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A special meeting of the City Council of the City of Charlotte, North Carolina, was held on October 30, 1940, at 2 o'clock P. M., in the Council Chamber, City Hall, pursuant to Notice of Special Meeting and Consent to Meeting, reading as follows:

NOTICE OF SPECIAL MEETING
October 29, 1940.

Please be notified that a Special Meeting of the City Council of the City of Charlotte, will be held at the City Hall, in the Council Chamber, on the 30th day of October 1940, at 2 o'clock P. M., for the purpose of reading certain ordinances and such other matters as may legally come before us.

(Signed) Ben E. Douglas, Mayor

ACCEPTANCE NOTICE

We hereby accept the above notice, which was received and delivered in person on the 29th day of October 1940, at _____ o'clock P.M.

(Time of Acceptance)

(Signed)	Claude L. Albea, Councilman,	2:20 P.M.
	Herbert H. Baxter	" 2:50
	C. S. Britt	" 2:10
	W. N. Hovis	" 2:40
	W. R. Hudson	" 2:35
	J. H. Huntley	" 2:41
	A. Parks Little	" 2:44
	J. S. Nance	" 2:15
	L. R. Sides	" 2:55
	John Ward	" 2:25
	J. L. Wilkinson	" 3:00

The meeting was called to order by the Mayor and on roll call the following answered present: Councilmen Albea, Baxter, Britt, Hovis, Huntley, Little, Sides, Ward and Wilkinson.

The following were absent: Councilmen Hudson and Nance.

The members named constitute all of the members of the City Council of the City of Charlotte, North Carolina.

READING OF MINUTES DISPENSED WITH.

On motion of Councilman Hovis, seconded by Councilman Wilkinson, the reading of the minutes at this time was dispensed with.

LEASE OF MUNICIPAL AIRPORT TO UNITED STATES GOVERNMENT.

Mr. John H. Small, attorney for E. H. Brockenbrough, and Mr. Robert Lassiter, representing the Cannon Airport, asked to be heard with reference to the proposed lease of the Municipal Airport to the United States Government for use as an Air Base, but Mayor Douglas asked the Council to take action on the signing of the lease before hearing these gentlemen, inasmuch as it was feared that an injunction would be served on the City Council, restraining them from signing the lease.

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Councilman Hovis, seconded by Councilman Wilkinson, then moved that the lease be read, which motion unanimously carried, and the lease was read by the Mayor.

Mr. Small stated that no restraining order would be filed if the Council would agree to hold the matter in status quo until he could be heard, and that in his opinion, if the Council authorized the signing of the lease, the different members would be personally liable for leasing to the Government property belonging to the taxpayers of the City of Charlotte.

Councilman Baxter moved that the lease be signed by the Mayor and Clerk on behalf of the City of Charlotte, which was seconded by Councilman Ward and unanimously carried, after Mr. Small had made a formal request to be heard, and Mr. Lassiter requested that he be included in the formal notice.

Councilman Baxter, seconded by Councilman Ward, then made a motion that the Council declare a five minute recess in order that the lease be signed, and the lease was signed by the Mayor and Clerk and the City's seal attached thereto at 2:50 P. M.

After reconvening, Mayor Douglas explained why this action was necessary, and stated that he realized that Mr. Brockenbrough would lose a considerable amount of money because of this lease, which was regretted, and also, that while he had not intended to make this statement at this time, that a third airport for Charlotte was already being contemplated for the use of civilian and student flyers. Both Mr. Small and Mr. Lassiter were given an opportunity to be heard at this time, Mr. Lassiter, attorney for the Cannon airport, stating that approximately \$100,000.00 has been invested in this field and that when the Army established its radio control tower, civilian flyers will not be able to operate from this port because of the six mile limit for the operation of planes without two-way radio. He asked that the Council pass a motion to incorporate in the lease a provision to take care of this port. The City Attorney was consulted and stated that such motion could be passed in order that the U. S. Government would know that it meets with the approval of the City of Charlotte.

Councilman Hovis, seconded by Councilman Albea, made a motion that the Council pass a resolution asking that this provision be added to the lease already signed and that the Mayor, together with Mr. Lassiter, go to Washington and take up with the proper authorities and if it meets with the approval of the Army officials, that provision be included in the lease to permit the operation of this airport as it now is.

Mr. Small stated that he did not desire to interfere with the National Defense Program, but that by giving away the Airport to the Government, the City Council was breaking a trust with the citizens of Charlotte.

At 3:20 P. M., the Council recessed for five minutes.

ADOPTION OF ORDINANCES RELATIVE TO FIRE PREVENTION, NEW CITY BUILDING CODE AND PROVIDING FOR SAFETY TO LIFE AND PROPERTY IN MULTI-STORIED BUILDINGS.

After reconvening, Councilman Sides, having just come in to the meeting at this time, the City Manager read the following ordinance:

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AN ORDINANCE
TO PROVIDE FOR SAFETY, LIFE AND PROPERTY
IN MULTI-STORIED BUILDINGS IN THE CITY
OF CHARLOTTE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE IN
REGULAR SESSION:

Section 1. The intent of this ordinance is to protect the life and limbs of those persons located on the upper floors of buildings, either permanent or transient, who sleep, dine, enjoy recreation or work, and to provide for the abatement of nuisances created by the maintenance, existence and occupancy of dangerous and unsafe buildings.

Section 2. Buildings, when referred to in this ordinance shall include hotels, apartment houses, tenements, clubs, schools, factories, hospitals, institutions for the care of incarceration of persons and any and all other buildings not specifically exempted under the terms of this ordinance.

Section 3. It shall be the duty of the Chief of the Fire Department to inspect or cause to be inspected every occupied building other than single-family and two-family dwellings and to specify and order the installation, and the proper maintenance of such protective equipment and of such structural changes and additions as are deemed necessary for the safeguarding of life and limb of persons occupying or using the building and who would be endangered by fire in the building.

Section 4. Buildings over two (2) stories in height, except buildings of fire-resistive construction as defined in the Building Code of the City of Charlotte, occupied by ten or more persons above the second floor, or twenty-five (25) or more persons on the second floor, shall have all stairways, elevators, light shafts, and other vertical openings protected and enclosed with wired glass in metal or heavy wooden frames, or with partitions having one-hour fire resistance; or such building shall be equipped throughout with an automatic sprinkler system; or shall be equipped throughout with an automatic fire alarm system, or shall be provided with a manual alarm system, if in the opinion of the City Building Inspector such a system is suitable in connection with a watchman or others on duty during the occupancy of the building, to assure the quick transmission of an alarm of fire, or shall have such combination of the above items as to assure, in the opinion of the Board of Examiners, safe occupancy of the building. Also, such buildings shall conform to the provisions of the building Code of the City of Charlotte.

Section 5. Buildings with more than twenty (20) beds and exceeding four (4) stories in height, except buildings of fire resistive construction as defined in the Building Code of the City of Charlotte, even though all vertical openings are enclosed or provided with suitable draft stops, shall have manual fire alarm system unless equipped with automatic sprinklers or an automatic alarm system.

Section 6. Buildings used for offices, stores or for manufacturing or other purposes, if of fire-resistive construction, as defined by the Building Code of the City of Charlotte, and with vertical openings protected, and not exceeding five (5) stories in height, need not be provided with protective signaling systems, but where portions or all of the building have processes or storages which involve inflammables or combustibles of such nature or in such quantities as to constitute a life hazard to the occupants or others in the building, there shall be provided such automatic sprinkler

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extinguishing systems as are deemed necessary by the Chief of the Fire Department.

Section 7. The owners or occupants of all buildings, except buildings of fire resistive construction as defined in the Building Code of the City of Charlotte, coming within the purview of this ordinance shall be required to regularly test or authorize some reputable persons or firm to test all signaling systems and extinguishing systems, such tests to be made once each thirty (30) days, and to transmit to the Chief of the Fire Department a report of all operations of the system, including trouble signals and any impairment of the system.

Section 8. All equipment, systems or other features or devices required by this ordinance shall be maintained suitable for effective operation and the failure to do so shall be deemed a violation of this ordinance.

Section 9. All persons, firms or corporations owning, operating or maintaining any building or buildings coming within the purview of this ordinance are allowed six (6) months from the date of its adoption and approval to fully comply with the terms thereof.

Section 10. All ordinances and parts of ordinances inconsistent herewith are hereby repealed and the sections of this ordinance shall be constructed separately and if any one of the said sections shall be held unconstitutional by any court of competent jurisdiction the invalidity of such section shall in no way effect any other section of this ordinance.

Note: The exceptions made above in Section 4 should not be made if the local building code does not require protection to vertical openings in all fire resistive or fire proof buildings.

Section 11. Any person, firm and corporation who violates any of the provisions of this ordinance shall be fined the sum of ten dollars (\$10.00) for each and every violation and each and every day's violation in the maintenance or operation of a building shall be a separate offense.

Section 12. This ordinance shall be in full force and effect from its adoption and all other ordinances or clauses of ordinances in conflict herewith are hereby specifically repealed.

On motion of Councilman Wilkinson, seconded by Councilman Albea, the above ordinance was unanimously passed on three readings and declared by the Mayor to be an ordinance of the City of Charlotte.

BUILDING CODE.

The Building Code of the City of Charlotte, an ordinance relative to the construction, maintenance and inspection of buildings and to promote public health and safety in the City of Charlotte, consisting of more than 92 pages, was next read by the City Manager, and on motion of Councilman Little, seconded by Councilman Ward, was unanimously adopted on three readings.

A complete copy of this Ordinance will be found in the Ordinance Book of the City of Charlotte, Book No. 8, beginning at page 269.

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FIRE PREVENTION ORDINANCE.

An Ordinance providing for the establishment of a Bureau of Fire Prevention, providing officers therefore, and defining their powers and duties, to be known as the Fire Prevention Ordinance was introduced and read by the City Manager.

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

This Ordinance will be found in its entirety in Ordinance Book No. 8, immediately following the Building Code Ordinance, and consists of seventy or more pages.

SMOKE ORDINANCE.

Councilman Sides, Chairman of the special committee to study the drafting of a Smoke Ordinance for Charlotte, reported that the ordinances received from 25 or 30 cities had been studied ^{almost all calling} for an engineer to enforce the ordinance, and he also stated that there would be some expense to the drafting of such an ordinance and before going any further into the matter he wanted to know the wishes of the Council with regard to the expense. It was suggested that Mayor Douglas make an effort to secure the Engineer on this type of work from the City of Asheville, if possible, to assist in drawing the ordinance and Mayor Douglas advised that he would contact the Mayor or City Manager of Asheville and attempt to secure the services of this man.

PETITION ASKING FOR WATER MAIN LEADING TO AIRPORT TO BE ROUTED SO AS TO SERVE WILMOUNT SECTION.

A petition was read by Mr. Armstrong from a number of residents on the Wilmount Road, asking that the City route the water main proposed to be laid to the Municipal Airport so as to serve the homes and businesses in this section. This petition was received as information.

CHARLOTTE MEMORIAL HOSPITAL, ADDITION TO NURSES HOME.

Mr. Armstrong advised the Council that the Charlotte Memorial Hospital Association has submitted evidence of availability of \$36,072.03 for the Two Additional Wings to the Nurses Home of the Memorial Hospital, which is 55% of the cost of construction and is in accord with the City's contract with the Public Works Administration.

He also reported receipt of a certified copy of a resolution from the Charlotte Memorial Hospital Board and the Board of Directors for the addition of the Two Wings to the Nurses Home, and that their recommendations are in accord with the awarding resolution, which will be submitted at this time.

BIDS ON ADDITION TO NURSES HOME FOR CHARLOTTE MEMORIAL HOSPITAL.

The City Manager reported that bids have been received for the Addition of Two Wings to the Nurses Home for the Memorial Hospital and that the Awarding Resolution is as follows:

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WHEREAS, Pursuant to Advertisement for Bids for the Addition of Two Wings to the Nurses Home for the Charlotte Memorial Hospital, Charlotte, North Carolina, bids have been filed by the following bidders:

GENERAL CONTRACT

H. L. Coble	\$54,493.00
Ervin Construction Co.	53,973.00
Goode Construction Co.	59,263.00
V. P. Loftis	49,991.00
J. J. McDevitt Company	57,440.00
Nivens Construction Co.	55,950.00
Robert H. Pinnex	52,385.00
Southeastern Construction Co.	53,713.00
Fred N. Thompson	57,900.00

PLUMBING CONTRACT

Acme Plumbing & Heating Co.	\$ 6,439.00
Albemarle Plumbing & Htg. Co.	7,582.00
Tompkins-Johnston Company	6,874.00
Waldrop Heating & Plumbing Co.	6,972.00

ELECTRICAL CONTRACT

Austin Electric Company	\$ 2,058.00
Robinson Electric Company	2,793.00

HEATING CONTRACT

Acme Plumbing & Heating Co.	\$ 5,536.00
Albemarle Plumbing & Htg. Co.	5,533.00
A. Z. Price Company	6,432.00
Reliance Engineering Co.	5,621.00
Tompkins-Johnston Company	4,947.00
Toomey Bros. Plumbing & Htg. Co.	5,557.00
Waldrop Heating & Plbg. Co.	4,726.00

And that said bids have been duly received and publicly opened and read,

WHEREAS, Walter W. Hook, Architect, and Jas. W. Armstrong, City Manager, have tabulated and considered all bids heretofore received for the construction of the Addition of Two Wings to the Nurses Home for the Charlotte Memorial Hospital, and have duly made recommendations to the City Council, and it appearing from said recommendations and report that V. P. Loftis of Charlotte, North Carolina, is the lowest and best bidder for the General Contract for the Addition to the Nurses Home in the sum of \$49,991.00; and that the Acme Plumbing and Heating Company of Charlotte, North Carolina, is the lowest and best bidder for the Plumbing Contract in the sum of \$6,439.00; and that the Austin Electric Company of Charlotte, North Carolina, is the lowest and best bidder for the Electrical Contract, in the sum of \$2,058.00; and that the Waldrop Heating & Plumbing Company of Rock Hill, South Carolina, is the lowest and best bidder for the Heating Contract, in the sum of \$4,726.00;

And, after considering said report and recommendations and all bids heretofore filed, find that the above tabulated bids are the lowest and best bidders.

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NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Charlotte, North Carolina, as follows:

Section 1. That the bid of V. P. Loftis for the General Contract, in the sum of \$49,991.00; and that the bid of Acme Plumbing & Heating Company for the Plumbing Contract, in the sum of \$6,439.00; and that the bid of Austin Electric Company for the Electrical Contract in the sum of \$2,058.00; and that the bid of Waldrop Heating & Plumbing Company for the Heating Contract in the sum of \$4,726.00, be hereby accepted, determined and declared to be the lowest and best bids, and that a contract for the construction of the said work heretofore prescribed by the plans, specifications and contract documents, shall be executed for said construction.

Section 2. That Ben E. Douglas, Mayor, and Alice B. McConnell, City Clerk, are hereby authorized and directed to execute said contracts for and on behalf of the City of Charlotte, North Carolina.

On motion of Councilman Sides, seconded by Councilman Ward, the above Resolution awarding contracts for the construction of Two Wings to the Nurses Home for the Charlotte Memorial Hospital, was unanimously adopted, the following vote being recorded:

Aye: Councilmen Albea, Baxter, Britt, Hovis, Huntley, Little, Sides, Ward and Wilkinson.

Nay: None.

Thereupon the Mayor declared said resolution carried and signed said resolution in approval thereof.

PURCHASE OF WATER METERS.

Bids having been received on 100 5/8" Water Meters, as follows:

Pittsburgh Equitable Meter Company	\$882.00
Hersey Manufacturing Company	882.00
Neptune Meter Company	882.00

in accordance with the policy of rotating business where quality and price are equal, Councilman Britt made a motion that contract be awarded to the Pittsburgh Equitable Meter Company, and that the Mayor and Clerk sign the contract for the net delivered price of \$882.00. Motion seconded by Councilman Wilkinson and unanimously carried.

CONTRACT AWARDED DOGGETT LUMBER COMPANY FOR TERRA COTTA PIPE.

On motion of Councilman Huntley, seconded by Councilman Albea, contract for 2604 feet of 8" Terra Cotta Pipe, in 3" joints, for use on various sewer jobs, was awarded to the lowest bidder, Doggett Lumber Company, at the net delivered price of \$631.47 and the Mayor and Clerk authorized to sign said contract.

Bids received on this material were as follows:

Doggett Lumber Company	\$631.47
Tucker-Kirby Company	676.17
Isenhour Brick & Coal Co.	681.99
Charlotte Lumber Corp.	681.99
J. L. Wiggins & Son Lumber Co.	681.99
Building Materials Company	681.99
Cathey Lumber Company	681.99

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PURCHASE OF CRUSHED STONE FOR PAVEMENT WORK.

The following bids having been received on 450 tons of 3/8" Crushed Stone for use in surface treatment work of pavements in various locations:

Superior Stone Company	\$855.00
Transit-Mix Concrete Company	855.00
Caldwell Construction Co.	900.00

On recommendation of the City Manager and on motion of Councilman Wilkinson, seconded by Councilman Britt and unanimously carried, award was made to the Superior Stone Company and the Mayor and Clerk were authorized to sign the contract in the amount of \$855.00 delivered.

The City Manager recommended purchase of this material from the Superior Stone Company due to the fact that the stone to be furnished by them weighs 2,350 pounds per cubic yard, whereas the stone offered by Transit-Mix Concrete Company, whose bid was the same, weighs only 2,400 pounds, making a difference of 50 pounds per yard, which is considered quite a desirable difference in the type of work for which it is being purchased.

BIDS RECEIVED ON MOTOR BOAT BUT NO PURCHASE MADE.

The City Manager reported that bids had been called for and received on a 16-ft. utility power driven motor boat for use at the Catawba River in patrolling the water shed, which bids are as follows:

Contractors Service Co. Inc.	
Chris-Craft Model 117, net delivered	
price launched at river	\$720.00
C. P. Armory, Distributor, Inc.	
Gar-Wood 18'16", net delivered	
price f.o.b. Charlotte	1095.00

But Mr. Armstrong recommended that before purchasing this boat a further study be made to see if a suitable boat can be purchased at a lower price, and no action was, therefore, taken on this purchase.

JAW PLATES FOR ROCK CRUSHERS.

It was reported that it is necessary to purchase two complete sets of jaw plates for each of the two crushers now in service at the City quarry and that these parts can only be furnished by the Universal Road Machinery Company, of Kingston, N. Y., who manufactured the crushers, and that the net delivered price of \$694.00. Thereupon, Councilman Huntley, seconded by Councilman Little, moved that this purchase be made and that the Mayor and Clerk sign the contract.

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PURCHASE OF STATE OF NORTH CAROLINA BOND FOR SINKING FUND ACCOUNT.

On motion of Councilman Huntley, seconded by Councilman Albea, the City Treasurer was authorized to purchase 1- \$1000.00 State of North Carolina $4\frac{1}{2}\%$ Bond, due 7-1-41, to yield 1% and accrued interest.

CLAIM OF EDWIN L. BROWN, JR.

Mr. Armstrong reported receipt of a letter from Carswell and Erwin, attorneys, relative to claim of Edwin L. Brown, Jr., of Columbia, S. C., for \$2500.00 to cover alleged injuries sustained at the Municipal Swimming Pool, on July 20, 1940, claiming that in diving his head hit the rim of the side of the pool. This matter was referred to the City Attorney.

SPECIAL OFFICER PERMIT.

On motion of Councilman Wilkinson, seconded by Councilman Ward, Luther N. Untz, Jr. was issued a Special Officer permit for use in the services of the Federal Reserve Bank.

PAVING PROGRAM SCHEDULE.

The City Manager furnished a schedule of contemplated asphalt paving to be done on certain streets; the necessary funds to be obtained from the sale of Bonds for Street Improvements. This list shows 22 streets, with approximately 7400 tons of asphalt to be used.

MR. JOHN SHAW APPEARED AND EXPLAINED HIS POSITION RELATIVE TO OAKLAWN CEMETERY.

Mr. John Shaw, former attorney for Mr. J. Misenheimer, of Oaklawn Cemetery, appeared before the Council in open session and explained his position and connection with reference to the attempted settlement of Oaklawn Cemetery. He stated that he was acting in good faith and thought his connection with the Cemetery was in proper shape. Councilman Baxter thanked Mr. Shaw for coming before the Council and for his courteous treatment.

THANKS OF COUNCIL EXTENDED TO COMMITTEE AND CITIZENS FOR AID IN SECURING ARMY AIR BASE.

On motion of Councilman Wilkinson, seconded by Councilman Baxter, and unanimously carried, the Council extends to the committee and the citizens of Charlotte who took part in and made available for the City the money to be used for the purchase of additional land for the Airport in order to secure the Army Air Base in Charlotte, the appreciation of this body.

ADJOURNMENT.

On motion of Councilman Ward, seconded by Councilman Little, the meeting then adjourned.

Alice B. McCordell
City Clerk