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A regular meeting of the City Council was held in the Council Chamber of the City Hall at 4:00 o'clock P. M., Mayor Douglas presiding, and Councilmen Albea, Baxter, Durham, Griswold, Hovis, Hudson, Huntley, Nance, Sides and Wilkinson being present.

Absent: Councilman Little.

* * *

Councilman Wilkinson introduced the following resolutions, which were read:

RESOLUTION PROVIDING FOR THE ISSUANCE OF \$65,000 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 immediately to issue the remaining \$65,000 Water Bonds, being the unissued balance of \$1,365,000 Water Bonds authorized by an ordinance passed February 10, 1937, which ordinance was approved by the vote of a majority of the qualified voters of said City who voted thereon at an election duly called and held March 16, 1937.

(b) That the probable period of usefulness of the improvements to be made from the proceeds of said bonds is a period of forty years from February 10, 1938, and that said period expires February 10, 1978.

Section 2. That for the purposes provided in said ordinance, the negotiable coupon bonds of the City of Charlotte shall be issued in the aggregate sum of \$65,000, designated "Water Bonds" consisting of 65 bonds of \$1,000 each, numbered 1 to 65, inclusive, dated November 1, 1938, maturing in numerical order annually, November 1, \$3,000 1941 to 1945 and \$5,000 1946 to 1955, all inclusive, without option of prior payment, bearing interest at a rate or rates not exceeding 6% per annum to be determined by the

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Local Government Commission at the time the bonds are sold, which interest shall be payable semi-annually on the first days of May and November of each year, both principal and interest to be payable at the Central Hanover Bank & 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.

RESOLUTION PROVIDING FOR THE ISSUANCE OF
\$350,000 HOSPITAL 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 immediately to issue all of the \$350,000 Public Hospital Bonds authorized by an ordinance passed July 27, 1938, which ordinance was approved by the vote of a majority of the qualified voters of said City at an election duly called and held September 13, 1938.

(b) That the hospital to be constructed from the proceeds of said bonds, together with other funds, shall be of fireproof construction.

(c) That the probable period of usefulness of such hospital is a period of forty years from July 27, 1938 and that said period expires July 27, 1979.

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 sum of \$350,000, designated "Hospital Bonds" consisting of 350 bonds of \$1,000 each, numbered 1 to 350, inclusive, dated November 1, 1938, maturing in numerical order annually, November 1, \$7,000 1941, \$7,000 1942, \$8,000 1943, \$8,000 1944, \$10,000 1945, \$10,000 1946 and \$15,000 1947 to 1966, all inclusive, without option of prior payment, bearing interest at a rate or rates not exceeding 6% per annum to be determined by the Local Government

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Commission at the time the bonds are sold, which interest shall be payable semi-annually on the first days of May and November of each year, both principal and interest to be payable at the Central Hanover Bank & Trust Company in the City of New York, in any coin or currency of the United States of American which at the time of payment is legal tender for public or private debts.

RESOLUTION FIXING THE FORM OF
\$415,000 BONDS AND PROVIDING
FOR THEIR SALE.

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

Section 1. That the \$65,000 Water Bonds and the \$350,000 Hospital Bonds authorized by resolutions passed October 12, 1938, shall be signed by the Mayor and City Clerk under the corporate seal of the City, and the annexed interest coupons shall be signed with the facsimile signature of said City Clerk, and said bonds shall be registerable as to principal alone and as to both principal and interest in accordance with the Municipal Finance Act and with provisions for registration to be 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 designate and appoint another Registrar under the terms of the Municipal Finance Act. No charge shall be made to any bondholder for the privilege of registration herein granted.

Section 2. That said bonds and coupons and the provisions for registration to be endorsed thereon shall be substantially as follows:

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No. _____

\$1,000

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

_____ 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 November, 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 May and November 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 & 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 of North Carolina, as amended, and the Local Government Act of North Carolina, as amended, and an ordinance which was duly submitted to and approved by the vote of a majority of the qualified voters of said City (in the bonds designated "Water Bonds" insert the words "who voted") at an election duly called and held, and resolutions duly passed by the City Council of said City for the purpose of.....
.....

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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, 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 signed with the facsimile signature of said City Clerk, all as of the first day of November, 1938.

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 made hereon by such Bond Registrar, and this bond may thereafter be transferred on said bond register only upon a written assignment of the registered owner or his attorney, duly acknowledged or proved, such transfer to be endorsed hereon by the

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

Dated _____, 19 ____.

Bond Registrar

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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 & 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 _____ Bond, dated November 1, 1938, numbered _____.

City Clerk

Section 3. That the dotted line in the foregoing bond form following the words "for the purpose of" shall be filled out as follows in the two bond issues herein provided for:

In the bonds designated "Water Bonds" the words

"extending and enlarging the municipal water works system of the City."

In the bonds designated "Hospital Bonds" the words "paying a portion of the cost of constructing and equipping a public hospital in said City and acquiring a site therefor."

Section 4. That the City Treasurer is directed to arrange for the advertisement and sale of all of said Water Bonds and all of said Hospital Bonds under the Local Government Act.

Upon motions of Councilman Wilkinson made separately as to each of the foregoing three resolutions in relation to bonds, and seconded in each case by Councilman Albea and unanimously carried, the said three resolutions were read and were separately passed upon their first readings. The votes cast upon the first readings were as follows:

Resolution providing for	FIRST READINGS										
	Coun- cilman Albea	Coun- cilman Bax- ter	Coun- cilman Dur- ham	Coun- cilman Gris- wold	Coun- cilman Hovis	Coun- cilman Hud- son	Coun- cilman Hunt- ley	Coun- cilman Little	Coun- cilman Nance	Coun- cilman Sides	Coun- cilman Wil- ins
\$65,000 Water Bonds	AYE	AYE	AYE	AYE	AYE	AYE	AYE	ABSENT	AYE	AYE	AYE
\$550,000 Hospital Bonds	AYE	AYE	AYE	AYE	AYE	AYE	AYE	ABSENT	AYE	AYE	AYE
Fixing the Form of \$415,000 Bonds and providing for their sale	AYE	AYE	AYE	AYE	AYE	AYE	AYE	ABSENT	AYE	AYE	AYE

Upon motions of Councilman Wilkinson made separately as to each of the foregoing three resolutions in relation to bonds, and seconded in each case by Councilman Albea and unanimously carried, the rules were suspended as to each of said three resolutions, and the said three resolutions were read and were separately passed upon their second readings. The votes cast upon the second readings were as follows:

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SECOND READINGS

Resolution providing for	Coun- cilman Albea	Coun- cilman Bax- ter	Coun- cilman Dur- ham	Coun- cilman Gris- wold	Coun- cilman Hovis	Coun- cilman Hud- son	Coun- cilman Hunt- ley	Coun- cilman Little	Coun- cilman Nance	Coun- cilman Sides	Coun- cilman Wilk- inson
\$65,000 Water Bonds	AYE	AYE	AYE	AYE	AYE	AYE	AYE	ABSENT	AYE	AYE	AYE
\$350,000 Hospital Bonds	AYE	AYE	AYE	AYE	AYE	AYE	AYE	ABSENT	AYE	AYE	AYE
Fixing the form of \$415,000 Bonds and providing for their sale	AYE	AYE	AYE	AYE	AYE	AYE	AYE	ABSENT	AYE	AYE	AYE

Upon motions of Councilman Wilkinson made separately as to each of the foregoing three resolutions in relation to bonds, and seconded in each case by Councilman Albea and unanimously carried, the rules were suspended as to each of the said three resolutions, and the said three resolutions were read and were separately passed upon their third and final readings. The votes cast upon their third and final readings were as follows:

THIRD READINGS

Resolution providing for	Coun- cilman Albea	Coun- cilman Bax- ter	Coun- cilman Dur- ham	Coun- cilman Gris- wold	Coun- cilman Hovis	Coun- cilman Hud- son	Coun- cilman Hunt- ley	Coun- cilman Little	Coun- cilman Nance	Coun- cilman Sides	Coun- cilman Wilk- inson
\$65,000 Water Bonds	AYE	AYE	AYE	AYE	AYE	AYE	AYE	ABSENT	AYE	AYE	AYE
\$350,000 Hospital Bonds	AYE	AYE	AYE	AYE	AYE	AYE	AYE	ABSENT	AYE	AYE	AYE
Fixing the form of \$415,000 Bonds and providing for their sale	AYE	AYE	AYE	AYE	AYE	AYE	AYE	ABSENT	AYE	AYE	AYE

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DEED FROM ST. PETERS HOSPITAL INC. FOR MEMORIAL HOSPITAL SITE.

Mr. Paul Whitlock, attorney for the Charlotte Memorial Hospital, appeared before the Council, with an unsigned deed from St. Peters Hospital, Inc., to the City of Charlotte covering the site for the new Memorial Hospital, which he stated the City was under agreement to purchase. Mr. Whitlock advised that at a meeting of the Board of Directors of St. Peters Hospital, held on October 11th., a resolution was passed authorizing the execution of this deed, and he was making request that the City pass a resolution to purchase this site. He also presented a letter from the President of the Memorial Hospital Association relative to this transaction.

Councilman Baxter moved that the City of Charlotte purchase the site for the Charlotte Memorial Hospital from St. Peter's Hospital, Inc., for the sum of \$50,000.00, as previously agreed upon; deed to be made to the City of Charlotte by the St. Peter's Hospital, Inc. Motion seconded by Councilman Albea and unanimously carried.

CITY TO JOIN IN CEREMONIES FOR BREAKING GROUND FOR CHARLOTTE MEMORIAL HOSPITAL.

Mr. Morgan B. Spier, Executive Secretary of the Charlotte Memorial Hospital, advised that the Executive Committee of this Association felt that it was fitting that some recognition be made on the occasion of breaking of ground for the Memorial Hospital and asked that the City Council cooperate in the celebration by having the Mayor take charge of the ceremonies at that time and make a talk. He read the suggested program but stated that the date could not be fixed at this time.

He also stated that fitting ceremonies would be held at the time of the laying of the corner stone as well as an inspection and public reception for the public at the time the hospital is opened.

Councilman Hovis made a motion that the Council go on record as approving the celebration upon the breaking of soil for the million dollar Memorial Hospital and that it cooperate in every way possible, which motion was seconded by Councilman Albea and unanimously carried.

CLAIM FOR DEATH OF A MULE OF ABRAHAM ROBINSON.

A claim of \$250.00 for the death of a mule alleged to have fallen through a bridge on Hunter Street, was presented by a Mr. Wilson, who stated he was appearing on behalf of Attorney Marion Ross. The mule was the property of Abraham Robinson, colored.

On motion of Councilman Wilkinson, seconded by Councilman Sides, this request was denied.

LOW-COST HOUSING SURVEY.

Mr. Marshall reported that Mr. John D. Shaw, Chairman of the Low-cost Housing Survey, had turned over a communication in connection with the Housing Survey for the Council to consider. This communication asked for housing of forty people to make this survey. An invoice in the amount of \$16.00 was also presented covering the traveling expenses of Mr. Creighton in connection with this matter.

Councilman Albea moved that the matter be referred to the Finance Committee, seconded by Councilman Huntley. After discussion by the Council as to the need of having forty people make this survey, when a committee had been appointed to see whether such a project was needed in Charlotte, Councilman Hovis made a substitute motion that the matter be referred to a special meeting, but no second was received and a vote was taken on the original motion to refer the question to the Finance Committee, and carried.

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REMOVAL OF STANDPIPE FIFTH AND GRAHAM STREETS.

Mr. Marshall advised that he had received a proposal from H. P. Starnes and Associates to dismantle and remove the abandoned stand-pipe from a lot on the corner of Fifth and Graham Streets for salvage material. He stated that this stand-pipe was advertised for sale on two different occasions but no bids of a satisfactory nature were received, and that the above parties now agree to dismantle and remove the stand pipe at their own cost and furnish the City of Charlotte an indemnity insurance policy in the sum of \$25,000 for injuries to one person in any one accident and \$50,000 for more than one person and \$2,000 property damage. It was the City Manager's recommendation that the City accept this offer.

Whereupon, Councilman Wilkinson, seconded by Councilman Baxter, moved that the offer of H. P. Starnes and associates be accepted. Motion carried. Councilman Wilkinson then moved that the agreement with these parties covering this work be accepted and the Mayor and Clerk be authorized to sign the same. Motion seconded by Councilman Hovis and carried.

SIGNAL LIGHTS.

On motion of Councilman Hudson, seconded by Councilman Albea, the communication from the Safety Inspector giving his recommendations as to the signal lights that should be provided and asking for approval for the installation of them in so far as capital outlay funds will permit, was referred to the Police Committee.

INVOICES ON HOSPITAL BOND ELECTION.

Additional invoices in connection with the special bond election for the Memorial Hospital, amounting to \$60.95 were presented, and on motion of Councilman Huntley, seconded by Councilman Baxter, were approved for payment.

PERSONNEL CHANGES.

The City Manager reported that Miss Lucy Pascal had been appointed clerk in the Water Department, succeeding Mrs. Birdie Lytle, resigned, and Mrs. Myra K. Jones, Laboratory Technician, in the Health Department, succeeding Miss Mary Thomas Davis, resigned. Also, that J. C. Randall had been employed as boiler-man to succeed Mr. Poplin, deceased.

RESOLUTION UPON THE DEATH OF MR. DAVID POPLIN.

Councilman Albea presented the following Resolution and moved its adoption, which was seconded by Councilman Sides and unanimously carried:

A RESOLUTION

WHEREAS, in the Providence of the Almighty God and in his Divine Wisdom, He has called David Poplin from our midst; and

WHEREAS, Mr. Poplin loyally and faithfully served the City of Charlotte for eight years, it is with deep appreciation and respect that we honor his memory.

NOW, THEREFORE, BE IT RESOLVED: First: that we, as members of the City Council bow in humble submission to His will, knowing that He is

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too kind to willingly afflict without cause.

Second: That we extend to his family our sympathy and pray God's blessings to rest on them.

Third: A copy of this Resolution be spread upon the Minutes of the City Council and a copy sent to the family of the deceased.

AUDITORS REPORT OF ACCOUNTS OF COLLECTOR OF REVENUE AND DELIVERING OF 1938 TAX BOOKS AND RECEIPTS.

The following Resolution was presented and on motion of Councilman Huntley, seconded by Councilmen Baxter, was unanimously adopted:

RESOLUTION RELATIVE TO AUDITORS REPORT OF THE ACCOUNTS OF THE COLLECTOR OF REVENUE AND DELIVERING OF THE 1938 TAX BOOKS AND RECEIPTS.

WHEREAS, George G. Scott & Company, Certified Public Accountants, have addressed a letter to the City Manager, dated October 5, 1938, a copy of which is hereby attached, in which they report that they have made an examination of the transactions effecting the office of the Collector of Revenue of the City of Charlotte for the year ending September 30, 1938, and that all accounts were found to be in proper order, and they recommend that the new tax books for 1938 be turned over to the Collector of Revenue to be administered by him in accordance with the law.

It is further appearing to the City Council that the Collector of Revenue of the City of Charlotte is under a bond in the sum of Fifty Thousand (\$50,000.00) Dollars, executed by the National Surety Corporation of New York, and that said bond is a continuing bond which protects the City against loss that it might sustain on account of any failure on the part of the Collector of Revenue to properly remit to the Treasurer of the City of Charlotte any and all funds collected by him due the City of Charlotte.

IT IS THEREFORE ordered by the City Council of the City of Charlotte that the report of George G. Scott & Company be received as information; it is further ordered and directed that the 1938 tax collection books and records, including all receipts and stubs be turned over to the Collector of Revenue of the City of Charlotte as of this date, and that said Collector of Revenue proceed with the collection of said taxes as provided by law.

It is further ordered that the said Collector of Revenue retain in his possession the 1937 tax collection books and records, including receipts and stubs, and that he proceed with the collection of all unpaid taxes for the year 1937, as well as prior years and remit all collections to the Treasurer of the City of Charlotte, as required by law.

It is further ordered that the said Collector of Revenue's bond be so prepared that the Collector of Revenue shall be responsible for the proper remittance to the Treasurer of the City of Charlotte for all funds collected by him from the 1937 books and prior years and records, as well as the 1938 books and records.

It is further ordered that the Collector of Revenue of the City of Charlotte is hereby authorized, empowered and commanded to collect all of the taxes set forth in the tax books for the year 1938 which are this date delivered to the Collector of Revenue and filed in the office of

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the Collector of Revenue and in the tax receipts delivered to the Collector of Revenue in the amounts and from the taxpayers likewise therein set forth, and such taxes are hereby declared to be a first lien on all real property of the respective taxpayers in the City of Charlotte, and this order shall be full and sufficient authority to direct, require and enable the Collector of Revenue to levy on and sell any real or personal property of such taxpayer for or on account of the taxes due by the taxpayer and all interest and costs on account thereof, in accordance with the law.

That a copy of this resolution be sent to the National Surety Company of N. Y., which has written the bond of the Collector of Revenue of the City of Charlotte.

DUKE POWER COMPANY ASSESSMENT SOUTH GRAHAM STREET.

Councilman Durham, Chairman of the Finance Committee, reported with regard to the assessments of the Duke Power Company on the widening of South Graham Street, stating that the Power Company had filed exceptions at the time the assessment rolls were adopted and had asked the City to pay for four items, moving switches, rights of way, etc. He stated that the Finance Committee, Mr. Marshall and Mr. Armstrong had met with Mr. Hutchison, Attorney for Duke Power Co., just prior to this meeting and that the Duke Power Company had offered to withdraw their claim against the City if the City would reduce their assessment from \$32.00 per foot to \$17.00, which is the same as the assessment on the Summerville property, adjoining. He advised that it was the recommendation of the Finance Committee that this offer be accepted and made a motion that the matter be settled in accordance with the Finance Committee's recommendation, which motion was seconded by Councilman Griswold and carried.

ORR LAND COMPANY ASSESSMENT - SEIGLE AVENUE.

Councilman Durham reported in connection with the Seigle Ave. assessments against the Orr Land Company, on which they were assessed on an acreage basis. He stated that the Orr Land Company was now asking that they be allowed to cut this property up in lots and attempt to sell them off and get whatever they could out of it and take all their equity in it and apply on the street assessments. It was the recommendation of the Finance Committee that they be allowed to do this.

Councilman Durham then moved that the above request be complied with, which was seconded by Councilman Albea and carried.

STREET NEAR HARDING HIGH SCHOOL TO BE REPAIRED.

Councilman Sides, who sometime ago requested that the street near Harding High School, Irwin Avenue, be repaired, stated that a survey had been made and that by using rock from the City's quarry it would cost about \$244.00 to build the street and about \$250.00 for the sidewalk.

He then moved that this work be done as quickly as possible in connection with street maintenance work. Motion seconded by Councilman Albea and carried.

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CHANGE IN COMMITTEE FOR LOW-COST HOUSING QUESTION.

Councilman Hovis moved that the Chairman of the Real Estate Committee be appointed on the committee to look into the question of the request for handling the low cost housing survey made earlier in this meeting, which motion was seconded by Councilman Albea and carried.

MAYOR TO WRITE TO MAJ. GENERAL KILBOURNE AND DR. E. W. SIKES RE FOOTBALL GAME.

Councilman Baxter made a motion that the Mayor be authorized by the City Council to write a letter to Major General Charles C. Kilbourne, of V.M.I., Lexington Va., and Dr. E. W. Sikes, of Clemson College, thanking them for the gentlemen-like manner and sportsmanship their cadets showed while in Charlotte from the V.M.I. - Clemson game on Saturday, October 8th., also thanking them for coming and inviting them back again. Motion seconded by Councilman Huntley and carried unanimously.

CEMETERY DEEDS.

Girley Poplin, Lot No. 50, Section "Y", Elmwood Cemetery	\$63.00
Mrs. Eva Aycock, East Half Lot No. 38-B, "D Annex"	56.00

On motion of Councilman Albea, seconded by Councilman Hovis, the above cemetery deeds were approved.

ADJOURNMENT.

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

Alice B. H. Powell
City Clerk