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Regular meeting of the City Council, held in the Council Chamber, City Hall, at 4:00 o'clock P. M., Wednesday, March 20, 1940, with Mayor Douglas presiding, and Councilmen Baxter, Britt, Hovis, Hudson, Huntley, Little, Nance, Sides, Ward and Wilkinson being present.

Absent: Councilman Albea.

MINUTES APPROVED.

On motion of Councilman Huntley, seconded by Councilman Hovis, the minutes of the meetings of March 6th and 15th. were approved as read.

CHARLOTTE CENTRAL LABOR UNION, SAFETY COMMITTEE, REQUESTED DONATION FOR ESTABLISHING SKATING AREAS.

Mr. Jack Moore and a delegation from the Safety Committee of the Charlotte Central Labor Union, appeared before the Council, requesting donation to the establishment of skating areas in the City of Charlotte, providing it could be done legally. He advised that the Union had pledged \$1000.00 for this purpose and was soliciting donations for the remainder of the amount needed, which would be approximately \$3500.00. The City Attorney advised that he was of the opinion that the Council could not legally make such donation, but after discussion, the Mayor requested the City Attorney to take the matter up with the Attorney General and get the full facts concerning same.

PROPERTY OF CITY OF CHARLOTTE AT 7TH AND 5TH STREETS.

Mr. T. C. Wilson, who had made the City an offer of \$1,000.00 for property belonging to the City of Charlotte, at the intersection of 5th. and 7th Streets, appeared before the Council, asking what amount the City would be willing to accept for this property. Councilman Baxter, a member of this special committee appointed to investigate the offer made by Mr. Wilson at a previous meeting, reported that the City should ask between \$2,000 and \$2500.00 for this property, but Mr. Wilson was of the opinion that that price was too high.

Councilman Hudson stated that since the City is in good financial condition, it did not need to sell property and he was not in favor of doing so unless absolutely necessary, or unless an unusually good offer is made. The Council, therefore, made no offer to Mr. Wilson on this particular property.

STREET MAINTENANCE FOR CARMEL STREET.

On motion of Councilman Little, seconded by Councilman Wilkinson, the City took over for maintenance that part of Carmel Street from Dixon Street to Beattys Ford Road, which was at the request of Johnston C. Smith University. The University agreed to grant the necessary right of way and posted \$753.00 in cash for installation of sidewalks, curb and gutter on this street.

CHATHAM AVENUE EXTENSION TAKEN OVER FOR STREET MAINTENANCE.

At the request of Mr. V. J. Guthery, and on motion of Councilman Huntley, seconded by Councilman Britt and carried, the City took over for maintenance a short street 300 feet long, which is an extension of Chatham Avenue in the Midwood Section.

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PURCHASE OF BOND FOR SINKING FUND ACCOUNT.

On motion of Councilman Sides, seconded by Councilman Wilkinson, authority was given for the purchase of one \$2,000.00 City of Concord, N. C. Bond, due 7-1-41 to yield 1.20% for the Sinking Fund Account, subject to the approval of the Local Government Commission.

REPORT OF COMMITTEE ON OAKLAWN CEMETERY.

Mr. James W. Armstrong, Collector of Revenue, reported in connection with the investigation made regarding the status of Oaklawn Cemetery, that the committee had met with Mr. H. L. Taylor, Attorney for Mr. Misenheimer, and Mr. Misenheimer and worked out a tentative agreement, whereby Oaklawn Cemetery is to pay in cash the sum of \$4683.00 to take care of all taxes due on the property, to pay 6% interest on street assessments each year, together with current taxes, and \$1,000.00 on principal, amounting to approximately \$1800.00 per year until the balance of the account of \$8,000.00 has been taken care of. He recommended that the City make this as a definite proposition or else take over the property.

After discussion, Councilman Baxter moved that the Council accept the committee's recommendation, as outlined and that the Cemetery owners be given two weeks to close the matter. Motion seconded by Councilman Hudson and carried.

SEWER EXTENSION IN ANDERSON STREET.

On motion of Councilman Huntley, seconded by Councilman Wilkinson, authority was given for the extension of a sewer in Anderson Street, 171-feet north to serve one house, estimated to cost \$149.77.

ENCROACHMENT AGREEMENT WITH STATE HIGHWAY DEPARTMENT.

On motion of Councilman Wilkinson, seconded by Councilman Britt, the Mayor and Clerk were authorized to execute an agreement with the State Highway Department for a water pipe line on the Monroe Road in the Oakhurst Section.

PURCHASE OF ONE CAR ASPHALT.

On motion of Councilman Britt, seconded by Councilman Wilkinson, the Mayor and Clerk were authorized to sign a contract with the Texas Company, for one car of asphalt for street paving, at a net delivered price of \$543.41.

Other bids received on this car of material were as follows:

Standard Oil Co. of N. J.	\$582.00
American Bitumuls Company	601.90
J. B. Hunt and Sons, Inc.	648.50
Shell Oil Company	651.05

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WATER MAIN IN MARSH ROAD.

The Marsh Land Company having made application for the installation of a water main in Marsh Road, to cost approximately \$600.00, and guaranteeing the City \$60.00 per year return on this installation, Councilman Wilkinson moved that the Mayor and Clerk sign a contract with this company for this water main installation. Motion seconded by Councilman Britt and carried.

PURCHASE OF BONDS.

On motion of Councilman Huntley, seconded by Councilman Hovis, authority was given for the purchase of the following bonds for the Sinking Fund Account, subject to the approval of the Local Government Commission:

- 1- \$1,000 Gastonia Water & Light Bond, due 2-1-41
to yield 1.25%
- 1- \$5,000 Burlington Refunding Bond, due 2-1-41,
to yield 1.25%

AN ORDINANCE RELATIVE TO FILLING STATION DRIVEWAY ENTRANCES.

On motion of Councilman Little, seconded by Councilman Huntley, the following Ordinance was unanimously adopted on three readings and declared by the Mayor to be an ordinance of the City of Charlotte:

AN ORDINANCE
PROVIDING FOR UNIFORM CONSTRUCTION OF
ENTRANCES TO PRIVATE DRIVEWAYS, ALLEYS, FILLING STATIONS,
ETC.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
Charlotte in regular session:

SECTION 1. It shall be unlawful for any person, firm or corporation to dig or excavate or fill in any manner in any street or sidewalk within the limits of the City of Charlotte without first obtaining from the City Engineer a written permit authorizing such work.

SECTION 2. Before the City Engineer shall grant any such permit the applicant shall post with the City Tax Collector a bond in the sum of \$1,000.00 to insure performance of the work in accordance with instructions of the City Engineer and to indemnify the City of Charlotte against public, private, personal and property damage caused by the work done or about to be done under said permit, and to indemnify the City against any loss on account of the negligence of the person to whom said permit may be granted or his agents or employees; and further, to guarantee payment to the City of Charlotte for the replacing of asphalt, sidewalks, curbing, etc., made necessary by the work done under said permit; and further, for any change in the work done by the City made necessary by the failure of the person to whom said permit has been granted to conform to these regulations or to the instructions of the City Engineer or his authorized representative.

SECTION 3. The City Engineer shall be notified by any person doing work authorized by permit, under this Ordinance, when forms are placed for such driveways, sidewalks, etc., ready for the pouring of concrete. Upon such reasonable notification the City Engineer or his representative shall make an inspection of the work in order to verify compliance with the rules and regulations herein provided.

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SECTION 4. The side slope of sidewalks at driveway entrances shall in general be one-fourth inch per foot but may vary to a maximum side slope of one-half inch per foot.

SECTION 5. Existing granite curbing shall not be broken but the curb shall be lowered so that it shall be one inch above the gutter level. Granite curbing may be broken vertically in order to obtain the desired width of driveway.

SECTION 6. On sidewalks less than seven feet in width which are completely concreted from the property line to the curb line, driveway ramps shall be in at the gutter level or one inch above and shall reach the regular longitudinal grade of the existing walk along a line not more than eighteen inches from the roadway face of the curbing. Any walks completely concreted where the distance between the property line and the face of the curb is seven feet or more, then the ramp distance from the roadway face of the curb to the point where the ramp reaches the existing sidewalk grade shall not be more than twenty-four inches. In or near business districts where, in the opinion of the City Engineer, it is necessary to provide all possible sidewalk space for the use of pedestrians, an eighteen inch or twenty-four inch ramp may be required.

SECTION 7. Except in or near business centers where there is a planting strip between the walk and the curbing, the driveway ramp may run from the gutter line or one inch above the gutter line to the existing regular longitudinal grade of the sidewalk.

SECTION 8. In cases where the height of the walk and curbing above the gutter line is too great to provide an entrance, as set out in Section 7 hereof, the entire curbing and walk may be lowered provided the following regulations are complied with:

On sidewalks less than seven feet in width, the height of the sidewalk along a line eighteen inches from the gutter line shall not be less than 4-3/8" above the gutter level at any point. From this line, eighteen inches from the gutter line, the side slope of the walk shall rise toward the property line not less than one-fourth inches per foot of width. At each end of the driveway lowered under the above conditions, the longitudinal sections of the ramp walk between the old existing walk and the edge of the new driveway entrance shall not vary from the grade of the existing walk more than one-half inch per foot (for example on a straight grade where the driveway entrance is lowered four inches below the old grade of the sidewalk it would be necessary to make a ramp eight feet long in which to drop this four inch difference in height.)

SECTION 9. The profile of curbing and walk, regardless of the unevenness of the profile of the gutter line, is to be uniform.

SECTION 10. The overflow opening of any catch basin shall not be closed.

SECTION 11. All fittings in the walks or driveways as revised, or changed or set apart for vehicular traffic shall be so placed that they will be flush with the finished walk, drive or ramp. All meter boxes or water cut-off boxes affected by the work herein specified shall be changed to meet the specifications of the City Engineer.

SECTION 12. The slope between the differences in elevation at curbing and curb returns shall not vary from a vertical line more than two inches per foot.

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SECTION 13. At filling station driveway entrances a white line shall be maintained along the ramp not less than $2\frac{1}{2}$ inches in width to clearly define the sidewalk area from the ramp area.

SECTION 14. The City Engineer may require a sketch drawn to scale showing the lay-out of proposed driveways with reference to the curb lines, property lines and buildings or proposed buildings with necessary elevations shown at control points.

SECTION 15. For the safety of pedestrians no portion of sidewalk intersections shall be used for driveway purposes.

SECTION 16. Whenever it may become necessary to break a section of concrete sidewalk for any purpose, the entire section shall be removed and properly replaced.

SECTION 17. No part of the cost of driveway entrances or other changes affecting streets or sidewalks, as herein set out, shall be paid by the City of Charlotte.

SECTION 18. Any permit to use the sidewalks of the City of Charlotte for driveway entrance purposes is revocable by the City Council and any failure to properly maintain such driveway or entrance before notice will automatically revoke such permit.

In the event of the revocation of any permit granted hereunder, the City Engineer will immediately proceed to replace the said sidewalk in a proper condition eliminating said driveways. And the cost of such work shall be chargeable against the person, firm or corporation to whom said permit was given and the bondsman securing the payment of said cost, as hereinbefore set out.

SECTION 19. In the event any driveway entrance shall be abandoned by the person, firm or corporation to whom a permit has been granted hereunder, such person, firm or corporation shall immediately proceed to recondition said sidewalk and place the same in such manner as the City Engineer may prescribe. And the said person, firm or corporation to whom a permit has been granted hereunder, or the bondsman, shall be chargeable with the full cost of such replacement.

SECTION 20. Any person, firm or corporation violating any of the rules and regulations, as herein set out, shall upon conviction pay a fine of \$10.00, and each day's violation of such rules and regulations shall constitute a separate and distinct offense.

SECTION 21. That the Ordinance entitled "AN ORDINANCE PROVIDING FOR UNIFORM CONSTRUCTION OF ENTRANCES TO PRIVATE DRIVEWAYS, ALLEYS, FILLING STATIONS, ETC.", and ratified on the 4th day of December 1929, is hereby specifically repealed and this Ordinance shall be in full force and effect from its adoption.

This 20th day of March 1940.

SPECIAL OFFICER PERMIT.

The City Manager reported receipt of request from R. L. Fogleman for appointment as a Special Officer. His application was signed by quite a number of business houses for on their premises.

Councilman Little made a motion that the request be denied, which was seconded by Councilman Baxter, and lost on a 3 to 6 vote. Councilman Sides then moved that the permit be granted, which was seconded by Councilman Ward and carried, after discussion.

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PERSONNEL.

The City Manager reported as information that he had employed C. F. Rice and L. B. Reeves as laborers in the Inspection Department.

CO-SPONSOR'S AGREEMENT WITH WORKS PROGRESS ADMINISTRATION FOR STATE WIDE INSTALLATION OF POLICE RECORDS, PROJECT O.P. NO. 65-1-32-26.

Mr. Marshall advised that he had been requested by Mr. Grice, Police Commissioner, to present the following resolution to the City Council covering project for certain record work in the Police Department by the W.P.A., and on motion of Councilman Hudson, seconded by Councilman Nance, the following resolution was unanimously adopted:

BE IT RESOLVED by the City Council of the City of Charlotte, N. C. that as Co-Sponsor of the state-wide installation of the Police Records Project, O.P. NO. 65-1-32-26, in the City of Charlotte, North Carolina, having legal authority to prosecute such work in this Municipality, the City of Charlotte does hereby delegate to the official Sponsor, the North Carolina State Department of Justice jointly with the Co-Sponsor, the North Carolina League of Municipalities, the right to sponsor the operation of the above mentioned project in the City of Charlotte, North Carolina, and agrees to furnish all supplies, equipment, and/or other necessities incidental to the work, and that this Municipality will adopt and maintain the Police Records System as installed.

GASOLINE TRUCK ORDINANCE PRESENTED BUT NOT ADOPTED.

The following Ordinance was presented by Councilman Hovis, who moved its adoption:

AN ORDINANCE
TO REGULATE TRANSPORTATION OF INFLAMMABLE
PETROLEUM PRODUCTS ON THE STREETS OF THE
CITY OF CHARLOTTE.

The City Council in regular session does ordain:

Section 1. That it shall be unlawful for any person, firm or corporation to drive or cause to be driven on the streets of the City of Charlotte any tank truck or tank trailer, or a combination of either, which is designed or used for the purpose of transporting any inflammable petroleum products where the capacity of such vehicle is in excess of eighteen hundred gallons, except upon such streets or portions thereof as follows:

On East Thirty-sixth Street between North Tryon and North Caldwell Streets; North Tryon Street between the city limits and Thirty-second Street; Ayando Avenue between North Tryon Street and the city limits; Hutchison Avenue between the city limits and Southern Railway Overhead Bridge; North Graham Street between Southern Railway Overhead Bridge and West Eleventh Street; West Eleventh Street between Graham and Smith Streets; North Smith Street between Eleventh and Ninth Streets; Liddell Street between Hutchison Avenue and a point where the tracks of the Southern Railway cross said Liddell Street; Thrift Road between City limits and Morehead Street; Morehead Street between Wilkinson Boulevard and South Cedar Street; South Cedar Street between Morehead and West First Street; West First Street between South Cedar and McNinch Street; McNinch Street between Morehead and First Streets; Wilkinson Boulevard between City limits and Morehead Streets; South Boulevard between City limits and McDonald Avenue; and Calvert Street.

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Section 2. It shall be unlawful for any person, firm or corporation to drive or cause to be driven on the streets of the City of Charlotte any tank truck or tank trailer, or combination of either, that is designed or used for the purpose of transporting inflammable petroleum products where the capacity of such vehicle is eighteen hundred gallons or less, except by such vehicles that have compartments for hauling such products, which compartments or any one thereof shall not exceed six hundred gallons in capacity.

Section 3. It shall be unlawful to deliver gasoline from any tank truck or tank trailer, or combination of either, whose capacity is in excess of eighteen hundred gallons to any retail service station located in the city limits of the City of Charlotte.

Section 4. It shall be unlawful for any person, firm or corporation to drive or cause to be driven on the streets of the City of Charlotte any tank truck or tank trailer, or combination of either, that is designed or used for the purpose of transporting inflammable petroleum products unless such transportation unit is equipped with an automatic vent valve; and is further equipped with a safety valve for each outlet from any such tank upon such unit.

Section 5. It shall be unlawful for any person, firm or corporation to unload any inflammable petroleum products from any tank truck or truck trailer until such transportation unit is grounded by a grounding device maintained at such delivery point and until a tight and leakproof connection is made between such transportation units and the tank maintained at such delivery point; provided this section shall not apply to local delivery trucks of kerosene or fuel oil, or to local delivery trucks of gasoline of a capacity of not more than eighteen hundred gallons.

Section 6. It shall be unlawful for any person, firm or corporation to transfer inflammable petroleum products from any transporting unit at any underground tank unless an attendant is actually present during all of the times of such transfer.

Section 7. It shall be unlawful for any person, firm or corporation to park or cause to be parked on any street in the City of Charlotte at any time any tank truck or truck trailer being used for the purpose of transporting gasoline; provided this section shall not apply to local delivery trucks while making delivery to retail dealers.

Section 8. All trucks and truck trailers hauling petroleum products within the City of Charlotte shall comply to all safety regulations as required by the State of North Carolina.

Section 9. That any person, firm or corporation violating the provisions of this ordinance shall be fined the sum of twenty-five dollars (\$25.00) for each and every violation of this ordinance.

Section 10. That this ordinance shall be in full force and effect from its adoption by the City Council, and all other ordinances or clauses of ordinances heretofore enacted which are in conflict herewith are hereby specifically repealed.

This motion was seconded by Councilman Hudson.

DISCUSSION REGARDING ABOVE ORDINANCE.

Mr. H. L. Taylor, Attorney, representing oil trucking interests, protested the adoption of this ordinance, stating that if the ordinance was adopted the oiltrucking people would have to go out of business, since they would be unable to transport the gasoline from the source of supply to their storage tanks. He also opposed the requirement for safety compartments in the tank trucks, advising that every

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known safety device was now being used on these trucks and that he was under the impression that an ordinance satisfactory to all concerned had been agreed upon by the Special Committee from the Council and his clients and other oil trucking representatives, but that this ordinance had not been presented to them. He advised that if this ordinance was adopted the trucking companies would be forced to go out of business and the transportation of gasoline fall back into the hands of the railroads and that the price of gasoline would be advanced thereby.

After a lengthy discussion, a vote was taken on the motion to adopt this ordinance, with the following result:

FOR THE MOTION: Councilmen Sides, Ward, Little, Hovis and Hudson.

AGAINST: Councilmen Baxter, Nance, Huntley, Wilkinson and Britt.

This being a tie vote, the deciding vote was cast by Mayor Douglas against the motion and the Mayor declared the ordinance lost.

Councilman Hovis then asked that this special committee be relieved from further service and disbanded. However, Councilman Hudson strongly opposed being discharged from this committee, after which Councilman Hovis then asked that he be released from serving on this committee further.

The Mayor then explained to those present his reason for casting his vote against this motion, stating that while he disliked going against the majority recommendation of this committee, he felt that this ordinance was not fair to the gasoline transportation companies in that other smaller cities would adopt this same ordinance if adopted by Charlotte and in doing so, would make it impossible for the oil distributors to operate.

Councilman Hovis contended that the Council had been considering regulations for more than a year and nothing had been accomplished and that he had carefully studied the matter, obtaining data from other cities, and that the only time the oil and gasoline distributors would do anything to improve local conditions was when forced to do so.

Mr. Taylor argued that there had been only one accident of importance in Charlotte in which a gasoline truck was involved and cited police and fire records to substantiate his statements.

Councilman Baxter, the third member of the Special Committee, stated that he opposed the ordinance because the police and fire records did not show the need of drastic steps to take the trucks off the streets.

Several members of the oil trucking industry were present and protested the adoption of the proposed ordinance.

Mayor Douglas suggested, after the ordinance failed to carry, that the distributors and the Councilmen try to work together on this matter and urged safety devices on all trucks.

FIRE REGULATIONS.

Councilman Baxter stated that in connection with the recent fire at the Guthery Apartment, he wished to make the following statement:

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"I believe that the recent fire and all its terrible consequences should challenge us as operating heads of our City to try to correct existing conditions and hazards in an effort to see that such a terrible disaster of last week will not occur again.

If certain existing laws and codes are not strict enough, then an effort should be made to correct them and to do something to protect our citizens who should be able to retire at night without fear and worry that if the place caught on fire their lives would be safe.

By way of suggestion, I submit the following:

I am told that 95% of all fires start in the basement and I believe that we should require all apartment houses, stores and hotels over two stories in height to install sprinkler system on the basement ceiling.

I believe that the installation of gas meters and pipes should be placed entirely away from the heating plants and enclosed in fireproof enclosures. I also believe that each apartment, store and hotel over three stories should be required to have a night watchman.

I believe that existing apartments, hotels and stores over two stories in height, where the stairways are over each other, should also be sprinkled around each stairway. I also believe that each of the above should be required to have at least one fire escape.

I also believe that certain two-story stores, apartments and hotels having only a front entrance should also be required to have a fire escape on the rear. I also believe that each apartment house, hotel and store over two stories in height should have a fire hose connection on the floor in addition to portable fire extinguishers on each floor. I also believe that we should organize a Bureau of Fire Prevention as outlined in the procedure of the National Fire Underwriters Association, appointing a committee of eight to consist of the following:

One Contractor	City Attorney
One Architect	Building Inspector
One Engineer	Chief of Fire Department
City Manager	One Councilman

In submitting the above, I wish to move that we authorize Chief Palmer to make a survey of existing conditions in apartments, hotels and stores, reporting to the Council at our next session, answers to the following questions:

Name of structure	Rear Stairs
Type of Building	Type of Basement
Janitor	Type of Stairway
Fire Escapes	General Condition and
Front Stairs	Appearance. "

This motion, made by Councilman Baxter, was seconded by Councilman Huntley. Councilman Sides objected to that part of his motion regarding Chief Palmer making survey of buildings in Charlotte, contending that the Bureau should first be established, and Councilman Baxter agreed to withdraw that portion of his motion, which had the approval of the second, and the remainder of his motion was adopted.

SETTLEMENT OF CASES IN CONNECTION WITH COLLAPSE OF FOOT BRIDGE OVER SUGAR CREEK.

Mr. Scarborough, City Attorney, reported that he had spent five days in court trying one of the cases brought against the City of Charlotte in connection with the drowning of several negro children when the foot bridge over Sugaw Creek collapsed under the load, in July 1939, and stated that the Judge had stated that if the jury brought

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in a verdict in favor of the City of Charlotte that he would set the verdict aside until recovery was made. Mr. Scarborough stated that in view of the Judge's statement, he and Mr. Marshall discussed with the Judge and Counsel for the Plaintiff's a reasonable settlement, and that they had used what they thought was their best judgment in agreeing to a compromise settlement of \$800.00 for each death. It was their recommendation to the Council that in view of all the circumstances that settlement be made as above outlined.

Councilman Hudson, seconded by Councilman Wilkinson, moved that these cases be settled for the amount of \$800.00 each provided settlement could be made of all of them, the amount necessary for such settlements to be taken from the amount now in the fund for Awards and Damages, with any excess over the amount of this Fund to come from the Emergency Fund.

After discussion, this motion was unanimously carried.

Councilman Wilkinson then made a motion that all other bridges of similiar construction in Charlotte be inspected and either torn down or put in condition for safety, and that posters notifying the public that use of such bridges would be at their own risk, but withdrew his motion after further discussion.

CEMETERY DEEDS.

On motion of Councilman Ward, seconded by Councilman Hudson, the following cemetery deeds were approved:

E. D. Jones, Lot No. 22, Section "Y", Elmwood Cemetery	\$63.00
J. L. McCready, Lot No. 122, Section "Y" " "	35.00

ADJOURNMENT.

On motion of Councilman Huntley, the meeting then adjourned.

Alice B. M. Council
City Clerk