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The regular meeting of the City Council was held in the Council Chamber, City Hall, at 4:00 o'clock P. M., Wednesday, November 9, 1938, Mayor Douglas presiding and Councilmen Albea, Baxter, Durham, Griswold, Hovis, Hudson, Huntley, Nance, Sides and Wilkinson being present.

Absent: Councilman Little.

MINUTES OF OCTOBER 19TH AND 24TH. AND NOVEMBER 2ND. APPROVED.

On motion of Councilman Albea, seconded by Councilman Huntley, the minutes of the meetings of October 19th. and 24th. and November 2nd. were approved as read; Councilman Wilkinson asking to be recorded as voting for all the minutes with the provision that he was not in favor of the City of Charlotte spending any money on slum clearance survey by any group of people other than those in Charlotte. It was explained to Mr. Wilkinson, who was absent from the last meeting, that the survey would be made entirely by people from the W.P.A. rolls in Charlotte and Mecklenburg County.

RETIREMENT FUND FOR CITY EMPLOYEES.

Mr. Ray Galloway and Mr. M. L. Westmoreland, two Division Heads of the City government, appeared before the Council relative to a movement to secure for municipal employees an Act, at the forthcoming Legislature, providing for retirement for City employees in the State. Mr. Galloway explained that the proposal was for municipal employees in North Carolina to unite and ask for an enabling Act, but that before going any further with the idea they desired to have the approval or disapproval of the City Council. He stated that the matter had already been discussed with the Mayor and City Manager and they had suggested that he appear before the Council. Mr. Westmoreland explained how it was planned to handle the matter, which should be handled with dispatch in order to get it before the next session of the Legislature, and that the League of Municipalities in Raleigh would assist in attempting to get such an Act passed.

Whereupon, Councilman Baxter made a motion that the Council go on record as approving of the idea of retirement for City employees and to instruct the committee to proceed. Motion seconded by Councilman Sides and unanimously carried.

PUBLIC HEARING ON LOW COST HOUSING TO BE HELD NOVEMBER 30TH.

Mayor Douglas explained that it would be necessary to have a public hearing on the low-cost housing question since a petition signed by twenty-five citizens had been presented, and he suggested that November 30th. be set as the date for holding this public hearing.

Councilman Baxter, seconded by Councilman Albea, moved that November 30th. be set as the date for holding this public meeting, which was carried.

COMPROMISE IN CASE OF FRANK JONES.

Mayor Douglas advised the Council that he had been called by Judge Luther Hamilton relative to the case of Frank Jones, (colored) who was injured by falling in a manhole, stating that he had been permanently disabled and that the case had been tried before a jury and the jury had

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brought in a verdict and awarded damages in the sum of \$500.00, which the Judge felt was not enough. He informed the Mayor that if the City would agree to compromise the case for \$1500.00 he would set aside the verdict. This matter was discussed with Mr. Boyd, City Attorney, who stated that the Judge had not committed himself as to what issues would be set aside, and that if carried to a higher court it might result in the City having to pay anywhere from \$1500 to \$5000.00.

Councilman Sides, seconded by Councilman Baxter, made a motion that the case be compromised for \$1500.00, in accordance with the request of the Judge, which motion carried.

TEST CASE TO BE BROUGHT ON EXPENDITURE OF CERTAIN PRIVILEGE TAXES, ETC.

Mayor Douglas called on the Council regarding their desire in the matter of whether or not a test case will be started in the State Supreme Court to determine if certain privilege licenses, inspection fees, etc. collected by the City of Charlotte comes within the scope of Section 7, Article #7 of the Consolidated Statutes, and if so there was probably \$5400.00 surplus in the budget that might be used for lengthening runways and doing other needed improvements at the Airport.

Whereupon, Councilman Hovis, seconded by Councilman Baxter, moved that a test case be carried to the Supreme Court on this question.

Mr. Marshall explained that he doubted if there was a surplus of \$5400.00 in the budget inasmuch as the budget was prepared before the books of the proceeding year were closed and that the amount of assessed valuation was not known, and that the surplus was merely guessed at at that time. Mr. Douglas then said that he was desirous of having the case brought in order to be of benefit next year if not this, and a vote was taken on the above motion and same carried.

RE-ASSESSMENT ORDINANCE - BEATTIES FORD ROAD.

On motion of Councilman Baxter, seconded by Councilman Durham, the following re-assessment ordinance for property on Beattie's Ford Road, 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 Beatties Ford Road, beginning at a point 135.51 feet, as measured, southerly from the southwesterly corner of the intersection of Beatties Ford Road and Celia Avenue, and running thence in a southerly direction 64.7 feet and being originally assessed as a whole against William Frazier, is hereby subdivided and reassessed on the west side only as follows:

<u>NEW NO.</u>	<u>OWNER</u>	<u>FRONTAGE</u>	<u>WATER</u>	<u>SEWER</u>	<u>STREET</u>	<u>WALK</u>	<u>TOTAL</u>
1317	Wm. Frazier Estate	14.7	--	--	85.91	14.50	100.41
1319-21	Ella Frazier	50.0	15.00	--	292.21	44.83	352.04

STREET MAINTENANCE ON HOLLY STREET AND PITTS DRIVE.

On motion of Councilman Huntley, seconded by Councilman Wilkinson and carried, the request of residents on Holly Street and Pitts Drive that these streets be maintained by the City, was granted.

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WATER MAIN INSTALLATION - WOODDALE ROAD.

On motion of Councilman Sides, seconded by Councilman Albea, the request of the John Crosland Company for installation of a 2" water main in Wooddale Road, between Wilmore Drive and Rockway Road, was approved, and the Mayor and Clerk authorized to sign an agreement with the John Crosland Company that they guarantee the City an income equal to 10% of the cost of the main, amounting to \$72.00.

OFFICES FOR BETTER HOUSING SURVEY.

The City Manager reported that in accordance with the request at the last meeting, investigation was made of possibilities for locating the W.P.A. office for making the Low-cost Housing Survey, and that the abandoned Water Works Shop on North Graham Street could be put into suitable shape and maintained for approximately \$385.00; rent on the necessary office equipment would be approximately \$500.00 and office supplies \$100.00, and it was his recommendation that \$1,000 be appropriated from the Contingent fund for this Survey. However, Councilman Barter moved that no money be appropriated for this purpose until after the public hearing set for November 30th., which motion was seconded by Councilman Huntley, and carried.

Councilman Wilkinson asked if it was not the duty of the Health Department to condemn property that was not suitable for living purposes, and along this line Councilman Sides stated that he had heard a great deal of criticism on the fact that the Health Department had authorized certain buildings to be condemned as being unsanitary and that the Inspection Department had refused to enforce the laws regarding same. He stated that he had personally looked into conditions since it was brought to the Council's attention by Mrs. Wanzer at the meeting last week and that the laws regarding such conditions should be enforced.

PURCHASE OF BONDS FOR SINKING FUND.

On motion of Councilman Hovis, seconded by Councilman Wilkinson, approval was given for the purchase of two Cleveland County Township #2, 5-1/4% Bonds, due March 1, 1940, at a price to yield 2.25%.

CONTRACT FOR 100 5/8" WATER METERS LET TO NEPTUNE METER COMPANY.

Bids having been received from Neptune Meter Company; Hersey Manufacturing Company and Pittsburgh Equitable Meter Company for 100- 5/8" Water Meters, all at the price of \$900.00, on motion of Councilman Wilkinson seconded by Councilman Huntley, contract was awarded to Neptune Meter Company on the policy of alternating business when bids are the same.

PURCHASE OF WINDSHIELDS FOR FIRE ENGINES.

The City Manager reported that quotations were called for on windshields for equipping three American LaFrance Fire Engines but that satisfactory bids from vendors other than the American LaFrance and Fomite Industries could not be obtained and it was his recommendation that purchase of these three windshields be made from the American LaFrance and Fomite Industries at the price of \$495.00 delivered, and on motion of Councilman Albea, seconded by Councilman Durham, this recommendation was approved and the Mayor and Clerk were authorized to sign the contract.

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SEWER INSTALLATION ON MERRIMAN AVENUE.

On motion of Councilman Huntley, seconded by Councilman Albea, approval was given on the request of Mr. M. F. Patterson for installation of a sewer on Merriman Avenue, from West Boulevard 1500 feet north to near Spruce Street; it being the intention of Mr. Patterson to construct four houses on this street and the sewer to serve three houses already erected, making a total of seven houses, and the work being estimated to cost \$1287.00. This approval was given that the sewer be installed if and when construction on the four additional houses is started.

SEWER EXTENSION ON CHATHAM AVENUE.

On motion of Councilman Albea, seconded by Councilman Durham, authority was given for the extension of a sewer on Chatham Avenue, between Club Road and the end of the present sewer south of Belvedere Ave., 300 feet south, to serve six lots and two houses already constructed. The estimated cost of the extension as made by the Engineering Department is \$284.63.

Councilman Baxter stated that he wished to call to the attention of the Council that the F.H.A. had made these sewer extensions possible and also that it was responsible for the payment of a large amount of taxes in advance which the City might not otherwise receive, inasmuch as it required all taxes on property handled by it to be paid in advance.

REQUEST OF INDEPENDENCE TRUST CERTIFICATE FUND REFERRED TO REAL ESTATE COMMITTEE.

Mr. Marshall informed the Council that Independence Trust Certificate Fund owns three houses on East Second Street, east of South McDowell Street and that these three houses encroach on City property 1 ft. and that this Trust Fund was asking that the City to deed them this land for a fair sum or else the houses would have to be moved, as they were on the market and could not be sold without a deed for this 1 ft. of land.

Councilman Hovis made a motion that the matter be referred to the Real Estate Committee to report back at the next meeting, which was seconded by Councilman Albea and carried.

COPIES OF AUDITORS' REPORT OF TAX COLLECTOR'S OFFICE PRESENTED FINANCE COMMITTEE.

Copies of the Auditors' report, for the fiscal period ending September 30th., of the Tax Collector's office, were presented to the Mayor and members of the Finance Committee.

NO MEETING NEXT WEEK.

On motion of Councilman Albea, seconded by Councilman Hudson, the meeting of November 16th. will be dispensed with.

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WHITE GLOVES TO BE PURCHASED FOR TRAFFIC OFFICERS.

Councilman Baxter reported that the Police Committee had met recently and that it was the recommendation of this Committee that the Council recommend to the Chief of Police that the traffic officers on duty up-town wear white gloves in order that they may more easily be seen. Mr. Marshall advised that there was enough money left in the Uniform fund to purchase two pairs of white gloves for each traffic officer, and on motion of Councilman Baxter, seconded by Councilman Huntley, Chief Pittman is to be instructed to purchase these gloves.

COURTESY CARDS TO BE CONTINUED.

Mayor Douglas informed the Council that two years ago the Council ordered courtesy cards printed to be placed on out of town cars, which he thought was a fine thing, and asked if they wished to continue this. Mr. Marshall stated that the Civil Service Commission had already issued instructions that they be gotten up and it was the opinion of the Council that the use of these cards should be continued.

AUDIT OF WATER WORKS PROGRAM ACCOUNTS.

Councilman Baxter stated that he had noticed from the papers that an audit was being made of the Water Works Extension books but that it was not known who was having this audit made and that while he realized that any citizens of Charlotte could come down at any time and have access to City records he felt that the Council should know who was seeking the information. He suggested that no further information be allowed the auditors until they revealed the party or parties responsible for the examination. It was the opinion of the entire Council that this was not the proper manner to go about securing the information but a number of them felt that they should not be prevented from going on with the audit. Councilman Sides was of the opinion that the work should be stopped until the parties having same made were known to the Council and so moved, but no second was secured on this motion. It was discussed with the City Attorney whether or not the Council could legally prevent the audit but he stated he did not care to give an opinion off hand, and after much discussion Mayor Douglas stated that he felt that they should be allowed to go on inasmuch as it would cause more comment to stop it than to have them continue and that the City's records were in order and everything in proper condition.

ADJOURNMENT.

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

*Alice B. McCowell*  
City Clerk