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Regular meeting of the City Council, held in the Council Chamber, City Hall, at 4:00 o'clock P. M., Wednesday, May 8, 1940, with Mayor Douglas presiding, and Councilmen Baxter, Britt, Hovis, Hudson, Huntley, Little, Nance, Ward and Wilkinson being present.

Absent: Councilmen Albea and Sides.

On motion of Councilman Wilkinson, seconded by Councilman Hovis, the reading of the minutes of the previous meeting was dispensed with.

SUNDAY MOVIES.

Mr. Chas. W. Tillett, Charlotte attorney, headed a delegation of prominent citizens, asking for the amendment of the present Sunday ordinance to permit Sunday movies.

Mr. Tillett presented certain members of this delegation in order to give facts, figures and information on the question. Miss Carrie McLean, attorney, presented the young working girls need for recreation on Sunday, pointing out that a great many girls live in only one room and have no place to go other than that room on Sunday.

Mr. Ed Dowd, editor of The Charlotte News, pointed out the restlessness of the present generation of young people and their need of wholesome recreation in order to keep them from beer parlors and off the highways. He particularly stressed the need for amending the present ordinance to permit Sunday movies from the present day youths' standpoint.

Mr. Tillett presented a letter from the Manager of the Hotel Charlotte, who was unable to be present, in which he stated that the traveling public complained of having no place to go when forced to spend the week-end in Charlotte, and that often guests checked out for other places rather than spend a week end in Charlotte. He felt that it would bring in additional revenue by providing this form of recreation for the traveling man.

Mr. Roy Smart, District Manager of Kinsey Theatres, was questioned by Mr. Tillett regarding the manner in which Sunday movies would be handled if permitted. Mr. Smart stated that no employee of the local theatres would be required to work more than six days a week and that additional persons would be employed; also that persons who objected to working on Sunday would not be required to do so, and that this objection would not be held against them. He also stated that between thirty-five and forty North Carolina cities and towns now operate the motion picture theatres on Sunday, and that to his knowledge, not one place has rescinded this policy after having put it into effect. When asked regarding the present "midnight" shows, Mr. Smart stated that these would be done away with except on special occasions, such as New Year's Eve.

Mr. Tillett presented figures on automobile accidents and fatalities in North Carolina, showing that Charlotte heads the list in such mishaps, and that statistics show that the peak of accidents occur on Saturdays and Sundays, and between the hours of 3 and 5 and 7 and 9 P.M. He also stressed the moral angle improvement by providing the young people with something to do in the vacuum from church services in the morning until the evening services, and pointed out that the operation of movies would in no way interfere with church services.

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Councilman Baxter stated that he had intended presenting an ordinance to amend the present Sunday ordinance, but that after hearing the safety and moral angles presented this afternoon, he felt that the responsibility for the safety and morals of the citizens of Charlotte rests on the decision of the Council and that it was a question that the Council should weigh very carefully, therefore, he would wait one week before presenting the ordinance in order to give the Council time to study the facts presented.

JUNIOR CHAMBER OF COMMERCE GRANTED FREE USE OF ARMORY FOR CORONATION BALL, ALSO LICENSE FOR SALE OF NOVELTIES DURING THE 20TH OF MAY CELEBRATION.

Mr. David Henderson, President of the Junior Chamber of Commerce, requested permit for a parade on May 20th., and also for permission to decorate the streets for the 20th of May Festival, which will last for three days. Mr. Henderson was advised that he would receive permit for the holding of the parade from the Police Department.

He also asked for use of the Armory-Auditorium on the night of May 21st. for the coronation ball, and for license and exclusive franchise for the sale of novelties on the streets during the Festival.

On motion of Councilman Baxter, seconded by Councilman Hovis, they would granted free use of the Armory on the night specified, and also free license for the sale of novelties.

CHARLOTTE NEGRO TRADE ASSOCIATION GRANTED USE OF ARMORY MAY 26th.

The Charlotte Negro Trade Association was granted free use of the Armory-Auditorium on May 26th. for a program to be put on by the colored schools of Charlotte, in order to raise money to assist the Welfare Department in providing medical care for the negro school children of Charlotte. This was granted on motion of Councilman Wilkinson, seconded by Councilman Britt.

COMPLAIN AGAINST ENGINEERING DEPARTMENT FOR FAILURE TO OIL STREET.

A Mr. Franklin, residing on High Street, appeared with a complaint against the Engineering Department for apparent discrimination against residents on one block of High Street, in which he resides, stating that petition had been filed for the oiling of this street but that for some reason one end of the block was oiled and the end on which he lives was not until this morning, after complaint had been made. He stated that he was a tax payer and while he was registering this complaint it was in the nature of a constructive criticism rather than a complaint. No action was taken inasmuch as he stated that the street had just been oiled this morning.

SEVEN HUNDRED AND FIFTY DOLLARS ALLOTTED FROM EMERGENCY FUND TO MAKE IMPROVEMENTS AT THE ARMORY FOR NATIONAL GUARD UNITS.

Mayor Douglas reported on behalf of the special committee appointed to go into the matter of the request of the National Guard Units for certain facilities at the Armory-Auditorium in order to enable them to remain in Charlotte. He advised that the committee recommended the putting in of three showers on the main floor for wrestlers, so that they would not use those in the basement; that the two units of the National Guards be allowed use of the main auditorium one night a week each, namely Wednesday and Thursday nights, which, of course, would be waived to take care of the reservations already booked.

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They also recommended that the National Guards be allowed the entire use of the basement, reinforcing the doors with steel and hinges and locks.

Councilman Hudson contended that the Council was permitting free use of the Armory entirely too much and that he would like to see them agree on a policy for handling this and stand by that policy.

Councilman Hovis made a motion that \$750.00 be appropriated from the Emergency Fund to take care of the changes necessary in order to put the Armory in shape for the use of these National Guard companies. Motion seconded by Councilman Wilkinson and unanimously carried.

AMENDMENT TO HOSPITAL ORDINANCE.

The City Manager advised that attorneys for the Public Works Administration have requested certain changes in the ordinance providing for the creation of a Hospital Board, and the following amendment to the ordinance "PROVIDING FOR THE CREATION OF A HOSPITAL BOARD CONSISTING OF NINETEEN MEMBERS, PRESCRIBING THE POWERS, DUTIES AND FUNCTIONS OF SUCH BOARD AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH, was unanimously adopted on three readings, on motion of Councilman Wilkinson and seconded by Councilman Little, and declared by the Mayor to be an ordinance of the City of Charlotte:

AN ORDINANCE

AMENDING AN ORDINANCE ENTITLED: "AN ORDINANCE PROVIDING FOR THE CREATION OF A HOSPITAL BOARD CONSISTING OF NINETEEN MEMBERS, PRESCRIBING THE POWERS, DUTIES AND FUNCTIONS OF SUCH BOARD AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH" ADOPTED APRIL 17TH. 1940.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE IN REGULAR SESSION That an ordinance entitled "AN ORDINANCE PROVIDING FOR THE CREATION OF A HOSPITAL BOARD CONSISTING OF NINETEEN MEMBERS, PRESCRIBING THE POWERS, DUTIES AND FUNCTIONS OF SUCH BOARD AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH", adopted April 17th. 1940, be amended as follows:

(1) That the clause of said ordinance beginning "FURTHER, pursuant to," on page 154 of Minute Book No. 8 of the City Council, be amended by striking out the word "the" at the end of the seventh line of said clause and inserting in lieu thereof the word "such", and by striking out the words "procured and constructed as hereinabove set out," at the end of said clause, and inserting in lieu thereof the words "under the general supervision and direction of the City Council".

(2) By striking out Section 1 of said ordinance and inserting in lieu thereof the following "That there shall be and there hereby is created a board to be known as the 'Charlotte Memorial Hospital Board' (hereinafter designated the 'Board'), which Board shall consist of thirteen members and six ex-officio members, for the purpose of operating the Charlotte Memorial Hospital (hereinafter designated the 'Hospital'). The Mayor of the City of Charlotte, the Chairman of the Board of County Commissioners of Mecklenburg County, two members of the City Council of the City of Charlotte, to be designated by the Mayor of the City of Charlotte, the President of the Mecklenburg County Medical Society, and a member of the Charlotte Junior League, to be appointed by the Mayor of the City of Charlotte for a term of five years, shall be ex-officio members of the Board. In addition, the said thirteen members of the Board shall be appointed by the Mayor of the City of Charlotte. Six of the members of the Board so appointed shall be appointed for a term of 10 years and seven of the members of the Board so appointed shall be

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appointed for a term of 15 years, respectively, and thereafter, upon the expiration of the terms of appointment of each respective member of the Board, their successors shall be appointed by the Mayor for a like number of years from nominations made by the remaining members of the Board, as hereinafter provided, and, in the event of a vacancy in the membership of the Board, by means of resignation or otherwise, the Mayor shall forthwith by appointment from nominations made by the remaining members of the Board as hereinafter provided fill the unexpired term created by such vacancy. In the case of a vacancy by resignation or otherwise or upon the expiration of the term of office of the ex-officio member from the Junior League, the Mayor shall by appointment from nominations made by the remaining members of the Board as hereinafter provided fill the vacancy so created for the unexpired term, or in case of expiration, for a term of five years. On the event of a vacancy or vacancies in the membership of the Board by expiration of term of office or otherwise, the remaining members of the Board shall submit to the Mayor nominations for appointments. The Mayor may successively require any number of additional nominations, and shall have power to appoint any person so nominated. The members of the Board so appointed shall hold office until their successors have been duly appointed and qualified. The ex-officio members of the Board shall be entitled to vote and to otherwise participate in all proceedings of the Board. The members of the Board appointed as herein provided shall serve without compensation."

(3) By striking out the clause "Who by virtue of his office shall act as chairman of such Committee" in sub-paragraph (e) of Section 2 of said ordinance.

(4) By striking out the word "appointed" where it occurs in the third line from the end of Section 3 of said ordinance and inserting in lieu thereof the word "elected".

(5) By inserting after the word "corporations" where it occurs in the eighth line of Section 5 of said ordinance the words "either public or private".

(6) By inserting after the word "corporations" where it occurs in the second line of Section 7 of said ordinance the words "either public or private".

(7) By inserting after the words "if it appears" in the fourteenth line of Section 8 of said ordinance the words "to the City Council".

(8) By inserting after the words "submitted that" in the fifteenth line of Section 8 of said ordinance the words "the acquisition or construction of improvements so recommended is desirable and that".

(9) By inserting after the word "Board" where it first occurs in Section 10 of said ordinance the words "subject at all times to the general supervision and direction of the Council".

NOTICE OF SUIT OF W. F. BAKER VS. CITY OF CHARLOTTE.

Notice of suit of W. F. Baker against the City of Charlotte has been received. This suit is relative to a claim of negligence on the part of the City in the operation of the Sugar Creek Disposal Plant. Amount of suit \$18,000.00, Attorney for plaintiff T. L. Kirkpatrick. This was referred to the City Attorney for handling.

THIS PAGE OVERLOOKED IN
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FIRE FIGHTING APPARATUS CONTRACT FOR CHARLOTTE MEMORIAL HOSPITAL.

The City Manager reported that on March 13, 1940 the Council awarded contracts for certain equipment in connection with the Memorial Hospital Association, and that one of the items awarded was for Fire Fighting Apparatus, on which two bids were received, one from the Textile Mill Supply Company and the other from Walter Kidde Company. The bids were the same, that is, both amounts were \$650.00 but that in the awarding of this contract the amount was erroneously stated as \$420.00.

On motion of Councilman Britt, seconded by Councilman Baxter, the contract for this Fire Fighting Equipment was re-awarded to the Textile Mill Supply Company at the price of \$650.00.

APPLICATIONS APPROVED FOR SPECIAL OFFICERS.

On motion of Councilman Little, seconded by Councilman Baxter, Special Officer permits were authorized for J. W. Hines and C. N. Austin, on the premises of Piedmont Courts Housing Project, East 10th. Street.

The City Manager reported that he had dispensed with the services of Fred Newman in the Street Department.

REPORT FURNISHED OF PRIOR YEARS TAX COLLECTIONS AND ON CURRENT LEVIES.

Mr. Marshall furnished a report as of April 30th. of the prior year tax collections, which showed that whereas it was estimated that \$233,728.38 was collectible within the year, that to date \$242,305.61 has been collected, or there is a surplus collection of \$8,577.22.

The report of May 1st. on current levy shows a collection of 84.28% of the levy. The budget provided for an 85% collection, and in order to reach this only \$12,108.00 must be collected before June 30th. He stated that it was, therefore, apparent that both the prior year and the current year yield would be greater than anticipated.

SOAP BOX DERBY.

On motion of Councilman Hudson, seconded by Councilman Huntley, permission was given for the use of Euclid Avenue on July 24th. for the annual Soap Box Derby, and also the cooperation of the City in stripping off the streets, etc. This was on request of Councilman Ward.

MR. SIDNEY LOWE APPOINTED AS MEMBER OF CIVIL SERVICE COMMISSIONER.

The term of Mr. C. C. Beasley on the Civil Service Commission, expiring on May 11th., Councilman Little nominated Mr. Sidney J. Lowe to fill this vacancy for a three year term. This was seconded by Councilman Hudson.

Councilman Baxter, seconded by Councilman Wilkinson, placed the name of Mr. C. C. Beasley in nomination for re-appointment to this position.

A vote was taken on the first nomination, that of Mr. Lowe, and Mr. Lowe was declared elected, on a six to three vote, Councilmen Baxter, Wilkinson and Huntley voting in the negative.

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REQUEST FOR CHANGE IN STREET NAME OF WEST THIRD STREET DROPPED.

Councilman Ward, as chairman of the committee to investigate the request for change of name of one block of West Third Street to Woodbrook Ave., reported that he had talked with Mr. Worthington, Chairman of the Board of School Commissioners, who is a resident of this street, regarding this request and that Mr. Worthington had advised that he was under the impression that this petition had called for the change to be made all the way from Cedar to Wesley Heights, and that the petition had been withdrawn and if presented in the future would include all the way out to Wesley Heights.

RESIGNATION OF MR. J. B. MARSHALL AS CITY MANAGER.

The Mayor stated that it was with sincere regret that he presented the letter of resignation of Mr. J. B. Marshall, as City Manager, Mr. Marshall having served five years in this capacity, and asked to be relieved of his duties in order to go into private business.

Councilman Wilkinson stated that he reluctantly made a motion that the City Council accept this resignation as of June 15th., the City Manager to actually sever his connection as of June 1st., as requested in his letter of resignation, with a two-weeks vacation granted. Motion seconded by Councilman Baxter and unanimously carried.

MR. JAS. W. ARMSTRONG APPOINTED TO FILL OUT UNEXPIRED TERM OF MR. MARSHALL AS CITY MANAGER.

Councilman Hudson then made a motion that Mr. Jas. W. Armstrong, Tax Collector, be appointed City Manager at the expiration of Mr. Marshall's services, which motion was seconded by Councilman Baxter and unanimously carried.

Regret was expressed by different members of the Council, as well as citizens present at this meeting over the resignation of Mr. Marshall.

CEMETERY DEEDS.

On motion of Councilman Baxter, seconded by Councilman Huntley, the following cemetery deeds were authorized to be executed:

Mrs. George W. Reavis, Lot No. 106, Section "Y", Elmwood	\$35.00
Mr. and Mrs. A. F. Dancy, Lot No. 193, Section "Y" "	35.00

APPOINTMENT OF MR. CHAS. E. LAMBETH AS CHAIRMAN OF AIRPORT COMMISSION.

On motion of Councilman Baxter, seconded by Councilman Little and unanimously carried, Mr. Chas. E. Lambeth was appointed to serve as Chairman of the Municipal Airport Commission.

ADJOURNMENT.

On motion of Councilman Hovis, seconded by Councilman Baxter the meeting adjourned at 6 P.M.

Alice B. H. Powell
City Clerk