

July 5, 1939  
Page 446.

The City Council held its regular weekly meeting at 4:00 o'clock P. M., in the Council Chamber City Hall, Wednesday, July 5, 1939, with Mayor Pro Tem Hovis presiding in the absence of Mayor Douglas, and Councilmen Baxter, Britt, Huntley, Little, Nance, Sides, Ward and Wilkinson being present.

Absent: Councilmen Albea and Hudson.

APPROVAL OF MINUTES.

The minutes of the June 28th. meeting were read, and on motion of Councilman Huntley, seconded by Councilman Little, were unanimously approved without correction.

GARDEN CLUB GRANTED FREE USE OF ARMORY-AUDITORIUM FOR FLOWER SHOW MAY 1940.

On motion of Councilman Ward, seconded by Councilman Little and carried, the Charlotte Garden Club was granted free use of the Armory-Auditorium for the first week in May 1940, for the annual Flower Show; Mr. K. W. Selden, President of the Charlotte Garden Club having appeared before the Council with this request.

SEWER EXTENSION - CHAMWOOD DRIVE.

On motion of Councilman Sides, seconded by Councilman Huntley, authority was given for the extension of the sanitary sewer in Chambwood Drive from the end of the present sewer, south 300 feet towards Belvedere Avenue, which will serve two houses; the estimated cost of doing this work being \$319.00.

SEWER EXTENSION - POINDEXTER DRIVE.

On motion of Councilman Huntley, seconded by Councilman Little, the request for extension of the sanitary sewer in Poindexter Drive, from Avondale Avenue 165 feet west, to serve one house, was granted. The cost of doing this work was estimated by the Engineering Department at \$152.90.

NOTICE OF SUIT OF MRS. MARIE HALL VS. CITY OF CHARLOTTE.

Mr. Marshall reported receipt of notice of suit of Mrs. Marie Hall against the City of Charlotte for alleged injuries sustained when the earth caved in over a drain pipe at 908 North Poplar Street. The suit is in the amount of \$5000.00 and the plaintiff's attorney is Robinson & Jones.

CONTRACT ON PENETRATION ASPHALT AWARDED TO W. F. POLLARD, GREENSBORO, N.C.

The following bids having been received on 9,500 gallons of AE-1 Penetration Asphalt:

W. F. Pollard	\$593.98
Emulsified Asphalt Refg Co.	673.11
Shell Oil Company	679.63
American Bitumuls Company	698.25

July 5, 1939  
Page 447

On motion of Councilman Huntley, duly seconded by Councilman Sides and carried, contract was awarded to the low bidder, W. F. Pollard, Greensboro, N. C., at the price of \$593.98, and the Mayor and Clerk were authorized to sign the contract.

PURCHASE OF TWO CARS 8" TERRA COTTA PIPE.

On motion of Councilman Wilkinson, seconded by Councilman Little, contract for two cars of 8" Terra Cotta Pipe, for use in various sewer projects, was awarded as follows:

1 Car to Tucker-Kirby Company at \$340.99  
1 " " T. J. Wiggins Lumber Company \$340.99

This in line with the City's policy of alternating business where price and quality are the same. All bids received from eight concerns being the same; \$681.98 for the two cars.

CLERK EMPLOYED FOR RECORD BUREAU OF POLICE DEPARTMENT.

The City Manager reported that he had employed Mr. George A. Stone as Clerk in the Record Bureau of the Police Department.

APPROVAL OF INVOICE FOR ATTORNEY FEE TO B. M. BOYD, SUIT OF MRS. T. T. LUCAS VS. CITY OF CHARLOTTE.

On motion of Councilman Sides, seconded by Councilman Ward, and carried, an invoice in the amount of \$100.00, was approved for payment to Mr. B. M. Boyd, as attorney's fees for trial of the case of Mrs. T. T. Lucas vs. the City of Charlotte; it being necessary to have Mr. Boyd assist Mr. J. M. Scarborough in this case due to his knowledge of same as former City Attorney.

PETITION FOR POLICE PROTECTION ON McDOWELL STREET REFERRED TO CITY MANAGER.

Mayor Pro Tem Hovis turned over to the City Manager for handling a petition signed by approximately twenty-five residents of the vicinity of Seventh and McDowell Streets, in which they asked for police officers to be assigned to duty in that section day and night.

CEMETERY DEEDS.

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

W. L. Thomas, Jr., S. E. Part Lot 23-B, "D Annex" Elmwood.	\$ 41.10
C. D. Tomberlin, Lot 14, Sec. "E", West Pinewood,	20.00
Duplicate deed to M. H. Hildreth for S. Half Lot 49 "R" (old deed being so badly torn as to be useless)	1.00
Transfer of deed from A. W. Burch Estate to Buford Hargett	1.00

July 5, 1939  
Page 449.

POLICE SITUATION DISCUSSED.

Councilman Baxter stated that in view of the unfavorable criticism against the Police Department, brought about by reason of Judge Sim's report, he felt that the Council should ask Judge Sims to appear before the Council and make his charges more specific. When asked by the presiding Mayor Pro Tem whether he wished to put that as a motion, Councilman Baxter then made the following motion: That we ask Judge Sims to appear before the City Council and make his charges more specific about officers giving false testimony on the stand and making dates with prostitutes, which motion was seconded by Councilman Wilkinson.

Councilman Sides, when a discussion was called for, stated that he thought that a hearing should be held on the matter in order to get the facts before this body; that he felt that a show-down was the only thing to be done; that there were a number of other things that he would like to see brought up and that while he had had no opportunity to check the records in the Police Department to see if certain accusations were true, that if certain things brought to his attention are true they should be aired out and that he would support the above motion.

Councilman Ward offered as an amendment to Councilman Baxter's motion, which was acceptable to Councilman Baxter and the second, that Judge Sims be asked to appear before the Council on next Wednesday in private session. Motion seconded by Councilman Wilkinson. However, Councilman Baxter stated that if agreeable to Councilman Ward he would like to have the meeting public instead of private, to which Councilman Ward readily agreed.

Mr. Hovis pointed out that neither the City Council nor the Civil Service Commission have any right to subpoena Judge Sims to appear before them, but Mr. Ward stated that his motion said "ask him to appear", which he felt that Judge Sims would be glad to do.

Councilman Nance stated that he felt that the Council should withhold such a meeting until it can get the Police Commissioner's report. Mr. Hovis stated that he had information that Mr. Grice, the Police Commissioner, would appear before the Council at its next meeting with report and recommendations. Councilman Baxter stated that what he was endeavoring to do was to get Judge Sims to make certain accusations against specific members of the Department. Mr. Hovis stated that he thought the best thing to do would be for the Council, if it saw fit, to request Judge Sims to report the names of those men whom he has accused to the Chief of Police and let the Chief prefer charges before the Civil Service Commission.

Councilman Britt asked what interference this would have with the Commissioner of Police; that he was afraid it would tend to muddle up things.

Councilman Baxter stated that his only reason in asking Judge Sims to appear over here was that his report was made to the Council.

Councilman Nance was of the opinion that the Chief of Police should ask the cooperation of the Judge in finding out the guilty men, if any, and straighten it out without the Council having anything to do with it. Councilman Ward stated that inasmuch as the report was made to each and every member of the Council and to the Mayor, they were entitled to know what it was all about. Councilman Nance felt that the Council was entitled to know but that it should be gotten through the Chief of Police.

Councilman Nance then offered as a substitute motion that they first obtain the report from the Police Commissioner, which was seconded by Councilman Britt, but when a vote was taken on the substitute motion it failed to carry, and a vote was called for on the original motion of Councilman Baxter, as amended by Councilman Ward, with the following result:

July 5, 1939  
Page 449.

AYE: Councilmen Baxter, Huntley, Little, Sides, Ward and Wilkinson.

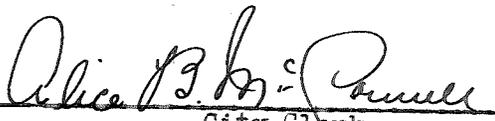
NAY: Councilmen Nance and Britt.

The Mayor Pro Tem declared the motion carried.

The City Manager stated that in connection with this same report, Judge Sims had made certain statements as to the disposition of seized liquor; that he had told Mr. Marshall to hold certain liquor that had been seized because at a later date the Legislature would probably make it legal to sell it to hospitals and other places, but at that time it was not legal and he had continued to destroy it up until such time as the Legislature changed the law. He stated that since that time the liquor has been held and is now subject to disposition of the Council. He stated that it was his opinion that the proceeds should go to the School Board. Mr. Scarborough stated that he had not checked on that particular point of the statutes and wouldn't want to say until he had read it. Mr. Marshall suggested that the Council bear this in mind and Mayor Pro Tem Hovis asked the City Attorney to give a written opinion on the disposition of this liquor before the next meeting.

ADJOURNMENT.

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

  
City Clerk