

March 9, 1938
Page 12.

The City Council held it's regular weekly meeting at 4:00 o'clock P. M., Wednesday, March 9, 1938, in the Council Chamber, City Hall, with Mayor Pro Tem Albaea presiding, and Councilmen Baxter, Durham, Griswold, Hovis, Hudson, Huntley, Little, Nance, Sides and Wilkinson present.

Absent: Mayor Douglas.

MINUTES APPROVED.

On motion of Councilman Huntley, seconded by Councilman Sides, the minutes of the March 2nd. meeting were approved without change.

REQUEST FOR REFUND ON 1933-34 TAXES ON PROPERTY IN WILMORE REFERRED TO FINANCE COMMITTEE.

Attorney W. H. Bobbitt appeared before the Council requesting refund on 1933-34 taxes on Lot No. 5, Block 40, Wilmore, by reason of reduction in values by the State Board of Assessment at Raleigh. Mr. Bobbitt had a lengthy resolution regarding this matter, which was not read at this meeting, but on motion of Councilman Baxter, seconded by Councilman Griswold, the matter was referred to the Finance Committee for report back at the next meeting.

TAXICABS.

Mr. H. L. Taylor, attorney representing the ten-cent taxicab companies in Charlotte, appeared before the Council as spokesman for a large number of taxicab drivers, stating that they had had rumors that the present ordinance relative to bonds on taxicabs was to be changed and that they would like to be heard before any such change would be made. Mr. Taylor then went into a lengthy explanation of the manner in which claims have been handled by the dime cab companies, stating that every legitimate claim that has been filed has been paid and the only unpaid claims are those that have been contested. He also spoke in defense of what he called "unjust criticism" of the operation of the ten-cent taxicabs in Charlotte, stating that these criticisms do not fairly reflect the true situation at this time and that since the passage of the present ordinance in 1936 they have been operating in a very satisfactory manner. He also pointed out that about 500 people are dependent on these cabs for a living and that there is approximately \$20,000 in cash deposited with the City Treasurer at this time to assure the payment of any and all legitimate claims.

Mayor Pro Tem Albaea advised that so far as he knew there was no contemplated action before the Council to change the present ordinance and after assuring those present the Council was pleased to have them appear, the meeting proceeded with other business.

COUNCIL THANKED FOR PLACING OF TRAFFIC LIGHT AT CEDAR AND TRADE STREETS.

Mr. Gray Rankin, who with Rev. W. W. Akers, appeared before the Council several months ago requesting a traffic light at the corner of Cedar and Trade Streets, came before the Council at this time to thank them for granting this request, stating that the residents in that vicinity are very much pleased and wished to express their thanks for this light.

March 9, 1938
Page 13.

ARMORY-AUDITORIUM GRANTED CHARLES YOUNG CHAPTER, COLORED AMERICAN LEGION.

On motion of Councilman Baxter, seconded by Councilman Griswold and unanimously carried, the Armory-Auditorium was granted without cost, to the Chas. Young Post, Colored American Legion, for a Golden Gloves Tournament to be held on March 30 and 31st.

EXTENSION ON CONTRACT FOR WATER TANKS, WATER WORKS PROGRAM.

On motion of Councilman Sides, seconded by Councilman Wilkinson and carried, the time limit for completion of contract with R. D. Cole Manufacturing Company for the erection of three elevated steel tanks in connection with the Water Works Extension program, was extended thirty days from March 16th., the original time limit, due to the delay experienced by this company in getting started, on account of strikes in the steel mills, and delay in receiving material.

FEES IN HEALTH CLINIC TO BE DIVIDED WITH MECKLENBURG COUNTY.

Mr. Marshall reported that the question had arisen regarding the division of a small amount of fees in the Health Clinic, which is operated jointly by the City and County; that in a few instances fees have been collected and that the County has asked that they be credited with one-half the amount of these fees since the expense of the Clinic is borne jointly, which he thought was the correct interpretation, and on motion of Councilman Durham, seconded by Councilman Huntley and carried, this division of fees was authorized.

SEWER INSTALLATION IN BROWNING AND SPRAGUE AVENUES.

A request having been received from Mr. R. E. Agnew for the installation of an 8-inch sanitary sewer in Browning and Sprague Avenues, between Kensington Drive and Firth Court, which has been estimated to cost \$1,104.00, with no houses on the property, the applicant agreed to furnish the necessary right-of-way for the construction and maintenance of the sewer and posted a certified check for \$1,104.00 for the initial cost, with the understanding that a contract would be signed providing that if and when six houses were built and served by the connection that the City would return to the applicant the amount of \$1,104.00 without interest. Thereupon, on motion of Councilman Sides, seconded by Councilman Durham, the Mayor and Clerk were authorized to sign the contract on behalf of the City of Charlotte.

RESOLUTION ON THE DEATH OF BROWN LEE PORTER, MEMBER OF POLICE DEPARTMENT.

The following resolution was read by the City Manager and on motion of Councilman Huntley, seconded by Councilman Griswold, was unanimously adopted by the Council:

March 9, 1938
Page 14.

RESOLUTION

WHEREAS, in the Providence of the Almighty God, He has called our friend and fellow-worker, Brown Lee Porter, to his final reward; and

WHEREAS, Brown Lee Porter passed away while in the service of the Police Department of the City of Charlotte, and through his death the City has lost a valuable servant; and

WHEREAS, we respect and honor his memory and appreciate his service to the City:

NOW, THEREFORE, BE IT RESOLVED: That we, as members of the City Council of the City of Charlotte, in regular session convened this the 9th day of March 1938, mourn the passing of this man, and we extend to the bereaved family our sincere sympathy.

A copy of this Resolution shall be spread upon the Minutes of the meeting of the City Council and a copy sent to Mrs. Brown Lee Porter, wife of the departed, also to the newspapers in the City of Charlotte.

DEED TO BE ISSUED TO MR. CLAY RUTLEDGE FOR PROPERTY ON STATESVILLE ROAD.

On motion of Councilman Huntley, seconded by Councilman Wilkinson and carried, the Mayor and Clerk were authorized to execute a deed for the City of Charlotte to Mr. Clay Rutledge for property on the Statesville Road, which was sold to him after advertising, on February 2nd., for \$1825.00.

SUIT OF WILLIE BROWN VS. CITY OF CHARLOTTE TO BE SETTLED FOR \$250.00

The City Attorney reported to the Council that the City was defendant in a case brought by Willie Brown, colored, 13 years old, for \$5,000.00, for damages caused by falling into a hole on Louise Avenue where there is an old culvert. He stated that the boy received a serious injury to his wrist, as well as other bruises to his body, and that the case was coming up for trial the following day. He recommended that if the case could be settled for the sum of \$250.00 that the City do so, as he felt that if it went to trial it would result in a much larger settlement. After discussion as to negligence on the part of the City in allowing this hole to remain uncovered, Councilman Baxter, seconded by Councilman Little, moved that the recommendation of the City Attorney be accepted and that the case be settled for \$250.00 if possible. Motion unanimously carried.

SUPREME COURT DECISION ON AIRPORT EXPLAINED TO COUNCIL BY CITY ATTORNEY.

Mr. Boyd, City Attorney, read a letter to the Council in which he explained the recent decision of the Supreme Court on the question of whether the City could appropriate funds for the Airport, stating that according to the ruling the City could only use tax money to keep the Airport property in repair and reasonably safe condition, but could not use it for the operation of the Airport.

March 9, 1938
Page 15.

CEMETERY DEEDS.

On motion of Councilman Sides, seconded by Councilman Hovis the following cemetery deed was approved:

G. D. Roberts, Lot No. 76, Section "Y", Elmwood Cemetery \$ 35.00

SUNDAY OBSERVANCE ORDINANCE AGAIN PRESENTED.

Councilman Sides again brought up the question of a referendum on the Sunday question, advising that he had worked out a compromise with Councilmen Baxter and Hovis, in which they agreed to vote on an unofficial referendum for open Sunday if he would support them in adopting the ordinance for a recreational Sunday until such time as the referendum could be held, and he again offered the motion made at a previous meeting, as follows:

"I move that the matter of Sunday observance be left to a referendum of the people of the City of Charlotte to be conducted at such time as a committee from the Council of three, a committee from the closed Sunday advocates of three, and a committee from the closed Sunday advocates of three, can work out particulars of an election and have it held at such time as they call it."

This motion was seconded by Councilman Griswold, with a discussion following from several members of the Council; Councilmen Wilkinson and Councilman Huntley objecting to anything further being done about the Sunday matter, but a vote was taken on the above motion with the following result:

For the motion: Councilmen Hovis, Baxter, Durham, Sides,
Hudson, Nance, Little and Griswold.

Against: Councilmen Wilkinson and Huntley.

The motion was declared carried, and Councilman Baxter then presented the following ordinance and moved its adoption on first reading, which was seconded by Councilman Little:

AN ORDINANCE
TO AMEND AN ORDINANCE PROHIBITING THE PERFORMANCE
AND OPERATION OF CERTAIN BUSINESS AND COMMERCIAL
SPORTS AND AMUSEMENTS ON SUNDAY.

BE IT ORDAINED by the City Council of the City of Charlotte:

Section 1. That that certain ordinance passed by the City Council of the City of Charlotte July 24, 1935 and recorded in Ordinance Book 7, at Page 120-A in the office of the City Clerk, entitled "AN ORDINANCE TO PROHIBIT THE PERFORMANCE AND OPERATION OF CERTAIN BUSINESS AND COMMERCIAL SPORTS AND AMUSEMENTS ON SUNDAY", be amended by repealing and striking out of said ordinance the following provisions:

"or to engage in or operate any place of amusement, show, game or sport where a fee is charged for admission as a spectator, or to participate in any game, sport or amusement where an admission fee is charged, whether such admission fee be upon a club basis or otherwise,"

and substituting therefor the following:

March 9, 1938
Page 16.

"Or to engage in or operate any place of indoor amusement or show where a fee is charged for admission as a spectator, or to participate in any indoor amusement or show where an admission fee is charged, and it shall be unlawful to operate any pool room or bowling alley in the City of Charlotte on Sunday, it being the purpose, intention and effect of this amendment to legalize outdoor games, sports and amusements on Sunday where an admission fee is charged."

Section 2. That this amendment, when duly adopted by the City Council in accordance with the law, shall be and become a part of that certain ordinance adopted by the City Council on July 24, 1935 and recorded in Ordinance Book 2, at page 120-A in the office of the City Clerk.

Section 3. That this amendment, when so adopted, shall become effective from and after the date of its first publication in the Charlotte News.

The votes cast on first reading were as follows:

For: Councilmen Hovis, Baxter, Durham, Sides, Little and Griswold.

Against: Councilmen Hudson, Wilkinson, Nance and Huntley.

Motion carried.

Councilman Baxter then moved that the rules be suspended and the ordinance placed on second reading, which was seconded by Councilman Little, with the following votes recorded:

For: Councilmen Hovis, Baxter, Durham, Sides, Little and Griswold.

Against: Councilmen Hudson, Wilkinson, Nance and Huntley.

Motion carried.

The ordinance was not placed upon third reading at this meeting.

ADJOURNMENT.

There being no further business, on motion of Councilman Hudson, seconded by Councilman Wilkinson, the meeting adjourned.

Alice B. McConell
City Clerk