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The regular meeting of the City Council was held in the Council Chamber, City Hall, on Wednesday, November 4, 1943, at 4:00 o'clock P. M., with Mayor Baxter presiding, and Councilmen Atkins, Baker, Bullard, Cope, Daughtry, Hovis, Painter, Price and Ward.

Absent: Councilmen Albea and Slye.

MINUTES APPROVED.

Upon motion of Councilman Daughtry, seconded by Councilman Atkins, the minutes of the previous meeting were approved as read.

NOTICE OF CLAIM OF MRS. WINNIE A. BUMGARNER.

Mr. Grainger Pierce, Attorney, gave notice of claim against the City, in the amount of \$25,000.00, of Mrs. Winnie A. Bumgarner, Guardian for Russell Lee Bumgarner, whom it is alleged was knocked down, and killed, by a truck belonging to the City of Charlotte, on October 18, 1943.

PAYMENT AUTHORIZED FROM EMERGENCY FUND FOR APPRAISAL AND SECURING OPTION ON PROPERTY FOR CEMETERY EXPANSION.

Upon motion of Councilmen Ward, seconded by Councilman Price, payment of \$250.00 to S. B. McLaughlin was authorized from the Emergency Fund for appraising and securing option on seven parcels of land located on the east side of North Cedar Street, between West Fifth Street and Elmwood Cemetery.

PAYMENT FOR EMERGENCY SERVICES AUTHORIZED TO MEMORIAL HOSPITAL, AND REQUEST OF HOSPITAL TO MAKE PAYMENT FOR LIGHTING.

The City Manager recommended that the City pay charges for emergency services rendered by Memorial Hospital, amounting to \$1,085.00, and that Memorial Hospital pay to the City \$1,057.72 for lighting their private property, it being the purpose of the recommendation, insofar as possible, to offset these accounts. The Manager stated this was not to be considered a precedent for future charges of the Hospital concerning emergency services. The above transaction to be approved by the City Attorneys. Councilman Price moved that the City Manager's recommendations be accepted as outlined. Motion seconded by Councilman Daughtry. Councilman Ward made a substitute motion that the matter be turned over to the City Attorneys for investigation, and be brought back to Council for final action. Motion seconded by Councilman Price and carried.

PROPERTY AT 1218-20 BEATTIES FORD ROAD APPRAISED AND BID ACCEPTED.

The City Manager reported that appraisal had been made as instructed by Council of tax foreclosure property at 1218-20 Beatties Ford Road, same being \$350.00, which is below the amount bid for same; therefore, the bid will stand, in accordance with action taken at the Council Meeting on October 27th.

PURCHASE OF SEWER RODS.

Upon motion of Councilman Atkins, seconded by Councilman Painter, approval was unanimously given to purchase 166 pieces of hickory sewer rods from W. H. Stewart, Syracuse, N. Y., at a net delivered price of \$162.68.

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COMMITTEE OF COUNCIL APPOINTED TO STUDY RECOMMENDATIONS OF COLLECTOR OF REVENUE.

The City Manager recommended that the Mayor appoint a small Committee to study certain recommendations made by the Collector of Revenue concerning the consolidating of assessment records and supplementing his force to more adequately contact the public regarding taxes and assessments. The Mayor appointed Councilmen Bullard and Atkins to compose this committee.

CITY ATTORNEYS REQUESTED TO PREPARE LEGAL SURVEY FOR CORRECTION OF SEWER DRAINAGE CONDITIONS.

Councilman Baker moved that the Council request the City attorneys to prepare a legal survey for the correction of existing sewer drainage conditions in the City. Motion seconded by Councilman Price and carried.

RESOLUTION CONCERNING EASTERN AIR LINES, INC., SERVICE.

Upon motion of Councilman Baker, duly seconded by Councilman Daughtry, the following resolution was unanimously adopted:

WHEREAS, the Civil Aeronautics Board by an order served September 14, 1943, bearing Serial No. 2440, authorized an amendment to the Certificate of Public Convenience and Necessity held by Eastern Air Lines, Inc. for its Route 5, so as "to include Raleigh, N. C. as an alternate intermediate point to Greensboro, N. C., between Richmond, Va. and Charlotte, N. C.", provided the order should not become effective until the Board shall have notified Eastern Air Lines, Inc. that the National Defense no longer requires that the inauguration of the service be delayed; and

WHEREAS, the City of Charlotte is informed, advised, and believes that Eastern Air Lines, Inc. proposes to inaugurate such service without the use of additional flying equipment or additional flying personnel, and without the establishment of additional trips or schedules, and

WHEREAS, the National Defense would not be interfered with by said service, but rather would be aided by said service, in that it would provide quick communication between Charlotte and the Raleigh-Durham area, which is not now available,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte that the Mayor of the City be, and he hereby is, authorized and instructed to communicate with the Commanding General, Army Air Forces, Washington, D. C. and with the Civil Aeronautics Board, Washington, D. C., and urge the immediate inauguration of this service.

BE IT FURTHER RESOLVED that a copy of these Resolutions be sent to the Commanding General, Army Air Forces, Washington, D. C. and to the Civil Aeronautics Board, Washington, D. C.

RESOLUTION WITH REGARD TO STREET AND SIDEWALK ASSESSMENTS AGAINST PROPERTY OF E. C. GRIFFITH COMPANY IN VARIOUS SECTIONS OF THE CITY OF CHARLOTTE, AS REFERRED TO IN TAX SUIT NO. 221 PENDING IN THE SUPERIOR COURT OF MECKLENBURG COUNTY.

WHEREAS, there is now pending in the Superior Court of Mecklenburg County an action entitled "City of Charlotte, a municipal corpora-

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tion, Plaintiff, v. E. C. Griffith Company, et al., Defendants", same being Tax Suit No. 221 and involving paving assessments and taxes on various pieces of real estate therein particularly set out, the principal amount of taxes involved being \$17,768.44, with interest, penalties and costs thereon as of the month of October, 1943, in the amount of \$3,667.66, or a total amount of taxes, principal and interest and penalties and costs of \$21,436.10, and paving assessments in the total principal amount of \$27,522.86, together with interest, penalties and costs as of the month of October, 1943, in the amount of \$19,127.87, or a total principal amount, with interest, penalties and costs on paving, in the amount of \$46,650.73; and

WHEREAS, in said action the defendants have filed an answer specifically denying the validity and enforceability of the paving assessment liens, and likewise pleaded the statute of limitations as to some of said assessments, and in addition thereto, filed a counterclaim and cross action for various claims due the defendant E. C. Griffith Company by the City of Charlotte, as follows:

1. Claim for cast iron pipe and fittings sold to the City of Charlotte in the amount of \$2,866.50, with interest thereon from April 1, 1927;

2. For various water mains constructed by the defendant E. C. Griffith Company between the years of 1922 and 1926 and taken over by the City of Charlotte and made a part of the City of Charlotte's Water Department, in the amount of \$4,836.17, together with interest thereon at the rate of six (6%) per cent. per annum from January 1, 1927;

3. Sewer lines constructed and built by the defendant E. C. Griffith Company in the Wesley Heights, West Morehead Street and Tuckaseege sections of the city of Charlotte, and thereafter taken over by the City of Charlotte and made a part of the City of Charlotte's Sewer System, in the sum of \$26,809.60, together with interest thereon at the rate of six (6%) per cent. per annum from December 15, 1932;

4. For damages done the defendant E. C. Griffith Company in entering on its property and constructing a sewer outfall line along the easterly side of Stuart's Creek north and south of West Morehead Street, in the sum of \$15,000.00 together with interest thereon at the rate of six (6%) per cent. per annum from the date of construction prior to the year 1937.

WHEREAS, the City has duly investigated the various claims set up by the defendant E. C. Griffith Company through W. E. Vest, Superintendent of Water Works and L. McC. Ross, City Engineer; and WHEREAS the City Attorneys and Special Committees of the City Council have investigated said claims, and as the result of all of said investigation, it has been determined that the City of Charlotte is justly indebted to the defendant E. C. Griffith Company as follows:

1. For cast iron pipe and fittings sold to the City of Charlotte, in the amount of \$2,866.50;

2. For various water mains constructed by E. C. Griffith Company between the years 1922 and 1926 and taken over by the City of Charlotte and made a part of the City of Charlotte's Water Department, this being done prior to the amendment of the charter of the City of Charlotte making said water lines the property of the City by the original owner merely connecting same to the City System, in the amount of \$4,836.17.

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Interest on the above two items for the purpose of settlement, \$5,247.62.

3. Sewer lines constructed and built by the defendant E. C. Griffith Company in the Wesley Heights, West Morehead Street and Tuckasee sections of the City of Charlotte, and thereafter taken over by the City of Charlotte and made a part of the City of Charlotte's Sewer System; for purposes of settlement \$14,136.72, plus interest in the amount of \$7,068.36, or a total for sewer lines of \$21,833.14.

4. For damages done the defendant E. C. Griffith Company in entering on its property and constructing a sewer outfall line along the easterly side of Stuart's Creek north and south of West Morehead Street, in the sum of \$3,000.00.

Total amount owed to E. C. Griffith Company in full settlement and compromise of all claims which it has against the City of Charlotte, \$37,783.43.

AND WHEREAS, a compromise and settlement of all claims of E. C. Griffith Company against the City of Charlotte has been discussed with representatives of E. C. Griffith Company, and it is agreeable to compromise and settle all matters now in dispute and to extinguish its claims and for it to execute and deliver to the City a valid and sufficient deed for all the sewer lines, water lines, pipes and fittings, and an easement to use a strip of land fifteen feet in width, extending seven and one-half feet on each side of the outfall sewer line now located just east of Stuart's Creek and north and south of Morehead Street, and in this regard to furnish the City with a certificate of title from an attorney approved by the City Manager to the effect that the City by such deeds will acquire a good title, and in addition thereto will procure and furnish to the City a release of the Mint Museum property from any and all outstanding mortgages and/or deeds of trust against same, and in addition thereto, the defendant E. C. Griffith Company has offered to pay in full all taxes now outstanding against any of its property more specifically set out in the tax suit now pending, previously referred to, and in addition thereto will pay the sum of \$8,867.30 in complete payment of all paving assessments, together with interest thereon now outstanding and claimed to be owed the City of Charlotte, and for the collection of which the previously mentioned tax suit No. 221 is now pending in the Superior Court of Mecklenburg County. The said offer of E. C. Griffith Company is made in consideration of the City of Charlotte accepting said payments in full compromise settlement of all of its claims for taxes and street assessments, together with interest and penalties thereon claimed to be due it by the said E. C. Griffith Company; and

WHEREAS, the City Attorneys have recommended that such a compromise settlement be accepted;

NOW, THEREFORE, BE IT RESOLVED, that the City accept of E. C. Griffith Company the sum of \$8,867.30 as a compromise settlement in complete payment of all paving and special assessments against the property of E. C. Griffith Company, as set out and contained in Tax Suit No. 221 now pending in the Superior Court of Mecklenburg County, provided if, in addition to making said payment E. C. Griffith Company will pay in full all taxes now due by it to the City of Charlotte, which, together with interest, costs and penalties, amounts to \$21,436.10, and E. C. Griffith Company will furnish to the City of Charlotte deeds and certificates of title and releases as above set forth in its offer; said compromise settlement hereof being made in accordance with section 32(39) of the City Charter, and provided such settlement

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is approved by the resident or presiding judge of the Superior Court in Mecklenburg County.

The above settlement is recommended and the form of this resolution is hereby approved, this 30th day of October, 1943.

Tillett & Campbell
City Attorneys
By H. B. Campbell

Upon motion of Councilman Daughtry, seconded by Councilman Bullard, the foregoing resolution was adopted, with Councilmen Atkins, Baker, Bullard, Cope, Daughtry, Painter and Price voting in favor of the motion, Councilmen Hovis and Ward being absent from the room.

SPECIAL OFFER PERMITS GRANTED.

Councilman Atkins moved that a Special Officer Permit be granted Z. E. Honeycutt on the premises of Southern Railway Station and premises, motion being seconded by Councilman Hovis and carried.

Councilman Hovis moved that a Special Officer Permit be granted W. S. Starnes on the premises of Picadilly Grill. Motion seconded by Councilman Bullard and carried, with Councilman Baker voting "no".

CEMETERY DEEDS APPROVED FOR TRANSFER.

Upon motion of Councilman Hovis, seconded by Councilman Atkins, the following cemetery deeds were approved for transfer:

- To Mrs. Ida Crawford, deed to Lot No. 71, in Section "Z", Elmwood Cemetery, at \$35.00.
- To T. H. and Daisy S. Alley, deed to Lot No. 91-B, in Section D-Annex, Elmwood Cemetery, at \$102.55.
- To J. H. Northey, deed to Lot No. 102, in Section "K", Elmwood Cemetery, at \$140.00.
- To J. H. Northey, Perpetual Care Deed on above lot, at \$120.00.
- To Peter and Alice Pappas transferred from C. R. Sisson and wife, deed to South half of Lot No. 29, in Section "BB", Elmwood Cemetery, at \$1.00.

ADJOURNMENT.

Upon motion of Councilman Painter, duly seconded by Councilman Atkins, the meeting adjourned.

Lillian R. Hoppman
City Clerk