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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, September 11, 1940, with Mayor Douglas presiding and Councilmen Albea, Baxter, Britt, Hovis, Hudson, Huntley, Little, Nance, Sides, Ward and Wilkinson present.

Absent: None.

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READING OF MINUTES POSTPONED.

On motion of Councilman Hovis, seconded by Councilman Huntley, the reading of the minutes of three past meetings were dispensed with at this time due to the amount of business to be handled.

INTEREST AND PENALTY ON 1932 TAXES OF T. C. BOWIE WAIVED.

Mr. Hunter Jones, Attorney, for Mr. T. C. Bowie, appeared before the Council at this time with reference to taxes on property of Mr. Bowie on which Mr. Bowie had tendered a check in payment of said taxes, and on which it later developed that the 1932 taxes were not paid, altho the check was marked to cover the 1932 taxes. Mr. Jones asked, in view of a mistake on the part of the Collector of Revenue, that the interest and penalty on these taxes be waived.

On motion of Councilman Baxter, seconded by Councilman Sides and unanimously carried, this request was granted.

GROUP OF PROMINENT CHARLOTTE CITIZENS REQUEST FAIR TRIAL BEFORE CIVIL SERVICE COMMISSION FOR FRANK N. LITTLEJOHN.

Mr. E. A. Hilker, Attorney, acting as spokesman for a large group of well-known Charlotte citizens (which group overflowed the Council Chamber) appeared at this time, asking that the Council appoint a fair and impartial tribunal to hear the charges which have been preferred against Frank N. Littlejohn, Captain of Detectives, who was suspended by Chief Nolan on September 6th. for violation of Article 115, Civil Service Rules and Regulations, namely, conduct unbecoming to an officer. Mr. Hilker urged that "star chamber proceedings" be eliminated and that no one be allowed to try Mr. Littlejohn except unbiased men. He stated that certain members of the present Civil Service Board are prejudiced toward Mr. Littlejohn, and in the course of his address to the Council, he produced affidavits from Thomas B. Watkins, Charlotte Observer reporter, from Burton H. Smith, and from Frank N. Littlejohn and J. B. Marshall, former City Manager, to show that Messrs. Garrison and Davis were prejudiced toward Mr. Littlejohn. These affidavits were filed with the Mayor.

Later, Mr. Hilker called upon Mr. Tom Glasgow, who made a stirring appeal to the Council to see that Mr. Littlejohn was given a fair and impartial hearing and stated that he felt that two members of the Board are not qualified to serve, referring to Messrs. Garrison and Davis.

Mr. George E. Wilson, former Mayor, Mr. H. M. Victor, Mr. R. A. Dunn, Mr. Henry Alexander, Mr. Robert Lassiter and other members of this citizens' group urged that Mr. Littlejohn be given a fair and impartial trial and expressed opinions that a new Civil Service Commission should be appointed.

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In the statement presented from Mr. Littlejohn, it was set forth that Mr. W. C. Davis represented Jack Cottrell in the prosecution of a certain Dave Dissen, but Mr. Cottrell took the floor and denied that he had been represented by Mr. Davis as alleged in Mr. Littlejohn's affidavit.

Mr. H. L. Taylor informed the Council that it was the duty of the Commission to try the cases that come before it and that the defendants have the right of appeal if they feel that they have not had a fair trial. He also stated that this is the first time he ever saw a crowd attack a tribunal without the tribunal's being allowed to defend itself.

Attorneys B. M. Boyd and H. L. Strickland spoke in defense of Mr. W. C. Davis, both stating that they did not feel that he was disqualified to sit on the Board at the hearing .

After hearing several other members of the group, the Mayor asked if anyone had any reason to present why Mr. Sidney J. Lowe, the third member of the Civil Service Commission, should not continue to serve and no one had any objection to Mr. Lowe's continuing to serve. The Mayor stated that it was his personal opinion that if any man on the Civil Service Board is prejudiced in this case that he did not believe he would serve. He then placed the matter before the Council for action.

Councilman Baxter then moved that the Council take one-half hour recess and retire to the Mayor's office to see if a decision could be reached. This motion was seconded by Councilman Wilkinson and carried, and a 30-minute recess was declared at 5:10 P. M.

RECONVENED AT 5:50.

After being out forty minutes, the Council reconvened at 5:50 P. M.; at which time Mayor Douglas presented the resignation of Mr. Brevard S. Garrison from the Civil Service Commission, in which Mr. Garrison stated he was resigning because he is prejudiced and further that his new connection in business necessitated his resignation, which he had contemplated before this matter came up.

On motion of Councilman Wilkinson, seconded by Councilman Baxter and unanimously carried, the resignation of Mr. Garrison as a member of the Civil Service Commission, was accepted.

SPECIAL POLICE PROTECTION TO BE PROVIDED FOR V.M.I.- DAVIDSON FOOTBALL GAME.

At the request of Mr. C. O. Kuester, representing the Athletic Committee of the Chamber of Commerce, Councilman Hudson moved that \$200.00 be appropriated from the Emergency Fund for special police protection and for sanitary purposes for the V.M.I.-Davidson football game to be held in Charlotte on October 12th.

ELEVATION OF FIVE HOUSES ON EAST 10TH STREET IN CONNECTION WITH WIDENING.

The City Manager reported that in connection with the widening of East 11th and East 10th Streets that it was agreed to raise five houses on the property of Robert E. Blair to street level and that only two bids were received on this work, namely:

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Trull House Moving Co.	\$1575.00
DeWitt Tate	525.00

On motion of Councilman Little, seconded by Councilman Huntley and unanimously carried, contract for doing this work was awarded to DeWitt Tate, the low bidder, and the Mayor and Clerk were authorized to sign this contract in the amount of \$525.00.

MOVING OF FOUR HOUSES ON EAST 11TH STREET.

On motion of Councilman Wilkinson, seconded by Councilman Sides and carried, the Mayor and Clerk were authorized to sign a contract with DeWitt Tate for moving four houses off the right-of-way on East 11th. Street, known as the "J. B. Fraley Estate", in the amount of \$275.00.

The only other bid received on this was from Frank Setzer, in the amount of \$600.00.

CONTRACT WITH PIEDMONT FERTILIZER COMPANY, INC.

Mr. Armstrong recommended that the City enter into a contract with the Piedmont Fertilizer Co. Inc., for sludge produced by the Sugar Creek Disposal Plant, in which the Fertilizer Company agrees to pay the City the price of forty cents per cubic yard for this sludge, except so much thereof as the City may desire for its own use, payments to be made monthly in accordance with statement furnished by the City of Charlotte. The contract to be in full force for a period of only one year. The Fertilizer Company also agrees to remove the sludge promptly from the storage pile; the sludge on said storage pile to be in approximately the same condition as when it is removed from the drying beds, with no treatment having been given it after removing from the drying beds.

Councilman Wilkinson brought up the point of amending the contract to add that the sludge be removed from the premises after a reasonable length of time, but the City Attorney stated that this was taken care of in the contract.

Thereupon, Councilman Sides made a motion that the contract be signed by the Mayor and Clerk on the part of the City of Charlotte. Motion seconded by Councilman Baxter and carried.

REIMBURSING COST OF WATER MAIN IN PARKWAY AVENUE.

In March 1939 the City entered into a contract with Richard Behrendt and Clyde Threatt covering the installation of a 2" water main in Gibson Street, beginning on a City main in Parkway and extending west in Gibson Street 691 feet, of which 270 feet is within the City limits.

Houses have now been erected to be served by the 270 feet inside the City limits and request is being made that the City bear the expense of this 270 feet and reimburse the original owners for same, the City becoming the owner of the 270 feet of water line. This was recommended by the Superintendent of the Water Department. The cost of laying this 270' is \$128.30 and it was the City Manager's recommendation that this refund be made and the City take over this line.

On motion of Councilman Little, seconded by Councilman Albea and carried, this request was granted.

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WAREHOUSE SPACE FOR EAST 11TH. STREET PROJECT.

On motion of Councilman Ward, seconded by Councilman Huntley and unanimously carried, authority was given for the expenditure of \$101.86 to install plumbing fixtures in a building to be used as a warehouse for the East 11th. Street project; this amount to be charged to the "Water and Sewer Fund Emergency Appropriation".

APPROVAL OF 1940-41 SCHOOL COMMISSIONERS BUDGET.

On motion of Councilman Sides, seconded by Councilman Albea and unanimously carried, the 1940-41 Supplementary Budget of the Board of School Commissioners, amounting to \$369,812.62, was approved.

QUIT CLAIM TO JOHNSON C. SMITH UNIVERSITY.

Mr. Armstrong reported that on March 20, 1940, the Council took over from the Johnson C. Smith University that portion of Carmel Street between Dixon Street and Beatties Ford Road, as a City owned street. Application was later made to the W.P.A. for sidewalk, curb and gutter and street penetration paving.

Dr. H. L. McCrorey, President of the University, now advises that the opening of this street through the property of the University was a serious mistake as the Women's Dormitory fronts on it and it is essential that the University have private control of it, and he is asking that a quit claim deed to this street be made to the University.

After discussion, Councilman Baxter moved that this quit claim deed be given, as requested, which motion was seconded by Councilman Sides and carried.

PURCHASE OF FOUR AGITATORS FOR THE FILTER PLANT.

On motion of Councilman Nance, seconded by Councilman Little and carried, authority was given for the purchase of four agitators for the Filter Plant in order to better wash and purify filter sand, from the Activated Alum Corporation, the only company manufacturing such equipment, in the amount of \$648.00, subject to a 90-day trial period.

PROPERTY ON OAKLAWN AVENUE TO BE ADVERTISED.

The City Manager reported that appraisal had been made of the property located at 1101-03 Oaklawn Avenue, as ordered by the Council on September 4th., and that it is the opinion of the Manager and the Collector of Revenue that \$500.00 net cash is a fair price for this property, since the house is in bad shape.

Councilman Hovis made a motion that this property be advertised for sale, which was seconded by Councilman Albea and carried; Councilman Hudson objecting to the sale of any City property unless necessary.

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PURCHASE OF AUTOMOBILE FOR CITY HALL USE.

The following bids were received on an automobile for general use in connection with the City's business at the City Hall:

City Chevrolet Co.	(Chevrolet)	\$ 675.00
Norfleet Motors, Inc.	(Plymouth)	682.00
Pyramid Chevrolet Co.	(Chevrolet)	720.00
Heath Motor Company	(Ford)	770.00
Pettit Motor Company	(Ford)	795.00
Charlotte Hudson Co.	(Hudson)	818.78
Norfleet Motors, Inc.	(Dodge)	844.00
Hoppe Motors, Inc.	(Chrysler)	962.00
Lee A. Folger, Inc.	(Buick convertt.)	1250.00
Lee A. Folger, Inc.	(Buick sedan)	990.00

After inspection and investigation of the cars of various makes on which bids were submitted, the City Manager stated that it is believed that the bid of Norfleet Motor Co. Inc. on a Dodge Sedan will meet the requirements of the City to the best advantage, and that it is proposed to place the car selected in the custody of Mr. Richardson, Buildings Superintendent, with a definite understanding as to its use.

On motion of Councilman Baxter, seconded by Councilman Huntley and carried, purchase was authorized for the Dodge Sedan from Norfleet Motors, Inc., at the price of \$844.00 and the Mayor and Clerk were authorized to sign the contract.

REQUEST FOR EXCAVATION OF SIDEWALK FOR S. H. KREBS COMPANY DENIED.

S. H. Kress and Company advise that they propose to demolish the present building at the southeast corner of South Tryon and East Trade Streets and that plans for erecting a new building contemplate excavating under the sidewalk on both the Tryon and Trade Street frontage. This excavation to be for the full width of the sidewalk.

Under 707 of the Building code, the Council alone has authority to grant permit for such excavation and the Manager asked the wishes of the Council in the matter.

After discussion, Councilman Little made a motion that the request be denied, which was seconded by Councilman Britt and carried, with Councilman Sides voting "No". Councilman Sides stated that the City was growing to the point where it would be necessary to make such excavations, as do all other large cities, and that if bond is posted for the protection of the City he saw no reason why it should not be granted.

STREET MAINTENANCE ON POINDEXTER STREET.

On motion of Councilman Albea, seconded by Councilman Britt and unanimously carried, the City took over for maintenance that part of Poindexter Street from Avondale Avenue to 60 feet beyond Windsor Avenue (one block).

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CEMETERY DEEDS,

On motion of Councilman Hovis, seconded by Councilman Albea and unanimously carried, the following cemetery deeds were approved:

H. C. Bye, Lot No. 197, "Y", Elmwood Cemetery	\$35.00
Mr. and Mrs. R. H. Allen, 196, "Y"	35.00
John H. Mills, No. 57 "Z"	31.50

GASOLINE TRUCK ORDINANCE.

Councilman Hovis introduced the following ordinance and moved its adoption:

AN ORDINANCE  
TO REGULATE TRANSPORTATION OF INFLAMMABLE  
PETROLEUM PRODUCTS ON THE STREETS OF THE  
CITY OF CHARLOTTE.

The City Council in regular session does ordain:

Section 1. It shall be unlawful for any person, firm or corporation to drive or cause to be driven on the streets of the City of Charlotte any tank truck or tank trailer, or a combination of either, which is designed or used for the purpose of transporting any inflammable petroleum products where the capacity of such vehicle is in excess of eighteen hundred gallons, except upon such streets or portions thereof as follows:

On East Thirty-sixth Street between North Tryon Street and North Caldwell Street; North Tryon Street between the city limits and Thirty-second Street; Atando Avenue between North Tryon Street and the city limits; Hutchison Avenue between the city limits and Southern Railway Overhead Bridge; North Graham Street between Southern Railway Overhead Bridge and West Eleventh Street; West Eleventh Street between Graham and Smith Streets; North Smith Street between Eleventh and Ninth Streets; Liddell Street between Hutchison Avenue and a point where the tracks of the Southern Railway cross said Liddell Street; Thrift Road between City limits and Morehead Street; Morehead Street between Wilkinson Boulevard and South Cedar Street; South Cedar Street between Morehead and West First Street; West First Street between South Cedar and McNinch Street; McNinch Street between Morehead and First Streets; Wilkinson Boulevard between city limits and Morehead Streets; South Boulevard between city limits and McDonald Avenue; and Calvert Street.

Section 2. It shall be unlawful for any person, firm or corporation to drive or cause to be driven on the streets of the City of Charlotte any tank truck or tank trailer, or combination of either, that is designed or used for the purpose of transporting inflammable petroleum products where the capacity of such vehicle is eighteen hundred gallons or less, except by such vehicles that have compartments for hauling such products, which compartments or any one thereof shall not exceed six hundred gallons in capacity.

Section 3. It shall be unlawful to deliver gasoline from any tank truck or tank trailer, or combination of either, whose capacity is in excess of eighteen hundred gallons to any retail service station located in the city limits of the City of Charlotte.

Section 4. It shall be unlawful for any person, firm or corporation to drive or cause to be driven on the streets of the City of

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Charlotte any tank truck or tank trailer or combination of either that is designed or used for the purpose of transporting inflammable petroleum products unless such transportation unit is equipped with an automatic vent valve; and is further equipped with a safety valve for each outlet from any such tank upon such unit.

Section 5. It shall be unlawful for any person, firm or corporation to unload any inflammable petroleum products from any tank truck or truck trailer until such transportation unit is grounded by a grounding device maintained at such delivery point and until a tight and leakproof connection is made between such transportation units and the tank maintained at such delivery point; provided this section shall not apply to local delivery trucks of kerosene or fuel oil, or to local delivery trucks of gasoline of a capacity of not more than eighteen hundred gallons.

Section 6. It shall be unlawful for any person, firm or corporation to transfer inflammable petroleum products from any transporting unit at any underground tank unless an attendant is actually present during all of the times of such transfer.

Section 7. It shall be unlawful for any person, firm or corporation to park or cause to be parked on any street in the City of Charlotte at any time, any tank truck or truck trailer being used for the purpose of transporting gasoline; provided this section shall not apply to local delivery trucks while making delivery to retail dealers.

Section 8. All trucks and truck trailers hauling petroleum products within the City of Charlotte shall comply to all safety regulations as required by the State of North Carolina.

Section 9. That any person, firm or corporation violating the provisions of this ordinance shall be fined the sum of twenty-five (\$25.00) dollars for each and every violation of this ordinance.

Section 10. That this ordinance shall be in full force and effect from its adoption by the City Council, and all other ordinances or clauses of ordinances heretofore enacted which are in conflict herewith are hereby specifically repealed.

Councilman Hovis moved the adoption of the above ordinance on its first reading, which was seconded by Councilman Hudson.

Councilman Huntley stated that the Council promised the transportation companies that this ordinance would not be brought up again unless they were notified in ample time to be present and he did not feel that it should come up at this time.

The motion to adopt on first reading was put to a vote, with the following result:

FOR: Councilmen Albea, Sides, Ward, Little, Hovis and Hudson.

AGAINST: Councilmen Baxter, Nance, Huntley, Wilkinson and Britt.

Councilman Hovis, seconded by Councilman Hudson, then moved that the ordinance be placed on second reading, with the same vote as above recorded, and the Mayor declared the ordinance passed on first and second readings. It was not placed on third and final reading at this time.

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CHANGE OF DATE FOR HOLDING NEXT COUNCIL MEETING.

Councilman Ward made a motion that the next weekly Council meeting be held on Tuesday, September 17th. at 4 o'clock P. M. Motion seconded by Councilman Huntley and carried.

TRAFFIC LIGHT SUMMITT AND WEST MOREHEAD.

Councilman Baxter presented a petition signed by a number of residents in that section of the City, asking that a traffic light be installed at the intersection of Summitt Avenue and West Morehead Street.

After considerable discussion regarding this, Councilman Baxter made a motion that the City Manager be authorized to install new traffic signal light at this point, subject to the approval of Mr. Skinner, Traffic Engineer. Motion seconded by Councilman Ward.

Councilman Ward stated that he had talked with Mr. Skinner regarding this light and that Mr. Skinner had agreed that there is a need for a light at this location, and that Mr. Skinner had a light which he could use. Councilman Britt suggested that the matter be held up pending Mr. Skinner's recommendation..

On being put to a vote, the above motion failed to carry. Councilman Nance, seconded by Councilman Sides, then moved that the matter be referred to Mr. Skinner for recommendation, which motion carried.

RECESS IN ORDER TO NAME SUCCESSOR TO MR. BREVARD GARRISON, ON CIVIL SERVICE COMMISSION.

At 6:30 P. M., the Mayor declared a recess of the Council in order to retire to the Mayor's office and endeavor to name a successor to Mr. Brevard S. Garrison, resigned, on the Civil Service Commission.

At 8:00 P. M., the Council returned to the Council Chamber and adjourned, no action being taken on the above naming of a successor to Mr. Garrison.

*Alvin B. H. Powell*  
City Clerk