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The regular weekly meeting of the City Council was held in the Council Chamber, City Hall, at 4 o'clock p. m., Wednesday, March 4, 1942, with Mayor Currie presiding, and Councilmen Albea, Baker, Beasley, Daughtry, Hovis, Little, Price, Ross, Slye and Ward being present.

Absent: Councilman Painter.

NOTICE OF CLAIM OF G. A. SMITH VS. CITY OF CHARLOTTE RE: PAVING ASSESSMENTS.

Formal notice of claim against the City of Charlotte was filed by G. A. Smith, through his attorney, H. L. Taylor, covering certain paving assessments levied on property of Mr. Smith on Carmel Street.

This was referred to the City Attorneys for handling.

MINUTES OF PREVIOUS MEETING APPROVED.

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

MILK ORDINANCE.

A large delegation again being present at this time, the Council took up the matter of the Milk Ordinance, which was carried over from the last meeting, and a vote was taken on the motion made at the February 25th. meeting by Councilman Hovis, and seconded by Councilman Daughtry, that the proposed ordinance be adopted with the new Section 8, as read at that meeting, substituted in lieu of Section 8 in the proposed ordinance.

The vote on this motion was as follows:

AYE: Councilmen Hovis, Daughtry, Albea, Little and Ward.
NAY: Councilmen Baker, Beasley, Price Ross and Slye.

This being a tie vote, the Mayor cast his vote against the motion and the motion was thereby declared lost.

Councilman Baker then made a motion that the proposed ordinance be read in its entirety at this time and that same be adopted. This motion was seconded by Councilman Ross, and after the reading of the ordinance by the Clerk, Messrs. Henderson and Kennedy, attorneys, and a number of others spoke against the adoption of the ordinance.

Dr Gilmore, a member of the Mecklenburg Medical Association, was asked to voice the opinion of that organization regarding the proposed ordinance and he stated that the ordinance as presented was just what the Association would like to see adopted.

Councilman Albea made a substitute motion that the milk ordinance remain status quo until the war comes to an end, and this motion was seconded by Councilman Little, but failed to carry on a tie vote, the Mayor casting his vote with the opposition and the motion was declared lost.

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Councilman Hovis opposed the passage of the ordinance with the Section 8 as it had been written into the ordinance introduced; this Section reading as follows:

"Section 8. Grades of milk and milk products which may be sold.

From and after the date on which this ordinance goes into effect no milk or milk products shall be sold to the final consumer, or to restaurants, soda fountains, grocery stores or similar establishments except certified milk- pasteurized, Grade-A pasteurized, certified raw, Grade A raw and Grades A, B, and C of buttermilk; provided however, that twelve months from and after the date this ordinance goes into effect Grades B and C raw buttermilk shall not be sold for human consumption as such, but may only be sold to manufacturers and processors where it will be changed from its raw state before being ultimately consumed.

This section shall not be construed as forbidding the sale of lower grades of milk and milk products during temporary periods of degrading not exceeding 30 consecutive days or in emergencies such longer period as the health officer may deem necessary."

Mr. Hovis stated that under this section milk can be sold in any way, shape and form up until the twelve months have elapsed and that the cows do not even have to be tested.

A vote was called for on the motion to adopt the ordinance as read, after considerable discussion both among those present and the Council, and the following vote is recorded:

AYE: Councilmen Price, Beasley, Baker, Ross and Slye.
NAY: Councilmen Albea, Daughtry and Ward.

Councilman Hovis and Little were recorded as not voting, and the Mayor declared the ordinance had failed to carry for lack of six affirmative votes.

REPORT OF COMMITTEE ON W. R. STROUPE MATTER.

Councilman Beasley reported that the Police and Fire Committee had met and considered all the facts regarding the W. R. Stroupe matter, referred to that committee on February 25th., and that it had been found that while Mr. Stroupe had been re-appointed as a Special Officer on the premises of Smith-Wadsworth Hardware Company, he had not been employed by that Company for approximately two years, and that therefore, his permit was not in order and he had surrendered his permit card.

SCRAP METAL SOLD.

On motion of Councilman Albea, seconded by Councilman Baker, authority was given to sell a quantity of scrap metal removed from the old combustion chamber at the incinerator, to the highest bidder, Smith Metal Company, Inc., at \$1.02 per cwt. delivered by the City to the yard of the dealer.

Two other bids received were at .85 per cwt. and .755 per cwt. respectively.

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PURCHASE OF POSTAL CARD NOTICES FOR WATER DEPARTMENT.

On motion of Councilman Little, seconded by Councilman Albea, the Water Department was authorized to purchase 50,000 Government postal cards, at \$500.00, for sending out notices of water accounts due.

PIPE CUTTERS PURCHASED.

Councilman Slye, seconded by Councilman Beasley, moved that the Water Department be authorized to purchase certain parts for its Barnes pipe cutter, from the only source of supply- the J. A. Sexauer Manufacturing Co., of New York, at the price of \$151.55. Motion carried.

INVOICE FOR TRANSCRIPT OF TESTIMONY- HARRIS v. CITY OF CHARLOTTE TO BE PAID FROM EMERGENCY FUND.

Authority was given for the payment of an invoice of E. D. Blair, Court Reporter, in the amount of \$26.40, covering transcript of testimony given in the trial of Mrs. Eula Harris against the City of Charlotte, from the Emergency Fund, on motion made by Councilman Albea, seconded by Councilman Beasley and unanimously carried.

INVOICE FOR PRINTING OF RECORD IN CASE OF KAVANAUGH TO BE PAID FROM EMERGENCY FUND.

On motion of Councilman Baker, seconded by Councilman Albea, payment from the Emergency Fund of an invoice in the amount of \$34.65, was authorized; this payment to be made to the Clerk of Supreme Court to cover cost of printing record and docketing appeal in the case of the City of Charlotte vs. Kavanaugh et al.

RESOLUTION RELATIVE TO SEWER LINE AT AIR BASE.

The City Manager reported that the Federal Government is requesting the renewal of lease with the City of Charlotte for the sanitary sewer right-of-way from the Charlotte Air Base to the Irwin Creek Sewage Disposal Plant, and presented the following Resolution which the City Attorneys had prepared in this connection:

RESOLUTION WITH REGARD TO RENEWAL
OF LEASE WITH THE UNITED STATES GOVERNMENT
FOR THE SANITARY SEWER RIGHT OF WAY FROM
THE UNITED STATES AIR BASE TO THE IRWIN CREEK
SEWAGE DISPOSAL PLANT.

WHEREAS, the City of Charlotte entered into a lease dated March 10, 1941, and bearing No. W 231 eng - 600, for a right-of-way for a sanitary sewer from the United States Air Base to the Irwin Creek Sewage Disposal Plant, said lease to expire on June 30, 1941, unless notice of renewal should be given in writing by the United States Government three days before the expiration, as provided in paragraph 5 of said lease; and whereas, under date of June 4, 1941 the United States Government gave written notice of its desire to renew the lease for the period extending from July 1, 1941, to June 30, 1942; and, whereas, receipt of

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of said written notice was acknowledged under date of June 9, 1941 by James W. Armstrong, City Manager of the City of Charlotte, but the United States Government's form of consent showing such renewal was not executed; and, whereas, the United States Government now desires to have said form duly executed for its records.

NOW, THEREFORE, Be it resolved that Mayor E. McA. Currie be, and he hereby is, authorized and directed to execute on behalf of the City of Charlotte the form presented by the United States Government showing the renewal of the aforementioned lease for the period from July 1, 1941 to June 30, 1942, said form being dated June 4, 1941, and being signed by Reading Wilkinson, Lt. Colonel, Corps of Engineers, and said form shall be signed nunc pro tunc as of June 4, 1941.

On motion made by Councilman Albea, seconded by Councilman Beasley, the above resolution was unanimously adopted.

ORDINANCE SUPPLEMENTING PORTION OF ELECTRICAL ORDINANCE.

Due to the shortage of certain electrical materials, as required by the existing Electrical Ordinance of Charlotte, it is thought advisable that provision be made for the use of substitute materials, approved by the National Board of Fire Underwriters and recommended by the National Fire Protection Association, and the following Ordinance, supplementing Section 11 of the Electrical Ordinance, was, therefore, presented.

AN ORDINANCE
TO SUPPLEMENT SECTION 11 OF THE ELECTRICAL
ORDINANCE OF THE CITY OF CHARLOTTE.

THAT WHEREAS, a state of National War Emergency exists creating shortages of certain electrical materials as specified and required by the existing Electrical Ordinance of the City of Charlotte, and whereas, these shortages of materials are restricting necessary services to the safety and life of the people of this City, and whereas, other materials in substitution therefor, approved by the National Board of Fire Underwriters and recommended by the National Fire Protection Association, are available for use;

NOW, THEREFORE, be it enacted by the City Council of the City of Charlotte in session duly assembled, an ordinance to supplement Section 11 of the Electrical Ordinance of the City of Charlotte, as follows:

"SECTION 11a. In cases where specific types and/or classes of materials are called for in this Ordinance, and due to the National War Emergency, are not obtainable, other types and/or classes of materials, approved by the National Board of Fire Underwriters and contained in the National Electric Code and subsequent revisions thereof, may be approved for use for the duration of the National Emergency."

This Ordinance shall take effect immediately after its passage and publication.

APPROVED AS TO FORM:

Tillett & Campbell
City Attorneys.

On motion of Councilman Slye, seconded by Councilman Ross, the above ordinance was unanimously adopted on three readings and declared by the Mayor to be an Ordinance of the City of Charlotte.

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PROPERTY FORECLOSED FOR TAXES TO BE SOLD - 912 EAST NINTH STREET.

Mr. Flack reported that an offer to purchase property located at 912 East 9th Street, with a frontage of approximately 34-feet, had been received from W. T. Gilbert, at a price of \$175.00. He advised that the City acquired by foreclosure in 1940 property at 912 and 918 East 9th Street, which was appraised at that time at \$325.00. The property in question is one-half the appraised frontage, and the City Treasurer recommended that the offer to purchase be accepted, as provided under Section 50 of the City Charter.

After discussion, Councilman Little moved that the offer, as set out above, be accepted and that the Mayor and Clerk be authorized to sign the deed. This motion was seconded by Councilman Albea and unanimously carried.

REQUEST FOR SPECIAL OFFICER PERMIT REFERRED TO POLICE COMMITTEE.

The request from the Southern Bell Telephone Company that Mr. W. A. Carmichael, Route 9, Charlotte, be made a special officer to assist in guarding their property at 208 North Caldwell Street, was referred to the Police Committee.

CEMETERY DEED.

On motion of Councilman Little, seconded by Councilman Albea, the following cemetery deed was approved:

Transfer of North Half Lot No. 136, in Section "T", from
F. W. Russell to R. K. Blair and wife. \$1.00

COMMITTEE APPOINTED TO WORK WITH DIFFERENT CIVIC ORGANIZATIONS IN SECURING NATIONAL DEFENSE PROJECTS FOR CHARLOTTE.

Councilman Hovis at this time addressed the Council and stated that Charlotte is primarily a distribution center and that due to the National Emergency, the Government has stopped the production of many civilian items, causing employment to fall off and consequently business is falling off in increasing seriousness and that unless an effort is made by the City of Charlotte to get war production industries here, that the population will fall to less than 80,000 people. He asked that the Council do something in this connection and either send the Mayor or someone representing the City to Washington to take care of the City's interests.

Councilman Price moved that a committee be appointed to work with the different organizations in this connection, which was seconded by Councilman Albea and carried. The Mayor, thereupon, appointed the following members of the City Council to serve on this committee: Messrs. Hovis, Ross and Price, and at the request of Councilman Albea, the Mayor also agreed to serve.

AN ORDINANCE AMENDING TRAFFIC ORDINANCE ADOPTED JANUARY 10, 1940.

The following amendment to the City's traffic ordinance was presented by the City Manager, who explained the reason for the necessity of adopting this amendment; and upon motion made by Councilman Beasley, seconded in each instance by Councilman Albea, the Ordinance was unanimously adopted on three readings and declared by the Mayor to be an Ordinance of the

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City of Charlotte; this 4th day of March, 1942:

AN ORDINANCE
AMENDING TRAFFIC ORDINANCE ADOPTED
JANUARY 10, 1940.

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

Section 1. When signs are erected giving notice thereof, no person shall park a vehicle at any time on the west side of North Graham Street, between West Trade Street and West Fifth Street and on the south side of West Fifth Street between North Graham Street and a point 225 ft. west from North Graham Street.

Section 2. The purpose and intent of this ordinance is to place the above described portion of North Graham Street and the above described portion of West Fifth Street under Schedule 1 as contained in the Traffic Ordinance adopted January 10, 1940.

Section 3. All ordinances and clauses of ordinances in conflict herewith are hereby repealed.

Section 4. The City Clerk shall certify to the passage of this ordinance and cause the same to be published as required by law.

Section 5. This ordinance shall take effect from and after its passage.

APPROVED AS TO FORM:

Tillett & Campbell
City Attorneys

ADJOURNMENT.

On motion of Councilman Little, the meeting then adjourned.

Alice B. McCowell
City Clerk