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The City Council met in regular session in the Council Chamber, City Hall, at 4:00 o'clock P. M., Wednesday, May 14, 1941, with Mayor Currie presiding, and Councilmen Albea, Beasley, Baker, Daughtry, Hovis, Little, Painter, Price, Ross, Slye and Ward being present.

Absent: None.

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MINUTES APPROVED.

On motion of Councilman Little, seconded by Councilman Albea, the minutes of the meeting of May 7th. were approved as read.

MERCHANTS ASSOCIATION PRESENTED STRAW HAT TO MAYOR CURRIE.

Mr. Al Bechtold, of the Charlotte Merchants Association, presented a straw hat to the new Mayor, Mr. E. McA. Currie, at this time, in commemoration of Straw Hat Week.

MEMBERS OF ADVISORY COMMITTEE ON RECREATION FOR DEFENSE, REQUESTED ASSISTANCE FROM CITY ON RENTAL OF CLUBHOUSE FOR RECREATION.

Former Mayor Ben E. Douglas and Mr. L. W. Driscoll, members of the Advisory Committee on Recreation for Defense, requested the Council to provide one-half the yearly rental of \$1,800.00, on a building to be used as a club house and recreation center for the soldiers of the Charlotte Air Base, stating that they were planning to appear before the Board of County Commissioners at their next meeting and make a similar request, in order to secure the \$1,800.00. They plan to secure the old O'Donoghue School building on Stonewall and South Tryon Streets, and that it will require about \$1000.00 to put the building in condition, which Mr. Driscoll has assumed the responsibility of raising.

After discussion, Councilman Ward made a motion that this request be granted after investigation by the City Attorney and if found to be legal. Motion seconded by Councilman Little.

Councilman Ross stated that he would have no objection to the request if found to be legal but that he would prefer to obtain this opinion before voting. Mr. Douglas suggested that a committee be appointed to meet with Mr. Driscoll and himself and report back, but the Mayor suggested that the opinion of the City Attorney be secured and a meeting of the Council be called before the meeting of the Board of County Commissioners on Monday.

Councilman Beasley made a substitute motion that the matter be referred to the City Attorney for a ruling, and if favorable, that a called meeting of the Council be held, which was seconded by Councilman Baker. A vote on the substitute motion was called for and carried, whereupon, the Mayor instructed the City Manager to have proper notices sent out for this called meeting at the proper time.

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ST. MICHAELS EPISCOPAL CHURCH GRANTED USE OF ARMORY-AUDITORIUM AT COST.

On motion of Councilman Price, seconded by Councilman Beasley, and carried, St. Michaels Episcopal Church (colored), was granted use of the Armory-Auditorium on this date (May 14th.) for a concert to raise funds with which to carry on the work of the Church, at the reduced rate of \$25.00 per night for the summer months.

COLORED Y.M.C.A. GRANTED USE OF ARMORY-AUDITORIUM WITHOUT CHARGE.

On motion of Councilman Hovis, seconded by Councilman Albea and carried, the Colored Y.M.C.A. was granted free use of the Armory-Auditorium on June 1st., for a joint Vesper Service with Johnston C. Smith University; no charge to be made for this service to the public.

STREET MAINTENANCE - BARRY STREET.

On motion of Councilman Little, seconded by Councilman Albea, Barry Street, from Grace Street north approximately 250 feet, was taken over for city maintenance.

PURCHASE OF AGITATORS FOR FILTER PLANT.

The City Manager reported that in September 1940 four agitators were purchased and placed in one of the filter beds at the Water Filter Plant, in order to test whether or not they would prove satisfactory, and that the results obtained were very satisfactory and four more were now desired. He stated that these agitators are a patented article and can only be purchased from the Activated Alum Corporation of Baltimore, at a delivered price of \$143.50 per unit, or a net price of \$574.00 for the four. It was his recommendation that these four agitators be purchased.

On motion of Councilman Albea, seconded by Councilman Baker, the Mayor and Clerk were authorized to execute a contract with the Activated Alum Corporation of Baltimore, for these four agitators, at the net delivered price of \$574.00.

REFUND OF MONEY COLLECTED FROM SOUTHERN COTTON OIL COMPANY FOR PRIVATE FIRE PROTECTION.

On motion of Councilman Albea, seconded by Councilman Ross and carried, a refund of \$852.00 was ordered made to the Southern Cotton Oil Company to correct an error made in a charge for private fire protection; the City Council having reduced by 50% the cost of private fire protection, effective August 1, 1934, and the Water Department overlooking the reduction in the account of the Southern Cotton Oil Company.

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NOTICE OF SUIT OF MRS. WYNONA BACKSTRUM VS. CITY OF CHARLOTTE.

Notice of suit, through Attorney Elbert E. Foster, was made by Mrs. Wynona Backstrum, for alleged injuries suffered by the plaintiff, who claims to have stepped into an open water meter box in front of a vacant lot on Buchanan Street, December 20, 1940, and this notice was referred to the City Attorney for handling.

TRAFFIC SIGNAL CONTROL TO BE PLACED AT EAST FOURTH AND EAST TRADE STREETS.

Mr. Armstrong reported that at the last meeting of the City Council the request of McCray Cleaners for a traffic signal at the intersection of East Trade and East Fourth Streets, was referred to the Safety Inspector for investigation and report, and that the Inspector's report shows that an average of 714 cars per hour use this intersection and he recommends the installation of a traffic signal control at this location. Cost of installation is \$325.00.

On motion of Councilman Little, seconded by Councilman Ross and carried, this installation was ordered made and the amount of \$325.00 for same was appropriated from the Emergency Fund.

REPORT OF SMOKE ABATEMENT ENGINEER FOR MONTH OF APRIL.

A copy of the report of Mr. E. F. Monroe, Smoke Abatement Engineer, for the month of April, was furnished each member of the Council.

MAY 20TH HOLIDAY FOR CITY EMPLOYEES.

On motion of Councilman Albea, seconded by Councilman Hovis, all City employees who can conveniently be away from their duties, were granted a holiday on May 20th., in commemoration of the signing of the Mecklenburg Declaration of Independence.

MR. CLAUDE L. ALBEA ELECTED TO OFFICE OF MAYOR PRO TEM.

At this time the Mayor stated that nominations for Mayor Pro Tem were in order, and Councilman Beasley nominated Councilman Claude L. Albea, the Councilman receiving the highest number of votes in the Councilmanic election. This was seconded by Councilman Baker. Councilman Price then moved that the nominations be closed, and on being put to a vote Councilman Albea was unanimously elected as Mayor Pro Tem for the ensuing two years.

Councilman Albea very briefly thanked the Council for this honor.

RESIGNATION OF MR. JOHN F. BOYD FROM AIRPORT COMMISSION ACCEPTED.

The Mayor presented a letter of resignation from Mr. John F. Boyd from the City's Airport Commission, and on motion of Councilman Daughtry, seconded by Councilman Price, this resignation was accepted with regrets and the thanks of the Council.

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The term of Mr. Chas. E. Lambeth as a member of this Commission expired this month, but no action was taken at this meeting toward electing Messrs Boyd and Lambeths' successors.

RESIGNATION OF J. M. SCARBOROUGH AS CITY ATTORNEY ACCEPTED.

On motion of Councilman Daughtry, seconded by Councilman Slye, the resignation of Mr. J. M. Scarborough as City Attorney for the City of Charlotte, was accepted with regrets.

APPOINTMENT OF CITY ATTORNEY.

The Mayor called for nominations to appoint a City Attorney, and Councilman Ross, seconded by Councilman Price, nominated Mr. Charles W. Tillett for this office.

Councilman Hovis, seconded by Councilman Ward, nominated Mr. J. M. Scarborough, and presented figures taken from the records, to show the cost of legal services to the City covering a period from 1931 up to the present time, and stated that Mr. Scarborough had saved the City much money during the years he has served the City as Attorney, and that he has not lost a single case in court during his term of office.

The Mayor called upon the Clerk to poll a vote on these nominations, with the following result:

|                  |            |                 |
|------------------|------------|-----------------|
| Councilman Hovis | voting for | Mr. Scarborough |
| " Daughtry       |            | Mr. Tillett     |
| " Price          |            | Mr. Tillett     |
| " Ward           |            | Mr. Scarborough |
| " Painter        |            | Mr. Tillett     |
| " Ross           |            | Mr. Tillett     |
| " Little         |            | Mr. Scarborough |
| " Albea          |            | Mr. Scarborough |
| " Baker          |            | Mr. Tillett     |
| " Slye           |            | Mr. Tillett     |
| " Beasley        |            | Mr. Tillett     |

The Clerk announced that Mr. Tillett had received seven votes and Mr. Scarborough four.

Councilman Hovis then moved that Mr. C. W. Tillett, Jr. be unanimously appointed City Attorney. Motion seconded by Councilman Albea and carried unanimously; whereupon, the Mayor declared Mr. Tillett elected.

SALARY OF CITY ATTORNEY FIXED AT \$6000.00 PER YEAR.

On motion of Councilman Daughtry, seconded by Councilman Slye, the salary of the City Attorney was fixed at \$6,000.00 per year, payable as provided by City Charter.

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QUESTION OF TWO WEEKS VACATION WITH PAY FOR OUTGOING CITY ATTORNEY DISCUSSED AND HELD OVER.

Councilman Ward made a motion that Mr. J. M. Scarborough, who is leaving the employ of the City of Charlotte as of May 14th., be granted two weeks vacation with pay inasmuch as approximately five months of the year have passed and it has been the custom to do this in the past. Motion seconded by Councilman Little.

Councilman Ross opposed this motion until an opinion from the City Attorney as to the legality of same could be had, stating that the Council should give serious consideration to this before setting a precedent, and he made a substitute motion that the matter be deferred until the next meeting, which was seconded by Councilman Painter, and carried, with Councilmen Hovis and Ward voting "No".

VARIOUS APPOINTIVE OFFICES TO REMAIN STATUS QUO.

Inasmuch as the motion made at the meeting of May 7th., read that all appointive offices of the City of Charlotte remain status quo until the next meeting, Councilman Ross moved that all such offices remain status quo until something is done. Motion seconded by Councilman Albea and carried.

CEMETERY DEEDS.

On motion of Councilman Little, seconded by Councilman Albea, the following Cemetery Deeds and Perpetual Care Agreement were approved for transfer:

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| H. R. and Zella B. Torbert, North Half Lot No. 11, Section BB, Elmwood,                        | \$63.00. |
| J. M. Pague South Half " "44, " BB "   | 49.00    |
| Ralph O. & Delphia Hood, South Half Lot No. 59, " "X" "  | 59.15    |
| Perpetual care on same   | 50.85    |
| R. M. Ritch, Lot No. 18, Section "Z"   | 35.00    |
| Mrs. U. T. Bowden, North Half No. 36, "W"  | 1.00     |
| South Half of this lot having been transferred by Mrs. Bowden to P. A. Bowden, April 14, 1941. |          |

ADJOURNMENT.

On motion of Councilman Albea, the meeting adjourned.

*Alice B. McConnell*  
City Clerk