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The City Council met in regular weekly session at 4:00 o'clock P. M., Wednesday, September 21, 1938, with Mayor Douglas presiding and Councilmen Albea, Baxter, Durham, Griswold, Hovis, Hudson, Huntley, Nance, Sides and Wilkinson being present.

Absent: Councilman Little.

MINUTES OF SEPTEMBER 7TH MEETING APPROVED.

On motion of Councilman Wilkinson, seconded by Councilman Albea, the reading of the minutes were dispensed with until the close of the meeting, at which time the minutes of the September 7th. meeting were read and on motion of Councilman Wilkinson, seconded by Councilman Huntley, were approved.

CHARLOTTE PUBLIC LIBRARY GIVEN \$2500.00 FROM EMERGENCY FUND.

Mr. J. A. Mayo, and several members of the Library Board, again appeared before the Council, stating that the special committee appointed by the Mayor at the last meeting had met with their Board and after going over the matter in question, had requested the Board to bring the request to the entire Council. This request was that the City augment the library fund from City funds to the amount of \$2500.00 in order to assist them in their work.

Councilman Sides, a member of the special committee, stated that the operation of the library is below the perncapita per person as compared to cities of similar size; that the staff is not being paid in line with those of other cities of like size, and that the replacement of books is not up to the number of books that are having to be discarded, and that it was the recommendation of the committee that the Council take \$2500.00 from the Emergency Fund and give to the Library for their needs.

Councilman Sides then moved that this \$2500.00 be taken from the Emergency Fund for the Library, which motion was seconded by Councilman Durham and carried.

POLICE PROTECTION REQUESTED FOR V.M.I.-CLEMSON FOOTBALL GAME.

Mr. John R. Pender requested the City Council to appropriate the sum of \$200.00 to be used for special police protection and sanitation during the evening of the V.M.I.- Clemson football game, stating that a large number of cadets from both schools will be in the city at that time and in order to avoid any trouble it will be necessary to have this extra protection.

City Attorney Boyd was asked if this could be done and advised that if necessary it could be, but that it would have to be handled under the Police Department. Whereupon, Councilman Wilkinson moved that the request be granted provided satisfactory arrangements could be worked out to dispense the money, and that a committee from the Alumni Association and the Police Committee work hand in hand. Motion seconded by Councilman Griswold and carried.

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CITY TO SPONSOR P.W.A. APPLICATION FOR RECREATIONAL CENTER, AMERICAN LEGION.

Mr. Wade Ballenger, Commander of Hornets Nest Post No. 9, American Legion, appeared before the Council with request that the City of Charlotte sponsor a P.W.A. application for proposed recreational center to be handled by the American Legion.

The following opinion on this subject was read by the City Attorney:

"Attached hereto is a resolution relative to the City Council agreeing to sponsor a P.W.A. application and project in connection with the American Legion's proposed Recreational Center.

Without any expressed authority or decision of our Court to rely upon, I am of the opinion that such an undertaking would be construed as a municipal purpose, and that the proposed lease to the American Legion, Inc. would be valid and within the rights of the City to make such a lease, inasmuch as no municipal funds are to be used in connection with the construction or maintenance of this project.

Signed Basil M. Boyd
City Attorney"

RESOLUTION RELATIVE TO SPONSORING ABOVE PROJECT.

The following resolution was then read, and on motion of Councilman Baxter, seconded by Councilman Albea, was unanimously adopted:

WHEREAS, Hornets Nest Post #9 of the American Legion, of Charlotte, N. C. proposed to apply to the Secretary of State for a Charter for the said Post, giving it authority, among other things to own and lease real estate and to operate in the City of Charlotte a Recreational Center for sports and athletic games of all sorts, and

WHEREAS, it is proposed to purchase a tract of land suitable for said purpose, the title of which is to be vested in the City of Charlotte upon which property it is proposed to construct an athletic field consisting of baseball diamond, tennis courts, a stadium and a brick veneer Recreational building all at a cost not to exceed \$75,000.00, including the cost of the land, and,

WHEREAS, it is proposed that the City of Charlotte act as sponsor for this project and apply to the Public Works Administration of the Federal Government for a grant of 45% of the total cost of the project, the sponsors contribution to be furnished in full by Hornets Nest Post #9 of the American Legion and other contributions including the cost of the land, so that there will be no contribution of City funds, and

WHEREAS, it is proposed that the said project, when completed, shall be leased by the City of Charlotte to the corporation of Hornets Nest Post #9 of the American Legion of Charlotte for a term of 99 years at a nominal rent of \$1.00 per year with the further consideration that said corporation shall operate and maintain the same as a Recreational Center for playgrounds and athletic games and sports, and pay to the City of Charlotte 10% of the net proceeds derived from the operation of said Center to be used for charity after the original cost of the project, exclusive of the Federal grant has been repaid, and provided that the lessee indemnifies with insurance the City of Charlotte against any damages as

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a result of law suits that may arise in whatever manner it is hereafter determined that such insurance is necessary, and provides insurance during construction.

WHEREAS, the City Council of the City of Charlotte considers such a project to be beneficial and desirable as a community enterprise and is willing to act as sponsor for such a project under the foregoing conditions.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte that the City act as sponsor for such project and that the City Manager and the City Clerk be and they hereby are authorized to sign an application to the Public Works Administration of the Federal Government for a grant of 35% of the total cost not to exceed \$75,000.00 including the land, if and when the sponsors part of the cost of the project is deposited in cash to the credit of the City of Charlotte in some bank in the City.

PROTEST RELATIVE TO PLAZA PAVING.

Mr. U. S. Goode, a resident of the Plaza, again appeared before the Council, protesting the difference in types of paving being placed on the Plaza and Queens Road; Mr. Goode presenting a letter from Mr. Brent Drane, former City Engineer, who was in charge of the paving on Queens Road at the time the old paving was laid, in which he contended that the two paving bases were the same. Mr. Goode asked that a test be made of these two jobs by a party not connected with the City Government, and also asked that Asphalt paving be placed on the Plaza. The Mayor called for an expression from the Council, but none was forthcoming and the matter was passed over.

CONTRACT FOR PORTLAND CEMENT.

On motion of Councilman Huntley, seconded by Councilman Hudson and carried, contract for 250 barrels of Portland Cement, was awarded to the low bidder, Charlotte Lumber Corp., at the price of \$829.50, and the Mayor and Clerk were authorized to sign the contract.

The bids received on this material were as follows:

Charlotte Lumber Corporation	\$829.50
Builders Merchandise Company	841.75
North Charlotte Lumber Company	845.25
Cathey Lumber Company	847.00
Doggett Lumber Company	847.00
H & S Lumber Company	847.00
T. J. Wiggins Lumber Company	847.00
Tucker-Kirby Company	847.00

CONTRACT FOR PENETRATION ASPHALT.

On motion of Councilman Albea, seconded by Councilman Wilkinson, contract for one car of Penetration Asphalt was awarded to American Bitumuls Company, at \$608.00, this being done under the policy of alternating like bids, and the Mayor and Clerk were authorized to sign the contract.

Bids were as follows:

American Bitumuls Company	\$608.00
Emulsified Asphalt Refining Company	608.00
J. B. Hunt & Sons	616.00

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CONTRACT FOR CRUSHED STONE.

The following bids having been received on 300 tons of 5/8" Crushed Stone, to be used in surface treatment work on The Plaza:

Caldwell Construction Company	\$645.00
American Limestone Company	795.00
The Weston & Brooker Company	843.00

Councilman Wilkinson, seconded by Councilman Durham, moved that the contract be awarded to Caldwell Construction Company, the low bidder, at \$645.00, and that the Mayor and Clerk sign the contract. Motion carried.

BOND ELECTION INVOICES APPROVED FOR PAYMENT.

On motion of Councilman Huntley, seconded by Councilman Albea, additional invoices in connection with the Hospital Bond election, totaling \$135.68, were approved for payment.

SAL UNDERPASS.

The City Manager reported in connection with the construction of the S.A.L. Underpass on North Tryon Street, that it was necessary for the City to acquire certain rights-of-way, one of which is a lot owned by the Pritchard Paint and Glass Company, north of the Underpass on the right hand side. He stated that the new underpass would take a large part off the front of this lot and the new location of a large drainage culvert would go immediately through the center, and that it was believed by the appraisers that the City's interest would best be served by purchasing the entire lot.

The City requested Mr. E. S. Delaney to serve as the City's representative and the owner appointed Mr. V. J. Guthery, with the understanding that these two men were to appoint a third appraiser if necessary, to arrive at the correct market price of the lot, and from the report submitted by Messrs. Delaney and Guthery, it is their opinion that the sum of \$9,500.00 would be a fair and reasonable price for the lot and the City Manager recommended that it be purchased out of an existing Bond Fund for the Opening and Widening of Streets.

After a discussion as to \$9,500.00 being a fair price for this lot, Councilman Nance moved that the matter be referred to the Real Estate Committee for report back at the next meeting, which motion was seconded by Councilman Albea and carried.

ADOPTION OF AMENDMENTS TO PLUMBING CODE.

The City Manager presented the following ordinance, which he stated had been drawn up for some time and which the Plumbing Inspector felt it was advisable to adopt due to several of the sections being obsolete:

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AN ORDINANCE TO REPEAL AND ALSO AMEND AND ADD TO
CERTAIN SECTIONS OF THE PLUMBING CODE OF THE CITY OF CHARLOTTE.

Repealing Sections 638, 644, 645 (a), Sub section (a), (b) and (d) of Section 655, second paragraph of Section 656, first paragraph of Section 657, Tables of Soil Pipe Waste Stack sizes Section 659, second paragraph of Sub-section (a) of Section 660, Section 663, Section 666, Section 674, Section 678, Section 681, Section 682, Section 688, first paragraph, also sub-section (1) of Section 691.

BE IT ORDAINED by the Council of the City of Charlotte: That Section 638, Section 644, Section 645 (a), Sub-Sections (a) and (d) of Section 655, Section paragraph 656, Tables of Soil Pipe Waste Stack Sizes, Section 659, Second paragraph of Sub-section (a) of Section 660, Section 663, Section 666, add Sub-section 674 (a), add Section 678, Section 681, Section 682, Sub-section (a) of Section 685, Sections (b) and (c) of Section 686, Section 688, first paragraph of, also sub-section (1) of Section 691, of the Plumbing Code of the City of Charlotte, adopted January 6, 1930, be and the same are hereby repealed and in lieu thereof the following Sections and part of Sections thereof be adopted, and shall become effective within 30 days after publication.

Section 638. Repairs to and changes in sewer or house connections or water supply system in connection therewith, without a permit, is forbidden. It shall be unlawful for any person, firm or corporation to construct, erect, alter or repair any sewer or house connection or water supply system in connection therewith, without first obtaining a permit from the City Plumbing Inspector. Permits will be issued to qualified persons only as required in Section 645. If any sewer or house connection or water supply system in connection therewith is found hereafter to have been constructed, erected or repaired in violation of any of the ordinances, rules and regulations of the Governing Body, said person or persons, or their agents, so offending, shall be subject to and shall pay a penalty of fifty dollars for each offense.

Section 644 (a) EXAMINATION OF PLUMBERS --- LICENSE USEABLE ONLY TO WHOM GRANTED -- DISQUALIFICATION OF MASTER AND JOURNEYMAN PLUMBERS. On and after the passage of this ordinance, any person who wishes to engage in the business of plumber as master or journeyman, shall appear in person before the examining board (which board shall consist of one master plumber, one journeyman plumber and the plumbing inspector, the members of said board to be appointed by the City Manager), and exhibit proof of the right to engage in the business of master plumber or to be licensed as a registered journeyman plumber. Provided, further, that applicants for master plumber examination shall pay a fee of \$25.00 and journeyman plumber a fee of \$5.00 for the examination. All examination fees to go to the members of the examining board as remuneration for the time and services of the board members in connection with holding said examinations.

(b) One year after the adoption of the Plumbing Code of the City of Charlotte, N. C., any master or journeyman plumber inactive in the pursuance of his trade in the City of Charlotte for a period longer than three years prior to the effective date of this sub-section of the Plumbing Code, or any master or journeyman plumber who shall any time thereafter become inactive in the pursuance of his trade in said City for more than three years, shall be required to pass the examination provided for in sub-section (a) of this section, before again becoming eligible to perform his craft in said City.

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Section 645 - Permits. (a) No person, firm or corporation other than Masters Plumbers or Journeyman Plumbers employed by Master Plumbers shall make or cause to be made connections to any plumbing fixture drain, waste, soil, or vent pipe, or water supply system in connection therewith. A permit must be secured from the City Manager or his representative to do so, and it shall be the duty of the Plumbing Inspector to keep suitable records of all permits issued.

Section 655 (a) All soil pipe from base of stack to public sewer and including vertical riser from base of stack throughout its entire length shall be extra heavy cast-iron not less than four (4) inches in diameter and be lead caulked. Where laterals are run from public sewer to curb lines, the soil pipe provided for in this section may connect to these laterals, provided standard pipe is used between street curb and five feet of building line. Extra heavy soil pipe shall be used from base of stack or stacks to a point five feet beyond that portion of a building or structure nearest to a City sewer main, at right angles to the sewer main.

Sub-section (b) of Section 655 is repealed without amendment.

(d) All changes in direction must be made with proper degree bends, and all connections must be made with Y's. From the property line to the base of the stack suitable cleanouts shall be placed in the pipe and brought to grade, cleanouts to be extra heavy cast iron body four (4) inches long, brass plug five-eighths (5/8) inches long, located not over ninety (90) feet apart. Fall of 1/4 inch per foot shall be required between stack and main sewer.

SECOND PARAGRAPH OF SECTION 656 - HANGERS. Pipe shall be securely hung on the wall or ceiling with approved strap iron hangers of not less than seven-eighths (7/8) of an inch in width and of eleven (11) gauge material, spaced not over five apart, or they may be laid in a trench, the bottom of which may be made thoroughly compact.

FIRST PARAGRAPH AND TABLES OF SOIL PIPE SIZES OF SECTION 659, Soil Pipe Sizes; The size of vertical and horizontal soil pipes shall not be less than set forth in the following table.

TYPE OF FIXTURE		DIAM. OF WASTE PIPE
LAVATORIES	1 to 4 -----	1½ inches
	5 to 10-----	2 "
DRINKING FOUNTAINS	1 to 4 -----	1½ "
	5 to 10-----	2 "
BATH TUBS	1 to 4 -----	2 "
	5 to 20-----	3 "
DENTAL UNITS	1 to 4 -----	1½ "
	5 to 20-----	2 "
SINKS AND LAUNDRY TRAYS	1 to 4 -----	2 "
	5 to 20-----	3 "
SLOP SINKS	1 to 4 -----	3 "
	5 to 20-----	4 "
STALL URINALS	1 to 4-----	2 "
	5 to 12-----	3 "
PEDISTAL URINALS	1 to 16-----	4 "
	17 to 50-----	5 "

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TABLES OF SOIL PIPE CONTINUED:

TYPE OF FIXTURE	DIAM. OF WASTE PIPE
WATER CLOSETS 1 to 16 -----	4 inches
17 to 50 -----	5 "
51 to 120-----	6 "
121 to 180-----	8 "

No waste pipes shall be allowed to enter a lead bend of a closet but shall have a separate connection to a soil pipe line or stock. Where space is not sufficient to install Y below lead bend and special permission in writing is given by the Plumbing Inspector, waste lines from laboratories, tubs and showers may be connected to lead bends.

Fixture waste or drain lines to be of cast iron, lead or brass pipe, and when brass pipe is used galvanized Durham fittings must be used.

SECOND PARAGRAPH OF SUB-SECTION (a) OF SECTION 660- WATER CLOSETS- A-1 hopper bowl pressure acting tank closets can be installed in cheap (unheated) tental property, also high tank closet permissible if the tank is iron enameled on the inside.

SECTION 663 -- LEAD PANS FOR SHOWER STALLS - Shower stall installations above basement floor, other than those equipped with an approved receptacle, shall have underneath same a pan constructed of sheet lead weighing not less than four (4) pounds per square foot.

SECTION 666 -- SEPARATE SEWERS - Each residence, apartment, office building, or business structure shall have a separate sewer connection if a main sewer in the street or alley is available. Every dwelling shall have a closet and sink in the house or back porch for each family. The use of frost proof toilets is prohibited.

SECTION 674-- CLOSETS RE-VENTED - All closets shall be revented with a two inch pipe. Where there is only one closet on a soil pipe, and no fixture on upper floor, the revent may be omitted but where more than one water closet is located on a soil pipe on stack, all water closets except the closet on the top floor must be re-vented, and in all cases water closets located more than three feet from the main stack must be re-vented.

(a) Where top fixture, such as lavatory, sink, drinking fountain, and laundry tray is located not more than eighteen (18) inches from tapping in four (4) inch stack to the center of the waste outlet of each fixture a re-vent may be omitted.

SECTION 678 -- SAND TRAPS AND GREASE CATCH BASINS - No sand trap or grease catch basin shall be connected to the City sanitary sewer system.

SECTION 681 -- BRANCH WASTE PIPES -- Branch waste pipes shall not be less than the following sizes:

TYPE OF FIXTURE	CAST IRON LEAD		WASTE TRAP	VENTS
LAVORATORIES -----	2 in.	1 1/2 in.	1 1/4 in.	1 1/2 in.
DRINKING FOUNTAINS -----	2 in.	1 1/2 in.	1 1/4 in.	1 1/4 in.
BATH TUBS -----	2 in.	1 1/2 in.	1 1/2 in.	1 1/4 in.
DENTAL UNITS -----	2 in.	1 1/2 in.	4" DRUM	
SINKS, LESS THAN 15 FT RUN-----	2 in.	1 1/2 in.	1 1/2 in.	1 1/2 in.
SINKS, MORE THAN 15 FT RUN-----	3 in.	1 1/2 in.	1 1/2 in.	1 1/2 in.
LAUNDRY TRAYS -----	2 in.	1 1/2 in.	1 1/2 in.	1 1/2 in.
SHOWERS -----	2 in.	2 in.	2 in.	1 1/2 in.
URINALS (STALL) -----	2 in.	2 in.	2 in.	1 1/2 in.
URINALS (PEDESTAL)-----	4 in.	4 in.	4 in.	2 in.
SLOP SINKS -----	3 in.	3 in.	2 in.	2 in.

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TYPE OF FIXTURE	CAST IRON LEAD	WASTE TRAP	VENTS
WATER CLOSETS -----	2 in. 4-in.	4 in.	2 in.
FLOOR DRAINS IN BASEMENT -----	3 in. --	3 in.	--
FLOOR DRAINS ABOVE BASEMENT -----	2 in. --	2 in.	--

Three inch soil pipe waste line shall be used on sink or sinks where the horizontal waste line is over fifteen (15) feet in length between the sink location or locations and the four (4) inch soil pipe waste line.

SECTION 682 -- BACK VENTS FOR FIXTURES - Back vents for fixtures shall not be less than the following:

NO. OF FIXTURES	TYPE OF FIXTURE	SIZE PIPE
LAVATORIES		
1 -----	"	1 1/4 in.
2 to 3 -----	"	1 1/2 in.
4 to 6 -----	"	2 in.
DRINKING FOUNTAINS		
1 -----	"	1 1/4 in.
2 to 3 -----	"	1 1/2 in.
4 to 6 -----	"	2 in.
BATH TUBS		
1 -----	"	1 1/4 in.
2 -----	"	1 1/2 in.
3 to 6 -----	"	2 in.
DENTAL UNITS		
1 -----	"	1 1/4 in.
2 to 3 -----	"	1 1/2 in.
4 to 6 -----	"	2 in.
SINKS		
1 to 2 -----	"	1 1/2 in.
3 to 6 -----	"	2 in.
LAUNDRY TUBS		
1 to 2 -----	"	1 1/2 in.
3 to 6 -----	"	2 in.
SHOWER BATHS		
1 to 2 -----	"	1 1/2 in.
3 to 6 -----	STALL "	2 in.
STALL URINALS		
1 -----	"	1 1/2 in.
2 to 3 -----	"	2 in.
4 to 12 -----	"	3 in.
13 to 25 -----	"	4 in.
PEDISTAL URINALS		
1 to 2 -----	"	2 in.
3 to 10 -----	"	3 in.
11 to 20 -----	"	4 in.
SLOP SINKS		
1 to 2 -----	"	2 in.
3 to 10 -----	"	3 in.
11 to 20 -----	"	4 in.

Where water closets must be revented outside of a four inch stack the size of the vent shall be:

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WATER CLOSETS

1 to 2 -----	"	-----2 in.
3 to 10-----	"	-----3 in.
11 to 25-----	"	-----4 in.
26 to 75-----	"	-----5 in.

Where there are two (2) water closets re-vented with a 2 inch vent pipe there may be added one 2 x 1½ inch tee placed in the 2 inch vent of capacity according to table.

(a) All bath tub traps shall be either P or Drum Type. Where P traps are used they shall be one and one-half inch extra heavy lead, and no cleanout will be permitted in P traps, except those used on first floor. Drum traps shall be extra heavy type.

Where vent pipes pass through roof, they shall be flashed with four (4) pound sheet lead or sheet copper, at least four (4) inches high.

SUB-SECTION (a) OF SECTION 685.-- BASEMENT OR CELLAR DRAINS -- All basement, area, or cellar drains shall be approved cast iron painted, combined floor drain, double wall, not less than four (4) inch deep seal trap and brass cleanout; trap outlet to be not less than three (3) inch spigot. Any additional basement, area or cellar drain may be with a two-inch spigot outlet. Inlet of drain must be in full view at all times and set for free drainage of the floor.

SUB-SECTIONS (b) AND (c) OF SECTION 686 --- SIZE OF WATER SUPPLY PIPES. (b) The size of water service pipes shall not be less than set forth in the following table:

FIXTURES

1 to 10-----	"	-----3/4 in pipe
11 to 20-----	"	-----1 in pipe
21 to 35-----	"	-----1¼ in pipe
36 to 50-----	"	-----1½ in pipe
51 to 100-----	"	-----2 in pipe

The pipe sizes for fixtures having diaphragm or similar type flush valve shall be determined by the City Manager or his representative.

(c) On the inside of each building there shall be placed on the water supply line a stop and waste valve, or gate valve equipped with drain. Valve to be same size as pipe line to which they are attached. All valves and stop cocks must be placed in a convenient location and accessible for repairs. In buildings that are subject to freezing, approved stop and waste cocks with key rod may be used. A full bore cock must be placed at property line. All range boilers or hot water tanks shall be of extra heavy materials and must have a separate control on the cold water supply line.

SECTION 688 - RELIEF VALVES -- There shall be installed on all range boilers at closest possible point to the hot water boiler on the hot water line, or on boiler itself, and approved type self-closing, fully automatic pressure and temperature relief valve, with adjustable lever and bellows-type thermostat with tube to extend into boiler or tank to be of all brass construction and to resist heat and corrosion, with three-quarter inch inlet and with one-half inch outlet.

SECTION 691. SUB-SECTION . The permission to connect with, will be conditioned upon the premises being supplied with City water and upon the plumbing being installed in accordance with the Plumbing Code of the City of Charlotte. All work installed must be done by person or persons qualified as required in Sections 643 and 644.

On motion of Councilman Hovis, seconded by Councilman Sides,

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the foregoing ordinance was unanimously adopted on three readings and declared by the Mayor to be an ordinance of the City of Charlotte.

APPROVED AS TO FORM:

Basil M. Boyd
City Attorney

CEMETERY DEED.

On motion of Councilman Hovis, seconded by Councilman Hudson the following cemetery deed was approved:

Miss Ruby Medlock, Lot No. 344, Section "U", Elmwood Cemetery \$70.00

NOTICE OF CLAIMS FOR DAMAGE FOR ALLEGED ACCIDENTS.

On motion of Councilman Huntley, seconded by Councilman Albea, the following claims for damages were ordered turned over to the City Attorney for handling:

Suit of Suvilor Tate, colored, 213 South Long Street, by B. F. Wellons, Atty., claim for damages in the amount of \$1000.00 for alleged injuries received by falling in open man-hole on North Long St and 8th St., September 8, 1938.

Claim of Ruth Christenbury for alleged injuries received on July 17, 1938, at the intersection of Cedar Street and West Morehead St., in the amount of \$3000.00; represented by J. T. Moore and R. T. Puhlman, attorneys.

Letter was also read by the Clerk from the City Attorney as follows:

"The case of Plant Food Co. vs. City of Charlotte was heard last Friday before Judge Cowper upon a demurrer to the plaintiff's complaint upon the grounds that the contract in question was void for the reason that the City Council had no authority to make a contract for ten years in the exercise of a governmental function, and for the further reason that the contract being for the sale of personal property and no advertisement was made for bids as by law required.

Judge Cowper sustained our demurrer upon both grounds and the plaintiff appealed to the Supreme Court. The case should be reached in the Supreme Court in November. In the mean time, this company should be called upon to settle in full for all sludge delivered to it to date. If this has not been done, and if this company should fail to settle immediately, then I think delivery to it of any more sludge should be stopped. The contract calls for settlement on the 10th. of each month.

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The City was also granted a non-suit last week in a case wherein Mrs. T. N. McGuirt was seeking damages in the sum of \$12,500.00 for an alleged injury from falling into a hole in the sidewalk in South Boulevard. I do not think this case will be appealed, because their attorney failed to give the City proper notice under the Charter and the time has expired in which proper notice can be given.

Yours truly,
BASIL M. BOYD
City Attorney"

ADJOURNMENT.

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


City Clerk