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The City Council met in regular weekly session at 4 o'clock P. M., Wednesday, July 22, 1942, in the Council Chamber, City Hall, with Mayor Currie presiding, and Councilmen Albea, Baker, Beasley, Daughtry, Hovis, Little, Painter, Price, Ross, Slye and Ward being present.

Absent: None.

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DELEGATION OF NEGROES ASKING FOR CONTINUANCE OF NEGRO-POLICE OFFICERS.

A delegation of negro citizens appeared before the Council regarding the continuance of negro police officers for Charlotte. Dr. J. S. Nathaniel Tross and Dr. Hermitage, Rector of St. Michaels Episcopal Church, urged the retention of these colored officers, stating that they had greatly reduced crime among their race during the year that they have served. Dr. Tross also expressed his thanks to the Council for the year's experiment with these men.

After hearing these two men speak, also Arthur Greer, another member of the delegation, the Mayor announced that the Council would take up the City Manager's report before going further into this matter, and proceeded along this line.

CONTRACTS FOR GASOLINE AND OIL AWARDED.

Bids having been received for a year's supply of gasoline, motor oil and grease; the only bid received on the gasoline in conformity with the bid specifications being that of the Standard Oil Company of N. J., which covers the following:

20,000 Gals. Gas---	Tank wagon delivery	@20.60¢ per gal.	
	total -		\$4,120.00
150,000 "	" ---Tank car delivery	@18.67¢ per gal	
	total -		\$28,005.00
3,000 "	" High Octane	@22.60¢ per gal.	
	total -		\$ 678.00

On motion of Councilman Beasley, duly seconded by Councilman Little and carried, the contract was awarded to the Standard Oil Company of N. J., on a sliding scale unit price basis, as above set forth, totaling net delivered price of \$32,803.00, the Mayor & Clerk to sign the contract.

MOTOR OIL - 3,000 gallons - Nos. 10,20,30,40,50 & 60.

Standard Oil Company of N.J.	(drum or bulk)	\$1,128.60
Wm. C. Robinson & Son Co.	(drum only)	1,158.30
The S. C. Hamer Company	(drum only)	1,574.10

Upon motion made by Councilman Slye, seconded by Councilman Albea and carried, order was placed with the lowest bidder, Standard Oil Company of N. J., at a unit price of .38¢ per gallon, representing a net delivered price of \$1,128.60, and the Mayor and Clerk were authorized to sign the contract.

GREASE: 2,000 Lbs. Chassis Lubricant and 2,500 lbs. Gear Oil.

Wm. C. Robinson & Son	(100 lb.drums)	\$306.90
Standard Oil Co. of N. J.	(400 lb.drums)	306.90
" " " " "	(100 lb. " )	336.60
The S. C. Hamer Company	( drums )	486.10

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The City Manager advised that it is preferable to have the greases in 100-pound drums, and recommended that the contract be placed with the lowest bidder of that delivery, Wm. C. Robinson & Son Company, at the price above quoted.

Thereupon, Councilman Albea moved that the award be made to the Wm. C. Robinson & Son Company, at a net delivered price of \$306.90, and that the Mayor and Clerk sign the contract. Motion seconded by Councilman Baker and carried.

NEW BIDS TO BE ADVERTISED FOR ON PUBLISHING DELINQUENT TAXES.

Bids having been called for and received for publishing the 1941 delinquent tax list, based on an estimated amount of 2,200 column inches, as follows:

The News Publishing Company	\$2,199.12
The Charlotte Observer	2,200.00

the City Manager explained that the bid of the Charlotte Observer did not specify a 2 percent discount, which made a difference of 88¢ in the two bids, thereby making the bid of the News Publishing Company the low bid. He stated that he had received a letter from the Charlotte Observer stating that it is customary to have the City take this 2% whether contained in the bid or not, and in this connection, Mr. P. H. Batte, Advertising Manager of the Charlotte Observer, who was present, explained that they still wished to stand on their original bid, but that they contend that they were the lowest bidder on the basis of the original bid, since the procedure has been established that the 2% will be taken whether shown in the bid or not. He stated that Mr. Dowd, of The Charlotte News, will confirm his statement.

After hearing Mr. Batte, Councilman Little moved that all bids be thrown out and new bids advertised for, which was seconded by Councilman Painter. Councilman Beasley attempted to make a substitute motion that contract be awarded to the Charlotte Observer on the basis of their being the low bidder according to figures submitted, but this did not receive a second, and after discussion, Councilman Little's motion was carried, and new bids are to be called for.

CRUSHED STONE FOR STREET WORK.

Mr. Flack reported that bids were called for on eight carloads of crushed stone for use by the Street Department from the three available sources of supply, but that only the bid of Caldwell Construction Company was received, in the amount of \$787.50, and upon motion made by Councilman Baker, seconded by Councilman Albea, the Mayor and Clerk were authorized to sign a contract with the Caldwell Construction Company for this material, at the price of \$787.50.

REPORT GIVEN BY CITY MANAGER ON STREET CAR RAILS REMOVAL.

The City Manager reported to the Council that the Engineering Department is working on the question of removal of old street car rails on City streets; that there are three divisions of track- one where the State is not interested; one where the State is interested; and one where it will be a very difficult matter to remove the rail. He stated that several cities where this work is now in progress have been visited by the City Engineers and that work is progressing as rapidly as possible and that there will be no unnecessary delay on the part of the City.

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DRAIN PIPE LINE FROM OLD ROCK QUARRY.

Mr. Flack reported that it has been found advisable to drain the old Rock Quarry by laying an 8-inch pipe line, and that inasmuch as this is a temporary measure and cannot be classified as either a storm sewer or sanitary sewer, with no funds budgeted to cover, it will be necessary to appropriate the needed amount from the Emergency Fund, which is \$193.05.

Upon motion of Councilman Slye, seconded by Councilman Albea and carried, this appropriation of \$193.05 was authorized to be made for this work from the Emergency Fund.

RESOLUTION RELATIVE TO AIRPORT NOTE.

The following Resolution was presented by Councilman Ross, Chairman of the Finance Committee, and on motion made by him, duly seconded by Councilman Ward, was unanimously adopted:

RESOLUTION PROVIDING FOR  
PAYMENT ON AIRPORT NOTE.

\* \* \* \* \*

WHEREAS, the Council, at its meeting held October 23, 1940, as a result of preliminary conferences and discussions, authorized certain citizens of the City to purchase two tracts of land needed by the City for its Airport; one consisting of sixty-eight (68) acres, and the other containing fourteen (14) acres; and agreed that if the same was deeded to the City the City would reimburse these citizens for the purchase price out of money derived from the sale of property belonging to the City of Charlotte on Graham Street or from any other unbudgeted surplus not derived from taxes that might be available; and, whereas, in reliance upon the Council's action said citizens did purchase the said tracts of land and procure that same be deeded to the City at a cost of approximately \$10,000, note for which was given to the American Trust Company, signed or endorsed by the said citizens; and, whereas, the said note is outstanding and unpaid, and, whereas, on or about the 12th day of June, 1942, the Housing Authority of the City of Charlotte paid and delivered to the City the sum of \$6563.00, representing profits derived by it from its operations during the current year, which said money was placed in a special account and is still held in said account,

NOW, THEREFORE, BE IT RESOLVED that there shall be paid upon the principal of the aforesaid note the sum of \$6350.00 and to cover interest on same up to and including July 23, 1942, the sum of \$94.16, which said payments shall be made from the aforesaid special account; resolved, further, that hereafter the remainder in the said special account shall be paid on interest coming due upon the said note quarterly; resolved, further, that the proper officials of the City be, and they are, directed to issue checks to carry out the purpose and intent of this resolution.

NOTICE OF COMPLAINT OF JOHN McRAE V. CITY OF CHARLOTTE.

Notice was filed with the Council and referred to the City Attorneys of complaint from Carswell & Ervin, relative to damages to automobile of John McRae, alleged to have been caused by running over a meter box projecting above the street level at the intersection of 13th. and Burton Streets, on May 6, 1942. Amount of claim is \$150.00.

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RENEWAL OF SPECIAL OFFICER PERMITS FOR CHARLOTTE QUARTERMASTER DEPOT.

Upon motion of Councilman Beasley, seconded by Councilman Little and carried, the following Special Officer permits were renewed for on the premises of the Charlotte Quartermaster Depot; all having been checked by the Police Department and approved by it:

Willis M. Linder	Wm. D. Martin
Blair M. Nankivell	Fred H. Hamilton
Gus L. Lawson	Harold L. Eatman
Adam Q. Fisher	Roman G. Clayton
Harry W. Fisher, Jr.	Oscar L. Starnes

RESOLUTION PROVIDING FOR THE DISCONTINUANCE OF THE PRACTICE OF ALLOWING GARBAGE AND TRASH FROM OUTSIDE THE CITY TO BE PLACED IN THE CITY INCINERATORS.

The following resolution was introduced, and upon motion of Councilman Ross, duly seconded by Councilman Beasley, was unanimously adopted:

RESOLVED: That the practice of allowing garbage, trash, rubbish and other articles to be brought from outside the City limits and placed in the City Incinerators, and/or City dumps, shall be discontinued; and to that end the Supervisor of the Sanitary Division is directed to forbid any further continuance of said practice; provided that this shall not apply to the United States Military Establishments.

MISCELLANEOUS BILLS APPROVED.

A number of bills, amounting to \$140.18, for various items of expense of the City Attorneys, were approved for payment, on motion made by Councilman Little, duly seconded by Councilman Ward and carried.

BUDGET ORDINANCE.

The appropriation budget for the fiscal year 1942-1943 was presented at this time, but before adoption, Councilman Baker objected to the item of \$5909.00 set up for W.P.A. expense, stating that he had objected to this in private meetings of the Finance Committee as well as with the Council, and that since the joint account was set up by joint meeting of the City Council and Board of County Commissioners, on April 29th., conditions have changed and Mr. Tillett had given an opinion to the effect that the City would not have to continue to make this appropriation if it did not care to, and that at a meeting of the Council on the budget last week it was agreed to eliminate this item from the budget if the City Attorneys ruled that the City could legally do so.

He, thereupon, moved that the amount set up in the budget and ear-marked for W.P.A. be transferred to the Emergency Fund, to be used for the indigent poor if necessary. This motion was seconded by Councilman Beasley, but when put to a vote it failed to carry.

The ordinance was then presented for adoption, as follows:

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AN ORDINANCE  
RELATIVE TO THE ADOPTION OF THE APPROPRIATION  
BUDGET FOR THE CITY OF CHARLOTTE FOR THE FISCAL  
YEAR 1942-1943.

\* \* \* \* \*

WHEREAS, the following appropriation budget has been prepared and submitted to the Mayor and City Council of the City of Charlotte and has been considered and studied by the Mayor and each of the Councilmen, the City Manager and the Municipal Accountant; and,

WHEREAS, the law requires that this appropriation budget be adopted by the governing body of the City of Charlotte not later than the fourth Monday in July;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE, pursuant to a regular meeting of the City Council held in the Council Chamber at 4:00 o'clock P. M., on the 22nd. day of July, 1942:

Section 1. That there is hereby set aside and appropriated from the funds on hand and current revenues received and to be received during the fiscal year 1942-1943, for the maintenance and operation of the general government of the City of Charlotte, and its various subdivisions or departments, and for the payment of its bonded indebtedness, the following amounts of money, and the payment of said sums are hereby authorized for the items herein set out:

CITY OF CHARLOTTE  
BUDGET APPROPRIATIONS  
July 1, 1942 to June 30, 1943

PURPOSE	FUND	EXPENDITURES		BUDGET
		1940-1941	1941-1942	1942-1943
<u>OPERATING &amp; MAINTENANCE</u>				
	General Fund	1,182,827.49	1,238,471.22	1,419,380.88
	Water & Sewer Fund	320,818.64	331,828.15	403,837.30
Total Operating & Maintenance		1,503,646.13	1,570,299.37	1,823,218.18
<u>CAPITAL OUTLAY</u>				
	General Fund	65,047.77	95,455.62	33,579.03
	Water & Sewer Fund	37,785.12	40,524.81	66,000.00
Total Capital Outlay		102,832.89	135,980.43	99,579.03

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DEBT SERVICE

Municipal Debt Service Fund	464,045.74	450,530.80	351,033.27
Water & Sewer Debt Service Fund	407,517.43	376,179.10	409,447.89
<b>Total Debt Service</b>	<b>871,563.17</b>	<b>826,709.90</b>	<b>760,481.16</b>
<b>Total</b>	<b>2,478,042.19</b>	<b>2,532,989.70</b>	<b>2,683,278.37</b>

CITY OF CHARLOTTE  
BUDGET REQUIREMENTS  
JULY 1, 1942 TO JUNE 30, 1943

<u>FUND</u>	<u>REVENUES REALIZED</u>		<u>BUDGET</u>
	<u>1940-1941</u>	<u>1941-1942</u>	<u>1942-1943</u>
<u>REVENUES</u>			
General Fund	1,334,845.04	1,423,895.50	1,451,709.91
Water & Sewer Fund	379,002.18	440,709.27	469,837.30
<b>Total</b>	<b>1,713,847.22</b>	<b>1,864,604.77</b>	<b>1,921,547.21</b>
Municipal Debt Service Fund	488,699.83	477,449.82	351,033.27
Water & Sewer Debt Service Fund	416,078.30	384,707.23	409,447.89
<b>Total</b>	<b>904,778.13</b>	<b>862,157.05</b>	<b>760,481.16</b>
<b>Total Revenues</b>	<b>2,618,625.35</b>	<b>2,726,761.82</b>	<b>2,682,028.37</b>

SALE OF CAPITAL ASSETS

General Fund	62.50	4,687.54	1,250.00
Water & Sewer Fund	35.00	456.34	.00
<b>Total Sale Capital Assets</b>	<b>97.50</b>	<b>5,143.88</b>	<b>1,250.00</b>
<b>TOTAL</b>	<b>2,618,722.85</b>	<b>2,731,905.70</b>	<b>2,683,278.37</b>

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Upon motion of Councilman Ross, seconded by Councilman Little and carried, the foregoing ordinance, together with the budget as submitted by the Municipal Accountant, was read and passed upon its first reading; the votes cast upon its first reading were as follows:

Councilman Albea	AYE
Councilman Baker	NAY
Councilman Beasley	AYE
Councilman Daughtry	AYE
Councilman Hovis	AYE
Councilman Little	AYE
Councilman Painter	AYE
Councilman Price	AYE
Councilman Ross	AYE
Councilman Slye	AYE
Councilman Ward	AYE

Upon motion of Councilman Ross, seconded by Councilman Little and carried, the rules were suspended and the foregoing ordinance and budget as submitted by the Municipal Accountant, was read and passed upon its second reading. The votes cast upon the second reading were as follows:

Councilman Albea	AYE
Councilman Baker	NAY
Councilman Beasley	AYE
Councilman Daughtry	AYE
Councilman Hovis	AYE
Councilman Little	AYE
Councilman Painter	AYE
Councilman Price	AYE
Councilman Ross	AYE
Councilman Slye	AYE
Councilman Ward	AYE

Upon motion of Councilman Ross, seconded by Councilman Little and carried, the rules were suspended and the foregoing ordinance and budget as submitted by the Municipal Accountant was read and passed upon its third and final reading, and the Mayor declared it passed and an ordinance of the City of Charlotte. The votes cast upon its third and final reading were as follows:

Councilman Albea	AYE
Councilman Baker	NAY
Councilman Beasley	AYE
Councilman Daughtry	AYE
Councilman Hovis	AYE
Councilman Little	AYE
Councilman Painter	AYE
Councilman Price	AYE
Councilman Ross	AYE
Councilman Slye	AYE
Councilman Ward	AYE

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AN ORDINANCE

ENTITLED: "AN ORDINANCE FIXING THE TAX RATE FOR THE CITY OF CHARLOTTE FOR THE FISCAL YEAR 1942-1943 AND LEVYING A TAX UPON ALL REAL AND PERSONAL PROPERTY LOCATED WITHIN THE LIMITS OF THE CITY OF CHARLOTTE FOR SAID FISCAL YEAR".

\* \* \* \* \*

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE, N. C., in regular session, this the 22nd day of July, 1942:

Section 1. That for the purpose of defraying the general expenses of the City of Charlotte for the fiscal year 1942-1943; for the paying of interest accrued or to accrue; the retirement of maturing bonds, additions to the sinking funds; for the partial operation of schools; for the Charlotte Park and Recreation Commission, and Industrial Home, there is hereby levied upon all real and personal property located within the limits of the City of Charlotte, North Carolina, the following rates of taxation:

(a) For general government purposes .9064 on the One Hundred Dollars valuation of real and personal property and a tax on polls of \$1.00 each.

(b) For the payment of interest, the retirement of maturing bonds and additions to sinking funds of the general government debt and street bonds .1529 on the One Hundred Dollars valuation of real and personal property.

(c) For the payment of interest, the retirement of maturing bonds and additions to sinking funds on sewerage bonds .0124 on the One Hundred Dollars valuation of real and personal property, and .03 per lineal foot frontage of real estate of each respective owner having sewerage lines in front of said property or which is being served by the City sewerage.

(d) For the payment of interest, the retirement of maturing bonds and additions to sinking funds on school bonds .0350 on the One Hundred Dollars valuation of real and personal property.

(e) For the partial operation of schools .25 on the One Hundred Dollars valuation of real and personal property.

(f) For the use of the Charlotte Park and Recreation Commission .02 on the One Hundred Dollars valuation of real and personal property.

(g) For the upkeep and maintenance of the Industrial Home .0033 on the One Hundred Dollars valuation of real and personal property.

Section 2. The City Tax Collector, or Collector of Revenue of the City of Charlotte is hereby authorized, empowered and directed to proceed to collect taxes levied upon all real and personal property located within the City of Charlotte, based upon the foregoing rates; provided that on all taxes paid there shall be added interest at the rate allowed by law.

Section 3. The City Treasurer is hereby authorized, empowered and directed to apportion the funds coming into his hands from taxes

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collected for the fiscal year 1942-1943, according to the rates and classifications fixed in Section 1 hereof.

Section 4. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. This ordinance shall become effective immediately upon its adoption and shall be published one time in The Charlotte News.

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Upon motion of Councilman Ross, seconded by Councilman Little, the foregoing ordinance was placed upon its first reading and unanimously adopted. The rules were suspended and the ordinance was immediately placed upon its second and third readings and unanimously adopted, and declared to be an ordinance of the City of Charlotte, effective immediately upon adoption.

Ratified this the 22nd day of July, 1942.

APPROVED AS TO FORM:

Alice B. McConnell  
City Clerk

Tillett & Campbell  
City Attorneys

Published in The Charlotte News July 24, 1942.

ORDINANCE AMENDING MILK ORDINANCE ADOPTED.

The proposed amendment to the Milk Ordinance, which had been carried over for several meetings, was again introduced by Councilman Hovis, who moved its adoption on first reading. Motion seconded by Councilman Baker and carried. The rules were suspended and the amendment was immediately placed upon its second and third readings, on motion made by Councilman Hovis, seconded by Councilman Baker, and carried on each reading. The Mayor declared the amendment adopted. This ordinance is as follows:

AN ORDINANCE  
AMENDING THE MILK ORDINANCE ADOPTED MARCH 18, 1942  
AND RECORDED IN MINUTE BOOK NO. 9 BEGINNING AT  
PAGE 387, MINUTES OF THE CITY COUNCIL, CITY OF  
CHARLOTTE, NORTH CAROLINA.

WHEREAS, by ordinance adopted the 18th day of March, 1942, there was provided in Section 3 thereof for the requirement of a permit for the sale or offering for sale, or having in storage, milk or milk products, and in Section 5 thereof it was provided for the inspection of dairy farms and milk plants for the purpose of grading and re-grading; and

WHEREAS, no fee was fixed to be charged by the Health Officer of the City of Charlotte for such permit and/or inspection;

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

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Section 1. That the milk ordinance adopted March 18, 1942, be and the same hereby is amended by adding a new section numbered "Section 3-A", to read as follows:

"The Collector of Revenue of the City of Charlotte shall charge and collect a fee for the Health Officer of the City of Charlotte, for issuing the permit provided for in Section 3 of the Milk Ordinance; said fee to be 50¢ per cow for the first five cows, and 25¢ for each additional cow in the dairy milking herd or herds from which any milk or milk products are brought into or received into the City of Charlotte or its police jurisdiction, for sale or to be sold or offered for sale therein; such fee to likewise include the charges for inspection of dairy farms, as provided for in Section 5 of the Milk Ordinance.

"Provided, however, that until such time as buttermilk producers come under full and final effect of this Ordinance and can sell only Grade "A" buttermilk to final consumers, they shall pay only \$1.00 per year for a permit as heretofore."

Provided further, that where said milk or milk products are only sold to manufacturers and processors where it will be changed from its fluid state before being sold, the fee shall be One Dollar; and, likewise the fee shall be One Dollar for inspection of milk plants, and stores, restaurants and places of business where milk or milk products are sold or served, or held for sale. Such fees to be collected by the Collector of Revenue for the City of Charlotte and shall be used to help defray the expenses of inspections. This permit shall be renewed on or before the 1st day of July of each year hereafter, but if the permit fee has been paid upon any herd by one person, firm or corporation, no further charge shall be made for a permit to cover said herd. The permit herein provided for shall be displayed in a conspicuous place in the place of business."

Section 2. All ordinances and clauses of ordinances in conflict herewith are hereby repealed.

Section 3. The City Clerk shall certify to the passage of this ordinance and cause the same to be published.

Section 4. This ordinance shall take effect from and after its passage.

Read, approved and adopted on three readings and declared by the Mayor to be an ordinance of the City of Charlotte, N. C. this the 22nd. day of July 1942.

APPROVED AS TO FORM:

Tillett & Campbell  
City Attorneys

Alice B. McConnell  
City Clerk

#### CEMETERY DEEDS.

Upon motion made by Councilman Little, seconded by Councilman Painter, the following cemetery deeds and perpetual care agreements were ordered to be issued:

John A. Overcash & wife, Janie, Lot No. 259, Section "Y", Elmwood	\$35.00
R. N. and Maybelle Patterson Beck, Lot No. 160, Sec. "Y"	63.00
Parks M. Ritch, perpetual care on Lot No. 15, Sec. "P"	144.00

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RESOLUTION APPOINTING SPECIAL PEACE OFFICERS PASSED ON TWO READINGS.

The following resolution was introduced by Councilman Beasley, who moved its adoption:

WHEREAS the necessity for having special peace officers who are negroes, in certain areas of the city, as set out in a Resolution adopted on the 9th day of July, 1941 and recorded in Minute Book 9, beginning at page 98, continues;

NOW, THEREFORE, BE IT RESOLVED:

1.

That Armistead M. Houston and James S. Ross be, and they hereby are, appointed Special Peace Officers under section 66 of the Charter of the City of Charlotte being Chapter 366 of the Public Local Laws of 1939.

2.

That they shall hold said positions during the pleasure and at the discretion of the Council, but not longer than one year from this date -- July 22, 1942.

3.

Their compensation, to be paid by the City, shall be, and it is hereby, fixed at \$110.00 per month each, payable semi-monthly.

4.

They shall, subject to the general supervision and direction of the Chief of Police of the City, police and guard the public and private premises within the areas and boundaries set forth and described in the aforesaid resolution of July 9, 1941, to which resolution reference is hereby made and the descriptions therein contained are incorporated herein by reference.

5.

That in the judgment of the Council, it is in the public interest that two additional Negroes be appointed as special peace officers to police and guard the public and private premises within the aforesaid areas, and to that end the Acting Chief of Police is hereby directed to receive applications for these additional positions and to recommend to the Council those two applicants best suited, in his judgment, for these positions.

APPROVED AS TO FORM:

Tillett & Campbell  
City Attorneys

The City Manager stated, upon questioning, that the two officers appointed last July, have been very satisfactory.

Councilman Hovis opposed the adoption of the above resolution, which was seconded by Councilman Price, on the ground that while not opposed to the colored peace officers, he was opposed to the manner in which they are to be appointed, and cited Section 49 of the City Charter establishing the Civil Service Commission. Councilman Ward also opposed the manner of appointment, stating that they should either be put under Civil Service or else have the Civil Service Commission abolished.

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Motion to adopt the foregoing resolution was put to a vote, with the following result:

For the motion: Councilmen Baker, Beasley, Daughtry, Painter, Price, Röss and Slye.

Against " : Councilmen Albea, Hovis, Little and Ward.

The above motion carried, but for lack of two-thirds vote of the Council, the resolution was put upon its second reading and passed, and held over for third reading until the next meeting.

#### HEARING ON LICENSE OF "DICK'S TAVERN"

The resolution adopted at the last meeting with regard to citing R. C. Platt, owner of "Dick's Tavern" on South Boulevard, to appear before the Council on this date and show cause why the license issued to him to sell beer at said premises should not be revoked, was again read by the Clerk. A large number of persons were present, including R. C. Platt and counsel, as well as E. E. Foster, representing the neighborhood complainants.

The City Attorney, Mr. C. W. Tillett made a brief statement as to the manner of procedure in the matter, stating that the Council would proceed in a quasi-judicial capacity and that it would be proper for the Council to hear evidence of alleged improper conduct on these premises and to give the licensee an opportunity in his own behalf to testify and introduce any evidence that he might see fit. He stated that he had asked the Attorney General for a ruling as to whether the evidence should be sworn or not and that he had recommended that all testimony be sworn.

After some argument with Counsel for the licensee, Mr. Grainger Pierce, the Council recessed to the Mayor's office to consult with the City Attorneys. This recess was taken at 10 minutes of 6 o'clock p.m., and reconvened at 6:45 p.m.

Lieut. Wade, of the Provost Marshall's Office, U. S. Army, was the first witness sworn and placed on the stand. Lieut. Wade told of the large influx of soldiers who visited "Dick's Tavern" and of his frequent visits to the place, both in civilian clothes and uniform, to observe conditions, which he stated were bad. Lieut. Wade stated that he was not here on behalf of the U. S. Government, but to help conditions in the neighborhood; that the Government does not institute such proceedings but merely padlocks such places, and that he was about to recommend this procedure to his Commanding Officer.

Mrs. D. T. Gibson, a resident of 1305 South Boulevard, which is just in front of Dick's Tavern, testified to the noise in the vicinity of this place due to the large number of soldiers coming in and out of the place, many of whom were staggering and hollering; also to the noise of the taxicabs around 3 and 4 o'clock in the morning, discharging and taking on passengers at this place.

Rev. R. D. Owens, of the Church of the Holy Comforter, who lives on the church property; Mrs. W. M. Woodruff, a resident of that neighborhood; Corp. R. E. Campbell, of the Provost Marshall's office, were also introduced as witnesses by Mr. E. E. Foster, attorney for the complainants.

R. C. Platt, owner of the Tavern, was placed on the stand and permitted to make a lengthy statement regarding conditions; Mr. Platt stating that the reason he had so many soldiers at his place was because he had reduced the price of beer to soldiers, whereas, other places had increased

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theirs, and that he had ofteneed loaned money to the boys in uniform and gave them special welcome at his place of business.

Before placing Mr. Platt on the stand, counsel for Mr. Platt, made a motion that since counsel for the plaintiffs had rested his case, that the pleadings be dismissed on the grounds that complainants have failed to establish any facts or introduce any evidence tending to establish any facts which would justify the Council in taking away this man's beer license, and that he moved that this action be dismissed for want of evidence. The Mayor called for a vote of the Council on this motion, but it failed to receive a vote and the proeedure continued.

Mr. Platt stated that he had done all in his power to keep conditions good at this place and that he had ofteneed stepped between soldiers who were attempting to cause trouble and that when a soldier or civilian came into his place who appeared to already have had too much to drink, that he refused to sell them drinks.

He stated that the only arrests made in his place of women was at his own call to the Police Department. He stated that there was no immoral conduct in his place nor evidence of such.

Rev. Chris Papalambrou, of the Greek Church, just across the street from this place, was placed on the stand and testified that he had seen no evidence of disturbance of immorality around the place.

Mr. Pierce also placed on the stand to testify as to conditions being good at this place, the following:

J. W. Maxwell, of 1320 Durwood Drive  
 E. M. Gibson,, Pecan Avenue  
 Wade H. Boyd, 441 West Boulevard  
 L. J. Godfrey, brother of Mrs. R. C. Platt  
 W. L. Little, 312 West Boulevard  
 H. E. Beatty, Cleveland Court  
 Mrs. R. C. Platt, wife of Richard C. Platt.

Many of the above persons testified that they frequently visited this place on Saturday nights and had never seen anything of an immoral, illegal or disorderly nature.

A petition was introduced by Mr. Pierce, signed by 25 or 30 persons, to the effect that Dick's Tavern is legitimately and properly run and that Mr. Platt is of good character.

John C. Severs, of the Charlotte Police Department, was then placed on the stand, Mr. Severs being a member of the Vice Squad working with the Military Police. Mr. Severs testified that during the past 90 days conditions at Dick's Tavern have been pretty bad and that he had seen dancing in the place which he would not have cared to have his wife see. He testified also that he had gotten girls out of this place, three of whom are now in quarantine for venereal disease. He further stated that 6 girls had been arrested at this place in the last thirty days, two of whom were coming out of the door of the place at the time of arrest.

After hearing Officer Severs, Attorney Foster also introduced several petitions from residents of that vicinity, asking that the license of Mr. Platt be revoked due to conditions existing at Dick's Tavern, after which counsel for both sides rested their case and each addressed the Council very briefly, due to the lateness of the hour.

On motion of Councilman Ward, seconded by Councilman Slye, the Council then recessed to the Mayor's office, returning to the Council Chamber at 11:24 p.m., almost one hour later, and upon motion made by Councilman Albae, seconded by Councilman Slye and carried, the reading of the minutes of the previous meeting was dispensed with.

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MOTION TO DEFER FOR TWO WEEKS ANY ACTION ON REVOCATION OF LICENSE OF DICK'S TAVERN.

Upon the return to the Council Chamber of the Mayor and Council, the following motion was made by Councilman Beasley, seconded by Councilman Little and carried, with Councilman Ross voting against the motion:

"Moved that after hearing evidence in support of and against the plaintiff that the beer license of R. C. Platt be rescinded, and after hearing him in his own defense, the Council finds it to be a fact that the said R. C. Platt, holder of a license for the sale of beer at the premises known as "Dick's Tavern, on South Boulevard, in the City of Charlotte; said license having been issued to him by the City, has, since the issuance of said license allowed the premises, with respect to which the license was issued, to be used for disorderly purpose;

Resolved that further action upon the foregoing findings of fact be deferred for two weeks and that in the mean time the Chief of Police be directed to report to the Council each Wednesday, in writing, on the conduct of the business carried on in the said premises and the extent to which the said Platt is cooperating with the Police."

Councilman Beasley then further moved that the Chief of Police be directed to place an officer on foot in the vicinity of this place during the hours that it is open, the time of working of this officer to be determined by the Chief of Police. This motion was seconded by Councilman Albea and carried.

ORDINANCE PROHIBITING THE SALE OF BEER AND WINE BETWEEN MIDNIGHT AND SEVEN A.M. EASTERN STANDARD WAR TIME.

Following the conclusion of the above, Councilman Baker introduced the following ordinance and moved its adoption, which was seconded by Councilman Ross and carried on three readings:

AN ORDINANCE  
PROHIBITING THE SALE OF BEER  
AND WINE BETWEEN MIDNIGHT AND  
SEVEN A.M. EASTERN STANDARD  
WAR TIME.

WHEREAS, the Council finds as a fact that it is detrimental to the health, morals, comfort, safety and welfare of the inhabitants of the City of Charlotte for beer and wine to be purchased and sold between the hours of twelve midnight and seven a.m. Eastern Standard War Time, and that it is in the interest of public health, morals, comfort, safety and welfare for the purchase and sale of beer and wine to be prohibited between said hours.

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

Section 1. No person, firm or corporation shall sell, offer for sale, barter, purchase, offer to purchase, or allow to be consumed on the premises of any establishment licensed to sell such, any beer, ale, lager beer, porter, or fortified or unfortified wine, whether in bulk, by the bottle, individual serving or any other method of disposition within the City limits of Charlotte, N. C., between the hours of twelve midnight and seven a.m. Eastern Standard War Time.

Section 2. Under this ordinance beer, ale, lager beer and porter shall mean those named beverages and all other brewed or fermented beverages containing one-half of one percent or more of alcohol by volume, but not more than five percent of alcohol by weight as authorized by the laws of the United States of America.

Section 3. Under this ordinance unfortified wine shall mean wine of an alcoholic content produced only by natural fermentation or by the addition of pure cane, beet or dextrose sugar, and containing 5% or more of alcohol by volume.

Section 4. Under this ordinance fortified wine shall mean any other wine or alcoholic beverage made by fermentation from grapes, fruits or berries, and fortified by the addition thereto of brandy or alcohol and containing 5% or more of alcohol by volume.

Section 5. All ordinances and clauses of ordinances in conflict herewith are hereby repealed.

Section 6. This ordinance shall take effect at 12:01 a.m. on the 24th day of July, 1942.

Section 7. The City Clerk shall certify to the passage of this ordinance and cause the same to be published.

Read, approved and adopted on three readings and declared by the Mayor to be an ordinance of the City of Charlotte, N. C., this the 22nd day of July, 1942.

APPROVED AS TO FORM:

Tillett & Campbell  
City Attorneys

Alice B. McConnell  
City Clerk

ADJOURNMENT.

After the passage of the above ordinance, on motion of Councilman Price, the meeting adjourned at 11:45 p.m.

*Alice B. McConnell*  
City Clerk