

August 2, 1939
Page 476.

The City Council held its regular weekly meeting in the Council Chamber, City Hall, at 4:00 o'clock, P. M., Wednesday, August 2, 1939, with Mayor Douglas presiding and Councilmen Baxter, Britt, Hovis, Hudson, Huntley, Little, Nance, Sides, Ward and Wilkinson present.

Absent: Councilman Albea

MINUTES OF MEETING ON JULY 26TH READ AND APPROVED.

On motion of Councilman Hovis, seconded by Councilman Hudson and carried, the minutes of the meeting on July 26th were approved as read.

PUBLIC ADDRESS SYSTEM ON STREETS REQUESTED FOR RELIGIOUS PURPOSES.

Mr. F. H. Meadows, Publicity Agent for Mr. J. Harold Smith's Revival Meeting being held on Elizabeth Avenue, advised the Council that a Police Officer had today informed him that he must cease operating the Public Address System from a truck on the city streets, which is being operated for the purpose of advertising the Revival Meeting. Mr. Meadows advised the Council that he had received permission from the Chief of Police to operate the System. Mayor Douglas explained to him that it was against a City Ordinance to operate a Public Address System on the streets of Charlotte for any purpose and that it was not within the power of the Chief of Police to give him permission to do so. Mr. Meadows then requested the Council to change the ordinance so as to permit the use of the System for religious purposes only. The matter was discussed by the Council, and Councilmen Britt and Wilkinson stated they thought it would set a bad precedent to make an exception of this kind. Mr. John Walters, an associate of Mr. Meadows then asked the Council to delegate to the Chief of Police the power to use his discretion regarding the use of the System. No action was taken by the Council on this suggestion, and Mayor Douglas informed these gentlemen that the City Ordinances must be enforced.

MR. CHESTER NIXON DISCUSSES THE OPEN SUNDAY QUESTION.

Mr. Chester Nixon came before the Council and stated that he wanted them advised that the advocates of an Open Sunday for Charlotte had not dropped the matter but would again present it to the Council as soon as the present Police situation, which was occupying their time, was completed. Mr. Nixon stated that he deplored the Police situation and felt that the sooner it was cleared up the better it would be for the city in general.

STORM DRAIN CONDITION ON PEGRAM AND WILKINSON STREETS.

Mr. H. A. Johnson and Mr. H. A. Dorsey, property owners on Wilkinson Street and Mr. E. A. Powers, a resident of Pegram Street, requested the Council to correct the storm drainage condition on these two streets, stating that it was their opinion that the city had diverted the storm water from these streets onto their particular properties, by reason of the fact that a 36" sewer pipe had been installed at the upper end of these streets and the smaller pipes on and near their lots could not carry off the overflow. On motion of Councilman Huntley, seconded by Councilman Nance, and carried, the matter was referred to a Committee to report at next meeting. Mayor Douglas named on this Committee, Councilman Ward, Chairman, Councilman Baxter, Huntley and Britt.

August 2, 1939
Page 477.

EXTENSION OF SEWER IN MARSH ROAD.

On motion of Councilman Wilkinson, seconded by Councilman Sides, and carried, an Agreement was entered into with the Marsh Land Company for the extension of a sewer 310-feet in Marsh Road, at an estimated cost of \$254.10. This amount having been deposited with the City to cover the cost, same to be refunded when two additional houses are connected to this line.

RESOLUTION RELATIVE LEASE-AGREEMENT BETWEEN THE MUNICIPAL AIRPORT AND STANDARD OIL COMPANY.

The following resolution was presented by City Manager Marshall at the request of the Municipal Airport Commission that their action in signing a Lease-Agreement with The Standard Oil Company for Gas Dispensing Equipment be approved:

WHEREAS, Equipment Lease has been presented to the Charlotte Municipal Airport Commission by the Standard Oil Company of New Jersey with reference to the equipment now placed at the Municipal Airport, and after having studied the contents of said Lease, the Commission is of the opinion that the same is fair and reasonable and that said Lease should be entered into by the Airport Commission; and

WHEREAS, upon motion of Commissioner Boyd, seconded by Commissioner Lambeth;

BE IT RESOLVED, That the Charlotte Municipal Airport Commission approves the Equipment Lease, hereinabove mentioned and requests that the City Council of the City of Charlotte approve the same, so that the same may become binding, between the Charlotte Municipal Airport Commission and the Standard Oil Company of New Jersey.

On motion of Councilman Huntley, seconded by Councilman Ward, and carried, approval of the above resolution was given.

ASSESSMENT FOR STREET SEWER LATERALS ON SOUTH TRYON STREET.

On motion of Councilman Sides, seconded by Councilman Wilkinson and carried, the matter of the assessment charges against the abutting property for sewer laterals on South Tryon Street was referred to City Manager Marshall and City Attorney Scarborough with authority to act in the matter.

TRAFFIC LIGHT AT WEST TRADE STREET AND TUCKASEEGE ROAD.

City Manager Marshall stated that a request had been received for a traffic control light at the intersection of West Trade Street and Tuckaseegee Road, but that it was the opinion that a light at this point would not entirely correct the situation, and thought a street island would be a better solution. After discussion, Councilman Hovis moved that the matter be referred to Mr. Marshall and Mr. Skinner, Safety Inspector, for study and a report to the Council at its next meeting, which motion was seconded by Councilman Baxter and carried.

August 2, 1939
Page 478.

CONTRACT FOR PUBLISHING DELINQUENT TAX LIST.

On motion of Councilman Huntley, seconded by Councilman Wilkinson and carried, contract was awarded The News Publishing Company for publishing the delinquent tax list.

Bids received on this publication were as follows:

The News Publishing Company	85¢ per column inch
The Charlotte Observer	87¢ per column inch

CONTRACT FOR TWO CARS V. C. PIPE.

On motion of Councilman Wilkinson, seconded by Councilman Hovis and carried, the Mayor and Clerk were authorized to sign contracts for two cars of V. C. Pipe; contract for one car with McGee Lumber Company at a total delivered cost of \$341.00 and one car with Cathey Lumber Company at a total delivered cost of \$340.99.

Bids received for this material were as follows:

McGee Lumber Company	\$681.99
Cathey Lumber Company	681.99
Caldwell Construction Company	681.99
J.L. Wiggins & Son Lbr. Company	681.99
T.J. Wiggins Lumber Company	681.99
Tucker-Kirby Company	681.99
Charlotte Lumber Corp.	681.99
Doggett Lumber Company	681.99
H. & S. Lumber Company	681.99
Builders Material Company	681.99

STREET MAINTENANCE FOR WEST 3RD STREET.

On motion of Councilman Baxter, seconded by Councilman Ward and carried, West Third Street, from McNinch Street to Irwin Creek, a distance of approximately 800-feet, was taken over for city maintenance, on the request of Mr. John Crosland.

SPECIAL POLICE OFFICER PERMITS APPROVED.

City Manager Marshall advised that the Highland Park Mfg. Company had requested permits for Mr. Burton Davis and Mr. A. A. Allen to act as Special Police Officers on their premises. Councilman Sides moved that the request be granted, seconded by Councilman Wilkinson and carried.

RESIGNATION OF MR. LEROY PARKER.

The Council was advised by City Manager Marshall that the resignation of Mr. Leroy Parker, Clerk at Elmwood Cemetery had been accepted.

August 2, 1939
Page 479.

SALARY ADJUSTMENT FOR VACATION PERIOD REQUESTED BY OFFICER E.D. PITTMAN.

City Manager Marshall read a letter from Officer E. D. Pittman requesting an adjustment in his salary, due to the fact that he was due a vacation of two weeks for services during that period of time before his salary was reduced from \$275.00 to \$155.00, and requesting the Council to approved payment of an additional \$60.00 to adjust the matter. On motion of Councilman Baxter, seconded by Councilman Huntley and carried, the payment of the additional \$60.00 was granted. The following vote was recorded:

AYE: Councilman Baxter, Britt, Hovis, Hudson, Huntley, Sides, Ward, Wilkinson.

NAYE: Councilman Little and Nance.

Councilman Hudson not voting.

LETTER FROM JUDGE FRANK K. SIMS RELATIVE TO CHARGES AGAINST POLICE OFFICERS.

Mayor Douglas read a letter from Judge Frank K. Sims, in which he stated that in his fifty-seven page report relative to the Police Department, which he recently submitted to the Council, he incidentally mentioned in two paragraphs that some officers were unworthy of belief, and that he had been informed of unsavory incidents regarding their conduct. That in his opinion, these conditions should be remedied. That the Council had seized upon these two paragraphs and demanded that he appear before them and "name names". That he did so and produced affidavits to support the statements that had come to him. That the Council then instructed the Chief of Police to file charges against the officers mentioned, and the Commissioner of Police requested the Council to furnish legal assistance to prepare charges and represent the city at a hearing before the Civil Service Commission. That the Council was remiss in letting its own case be conducted only by Chief Nolan, without legal assistance. That the City Attorney was authorized to advise the Civil Service Commission on points of law, and they chose to ignore his advice. That in view of the fact that attorneys for the defendents are privileged to cross examine the city's witnesses, who are without benefit of counsel, Judge Sims stated that he did not care to assume the responsibility for the witnesses appearance and so had withdrawn the affidavits. However, he stated, in case the Council wished to provide counsel to advise the witnesses, he was willing to turn the affidavits over to the designated attorney. He further stated in his letter that the responsibility for the trial of these officers was that of the City Council as it was instigated by them.

Councilman Baxter stated that Judge Sims had only been requested to appear before the Council and clarify the statements in his written report, but that he came and talked for three hours, wherein he could have explained the matter in five minutes time. Mr. Baxter stated that he believed that Judge Sims was sincere in his report but now that the case was only half through if Judge Sims wished to withdraw the charges, he should apologize to the Council and to the Police Department and the accused Officers and the Officers should be put back on duty.

Councilman Wilkinson stated that he had asked Judge Sims when the report was first presented to the Council, if he could prove the statements contained therein and he was assured by Judge Sims that he could do so, and, therefore, he felt that it was still incumbent upon Judge Sims to furnish proof of the charges he had made. Councilman Wilkinson further stated that the main point in the discourse by Judge Sims that he wished cleared up was that a quantity of whiskey had been put aside at the Police Station back in the spring and that the Chief of Police had told him (Judge Sims) that he understood it was to be used for political purposes.

August 2, 1939
Page 480.

Councilman Hovis stated that in his opinion the Council was as much to blame for all the publicity given the Police situation as anyone else, in that the Council discussed the two paragraphs referred to, both pro and con, and then requested Judge Sims to appear before them and explain the situation in detail, since the Council did not have the right to place a police officer on trial. In his opinion, Councilman Hovis stated, the Council should have passed a resolution requesting Judge Sims to turn over whatever evidence he had to the Chief of Police and he in turn should have handled the charges with the Civil Service Commission.

Councilman Baxter made a motion that Judge Sims now be requested to turn back the affidavits to the Civil Service Commission. The motion did not receive a second, and was, therefore, not acted upon.

Mr. Paul Irwin, Attorney, appeared before the Council and stated that his opinion was that the Civil Service Commission held a perfectly fair and impartial trial, and that he, as Attorney for one of the defendants, was entirely satisfied with the manner in which it was handled. He said that he thought the solution to the problem was to have the City Attorney, or some other Attorney, designated by the Council to prosecute the case, if the Council felt the case was grave enough. Also, that he did not think it was fair to ask the City Attorney to advise the Civil Service Commission in this matter.

Councilman Hudson said that he understood that the trial of the two officers before the Civil Service Commission was not handled correctly, that it was done so in rather a jocular manner, and also that since special prosecution was not given these two officers that he was against securing legal counsel for the two officers yet to be tried.

Councilman Nance stated that he felt that the Council was to blame for the muddle of the situation, and Councilman Baxter was particularly to blame both for the muddle and a great deal of the publicity, in that Councilman Baxter made the motion requesting the Council to ask Judge Sims to appear before them and go further into the matter.

Councilman Baxter stated that he resented Councilman Nance's remarks; that he had never indulged in personalities with the Councilmen, but he wanted to remind Councilman Nance that it took six votes to request Judge Sims to appear before the Council, and those six votes were cast.

Mayor Douglas asked the Councilmen to consider the statements as set forth in Judge Sims letter and not to deal in personalities.

After a general discussion, Councilman Hudson moved that the letter received from Judge Sims be received as information. The motion did not receive a second, and was, therefore, not voted upon.

ADJOURNMENT.

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

Lucian R. Hoffman
Assistant City Clerk