

August 24, 1938.

The regular meeting of the City Council was held in the Council Chamber, City Hall, at 4:00 o'clock P. M., Wednesday, August 24th, 1938, with Mayor Douglas presiding and Councilmen Albea, Barter, Griswold, Hudson, Nance, Sides and Wilkinson being present.

Absent: Councilmen Durham, Hovis, Huntley and Little.

 READING OF MINUTES POSTPONED.

On motion of Councilman Albea, seconded by Councilman Hudson the reading of the minutes of the previous meetings was postponed at this time.

DEMONSTRATION OF ADVOCATES OF OPEN SUNDAY.

Mr. Walter Hoyle, Attorney, appeared before the Council at this time, stating that some months ago he had promised the Council a demonstration of the followers of a liberalized Sunday, and presented what he stated was approximately 10,000 cards bearing the genuine signatures of residents of Charlotte who are in favor of a more liberalized Sunday. He also added that it was demonstrated by the attendance at the free Sunday baseball game held some time ago, and also free Sunday movies, that the people favored an open Sunday.

Mr. Hoyle asked the City Council to pass an ordinance granting a reasonable recreational Sunday until such time as a bill could be passed by the State Legislature calling for an election on the question.

He also advised that the cards presented at this time were open for inspection by the Council or by an auditor selected by them, and that he would either leave them in the custody of the Council or have them in his office for inspection at any time they so desired to see them and that if this quantity of signers was not sufficient, he could go out and secure an additional five thousand names.

After hearing Mr. Hoyle, the Council passed on to other business without any discussion or action.

VETERANS OF FOREIGN WARS GRANTED PERMISSION TO HOLD CARNIVAL IN CHARLOTTE.

Mr. Elbert Foster, Attorney, presented a request from the Veterans of Foreign Wars for permission to sponsor a carnival during Armistice Week, beginning November 6th., the proceeds of which would be used for charity. Mr. Foster also advised that the carnival to show in Charlotte would winter here and introduced Mr. C. W. Cracraft, Manager of the Shows. He also asked permission for this carnival to show again the week of April 9th., which would open the spring season for this show.

On motion of Councilman Barter, seconded by Councilman Albea, these requests were granted with the understanding that the show will be held on the regular carnival grounds.

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REQUEST OF COUNTRY WOMEN THAT PEDDLING ORDINANCE BE SUSPENDED UNTIL THANKSGIVING.

Judge F. W. Hunter appeared in the interest of certain county women with reference to the selling of flowers on the streets of the City, stating that the recently adopted peddling ordinance was working a hardship on these women due to the fact that they had raised their flowers for this season and now had them on hand and could not dispose of them. He stated that a great many of these ladies were trying to make a living and were not on relief and that if the operation of this ordinance could be suspended until Thanksgiving it would give them an opportunity to dispose of the flowers raised this year and that they would not raise them after this.

After discussion it was suggested that a committee be appointed to see if something could be worked out to assist these women, and Mayor Douglas appointed on this special committee Councilman Wilkinson, Councilman Hudson and Councilman Albea. Later Councilman Hudson asked to be relieved from this appointment, and Councilman Griswold was appointed instead.

ELECTRICAL MEN ASKING FOR EXTENSION OF TIME ON UNDERWRITERS' LABELS.

Mr. T. R. Templeton, of the Piedmont Electric Supply Company, headed a delegation of electrical dealers in Charlotte, asking for an extension of time on the recently adopted electrical ordinance requiring underwriters' labels on lighting fixtures and lamps. Mr. Templeton stated that when the ordinance became effective on August 1st. a great many of the dealers still had large quantities of merchandise on hand without labels and that unless an additional extension was granted he would be compelled to close his business. He stated that if granted an extension until March 1st. he felt that the merchandise could be disposed of and new material secured.

Mr. Marshall explained that this was a State ordinance which had been in effect for six years and that the City was merely carrying out the requirements of the State law. Mayor Douglas suggested that the electrical men present have a conference with the City Manager and the Electrical Inspector in an effort to straighten out their difficulties, since the ordinance was already adopted and effective.

Mr. Marshall also stated that Mr. Yandle, Electrical Inspector, had called a meeting of the electrical dealers in January and explained to them the ordinance to be adopted and they had agreed upon August 1st. as being a satisfactory date for the ordinance to become effective.

Mr. Anderson of the Anderson Electric Company stated that his company had complied with the requirements of the ordinance and that he was not in favor of any further extension of time. Mr. Anderson then called on a number of other dealers present who had also complied with the ordinance by having labelled goods on their floors and they each in turn stated that they were in favor of the ordinance. Among those speaking were Mr. Woodside, of the Woodside Electric Company, Mr. of the Economy Electric Company, Mr. Ralph Bouligny, an unbiased man, and several others.

Mr. S. B. Cardo, of the Independent Electric Supply Company, and one or two others who still have merchandise on hands, protested the ordinance becoming effective and explained that much of their goods could not pass inspection for labels. Mr. Cardo presented several sample fixtures to demonstrate his arguments, and took the floor from time to time to explain the situation.

Mr. Yandle, Electrical Inspector, was called to the Council Chamber, and stated that he was simply trying to enforce the State ordinance which had been in effect since 1933. He stated he had had a meeting of the electrical contractors in January and that they had all agreed to be ready by August 1st., and that three weeks after the ordinance has been in effect they ask for additional time.

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Mr. Walker, of Haverly's, stated that he had had no notification on this ordinance and would appreciate additional time to get rid of the merchandise on hand. One or two other furniture dealers also stated that ^{they} had lamps on their floors without labels that they would like to dispose of. The Mayor advised that labels could be secured for lamps now on hand but that all new merchandise must be labelled.

After hearing all the discussions, Councilman Nance stated he thought it would be a good idea for the dealers to meet with Mr. Yandle to work out a way to dispose of their stocks. Councilman Baxter stated that the ordinance was purely a safety measure and he felt that it should stand just as it is, which opinion was also expressed by Councilman Griswold.

Councilman Baxter, seconded by Councilman Griswold, then made a motion that the ordinance stand as it now is with no extension of time, with Councilman Sides voting "No" and several Councilmen stating that they did not like to vote at this time. Councilman Baxter then withdrew his motion and moved that the ordinance not be repealed, but inasmuch as the majority of the Council expressed themselves as not being willing to vote on the question at this time, no vote was taken and those present were advised that the Ordinance would remain just as it is.

COLORED AGRICULTURAL FAIR ASSOCIATION TO HOLD WEEK OF OCTOBER 10th.

On motion of Councilman Albea, seconded by Councilman Nance, the Agricultural Colored Fair Association was granted free license for a colored fair to be held the week of October 10th., the funds from same to be used in the hospital drive.

PURCHASE OF WINTER UNIFORMS.

Bids were received on August 23rd. for winter uniforms for the Police, Fire and Sanitary Division, as follows:

FIRE DEPARTMENT:

Belk Brothers Company	\$3,592.48
Less 3% cash	
Elliott and Fink	3,592.71
Less 1% cash	
Hirsch-Weintraub & Co., Philadelphia, Pa.	3,823.90
Efird's Department Store	3,876.45
The Lilly Anes Co., Columbus, Ohio	3,945.20
Charlotte Mercantile Company	3,991.65
Sydmaur Uniform Co., Philadelphia, Pa.	4,192.71
Martin's Department Store	4,193.35
Chicago Uniform & Cap Co. (Caps only)	254.75

POLICE DEPARTMENT:

Elliott & Fink	\$3,118.00
Less 1% cash	
Belk Brothers Company	3,234.26
Less 3% cash	
Efird's Department Store	3,297.35
Hirsch-Weintraub Company	3,316.50
The Lilly Anes Company	3,540.95
Martin's Department Store	3,349.85
Sydmaur Uniform Company	3,551.34
Charlotte Mercantile Company	3,018.85
(These people did not bid on Item #2, which called for 8 coats for motorcycle riders)	
Chicago Uniform & Cap Co. (Caps only)	197.13

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GARBAGE COLLECTION DIVISION:

Belk Brothers Company	\$843.30
Elliott & Fink, \$916.20 less 2% cash, Net price	897.88

On motion of Councilman Wilkinson, seconded by Councilman Hudson, the contract for Fire Department and Garbage Collection Division Uniforms was awarded to the low bidder, Belk Brothers Company, at the total price of \$3,592.48, for the Fire Department, and \$843.30 for the Garbage Collection Division; and to Elliott and Fink, the low bidder, on the Police Department Uniforms, at the price of \$3,118.00, and the Mayor and Clerk were authorized to sign the contracts.

Mr. Elliott, of Elliott and Fink, appeared and stated that there was only a difference of a few cents in their bid and Belk's on the Fire uniforms, but Mr. Marshall explained that the bids were let on each division separately and not on a combined bid, and therefore, the award should be made to the low bidder, Belk Brothers Company.

CONTRACT FOR ONE CAR OF PORTLAND CEMENT.

The following bids having been received on one car (200 barrels) of Portland Cement:

North Charlotte Lumber Co.	\$494.00
Charlotte Lumber Corp.	498.00
Tucker-Kirby Company	504.00
Doggett Lumber Company	504.00
J. L. Wiggins & Son Lbr. Co.	504.00
City Lumber Company	504.00
Cathey Lumber Company	504.00
Builders Merchandise Co.	504.00
H. & S. Lumber Co.	504.00
T. J. Wiggins Lumber Company	504.00

Councilman Albea, seconded by Councilman Hudson, moved that contract be awarded to the low bidder, North Charlotte Lumber Company, at the price of \$494.00 and that the Mayor and Clerk sign the contract. Motion carried.

CONTRACT FOR ONE POWER DRIVEN LAWN MOWER.

The City Manager reported the following bids received on one power driven grass mower, as follows:

American Hardware & Equipment Co.	
On Jacobsen Twin 4 H.P. Motor 68" Width	\$490.00
Wright's Lawn Mower Service, High Point,	
Same machine	580.00
E. J. Smith Company	
Toro, 3 H.P. Motor, 50" Width	407.25
Toro Park Special, 3 H.P. Motor 66" Width	417.90

The City Manager recommended that this equipment be purchased from the American Hardware & Equipment Company, at the total delivered price of \$490.00, as this machine is of a higher horse power and the grass cutters power driven and it is more rigidly constructed. Thereupon, Councilman Albea, seconded by Councilman Wilkinson, moved that the City Manager's recommendation be complied with, and that the Mayor and Clerk sign the contract. Motion carried.

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SEWER EXTENSION ON SUMTER AVE.

On motion of Councilman Sides, seconded by Councilman Albea, the request for extension of a sewer on Sumter Avenue, from West 4th. Street, 280 feet north toward Auten Street, to serve one house, and estimated to cost \$198.00, was approved.

W.P.A. PROJECT FOR PAVING KING'S DRIVE, ARDSLEY ROAD AND CONNISTAN PLACE.

The City Manager reported that Mr. E. C. Griffith was requesting the City to file a W.P.A. project for the paving of King's Drive, Ardsley Road and Connistan Place, with the understanding that the sponsor's share of this application would be furnished to the City by the Stephens Company.

The total estimated cost of the improvement would be approximately \$70,000 and the sponsor's share would be about \$23,000.00.

On motion of Councilman Barter, seconded by Councilman Wilkinson and carried, project was approved for filing under the above plan, and the Public Works Committee to report back at the next meeting, which is pending.

OPENING OF SMITH STREET.

The City Manager also reported that several requests had been received for the opening of Smith Street from Old West 6th. Street to New West 6th. Street, across the property of Cochran and Ross Company. The residents of Smith Street feel that the opening of this street would facilitate the traffic in this area and would afford an opening which would make the Harding High School more accessible to the residents of Smith Street.

Mr. Marshall then advised that he had had Mr. Delaney negotiate with Cochran and Ross Company, who offered to deed the City the necessary land for this opening for the sum of \$3,000.00. However, after discussion Councilman Albea suggested that the matter be referred to the Real Estate Committee, but Mayor Douglas suggested that it be handled by the Public Works Committee to report back at the next meeting.

PURCHASE OF BONDS FOR THE SINKING FUND.

On motion of Councilman Sides, seconded by Councilman Wilkinson, the following bonds were approved for purchase for the Sinking Fund Account, subject to the approval of the Local Government Commission:

\$1,000	City of Charlotte Sewer 4 $\frac{1}{2}$ s, due 7/1/42, to yield 1.75%
2,000	Town of Shelby Municipal Building 2 $\frac{1}{2}$ s, due 2/1/41, to yield 1.50%
6,000	Town of Wilson Street Improvement 4 $\frac{3}{4}$ s, due 2/1/40, to yield 1.50%
2,000	Town of Thomasville Refunding 3 $\frac{3}{4}$ s, due 2/1/40, to yield 1.40%
2,000	Town of Rocky Mount Graded School 5 $\frac{1}{4}$ s, due 4/1/41, to yield 1.90%.

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MAINTENANCE FOR WEST 30th STREET.

On motion of Councilman Wilkinson, seconded by Councilman Griswold, West 30th. Street, from North Curch to North Poplar Street was taken over for City maintenance.

PURCHASE OF WATER MAIN IN MORAVIAN LANE.

On motion of Councilman Nance, seconded by Councilman Wilkinson, approval for the purchase of a $\frac{2}{3}$ " water main installed in Moravian Lane in 1924, by Mrs. W. T. Wohlford, at a cost of \$255.10, was approved at the original price, without interest, since this main is now being used by the City for five additional water consumers and yields a revenue of about \$100.00 annually. Mrs. Wohlford is to give title to this main to the City by a deed.

CITY EMPLOYEES.

Mr. Marshall reported that he had dispensed with the services of E. G. Grigston, Street Department, and had employed Dr. L. A. Beardsley and Mr. J. W. Kirkpatrick, in the Health Department.

APPOINTMENT OF MR. WALTER JOHNSTON AS SPECIAL POLICE OFFICER.

On motion of Councilman Hudson, seconded by Councilman Griswold, approval was given for the appointment of Mr. Walter Johnston as special police officer on the premises of the Carolina Transfer & Storage Company, International Harvester Company and Coca-Cola Bottling Co.

MAYOR AND CLERK AUTHORIZED TO SIGN SCHOOL BOARD BUDGET AS TO 25-CENT SUPPLEMENT.

On motion of Councilman Albea, seconded by Councilman Nance, the Mayor and Clerk were authorized to sign the School Board Budget as to the 25-cent levy.

CITY MANAGER AND OTHER DEPARTMENT HEADS CONGRATULATED ON CITY FINISHING FISCAL YEAR WITHOUT BORROWING.

A copy of the itemized budget having been furnished to each Councilman, accompanied by a letter from the City Manager, and Councilman Sides read the following paragraph from this letter:

"We would like to take this opportunity to advise you that the City has completed the third successive fiscal year without the necessity of borrowing for current expenses. This outstanding achievement is the result of a determined effort made toward the collection of back taxes, a systematic control over the budget expenditures, and a cooperative spirit of the City Council and Administrative Officials of the City, all of which are building up Charlotte's rating in the financial circles. With the present budget and a continuation of the policies now in effect, we see no reason why the City should not complete another year without borrowing for operations."

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Councilman Sides made a motion that the City Manager, the Tax Collector and all the Department Heads who have helped to keep their budgets down and made it possible for the City to operate without borrowing, be complimented on this accomplishment. Motion seconded by Councilman Wilkinson and unanimously carried.

CEMETERY DEEDS.

On motion of Councilman Albea, seconded by Councilman Wilkinson, the following cemetery deeds were approved:

D. C. Nesbit, E 1/2	Lot No. 52-B, "D Annex"	Elmwood Cemetery,	\$56.00
S. P. Martin,	32-B	" "	56.00
E. W. Patrick, E 1/2	324,	"U"	35.00
W. P. Chambers, S.E. 1/4	52-A, "D Annex"		35.00
Mrs. T. H. Miller,	Lot No. 12, Section "Y"		63.00
Mrs. J. S. Cothran,	58	" "Y"	63.00
Mrs. B. L. Carnes,	79	" "Y"	35.00
Thos. W. Stewart	117	" "Y"	35.00
Mrs. J. W. Dirigo	115	" "Y"	35.00
Mrs. Lewis L. Harvard,	120	" "Y"	35.00
B. E. Dewease	5	" "Z"	35.00
Mrs. W. V. Price, W. 1/2	284, Section "U"		35.00
Mrs. W. M. Robey, N/ 1/2	39, Section "X"		62.65
Perpetual Care on	" " " " " "		54.85
Transfer of S/ 1/2 Lot No. 133 from R. G. Auten to Mr. and Mrs. B. T. Marshall			1.00
Transfer of N. 1/2 Lot No. 7, Section "Q" from Mr. and Mrs. W. M. Deal to Mrs. Mary S. Lomax and Mrs. Fay S. Caddell			1.00
Transfer of Lot No. 147 Section "C" from Mrs. Mary Boyd Homesley to Mrs. Lillian Homesley Bott			1.00

ADJOURNMENT.

On motion of Councilman Hudson, seconded by Councilman Albea, the meeting then adjourned.

Alice B. D. Russell
City Clerk