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The City Council held its regular weekly meeting in the Council Chamber, City Hall, at 4 o'clock P. M., Wednesday, June 24, 1942, Mayor Currie presiding, and Councilmen Albea, Baker, Beasley, Hovis, Little, Painter, Price, Ross, Slye and Ward being present.

Absent: Councilman Daughtry.

MINUTES APPROVED.

Upon motion made by Councilman Albea, seconded by Councilman Slye, the minutes of the previous meeting, June 17th., were approved as read.

REPORT OF OPERATING COMMITTEE ON DUKE POWER COMPANY'S REQUEST TO PURCHASE LAND OWNED BY CITY AT SUGAW CREEK DISPOSAL PLANT.

Councilman Slye, Chairman of the Operating Committee, reported that his committee had looked over the land which the Duke Power Company wishes to purchase in order to erect sub-station and transmission line, and that it was the recommendation of his committee that the City sell only half of the strip desired between the Creek and Ebenezer Road instead of the entire strip, for the reason that residential lots in that vicinity have already been sold and that no one would care to build a home near a sub-station.

Mayor Currie referred this report to the City Manager to confer with Duke Power Company officials to determine if they wish this half-portion or if it will serve their needs, and if so, to again bring the matter to the Council.

LAND TO BE LEASED TO U. S. GOVERNMENT NEAR AIRPORT.

Mr. Slye reported that it was the recommendation of the Operating Committee, in connection with the request of the U. S. Government for additional land near the Municipal Airport, which was referred to that committee on June 17th., that the present lease for the land already used by the Government adjoining this desired portion be recinded and that a new lease covering the entire property covered by the old lease as well as that now asked for be drawn and executed.

Whereupon, Councilman Albea moved that this piece of land be leased to the Government for the price of \$1. for the duration of war, new lease to be approved by the City Attorneys. Motion seconded by Councilman Slye and unanimously carried.

STREET NAME CHANGED - NASSAU BOULEVARD CHANGED TO PLAZA COURT.

Upon motion of Councilman Ward, duly seconded by Councilman Slye and carried, the name of Nassau Boulevard from Belvedere Avenue to Plaza Court was changed to Plaza Court; this being the unanimous recommendation of the Operating Committee.

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RESOLUTION REQUIRING REPORTS TO THE CITY MANAGER OF OVERDUE ACCOUNTS OWED THE CITY.

The following resolution was introduced by Councilman Ross, who moved its adoption:

RESOLVED that the head of each department in the government of the City shall report to the City Manager every 60 days all accounts owed to his department that are then as much as 60 days past due, and that whenever any such account becomes as much as 120 days past due, the City Manager shall turn such account over to the City Attorneys who shall immediately proceed to attempt to collect said account by all available legal means.

Motion to adopt was seconded by Councilman Ward and was unanimously carried when put to a vote.

SETTLEMENT WITH G. A. SMITH FOR STREET ASSESSMENTS.

Mr. H. B. Campbell, City Attorney, advised the Council that in connection with the notice of claim against the City of Charlotte for certain street assessments on property of G. A. Smith on Carmel Street, which was referred to the City Attorneys for handling on March 6, 1942, that the first two claims which Mr. Smith presented were out by reason of the ruling of the Courts in the Kavanaugh case, but that on the third claim of Mr. Smith, it was found that he was incorrectly assessed for 100 feet, whereas it actually owns only 83 feet, and that it was his recommendation that Mr. Smith be refunded this difference in assessment but that he not be paid in cash but be credited on assessments which he now owes, by furnishing him a receipt for the amount credited, and that in this connection re-assessment petition had been prepared by the Engineering Department and the following re-assessment ordinance presented for adoption:

CARMEL STREET

The City Council of the City of Charlotte, N. C. DO ORDAIN that the special benefits to the abutting property on Carmel Street, on account of the benefits of the paving of the roadway and sidewalks, beginning at the northeast intersection corner of Carmel Street and French Street and running thence in a northerly direction, a distance of 100 feet, and being originally assessed as a whole against Sadie K. and Nina A. Smith, is hereby subdivided and reassessed on the east side only, as follows:

| <u>Street No.</u> | <u>Owner</u> | <u>Frontage</u> | <u>Water</u> | <u>Sewer</u> | <u>Street</u> | <u>S-Walk</u> | <u>Total</u> |
|-------------------|-------------------|-----------------|--------------|--------------|---------------|---------------|--------------|
| Part of 500 | City of Charlotte | 17 | - | - | 64.65 | 9.22 | 73.87 |
| 500-02-04 | G. A. Smith | 83 | - | - | 315.64 | 48.56 | 364.20 |

Upon motion made by Councilman Albea, duly seconded in each instance by Councilman Baker, the above ordinance was unanimously adopted on three readings and declared by the Mayor to be an ordinance of the City of Charlotte.

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CITY TO INSTITUTE SUIT AGAINST PROPERTY OWNERS AS RESULT OF JUDGMENT IN
SUIT OF MRS. MAUDIE ELWOOD FISHER VS. CITY OF CHARLOTTE.

Mr. H. B. Campbell reported to the Council that in the suit of Mrs. Maudie Elwood Fisher vs. the City of Charlotte, a verdict of \$750.00 against the City had been given and that it was his recommendation not to take an appeal in the case but to immediately institute suit against E. M. Cole and his tenant on Central Avenue, and against Mr. and Mrs. Armstrong and tenant on Central Avenue, on the basis that the iron pipe, which is the recognized corner of the property, was the cause of this accident, and that they pay to the City the amount of damages awarded to Mrs. Fisher, etc.

Councilman Ross moved that the City Attorneys be authorized to institute suit against the above parties above mentioned and not to make an appeal of the case of Mrs. Fisher. Motion seconded by Councilman Price and carried.

AN ORDINANCE PROHIBITING INJURY TO MATERIAL OR EQUIPMENT USED IN CONNECTION WITH THE NATIONAL EMERGENCY.

The following ordinance was introduced and on motion made by Councilman Ward, seconded in each instance by Councilman Painter, was unanimously adopted on three readings, and declared by the Mayor to be an ordinance of the City of Charlotte, this 24th day of June, 1942:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE, N. C.:

Section 1: It shall be unlawful for any person, firm or corporation to tamper with, break, cut, injure, deface, destroy or in any way impair the usefulness of any sand bag or sand box placed at any place within the city limits of the City of Charlotte for use in extinguishing any sort of fire that might result from an air raid or other form of attack, or other cause.

Section 2: It shall be unlawful for any person, firm or corporation to tamper with, break, cut, injure, deface, destroy or in any way impair the usefulness of any protective equipment or material which is used, or held for use, in the City in connection with the present National War Emergency.

Section 3: The violation of any of the provisions of this ordinance shall be a misdemeanor and punishable as such.

Section 4: All ordinances and clauses of ordinances in conflict herewith are hereby repealed.

Section 5: The City Clerk shall certify to the passage of this ordinance and cause the same to be published.

Section 6: This ordinance shall take effect from and after its passage.

APPROVED AS TO FORM:

Tillett & Campbell
City Attorneys

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APPROVAL OF LOCAL GOVERNMENT COMMISSION GIVEN ON \$230,000 WATER BOND ISSUE.

Mr. Flack report to the Council that the Local Government Commission had approved the issuance of the \$230,000 Water Bonds authorized by the City Council on June 1, 1942.

CONTRACT BETWEEN CITY OF CHARLOTTE AND STATE BOARD OF HEALTH ORDERED SIGNED.

Mr. Flack presented a contract between the City of Charlotte and the State Board of Health for the present fiscal year, which he stated was made for the State Board of Health records in order that they may balance their account for the year. This contract has been gone over by the City Attorneys and any objectionable phases deleted and merely calls for the payment to the City from the State of certain funds in connection with the Health Department work. He stated that the contract presented at this time meets the approval of the City Attorneys.

Upon motion made by Councilman Slye, seconded by Councilman Baker, the Mayor was authorized to sign this contract.

BALANCE OF BILL DUE CLERK OF COURT IN WHITEHEAD CASE ORDERED PAID.

Upon motion of Councilman Little, seconded by Councilman Albea, authority was given for the payment from the Emergency Fund of a balance due to the Clerk of the Court in connection with the costs in the case of Janie Whitehead vs City of Charlotte; this balance being \$6.70.

RENEWAL OF LEASE WITH U. S. GOVERNMENT FOR ORIGINAL AIR BASE LAND.

The Mayor was authorized to execute renewal lease with the U. S. Government, Contract No.54-41-1415, covering the original lease for the Charlotte Air Base, upon motion made by Councilman Albea, seconded by Councilman Baker and unanimously carried.

SCREENS FOR WATER DEPARTMENT SHOP.

Upon motion of Councilman Baker, seconded by Councilman Slye, approval was given for the purchase of metal screens and doors for the Water Works Shop on Fairmont Street, from the Bost Building Equipment Company, at the total price of \$130.50, this being the only quotation given on this work.

APPROPRIATION OF \$100 FROM EMERGENCY FUND FOR MECKLENBURG COUNTY RATIONING BOARD.

Upon motion made by Councilman Albea, seconded by Councilman Slye, the sum of \$100 was appropriated from the Emergency Fund to the Mecklenburg County Rationing Board until the 1st of July, when the new budget goes into effect, to cover incidentals, such as ice, pencils, paper and janitorial services; the County Commissioners having appropriated \$50. for this purpose.

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SPECIAL OFFICER PERMITS RENEWED.

Upon motion of Councilman Beasley, seconded by Councilman Little, the special officer permit of Mr. J. Watt Kirkpatrick, in connection with his work with the City Health Department, was authorized to be renewed; and on motion of Councilman Ross, seconded by Councilman Albea, renewal of permit of James R. Manning, on the premises of the Professional Realty Co., was also approved.

APPROPRIATION OF MONEY TO PAY ASSISTANT REVENUE COLLECTOR TO JUNE 30th

An appropriation of \$115.02 from the Emergency Fund was made to cover salary of the Assistant to the Revenue Collector from June 22nd. to June 30th., upon motion of Councilman Albea, seconded by Councilman Slye and carried.

LAWN MOTOR FOR ELMWOOD CEMETERY PURCHASED:

Councilman Baker moved that a new 3-horse power lawn mower motor be purchased from the E. J. Smith Company, at the price of \$125.00, for Elmwood Cemetery; this company having advised that the cost of repairs to the old 2-horse motor will be approximately \$110.00 and the 3-horse power motor being more suitable for the work at the Cemetery. Motion seconded by Councilman Slye and carried.

CEMETERY DEEDS.

Upon motion of Councilman Little, seconded by Councilman Albea, the following cemetery deeds, transfers and perpetual care agreements were approved for issuance:

| | |
|---|-----------|
| Mrs. Z. V. Linker, Lot No. 65, Section "X", with perpetual care - | \$ 114.90 |
| E. R. and M. Emma McGinn, Lot No. 25-A Annex " " " | 197.60 |
| Transfer of the North Half of Lot No. 18, Section A Annex from | |
| Mrs. Cora Deaton to Mrs. R. G. Wallace, new deed to be made to | 1.00 |
| Mrs. Deaton for the South Half. | |

REPORT SOON ON NEW CEMETERY.

Councilman Ross reported that he hoped to have a report soon regarding the appraisal of property adjoining Oaklawn Cemetery, together with the present cemetery; he having had difficulty in securing appraisers to do this work.

ADJOURNMENT.

On motion of Councilman Albea, the meeting adjourned.

Alice B. McConnell
City Clerk