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Regular weekly meeting of the City Council was held in the Council Chamber, City Hall, at 4:00 o'clock P. M., Wednesday, May 25th, 1938, Mayor Douglas presiding, and Councilmen Albea, Barter, Durham, Griswold, Hovis, Hudson, Huntley, Little, Nance, Sides and Wilkinson being present.

Absent: None.

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#### APPROVAL OF MINUTES.

On motion of Councilman Albea, seconded by Councilman Huntley, the minutes of the May 18th. meeting were approved as read.

#### REQUEST FOR REFRESHMENT STAND IN CITY HALL BASEMENT TO BE OPERATED BY BLIND.

Mr. Enos Edwards appeared before the Council on behalf of Mr. Carl Overcash, a blind resident of Charlotte, asking permission for Mr. Overcash to operate a refreshment and soft drink stand in the basement of the City Hall. Councilman Baxter stated that this work is being done by the Mecklenburg Association for the Blind, and that he had taken the matter up with Mr. Marshall some time ago but that nothing had been worked out as yet.

Councilman Wilkinson moved that the request be referred to the Building Committee, to also include Councilman Baxter, to investigate and report back. Motion seconded by Councilman Albea and carried.

#### SALE OF CEMETERY GREEN HOUSE CONTESTED BY PARTY.

A Mr. Bennett appeared before the Council at this time, requesting an explanation as to why the old green house in Elmwood Cemetery was sold for \$50.00 when he had put in a bid of \$112.50. Mr. Marshall explained that Mr. Bennett's bid was not in conformity with the advertisement and was not accompanied by certified check, but was filed with Mr. Severs, at the Cemetery, who in turn, turned the bid over to the Purchasing Agent before advertisement was made. Mr. Bennett stated that he thought his bid was sufficient and did not enter a new bid.

Councilman Hudson moved that the City Manager and City Attorney make a ruling on the matter, which was seconded by Councilman Nance, but failed to carry.

#### SUIT OF JAMES COLSTER.

Mr. Thad Adams, attorney, advised the Council that some time ago he had filed notice of claim for damages against the City of Charlotte on behalf of James Colster, colored, who was injured by stepping in an open meterbox hole, this notice having been sent to the Mayor and also to the City Manager, but did not address to notice to the Council and as nothing was heard from the notice of claim suit was filed and the attorney for the insurance company stated in the answer that proper notice was not served on the Council. Mr. Adams asked if the matter had been brought before the Council and was advised that it had not until notice of suit was reported. Mr. Adams advised that it would, therefore, be necessary for him to take a non-suit in the case and bring a new suit.

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STREET WORK ON BAY STREET.

The City Manager reported that subsequent to the request for city maintenance on Bay Street, between St. Julian and Westover Streets, an agreement was signed by G. W. Stegall and J. H. Cartledge, property owners on this street, whereby they would machine and topsoil the roadway and walks in accordance with the City Engineer's requirements, at their own expense, if the City would construct the sewer line, estimated to cost \$338.91.

Councilman Hudson, seconded by Councilman Albea, moved that this be done, but Councilman Sides brought up the question of requiring a certified check to be posted, to be returned when the street was put in condition since the sewer work would have to be done first. After discussion Councilman Durham offered an amendment to the above motion that this be done and certified check be posted to be returned when the work has been completed. Motion seconded by Councilman Albea and carried.

MINT MUSEUM GIVEN AN ADDITIONAL APPROPRIATION FOR JANITOR SERVICE AND LIGHTS.

Mr. Marshall presented a letter received from Mrs. Harold V. Dwelle, President of the Mint Museum of Art, asking for an additional appropriation to take care of the janitor service and lights for the remainder of the fiscal year, the Council having appropriated money for this purpose but the expense exceeding the estimate and the fund now being exhausted.

After discussion, Councilman Wilkinson moved that an additional amount not to exceed \$125.00 be appropriated from the contingent fund for this purpose. Motion seconded by Councilman Huntley and carried.

CONTRACT FOR WATER METERS.

On motion of Councilman Sides, seconded by Councilman Durham, contract for 100- 5/8" Water Meters was awarded to the Neptune Meter Company, on the policy of alternating awards, and the Mayor and Clerk were authorized to sign the contract.

Bids received were from Neptune Meter Company, Hersey Manufacturing Company and Pittsburgh Equitable Meter Company, all at \$900.00.

CONTRACT FOR PENETRATION ASPHALT.

Onmmotion of Councilman Albea, seconded by Councilman Huntley, contract for one car (8000 Gals) of Penetration Asphalt for seal coating work, was awarded to the lot bidder, J. B. Hunt & Sons.

Bids received were as follows:

J. B. Hunt & Sons	\$537.60
American Bitumuls Company	565.60
Emulsified Asphalt Refining Co	588.00
Shell Union Oil Corp.	612.00.

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**ELECTRIC SUPPLIES.**

On motion of Councilman Wilkinson, seconded by Councilman Baxter, the Mayor and Clerk were authorized to sign a contract with Westinghouse Electric Supply Company for electric supplies necessary in constructing a line for control of water gauges on water tanks, at a price of \$276.32, less special cash discount 10 days \$5.51.

Other bids were:

Graybar Electric Company, Inc.	\$286.84
Discount 10-days	\$4.85
Mill Power Supply Company	302.91
Discount 10-days	\$4.02

**EMPLOYEE'S SERVICES DISPENSED WITH.**

The City Manager reported that he had dispensed with the services of G. L. Templeton in the Street Department.

**BUDGET STATEMENT.**

A budget statement showing conditions through May 10th. was presented to each Councilman and operations and collections were discussed, Mr. Marshall stating that operations were \$8,300 under appropriations but that collections were \$52,000. under the appropriations, making a net deficit of about \$44,000.

**TAXICAB ORDINANCE PASSED ON THIRD AND FINAL READING.**

Councilman Baxter presented the taxicab ordinance adopted on May 11th. on two readings, for third and final reading, as follows:

**AN ORDINANCE**

TO REPEAL SECTION TWO OF THAT CERTAIN ORDINANCE ADOPTED SEPTEMBER 2, 1936, AND RECORDED IN ORDINANCE BOOK 7 AT PAGES 320 AND 321 IN THE OFFICE OF THE CITY CLERK RELATIVE TO LIABILITY INSURANCE, SURETY BONDS OR CASH DEPOSITS BY TAXICAB OPERATORS.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:**

Section 1: That that certain ordinance adopted September 2, 1936, recorded in Ordinance Book 7, at pages 320 and 321 in the office of the City Clerk, entitled:

"AN ORDINANCE TO REQUIRE TAXICAB AND TAXICAB OPERATORS CARRYING PASSENGERS FOR HIRE WITHIN THE CITY OF CHARLOTTE TO TAKE OUT AND CARRY LIABILITY INSURANCE OR PROVIDE SURETY BONDS OR MAKE DEPOSIT OF SECURITIES WITH THE TREASURER OF THE CITY OF CHARLOTTE",

be amended as of July 1, 1938 by striking out all of Section Two of said ordinance which provides that taxicab operators may deposit with the City Treasurer money or other securities approved by the City Council in lieu of furnishing liability insurance.

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Section 2: That from and after July 1, 1938, all persons, firms or corporations now operating taxicabs in the City of Charlotte under said Section Two of said ordinance of September 2, 1936, shall be required to cooperate under the provisions of Section One thereof, and all other sections thereof except Section Two, which Section Two is hereby repealed, said repeal to become effective July 1, 1938, but such repeal shall not affect any rights or liabilities arising or which now exist under the section hereby repealed or under said deposit, nor any rights or liabilities which may arise against any owner, operator, driver or lessee driving or operating a taxicab under said deposit between now and July 1, 1938.

Section 3: That money or other securities heretofore deposited with the City Treasurer by persons, firms or corporations pursuant to the ordinance of September 2, 1936 as a surety bond for others shall remain on deposit with the said Treasurer subject to further action of the City Council.

Section 4: That all other sections of said ordinance above referred to adopted on September 2, 1936, shall remain in full force and effect.

Section 5: This amending ordinance shall become effective July 1, 1938, and shall be published in The Charlotte News one time at least ten days prior to that date.

Councilman Baxter, seconded by Councilman Griswold, moved the adoption of the above ordinance on third and final reading. Motion carried, with Councilmen Albea, Nance and Hudson voting "No", and the Mayor declared the ordinance adopted.

Thereupon, City Attorney Boyd stated that it would be necessary to adopt the following ordinance since the above ordinance had carried:

#### AN ORDINANCE

WHEREAS, the City Council of the City of Charlotte did on September 2, 1936, adopt an ordinance entitled as follows: "AN ORDINANCE TO REQUIRE jitney BUS AND TAXICAB OPERATORS CARRYING PASSENGERS FOR HIRE WITHIN THE CITY OF CHARLOTTE TO TAKE OUT AND CARRY LIABILITY INSURANCE OR PROVIDE SURETY BONDS OR MAKE A DEPOSIT OF SECURITIES WITH THE TREASURER OF THE CITY OF CHARLOTTE", which said ordinance is recorded in Ordinance Book 7, at pages 320 and 321 in the office of the City Clerk, and

WHEREAS, Section Two of said ordinance provided that persons, firms or corporations or association of individuals desiring to operate taxicabs in the City of Charlotte, carrying passengers for hire could deposit with the Treasurer of the City of Charlotte cash in the sum of \$550.00 for the first taxicab operated, and increase this amount \$100.00 on each additional taxicab so operated, in lieu of furnishing liability insurance, as required by Section One of said ordinance, and

WHEREAS, pursuant to said Section Two of said ordinance of September 2, 1936, certain persons or corporations elected to operate or bond certain taxicabs for other persons under said Section Two of said ordinance, and deposited certain sums of money with the City Treasurer conditioned as set forth in said ordinance, and

WHEREAS, the City Council of the City of Charlotte has this day repealed said Section Two of said ordinance of September 2, 1936, and all taxicabs heretofore operated under the provisions of the said Section Two are now required to carry liability insurance after July 1, 1938, and

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WHEREAS, certain claims and rights of third parties have arisen and exist, and are outstanding and certain lawsuits are pending in the Superior Court of Mecklenburg County by reason of the operation of taxicabs under said Section Two of the said ordinance of September 2, 1936, and the depositing of cash bond by certain persons or corporations thereunder for such taxicabs, owners, drivers or licensees, and

WHEREAS, the ordinance this day adopted repealing Section Two of the ordinance of September 2, 1936, does not become effective until July 1, 1938, and other claims may arise.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1: That the money or other securities heretofore deposited with the City Treasurer as a surety bond for taxicab operators under said Section Two of said ordinance of September 2, 1936, shall be retained by the City Treasurer to satisfy any final judgment for injury or damage to any person or property rendered against the owner, operators, lessee or driver of any taxicab as the result of the operation of any taxicab under the said ordinance and/or under said deposit up to July 1, 1938, said money to be retained for this purpose to satisfy such final judgment, provided that all actions based upon claims for injury or damage as the result of such operation of such taxicabs must be commenced within four months from July 1, 1938.

Section 2: After all such final judgments have been satisfied of record, the balance, if any, shall be paid to the persons or corporations depositing the same, or to their ~~law~~ or its legal representative, successor or assigns.

Section 3: This ordinance shall become effective upon its passage and publication in The Charlotte News.

On motion of Councilman Baxter, seconded by Councilman Griswold, and carried, the above ordinance was adopted on three readings and declared by the Mayor to be an ordinance of the City of Charlotte.

#### VENEREAL DISEASE CONTROL PROGRAM.

Councilman Nance, Chairman of the Health Committee, reported that he had conferred with the county officials regarding the matter of aiding in the state-wide venereal disease control program, and that if the City and County each increase their annual appropriations \$3,905.00, The Reynolds Foundation would raise the amount to \$25,000.00 for this work, and Councilman Nance moved that the City agree to spend \$3,905.00 additional, to be set up in the coming year's budget. This motion seconded by Councilman Albea and carried.

#### GASOLINE TRUCK ORDINANCE.

Councilman Sides inquired as to what had been done with regard to the proposed ordinance for the handling of gasoline trucks through the streets of Charlotte, and was advised that the matter had been overlooked, but that the committee would meet and report by the next meeting.

#### LETTER FROM WEST PALM BEACH, FLORIDA, RELATIVE TO CENTRAL HIGH SCHOOL BAND.

The Mayor read a letter from the City of West Palm Beach, Florida, commending the City on the splendid showing made by the Central High School Band at the Regional Meeting two weeks before, and on motion of Councilman Albea, seconded by Councilman Hudson, Councilman Sides was congratulated by the Council for the splendid advertising received by

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the City of Charlotte through this medium, Councilman Sides giving an outline of the honors won by the Band both in West Palm Beach and Jacksonville.

CEMETERY DEEDS.

On motion of Councilman Huntley, seconded by Councilman Little, the following cemetery deeds were approved:

Mrs. Mattie C. Hood, West Half Lot 42, Section "U", Elmwood Cemetery	\$35.00
Perpetual care on Lot No. 191 Fr. Section "Q", by W. A. Little	55.68
G. E. Ritch, 1/4 Lot 78 (N.W. quarter) Section "S", in lieu of old deed dated 1907 issued for 1/4 Lot No. 69, which was in error, this lot being deeded also to J. A. Durham.	
Fred Patton, Lot No. 23, Section "E", West Pinewood Cemetery	40.50

ADJOURNMENT.

On motion of Councilman Hudson, seconded by Councilman Griswold the meeting adjourned.

Alice B. McConnell  
City Clerk

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The City Council met in regular weekly session in the Council Chamber, City Hall, at 4:00 o'clock P. M., Wednesday, June 1, 1938, Mayor Douglas presiding, and Councilmen Albea, Durham, Hovis, Hudson, Huntley, Sides and Wilkinson being present.

Absent: Councilmen Baxter, Griswold, Little and Nance.

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MINUTES APPROVED.

On motion of Councilman Huntley, seconded by Councilman Albea, the minutes of the May 25th meeting were approved as read.

MEALS FOR PRISONERS IN CITY JAIL.

Mr. J. Lawrence Jones, Attorney, appeared before the Council on behalf of the Court Cafe, East Trade Street, relative to the City of Charlotte giving notice to this Cafe to discontinue serving meals to prisoners in the City jail. Mr. Jones stated that this place of business was to a great extent dependent upon this business for its existence and that no complaint had been made of the service. Mayor Douglas informed Mr. Jones that the Court Cafe had received this business for the past four years and that it was the policy of the City of Charlotte to alternate business.

After discussion, the Mayor referred the matter to the Police Committee to confer with the Chief of Police.

NOTICE OF CLAIM AGAINST THE CITY OF CHARLOTTE.

In the matter of the suit of James Colsten against the City of Charlotte, concerning which Mr. Thad Adams, Attorney, appeared before the Council at the last meeting; Mr. Adams was again present, advising that he had taken a non-suit in the case and filed a new claim and the following notice was read by Mr. Adams to the Council:

TO THE CITY COUNCIL OF CHARLOTTE, N. C.

Gentlemen:

About six o'clock, Monday morning, February 21, 1938, James Colsten was walking hurriedly in a Western direction on the North side of East 8th Street, on the cement side walk intended for and used by pedestrians, looking forward for an expected bus which he intended to enter on Myers Street, when the front part of his left foot got caught under the metal cover or lid of a water meter box, which threw him down, and, in trying to catch or keep his stomach and face from coming violently in contact with the cement side walk, he broke his right arm, causing excruciating pains and agonies then and thereafter, which yet continue.

His injuries were caused by the negligence of the city in allowing that particular water meter box and the lid thereon and the cement around it to be or remain in a defective condition, the box being slightly too high and the cement side walk around it worn and broken, and the lid on it was and is an out of date, lightweight lid without any ring, groove, lock or catch to hold it in place, and the said box had been broken and the fractured parts thereof in the S.E. corner sticking up out of line so that the said lightweight lid could not fit as it should, and a sudden step or jar upon either side would cause it to rock, tilt, or get out of place and become an immediate instrument of danger.