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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, August 3, 1938 with Mayor Douglas presiding, and Councilmen Albea, Baxter, Griswold, Hovis, Hudson, Huntley, Little, Nance, Sides and Wilkinson present.

Absent: Councilman Durham

APPROVAL OF MINUTES OF JULY 25th, SPECIAL MEETING.

On motion of Councilman Wilkinson, seconded by Councilman Huntley, the minutes of the Special Meeting on July 25th were approved as read.

APPROVAL OF MINUTES OF JULY 27th.

On motion of Councilman Huntley, seconded by Councilman Little, the minutes of the meeting on July 27th were approved as read.

MRS. BOGGS REQUESTS REFUND OF COURT COST.

Mrs. Callie M. Boggs appeared before the Council in regard to the Court Costs pertaining to a suit against the Beatty Service Company, claiming that she had been unjustly charged with this amount, and requesting the Council to have same refunded to her. Mayor Douglas informed her that the Council had no jurisdiction in the matter whatsoever.

MR. CHESTER NIXON COMMENDS COUNCIL.

Mr. Chester Nixon was present and said he wished to express his appreciation of the methods being followed by the Council in the handling of the City's affairs in general; and that he was, of course, still an ardent believer in an Open Sunday for Charlotte. Also, that he thought the Council was wise in allowing the Dime Taxicabs to operate.

SEABOARD AIR LINE RAILWAY UNDERPASS AGREEMENT AUTHORIZED.

The following resolution was offered for adoption by Councilman Albea, seconded by Councilman Baxter, and being put to a vote was unanimously carried:

"Whereas, That improvement designated by the State Highway and Public Works Commission as State Project 6509, is considered to be the most necessary improvement in the highway system in the corporate limits of the said City, for the promotion of public safety and convenience;

"NOW, THEREFORE, be it resolved that the above Project 6509 be and is hereby formally approved by the City Council of the said City, and that the Mayor and Clerk of the said City be and are hereby empowered to sign and execute the required agreement between the said City, the State Highway and Public Works Commission and the Receivers of the Seaboard Air Line Railway Company, concerning the future maintenance and repair of the underpass structure constructed as said State Project No. 6509, being the agreement bearing date of _____ 1938, to which a copy, or a certified copy of this resolution is annexed".

This standard form agreement covers the construction of the Underpass at the Seaboard Air Line Railway Company on North Tryon Street.

CONTRACT FOR ROOFING & ROOF DRAINS AWARDED SHUMAN ROOFING & HEATING CO., INC.

The City Manager reported that the following bids had been received on Roofing & Roof Drains for the Shop Building at the Filter Plant:

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Shuman Roofing & Heating Co., Inc.	\$ 460.00
R. S. Garmon Roofing Company	500.00
Daughtry Sheet Metal Company	508.00
Averett Roofing & Heating Company	513.50

On motion of Councilman Sides, seconded by Councilman Wilkinson and carried, the contract was awarded the low bidder, Shuman Roofing & Heating Company, Inc. at the price of \$460.00 and the Mayor and Clerk were authorized to sign the contract.

CONTRACT FOR PUBLISHING 1937 DELINQUENT TAX LIST AWARDED THE CHARLOTTE OBSERVER.

On motion of Councilman Griswold, Seconded by Councilman Little, and carried, contract was awarded The Charlotte Observer for Publishing the 1937 Delinquent Tax List, at a price of \$0.86 $\frac{1}{2}$ cents per column inch, type as specified:

Bids received were as follows:

The Charlotte Observer	\$ 0.86 $\frac{1}{2}$
The Charlotte News	0.87

CONTRACT AWARDED J.B.HUNT & SONS FOR ONE CAR PENETRATION ASPHALT.

The City Manager advised that bids had been received on One Car (approximately 8,000 gallons) Penetration Asphalt, to be used in surface treating the city streets, as follows:

J. B. Hunt & Sons	\$ 536.00
American Bitumuls Company	553.00
Emulsified Asphalt Refining Company	608.00
Shell Union Oil Corp.	612.00

On motion of Councilman Albea, seconded by Councilman Hudson, and carried the contract was awarded the low bidder, J.B.Hunt & Sons, and the Mayor and Clerk were authorized to sign the contract.

PURCHASE OF SEWER IN GREELAND AVENUE FROM E.C.GRIFFITH CO. AUTHORIZED.

The City Manager again brought up the matter of the City purchasing a sewer in Greeland Avenue, from West Morehead Street to Belt Road, a distance of 590 feet, estimated value at \$483.00, which was deferred last week. After some discussion as to the advisability of setting a precedent by taking over the sewer unless constructed under City supervision, a motion was made by Councilman Wilkinson that since the sewer met the City's requirements that he approved the purchase, motion seconded by Councilman Huntley and carried.

APPROVAL OF SEWER CONSTRUCTION ON CLAY AVENUE.

The City Manager presented a request from Mr. Harold Goodwin, that the City construct a sewer on Clay Avenue, from Tuckaseegee Road west 264 feet towards Enderly Road, estimated to cost \$196.24. On motion of Councilman Wilkinson, seconded by Councilman Little and carried, the work was approved.

REVISED PLUMBING ORDINANCE PRESENTED COUNCILMEN, FOR HANDLING AT NEXT MEETING.

The City Manager presented each Councilman with a copy of the proposed revised Plumbing Ordinance for study, the same to be brought up for adoption at the next Council meeting.

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P. W.A. APPLICATION FOR FINANCING COMMUNITY HOSPITAL.

On motion of Councilman Hovis, seconded by Councilman Albea and carried, the following resolution was adopted:

"A Resolution authorizing the Mayor or City Manager to file an application to the United States of America through the Federal Emergency Administration of Public Works for a grant to aid in financing the construction of a Community Hospital, and designating Mayor Ben E. Douglas or City Manager J. B. Marshall to furnish such information as the Government may request".

RESOLUTION ADOPTED RELATIVE TO APPROPRIATION OF \$200,000.00 FOR COMMUNITY HOSPITAL.

On motion of Councilman Wilkinson, seconded by Councilman Hovis, and carried, the following resolution relative to the appropriation of \$200,000.00 in cash to the Community Hospital was adopted:

"THAT WHEREAS, it is proposed to construct a hospital in the City of Charlotte, to be known as Charlotte Memorial Hospital, funds for same to be supplied in the following manner:

(1) \$350,000.00 to be raised by bonds issued by the City, if and when approved by a majority of the qualified voters at an election which has been called for that purpose.

(2) \$450,000.00 to be furnished through a P.W.A. grant from the Federal Government; \$100,000.00 in cash to be furnished by St. Peters Hospital and \$100,000.00 in cash to be raised by public subscription, and

WHEREAS, it is proposed that the City of Charlotte shall sponsor such project in signed application to the Public Works Administration for said grant, and

WHEREAS, it is proposed to deposit to the credit of the City of Charlotte the \$200,000.00 in cash above referred to, to be supplied by the St. Peters Hospital and public subscriptions, which \$200,000.00 is to be a part of the sponsor's contribution, which \$200,000.00 in cash is not yet available to the City of Charlotte, but will probably be available to the credit of the City of Charlotte before the next meeting of the City Council, and as soon as this \$200,000.00 is available to the credit of the City of Charlotte, it is desired that the application to the Public Works administration be signed by those parties designated by the City to sign the same, and

WHEREAS, the language of one of the questions in the application which must be answered, reads as follows: "If any funds are to be provided from cash on hand, submit a copy of the resolution making appropriation for this project."

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Charlotte in regular session, that the \$200,000.00 in cash herein referred to be, and the same hereby is appropriated as part of the sponsor's contribution to this project, if and when the same is certified to the City Manager or City Treasurer of the City of Charlotte by the American Trust Company of Charlotte, the designated depository for this fund, and provided that a duly certified copy of said certificate from the American Trust Company showing that \$200,000.00 is on hand in said Trust Company to the credit of the City of Charlotte, is delivered to the City authorities and a copy attached to this resolution, and that this certificate and a certified copy of this resolution of the City Council be attached to the P.W.A. application in conformity with the requirements of the questionnaire as above set forth".

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SPECIAL POLICE OFFICER PERMIT ISSUED H.C.WEAVER, JR. AT UNION STORAGE WAREHOUSE COMPANY.

On motion of Councilman Little, seconded by Councilman Wilkinson and carried, H.C.Weaver, Jr., was appointed a Special Police Officer on the property of the Union Storage & Warehouse Company.

CONTRACT FOR CERTAIN APPLIANCES RELATIVE TO CEILING LIGHT INSTALLATION APPROVED.

On motion of Councilman Hovis, seconded by Councilman Little and carried, the Council authorized the Mayor and Clerk to sign a contract with the United States Department of Agriculture Weather Bureau for the installation of certain cables and appliances in connection with the Ceiling Light being installed at the Airport.

PURCHASE OF BONDS FOR SINKING FUND.

On motion of Councilman Albea, seconded by Councilman Nance, and carried, the Council approved the purchase of the following bonds for the Sinking Fund Account, subject to the approval of the Local Government Commission:

- \$3,000.00 Marks Creek Township 5s (Richmond County) due 1-1-39 at 1.25% basis.
- 7,000.00 Wilmington, N.C. 6s due \$6,000 on 1-1-41, \$1,000 on 1-1-42, all of 2% basis.
- 19,000.00 Reidsville, N.C. 5½s due 3-1-39 at 1.50% basis.
- 5,000.00 Reidsville, N.C. 5½s due 3-1-40 at 2% basis.
- 3,000.00 Gaston County Road Improvement 5s due 10-1-40 at 2% basis.
- 5,000.00 Alamance County Refunding 4½s due 12-1-39 at 1.50% basis.
- 1,000.00 North Carolina Highway 4s due 7-1-41, at 1.50% basis.

COMPROMISE OF SUIT OF PLANT FOOD COMPANY REJECTED.

The City Manager advised the Council of a suit by the Plant Food Company against the City, relative to the use of Sludge from the Disposal Plant by said Company. Letters from the City Attorney and Cochrane & McCleneghan, attorneys for the plaintiff were read, in which the Plant Food Company offered two methods of settling the suit out of court. A motion was made by Councilman Wilkinson, seconded by Councilman Huntley, and carried, that these offers of compromise be rejected and the suit be tried in the usual manner.

\$3,000.00 APPROPRIATED FOR REVISING THE CITY CODE.

Councilman Baxter made a motion that \$3,000.00 be appropriated from the Emergency Fund for Revising the City Code, motion seconded by Councilman Little, and carried. A motion was then made by Councilman Hudson that Attorneys Haywood Robbins, Jr. and J.M.Scarborough be employed to do this work, but the motion was lost for lack of a second. Councilman Nance then made a motion that City Attorney Boyd recommend to the Council at the next meeting the person or persons who should redraft the City Code, motion seconded by Councilman Sides and carried. Councilman Albea raised the question as to whether this work constituted an emergency and could legally be paid for from the Emergency Fund. After discussion Councilman Wilkinson moved that City Attorney Boyd give the Council, at the next meeting, a ruling as to the legality of this appropriation, motion lost for lack of a second. Mayor Douglas stated that, in his opinion, it was the Council's privilege to decide what constituted an emergency, and therefore, be charged to this Fund. Councilman Wilkinson wished to go on record as desiring an opinion from the City Attorney as to the legality of this action, before the money was actually spent for this purpose.

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COUNCIL MEETING ON AUGUST 10th DISPENSED WITH.

On motion of Councilman Sides, seconded by Councilman Wilkinson and carried, the next regular meeting of the Council on August 10th will be dispensed with.

ADJOURNMENT.

On motion of Councilman Nance, seconded by Councilman Hovis and carried, the meeting was adjourned.

Lillian R. Hoffman
Assistant City Clerk