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The regular meeting of the City Council was held in the Council Chamber on Wednesday, October 20, 1943, at 4:00 o'clock P. M., with Mayor Baxter presiding and Councilmen Albea, Atkins, Daughtry, Painter, Price, Slye and Ward being present.

Absent: Councilmen Baker, Bullard, Cope and Hovis.

MINUTES APPROVED.

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

COMPLAINT RELATIVE TO DRAINAGE CONDITION AT CORNER OF EUCLID AND TREMONT AVENUES.

Mrs. Elise B. Shackelford registered a complaint concerning the drainage condition at the corner of Euclid and Tremont Avenues, stating that water drained into the basement of the apartment house owned by her from the adjoining property and alley-way. City Attorney Campbell stated that he had viewed the location at the request of the City Manager and in his opinion the City was in no way responsible for the existing condition. That no change had been made by the City in the grade of the street since the property was developed by the original developer. After a discussion of the matter, Mayor Baxter appointed a committee composed of Councilmen Painter, Daughtry and Cope to view the location and report back to Council on the matter.

ADJUSTMENT OF PRIVILEGE LICENSE TAX FOR BUSINESS OWNERS ENTERING THE ARMED FORCES.

Mr. J. A. Todd requested an adjustment of the privilege license tax of \$100.00 paid by him in July 1943 for the operation of his Florist Shop at 328 South Tryon Street, as he had been inducted into the Armed Forces and would discontinue the operation of said business. Councilman Ward moved that the City Attorneys be authorized to draft an ordinance to amend the Revenue Ordinance whereby any man entering the services of the Armed Forces, and discontinuing the operation of his business, might have his current privilege license tax pro-rated and adjusted, if request was made of the City to so do. Motion seconded by Councilman Albea and unani- mously approved.

MEN IN EMPLOY OF CITY ENTERING ARMED FORCES GRANTED ONE WEEK'S SALARY AS A BONUS.

Councilman Slye moved that each man in the employ of the City entering the Armed Forces be granted one week's salary as a bonus, same to be effective as of today. Motion seconded by Councilman Albea and unanimously approved.

INVESTIGATION TO BE MADE AS TO TYPE OF POLES BEING USED BY DUKE POWER COMPANY TO DESIGNATE BUS STOPS.

The City Manager stated that numerous complaints had been received as to the type of poles being placed by Duke Power Company on certain street corners. He further stated the Manager of Duke Power Company had advised the poles were to be used to designate bus stops, and the re- claimed poles were being used to utilize non-critical material. After dis- cussion Councilman Atkins moved that the Mayor appoint a committee of Council to confer with Duke Power Company officials as to the use of a more sightly pole. Motion seconded by Councilman Albea and unanimously carried. Mayor

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Baxter then appointed a committee composed of Messrs. Atkins, Albea and Horis.

IMPROVEMENTS TO ELMWOOD CEMETERY PROPERTY.

Councilman Albea moved that the city develop certain land within Elmwood Cemetery property to be used for burial lots, by constructing the necessary drainage and by grading, fertilizing and seeding the ground, as outlined in an estimate submitted by the City Manager, at a cost of \$4,964.19, same to be appropriated from the Emergency Fund. Motion seconded by Councilman Daughtry and unanimously approved.

Councilman Albea moved that in the development of said land within Elmwood Cemetery property, the city construct a 15-inch sanitary sewer along the side of the property below the entrance bridge, at a cost of \$675.00, same to be paid from Capital Outlay Account. Motion seconded by Councilman Daughtry and unanimously approved.

EXPANSION OF ELMWOOD CEMETERY PROPERTY.

Councilman Daughtry moved that in the interest of expanding Elmwood Cemetery property, the City Manager proceed to negotiate with the proper real estate agents as to the purchase price of lots on West Fifth Street, east of North Cedar Street, adjacent to Elmwood Cemetery, in accordance with maps submitted by the City Manager. Motion seconded by Councilman Ward and unanimously carried.

CONTRACT APPROVED WITH J. R. PURSER SALES ENGINEER, INC., FOR PUMP PARTS.

Upon motion of Councilman Slye, duly seconded by Councilman Albea, authority was unanimously given to enter into a contract with J. R. Purser Sales Engineer, Inc., for the purchase of One Pump Rotor complete and other parts for the De Laval Sewage Pump at the Sugaw Creek Disposal Plant, at a net delivered price of \$249.00.

APPROPRIATION FROM EMERGENCY FUND FOR EQUIPMENT FOR OFFICE OF CITY CLERK.

Councilman Ward moved that an appropriation of \$118.60 be made from the Emergency Fund to cover the purchase of equipment for the office of the City Clerk consisting of: One Kardex File Cabinet, at \$75.00 and Four Card Index File Cabinets, at \$25.60, from Bill Shaw Company, and 10,000 Printed Cards for indexing minutes of Council Meetings, at \$18.00 from Ben Franklin Press. Motion seconded by Councilman Painter and unanimously approved.

APPROVAL OF WATER TAPS ON WILKINSON BOULEVARD MAIN.

Councilman Albea moved that approval be given for making an additional number of water taps on the Wilkinson Boulevard main, not to exceed five taps, to serve houses in that vicinity, and that the permits for same be issued under the regulation stated in the resolution adopted by Council on October 22, 1941. Motion seconded by Councilman Atkins and unanimously carried.

RESOLUTION REGARDING STREET AND SIDEWALK ASSESSMENTS AGAINST PROPERTY OF SEABOARD AIRLINE RAILWAY ON NORTH TRYON STREET AND SEIGLE AVENUE.

The following resolution was presented by City Attorney H. B. Campbell:

WHEREAS, there is now pending in the Superior Court of Mecklenburg County an action entitled: "CITY OF CHARLOTTE vs. SEABOARD AIR LINE RAILWAY COMPANY, et al", same being tax suit No. 289 and involving paving

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assessments on North Tryon Street, as contained in Account No. 25572, in the principal amount of \$152.04, and Account No. 25578, in the principal amount of \$154.27; and paving assessments on Seigle Avenue, being contained in Account No. 24863, in the principal amount of \$521.79, and Account No. 24870, in the principal amount of \$521.79; and

WHEREAS, in said action Legh R. Power, Jr. and Henry W. Anderson, receivers of Seaboard Air Line Railway Company, have moved to dismiss said action because of the receivership of the Seaboard Air Line Railway Company, and to require the City to file a claim in the receivership action pending in the Federal Court for the Eastern District of Virginia, Norfolk Division; and

WHEREAS, the paving assessments on North Tryon Street involve the same question presented in the case of "Charles E. Barker et al vs. City of Charlotte" which case was settled on October 8, 1934, Regular Term of Superior Court of Mecklenburg County, as contained in Book 44, Civil Minutes 117, in the Office of the Clerk of Superior Court of Mecklenburg County, pursuant to which only one-fourth of the assessment, together with interest thereon, was collected by the City; and

WHEREAS, the City under date of January 14, 1943, procured from Mr. Paul B. Guthery and Mr. Leroy Dulin an appraisal of the property on Seigle Avenue, represented by assessment Account No. 24863 and assessment Account No. 24870; and

WHEREAS, said appraisal gave the value of said property on Seigle Avenue as being \$100.00 for each tract of land involved; and

WHEREAS, the Receivers of the Seaboard Air Line Railway Company have offered to pay to the City of Charlotte the sum of \$200.00 in full payment of the two accounts on Seigle Avenue and have offered to pay one-fourth of the principal amount of the paving assessment accounts on North Tryon Street, together with interest and advertising costs thereon, namely,

Account No.

25572	One-fourth of principal	\$38.01
	Interest	26.61
	Advertising costs	2.80
	Total	<u>\$67.42</u>
25578	One-fourth of principal	38.57
	Interest	27.00
	Advertising costs	2.80
		<u>\$68.37</u>

and

WHEREAS, the City Attorneys have recommended that such a compromise settlement be accepted due to the extreme doubt of collecting the assessments,

NOW, THEREFORE, BE IT RESOLVED, that the City accept from the Receivers of the Seaboard Air Line Railway Company the sum of \$335.79 as a compromise settlement in complete payment of special assessment Accounts Nos. 24863 and 24870 on Seigle Avenue and Accounts Nos. 25572 and 25578 on North Tryon Street in accordance with Section 32(39) of the City Charter, provided such a settlement is approved by the resident or presiding judge of the Superior Court in Mecklenburg County.

Councilman Ward moved that the recommendation of the City

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Attorneys be accepted, and the resolution be adopted. Motion seconded by Councilman Albea and unanimously carried.

SPECIAL OFFICER PERMIT APPROVED.

Upon motion of Councilman Atkins, seconded by Councilman Painter, a special officer permit was unanimously granted to Turner A. Farrell, on the premises of Power Brake Company, Inc.

CEMETERY DEEDS ORDERED ISSUED.

Upon motion of Councilman Atkins, seconded by Councilman Ward, issuance of deeds for the following cemetery lots was unanimously approved:

To Mrs. Muriel Latane, deed to Lot No. 171, in Section "Y", Elmwood Cemetery, at \$83.00.

To Frank E. Dawson, Perpetual Care Deed on South Part of Lot. No. 25, in Section "BB", Elmwood Cemetery, at \$40.50.

ADJOURNMENT.

Upon motion of Councilman Ward, duly seconded by Councilman Daughtry, the meeting adjourned.

Lillian R. Hoffmann
City Clerk