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Regular weekly meeting of the City Council duly held on Wednesday, March 6, 1940, at 4:00 o'clock P. M., in the Council Chamber, City Hall, with Mayor Douglas presiding and Councilmen Barter, Hovis, Hudson, Huntley, Little, Nance, Sides, Ward and Wilkinson present.

Absent: Councilmen Albea and Britt.

MINUTES OF PREVIOUS MEETING READ AND APPROVED.

The minutes of the meeting of February 28th. were read and on motion of Councilman Sides and seconded by Councilman Little, were approved.

FIRST ANNUAL REPORT OF THE HOUSING AUTHORITY PRESENTED.

On behalf of the Chairman, Mr. Edwin L. Jones, Mr. L. R. McEliece, a member of the Commission, submitted the first annual report of the Housing Authority of the City of Charlotte, and introduced to the Council, Mr. Harold J. Dillehay, Executive Director of the Authority.

This report was accepted as information and Mayor Douglas congratulated the Housing Authority on the very splendid work done during this past year.

GASOLINE TRUCK ORDINANCE TO BE PRESENTED TWO WEEKS FROM THIS DATE.

Mr. H. L. Taylor, Attorney, representing certain gasoline trucking interests, appeared before the Council, asking that he be given notice in advance of the presentation of a proposed ordinance regulating the transportation of gasoline trucks over the streets of the City of Charlotte, and it was agreed by the Council at this time that the matter be presented at the meeting two weeks from this date, to-wit: March 20th.

HOSPITAL BIDS NOT READY FOR PRESENTATION AT THIS TIME.

Mr. Marshall explained that every effort had been made to present the bids opened on February 27th., covering hospital equipment, etc., but that several items were not yet checked, and that it might be necessary to call a special meeting of the Council to let the contracts covering this equipment on Monday or Tuesday of the next week.

PURCHASE OF 100 TONS OF PREPARED ASPHALT.

On motion of Councilman Little, seconded by Councilman Huntley and carried, the Mayor and Clerk were authorized to sign a contract with the Colprovia Road Products, Columbia, S. C. for 100 tons of Prepared Asphalt, at a total delivered price of \$737.00, this concern being the lowest bidder.

Other bids received were as follows:

Caldwell Construction Company	\$1000.00
Kentucky Rock Asphalt Company	1213.00

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SEWER EXTENSION - NORTH CHATHAM AVENUE.

On motion of Councilman Huntley, seconded by Councilman Wilkinson, approval was given for the construction of a sewer on North Chatham Avenue, a distance of 275-feet, to serve ten lots; the City to enter into an agreement with Mr. Lee Heath whereby Mr. Heath will post a certified check for \$239.25 in payment of this sewer, there being no houses on this street at this time; the City agreeing to take over the sewer at a later date when sufficient houses are constructed and connected to it.

TERMINATION OF CONTRACT WITH PLANT FOOD COMPANY.

City Manager Marshall reported that he had reached an agreement with the Plant Food Company for the termination of their contract in accordance with the authorization of the Council; the City to pay the Plant Food Company \$4000.00 and allow them to retain certain pieces of wheeled equipment, and that the contract be terminated immediately.

On motion of Councilman Wilkinson, seconded by Councilman Little and unanimously carried, the amount of \$4,000.00 for this transaction was authorized to be paid from the Emergency Fund.

NOTICE OF DAMAGE TO PROPERTY AT 920 NORTH TRYON STREET.

Receipt of notice from the Mechanics Perpetual Building & Loan Association, in which they state that their property at 920 North Tryon Street was damaged to the extent of \$1000.00 by reason of the construction of the underpass at the S.A.L. Railway, was presented to the Council by the City Manager, and referred to the City Attorney for handling.

NOTICE OF SUIT OF OTIS COMILLION VS. CITY OF CHARLOTTE

Notice of suit of Otis Comillion against the City of Charlotte, due to the death of Richard Gomillion in connection with the collapse of the footbridge over Sugar Creek on July 21, 1939, was referred to the City Attorney. The amount of the suit is \$25,000.00 and the plaintiff's attorneys are Helms and Mullis.

REQUEST FOR LICENSE TO OPERATE OYSTER BAR DENIED.

An application from Pritchard Ferguson for license to operate an Oyster Bar at 114 West 24th Street, referred to the Council by the Collector of Revenue due to the fact that the Chief of Police would not approve the application for certain reasons, was denied on motion made by Councilman Wilkinson, seconded by Councilman Huntley and carried on a six to three vote.

ADDITIONAL APPROPRIATION FOR DRILL TOWER.

Mr. Marshall reported that some additional material and supplies to complete the Drill Tower are needed and that the City has an item of \$635.00 in the unappropriated reserve, derived from rental of the City's concrete mixer, and he asked that this amount be made available for use at the Drill Tower.

On motion of Councilman Hovis, seconded by Councilman Little, this request was granted.

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CONTRACT FOR REPAIRING ROOF AT ADMINISTRATION BUILDING, MUNICIPAL AIRPORT.

On motion of Councilman Hovis, seconded by Councilman Wilkinson and carried, the Mayor and Clerk were authorized to sign a contract with the Charlotte Hardware Company for repairs to roof of Administration Building at the Municipal Airport, in the amount of \$600.00.

CONTRACT FOR YEARLY AUDIT.

On motion of Councilman Wilkinson, seconded by Councilman Sides and carried, contract was awarded the Geo. G. Scott & Company for the current yearly audit of the City's books, at a price of \$2,500.00, and the Mayor and Clerk were authorized to sign this contract.

PERSONNEL CHANGES.

The City Manager reported that he had employed Mr. J. H. Merritt as Meter Reader's Helper in the Water Department.

EASTER MONDAY TO BE HOLIDAY FOR CITY EMPLOYEES.

In accordance with the custom of granting City employees who can be away from their duties, Easter Monday as a holiday, Councilman Hovis moved that March 25th. (Easter Monday) be observed as a holiday. Motion seconded by Councilman Little and unanimously carried.

RESOLUTION RELATIVE TO STREET PAVING ASSESSMENT.

On motion of Councilman Baxter, duly seconded by Councilman Ward and carried, the following resolution relative to street assessments on lot corner of Hawthorne Lane and Bay Street, was adopted:

WHEREAS, there has arisen a question as to whether or not Street Assessment No; 7185 constitutes a lien on the rear fifty (50) feet of Lot Six (6) at the northeast corner of Hawthorne Lane and Bay Street and it further appearing that the front portion of said lot has been sold subject to said Street Assessment and that the rear portion thereof has been sold free and clear from said assessment on several instances, and whereas, all except the 7th., 8th., 9th. and 10th. installments have been paid, leaving a balance of approximately two hundred and twenty-five (\$225.00) dollars, which includes both principal and interest, and it further appearing that there may be a cloud of title upon the rear portion of said lot by virtue of the said assessment and upon recommendation of the Collector of Revenue, based upon the opinion given by the City Attorney,

BE IT RESOLVED that the lien of said assessment No. 7185 be against the front portion of said Lot Six (6) and that the rear fifty (50) feet of said lot be free from said assessment.

OFFER OF T. C. WILSON, AGENT, FOR LAND AT 5th AND 7th STREET REJECTED.

Councilman Baxter, as Chairman of the special committee to report on the offer made for City property at the corner of 5th. and 7th. Streets, reported that the committee had met and agreed to reject the offer of \$1,000.00 made for this property.

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He then made a motion that the bid for that certain piece of property at Briar Creek and East 7th Street, be rejected. Motion seconded by Councilman Wilkinson and carried.

CEMETERY DEEDS.

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

Mrs. H. P. Conway, South Half Lot No. 16, Section B.B., Elmwood	\$63.00
Mr. & Mrs. J. H. Thomson, S. Half Lot 72, Section "X"	70.00
Perpetual care on " " " "	60.00
J. R. McConnell, Sr. Lot No. 10, Section "Z"	35.00

NEW CEMETERY.

Mr. Marshall advised the Council that it had come to his attention that a private cemetery now being developed outside the City limits, had salesmen out working from door to door who were informing the citizens that the City of Charlotte had entered into an agreement with the developers whereby the City would not develop any more cemeteries, and that such claim was erroneous, since the City had entered into no such agreement and could not legally do so.

He was instructed to write to the developers of this cemetery regarding these reports and ask their assistance in stopping them.

This brought up the question of the City's need for a new cemetery, and a lengthy discussion followed, during which Mr. Armstrong, Collector of Revenue, was called in to the meeting with regard to the status of the foreclosure on Oaklawn Cemetery. Mr. Armstrong advised the Council that approximately \$12,000.00 is due on street assessment and taxes by the owners of Oaklawn Cemetery. Foreclosure proceedings were brought against this property some time ago and Mr. Marshall stated that the City was being called upon by lot owners in the cemetery to put these roads within the cemetery in passable condition.

Councilman Ward made a motion that a special committee be appointed to investigate the feasibility of a new cemetery for Charlotte, either using property already owned by the City or purchasing new lands for a City owned cemetery. Motion seconded by Councilman Little.

Councilman Wilkinson offered a substitute motion that this committee meet with the City Attorney, the Collector of Revenue, and a committee from Oaklawn Cemetery, but this motion received no second and Councilman Ward's motion was lost on a five to four vote.

Councilman Wilkinson then moved that a committee be appointed to meet with the Collector of Revenue, the City Attorney, the owners of Oaklawn Cemetery and their attorney, and see what can be done with regard to that cemetery, immediately, and to report back at the next meeting. Mr. Wilkinson was advised that no motion was necessary on this and the City Attorney and Collector of Revenue were instructed to make a report on Oaklawn Cemetery at the meeting two weeks from this date.

ADJOURNMENT.

On motion of Councilman ~~Ba~~ter, the meeting then adjourned.

Alice B. McConnell
City Clerk