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The regular weekly meeting of the City Council was held in the Council Chamber, City Hall, at 4:00 o'clock P. M., Wednesday, January 18, 1939, with Mayor Douglas presiding and Councilmen Albea, Baxter, Durham, Griswold, Hovis, Hudson, Huntley, Little, Nance, Sides and Wilkinson being present.

Absent: None.

NO READING OF MINUTES.

On motion of Councilman Huntley, seconded by Councilman Albea, the reading of the minutes of several previous meetings was dispensed with.

GOLDEN GLOVES TOURNAMENT GRANTED USE OF ARMORY-AUDITORIUM WITHOUT CHARGE.

Mr. Vic Shaw appeared on behalf of the Golden Gloves, and introduced Dr. Oren Moore, who requested free use of the Armory-Auditorium for the Golden Gloves Tournament to be held, commencing February 13th. and continuing for five days and nights. Dr. Moore stated that the Council had remitted the rentals in the past, inasmuch as this was a charitable contest and asked that they again be granted the Armory for this purpose.

On motion of Councilman Sides, seconded by Councilman Durham, this request was granted.

V. F. W. GRANTED CHANGE IN DATES FOR SPRING CARNIVAL.

On motion of Councilman Albea, seconded by Councilman Griswold, the Veterans of Foreign Wars were granted permission to change the dates of a carnival which that organization is sponsoring from the original dates granted to the week of April 24th. thru the first week in May; this being two weeks later than originally requested, and being due to another carnival showing earlier in April; no carnival being allowed to show between the dates of these two carnivals.

PUBLIC WORKS COMMITTEE AND CITY MANAGER TO MEET WITH CHAS. W. KEE AND ATTORNEY TO ATTEMPT TO ADJUST MATTER OF PROPERTY LINE CHANGE.

Mr. John McRae, Attorney for Chas. W. Kee, who owns property at the corner of North Tryon and 13th. Street, appeared before the Council on behalf of the alleged damage to Mr. Kee's property by reason of the construction of the underpass on North Tryon Street; Mr. McRae alleging that Mr. Kee has been very badly damaged by interference with his business and tenants due to the street being blocked and in the future on account of the change in grade. He stated that Mr. Kee has upon his property an apartment house, a cafe building, a pressing room, and three residences in the rear, the approach to which will be entirely closed when the grade is changed. Mr. McRae stated that he would like to have the Council appoint a committee to meet with him and his client to see if some adjustment of the matter can be reached.

Mr. Marshall explained the situation to the Council, stating that he had discussed the matter with the City Attorney, who advised that the City could not be held responsible for the change of grade in front of a building and that since given that ruling the matter had been dropped.

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On motion of Councilman Baxter, seconded by Councilman Huntley, the matter was referred to the City Manager and the Public Works Committee to meet with Mr. McRae and Mr. Kee, as requested by Mr. McRae.

LICENSES FOR FIVE HOTELS REQUESTED BY MR. THAD ADAMS, ATTORNEY FOR MR. J. W. GREENING.

Mr. Thad Adams, attorney for Mr. J. W. Greening, requested the Council to grant Mr. Greening licenses to operate the Astoria, the Jefferson, the Piedmont, the Ritz, and the Roosevelt Hotels. Mr. Adams stated that Mr. Greening was a newcomer to Charlotte; that he had known him for a number of years; that Mr. Greening came to his office during the early part of December and told him he was considering buying the Jefferson Hotel from Mrs. M. K. Blume, and that while negotiations were going on for that transaction, the Blume hotels had received quite a bit of publicity, as a result of which Mr. Greening had made a trade with Mrs. Blume to purchase the leases on these hotels and the furnishings therein. Mr. Adams stated that Mr. Greening is a man of good character and wishes to operate these hotels in a clean and high class manner; that Mrs. Blume will have nothing further to do with the hotels in question and that the licenses are requested under these names merely for the purpose of informing the Council what hotels Mr. Greening desires to operate; that he may possibly wish to change the names; but that he was now requesting and applying for licenses for these five hotels.

Mr. Vance Howard again appeared on behalf of his client's interest in the Albert Hotel, asking the Council to grant Mrs. C. O. Dulin permission to continue to operate this hotel since the restraining order has been dissolved and no legal proceedings are pending in court concerning any of the hotels in questions. Mr. Howard stated that if the Council takes the position that the license on this hotel has been revoked, then they wished to make application for renewal of such license. He stated further that if the Council had information in its possession that Mrs. Dulin has been operating this hotel in an improper manner or that anything had been going on there that should not, that he would like to know it.

Mr. Fred Helms stated that he had been asked by Judge Redd to appear at this meeting on behalf of Judge Redd, who could not be present, and stated that Mr. Redd represents Mrs. Thayer, operator of the Franklin Hotel, which is owned by his client, the Penn Mutual Life Insurance Co. He stated that the Penn Mutual Life Insurance Co. had had no difficulty with Mrs. Thayer in collecting rent on this building; that she had been operating under a written lease, and that while he knew nothing about Mrs. Thayer or the manner in which she had been operating the hotel, he had been requested by Judge Redd to ask for a continuance for one week in order to allow him to present evidence.

After hearing the above, Councilman Wilkinson called on the City Attorney to read the Resolution which he had prepared regarding the Albert, the Franklin and the Southern Hotels, which Resolution was read by Mr. Boyd and is as follows:

WHEREAS, the City Council of the City of Charlotte did, at its meeting held on January 4, 1939, upon recommendation of the Chief of Police, the City Manager and the Police Committee of the Council, revoke the license of the following hotels: The Franklin, the Jefferson, the Piedmont, the Albert, the Ritz, the Southern, the Astoria, the Windsor and the Roosevelt; that the said licenses were ordered revoked upon said recommendations because of the fact that the operators or lessees had misrepresented the number of rooms in the various hotels when they applied for City license, and because of complaints made to the Chief of Police about the operation and condition of these places, and

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WHEREAS, there seems to be some contention upon the part of the operators of the Franklin and the Albert Hotels as to whether or not proper notice was served upon them as to the revocation of the licenses of these two hotels, and

WHEREAS, since the meeting of January 4th. the Council finds from additional investigation and complaints and affidavits from the Police Department and various other persons, which affidavits have been read and considered by the Council, that these said hotels have been operated in such a manner as to constitute a nuisance in the City of Charlotte and the communities in which they are located; that from said complaints and affidavits it appears that these hotels are frequently and habitually used by lewd and immoral women for the purposes of prostitution for hire, and that these hotels are and have been for some time used as a common rendezvous for people of both sexes for the purpose of prostitution, and it further appearing to the Council from an affidavit of Mr. Sam Rich of the North Carolina State Board of Health that the sanitary condition of the Southern Hotel was bad when he inspected the same on January 2nd of this year, and the sanitary condition was filthy, unsanitary and in violation of the laws of the State of North Carolina, and

WHEREAS, from these complaints and affidavits now before the Council which have been considered by the Council, it appears to the Council and the Council finds as a fact from said affidavits that the said hotels and the manner in which they have been operated and the purposes for which they are frequently used and the results thereof constitute a nuisance in the City of Charlotte and the communities in which the said hotels are located.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, that the owners, operators, and lessees of said hotels be notified to appear before the City Council at its meeting on Monday, January 23, 1939 and show cause if any they have why the licenses heretofore issued for the operation of the said hotels shall not be revoked.

Councilman Wilkinson moved the adoption of the above Resolution, which was seconded by Councilman Baxter and carried.

Mr. Boyd then read the following Resolution with reference to the Jefferson, Piedmont, Windsor, Ritz and Astoria Hotels, and on motion of Councilman Wilkinson, seconded by Councilman Baxter, this resolution was adopted:

WHEREAS, the City Council of the City of Charlotte did, at its meeting on January 4, 1939, upon the recommendation of the Chief of Police, the City Manager and the Police Committee of the City Council, revoke the licenses of the following hotels: the Jefferson, the Piedmont, the Albert, the Ritz and the Astoria, the Windsor and the Roosevelt; that the licenses were ordered revoked upon said recommendations because of the fact that the operators or lessees had misrepresented the number of rooms in the various hotels when they applied for City license, and because of complaints made to the Chief of Police about the unlawful operation of these places, and

WHEREAS, since its meeting on January 4th., the Council finds from additional investigation, complaints and affidavits from the Police Department and various other persons, which affidavits have been read and considered by the Council, that each of said hotels, except the Roosevelt Hotel, are and have been for some time past operated in such a manner as to constitute a nuisance in the City of Charlotte and the community in which these hotels are located, all of them being located within the City of Charlotte and on the main streets of the City and in the business section of said City, and in thickly populated communities of the City; that from said complaints and affidavits, it appears that these hotels are frequently and habitually used by lewd and immoral women for the purposes of prostitution for hire, and that said hotels are and have been

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for some time used as a common rendezvous for people of both sexes for the purpose of prostitution; that the sanitary condition of the Ritz Hotel, the Jefferson Hotel and the Piedmont Hotel was found by an official of the North Carolina Board of Health and the Health Department of the City of Charlotte to be in a filthy and unsanitary condition, and was being operated in violation of the sanitation laws of the State of North Carolina and the Health Department of the City of Charlotte from an inspection made of these hotels on or about January 2, 1939, and

WHEREAS, from said complaints and affidavits now before the Council which have been considered by the Council, it appears to the Council and the Council finds as a fact from said affidavits that each of said hotels and the manner in which they are and have been operated and the purposes for which they are and have been frequently and continuously used and the results thereof constitute a nuisance and an affront to the morals and decency of the City of Charlotte and the community in which they are located.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte that each of said hotels and the way and manner in which they are and have been operated be declared a nuisance and that from the foregoing reasons in addition and supplemental to the reasons for the revocation of the licenses of said hotels on January 4th. that the licenses of said hotels be, and they are hereby revoked and declared to be null and void.

Mayor Douglas called on Mr. Boyd to explain this resolution. Mr. Boyd stated that any person, firm or corporation desiring to operate hotels in these buildings may appear before the City Council, by virtue of the authority contained in an ordinance of the City of Charlotte, known as the Revenue Ordinance, and secure a license for future operations from this time on, and that it is in the discretion of the Council as to whether or not it will grant such license; that if the Council has reasonable grounds, after investigation of an applicant, that he, she or it is not a fit or proper person to operate the said hotels, then it is in the Council's discretion to refuse to grant such license.

Mr. Adams then asked the Council to pass upon the application of Mr. Greening, that he had lodged application for Mr. Greening to operate hotels in these same buildings, and that he wanted the licenses issued in his name since the resolution just read revoked the outstanding licenses, which he and his client have nothing to do with. He stated that whether or not Mr. Greening would continue to operate under these same names was something he could not answer. Mr. Boyd explained that in the future in issuing licenses for the operation of hotels the license will be issued in the name of the person or corporation who proposes to operate and not in the name of the hotel.

Councilman Wilkinson, seconded by Councilman Little, made a motion that the request be denied until Mr. Greening proves to the Council that he is worthy of operating these hotels.

The latter part of this motion was added after discussion, Councilman Sides contending that he saw no reason to refuse to grant the license if the man can prove his status and that it should not be denied altogether. Mr. Adams stated that the presumption of the law is always in favor of a man being right; that Mr. Greening is a new man in Charlotte and so far as he is concerned no license of his had ever been revoked. Mr. Boyd stated that Mr. Adams was correct regarding a man in court, and stated that the Council could not arbitrarily refuse to grant the license, unless the Council had reasonable grounds to do so.

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Mr. Boyd continued by saying "If you gentlemen, in your own sound discretion have anything before you today that convinces you that you have the right, on reasonable grounds, to refuse this license you have the right, to do it. That is something that you will have to decide for yourselves."

Councilman Wilkinson stated that Mr. Greening had no credentials, that he is not known in Charlotte, that he has not established himself, but that if Mr. Greening can show the Council differently that he would be the first man to grant him the license, but that he has not done so.

Councilman Durham, raised a question regarding the transfer of leases from Mrs. Blume to Mr. Greening, whether they have all been transferred to his name, and Mr. Adams replied that they had been assigned to him by written instrument registered in the office of the Register of Deeds.

Mr. Boyd then asked Mr. Adams if he would have any objections and if he did not think it would be proper for this matter to be held over until Monday of the following week and give the Council an opportunity to find out regarding this transfer. Mr. Adams stated that the Council had the right to continue this application and that it would be perfectly satisfactory to him and that if the Council wished them to produce additional information they would be agreeable to that.

Mr. Durham continued to ask questions regarding the transfer of leases, asking if they did not still stand in the name of the old operator. Mr. Adams explained that Mr. Greening has a written instrument from Mrs. Blume and her company transferring and assigning to him these leases providing he pays the rent, and the sale of equipment in each place at a specified figure.

Mr. Butler, attorney for Mrs. Blume, stated that technically Mrs. Blume was not the proper party to have served this order on; that the Blume Hotels were never operated under the name of Mrs. Blume; that it was a corporation operating under the name of Blume Hotels, Inc., and explained the reason for Mrs. Blume selling these hotels and that she would do so at a great loss due to being closed by the City. During the discussion, it was brought out that Mr. Greening had been clerking in the Piedmont Hotel since coming to Charlotte on December 1st., and that while negotiating with Mrs. Blume for the purchase of one of her hotels he needed work and she had offered him a job as Clerk at the Piedmont. He stated that he had never been indicted or ever had a hotel closed at any place he had ever operated one.

Mr. Butler explained, on questioning, why the licenses for most of these hotels had been taken out in the name of Mrs. Blume when they claimed that all but one had been sub-leased to other parties and that Mrs. Blume had no interest in them except to collect the rents; that some of the parties sub-leasing did not have the money to take out the license and that Mrs. Blume had agreed to take them out for them. He also stated that Mrs. Blume had acted without her lawyer's advice on a number of matters, thereby making mistakes, and that her boys were greatly responsible for the trouble with these hotels; that one of her boys was Vice President and the other Secretary and Treasurer of the corporation.

Councilman Nance stated that these hotels had been operating for the past ten years without serious effect, and that he would make a substitute motion, which was seconded by Councilman Griswold, that they be permitted to operate until Monday, when the matter would be discussed and settled altogether. Mr. Boyd explained that the license to these hotels had now been revoked by the resolution just adopted and that in order to permit them to operate until Monday it would be necessary to pass a motion granting them a license to do so. After this was brought up, Councilman Nance withdrew his motion, and a vote was taken on Mr. Wilkinson's

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motion that the license be denied until Mr. Greening could establish himself and furnish information satisfactory to the Council, with the voting being as follows:

For the motion: Councilman Albea, Baxter, Durham, Little  
Huntley and Wilkinson.

Against: Councilman Sides. Councilmen Hudson, Nance and  
Griswold not voting, and  
Councilman Hovis having left.

The Mayor declared the motion carried.

SEWER EXTENSION ON POST STREET.

On motion of Councilman Huntley, seconded by Councilman Albea approval was given for the extension of a sewer on Post Street, 210 feet south, to serve one garage building, which is contemplated, if and when the construction of the garage building is commenced. The estimated cost of this work is \$200.00.

MAYOR AND CLERK AUTHORIZED TO SIGN CONTRACT WITH J. FRANK HARKEY FOR WATER MAIN IN LINWOOD ROAD.

On motion of Councilman Sides, seconded by Councilman Huntley, the Mayor and Clerk were authorized to sign a contract with Mr. J. Frank Harkey for construction of a 3-inch water main in Linwood Road, at Mr. Harkey's expense. This being the standard form of contract for this type of work.

NOTICE OF SUIT OF MRS. T. T. LUCAS VS. CITY OF CHARLOTTE.

The City Manager reported receipt of notice of suit of Mrs. T. T. Lucas against the City of Charlotte for alleged injuries sustained by falling into a hole on Park Drive; the amount of the suit \$5,000.00, and Mrs. Lucas represented by Stewart and Moore. This notice was turned over to the City Attorney for handling.

STREET MAINTENANCE IN 300 BLOCK OF WEST WORTHINGTON AVENUE, ALSO JEFFERSON ST.

Mr. Marshall reported receipt of request from Mr. W. C. Cheyne, who owns a home in the 300 block of West Worthington Avenue, that the City repair and accept for maintenance this block, also one block on Jefferson Street which would connect Worthington Avenue and West Boulevard. He stated that there are five houses in these two blocks and the estimated cost of putting the street in shape would be \$225.00. It was his recommendation that this improvement be made.

On motion of Councilman Albea, seconded by Councilman Griswold, the City Manager's recommendation was approved, with Councilman Sides voting "No", on the ground that it had not been customary for the City to put streets in shape when taking over for maintenance. Mr. Marshall, however, stated that in new developments the City had required the Development Company to put the street in condition before being taken over for maintenance, but that where the street is already built up and the owners are paying taxes, the City had been doing the work.

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REQUEST FOR SPECIAL OFFICERS PERMITS DENIED.

On motion of Councilman Huntley, seconded by Councilman Albea, the request of the H. B. Keller Company for Special Police Officer permits for Mr. Floyd P. McClellan, Francis G. Chipley and H. B. Keller, was denied.

BUDGET STATEMENT.

A copy of the Budget Statement for the first six months of the fiscal year was furnished each Councilman. The City Manager called attention to the fact that this report showed a deficit in the Appropriation Budget of \$4,393.32, which he stated he thought would be entirely absorbed in the next six months, by reason of the fact that this over-expenditure was of a seasonal nature and occurred entirely in the Street Maintenance Department, due to the fact that it was budgeted for items which had already been constructed, whereas, the budget report is on the monthly proportionate basis/.

He stated that the revenue side of the budget shows a deficit of \$26,029.93, which would indicate that additional pressure would have to be put on the collection of past due taxes.

INVOICE OF J. M. SCARBOROUGH APPROVED IN THE AMOUNT OF \$400.00.

On motion of Councilman Griswold, seconded by Councilman Little, approval was given for the payment of an invoice of Mr. J. M. Scarborough for legal services rendered in the case of the City of Charlotte vs. the Plant Food Company, in Superior Court- \$250.00; and the case of Hodges vs. the City of Charlotte, \$150.00, totaling \$400.00.

CANCELLATION OF STREET ASSESSMENTS AGAINST PROPERTY ON OAKLAWN AVENUE.

Councilman Durham, Chairman of the Finance Committee, reported relative to the matter of certain paving assessments against property on Oaklawn Avenue belonging to the Estate of Edward W. Morrison; that four or five months after the estate was settled an error was found, this error having been made in the Engineering Department of the City, and Councilman Durham, seconded by Councilman Albea, moved that the amount of \$166.50 against the estate be cancelled. Motion carried.

BALANCE OF PAVING ASSESSMENT AGAINST W. S. ORR ESTATE CANCELLED.

Councilman Durham also reported with regard to street assessment against property located at the intersection of South College Street and East Vanne Street, belonging to the W. S. Orr Estate, that \$644.12 has already been paid on this account and that appraisal of this land shows a valuation of \$250.00, and recommended and moved that the balance, with interest, amounting to \$325.84 be cancelled. Motion seconded by Councilman Sides and carried.

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PROPERTY ON WILMOUNT ROAD TO BE ADVERTISED FOR SALE.

Councilman Huntley, Chairman of the Real Estate Committee, stated that he had received an offer for two acres of land on property owned by the City of Charlotte on Wilmount Road, for church purposes, of \$150.00, and that land was selling in that section at \$150.00 per acre, and that while he would not recommend the sale at this price, to the Council, he had promised that he would lay the matter before it.

Councilman Baxter, seconded by Councilman Nance, made a motion that the land be advertised, which motion carried.

REQUEST FOR USE OF ARMORY FOR SQUARE DANCES DENIED.

Mayor Douglas stated that he had received a request for use of the Armory-Auditorium on Saturday nights for square dances, for the rental of \$25.00 per night, to run over a period of weeks, and not to be used when desired by parties paying the full price.

On motion of Councilman Hudson, seconded by Councilman Sides, this request was denied.

WEDNESDAY, JANUARY 25TH MEETING DISPENSED WITH.

Councilman Wilkinson made a motion, that inasmuch as the Council would hold a special meeting on Monday, January 23rd., that the regular meeting of January 25th. be dispensed with. Motion seconded by Councilman Griswold and carried.

APPROVAL OF CONTRACT WITH U. S. GOVERNMENT FOR SALE OF GASOLINE AND OIL.

A request was received from Mr. W. S. Lee, Jr., Chairman of the Municipal Airport Commission, that the City Council approve the contract between the Airport Commission and the U. S. Government, War Department, Air Corps, for furnishing fuel and oil to the government the ensuing year.

On motion of Councilman Sides, seconded by Councilman Wilkinson, and unanimously carried, approval of this contract was given.

CITY TO ADVERTISE SALE OF AUTOMOBILE OF WATER WORKS EXTENSION FUND.

Mr. Marshall reported receipt of request from Mr. Lee, Chairman of the Airport Commission, to purchase the automobile owned by the Water Bond Fund for use of the Inspectors on that work, the car now being available for sale and having been appraised by the two Ford dealers in Charlotte at \$300.00 and \$10.00 respectively. The Airport Commission offered the City the price of \$300.00 for this car.

A discussion was held as to whether it would be necessary to advertise this car for sale before it could be sold to another unit of the City Government, the City Attorney stating that it would.

Councilman Wilkinson made a motion that it be sold to the Airport Commission without advertising, but no second was received to this



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motion and Councilmen Sides, seconded by Councilman Nance, made a motion that it be advertised for sale; the motion carrying, with Councilman Wilkinson voting "No" and Councilman Hudson not voting.

CEMETERY DEEDS.

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

C. O. Lowder, North Half Lot No. 62, Section "X" Elmwood Cemetery,	\$62.65
Perpetual care on same	54.85
Mr. & Mrs. W. A. Goodwin, N.E. 1/4 Lot No. 30, Section "F"	50.40
with deed to be made to entire North Half	
Transfer of North Half of Lot No. 130, "D Annex" from Olive Burch Spivey and Husband, E. L. Spivey to L. J. Burch	1.00
Perpetual care to North Half Lot No. 130, "D Annex"	1.00
New deed to be made to Mr. and Mrs. Spivey for South Half of this lot	
Deed to be made to Estate of F. H. Lewin for Lot No. 18, Section "U", purchased in 1930, for which no deed had heretofore been given.	No charge
Transfer of South Half of Lot No. 168, Section "Q" from the F. H. Lewin Estate to Mrs. J. N. Clanton	1.00
Perpetual Care Agreement to Mrs. Ollie G. McWhirter for Eastern Portion of Lot No. 1. Section "Y", Elmwood	38.50

ADJOURNMENT.

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

*Alice B. McWhirter*  
City Clerk