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The regular meeting of the City Council was held in the Council Chamber at 3 o'clock P. M., Wednesday, July 12th. 1939, with Mayor Douglas presiding and Councilmen Baxter, Britt, Hovis, Hudson, Huntley, Little, Nance, Sides, Ward and Wilkinson being present.

Absent: Councilman Albaa.

READING OF MINUTES POSTPONED.

On motion of Councilman Wilkinson, seconded by Councilman Huntley the reading of the minutes of the previous meeting was dispensed with at this meeting due to amount of business to be handled.

RE-ASSESSMENT ORDINANCE - WEST MOREHEAD STREET.

On motion of Councilman Wilkinson, seconded by Councilman Hovis, the following re-assessment ordinance was unanimously adopted on three readings and declared by the Mayor to be an ordinance of the City of Charlotte:

The City Council of the City of Charlotte, North Carolina, DO ORDAIN that the special benefits to the abutting property on West Morehead Street on account of the paving of the street and walks beginning at the northwest corner of the intersection of West Morehead Street and McNinch Street and running in a westerly direction, 211 feet and being originally assessed as a whole against L. C. Burwell and C. G. Smith, is hereby sub-divided and re-assessed on the north side only as follows:

STREET NO.	OWNER	FRONTAGE	WATER	SEWER	STREET	WALK	TOTAL
1000-06	C. G. Smith	106.71	-	-	843.55	100.41	\$943.96
1008-14	C. G. Smith	104.29	-	-	824.41	98.14	922.55

SANITARY SEWER - CANTON STREET.

On motion of Councilman Huntley, seconded by Councilman Britt, approval was given for construction of a sanitary sewer in Canton Street, from Vogel Street west 80 feet, to serve two houses, at an estimated cost of \$89.10.

EMPLOYMENT.

The City Manager reported that he had employed Mr. R. B. Tarlton as blacksmith at the Equipment Depot, replacing Mr. J. F. Hartsell resigned.

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CONTRACTS FOR GASOLINE AND OIL.

The City Manager reported the following bids received on a twelve months supply of Gasoline and Motor Oils:

GASOLINE

American Oil Company

25,000 Gals. Gasoline		
Tank wagon or Tank truck delivery	@ .1489	\$3,722.50
170,000 Gals. Gasoline		
Tank car delivery	.1360	23,120.00
2,500 Gals. Gasoline		
High octane	No bid	
		<hr/>
NET DELIVERED PRICE		\$26,842.50

Standard Oil Company

25,000 Gals. Gasoline		
Tank wagon or tank truck delivery	@ .1389	3,472.50
170,000 Gals. Gasoline		
Tank car delivery	.1379	23,443.00
2,500 Gals Gasoline, High Octane	.1589	397.25
		<hr/>
		27,312.75
Less 1% for cash on Tank car deliveries		
GASOLINE value only - 170,000 gals.		
@ .0779 - \$13,243.00		<hr/>
		132.43
NET DELIVERED PRICE		27,180.32

Atlantic Refining Company

25,000 Gals. Gasoline		
Tank wagon or tank truck delivery	@ .1440	3,600.00
170,000 Gals. Gasoline		
Tank car delivery	.1390	23,630.00
2,500 Gals. Gasoline, High Octane	.1640	410.00
		<hr/>
NET DELIVERED PRICE		27,640.00

The Texas Company

25,000 Gals. Gasoline		
Tank wagon or tank truck delivery	@ .1490	3,725.00
170,000 Gals. Gasoline		
Tank car delivery	.14356	24,405.20
2,500 Gals. Gasoline, High Octane	.1690	422.50
		<hr/>
NET DELIVERED PRICE		28,522.60

On motion of Councilman Little, seconded by Councilman Huntley and carried, the contract was awarded to the lowest bidder, Standard Oil Company of N. J. on a unit price basis, representing a net delivered price of \$27,180.32, and the Mayor and Clerk were authorized to sign the contract.

MOTOR OILS

Standard Oil Company of N. J.

5,000 Gals. Motor Oil

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Standard Oil bid, brought forward-

SAE	10	In Drums	.25
		" Bulk	.25
	20	" Drums	.25
		" Bulk	.25
	30	" Drums	.25
		" Bulk	.25
	40	" Drums	.25
		" Bulk	.25
	50	" Drums	.25
		" Bulk	.25
	60	" Drums	.25
		" Bulk	.25

STANFLEET MOTOR OIL
1% Cash 10 Days

The Texas Company

5,000 Gals. Motor Oil

SAE	10	In Drums	.28
		" Bulk	.26
	20	" Drums	.28
		" Bulk	.26
	30	" Drums	.28
		" Bulk	.26
	40	" Drums	.28
		" Bulk	.26
	50	" Drums	.28
		" Bulk	.26
	60	" Drums	.28
		" Bulk	.26

1% Cash 10 Days

Standard Oil Company of N. J.

5,000 Gals. Motor Oil

SAE	10	In Drums	.2750
		" Bulk	.2750
	20	" Drums	.2745
		" Bulk	.2745
	30	" Drums	.2735
		" Bulk	.2735
	40	" Drums	.2725
		" Bulk	.2725
	50	" Drums	.2720
		" Bulk	.2720
	60	" Drums	.2710
		" Bulk	.2710

THOR-PENN MOTOR OIL
1% Cash 10 Days

Wm. C. Robinson & Son Co.

5,000 Gals. Motor Oil

SAE	10	In Drums	.31
		" Bulk	.28
	20	In Drums	.31
		" Bulk	.28
	30	" Drums	.31
		" Bulk	.28
	40	" Drums	.31
		" Bulk	.28
	50	" Drums	.31
		" Bulk	.28

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Robinson bid continued- Motor Oils

60	In Drums	© .31
	" Bulk	.28

ROBINSON #66 PENN MOTOR OIL
1% Cash 10 Days

The Atlantic Refining Company

5000 Gals. Motor Oil

SAE 10	In Drums	.40
	" Bulk	.35
20	" Drums	.40
	" Bulk	.35
30	" Drums	.40
	" Bulk	.35
40	" Drums	.40
	" Bulk	.35
50	" Drums	.40
	" Bulk	.35
60	" Drums	.40
	" Bulk	.35

ATLANTIC MOTOR OIL
1% Cash 10 Days

American Oil Company

5000 Gals Motor Oil

SAE 10	In Drums	.46
	" Bulk	.43
20	" Drums	.46
	" Bulk	.43
30	" Drums	.46
	" Bulk	.43
40	" Drums	.46
	" Bulk	.43
50	" Drums	.46
	" Bulk	.43
60	" Drums	.46
	" Bulk	.43

PENN-AMOCA MOTOR OIL
1% Cash 10 days.

The City Manager reported that the low bid of Standard Oil Company of N. J. on STANFLEET MOTOR OIL was not in accordance with the specifications, and the next bid in line The Texas Company on Tex-T Oil did not meet specifications. He, therefore, recommended contract for oil be awarded to the Standard Oil Company of N. J. on their THOR-PENN MOTOR OIL, on a unit price basis, as this was the lowest bid received in accordance with specifications.

On motion of Councilman Wilkinson, seconded by Councilman Hudson, the Mayor and Clerk were authorized to sign contract with the Standard Oil Company of N. J., for their THOR*PENN MOTOR OIL, on a unit price basis.

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SEWER EXTENSION - WEST TRADE STREET.

On motion of Councilman Sides, seconded by Councilman Wilkinson and carried, the Mayor and Clerk were authorized to sign an agreement with the applicant for extension of a sewer on West Trade Street, from Beatties Ford Road, West 380 feet, estimated to cost \$490.00, to serve one warehouse building; the applicant having posted a certified check for \$290.00, which by this agreement is to be returned to him when two additional connections are made to the sewer.

SEWER EXTENSION - BAY STREET.

On motion of Councilman Hovis, seconded by Councilman Hudson, the request for extension of a sanitary sewer in Bay Street, from St. Julian Street to Clarice Avenue, a distance of 540 feet, to serve three houses and estimated to cost \$400.40, was approved.

SEWER EXTENSION - WEST 24TH STREET.

On motion of Councilman Little, seconded by Councilman Nance, authority was given for the extension of a sanitary sewer in West 24th Street from Hutchison Avenue east 279 feet, towards Bancroft Street, to serve one warehouse building, at an estimated cost of \$198.33.

SEWER EXTENSION - HALL AVENUE.

Councilman Baxter moved that the request for extension of an 8" sanitary sewer in Hall Avenue, from Nandina Street, 186 feet west towards Nassau Boulevard, to serve one house and estimated to cost \$194.26, be granted, which motion was seconded by Councilman Huntley and carried.

SEWER EXTENSION - BETHEL ROAD.

On motion of Councilman Hovis, seconded by Councilman Wilkinson, authority was given for the extension of a sanitary sewer in Bethel Road, from Barringer Drive, a distance of 800 feet, to serve four houses, at an estimated cost of \$705.65.

SEWER EXTENSION - CARTIER WAY AND SKYLAND ROAD.

On motion of Councilman Huntley, seconded by Councilman Wilkinson, request was granted for the extension of an 8" sanitary sewer in Cartier Way from Bethel Road to Skyland Road, and in Skyland Road from Cartier Way to the top of Hill, a distance of 1020 feet, which will serve five houses. The estimated cost of this extension is \$965.80.

NOTICE OF SUIT OF MRS. ULA HARRIS VS. CITY OF CHARLOTTE.

The City Manager reported notice of suit of Mrs. Ula Harris vs. the City of Charlotte, for alleged injuries sustained from falling into a storm hole in Tuckaseegee Road, on December 10, 1938, received and referred to the City Attorney. Amount of suit \$10,000.00 and plaintiff represented by Mr. Jake Newell.

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SEWER EXTENSION - BETHEL ROAD.

On motion of Councilman Hovis, seconded by Councilman Wilkinson, authority was given for the extension of a sanitary sewer in Bethel Road, from Barringer Drive, a distance of 300 feet, to serve four houses, at an estimated cost of \$705.65.

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REQUEST OF MORGAN RECREATIONAL COUNCIL FOR ARMORY HELD OVER.

On motion of Councilman Hovis, seconded by Councilman Hudson, the request of the Morgan Recreational Council for an Armory engagement without charge, was held over for one week.

USE OF ARMORY FOR BENEFIT WRESTLING MATCH, OBSERVER FRESH AIR CAMP.

Mr. Victor Shaw appeared before the Council and requested free use of the Armory-Auditorium on July 17th. for a wrestling match to be held for the benefit of the Fresh Air Camp, and on motion of Councilman Ward, seconded by Councilman Huntley, this request was granted.

JUDGE SIMS ON POLICE SITUATION.

Mayor Douglas stated that the Council had asked Judge Sims to appear before this body on this date with specific charges against certain police officers, as contained in his report filed with the Council some time previous, and that the Council was now ready to hear Judge Sims.

Before proceeding, Councilman Baxter read the motion as made by him at the last meeting and amended at that time by Councilman Ward, and stated that he made that motion feeling that two paragraphs in Judge Sims' report needed explaining in detail since they had cast a reflection against the Police Department, but that he did not want to go into a lengthy discussion of the entire report but only that portion which stated that police officers were giving false testimony on the stand and making dates with prostitutes.

Councilman Hovis advised that while the Commissioner of Police, Mr. Keely Grice, was to have presented his report and recommendations at this meeting, that due to the fact that Judge Sims' report would be quite lengthy, Mr. Grice had been asked to defer presenting his report until a later date.

Judge Sims began by stating that he had been invited to appear here by written invitation from the Council and that while he had been asked to confine himself to discussion of about three lines of two-paragraphs of a 58-page report, which he did not feel he could do, he would endeavor to be as brief as possible.

He explained that he had made his report, not at the suggestion of any group or person but because he felt that it might be helpful in bringing about needed reforms in the conduct of the Police Department, and that he alone was responsible for the report. He added that he felt that his appearance at this time was most unfortunate.

After speaking for more than two hours, during which time he discussed different sections of his report, producing certain affidavits in connection with same, and named two police officers whom he stated were not worthy of belief on the witness stand, and others who had not conducted themselves properly in office, he concluded by presenting to the Council a letter signed by him, which reads as follows:

"Gentlemen:

Since the inauguration of the present Council, you have not seen fit to re-elect the present Chief of Police or a new Chief of Police. Unless your body elects a new Chief or Acting Chief of Police immediately it is my intention to file charges against E. D. Pittman, the present Chief of Police, charging that he is totally

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inefficient and wholly incompetent."

At the conclusion of Judge Sim's remarks, Mr. Frank Kennedy, attorney for Chief Pittman, took the floor and asked permission to question Judge Sims concerning his remarks, but Judge Sims stated that he was not on trial and refused to be put on trial but that he would be willing to answer any proper questions as Mr. Kennedy brought them up. Mr. Kennedy then proceeded to address the Council, pointing out improvements which have been made under Chief Pittman's leadership and also that no charges had ever been made against Chief Pittman.

Chief Pittman then took the floor himself and spoke in defense of Judge Sims accusations for forty-five minutes, stating that he had lived in Charlotte all of his life and had been in police work for more than twenty-five years and that while he was not asking for re-appointment, he resented Judge Sims attack upon him.

At the end of Chief Pittman's talk, the Mayor declared a recess for ten minutes, at 7 o'clock P. M.

At 7:20 P. M. the meeting reconvened and Councilman Baxter moved that the information heard at this meeting be referred to the Commissioner of Police for his recommendation to the Council, but this motion did not receive a second, and the following motion was then made by Councilman Hovis, seconded by Councilman Britt:

"I move that we ask the Commissioner of Police for his recommendation as to an Acting Chief of Police or a Chief of Police until we can decide whom we want as a permanent Chief."

A discussion then arose as to the present Chief of Police, Mr. E. D. Pittman not having been let out and therefore the motion to appoint an Acting Chief was out of order. After which Councilman Hudson offered the following substitute motion, which was seconded by Councilman Nance:

"That the City Council declare the position of Chief of Police vacant at this time"

but after further discussion withdrew the motion.

Councilman Sides, seconded by Councilman Barter then made a substitute motion that the matter of appointment of a Chief of Police, Assistant Chief or Acting Chief, be referred to the Police Commissioner for his recommendation at his earliest convenience. The following vote on this substitute motion was had, and the Mayor declared the motion lost:

AYE: Councilmen Sides, Baxter, Huntley and Wilkinson

NAY: Councilmen Nance, Britt, Hovis, Little, Hudson and Ward

Councilman Hovis, seconded by Councilman Britt, moved that we ask the Commissioner of Police to recommend, if he ~~has~~ is ready, someone as Chief of Police or his further recommendations in this matter. The following vote was recorded:

AYE: Councilmen Ward, Nance, Little, Hudson, Hovis and Britt.

NAY: Councilmen Huntley, Sides, Wilkinson and Baxter.

Commissioner Grice, who was present, stated that before he would give such a recommendation he would like for the Council to dispose of the situation, one way or another, with regard to the present Chief; that if the Council dismissed him he would give them his recommendation within a very few minutes, if not, he would want more time.

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Councilman Nance then moved that the position of Chief of Police be declared vacant, which motion was seconded by Councilman Hudson, and carried, with the following vote recorded:

AYE: Councilmen Nance, Ward, Little, Hovis, Hudson and Britt.

NAY: Councilmen Sides, Baxter, Huntley and Wilkinson.

Commissioner Grice then stated that in view of the emergency situation he would make his recommendation but stated that while he had been thinking of this for the past twenty-four hours, should such an emergency arise, he would like to ask the officer whom he had in mind a few more questions before placing his name before the Council and asked that a member of the Council representing the group who favored the creation of the office of Commissioner of Police, a member from the group who opposed the office, and a representative from each of the two newspapers to accompany him to the Police Station and interview this officer, who was then on duty and could not leave.

The Mayor appointed Councilman Hudson, Councilman Baxter and Mr. Young and Mr. Griffith of the Charlotte News and Charlotte Observer, who left the room with Commissioner Grice, during which time the Council recessed, and upon the return to the Council Chamber of this group of men, Commissioner Grice stated that he would recommend as Acting Chief of Police of the City of Charlotte ~~officer~~ Sargeant E. J. Nolan.

Councilman Hudson then moved that Sargeant Nolan be named as Acting Chief of Police, which was seconded by Councilman Nance.

When a discussion was called for a lengthy debate took place regarding the creation of the office of Commissioner of Police and a private meeting of certain members of the City Council, held on the evening before.

At the conclusion of this discussion, Councilman Baxter offered a substitute motion to nominate E. D. Pittman as Acting Chief of Police, which motion was seconded by Councilman Huntley. The vote on this motion was as follows:

AYE: Baxter, Huntley, Wilkinson and Sides.

NAY: Nance, Ward, Little, Hovis, Hudson and Britt.

The Mayor declared the motion lost.

The following vote was then taken on the original motion to appoint Sargeant Nolan as Acting Chief:

AYE: Ward, Nance, Little, Hovis, Hudson and Britt.

NAY: Sides, Baxter, Huntley and Wilkinson.

The Mayor declared this motion carried.

Councilman Wilkinson then moved that in order to save the tax payers money, and now that the recommendation of the Commissioner of Police had been filled, that the office of Commissioner of Police be declared abolished, which was seconded by Councilman Baxter, and failed when put to a vote.

Councilman Wilkinson, seconded by Councilman Sides, then made a motion that this Council have the three men mentioned by Judge Sims summoned before the Civil Service Commission and their case be tried; that if found guilty they ^{should} be put off the force and if not guilty, that they be given a clean bill of health. This motion carried.

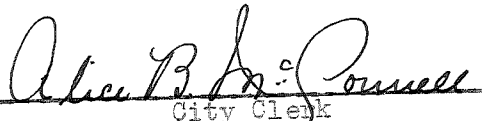
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STATUS OF E. D. PITTMAN.

The Mayor stated that inasmuch as E. D. Pittman had been removed as Chief of Police he would like to ask that he not be demoted lower than the rank of Lieutenant or Captain, and this brought up further discussion. City Attorney Scarborough was asked to give a ruling on this and he stated that he would not want to do so until he had studied the records. It was then decided that the City Attorney should give the Civil Service Commission a ruling on the matter and to where Mr. Pittman should be placed in the Department.

ADJOURNMENT.

On motion of Councilman Nance, seconded by Councilman Baxter, the meeting adjourned at 8:45 P. M.


City Clerk