes, the Water Department feels are absolutely uncollectable, they now wish to charge off their books. The list presented amounted to \$3322.79. Mr. Marshall stated that there is an amount set aside each year in this Department to take care of these uncollectable accounts and that this amount will be charged to that reserve fund and will not effect the budget.

On motion of Councilman Sides, seconded by Councilman Albea, these accounts were ordered charged off.

NORTH TRYON STREET UNDERPASS.

Mr. Marshall reported to the Council that he and the City Attorney had conferred with the State Highway and Seaboard officials in Raleigh relative to the Seaboard underpass on North Tryon Street and that the Railroad Company has agreed definitely that they will sponsor or agree that the \$125,000 tentatively appropriated by the Highway Commission will be allocated to the City of Charlotte and have agreed to reduce the original estimate to \$162,000.00, the difference to be paid by the City.

Mr. Marshall stated that the question before the Council was whether or not the City Council would be willing to appropriate \$40,000.00 to have the Underpass built and that \$15,000 is available in a grade crossing fund left over from the Graham Street project, but that the additional \$25,000 would either have to be met in the next year's budget or thru an election. A general discussion followed as to whether it should reflect in the next budget or call an election, most of the Council opposing the calling of another election and practically all of them objecting to raising the tax rate in order to secure the funds. Each Councilman was called upon for an opinion and after a lengthy discussion, Councilman Baxter moved that the matter be held in abeyance for another week, which was seconded by Councilman Albea and carried.

