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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, December 20, 1944, with Mayor Baxter presiding, and Councilmen Albea, Atkins, Baker, Cope, Daughtry, Hovis, Price, Slye and Ward being present.

Absent: Councilman Bullard.

MINUTES APPROVED.

Upon motion of Councilman Daughtry, duly seconded by Councilman Cope, the minutes of the last meeting were approved as read.

WARDS MADE NO DEPARTMENTS SUBSCRIBING 100 PER CENT TO SIXTH WAR LOAN DRIVE.

Mayor Baxter expressed congratulations to the Thirteen Departmental Heads whose personnel subscribed 100 percent to the Sixth War Loan Drive on the payroll deduction plan, and awarded Certificates of Merit to those departments. The Mayor stated that 90 percent of the City Employees had subscribed to the Sixth War Loan and were, therefore, eligible for a Minute Man Flag, which would be flown from the City Hall.

CONTRACT AWARDED A. L. HENDERSON & COMPANY FOR ENGINEERING TWO RAW WATER PUMPING UNITS AT CATAWBA RIVER PUMPING STATION.

Councilman Baker moved that contract be awarded the low bidder, A. L. Henderson & Company, for furnishing material and installing two raw water pumping units at Catawba Pumping Station, at \$10,432.00. Motion seconded by Councilman Cope, and unanimously carried.

CONTRACT AWARDED NORTH CAROLINA EQUIPMENT COMPANY FOR ONE ELEVATOR BELT ASSEMBLY AND FOUR MAIN BROOM CORE ASSEMBLIES.

Councilman Slye moved that contract be awarded the North Carolina Equipment Company for furnishing one elevator belt assembly and four main broom core assemblies, at a net delivered price of \$523.54. Motion seconded by Councilman Hovis, and unanimously carried.

PAYMENT AUTHORIZED PURITY CAFE FOR PRISONERS MEALS.

Councilman Atkins moved that payment of \$114.40 be authorized to Purity Cafe for meals for prisoners from December 1st to December 15th, 1944. Motion seconded by Councilman Painter, and unanimously carried.

PURCHASE OF POSTAL CARDS FOR WATER DEPARTMENT APPROVED.

Upon motion of Councilman Hovis, seconded by Councilman Albea, purchase of 50,000 one cent postal cards for the Water Department from the Charlotte Post Office at \$500.00 was approved.

MAXIMUM PENALTY OF 25 PERCENT FIXED ON CITY PRIVILEGE LICENSES.

Upon motion of Councilman Hovis, seconded by Councilman Atkins, 25 percent was fixed as the maximum penalty on City Privilege Licenses for the year 1944-45.

PAYMENT AUTHORIZED TO GEO. G. SCOTT & COMPANY FROM EMERGENCY FUND FOR SPECIAL AUDIT OF RECORDS OF SOUTHERN MEAT PACKERS ASSO.

Councilman Daughtry moved that payment of \$165.00 be authorized to Geo. G. Scott & Company from the Emergency Fund for special audit of records of Southern Meat Packers Association, in connection with clearing

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-the accounts of Dr. Meade of the City Health Department. Motion seconded by Councilman Albea, and unanimously carried.

A SECURITY GIVEN TO RELIEVE STORAGE CHARGE ON AUTOMOBILES HELD BY POLICE DEPARTMENT.

Councilman Albea moved that storage charge of \$45.00 on automobile held by the Police Department be ~~be waived, and same~~ remitted to Mrs. Clarence Wilson. Motion seconded by Councilman Atkins and unanimously carried.

PURCHASE OF LOT AUTHORIZED FROM MARTHA JACKSON ON STONEWALL STREET.

Councilman Baker moved that lot on Stonewall Street be purchased from Martha Jackson at \$100.00, said lot being required in the extension of East Stonewall Street. Motion seconded by Councilman Daughtry, and unanimously carried.

HOLIDAY GRANTED EMPLOYEES ON JANUARY 1, 1945 IN OBSERVANCE OF NEW YEAR'S DAY.

Councilman Albea moved that a holiday be granted City Employees on January 1, 1945 in observance of New Year's Day. Motion seconded by Councilman Painter, and unanimously carried.

ADOPTION OF RESOLUTION WITH REGARD TO STREET AND SIDEWALK ASSESSMENTS AGAINST PROPERTY OF E. C. GRIFFITH COMPANY.

The following resolution was presented by Councilman Atkins who moved its adoption as recommended by the Special Committee appointed to investigate the matter. Motion seconded by Councilman Daughtry, and unanimously carried:

WHEREAS, under date of November 3, 1943, the city council adopted a resolution pursuant to which Tax Suit No. 221 pending in the Superior Court of Mecklenburg County entitled "City of Charlotte, a municipal corporation, Plaintiff, vs. E. C. Griffith Company, et al", was compromised and settled and

WHEREAS, in the negotiations pursuant to which said compromise and settlement was arrived at there was a misstatement of facts on the part of the city as to the amount of paying assessments which was owing to the city by Griffith in that it was stated that the total principal amount with interest, penalties and costs on paving assessments amounted to \$46,650.73 and

WHEREAS, the correct amount should have been \$54,180.02 and

WHEREAS, the mistake of fact above noted was a material inducement to the compromise settlement on the part of Griffith and

WHEREAS, Griffith now takes the position that if said mistake of facts had not occurred and the true facts had been disclosed, the settlement on the basis which was made would not have been consummated and

WHEREAS, the correct amount still remaining due and unpaid to the city for paving assessments together with interest and penalties thereon as of the month of November, 1944, amounts to \$7,529.29 of which amount \$850.24 represents paving installments more than ten years past due leaving a balance which accrued within the past ten years of \$6,679.05 and

WHEREAS, Griffith now offers to pay to the city the additional sum of \$5,000.00 in full and complete compromise and settlement of all paving assessments together with interest and penalties and, in addition thereto, will not attempt to rescind the previous settlement which was

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entered into pursuant to resolution of November 3, 1943, because of any mistake in facts 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 \$5,000.00 as a compromise settlement in complete payment of all paving and special assessments against the property of E. C. Griffith Company located within the city limits of the city of Charlotte and provided this compromise settlement is accepted by said E. C. Griffith Company, and said company waives any right which it might have to rescind the previous compromise settlement which was made pursuant to resolution of November 3, 1943, because of any misstatement of facts pursuant to which said settlement was made and provided further that this settlement is approved by the resident or presiding Judge of the Superior Court of Mecklenburg County.

The above settlement is recommended and the form of this resolution is hereby approved this 19th day of December, 1944.

ADOPTION OF AN ORDINANCE CREATING A PLANNING BOARD FOR THE CITY OF CHARLOTTE.

Councilman Atkins moved the passage of an ordinance entitled "An Ordinance Creating A Planning Board for the City of Charlotte". Motion seconded by Councilman Slye, and unanimously carried, and same was declared by the Mayor to be an ordinance of the City of Charlotte. Said ordinance is recorded in full in Ordinance Book 9, Pages 235 and 236.

APPOINTMENT OF MEMBERS TO CHARLOTTE PLANNING BOARD.

Councilman Baker moved the election of the following members to The Charlotte Planning Board:

Gaston G. Gallaway	Term to expire June 30, 1945
Geo. M. Ivey	Term to expire June 30, 1946
Duncan P. Tillett	Term to expire June 30, 1947

The Mayor and City Manager to serve as Ex officio members.

Motion seconded by Councilman Daughtry, and unanimously carried.

EMPLOYMENT OF GEORGE B. BUCK, CONSULTING ACTUARY, TO STUDY PLAN OF RETIREMENT FOR CITY EMPLOYEES.

Councilman Ward, Chairman of a Special Committee appointed to recommend a plan of retirement for City Employees, moved that the City Attorneys be authorized to employ George B. Buck, Consulting Actuary, or a competent assistant, to give consideration to the following plan of retirement for City Employees, with a view to determining its cost to the City, and to come to Charlotte for a conference with the City Council and the City Employees Committee for the purpose, if possible, of working out an acceptable retirement plan:

That each employee pay 5% of his or her salary up to \$3,600.00 per year. That the maximum retirement payment per employee be \$125 per month, or 50% of his or her yearly salary, whichever is smaller. That each employee be required to make employee contributions for one year before being eligible to draw benefits, and that no employee be entitled to benefits until he or she has been continuously in the City's employ for as much as 10 years. The employees must have been in the City's employ for 30 years, or reached the age of 60 years, before being eligible to draw a pension. That disability retirement be provided for total and permanent disability, but only after 10 years service with the City.

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Motion seconded by Councilman Price, and carried by a vote of seven to three, with Councilmen Baker, Cope and Daughtry being recorded as voting against the motion.

CEMETERY DEEDS APPROVED FOR TRANSFER.

Upon motion of Councilman Albea, seconded by Councilman Howis, transfer was approved on Lot 233, in Section U, Elmwood Cemetery, by Mrs. Annie M. Dye to Dr. Arthur M. Dye, at a cost of \$1.00, and the issuance of a Perpetual Care Deed on same at \$54.00.

ADJOURNMENT.

Upon motion of Councilman Ward, seconded by Councilman Albea, the meeting was adjourned.

Lillian R. Hayman
City Clerk