

January 11, 1939

A regular meeting of the City Council was held in the Council Chamber, City Hall, at 4:00 o'clock P. M., Wednesday, January 11, 1939, with Mayor Douglas presiding, and Councilmen Albea, Barter, Durham, Griswold, Hovis, Hudson, Huntley, Little, Nance and Sides and Wilkinson being present.

Absent: None.

MINUTES DISPENSED WITH.

On motion of Councilman Hudson, seconded by Councilman Wilkinson, the reading of the meetings of the previous meetings were postponed until the close of the meeting.

REQUESTS OF MECKLENBURG COUNTY HUMANE SOCIETY FOR OFFICER AT A-G SCHOOL, AND FOR AN ORDINANCE RELATIVE TO THE HOLDING OF DOGS FOR REWARD.

Mr. Arthur Goodman, appeared with a delegation, on behalf of the Mecklenburg County Humane Society, requesting that the City Council furnish a police officer to handle traffic in front of the Alexander-Graham Junior High School, stating that the traffic problem at this point is very serious and in the interest of safe-guarding the children at that school, the Humane Society was making this request. He suggested that the officer be taken from the corner of Morehead and South Boulevard and put at this school. Mr. Marshall advised that this suggestion had been made to a delegation from the Parent-Teacher Association and had been turned down by them.

Mayor Douglas stated that the Council would be glad to consider this request and endeavor to work out something.

Mr. Goodman also stated that the Humane Society was interested in having the City Attorney draft an ordinance to break up the epidemic of lost dogs being locked up and held for reward sometimes as long as two and three weeks; and suggested that the ordinance provide that if a lost or stray dog is not reported within twenty-four hours that the party holding same be susceptible to a jail sentence.

Councilman Sides and Councilman Wilkinson both stated they were interested in these requests, since both had had dogs stolen, and Councilman Sides, seconded by Councilman Huntley, moved that an ordinance be drafted along the lines suggested. Motion unanimously carried.

Councilman Hudson, seconded by Councilman Albea, then made a motion that a traffic officer be placed at the Alexander-Graham Junior High School, if possible, which was carried, with the Police Committee agreeing to see what could be worked out.

TRAFFIC LIGHTS TO BE LEFT BURNING UNTIL 2:30 A. M.

Councilman Hovis reported that he had been making a study of accidents occurring at points having traffic lights and that he had found that every accident except one occurring at 11th. and Church Streets had happened after 11 o'clock at night, after the traffic lights had been turned off, and Councilman Hovis, seconded by Councilman Albea, moved that the traffic lights in the City of Charlotte be kept burning until 2:30 o'clock in the morning; the additional expense of doing this to be taken from the Emergency Fund to supplement the regular fund, if necessary. Motion carried.

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HOTELS OPERATED BY MRS. M. K. BLUME.

Mr. Amon Butler, Attorney for Mrs. M. K. Blume, Operator of a number of hotels ordered closed by the City Council on January 4th., appeared before the Council at this time relative to the restraining order which he had had issued against the Council, advising that the Piedmont Hotel is the only hotel actually operated by Mrs. Blume; that the other hotels are sub-leased by her to other parties; that she does not have anything to do with the operations other than to collect her rent. These hotels, he stated, are the Jefferson, Ritz, Roosevelt, Windsor and Astoria. He stated that she has no interest whatsoever in the Southern, Albert or Franklin.

Mr. Butler contended that Mrs. Blume did not knowingly take out her licenses falsely, stating that the City license is based principally upon the State license, and that Mr. Street, of the State office, had called Raleigh and as a result of the opinion from the Attorney General, had notified him that Mrs. Blume did not owe the State any tax; that rooms rented by the week, month or year, are not subject to State tax, and that if that is so, they assumed that they did not owe the City anything on that basis.

Mr. Butler stated that insofar as the sanitary rating of four of these hotels was concerned, that the inspection was made on the 2nd. day of January, following New Year's parties and that the hotels were not possibly up to the standard rating by reason of these parties. He pointed out that one hotel had been given a rating of 85 until the back porch was reached and that by reason of the maids and porters being off the garbage had not been placed in cans and the rating was cut below the passing point. He stated that all the hotels in question had now been cleaned up and invited inspection of same.

He stated that the restraining order had been brought as a last resort since these hotels had been faced with operating without license, not only with taking in new people but were faced with losing the people who lived in the hotels permanently, some of whom were sick, and that he was now before the Council asking to be given an opportunity to get the matter straightened out, and that whatever the Council stated was wrong, if it would set a limit that was reasonable, they would meet such conditions and remedy same.

Judge Redd appeared on behalf of Mrs. E. A. Thayer, who runs the Franklin Hotel, leasing it from the Penn Mutual Life Insurance Company. Mr. Redd explained that the reason for the license being issued in the name of the hotel rather than in Mrs. Thayer's name was due to the young lady in the Tax Department insisting that it be recorded in that manner, and that Mrs. Blume has nothing to do with the Franklin Hotel. He stated that Mrs. Thayer had her license from the City and State and was now asking to be released from this order, contending that she had never been served with a notice and that she had gotten her City license on the 29th day of July 1938.

Mr. Butler explained that when he filed the complaint, naming the hotels which Mrs. Blume had sub-leased, he had made an honest mistake and that in naming other than the six hotels above, he had been incorrect.

The Manager of the Roosevelt Hotel, Mr. Galloway, stated that he had sub-leased his hotel from Mrs. Blume, and that he had been operating in an orderly manner and that his hotel was run more as a rooming house than a hotel; that he had a number of permanent roomers of high standing occupying his hotel.

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Attorney G. A. Smith presented a petition relative to the Albert Hotel, which he stated was operated by Mrs. C. O. Dulin, under a bill of sale executed on November 14, 1938 and that Mrs. Dulin took charge of this hotel on or about December 1, 1938; that Mrs. Dulin purchased a license from the State of North Carolina to operate the hotel and in her application correctly stated the number of rooms contained in said hotel and that she also purchased from the City of Charlotte a license to operate the Albert Hotel and paid the license required by the City of Charlotte, and was petitioning the City Council to amend its action by excluding the Albert Hotel and permit it to continue to operate.

Mr. Carol Talieferro, representing two or three non-resident owners of some of the hotels in question, took the position that these hotels had been ordered closed without giving them an opportunity to be heard and show cause why such action should not be taken. He stated he knew nothing about the matter of running the hotels nor the real reason why the licenses were ordered revoked, but that he felt in the interest of fair play they should have been given an opportunity to correct conditions. He suggested that the Council make out specifications for each hotel as to the conditions to be corrected, what should be done and what should not be done, and serve notice, giving them so much time (say 30 days) to clean up such conditions, watch them and see that that is done and then, if they do not remedy same, revoke the license. He asked that the action of the Council at the last meeting be rescinded and start over again by giving them an opportunity to be heard.

Attorney Vance Howard, representing parties having money invested in Mrs. Dulin's Hotel, the Albert, took the same position as applied to Judge Redd's client; that the hotel was being operated in a clean and proper manner and produced documentary evidence that she had given the correct number of rooms in applying for license and a sanitary rating of 830 points out of 1000. He, too, asked that the ordinance be reconsidered and that she be excluded from the order.

Attorney H. C. Gover, representing the Life Insurance Company having a mortgage on the Roosevelt and Windsor Hotels, concurred in the remarks made by Mr. Talieferro. Mr. Gover stated that the Insurance Company's interests were vitally effected by facts over which they have no control and, therefore, were most anxious in the protection of their interests that procedure be followed which would not result in injustice or damage to the operators of the hotels and ultimately damage to the Life Insurance Company. Mr. Gover took the position that the Council should allow the matter to be handled by the Courts rather than undertake under its power of licensing, to reach conclusions, return verdicts and render judgment, more or less, ex parte.

Mr. Butler stated that he and his client were willing to surrender all their problems to the Council and that he was here to ask the Council to state what they want his client to do and that they would endeavor to comply with the wishes of the Council.

After hearing all of the above attorneys, Mr. Boyd, City Attorney, stated that under the pending restraining order the Council is restrained from carrying out its order of last week, however, that after hearing these people, if the Council felt that it had sufficient facts that justified it in amending and supplementing its order of last week indicating the fact that these people have been guilty of violating certain laws of the City and conducting places of immorality, that the Council notify them, here and now, to bring themselves within the law of the State of North Carolina and the ordinances of the City of Charlotte, and as suggested, that the Council notify them that it is expecting them and looking for them to do so, and then, if they do not do so by next Wednesday, (the restraining order to be heard on Thursday) that the Council will take, at its next meeting, the necessary and additional proper action to cover immorality and unsanitary conditions and hear both

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sides on Thursday.

The Mayor called for a discussion by the Council. Councilman Wilkinson stated that he thought the matter should be carried before Judge Gwynn, that the Council was only getting one side and that he did not think that this was the place to hear the other evidence.

A discussion from different members of the Council relative to the hotels that had been petitioned to be excluded then followed, Mrs. Thayer and Mrs. Dulin both coming before the Council in an effort to explain their positions. The City Manager stated that the restraining order signed by Mr. Butler and Mrs. Blume, under oath, stated that Mrs. Blume had interest in all of these hotels, and that the Council had no way of knowing that they should be excluded. Councilman Hudson was of the opinion that inasmuch as the Council had started the matter, he felt that it should finish it.

Chief Pittman was called on to make certain explanations regarding the operations of these hotels.

After much discussion back and forth by the Council with the legal representatives present, Councilman Wilkinson made a motion to discontinue the discussion and put the argument before the Judge on Thursday of next week. No second to this motion.

Councilman Hovis then moved that in accordance with the suggestion as made by Judge Gwynn to the City Attorney that these people be served notice here and now and that all information and affidavits relative to these hotels be turned over to the City Attorney so that proper resolutions may be drawn up by the City Attorney for proper handling. Motion seconded by Councilman Wilkinson.

After further discussion with the Attorneys, Councilman Hovis was called on to repeat his motion, after which a vote was taken on same and carried.

SECOND WARD HIGH SCHOOL REQUESTED USE OF ARMORY-AUDITORIUM FOR BASKETBALL, ETC.

A letter was presented by the City Manager from the Hi Y Club of the Second Ward High School, colored, asking that they again be granted free use of the Armory-Auditorium for their basketball games, boxing, etc.

Mr. Marshall stated that attention had been called to the fact that last year, when granted this same privilege, the white girls of the High School had been annoyed by the negro boys coming to the Auditorium to practise in the afternoons, and that in granting this request, that different rules be made that they could only use same on certain dates.

Whereupon, Councilman Albea, seconded by Councilman Wilkinson, moved that the request be granted for games only at night on certain stated nights, and that reservations should be made a week prior to that date and for such dates as are then open. Motion unanimously carried.

ACTION OF COUNCIL AT SPECIAL MEETING APPROVED.

On motion of Councilman Wilkinson, seconded by Councilman Huntley, the matters handled by the Council at the special meeting held on November 10th., at the Chamber of Commerce, were held to be legal.

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NOTICE OF INJURY OF GEORGE J. MILLER, FILED BY ATTORNEY D. B. SMITH.

The following notice was received and read by the City
Manager:

North Carolina
Mecklenburg County

To the Mayor and Council of the City of Charlotte.

This is notice to you that Mr. George J. Miller, of this City was injured on the 2nd day of November, 1938, by stepping or falling into a broken or defective water meter box located in the sidewalk in front of the duplex residence at numbers 1423 and 1427 East Seventh Street, and that he sustained fractures of the bones of the left leg at or about the knee, as well as other injuries, and that he claims damages from the City of Charlotte in the sum of Five Thousand Dollars.

This the 11th day of January, 1939.

Signed D. B. Smith
Attorney of George J. Miller.

This was received as information and ordered turned over to the City Attorney for handling.

CEMETERY DEEDS.

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

Mrs. Myrtle Craven, Lot No. 83, Section "Y", Elmwood	\$85.00
Mrs. Annie Jacobs, Lot 114, Section "Y"	35.00
Mrs. Bertha S. Davis, Lot No. 82, Section "Y"	35.00
E. B. Crowson, South Half Lot No. 7, Section B.B.	63.00
Mrs. Hazel Anderson, Lot No. 112, Section "Y"	35.00
Perpetual Care on Lot N.E. 1/4 61, Section "H" to Mm. E. Clarke	36.00
" " " " No. 112, Section "Y", Mrs. Hazel Anderson	25.00
Mrs. J. R. Ninniss, Lot No. 8, Section "Y"	35.00

COUNCILMAN PARKS LITTLE WELCOMED TO COUNCIL MEETING AFTER SEVERAL MONTHS ABSENCE.

Councilman A. Parks Little was welcomed back to the Council meetings after an absence of several months due to illness.

ADJOURNMENT.

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

Alice B. Howell
City Clerk