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The regular meeting of the City Council was held in the Council Chamber, City Hall, at 4:00 o'clock P. M., Wednesday, March 16, 1938, with Mayor Douglas presiding, and Councilmen Albea, Baxter, Durham, Griswold, Hovis, Hudson, Huntley, Little, Nance, Sides and Wilkinson being present.

Absent: None.

MINUTES APPROVED.

On motion of Councilman Hudson, seconded by Councilman Huntley, the minutes of the March 9th. meeting were approved.

REFUND 1933-34 TAXES ON PROPERTY IN WILMORE.

Councilman Durham, Chairman of the Finance Committee, stated that in the matter of the request made by Mr. Bobbitt at the last meeting for refund on taxes for the year 1933-34 on Lot #5, Block 40, in the Wilmore Section, that this had been investigated and that these taxes had been paid twice and that it was the recommendation of the Finance Committee that this refund be made.

He, therefore, moved the adoption of the following resolution; which was seconded by Councilman Hudson and unanimously carried:

WHEREAS, Industrial Loan and Investment Bank filed in apt time its tax returns in Mecklenburg County, North Carolina, for the years 1933 and 1934, and also filed in apt time with the State Board of Assessment its annual reports for the years 1933 and 1934, upon which the State Board of Assessment made its determinations as to the taxable corporate excess of the bank for the years 1933-1934, and paid when due the ad valorem taxes to Mecklenburg County and City of Charlotte assessed on said returns and on the taxable corporate excess as determined by the State Board of Assessment;

AND WHEREAS, the bank then owned and should have listed in its said returns for 1933 and 1934 the real estate known as Lot #5, of Block #40, of Wilmore, as shown on map recorded in Map Book #3, Page 329, but through inadvertence failed to do so;

AND WHEREAS, said real estate was put on the tax books for 1933 and 1934 by the Tax Supervisor in the name of Mary K. Holton, a former owner thereof, being valued for taxation at \$2160.00 for each of said years;

AND WHEREAS, upon discovery of the aforesaid error in the listing of said real estate for 1933 and 1934, the bank paid to Mecklenburg County and City of Charlotte the 1933 taxes and the 1934 taxes assessed against said real estate, including also the taxes assessed against a small amount of personal property listed in said Mary K. Holton returns, plus interest and advertising expenses, on or about July 31, 1937;

AND WHEREAS, in the determination of the bank's taxable corporate excess for each of the years 1933 and 1934, on which the bank paid its taxes to Mecklenburg County and City of Charlotte, no deduction was made on account of said valuation of said \$2160.00 on which the bank subsequently paid ad valorem taxes as aforesaid.

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AND WHEREAS, upon consideration of the foregoing facts, the Board of Commissioners of Mecklenburg County, North Carolina, at their meeting held October 11, 1937, consented that the State Board of Assessment re-open, re-consider and re-determine the bank's true taxable corporate excess for each of the years 1933 and 1934, taking into consideration the foregoing and any other pertinent facts;

AND WHEREAS, the State Board of Assessment has reduced the bank's taxable corporate excess for the year 1933 from \$339,895.00 to \$337,735.00, a reduction of \$2160.00, and has reduced the bank's taxable corporate excess for the year 1934 from \$254,070.00 to \$251,321.00, a reduction of \$2749.00;

AND WHEREAS, the State Board of Assessment by its letter dated February 11, 1938, addressed to the Chairman of the Mecklenburg Board of County Commissioners, copies of which were forwarded to Mr. J. Arthur Henderson, Tax Supervisor, and Mr. J. Clyde Stancill, County Attorney, and by its letter dated February 11, 1938, addressed to the Honorable Mayor, City of Charlotte, gave notice that, upon re-opening, re-consideration and re-determination, the State Board of Assessment has fixed the bank's taxable corporate excess for the year 1933 at \$337,735.00 and the bank's taxable corporate excess for the year 1934 at \$251,321.00;

AND WHEREAS, the bank paid to City of Charlotte, in October 1933, ad valorem taxes on corporate excess in the amount, as originally determined, of \$339,895.00, and in October 1934, the bank paid to City of Charlotte ad valorem taxes on corporate excess in the amount, as originally determined, of \$254,070.00;

AND WHEREAS, upon the basis of the aforesaid re-opening, re-consideration and re-determination by the State Board of Assessment, the bank has over-paid ad valorem taxes on corporate excess for the year 1933 to the extent of the tax on a valuation of \$2160.00, and has over-paid ad valorem taxes on corporate excess for the year 1934 to the extent of the tax on a valuation of \$2749.00:

RESOLVED, By the City Council of Charlotte, North Carolina, that the City Treasurer refund and pay to the Industrial Loan and Investment Bank, on account of the foregoing facts, an amount equal to the tax at the 1933 city rate on a valuation of \$2160.00 and also refund and pay to the Industrial Loan and Investment Bank an amount equal to the tax at the 1934 city rate on a valuation of \$2749.00.

SUNDAY QUESTION.

A large gathering of citizens interested in the Sunday question being present at this time, the Mayor stated that the matter was again open for discussion, but that if agreeable a time limit of 20 minutes would be allowed each side for speaking.

Mr. Tom Glasgow, speaking for those opposed to open Sunday laws, was first heard, asking the Council to consider the action taken at the last meeting, when an ordinance was passed on two readings permitting outdoor sports on the Sabbath, very seriously. He also stated that he would like for the Council to go back to its original motion to wait until an official referendum could be held. Mrs. Parks Kirkpatrick, head of the Interdenominational Missionary Union, was next heard as opposing a liberalized Sunday, after which Dr. W. W. Boyce, President of the Charlotte-Mecklenburg Ministerial Association and Dr. Luther Little, Pastor of the First Baptist Church, spoke against the question.

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Mr. Chester Nixon and Rev. B. F. Kneeland, Pastor of the First Church of Seventh Day Adventists, were heard in favor of open Sunday, Rev. Kneeland urging the Council to limit its legislation to civil affairs.

Councilman Durham asked what was wrong with the action of the Council at the last meeting when appointment of committees to work out plans for an unofficial referendum was authorized. Mr. Glasgow replied that the action of the Council made no specific provision for holding an election.

Councilman Sides, who made the motion at the last meeting, stated that the motion provided for a committee of three from the Council, three for the open Sunday followers and three from the closed Sunday followers, to work out plans for an unofficial referendum.

Councilman Griswold stated he was opposed to an unofficial referendum altho not opposed to an official election, and that he had voted his own convictions up to this time and felt that the people should have what they want officially. Councilman Wilkinson was also opposed to the unofficial referendum and after asking Councilman Baxter if he intended to present the ordinance before the Council on third reading and being told by Councilman Baxter that he did not, Councilman Wilkinson offered the following motion, which was seconded by Councilman Huntley:

"I move that this ordinance be laid upon the table and the question be left to an official referendum authorized by the Legislature at the next session."

Councilman Griswold stated that he thought the matter ought to be settled at this time in order that the delegations, both pro and con, would not have to keep on coming to the Council meetings, and that regardless of what action was taken he would not vote on the question again after this meeting. Councilman Sides also stated that he would not vote on the matter again if the motion to table should pass. After further discussion, Councilman Baxter proposed that Councilman Wilkinson withdraw his motion to table and that he would present the ordinance on third reading in order to get the question settled. Councilman Wilkinson then withdrew his motion and Councilman Baxter moved that the ordinance passed on first and second readings at the last meeting, be adopted on third reading at this time, which motion was seconded by Councilman Little.

Mr. B. M. Boyd, City Attorney, stated that in view of certain statements that have come to him regarding rulings made by him from time to time on this question, he wished to be heard in explanation of same. He stated that the Council should treat each meeting as a separate and distinct meeting and that any question so desired could be brought up regardless of the action taken at a former meeting; that there is no parliamentary procedure laid down for the Council other than its charter, which plainly and unmistakably states that six members of the City Council can transact business of the Council.

After hearing Mr. Boyd, the Mayor called for a vote on the motion to adopt the ordinance on third reading, with the following vote being recorded:

For the motion: Councilmen Baxter, Durham, Hovis and Little.

Thereupon, the Mayor declared the motion lost.

Councilman Sides then moved that the Sunday question be not brought up again during the present administration, which was seconded by Councilman Wilkinson and unanimously carried.

RECESS OF TEN MINUTES.

The Mayor declared a recess of ten minutes.

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The Council re-convened after the ten minute recess, and proceeded with regular business.

CANCELLATION OF LICENSE FOR "LITTLE BETTY'S PLACE".

The City Manager presented a letter received from the Chief of Police requesting cancellation of the license issued to Betty Stine, operating as "Little Betty's Place" at 409 West 5th Street, on the grounds that the place was being operated as a nuisance and that the operator had been convicted of violating the liquor law three times since the 1st. of January 1937.

Mr. Marshall cited Section 9 of the Revenue Ordinance granting the Council authority to revoke such licenses when found that a business constitutes a nuisance and the person in charge has been convicted of violating any ordinance or law relative to such business. Chief Pittman was present and explained to the Council the trouble the Police Department had with the operator and that the residents in the neighborhood in question had asked that she be moved out of that section.

On motion of Councilman Baxter, seconded by Councilman Griswold, this license was revoked.

REBATE ON TAX INTEREST, INDEPENDENCE TRUST COMPANY.

On motion of Councilman Sides, seconded by Councilman Griswold and carried, a rebate of the interest on property at 1912 West First Street, listed in the name of A. L. Behling and later deeded to M. B. Rose, and taken over by the Independence Trust Company in 1934, was allowed, amounting to \$3.40, it being apparent that when the Trust Company paid all back taxes on 7-21-36 they failed to get the year 1929 in which the property was listed in the name of A. L. Behling.

REBATE OF INTEREST AT 1013 SOUTH TRYON STREET.

On motion of Councilman Durham, seconded by Councilman Sides, a similar request from the Independence Trust Company for rebate on interest amounting to \$7.33, on property at 1013 South Tryon Street, was also granted for the same reason as above.

TAXES OF MRS. G. N. BLAIR.

Councilman Durham reported at this time relative to the request of Mrs. G. N. Blair made to the Council on February 23rd., and at that time referred to the Finance Committee for report back to the Council, for cancellation of interest on taxes; stating that the Committee had looked into the matter and found that it was evidently the fault of the Tax Department in not presenting the amount of taxes for the two years in question when the balance of the delinquent taxes were paid. He called on City Attorney Boyd for an opinion as to whether the Council could cancel this interest and Mr. Boyd advised that while he did not think the Council had the right to do so, it could act on what, in the sheer face of a thing, they deemed right and equitable and inasmuch as they had been doing so in the past they could do so again. Therefore, it was the recommendation of the Finance Committee that the interest for these two years be cancelled.

Councilman Durham, seconded by Councilman Sides, then moved that the interest from the date on which they paid the remainder of the delinquent taxes, up to the present time, be cancelled. Motion unanimously carried.

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SEWER INSTALLATION ON WESTSIDE AVENUE.

On motion of Councilman Nance, seconded by Councilman Albea and carried, the request of Mr. Julius M. Johnston for extension of a sewer on Westside Avenue from the end of the present sewer 135 feet south, to serve one house, and estimated to cost \$126.00, was granted.

SEWER EXTENSION ON BROOKSIDE AVENUE.

On motion of Councilman Sides, seconded by Councilman Nance and carried, the extension of the sewer on Brookside Avenue, between Lennox and Springdale Avenues, to serve Lot 14 and part of 15, in Block 69, on which Mr. R. M. McIntosh proposed to build a house, was granted if and when the house is under construction. This work was estimated to cost \$145.00.

SEWER INSTALLATION ON TIPPDAH AVENUE.

On motion of Councilman Huntley, seconded by Councilman Hovis and carried, the request of Mr. B. W. Roberts for extension of a sewer on Tippah Avenue from Belvedere Avenue 225 feet north, to serve one house which he proposed to build on Block 1, Lot 6, estimated to cost \$174.00, was granted if and when the house is under construction.

STONEWALL JACKSON CHAPTER U.D.C. GRANTED PERMIT TO ERECT ARCH.

Mr. Marshall reported that he had received a request from Mrs. B. D. Heath, representing the Stonewall Jackson Chapter, United Daughters of the Confederacy, for permit to erect a stone arch on a small street that leads off Hutchison Avenue, adjacent to the former home of Mrs. Stonewall Jackson. He advised that he had examined the design for the arch and the local and that it will not in any way interfere with traffic and that it was his recommendation that this permit be granted. Thereupon, Councilman Albea moved that the City Manager's recommendation be approved, which was seconded by Councilman Hovis and unanimously carried.

SPECIAL OFFICER APPOINTMENT.

On motion of Councilman Hovis, seconded by Councilman Durham and carried, Mr. John H. Kline was appointed as Special Officer on the property of J. B. Ivey & Company, Fifth and Tryon Streets.

CEMENTERY DEEDS.

On motion of Councilman Griswold, seconded by Councilman Huntley, the following cemetery deeds were approved:

Transfer of Lot No. 18, Section "L", from A. F. Kritz to
Mr. and Mrs. R. P. Chapman, Jr. \$1.00

Transfer of South Half of Lot No. 53, Section "D" from Mrs.
Lucy S. Dodd to Estate of Mrs. Lillie Jetton, together with
perpetual care on same. 1.00

ADJOURNMENT.

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

Allice B. McConell
City Clerk

March 23, 1938.

The regular meeting of the City Council was held in the Council Chamber, City Hall, on Wednesday, March 23rd, 1938, at 4:00 o'clock P. M., with Mayor Douglas presiding and Councilmen Albea, Baxter, Durham, Griswold, Hovis, Hudson, Huntley, Nance and Wilkinson being present.

Absent: Councilmen Little and Sides.

MINUTES READ AND APPROVED.

On motion of Councilman Huntley, seconded by Councilman Hudson, the minutes of the March 16th. meeting were approved as read.

PROGRESSIVE CHARLOTTE ASSOCIATION.

Mr. Walter Hoyle asked if he might rise to a point of information at this time, inasmuch as the reading of the minutes had disclosed that the present Council had pledged themselves not to bring up the Sunday issue again during this administration, and asked if that prevented any interested citizens from doing so. When assured by the Mayor that the Council was always pleased to hear anyone on any subject they desired to present, he explained in detail the organization of a group of citizens interested in seeing that Charlotte eventually has an open or recreational Sunday, stating that this organization would be known as "The Progressive Charlotte Association, and that a little later on a demonstration will be given by this group, showing the Council and the City of Charlotte that there are people who want a recreational Sunday, and that if unsuccessful with the present Council they will carry on with the next.

He stated that this association would like to have the recreational Sunday tried out in Charlotte for six months in order to find out if the people really want it, and cited a number of cities in North Carolina who have the liberalized Sunday.

After speaking at length, Mr. Hoyle thanked the Council for hearing him, and there being no further comments from those present in the Council Chamber at this time, the meeting proceeded with other business.

MECKLENBURG COUNTY HUMANE SOCIETY ASKED FOR ASSISTANCE FROM THE CITY'S DOG CATCHER IN THEIR WORK.

Mr. Arthur Goodman, President of the Mecklenburg County Humane Society, together with several ladies interested in this work, appeared before the Council and explained the work of this association in looking after stray dogs within the city and county in an effort to prevent children from being bitten by mad dogs, and asked the Council to allow Mr. Wentz, the dog catcher, to report to the office of this Society once each day for any calls that might come in, either in the City or County. He stated that sooner or later the association hoped to employ a paid worker, when it would no longer be necessary to ask for the assistance of the City's man, but that at the present time they were without funds to do so.

Councilman Huntley moved that this matter be referred to the proper committee for investigation and report back at the next meeting, which was seconded by Councilman Wilkinson and unanimously carried.

Mayor Douglas asked the Police Committee to make this report.