

November 20, 1940
Page 359, Book No. 8.

A regular meeting of the City Council was held in the Council Chamber of the City Hall at 4 o'clock, P. M., Mayor Douglas presiding, and Councilmen Albea, Baxter, Britt, Hovis, Huntley, Nance, Sides, Ward and Wilkinson being present.

Absent: Councilman Little.

* * * *

Councilman Sides introduced the following ordinance authorizing bonds and the same was read:

AN ORDINANCE AUTHORIZING
\$18,000 WATER BONDS.

BE IT ORDAINED by the City Council of the City of
Charlotte:

Section 1. That the City of Charlotte issue its bonds, pursuant to The Municipal Finance Act, 1921, as amended, in an amount not exceeding \$18,000 for the purpose of extending the existing water works system of said City.

Section 2. That a tax sufficient to pay the principal and interest of said bonds shall be annually levied and collected.

Section 3. That a statement of the debt of the City has been filed with the Clerk and is open to public inspection.

Section 4. That this ordinance shall take effect thirty days after its first publication, unless in the meantime a petition for its submission to the voters is filed under said Act, and that in such event it shall take effect when approved by the voters of the City at an election as provided in said Act.

And thereupon the City Council, by unanimous vote, designated J. M. McCorkle, City Accountant, as the officer whose duty it shall be to make and file with the Clerk the sworn statement required by The Municipal Finance Act, 1921, as amended, as

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to debt and assessed valuation, and directed Lloyd McC. Ross, City Engineer, to furnish the City Accountant the City Engineer's estimate of the amount of special assessments to be levied on account of local improvements for which any part of the gross debt of the City was or is to be incurred and which will be applied, when collected, to the payment of such part of the gross debt.

Thereupon, J. M. McCorkle, City Accountant, filed with the Clerk, Alice B. McConnell, in the presence of the City Council, such statement of debt and assessed valuation, at the foot of which statement, Lloyd McC. Ross, City Engineer, had noted his estimate of the amount of such special assessments to be levied, which amount the City Accountant had included in his own statement.

CITY OF CHARLOTTE, NORTH CAROLINA

STATEMENT OF DEBT AND ASSESSED VALUATION MADE
PURSUANT TO SECTION 2943, THE MUNICIPAL FINANCE
ACT, 1921, AS AMENDED.

I, J. M. McCorkle, being duly sworn, DO HEREBY CERTIFY that I am the duly appointed and qualified City Accountant of the City of Charlotte, and have been designated by the City Council to make and file with the City Clerk a statement pursuant to Section 2943, The Municipal Finance Act, 1921, as amended, and that the following is a true statement as shown by the books in my office, not taking into consideration any debt incurred or to be incurred in anticipation of the collection of taxes or in anticipation of the sale of bonds other than funding and refunding bonds:

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(a) GROSS DEBT

a(1)	Outstanding debt, not evidenced by bonds: State Loans payable.....	\$	39,000.00
a(2)	Outstanding bonded debt: School Bonds.....	\$	1,288,000.00
	Electric Light Bonds.....	\$	None
	Water Bonds.....	\$	2,995,210.61
	Other Bonds.....	\$	5,857,289.39
		\$	10,140,500.00
a(3)	Bonded debt to be incurred under ordinances passed or in- troduced: Water Bonds.....	\$	18,000.00
(a)	GROSS DEBT, being the sum of a(1), a(2) and a(3).....	\$	10,197,500.00

(b) DEDUCTIONS

b(1)	Unissued funding or refunding bonds.....		None
b(2)	Sinking funds or other funds held for the payment of any part of the gross debt, other than debt incurred for schools, water, gas, electric light or power purposes or two or more of said purposes.....	\$	143,072.44
b(3)	Uncollected special assessments heretofore levied on account of local improvements for which any part of the gross debt was or is to be incurred and which will be applied when collected to the payment of such part of the gross debt.....	\$	851,529.08
b(4)	Special assessments to be levied on account of local improvements for which any part of the gross debt was or is to be incurred, and which, when collected, will be applied to the payment of such part of the gross debt..	\$	46,102.67
b(5)	Bonded debt included in gross debt and incurred or to be incurred for water, gas, electric light or power purposes, or two or more of said purposes.....	\$	3,013,210.61

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b(6)	The amount which the City will be entitled to receive from any railroad or street railway company under contract heretofore made for payment by such company of all or a portion of the cost of eliminating a grade crossing or crossings within the City, which amount will be applied, when received, to the payment of some part of the gross debt.....	\$ 35,234.24
b(7)	Indebtedness included in gross debt and incurred for school purposes.....	\$ 1,327,000.00
(b)	Deductions, being the sum of b(1), b(2), b(3), b(4), b(5), b(6) and b(7)	\$ 5,416,149.04
(c)	NET DEBT, being the difference between the Gross Debt (a) and the Deductions (b).....	\$ 4,781,350.96

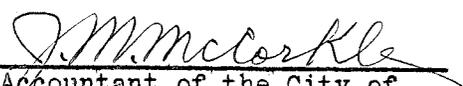
(d) ASSESSED VALUATION

(a)	Assessed valuation of property as last fixed for municipal taxation, being the valuation fixed in 1940.....	\$111,879,155.00
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(e) DEBT RATIO

(e)	Percentage that the net debt bears to said assessed valuation.....	<u>4.2737%</u>
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The foregoing statement is true.


 City Accountant of the City of
 Charlotte, N. C.

Subscribed and sworn to
before me this 20th day of November, 1940.

Reuben R. Haffman, Notary Public

My commission expires May 31, 1941.

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Upon motion of Councilman Sides, seconded by Councilman Albea and unanimously carried, the ordinance authorizing Water Bonds as hereinabove set forth was read and passed upon its first reading. The votes cast upon the first reading were as follows:

Councilman Albea	AYE
Councilman Baxter	AYE
Councilman Britt	AYE
Councilman Hovis	AYE
Councilman Huntley	AYE
Councilman Little	ABSENT
Councilman Nance	AYE
Councilman Sides	AYE
Councilman Ward	AYE
Councilman Wilkinson	AYE

Upon motion of Councilman Sides, seconded by Councilman Albea and unanimously carried, the rules were suspended and the ordinance authorizing Water Bonds as hereinabove set forth was read and passed upon its second reading. The votes cast upon the second reading were as follows:

Councilman Albea	AYE
Councilman Baxter	AYE
Councilman Britt	AYE
Councilman Hovis	AYE
Councilman Huntley	AYE
Councilman Little	ABSENT
Councilman Nance	AYE
Councilman Sides	AYE
Councilman Ward	AYE
Councilman Wilkinson	AYE

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Upon motion of Councilman Sides, seconded by Councilman Albea and unanimously carried, the rules were suspended and the ordinance authorizing Water Bonds as hereinabove set forth was read and passed upon its third and final reading, and declared to be an ordinance by the Mayor. The votes cast upon the third and final reading were as follows:

Councilman Albea	AYE
Councilman Baxter	AYE
Councilman Britt	AYE
Councilman Hovis	AYE
Councilman Huntley	AYE
Councilman Little	ABSENT
Councilman Nance	AYE
Councilman Sides	AYE
Councilman Ward	AYE
Councilman Wilkinson	AYE

Thereupon Councilman Sides introduced the following resolution which was read:

RESOLUTION PROVIDING FOR THE
ISSUANCE OF \$18,000 WATER BONDS.

BE IT RESOLVED by the City Council of the City of
Charlotte:

Section 1. That the City Council has determined and does hereby find and declare:

(a) That it is necessary to issue all of the \$18,000 Water Bonds authorized by an ordinance passed November 20, 1940.

(b) That the probable period of usefulness of the extensions to be made to the existing water works system of said City from the proceeds of said bonds is a period of forty years from November 20, 1941, being a date not later than one year after the passage of said ordinance, and that said period expires on November 20, 1981.

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Section 2. That for the purpose provided in said ordinance the negotiable coupon bonds of the City of Charlotte shall be issued in the aggregate principal amount of \$18,000, designated "Water Bonds", consisting of 18 bonds of the denomination of \$1,000 each, numbered 1 to 18, inclusive, dated December 1, 1940, maturing in numerical order annually, December 1, \$2,000 1943 to 1946, inclusive, \$5,000 1947 and \$5,000 1948, without option of prior payment, and bearing interest at a rate or rates, not exceeding 6% per annum, to be determined by the Local Government Commission at the time the bonds are sold, which interest shall be payable semi-annually on the first days of June and December of each year, both principal and interest to be payable at the Central Hanover Bank and Trust Company in the City of New York in any coin or currency of the United States of America which at the time of payment is legal tender for public or private debts.

Section 3. That said bonds shall be signed by the Mayor and the City Clerk under the corporate seal of the City, and the annexed interest coupons shall be executed with the facsimile signature of said City Clerk, and that said bonds shall be registerable as to principal alone and as to both principal and interest in accordance with The Municipal Finance Act, 1921, as amended, and with the provisions for registration hereinafter set forth, which shall be printed upon said bonds. The City Treasurer is hereby appointed and designated Bond Registrar for the purpose of registering said bonds, subject to the right of this body hereafter to appoint and designate another registrar under the terms of The Municipal Finance Act, 1921, as amended. No charge shall be made to any bondholder for the privilege of registration herein granted.

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Section 4. That said bonds and coupons and the endorsements to be printed upon the reverse thereof shall be in substantially the following form:

No. _____ \$1,000

UNITED STATES OF AMERICA
STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG
CITY OF CHARLOTTE
WATER BOND

The City of Charlotte, in Mecklenburg County, State of North Carolina, is justly indebted and for value received hereby promises to pay to the bearer, or, if this bond be registered, to the registered owner hereof, on the first day of December, 19____, the principal sum of

ONE THOUSAND DOLLARS

together with interest thereon at the rate of ____ per centum per annum, payable semi-annually on the first days of June and December of each year upon the presentation and surrender of the annexed interest coupons as they severally fall due. Both principal and interest of this bond are payable at the Central Hanover Bank and Trust Company in the City of New York in any coin or currency of the United States of America which at the time of payment is legal tender for public or private debts. For the prompt payment hereof, both principal and interest as the same shall become due, the full faith and credit of said City are hereby irrevocably pledged.

This bond is one of a series issued by said City pursuant to and in full compliance with The Municipal Finance Act, 1921, as amended, and the Local Government Act, as amended, and an ordinance and resolutions duly passed by the City Council of said City for the purpose of extending the existing water works system of said City.

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It is hereby certified and recited that all acts, conditions and things required to happen, exist and be performed precedent to and in the issuance of this bond by the laws and Constitution of North Carolina, have happened, exist and have been performed in regular and due form and time as so required; that provision has been made for the levy and collection of a direct annual tax upon all taxable property within said City sufficient to pay the principal and interest of this bond as the same shall fall due; and that the total indebtedness of said City, including this bond and all other indebtedness heretofore contracted during the fiscal year in which this bond is issued, does not exceed any constitutional or statutory limitation thereon.

This bond is registerable as to principal alone or as to both principal and interest in accordance with the provisions endorsed hereon.

IN WITNESS WHEREOF, the said City of Charlotte has caused this bond to be signed by its Mayor and City Clerk and its corporate seal to be affixed hereto, and the annexed interest coupons to be executed with the facsimile signature of said City Clerk, all as of the first day of December, 1940.

Mayor

City Clerk

(ENDORSEMENTS ON BONDS)

This bond may be registered as to principal in the bond register of the City of Charlotte by the City Treasurer as Bond Registrar or by such other Bond Registrar as may be legally appointed by the governing body of said City, notation of such registry to be

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made hereon by such Bond Registrar, and this bond may thereafter be transferred on said bond register only upon the written assignment of the registered owner or his attorney, duly acknowledged or proved, such transfer to be endorsed hereon by the Bond Registrar. Unless this bond be registered as to both principal and interest, such transfer may be to bearer and thereby transferability by delivery shall be restored, subject, however, to successive registrations and transfers as before. The principal of this bond, if registered, shall be payable only to the registered owner or his legal representative. Notwithstanding the registration of this bond, the coupons shall remain payable to bearer and shall continue to be transferable by delivery unless this bond shall be in like manner registered as to both principal and interest, notation whereof and of the cancellation of unmatured coupons is to be made on this bond, after which registration both principal and interest hereof shall be payable to the person in whose name it is registered, or his legal representative.

<u>DATE OF REGISTRY</u>	<u>REGISTERED OWNER</u>	<u>BOND REGISTRAR</u>
.....
.....
.....

It is hereby certified that at the request of the holder of the within bond for its conversion into a bond registered as to both principal and interest, the undersigned has this day cut off and cancelled all unmatured coupons attached thereto, being _____ in number, numbered from _____ to _____, inclusive, of the aggregate face value of \$ _____, and that the within bond is hereby converted into a registered bond, the principal and

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interest of which are payable to the registered owner named in the registration blank above or his legal representative.

Dated _____, 19____.

Bond Registrar

The issuance of the within bond has been approved under the provisions of the Local Government Act of North Carolina.

W. E. Easterling,
Secretary, Local Government Commission

By _____
Designated Assistant

(FORM OF COUPON)

No. _____

\$ _____

On _____ 1, 19____

The City of Charlotte, North Carolina, will pay to bearer at the Central Hanover Bank and Trust Company in the City of New York, the sum of _____ Dollars in any coin or currency of the United States of America which at the time of payment is legal tender for public or private debts, as provided in and for the interest then due on its Water Bond, dated December 1, 1940, numbered _____.

City Clerk

Section 5. That the City Treasurer is directed to arrange for the advertisement and sale of said bonds under the Local Government Act.

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Section 6. That said \$18,000 Water Bonds and all other indebtedness heretofore contracted in the current fiscal year, does not exceed two-thirds of the amount by which the outstanding indebtedness of the City of Charlotte was reduced in the preceding fiscal year.

Upon motion of Councilman Sides, seconded by Councilman Albea and unanimously carried, the resolution providing for the issuance of \$18,000 Water Bonds was read and passed upon its first reading. The votes cast upon its first reading were as follows:

Councilman Albea	AYE
Councilman Baxter	AYE
Councilman Britt	AYE
Councilman Hovis	AYE
Councilman Huntley	AYE
Councilman Little	ABSENT
Councilman Nance	AYE
Councilman Sides	AYE
Councilman Ward	AYE
Councilman Wilkinson	AYE

Upon motion of Councilman Sides, seconded by Councilman Albea and unanimously carried, the resolution providing for the issuance of \$18,000 Water Bonds was read and passed upon its second reading. The votes cast upon its second reading were as follows:

Councilman Albea	AYE
Councilman Baxter	AYE
Councilman Britt	AYE
Councilman Hovis	AYE

Councilman Huntley	AYE
Councilman Little	ABSENT
Councilman Nance	AYE
Councilman Sides	AYE
Councilman Ward	AYE
Councilman Wilkinson	AYE

Upon motion of Councilman Sides, seconded by Councilman Albea and unanimously carried, the resolution providing for the issuance of \$18,000 Water Bonds was read and passed upon its third and final reading, and the Mayor declared it had passed. The votes cast upon its third and final reading were as follows:

Councilman Albea	AYE
Councilman Baxter	AYE
Councilman Britt	AYE
Councilman Hovis	AYE
Councilman Huntley	AYE
Councilman Little	ABSENT
Councilman Nance	AYE
Councilman Sides	AYE
Councilman Ward	AYE
Councilman Wilkinson	AYE

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MINUTES APPROVED.

On motion of Councilman Albea, seconded by Councilman Huntley, the minutes of the meeting of November 13th. were approved as read.

REPORT FROM SUPERINTENDENT OF PARK AND RECREATION ON NEGRO SWIMMING POOL.

Councilman Wilkinson, Chairman of the Committee appointed last summer to study the matter of the closing of the negro swimming pool, asked Mr. Marvin Ray, Superintendent of the Park and Recreation Commission, to appear before the Council at this time and give a report on what has been and is being done in this connection in order to have the matter ready by spring. Mr. Ray reported that the Commission has only \$2,000.00 available for work at the negro swimming pool, and that after a meeting with the Colored Committee, they requested that the money be spent in fixing up the gymnasium for a recreation hall, and on the dressing rooms, rather than on the pool.

After considerable discussion with Mr. Ray, Councilman Baxter, a member of the committee from the Council, suggested that this committee meet again soon and get lined up on the work before spring, and Councilman Wilkinson stated that he would call a meeting of his committee shortly.

PURCHASE OF BOAT.

The City Manager reported that the following bids had been received on a used boat for patrolling the water shet at the Catawba Station:

Contractors Service, Inc.

- 1- Reconditioned 18-foot general purpose boat, with canopy over, powered by a 4-cylinder motor. Net delivered price, launched in Catawba river \$300.00
- 1- 27-Ft. reconditioned Dart mahogany boat powered by a 6-cylinder 100 H.P. motor. Net delivered price, launched \$375.00
- 1- 15 $\frac{1}{2}$ -Ft. practically new Chris-Craft boat, Model #117, net delivered price, launched \$650.00

C. C. Beasley:

- 1- 18-Ft. Dodge Cabin Boat, net delivered price, launched in Catawba river \$750.00

It was the City Manager's recommendation that the 18-foot general purpose boat as offered by the Contractors Service, Inc., at the price of \$300.00, be purchased, as it seems best fitted for the City's purpose, and on motion of Councilman Albea, seconded by Councilman Baxter, and unanimously carried, this recommendation was approved and the Mayor and Clerk authorized to sign contract with Contractors Service, Inc., in the amount of \$300.00 for this boat.

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STREET MAINTENANCE - WESTMORELAND AVENUE.

On motion of Councilman Ward, seconded by Councilman Huntley, the 2600 block of Westmoreland Avenue was taken over for City maintenance.

SEWER EXTENSION - EAST 5TH STREET.

On motion of Councilman Huntley, seconded by Councilman Britt, the request of Drs. Fleming and Scruggs, for extension of sewer in East 5th Street and Park Drive, 334 feet towards Hawthorne Lane, to serve one house already built and a Clinic now under construction, was approved. The cost of this extension will be \$398.20, and under this motion the action of the Council under date of July 24th. 1940, giving authorization for one connection, is voided.

S. H. KRESS & COMPANY'S REQUEST TO USE SPACE UNDER SIDEWALK GRANTED.

The City Manager reported receipt of request from S. H. Kress Company that they be allowed to use the space under the sidewalk, beginning at the southeast corner of the intersection of East Trade and South Tryon Streets, and running for a distance of 25 feet in an easterly direction, with an average depth of 14.6 feet, which leaves a space of 1'6" to the curb line, as provided by City ordinance. It was agreed by S. H. Kress Company not to use prism glass lights in this area, the entire area to be used for toilet facilities. Mr. Armstrong also stated that Mr. Skinner and Mr. Ross both recommend that this request be granted, provided the use of said space may be discontinued when and if the City should require the use of same for its own purposes.

Thereupon, Councilman Hovis moved that the request be granted, provided that the owner gives a bond in the sum of \$50,000.00 to indemnify the City of Charlotte and save the City harmless by reason of any defect that might be in the sidewalk over the area used by the owner, and further, that the owner agree that he will maintain the sidewalk area above this space used by the owner in a safe condition. Motion seconded by Councilman Ward and unanimously carried.

WATER LINE IN SPRUCE STREET.

On motion of Councilman Sides, seconded by Councilman Albea, approval was given of the request for installation of a 6" water main in Spruce Street, made by the Trade Realty Bureau, Inc., beginning at West Boulevard and running north 1150 feet, at the expense of the City of Charlotte, on a revenue basis; and the Mayor and Clerk were authorized to sign, on behalf of the City of Charlotte, a contract wherein the applicant agrees to build sufficient houses to produce an annual revenue for water service equal to 10 percent of the cost of laying the main. Also, that should there not be a sufficient number of houses built to produce this revenue, the applicant agrees to pay the difference as a guarantee bill.

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WATER LINE EXTENSION - VAIL AVENUE.

On motion of Councilman Britt, seconded by Councilman Albea and unanimously carried, the Mayor and Clerk were instructed to execute a contract with Fred H. Flexico, Jr., for installation of a 6" water main in Vail Avenue, beginning at the end of the existing main and running east 210 feet. In this contract the applicant agrees to grade the full width of the street right-of-way in front of said Lot No. 19, Block 1, to an elevation established by the City before the connection is made. The City of Charlotte is to lay the main at its expense, estimated to cost \$240.00, and the applicant agrees to pay a minimum water bill of \$2.00 per month for service until one or more additional consumers are established on Vail Avenue and use water from this connection, when the \$2.00 minimum payment shall cease and the applicant be billed in accordance with the usual rates for water service.

ENCROACHMENT AGREEMENT WITH STATE HIGHWAY COMMISSION.

On motion of Councilman Hovis, seconded by Councilman Sides and unanimously carried, the Mayor and Clerk were authorized to sign an agreement with the State Highway Commission for right-of-way encroachment relative to the water main in Wilkinson Boulevard and Harlee Avenue from the city limits to the Municipal Airport.

PERSONNEL CHANGES.

Mr. Armstrong reported that he had transferred Mr. Ralph Bartlett from the position of Clerk at the Equipment Depot to that of Sanitary Inspector, which vacancy was caused by the death of Mr. J. W. McGinn, and that he had transferred Mr. Austin Wilson, former truck driver, to the position of Sanitary Clerk to replace Mr. Bartlett.

PURCHASE OF BONDS FOR SINKING FUND.

On motion of Councilman Sides, seconded by Councilman Ward, the City Treasurer was authorized to purchase 3- \$1000.00 City of Gastonia Water, Sewer and Light Bonds, due 7-1-41, to yield 1%, subject to the approval of the Local Government Commission.

RESIGNATION OF E. J. NOLAN AS ACTING CHIEF OF POLICE.

At this time Mayor Douglas presented to the Council a letter of resignation of E. J. Nolan, as Acting Chief of Police of the City of Charlotte, due to ill health.

On motion of Councilman Baxter, seconded by Councilman Wilkinson, this resignation was accepted as of December 1, 1940.

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ATTEMPT TO APPOINT CHIEF OF POLICE.

Mayor Douglas called for nominations with respect to the appointment of a Chief of Police at this time.

Councilman Nance nominated as Commissioner of Police, Capt. L. R. Fisher, Commander of the Western North Carolina State Highway Patrol, to serve until after January 1st. or until such time as the Legislature will permit the Council to appoint a Chief of Police outside of the Department, and at that time to make Capt. Fisher Chief of Police. This motion was seconded by Councilman Sides.

Councilman Huntley made a substitute motion, nominating Mr. John Yandle as Chief of Police, which motion was seconded by Councilman Albea, with the following affirmative vote recorded:

Councilmen Huntley, Albea, Baxter, Hovis and Wilkinson.

The Mayor declared the motion lost, and a vote was called for on the original motion to elect Capt. Fisher Commissioner of Police. The following voted in the affirmative for this motion:

Councilmen Nance, Sides and Britt. The Mayor declared this motion lost.

Councilman Huntley then nominated Frank N. Littlejohn for Chief of Police. Motion seconded by Councilman Baxter; the following members voting for the motion:

Councilmen Huntley, Baxter, Sides, Albea and Wilkinson.

The Mayor declared this motion lost.

On motion of Councilman Albea, seconded by Councilman Hovis, the name of Capt. Harry Joyner was placed in nomination for Chief of Police, this motion receiving the following affirmative votes:

Councilmen Albea, Hovis, Huntley, Sides and Wilkinson.

This motion declared lost.

Councilman Wilkinson then nominated Capt. Alex West, which motion was seconded by Councilman Huntley, and failed to carry, receiving the following affirmative votes:

Councilmen Albea, Baxter, Huntley and Wilkinson.

Councilman Nance then nominated Mr. L. W. Henkle, which motion was seconded by Councilman Britt, and received only three affirmative votes, as follows:

Councilmen Nance, Britt and Sides.

The Mayor declared this motion lost.

Mayor Douglas then suggested that the Council designate an Acting Chief of Police until such time as they can find a man suitable to all, and on motion of Councilman Baxter, seconded by Councilman Ward and unanimously carried, the matter was held over for one week.

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VOTE OF CONFIDENCE GIVEN TO CHIEF LITTLEJOHN AND ENTIRE POLICE DEPARTMENT.

Councilman Wilkinson stated that inasmuch as Chief Frank N. Littlejohn had been cleared of the various charges filed against him in the Superior Court of Mecklenburg County, which charges had been highly embarrassing to Chief Littlejohn and his family, as well as to the Department, he felt that the Council should vote him the confidence of the Council in his future work and offer its whole-hearted support in the work which he is undertaking as Captain of Detectives. This motion was seconded by Councilman Baxter, on agreement that it include the entire Police Department in the vote of confidence, which was acceptable to Councilman Wilkinson. A vote was taken on this motion, which carried, with the following Councilmen not voting:

Councilmen Sides, Nance and Britt.

CITY NOT TO APPEAL CASE OF FRANK N. LITTLEJOHN.

Councilman Baxter made a motion that the City Attorney be instructed not to appeal from the decision of the Superior Court in regard to the case of Frank N. Littlejohn. Motion seconded by Councilman Wilkinson and carried.

ARMORY-AUDITORIUM GIVEN TO OBSERVER FRESH AIR FUND FOR MARINE BAND.

On motion of Councilman Sides, seconded by Councilman Albea and unanimously carried, the use of the Armory-Auditorium on October 22nd. by the Marine Band, sponsored by the Charlotte Observer Fresh Air Fund, was given without cost.

COPIES OF SMOKE ABATEMENT ENGINEER'S REPORT SUBMITTED TO COUNCIL.

Councilman Sides reported that Mr. Monroe, Smoke Abatement Engineer, of Asheville, N. C., had completed his study of conditions in Charlotte and had submitted his report, in which he felt that the smoke conditions in Charlotte could be relieved about 50%. Councilman Sides asked that the City Manager have copies made of this report and furnished to each Councilman for study.

PERPETUAL CARE AGREEMENT ON LOT OF DR. JOHN IRWIN ESTATE.

On motion of Councilman Albea, seconded by Councilman Huntley, approval was given for the issuance of a perpetual care agreement to the Estate of Dr. John R. Irwin, the price of \$144.00 for this care being paid by Mrs. Mary Erwin Belk, Admn. of the Estate.

ADJOURNMENT.

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

Alice B. McCoull
City Clerk