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The regular weekly meeting of the City Council was held in the Council Chamber, City Hall, on Wednesday, September 15, 1943, at 4 o'clock P. M., with Mayor Baxter presiding and Councilmen Albea, Atkins, Baker, Cope, Daughtry, Painter, Price and Slye being present.

Absent: Councilman Bullard, Hovis and Ward.

On motion of Councilman Albea, seconded by Councilman Painter and carried, the minutes of the last meeting were approved as read.

REQUEST FOR ADVANCE OF \$5,000.00 BY PARK & RECREATION COMMISSION FROM CURRENT TAX COLLECTIONS.

Mr. H. N. Sutton, Superintendent, Park and Recreation Commission, requested an advance to the Park and Recreation Commission of \$5,000.00 from the Current Tax Collections for said Commission for the maintenance and operation of Servicemen's Recreation Program, until Federal Funds, under the Lanham Act, are made available. He stated no funds for the new 1943-44 project had as yet been received. Councilman Baker moved that the advance of funds be made. Motion seconded by Councilman Slye and unanimously carried.

RESOLUTION ACCEPTING THE OFFER OF THE UNITED STATES OF AMERICA FOR LANHAM FUNDS APPROPRIATION (Project No. 31-M-26) FOR PARK AND RECREATION COMMISSION THROUGH MONTH OF JULY 1943.

Mr. H. N. Sutton, Superintendent, Park and Recreation Commission, advised that an additional resolution to the one adopted March 24, 1943 was necessary to secure the balance of the funds through July 31, 1943, on Project No. 31-M-26 Lanham Act, being funds for maintenance and operation of Servicemen and Civilian Defense Recreational Facilities. On motion of Councilman Slye, seconded by Councilman Albea, the following resolution was unanimously adopted:

WHEREAS, There has been filed with the Federal Works Agency for and in behalf of the City of Charlotte (herein called the "owner") an application for Federal Assistance under the Defense Public Works Program, and the United States of America, acting by and through the Federal Works Administrator, has transmitted to the Owner an offer of Federal assistance in connection with the Public Works referred in said Application and described in said Offer; and

WHEREAS, Said Offer has been duly read in open meeting and has been fully considered in every respect in accordance with the pertinent rules of procedure and legal requirements; and

WHEREAS, Said Offer has been made a part of the public records of the Owner; and

WHEREAS, It is deemed advisable and in public interest that said Offer be accepted:

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte that the said Offer of the United States of America, a true and correct copy of which is hereto attached, be and the same hereby is accepted without reservation or qualification.

Passed by the City Council of the City of Charlotte on this the 15th day of September, 1943.

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PURCHASE OF PIPE FOR STORM DRAINS.

Upon motion of Councilman Daughtry, seconded by Councilman Albea, and unanimously carried, purchase of 24-feet of 18-inch and 75-feet of 24-inch concrete pipe was authorized from Carolina Concrete Pipe Company, at a net delivered price of \$119.25.

PURCHASE OF POSTAL CARDS FOR WATER DEPARTMENT.

Upon motion of Councilman Baker, seconded by Councilman Albea, and unanimously carried, purchase of 50,000 one cent postal cards from the U. S. Post Office Department at \$5,00.00 was authorized.

PURCHASE OF RADIO RECEIVERS.

Councilman Albea moved that purchase of four radio receivers be made from Creech Motorcycle Company, Charlotte, at a net delivered price of \$240.00 and contract to cover be authorized. Motion seconded by Councilman Painter and unanimously carried.

CONTRACT FOR FLOORING FOR CITY HALL OFFICES.

Councilman Albea moved that the low bid of Edwin C. Boyette, Jr., Charlotte, be accepted for asphalt tile flooring in various City Hall offices and corridors, at an installed price of \$815.62, and the Mayor and Clerk be authorized to sign contract for same. Motion seconded by Councilman Painter and unanimously carried.

POSTAGE AUTHORIZED FOR TAX NOTICES.

Councilman Price moved that the Collector of Revenue be authorized to purchase \$400.00 postage from the U. S. Post Office Department for use in mailing 1943 tax notices. Motion seconded by Councilman Albea and unanimously carried.

CONTRACT FOR DIGGING WELL AT IRWIN CREEK DISPOSAL PLANT.

Councilman Daughtry moved that contract be entered into with Everett Mullis, Charlotte, for digging a well at Irwin Creek Disposal Plant in the amount of \$206.10. Motion seconded by Councilman Albea and carried.

RESOLUTION FOR CANCELLATION OF POLL TAXES OF MEMBERS OF THE ARMED FORCES OF THE UNITED STATES AND MEMBERS OF THE U. S. MERCHANT MARINE.

The following resolution was presented by the City Manager:

RESOLVED that, in accordance with Chapter 3 of the Session Laws of 1943, the Collector of Revenue of the City of Charlotte and the Tax Supervisor of Mecklenburg County be, and they are, directed, while the existing state of war between the United States and any foreign nation continues and for the next tax-listing period thereafter, to exempt from all City poll taxes members of the Armed Forces of the United States and members of the U. S. Merchant Marine, and to cancel all City poll taxes which such persons were required to list prior to induction into the Armed Forces of the United States or joining the Merchant Marine.

Upon motion of Councilman Albea, duly seconded by Councilman Slye, the resolution was unanimously adopted.

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AN ORDINANCE PROHIBITING UNREASONABLY LOUD, DISTURBING OR UNNECESSARY NOISES IN THE CITY OF CHARLOTTE.

The following ordinance was read by the City Clerk:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That this ordinance is adopted in exercise of the City Police power for the protection of the welfare, peace and comfort of inhabitants of the City of Charlotte.

Section 2. It shall be unlawful for any person, firm, or corporation to create, assist in creating, permit, continue or permit the continuance of any unreasonably loud, disturbing or unnecessary noise in the City of Charlotte.

Section 3. It shall be unlawful for any person, firm or corporation in the operation of a motor vehicle to cause, suffer, or allow any loud, excessive or unusual noise in the operation or use of said motor vehicle upon any of the streets of the City of Charlotte.

Section 4. It shall be unlawful for any person, firm or corporation to operate or permit to be operated any motor vehicle upon any of the streets of Charlotte, unless such vehicle be equipped with a proper muffler, which shall muffle the noise from such motor. Such muffler shall be kept in good condition and shall be of such size as to silence as far as practicable the noise from said motor.

Section 5. It shall be unlawful for the operator of any automobile, motorcycle, truck, bus, or other vehicle to sound any horn or signal device in any other manner or circumstances or for any other purpose than required by the laws of the State of North Carolina. No person shall blow or cause to be blown within the city any steam whistle, electric horn or other sound producing device except as alarm signals in case of fire or collision or other imminent danger.

Section 6. It shall be unlawful for any person, firm or corporation to race the engine of any motor vehicle while such vehicle is not in motion, except when necessary so to do in the course of repairing, adjusting or testing the same.

Section 7. It shall be unlawful for any person, firm or corporation to use or permit to be used any automobile, truck, bus, motorcycle, or other vehicle, engine, stationary or moving, instrument, device, or other thing so out of repair, so loaded, or in such a manner as to create loud and unnecessary grating, grinding, rattling, or other noise; or to create any loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and destruction of bale, boxes, crates or containers.

Section 8. It shall be unlawful for any person, firm or corporation to maintain and operate in any building, or on any premises in the City of Charlotte any radio device or mechanical musical instrument or device of any kind whereby the sound therefrom is cast directly upon the public streets and places and where such device is maintained and operated for advertising purposes or for the purpose of attracting the attention of the passing public, or which is so placed and operated that the sounds coming therefrom can be heard to the annoyance or inconvenience of travelers upon any street or public place or of persons in neighboring premises.

Section 9. It shall be unlawful for any person, firm or corporation to play any radio, phonograph or musical instrument in such a manner or with such volume, particularly during the hours between 11:30 P.M.

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and 7:00 A. M., as to annoy or disturb the quiet, comfort or repose of persons in any dwelling, hotel or other type of residence.

Section 10. It shall be unlawful for any person, firm or corporation to operate, cause or permit to be operated, any automatic or electrical piano, phonograph, graphophone, victrola, radio, loud speaker, or any instrument or sound producing or sound amplifying device of like character so loudly as to disturb persons in the vicinity thereof or in such a manner as renders the same a public nuisance; provided, however, that upon application to the Council of the City of Charlotte, permits may be granted to responsible organizations to broadcast programs of music, speeches, or general entertainment as a part and in recognition of the community celebration of national, state and/or city events, public festivals, or outstanding events of a noncommercial character, if not audible over 100 feet distance from the speaker and provided that traffic on the streets is not obstructed by reason thereof.

Section 11. It shall be unlawful for any person, firm or corporation to make any noise upon a public street or in such proximity thereto as to be distinctly and loudly audible upon such street by any kind of crying, calling, or shouting or by means of any whistle, rattle, bell, gong, clapper, horn, hammer drum, musical instrument, or other device for the purpose of attracting attention or of inviting patronage of any persons to any business whatsoever; or thereby to cause annoyance to persons upon any street or public place or to persons in neighboring premises and/or otherwise create a public nuisance.

Section 12. It shall be unlawful for any person, firm or corporation to operate any radio sound producing device along or upon the streets, alleys, or public places within the City of Charlotte.

Section 13. It shall be unlawful for any person, firm or corporation to own, keep or have in his possession, or harbor any animal or bird which by frequent or habitual howling, yelping, barking or otherwise shall cause loud noise and produce serious annoyance or disturbance to any person or to the neighborhood.

Section 14. It shall be unlawful for any person, firm or corporation, in conducting any building operations between the hours of eleven o'clock in the evening and six o'clock in the morning, to operate or use any pile drivers, steam shovels, pneumatic hammers, derricks, steam or electric hoists or other apparatus, the use of which is attended with loud or unusual noise, in any block in which more than half of the buildings on either side of the street are used exclusively for residence purposes.

Section 15. Invalidity. If any section, or part of provision of any section, of this Ordinance shall be declared unconstitutional or invalid or ineffective by any court of competent jurisdiction, such declaration shall be limited to the section, part or provision directly involved in the controversy in which such declaration was made and shall not affect any other section, provision or part thereof.

Section 16. Penalty for Violation. Any person, firm or corporation who shall violate, fail, neglect, or refuse to comply with any provision of this Ordinance, shall, upon conviction, be guilty of a misdemeanor, and shall be punished accordingly. Each violation shall be deemed a separate offense.

Section 17. Effective Date. The provisions of this Ordinance shall become effective on and after midnight on the 30th day of September, 1943.

Section 18. Publication. The City Clerk shall certify to the passage of this Ordinance and cause the same to be published.

Read, approved and passed this the 15th day of September, 1943,

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and declared by the Mayor to be an ordinance of the City of Charlotte, N. C.

Lillian R. Hoffman
City Clerk

APPROVED AS TO FORM:

H. B. Campbell
City Attorney

Councilman Price moved the passage of the above ordinance. Motion seconded by Councilman Painter and same was unanimously passed on its first and final reading. The Mayor declared it to be an ordinance of the City of Charlotte on and after its effective date.

SPECIAL OFFICER PERMITS GRANTED.

On motion of Councilman Albea, duly seconded by Councilman Daughtry, and unanimously carried, the following Special Officer Permits and Renewal of Permits were granted:

A. C. Davidson, on the premises of Southern Railway Company Freight Warehouse and Yard, between Vance and 3rd Streets.

J. Len Thomasson, on the premises of Carolina Transfer & Storage Company; Carolina Cafe; Brown Equipment Company; Carolina Service Station No. 1; Frauhauf Trailer Company; Charlotte Coca-Cola Bottling Company; McClain Distributing Company and Southern Radio Corporation.

Renewal Permit for C. V. Allison, on premises of American Legion Stadium.

Renewal Permits for Chas. T. Stewart, Wm. F. Rhodes, Bob R. McKnight, Wm. H. Wilson and Wm. P. Ridout, on the premises of Charlotte Quartermaster Depot.

CEMETERY DEEDS APPROVED.

On motion of Councilman Albea, duly seconded by Councilman Baker, the following Cemetery Deeds were approved:

Deed to Ralph S. Smith & wife, Constance Smith, for Lot No. 34, Section A-Annex, Elmwood Cemetery, \$144.20.

Perpetual Care Deed to above lot, \$103.00

Deed to Louise Young, for Lot No. 9, Section "G", Pinewood Cemetery, \$18.00.

Perpetual Care Deed to Mrs. Chas. R. Nisbet, for Lots 91 and 54, Section D-Annex, Elmwood Cemetery, \$164.50.

Duplicate Deed to Edgar Phillips, for Lot 9-Fraction, Section "J", Pinewood Cemetery (no charge, city's error).

SPONSOR TO REPRESENT CITY OF CHARLOTTE AT LAUNCHING OF SHIP U.S.S. CHARLOTTE.

Mayor Baxter announced the selection of Mrs. Robinson Billings of Great Falls, Montana, daughter of Councilman Baker, to represent the City of Charlotte at the launching of the Maritime Commission frigate U.S.S. CHARLOTTE, at Superior, Wisconsin in October, which ship is named in honor of the City of Charlotte.

INTERURBAN BUSES WHICH PARK IN FIRST BLOCK OF NORTH CHURCH STREET DECLARED A NUISANCE AS TO PASSENGERS THEREOF USING SELWYN HOTEL LOBBY AS WAITING ROOM.

Councilman Daughtry requested that the City Manager look into the action of Council approximately a year ago which permitted busses of interurban lines to park in the first block of North Church Street, opposite The Selwyn Hotel. He further stated his reason for making the request is that the Manager of The Selwyn Hotel has advised him that patrons of these busses are using the hotel lobby for a waiting room to the extent of becoming a nuisance.

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REQUEST THAT INVESTIGATION BE MADE RELATIVE TO ESTABLISHING BUILDING LINES.

Councilman Price requested the City Manager to look into the advisability of the City establishing building lines within the city.

CITY MANAGER SPOKE ON POST WAR PLANNING.

The City Manager spoke briefly concerning post war planning. The essence of his statement was that the major goal and the No. 1 objective of post war planning should be the providing of jobs for maintenance for two classes of people - men and women now in the armed service, and men and women in war work, who will have to be readjusted to civilian employment if our country's future is to be stabilized. The Manager stated that the healthiest solution would be for civilian activities to absorb these groups; the hope being that private enterprise will be able to provide for them, but it is likely that there will be a percentage that will be unable to obtain suitable jobs immediately, who will have to be absorbed slowly. The Manager stated that the post war planning to take care of these men and women should be done at a local level. He stressed that this phase of local planning should, if possible, be handled on a local basis that would probably materially and necessarily differ in various localities. That a study should be made first to determine the number of persons likely to be involved in order to primarily assist private industry in their absorption. That post war planning should be so formulated that its first objective would be to care for the percentage of men and women who could not immediately or quickly be absorbed by private industry. That if each local community solved its problem, the national problem would automatically be solved. The Manager stated emphatically that his remarks were not to be interpreted as a criticism of any plans to provide large public works to be financed by Federal funds. This, he stated, was a problem entirely different from the one he was discussing.

ADJOURNMENT.

On motion of Councilman Albea, seconded by Councilman Painter, the meeting adjourned.

Lillian R. Hoffmann
City Clerk