REGULAR MEETING OF THE CITY COUNCIL HELD IN THE COUNCIL CHAMBER, CITY HALL, ON WEDNESDAY, JANUARY 29, 1936, WITH MAYOR DOUGLAS PRESIDING AND COUNCILMEN: ALBEA, BAXTER, BOYD, DURHAM, HOGIS, HUDSON, NANCE, TIPTON AND SIDES BEING PRESENT.

ABSENT: COUNCILMEN HUNTLER AND WILKINSON.

MINUTES OF JANUARY 22, 1936 MEETING APPROVED.

ON MOTION OF COUNCILMAN SIDES, SECONDED BY COUNCILMAN DURHAM, THE MINUTES OF THE MEETING OF JANUARY 22, 1936, WERE APPROVED AS READ.

ACCIDENT OF FIREMAN C. W. TODD.

MR. T. L. KIRKPATRICK, JR., ATTORNEY REPRESENTING MR. C. W. TODD, A FIREMAN WHO WAS INJURED WHILE ON DUTY ON JANUARY 6, 1936, APPEALED BEFORE THE COUNCIL ASKING FOR PERMISSION TO BRING SUIT AGAINST THE THIRD PARTY INVOLVED IN THIS CASE. IN AS MUCH AS IT IS A COMPENSABLE CASE, AGREEING TO REIMBURSE THE CITY FOR ALL MONEY PAID OUT BY THE CITY IF SETTLEMENT IS MADE WITH THE THIRD PARTY.

AFTER DISCUSSION, COUNCILMAN SIDES MOVED THAT THE MATTER BE REFERRED TO THE CITY MANAGER AND CITY ATTORNEYS FOR FURTHER INVESTIGATION AND OPINION REGARDING THE MATTER, WHICH MOTION WAS SECONDED BY COUNCILMAN BOYD AND UNANIMOUSLY CARRIED.

RENTAL OF ARMORY TO HIGH SCHOOL ATHLETIC ASSOCIATION.

AS A MATTER OF UNFINISHED BUSINESS FROM THE LAST MEETING, CITY MANAGER MARSHALL REPORTED THAT HE HAD PERMITTED THE HIGH SCHOOL ATHLETIC ASSOCIATION TO USE THE ARMORY AGAIN ON JANUARY 28TH, PENDING DECISION OF THE COUNCIL REGARDING THE FEES TO BE CHARGED THIS ASSOCIATION FOR THEIR BOXING MATCHES, STATING THAT MR. ALLEN HAD MADE A NUMBER OF RESERVATIONS FOR THE ARMORY FOR FUTURE DATES, FOR WHICH THE CITY WAS ASKING THAT DEPOSITS BE PUT UP AS REQUIRED OF OTHERS.

COUNCILMAN ALBEA, SECONDED BY COUNCILMAN HUDSON, MADE A MOTION THAT THE USE OF THE ARMORY ON JANUARY 28TH, BE GIVEN WITHOUT CHARGE.

AFTER DISCUSSION, COUNCILMAN ALBEA, SECONDED BY COUNCILMAN DURHAM, MOVED THAT HIS FORMER MOTION BE TABLED PENDING THE ARRIVAL OF MR. ALLEN AT THIS MEETING. MOTION CARRIED.

REPORT OF CITY MANAGER

U. S. CONFERENCE OF MAYORS' DUES.

THE CITY MANAGER READ A LETTER FROM THE SECRETARY
OF THE U. S. CONFERENCE OF MAYORS AGREEING TO ACCEPT $75.00 AS THE CITY OF CHARLOTTE'S DUES FOR THIS YEAR, AND ON MOTION OF COUNCILMAN ALBEE, SECONDED BY COUNCILMAN HOVIS, THE PAYMENT OF DUES TO THIS ASSOCIATION FOR THIS FISCAL YEAR WAS UNANIMOUSLY APPROVED, AT THIS RATE.

RE-ASSESSMENT ORDINANCE - NORTH TRYON STREET.

ON MOTION OF COUNCILMAN DURHAM, SECONDED BY COUNCILMAN ALBEE, THE FOLLOWING RE-ASSESSMENT ORDINANCE WAS UNANIMOUSLY APPROVED ON THREE READINGS AND DECLARED TO BE AN ORDINANCE OF THE CITY OF CHARLOTTE BY THE MAYOR:

The City Council of the City of Charlotte, North Carolina, do ORDAIN that the special benefits to the abutting property on North Tryon Street on account of the paving of the street, beginning at a point 46.53 feet north of the northwest corner of North Tryon Street and Duls Lane, and extending thence on a northerly direction of 150 feet and being originally assessed as a whole against S. A. Marsh Estate, is hereby subdivided and re-assessed on the west side only, as follows:

NEW NO. | OWNER | FRONTAGE | STREET | TOTAL
--------|-------|----------|--------|---------
1305-11 | Realty Syndicate, Inc. | 100' | 6.62 | 131.72 | $138.54
1313-15 | Realty Syndicate, Inc. | 50' | 3.41 | 65.66 | 69.27

RE-ASSESSMENT ORDINANCE - SOUTH MCDOWELL STREET.

ON MOTION OF COUNCILMAN SIDES, SECONDED BY COUNCILMAN DURHAM, THE FOLLOWING RE-ASSESSMENT ORDINANCE FOR SOUTH MCDOWELL STREET WAS UNANIMOUSLY APPROVED ON THREE READINGS AND DECLARED TO BE AN ORDINANCE BY THE MAYOR:

NEW NO. | OWNER | FRONTAGE | STREET | SIDEWALK | TOTAL
--------|-------|----------|--------|----------|---------
521 | W. H. Overcash | 20' | 16.00 | 96.00 | 16.60 | $130.60
523 | W. H. Overcash | 15' | 72.00 | 12.45 | 64.45

SUIT OF BEATRICE BLACK VS. CITY OF CHARLOTTE.

The City Manager reported notice of suit against the City of Charlotte in the case of Beatrice Black for alleged injuries received from falling in a hole, had been referred to the City Attorneys.
RESOLUTION RE: POLICE STATION ADDITION.

THE FOLLOWING RESOLUTION WAS PRESENTED BY THE CITY MANAGER, WHO EXPLAINED THE NECESSITY FOR THE INCREASED COST, STATING THAT THE TOTAL COST OF CONTRACTS AS LET, INCLUDING ALL EXPENSES, ARE $32,194.00; THAT THE CITY HAS ISSUED $40,000.00 WORTH OF BONDS AND WILL RECEIVE FROM THE GOVERNMENT A GRANT OF $12,272, MAKING A TOTAL OF $52,272.00 THAT WILL BE AVAILABLE; THAT THE CONTRACT HAS NOT YET BEEN LET FOR THE CELLS, BUT THAT THIS AMOUNT WILL BE AMPLE TO TAKE CARE OF THE CELLS.

RESOLUTION

WHEREAS, APPLICATION WAS MADE BY THE COUNCIL OF THE CITY OF CHARLOTTE, FOR A LOAN AND GRANT FOR THE PURPOSE OF CONSTRUCTING THE FOLLOWING MUNICIPAL IMPROVEMENTS IN THE CITY OF CHARLOTTE (SAID APPLICATION BEARING DOCKET NUMBER NC 1119 R)

ADDITIONS TO AND REMODELING OF THE POLICE DEPARTMENT BUILDING, AND

WHEREAS, FINANCING OF THE PROJECT WAS TO HAVE BEEN AS FOLLOWS:

<table>
<thead>
<tr>
<th>Grant</th>
<th>$12,272.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Loan</td>
<td>8,500.00</td>
</tr>
<tr>
<td>Owner's Funds</td>
<td>6,500.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$27,272.00</strong></td>
</tr>
</tbody>
</table>

AND,

WHEREAS, AFTER BIDS WERE RECEIVED ON THE AFORESAID PROJECT, IT WAS FOUND THAT THE CONSTRUCTION COULD BE CARRIED OUT SUBSTANTIALLY AS CONTEMPLATED BY THE ADDITIONAL EXPENDITURE OF $5,333.00.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHARLOTTE:

(1) THAT THE FOLLOWING ESTIMATE OF PROJECT COST, BASED UPON ESTIMATES AND CONTRACTS AWARDED, BE ADOPTED IN LIEU OF THAT APPROVED ON THE BASIS OF THE ORIGINAL APPLICATION:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preliminary Expense</td>
<td>$350.00</td>
</tr>
<tr>
<td>Land</td>
<td>0.00</td>
</tr>
<tr>
<td>Construction</td>
<td>$30,194.00</td>
</tr>
<tr>
<td>Architectural Expense 6%</td>
<td>1,611.00</td>
</tr>
<tr>
<td>Legal</td>
<td>250.00</td>
</tr>
<tr>
<td>Administrative Interest During</td>
<td>0.00</td>
</tr>
<tr>
<td>Construction Grant Only</td>
<td>0.00</td>
</tr>
<tr>
<td><strong>Miscellaneous</strong></td>
<td><strong>$32,805.00</strong></td>
</tr>
</tbody>
</table>

(2) THAT THE METHOD OF FINANCING THE PROJECT BE DECLARED AS FOLLOWS:

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grant</td>
<td>$12,272.00</td>
</tr>
<tr>
<td>Owner's Funds</td>
<td>20,333.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$32,605.00</strong></td>
</tr>
</tbody>
</table>
(3) That the adoption of these resolutions do pledge the funds necessary as shown under (2) above.

On motion of Councilman Boyd, seconded by Councilman Alsea, the above resolution was unanimously adopted.

Revised Ordinance for Operation of Moving Picture Machines.

A copy of a proposed revision to the present ordinance relative to the operation of moving picture machines, together with a report from the Electrical Inspector, was presented to each Councilman for study, the City Manager stating that this revised ordinance would be submitted for adoption at a later date.

Resolution for Preliminary Expenses on Police Station Addition.

On motion of Councilman Alsea, seconded by Councilman Tipton, the following resolution was unanimously adopted by the City Council:

Resolution

Whereas, the Federal Emergency Administration of Public Works requests that expenditures on the additions to the Municipal Court Building, Docket N. C. 1119-R be made from a separate account set up for this purpose, and

Whereas, the proceeds from bonds voted for this purpose have not been realized, the Treasurer of the City of Charlotte is hereby authorized to deposit $1,800.00 from the General Fund in a special account, designated as Municipal Court Building Bond Fund, P.W.A. Docket N. C. 1119-R, pending the receipt of the proceeds from the bonds. The General Fund to be re-imbursed when this bond sale is consummated.

Paying Agent for Proposed Bond Issue Designated.

The City Manager reported that it would be necessary to designate a paying agent for the proposed bond of $460,000.00 and presented a letter from the City Treasurer, Mr. L. L. Ledger, regarding the rates offered by the different New York banks, namely The Central Hanover Bank & Trust Co., and the Manufacturers Trust Company, 1/20 of 1%; for principal payments, the Chemical Bank & Trust Co., the National City Bank and the Guaranty Trust Company 1/10 of 1/2.

On motion of Councilman Hudson, seconded by Councilman Sides, the naming of the Central Hanover Bank & Trust Co., as paying agent for these bonds, was unanimously approved by the Council.
SUSPENSION OF POLICE OFFICER MULVEE REPORTED.

CITY MANAGER MARSHALL REPORTED THAT OFFICER R. L. MULVEE HAD BEEN SUSPENDED BY CHIEF PITTMAN FOR INFRACTION OF RULES.

USE OF ARMORY FOR BOXING MATCHES.

MR. ALLEN, OF THE CHARLOTTE HIGH SCHOOL ATHLETIC ASSOCIATION, HAVING COME INTO THE MEETING, THE MATTER OF USE OF ARMORY BY THE ASSOCIATION FOR BOXING MATCHES, WAS AGAIN TAKEN UP. MR. ALLEN STATED HOW MUCH MONEY HAD BEEN TAKEN IN AT THE TWO MATCHES HELD SINCE THE LAST MEETING, THE COST FOR PUTTING UP THE RING AND OTHER EXPENSE CONNECTED WITH THESE MATCHES, STATING THAT HE WAS PREPARED TO PUT UP THE DEPOSITS REQUIRED TO COVER THE TENTATIVE DATES ARRANGED FOR WITH MR. MARSHALL.

A VOTE WAS TAKEN ON THE MOTION MADE PREVIOUSLY BY COUNCILMAN ABEA TO DONATE THE ARMORY FOR THE LAST NIGHT'S USE, WHICH MOTION HAD BEEN SECONDED BY COUNCILMAN DURHAM, AND SAME WAS CARRIED UNANIMOUSLY.

AFTER A DISCUSSION AS TO THE MAKING OF DEFINITE DATES FOR THESE MATCHES AND THEN CHANGING THEM IF NECESSARY, COUNCILMAN DURHAM, SECONDED BY COUNCILMAN ABEA, MOVED TO ALLOW THE ASSOCIATION THE USE OF THE ARMORY FOR $5.00 PER NIGHT ON CONDITION THAT THE DATES BE CHANGED IF THEY HAVE OPPORTUNITY TO RENT THE ARMORY AT HIGHER PRICES. MOTION UNANIMOUSLY CARRIED.

MENTAL HYGIENE CLINIC.

THE CITY MANAGER REPORTED THAT DR. SYLVIA ALLEN, PSYCHIATRIST IN THE MENTAL HYGIENE CLINIC, WOULD LEAVE CHARLOTTE ON FEBRUARY 1ST, TO TAKE A SPECIAL COURSE IN NURSING, AND WOULD BE ABSENT FOR NINE OR TEN MONTHS; THAT SHE HAD REQUESTED THAT THE CLINIC BE CONTINUED, BUT AFTER DISCUSSION WITH THE HEALTH COMMITTEE NO DECISION HAD BEEN REACHED.

COUNCILMAN ABEA, SECONDED BY COUNCILMAN BOYD, MOVED THAT THE MENTAL HYGIENE CLINIC BE CONTINUED.

DISCUSSION AS TO WHETHER DR. ALLYN CHOATE COULD CARRY ON THIS WORK FOLLOWED, AND DR. BUCK'S REPORT ON THE MENTAL HYGIENE CLINIC WAS READ BY THE CITY MANAGER. MR. MARSHALL EXPLAINING THAT THE NAME OF THE CLINIC WAS BEING CHANGED FROM THE MENTAL HYGIENE CLINIC TO THE CHILD'S GUIDANCE CLINIC.

COUNCILMAN HUDSON OFFERED AS AN AMENDMENT TO COUNCILMAN ABEA'S MOTION THAT THE CLINIC BE OPERATED BY THE CITY UNTIL THE LAST TWO MONTHS OF THE FISCAL YEAR, IF THE OPERATORS OF THE CLINIC WOULD AGREE TO CARRY ON THE WORK FOR THE REMAINING TWO MONTHS. COUNCILMAN ABEA WOULD NOT ACCEPT THE AMENDMENT, AND A VOTE WAS TAKEN ON THE AMENDMENT; WITH COUNCILMEN BAXTER, HOGIS, HUDSON AND VOTING "AYE," AND COUNCILMEN ABEA, BOYD, NANCE, DURHAM AND SIDES VOTING "NAY". THE MAYOR DECLARED THE AMENDMENT LOST.
COUNCILMAN BAXTER THEN OFFERED AS AN AMENDMENT TO THE ORIGINAL MOTION THAT A PSYCHIATRIST BE EMPLOYED FOR THE BALANCE OF THE YEAR. NO SECOND AND AFTER DISCUSSION MOTION WITHDRAWN.

COUNCILMAN ABEKA'S MOTION THAT THE UNEXPENDED PART OF THE BUDGET FOR THIS FISCAL YEAR BE GIVEN TO THE CHILDES GUIDANCE CLINIC INSTEAD OF THE MENTAL HYGIENE CLINIC, WAS PLACED BEFORE THE COUNCIL FOR A VOTE, WITH THE FOLLOWING VOTE RECORDED:

FOR: COUNCILMEN ABEKA, BOYD, DURHAM, NANCE HUDSON AND TIPTON.

AGAINST: COUNCILMEN BAXTER, HOGIS AND SIDES.

MOTION DECLARED CARRIED.

REPORT OF CITY ATTORNEYS ON APPROPRIATION FOR TREES AND SHRUBS.

MR. B. M. BOYD, CITY ATTORNEY, STATED THAT HE HAD PREPARED REPORT ASKED FOR AT A FORMER MEETING OF THE COUNCIL WITH REGARD TO AN APPROPRIATION OF $3,000 FROM THE CONTINGENT FUND FOR THE CARE OF TREES AND SHRUBS AND BEAUTIFYING OF CERTAIN GRASS PLOTS ON CERTAIN STREETS OF THE CITY, REPORT IN FULL BEING READ BY MR. BOYD AS FOLLOWS:

"GENTLEMEN:

AT YOUR MEETING ON JANUARY 8th, YOU AUTHORIZED AN APPROPRIATION OF $2000.00 TO BE USED FOR THE CARE OF TREES AND SHRUBS AND THE BEAUTIFYING OF CERTAIN GRASS PLOTS IN CERTAIN STREETS OF THE CITY. WE ARE REQUESTED TO GIVE YOU AN OPINION AS TO THE LEGALITY OF THIS EXPENDITURE OF PUBLIC FUNDS, AS PROPOSED.

YOU HAVE THE RIGHT TO SPEND NECESSARY AND REASONABLE SUMS FOR THE IMPROVING AND CARE OF MUNICIPALLY OWNED GROUNDS, AND THE TREES AND SHRUBS THEREON, SUCH AS THE CITY HALL LOT; EXCEPT PARKS AND PLAYGROUNDS UNDER THE CONTROL OF THE PARKS AND RECREATION COMMISSION FOR WHICH THE PEOPLE HAVE VOTED A SPECIAL TAX FOR THEIR MAINTENANCE.

AS TO THE STREETS, IT IS THE DUTY OF THE CITY TO MAINTAIN ITS STREETS IN A REASONABLY SAFE CONDITION, AND AS A SAFETY MEASURE, WE WOULD SAY THAT YOU HAVE THE RIGHT TO REMOVE DEAD TREES, TO TREAT ANY TREES WHICH MAY BE IN A DYING OR DECAYING CONDITION WHERE IT REASONABLY APPEARS THAT SUCH TREE OR TREES MAY FALL ON THE STREETS OR SIDEWALK AND CAUSE INJURY OR INTERFERE WITH TRAFFIC, AND YOU MAY ALSO REMOVE BROKEN AND OTHERWISE DANGEROUS LIMBS FROM TREES ALONG THE PUBLIC STREETS.

AS TO THE PROPOSED BEAUTIFICATION OF CERTAIN UNPAVED PORTIONS OF CERTAIN STREETS SUCH AS THE PLAZA OR QUEENS ROAD, WE APPRECIATE YOUR WISHES IN THIS MATTER AND PERSONALLY WE WOULD LIKE TO SEE THIS WORK DONE BUT WE DO NOT THINK THAT YOU HAVE AUTHORITY TO SPEND PUBLIC FUNDS FOR THIS PURPOSE, AS TO THOSE PLOTS OR LAND IT IS THE CITY'S DUTY, AS A HEALTH MEASURE TO KEEP THE NEEDS AND GRASS CUT THEREFROM BUT UNDER THE CONSTITUTION OF NORTH CAROLINA WHICH LIMITS THE EXPENDITURE BY MUNICIPALITIES TO NECESSARY GOVERNMENTAL EXPENSES EXCEPT BY A VOTE OF
Jan. 29, 1936
Page 215.

THE PEOPLE, WE DO NOT THINK THAT YOU HAVE AUTHORITY AS A COUNCIL WITHOUT THE APPROVAL OF THE PEOPLE TO SPEND PUBLIC FUNDS TO BEAUTIFY THESE PLOTS OF LAND IN CERTAIN STREETS, AS HERETOFORE SUGGESTED AND PROPOSED.

Very truly yours,
Scarborough & Boyd
By B. L. Boyd.

After discussion as to this Appropriation of $3,000.00 which was authorized, if legal, and after City Attorney Boyd explained the purport of his report, the matter was taken under consideration for another week.

Appropriation for Mecklenburg County Blind Association.

Councilman Baxter reported that Mecklenburg County Board of Commissioners had given the Association for the Blind the use of the old County Jail Basement for their Mattress Factory, but that this building was in bad state of repairs and it would take approximately $300.00 to put the rooms in livable condition, and accordingly, moved that the City Council appropriate, if legal, $300.00, as a charitable donation, from the Contingent Fund, for the Mecklenburg County Blind Association.

Motion seconded by Councilman Boyd, and unanimously carried, the City Attorneys asking for a statement from this Association that they are a charitable organization before ruling is given.

Adjournment.

On motion of Councilman Albee, seconded by Councilman Hudson, and carried, the meeting adjourned.