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

Absent: Councilmen Little and Nance.

#### APPROVAL OF MINUTES.

On motion of Councilman Albea, seconded by Councilman Wilkinson, the minutes of the meeting of November 9th. were approved as read.

#### OBSTRUCTIONS AT TRADE AND TRYON STREETS.

Mr. Fred Harkey, representing Liggett's Drug Store, at the corner of Tryon and Trade Streets, appeared before the Council with request that the City grant permission to Liggett's to leave a small opening in that building, after the obstructions are removed from this corner, in order that deliveries may be made and garbage taken out. Mr. Harkey explained that no entrance can be made at the rear of this building due to the fact that the new Woolworth Building has closed up the alley in the rear, and that if this permission is granted, the Duke Power Company will place their information booth and comfort station for their men in the basement of this building. He also stated that his company or building owners are ready to cooperate in the removal of these obstructions.

Councilman Huntley then moved that this be referred to the Public Works Committee and the City Manager to be worked out and that nothing be done on this until the Committee reports. Motion seconded by Councilman Albea and carried.

Mr. DeWitt Brown, operator of the newsstand at this location asked for an additional thirty days time in which to move his business to a new location, explaining that a number of his customers purchase monthly magazines and that it will take that length of time in order to notify his customers of the change in location.

On motion of Councilman Wilkinson, seconded by Councilman Durham, Mr. Brown was granted until January 1st. to move to the new location.

The question was raised as to the amount of rent Mr. Brown has been paying on this property and he advised that he could not furnish the exact figures from memory but would be glad to do so, and also stated that this rent had been paid to Mr. R. A. Childs and later to Mr. Harkey, and Mr. Wilkinson suggested that Mr. Brown not pay any further rent to any one else since this is on City property.

#### REFUND TO MC COY SERVICE COMPANY ON TAXICAB BOND.

Mr. H. L. Taylor, representing the McCoy Service Station, asked for a refund on the taxicab bond posted with the City Treasurer by his client, which he stated was to be refunded November 1, 1938 and that Mr. Boyd, City Attorney, had investigated as to the payment of claims. Mr. Boyd advised that he had gone through the records in the Clerk of Court's office for any claims against McCoy Service Company which would in any way involve this fund and that according to the records they are entitled to a refund of \$9500.00.

Thereupon, Councilman Griswold moved that the City Treasurer be authorized to refund this amount made subject to a letter from Mr. Boyd to this effect. Motion seconded by Councilman Hudson and carried.

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Y.M.C.A. GIVEN USE OF ARMORY FOR BOXING MATCHES.

Mr. Sam Justice appeared on behalf of the Y.M.C.A., asking for use of the Armory-Auditorium, without cost, for the boxing matches put on by the "Y", the proceeds of which are used to carry on the work among under-privileged boys. Mr. Justice asked for six dates for these matches, which he stated were open, and on motion of Councilman Albea, seconded by Councilman Durham, these dates were given provided they do not conflict with dates already booked.

ARMORY-AUDITORIUM TO BE USED BY JUNIOR CHAMBER OF COMMERCE DECEMBER 6TH WITHOUT COST FOR DALE CARNEGIE APPEARANCE.

Mr. Jas. S. Smith, President of the Junior Chamber of Commerce, requested use of the Armory-Auditorium for December 6th., at which time Dale Carnegie will appear in Charlotte under the sponsorship of the Junior Chamber of Commerce.

After discussion, Councilman Hovis stated that he felt that this was a worthy cause, and moved that the request be granted, which was seconded by Councilman Albea and carried.

PETITION OF CITIZENS OF WILMORE SECTION FOR EXTENSION OF BUS LINE.

Mr. W. R. Stroupe, Jr. presented a petition signed by 207 residents of the Wilmore Section, asking for an extension of the bus line from Park Avenue down Wilmore Drive to Cliffwood, stating that this new section has no transportation facilities at all, and after discussion the petition was received with the promise that the City Council would do what it could to have the Duke Power Company extend this service.

RESOLUTION ON DEATH OF MR. HARRY BOATE, FORMER MEMBER OF THE CHARLOTTE PARK AND RECREATION COMMISSION.

The following Resolution was presented by Councilman Sides, who moved its adoption; seconded by Councilman Huntley and unanimously carried:

RESOLUTION

WHEREAS, in the Providence of the Almighty God and in His Divine Wisdom, He has called Harry Boate from our midst; and

WHEREAS, Mr. Boate loyally and faithfully served the City of Charlotte as a member of the Park and Recreation Commission, it is with deep appreciation and respect that we honor his memory.

NOW, THEREFORE, BE IT RESOLVED: First: That we, as members of the City Council bow in humble submission to His will, knowing that He is too kind to willingly afflict without cause.

Second: That we extend to his family our sympathy and pray God's blessings to rest upon them.

Third: That a copy of this Resolution be spread upon the Minutes of the City Council and a copy sent to the family of the deceased.

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VACANCY ON PARK AND RECREATION COMMISSION FILLED.

Councilman Alba placed the name of Mr. E. L. Barkley in nomination to fill the vacancy on the Park and Recreation Commission caused by the death of Mr. Harry Boate. This was seconded by Councilman Hudson, and no further nominations were made; motion put to a vote and carried, and the Mayor declared Mr. E. L. Barkley elected to fill the vacancy on the Park and Recreation Commission.

MAYOR AND CLERK AUTHORIZED TO SIGN DEED TO W. H. HUNNICUTT FOR PROPERTY FORECLOSED THROUGH ERROR.

Mr. Boyd, City Attorney, stated that some time ago the Council authorized foreclosure on the property of Mr. W. H. Hunnicutt for street assessments and that inadvertently the foreclosure proceedings included two lots owned by Mr. Hunnicutt, whereas, it should not have included the lot on which the home is located. Mr. Boyd stated that Mr. Hunnicutt has since settled with the City for street assessments and asked that the City deed back to him his property.

On motion of Councilman Wilkinson, seconded by Councilman Griswold, the Mayor and Clerk were authorized to execute the deed to Mr. Hunnicutt for this property.

GLENWOOD SCHOOL PETITION FOR POLICE OFFICER.

Mr. Deese appeared before the Council with reference to a petition filed some time ago by parents of the Glenwood School section, which petition requested a police officer to be assigned to that school at the opening and closing hours. Mr. Deese was advised that this petition had been referred to the Civil Service Commission, who are endeavoring to work out some plan to take care of all such requests as these, it being impossible to furnish police officers at all the schools needing same.

REQUEST FOR LICENSE TO OPERATE "BINGO GAME".

A Mr. Johnson appeared and requested the Council approve the issuance of a license to operate a "Bingo" place on South Tryon Street, stating that it would be operated in a clean and legitimate manner, 20 percent of the gross receipts to be turned over to any charity designated by the Council; the Council to appoint a committee to handle that part of the finances.

After discussion, on motion of Councilman Wilkinson, seconded by Councilman Huntley, this request was denied, with Councilman Sides voting "No" and Councilman Hovis not voting.

PURCHASE OF MOTOR EQUIPMENT.

The City Manager reported the following bids received on motor equipment for the City of Charlotte:

1. <u>ONE SEDAN- STANDARD PASSENGER CAR</u>	<u>Net Bid</u>
City Chevrolet Company (Chevrolet)	\$ 650.00
Pyramid Chevrolet Co. "	650.00
Pettit Motor Company (Ford)	696.45
Norfleet Motor Company (Plymouth)	698.95
Heath Motor Company (Ford)	701.45

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2. FIVE SEDANS - TYPE POLICE CARS

Pyramid Chevrolet Company (Chevrolet)	\$3,500.00
City Chevrolet Company "	3,500.00
Pettit Motor Company (Ford)	3,729.75
Pettit Motor Company (alternate bid)	3,779.75
Heath Motor Company (Ford)	3,737.25
Heath Motor Company (alternate bid)	3,737.25
Norflett Motor Company (Plymouth)	3,832.25

3. ONE- 1 1/2 TON TRUCK CHASSIS CAB AND WOOD DUMP BODY

General Truck Company, Inc.	\$1,025.35
City Chevrolet Company	1,050.00
Pyramid Chevrolet Company	1,050.00
International Harvester Co.	1,055.00
Norflett Motor Company	1,123.36
Carolina Truck & Trailer Co.	1,150.00
Heath Motor Company	1,195.94
Pettit Motor Company	1,215.94

4. FOUR 2-TON TRUCKS- CHASSIS CAB WITH STEEL DUMP BODIES

General Truck Company	\$4,239.96
City Chevrolet Company	4,550.00
Pyramid Chevrolet Company	4,550.00
Carolina Tractor & Trailer Co.	4,760.00
International Harvester Co.	5,285.12
White Motor Company	5,834.60
White Motor Company (alternate bid)	5,490.60
Mack International Truck Corp.	5,867.56
Pettit Motor Company	5,890.64
Heath Motor Company	5,895.64
Norfleet Motor Company	6,051.40
Norfleet Motor Company (alternate bid)	4,926.41

5. ONE STEEL DUMP BODY COMPLETE, WITH HOIST,

Charlotte Wagon & Auto Company	\$ 260.00
Twin States Equipment Company	266.25
Baker Equipment Engineering Co.	267.00
Norfleet Motor Company	275.00
Heath Motor Company	280.00
Pettit Motor Company	285.00

On motion of Councilman Hudson, seconded by Councilman Huntley, contract for Item No. 1- 1 Sedan, Standard Type Passenger Car, was awarded to the Pyramid Chevrolet Company, at the net price of \$650.00; for Item No. 2- Five Sedans, Police Type Cars, to the Pyramid Chevrolet Company, at the net price of \$3,500.00; on Item No. 3- One 1-1/2 Ton Truck Chassis Cab, with wood dump body, to the General Truck Company, at the net price of \$1,025.35; on Item No. 4- Four 2-ton Trucks with steel dump bodies, to General Truck Company, at the net price of \$4,239.96; and on Item No. 5- One steel dump body complete, with hoist, to the Charlotte Wagon and Auto Company, at the net price of \$260.00; and the Mayor and Clerk were authorized to sign these contracts.

REQUEST FOR CHANGE IN BUS ROUTES.

Mr. Marshall reported that the Duke Power Company had requested authority to make certain changes in the routing of their bus lines, in order to facilitate transportation and serve more people, and presented a letter from the Duke Power Company in this connection.

On motion of Councilman Hudson, seconded by Councilman Albea, this matter was to be held over for one week, with the request for Wilmore Section bus extension to be considered at the same time.

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RIGHT OF WAY OVER AIRPORT PROPERTY GRANTED TO DUKE POWER COMPANY.

On motion of Councilman Hovis, seconded by Councilman Wilkinson, the Duke Power Company was granted a right-of-way across a portion of the City's Airport property to serve the new hangar and shop being erected by Mr. E. H. Brockenborough, after discussion as to whether this right of way would constitute a hazard. Mr. States Lee, Chairman of the Airport Commission, was present and stated that the line would in no way interfere with the safety of the Airport.

SEWER EXTENSION ON LOMAX AVENUE.

On motion of Councilman Wilkinson, seconded by Councilman Huntley, the request of Mr. H. M. Wade for extension of a sewer on Lomax Avenue, from Stonewall Street to West Hill Street, to serve 25 houses, was granted; the cost of this work being estimated by the Engineering Department at \$490.05.

SEWER EXTENSION ON WEST 25TH. STREET.

Councilman Huntley moved that the request of the Charles Arey Company for extension of a sewer on West 25th. Street, from North Tryon towards North Pine Street and North Church Street, to serve six houses already constructed, be granted. Motion seconded by Councilman Albea and carried. The estimated cost of this work is \$1,023.00.

NOTICE OF SUIT OF MRS. T. T. LUCAS.

A letter was presented from Attorneys Stewart and Bobbitt, notifying the City of a claim against it by Mrs. T. T. Lucas, in the amount of \$5,000.00, for personal injuries received by falling on the sidewalk on Park Drive, and on motion of Councilman Hovis, seconded by Councilman Albea, this was referred to the Legal Department.

APPROVAL OF INVOICE OF GEO. G. SCOTT & COMPANY, AUDITORS.

On motion of Councilman Wilkinson, seconded by Councilman Hovis, approval was given for the payment of an invoice for \$315.00 from Geo. G. Scott & Company, for extra time employed on the regular audit, which was also approved by the Municipal Accountant and the Local Government Commission.

CLAIM OF BARNHARDT MFG. COMPANY TO BE PAID.

With reference to the claim of the Barnhardt Manufacturing Company for damages to cotton, which was presented to the Council some time ago and referred by the Council to the City Attorney on October 19th., approval was given by the City Attorney for the payment of this claim, in the sum of \$57.32, and on motion of Councilman Hovis, seconded by Councilman Baxter, payment of this amount to the Barnhardt Mfg. Company was authorized.

RESOLUTION WITH REFERENCE TO ADDITIONAL WAGE RATES FOR MEMORIAL HOSPITAL.

Upon the request of the Atlanta Office, of the P.W.A., the following Resolution establishing additional wage rates for the Charlotte Memorial Hospital was presented and on motion of Councilman Hudson, seconded by Councilman Wilkinson, was unanimously adopted:

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RESOLUTION  
FIXING ADDITIONAL MINIMUM WAGE  
RATES FOR THE CHARLOTTE MEMORIAL HOSPITAL.

WHEREAS, a thorough investigation has been made of the hourly wage rates which are being paid in the vicinity of Charlotte, N. C., which is the locality in which the project (herein referred to as "Project"), is to be constructed by the City of Charlotte, to employees in each trade or occupation engaged in work of a nature similar to the work to be performed in the construction of said Project, and the prevailing hourly wage rates being paid in such locality to such employees for such work have been determined by canvass by Contractors in this vicinity.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, N. C., that the following rates for the respective trades or occupations listed below shall be and hereby fixed as the minimum hourly wage rates and have been determined in accordance with rates prevailing for work of a similar nature in the locality in which the project is to be constructed:

<u>CLASSIFICATION</u>	<u>RATE</u>
Ditching Machine Operator	\$1.00
Pipe Layers (including Caulkers Yarners and Plumbers Helper)	.50

BE IT FURTHER RESOLVED that the foregoing list of trades or occupations includes to the best of our knowledge, all the classifications of employees who will be engaged in work on said Project not prescribed in the original resolution adopted September 5, 1938, other than executive, supervisory, administrative, clerical or other non-manual workers as such.

CONTRACT FOR RENOVATION OF MATTRESSES AND PILLOWS OF FIRE DEPARTMENT.

On motion of Councilman Huntley, seconded by Councilman Wilkinson, the Mayor and Clerk were authorized to sign a contract with the Carolina Bedding Company for complete renovation of 102 mattresses and 103 pillows now in use by the City Fire Stations, at a total price of \$548.63.

Bids received for this work were as follows:

Carolina Bedding Company	\$548.63
Lawing Mattress Factory	576.30
Baker Mattress Company	591.60
Mecklenburg Co. Ass'n for the Blind	866.75

CONTRACT FOR CAR MIXED ASPHALT AWARDED TO THE TEXAS COMPANY.

On motion of Councilman Wilkinson, seconded by Councilman Baxter, the Mayor and Clerk were authorized to sign a contract with The Texas Company for one car of mixed asphalt for use on City streets, at a price of \$537.21.

Other bids on this material were as follows:

Shell Union Oil Corp.	\$589.75
J. B. Hunt & Sons	643.44

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CONTRACT FOR CAR OF TERRA COTTA PIPE AWARDED TO DOGGETT LUMBER COMPANY.

On motion of Councilman Wilkinson, seconded by Councilman Huntley, contract for one car of 8" Terra Cotta Pipe was awarded to the Doggett Lumber Company, at the price of \$338.52, and the Mayor and Clerk were authorized to sign the contract.

Bids received were as follows:

Doggett Lumber Company	=	\$338.52
Charlotte Lumber Corp.		338.52
Tucker-Kirby Company		338.52
J. L. Wiggings & Son Lbr. Co.		351.54
W. S. Dickey Clay Mfg. Co.		351.54

APPLICATION FOR DRILL TOWER APPROVED.

Mr. Marshall reported that he had received advice from the W.P.A. that the City's application for the construction of a Drill Tower had been approved and construction would start on November 29th.

SPECIAL OFFICER PERMIT TO MR. DEWEY M. HELMS FOR USE IN CITY PARKS.

On motion of Councilman Wilkinson, seconded by Councilman Huntley, a Special Officer Permit was granted to Mr. Dewey M. Helms for use in the City Parks, on request of the Charlotte Park & Recreation Commission.

INDEPENDENCE TRUST CERTIFICATE FUND

In connection with the matter of the Independence Trust Certificate Fund for deed to 1 foot of land on East Second Street, on which three houses encroach, this was referred to the City Attorney for ruling as to whether the City could deed this land, and Mr. Marshall reported that the City Attorney had stated that in his opinion that City had no authority to deed any property designated as a street.

Thereupon, Councilman Huntley, seconded by Councilman Wilkinson, moved that no deed be made by the City for this property.

FINANCIAL STATEMENT AS OF OCTOBER 31st. PRESENTED TO COUNCIL.

A copy of the Budget Statement as of October 31st. was furnished each member of the Council.

CEMETERY DEEDS.

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

- Mr. John R. Furser, Jr. Lot No. 60, Section "Y", Elmwood Cemetery
- Mrs. Mattie Deffenbaugh, Lot No. 7 Section "Z"
- Miss Mildred Pitts, Lot No. 63, "D Annex"
- Mr. H. H. Rhyne, Jr., Lot No. 10-B, "D Annex"
- Dr. and Mrs. J. R. Alexander, Lots 17 and 18, Section "Y"

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RESCINDING MOTION MADE AT OCTOBER 12TH. MEETING RELATIVE TO ORR LAND CO.

Councilman Durham, Chairman of the Finance Committee, stated that at a meeting of the City Council on October 12th. a motion was made with regard to certain changes in the status of the Orr Land Company's street assessments, and that inasmuch as it now appears that adjustments will not be made, relieving the back land of a portion of the existing street assessments, he moved that the Council rescind the motion made at the October 12th. meeting, which motion was seconded by Councilman Huntley and carried.

MATTER OF APPOINTING CHEMICAL BANK & TRUST COMPANY AS PAYING AGENTS FOR CHARLOTTE BONDS REFERRED TO FINANCE COMMITTEE.

The Mayor stated that the Chemical Bank & Trust Company, purchasers of the \$415,000.00 Water and Hospital Bonds of the City of Charlotte, had asked that they be made paying agents for these bonds, and on motion of Councilman Wilkinson, seconded by Councilman Baxter, this matter was referred to the Finance Committee.

The City Manager explained that the bond resolutions designated the bank to be named as paying agent and that the bonds carried this bank on its face, and that the Chemical Bank & Trust Company knew this at the time they purchased the bonds.

LETTER OF RESIGNATION OF CHAIRMAN GEO. W. PATTERSON, CIVIL SERVICE COMMISSION WITHDRAWN.

The Mayor advised that the letter of resignation received from Mr. George W. Patterson, Chairman of the Civil Service Commission, had been withdrawn.

ADJOURNMENT.

On motion of Councilman Hovis, seconded by Councilman Durham, the meeting adjourned.

*Alice B. McConnell*  
City Clerk