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

Absent: Councilman Hovis.

MINUTES OF APRIL 20TH. AND 27TH. APPROVED.

On motion of Councilman Albea, seconded by Councilman Nance, the minutes of the April 20th. and 27th. meetings were approved as read.

PARK AND RECREATION COMMISSION PRESENT REVISED PROJECT ON SWIMMING POOL.

Mr. E. W. Gibson, Chairman of the Charlotte Park and Recreation Commission, appeared before the Council, stating that since the Commission had been unable to raise the required amount to sponsor a municipal swimming pool, that the W.P.A. project had been revised and that it was the intention of the Park board to construct the pool with what has already been donated, \$3000.00 from the current year's budget and \$5,581.00 from uncollected back taxes, which they asked the City to advance; and that the community house would be built at a later date from subscriptions.

A resolution adopted by the Park and Recreation Commission at its last meeting, was read as follows:

BE IT RESOLVED by the Park and Recreation Commission of the City of Charlotte that the Commission make a request of the City Council of the City of Charlotte to lend or advance the sum of \$5,581.00, which sum of money shall be evidenced by note of even date herewith made payable to the City of Charlotte, and that the Charlotte Park and Recreation Commission pledge its portion of uncollected back taxes, and such portion of present taxes in excess of budget amount for current year, which shall become due and payable unto said Commission as collected by the City Tax Collector and that the City Tax Collector or City Treasurer be authorized to pay unto the Treasurer of the City of Charlotte such funds as would go to the Park and Recreation Commission from the uncollected back taxes until said note of \$5,581.00 shall be paid in full. It is intended to use this money by the Park and Recreation Commission for the development of the first unit of a swimming pool and improving parks in the City of Charlotte, which are now by Law under the supervision and control of the Charlotte Park and Recreation Commission.

This Resolution adopted this 25th day of April 1938.

In addition to the above, the following resolution, adopted by the Charlotte Park and Recreation Commission was also read to the Council:

RESOLVED That the Park and Recreation Commission in a called meeting of this date went on record unanimously authorizing the chairman of the Special Pool Committee, Mr. Sorrow, to deposit with the Treasurer of the Park and Recreation Commission money collected in Swimming Pool Campaign to the amount of \$2,200.00 or whatever amount that has been deposited to the credit of this fund, to be placed in a special fund which will be used to guarantee the sponsor's portion of project requested through Works Progress Administration for the construction of the swimming pool at Revolution Park.

In addition to the above, the treasurer is authorized to set aside from this year's budget the amount of \$3,000.00 to add to this same fund. The above amount (\$3,000.00) shows in this year's budget as set

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aside for capital outlay, music and unbudgeted balance.

This resolution adopted this 25th day of April 1938.

Certified by Harry Boate, Secretary
Park and Recreation Commission.

A letter from the City Attorney was read regarding this advance, and Mr. Boyd advised that it would be necessary for the Council to adopt an ordinance on same. The City Attorney was requested to draft this ordinance so that the matter could be handled at this meeting, and the Manager and Treasurer sign the revised project application.

After passing on to other business, the following ordinance was drafted by the City Attorney, and on motion of Councilman Barter was presented to the Council for adoption, as follows:

AN ORDINANCE
RELATIVE TO ADVANCE ON UNCOLLECTED BACK TAXES MADE
BY THE CITY OF CHARLOTTE TO THE CHARLOTTE PARK AND
RECREATION COMMISSION.

BE IT ORDAINED by the City Council of the City of Charlotte in regular session, as follows:

Section 1: That \$5,581.00 be transferred from the General Fund of the City to the account of the Charlotte Park and Recreation Commission and that the said sum be advanced to the Charlotte Park and Recreation Commission in exchange for a note to be executed to the City of Charlotte by the Park and Recreation Commission, as provided by law; which sum represents the amount of money that will go to the Charlotte Park and Recreation Commission from uncollected back taxes heretofore levied for park purposes in accordance with a statement of M. L. Westmoreland, Municipal Accountant, dated March 28, 1938, and provided that the said note shall contain a provision that in the event the taxes for the years 1937 and prior thereto are not collected in full that future levies for park purposes shall be responsible and liable for the payment of this note, provided that the Park and Recreation Commission pass a resolution to this effect; and provided further that no sum so advanced shall in any event exceed 2-cents on the \$100.00 valuation of property as now provided by law for park purposes.

On motion of Councilman Baxter, seconded by Councilman Griswold, the above ordinance was adopted on three readings, Councilman Durham voting "No" and Councilman Wilkinson not voting.

TAXICAB ORDINANCES PRESENTED.

Councilman Baxter, who presented the taxicab ordinance which was adopted on first reading at the last meeting, advised the Council that it was necessary to change the wording of this ordinance and that a new ordinance was ready for presentation, as follows:

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AN ORDINANCE
TO REPEAL SECTION TWO OF THAT CERTAIN ORDINANCE
ADOPTED SEPTEMBER 2, 1936, AND RECORDED IN ORDI-
NANCE BOOK 7 AT PAGES 320 AND 321 IN THE OFFICE
OF THE CITY CLERK, RELATIVE TO LIABILITY INSUR-
ANCE, SURETY BONDS OR CASH DEPOSITS BY TAXICAB
OPERATORS.

BE IT ORDAINED by the City Council of the City of Charlotte:

Section 1: That that certain ordinance adopted September 2, 1936 recorded in Ordinance Book 7, at pages 320 and 321 in the office of the City Clerk, entitled:

"AN ORDINANCE TO REQUIRE JITNEY BUS AND TAXICAB
OPERATORS CARRYING PASSENGERS FOR HIRE WITHIN
THE CITY OF CHARLOTTE TO TAKE OUT AND CARRY
LIABILITY INSURANCE OR PROVIDE SURETY BONDS OR
MAKE DEPOSIT OR SECURITIES WITH THE TREASURER
OF THE CITY OF CHARLOTTE"

be amended by striking out all of Section Two of said ordinance, which provides that taxicab operators may deposit with the City Treasurer money or other securities approved by the City Council in lieu of furnishing liability insurance.

Section 2: That from and after July 1, 1938, all persons, firms or corporations now operating taxicabs in the City of Charlotte under said Section Two of said ordinance of September 2, 1936, shall be required to operate under the provisions of Section One thereof, and all other sections thereof except Section Two, which section Two is hereby repealed, said repeal to become effective July 1, 1938.

Section 3: That money or other securities deposited with the City Treasurer by persons, firms or corporations under Section Two of said ordinance of September 2, 1936 shall remain on deposit with the said Treasurer, subject to further action of the City Council.

Section 4: That all other sections of said ordinance above referred to adopted on September 2, 1936, shall remain in full force and effect.

Section 5: This amending ordinance shall become effective July 1, 1938 and shall be published in the Charlotte News one time at least ten days prior to that date.

Councilman Baiter, seconded by Councilman Griswold, moved the adoption of this ordinance on first reading.

Councilman Hudson stated he would have to vote against the ordinance as he felt the City would be enjoined again, as in the past, and that he would like to give the ordinance more study. He suggested that the matter be delayed in order to give time to further consider it.

Councilman Nance also objected to the adoption of the ordinance, stating that he understood that an ordinance had been drafted which would eliminate all the objectionable features of the present ordinance.

City Attorney Boyd advised that if the foregoing ordinance should be adopted, then it would also be necessary to adopt the following ordinance:

WHEREAS, the City Council of the City of Charlotte did, on September 2, 1936, adopt an ordinance entitled as follows: "AN ORDINANCE TO REQUIRE JITNEY BUS AND TAXICAB OPERATORS CARRYING PASSENGERS FOR HIRE WITHIN THE CITY OF CHARLOTTE TO TAKE OUT AND CARRY LIABILITY INSURANCE OR PROVIDE SURETY BONDS OR MAKE A DEPOSIT OF SECURITIES WITH THE TREASURER OF

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THE CITY OF CHARLOTTE", which said ordinance is recorded in Ordinance Book 7, at pages 320 and 321 in the office of the City Clerk, and

WHEREAS, Section Two of said ordinance provided that persons, firms or corporations or association of individuals desiring to operate taxicabs in the City of Charlotte, carrying passengers for hire could deposit with the Treasurer of the City of Charlotte cash in the sum of \$5500.00 for the first taxicab operated, and increase this amount \$100.00 on each additional taxicab operated, in lieu of furnishing liability insurance, as required by Section One of said ordinance, and

WHEREAS, pursuant to said Section Two of said ordinance of September 2, 1936, certain persons or corporations elected to operate or bond certain taxicabs under the said Section Two of said ordinance, and deposited certain sums of money with the City Treasurer conditioned as set forth in said ordinance, and

WHEREAS, the City Council of the City of Charlotte has this day repealed said Section Two of said ordinance of September 2, 1936, and all taxicabs heretofore operated under the provisions of the said Section Two are now required to carry liability insurance after July 1, 1938, and

WHEREAS, certain claims and rights of third parties have arisen and exist, and are outstanding and certain lawsuits are pending in the Superior Court of Mecklenburg County by reason of the operation of taxicabs under said Section Two of the said ordinance of September 2, 1936, and

WHEREAS, the ordinance this day adopted repealing Section Two of the ordinance of September 2, 1936, does not become effective until July 1, 1938, and other claims may arise.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1: That the money or other securities heretofore deposited with the City Treasurer as a surety bond for taxicab operators under said Section Two of said ordinance of September 2, 1936, shall be retained by the City Treasurer to satisfy any final judgment rendered for injuries or damage to person or property as the result of any action arising out of the operation of any taxicab operated under the said Section Two of the Ordinance of September 2, 1936, and up to July 1, 1938, said money to be retained for this purpose to satisfy any final judgment for which the said money or securities were deposited to secure, provided that all actions based upon claims for injuries or damage on account of the operation of such taxicabs must be commenced within four months from July 1, 1938.

Section 2: After all such final judgments have been satisfied of record the balance of said fund, if any, shall be paid to the persons or corporations depositing the same, or to their or its legal representative, successor or assigns.

Section 3: This ordinance shall become effective upon its passage and publication in the Charlotte News.

Mayor Douglas gave the taxicab owners present an opportunity to be heard at this time, and Mr. H. L. Taylor, representing Beatty Bros. and McCoy Service Co., who have the deposits with the City Treasurer covering the dime taxicabs, stated that an ordinance had been drawn which would take care of any objections in the existing ordinance, but the Mayor called for a vote on the first ordinance presented at this meeting, with the following result:

For the ordinance: Councilmen Baxter, Durham, Griswold and Huntley.

Against: Councilmen Albee, Nance, Hudson and Little.

Councilmen Sides and Wilkinson not voting. The Mayor declared the motion lost and the ordinance not carried.

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Mr. Taylor stated that he wished to clear up certain accusations made by the two attorneys opposing the present ordinance last week, and that during the last eighteen months the taxicab operators had 28 injury cases, with only two of those showing fracture. He presented Dr. J. Rush Shull, consulting surgeon for the McCoy Service Company and Beatty Bros., who stated that all patients received expert medical attention and the personal solicitude of the above insurers.

A general discussion by several of the Council with Mr. Taylor followed, regarding suits, etc., and at the request of Councilman Hudson, the City Attorney agreed to furnish all the Council with copies of the proposed ordinances presented at this meeting for further study and the Mayor announced that the matter would be taken up again next week.

AGREEMENT WITH STATE HIGHWAY COMMISSION.

The City Manager presented an agreement with the State Highway Commission for the construction of that part of the new Concord to Charlotte highway that will be inside the city limits, and the following resolution was offered by Councilman Sides, and seconded by Councilman Albea, and upon being put to a vote was unanimously carried:

"Whereas, that improvement designated by the State Highway and Public Works Commission as Project #6582, is considered to be the most necessary improvement in the highway system in the corporate limits of the said municipality, for the promotion of public safety and convenience:

Now, Therefore, Be It Resolved that the above Project #6582 be and is hereby formally approved by the City Council of the said municipality, and that the Mayor and Clerk of the said municipality be and are hereby empowered to sign and execute the require agreements between the said municipality and the State Highway and Public Works Commission."

AGREEMENT WITH S.A.L. RAILWAY.

Mr. Marshall reported that it was advisable that one of the existing water mains leading from the filter plant on Beatty's Ford Road into the city be changed from its present location under the S.A.L. Railway tracks to a new location over the tracks, and submitted the necessary agreement between the City and the Railway Company for consideration.

Thereupon, on motion of Councilman Albea, seconded by Councilman Griswold and unanimously carried, the Mayor and Clerk were authorized to sign this agreement

CONTRACT FOR FENCE AROUND WATER TANK ON EIGHTH AND PECAN AVENUE.

Bids having been received for material to construct an iron picket fence around the lot on 8th. Street and Pecan Avenue, on which the new water storage tank has been erected; this being in accordance with a petition received from a number of residents of that section, as follows:

T. L. Pitts & Son	\$825.00
R. R. Robertson	940.00
E. F. Baesel	1050.00
Allison Fence Company	1135.87
Southern Engineering Co.	1179.00,

on motion of Councilman Huntley, seconded by Councilman Albea and carried, contract was awarded to T. L. Pitts & Son, at a delivered price of \$825.00, and the Mayor and Clerk were authorized to sign the contract.

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NOTICE OF SUIT OF COMMERCIAL NATIONAL BANK AND COY E. LANGFORD VS, CITY OF CHARLOTTE.

Mr. Marshall reported receipt of notice of a suit of the Commercial National Bank and Coy E. Langford, jointly, against the City of Charlotte, said suit involving a street assessment on Belmont Avenue and Seigle Street, which has been referred to the City Attorney.

PURCHASE OF MOTORCYCLE FOR POLICE DEPARTMENT.

On motion of Councilman Albea, seconded by Councilman Huntley, the Mayor and Clerk were authorized to execute a contract with the Creech Motorcycle Company for a new motorcycle to replace one in the Police Department recently damaged by fire; the original price of the motorcycle being \$522.25, with an allowance of \$175.00 for trade-in of the damaged machine, making net cost of \$347.25, to which a credit of \$75.00 collected from the insurance company would apply, making the total cost of the new machine only \$272.25.

SETTLEMENT OF STREET ASSESSMENT.

Sometime last fall the City foreclosed the property of W. H. Huneycutt at 1124-26 Pegram Street under Street Assessment No. 21010, and on February 2d. 1938, the Council passed a motion agreeing to settle this account for \$328.18 and the Collector of Revenue was authorized to accept a check for this amount in full settlement. The check having been received by the Collector of Revenue, on motion of Councilman Durham, seconded by Councilman Albea, the Mayor and Clerk were authorized to execute a deed conveying the property at the above address back to W. H. Huneycutt.

PURCHASE OF CERTIFICATES OF DEPOSIT.

On motion of Councilman Albea, seconded by Councilman Durham, the purchase of Certificates of Deposit of \$5,000.00 each from the City Industrial Bank and the MorrisPlan Bank, to mature 3-11-39 and to bear interest at $2\frac{1}{2}\%$, was approved, subject to proof that these institutions are covered by Federal Deposit Insurance and to the approval of the Local Government Commission.

BUS STOPS.

Councilman Baxter requested the City Manager to take up with the Duke Power Company the matter of buses being stopped in the middle of the block, and Mr. Marshall advised that he had already had the matter up with the Duke Power Company and that while it was hard for the buses to adhere to certain regulations, these matters would eventually be worked out.

FENCES AROUND THE OTHER TWO WATER TANKS.

Councilman Sides recommended that inasmuch as a fence is to be placed around the water tank site on Eighth and Pecan Streets, that residents in the neighborhood of the other two tanks would also request fences, and suggested that before the money from this bond issue is turned loose that such fences be constructed.

ADJUSTMENT OF STREET ASSESSMENT ACCOUNT ON SOUTH GRAHAM STREET.

On motion of Councilman Durham, seconded by Councilman Sides, the street assessment account on South Graham Street in the name of Mrs. Sadie G. Anderson, and in the amount of \$743.21, was to be discounted by the amount of \$500.00 for the reason that after thorough investigation it

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was found that the damages to this property had not been fully taken into account at the time benefits and damages were set up.

STREET ASSESSMENT ACCOUNT ON SEIGLE AVENUE TO BE SETTLED IN FULL.

On motion of Councilman Durham, seconded by Councilman Albea, the street assessment account on property located at 1220 Seigle Avenue was ordered settled in full upon the payment of \$400.00 cash; this property having been appraised and it was revealed that \$400.00 was a fair price for the lot as of the market today.

SWIMMING POOL PROJECT AGAIN DISCUSSED.

The Mayor stated that the Council was ready to again consider the request of the Park and Recreation Commission regarding the advance of money on uncollected back taxes, and the following ordinance having been prepared by the City Attorney, was presented:

BE IT ORDAINED by the City Council of the City of Charlotte, in regular session, as follows:

Section 1: That \$5,581.00 be transferred from the General Fund of the City to the account of the Charlotte Park and Recreation Commission and that the said sum be advanced to the Charlotte Park and Recreation Commission in exchange for a note to be executed to the City of Charlotte by the Park and Recreation Commission, as provided by law, which sum represents the amount of money that will go to the Charlotte Park and Recreation Commission from uncollected back taxes heretofore levied for park purposes, in accordance with statement of M. L. Westmoreland, Municipal Accountant, dated March 28, 1938, and provided that the said note shall contain a provision that in the event the taxes for the years 1937 and prior thereto are not collected in full that future levies for park purposes shall be responsible and liable for the payment of this note; provided that the Park and Recreation Commission pass a resolution to this effect; and provided further that no sum so advanced shall in any event exceed 2-cents on the \$100.00 valuation of property, as now provided by law, for park purposes.

The above ordinance was adopted on three readings, on motion of Councilman Barter, seconded by Councilman Griswold, with Councilman Durham voting "No" and Councilman Wilkinson not voting.

ELECTION OF MEMBER OF MUNICIPAL AIRPORT COMMISSION.

On motion of Councilman Albea, seconded by Councilman Huntley, Mr. Charles E. Lambeth was nominated to fill the vacancy on the Municipal Airport Commission caused by the expiration of his present term. This nomination was unanimous and Mr. Lambeth was declared re-elected to this Board to serve for three years.

ELECTION OF MEMBER TO CIVIL SERVICE COMMISSION.

Councilman Griswold nominated Mr. Brevard Garrison to fill the vacancy on the Civil Service Commission, the term of Mr. W. W. Kale having expired. This was seconded by Councilman Wilkinson and unanimously carried, and Mr. Garrison was declared elected to serve a three-year term on this Commission.

CEMETERY DEEDS.

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

F. B. Taylor, Lot No. 343, Section "U", Elmwood

\$70.00

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Deed to be made to R. E. Lindsay, C. W. Lindsay, R. A. Lindsay and
P. A. Lindsay, in lieu of deed issued March 30, 1911, to Mrs. Sarah
Lindsay (now deceased) mother of the foregoing. \$1.00

ADJOURNMENT

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

Alice B. M. Couell
City Clerk