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The regular weekly meeting of the City Council was held in the Council Chamber, City Hall, at 4 o'clock P. M., Wednesday, February 15, 1939, with Mayor Douglas presiding and Councilmen Albea, Baxter, Griswold, Hovis, Hudson, Huntley and Nance being present.

Absent: Councilmen Durham, Little, Sides and Wilkinson.

READING OF MINUTES DISPENSED WITH.

On motion of Councilman Albea, seconded by Councilman Nance, the reading of the minutes of the two previous meetings was dispensed with.

SUGGESTED COMPROMISE OF CASE OF MRS. T. T. LUCAS VS. CITY OF CHARLOTTE REFERRED TO CITY ATTORNEY.

Mr. Plummer Stewart, Attorney representing Mrs. T. T. Lucas, who has brought suit against the City of Charlotte for alleged injuries received from falling on a broken sidewalk on Park Drive, appeared before the Council, stating that while this case is on the Court docket, he thought probably a compromise could be effected and asked if the Council would be willing to compromise the case before going to Court.

The Mayor stated that it was the attitude of the Council that these cases should go to Court and if won by the plaintiffs the City would pay, if not, it didn't. Mr. B. M. Boyd, City Attorney, advised that this case was a little unusual inasmuch as it occurred at night and that from the pictures made by the Engineering Department the sidewalk was broken, and that there is no question but that the plaintiff was hurt.

Councilman Hudson, seconded by Councilman Baxter, moved that the matter be referred to the City Attorney for recommendation and report at the next meeting. Motion carried.

USE OF ARMORY-AUDITORIUM FOR N. C. COMMISSION ON INTERRELATIONS WITHOUT CHARGE.

Mr. H. P. Harding, appearing for Mr. C. O. Kuester, of the Chamber of Commerce, requested free use of the Armory-Auditorium for a conference to be held on April 20, 1939, when the North Carolina Commission on Inter-relations meet in Charlotte. Mr. Harding explained that Gov. Hoey and Gov. Maybank, of South Carolina, and a number of other prominent people are expected for this conference, and that while one of the uptown churches will be used for the morning and afternoon meetings, the Armory was desired for the night conference.

On motion of Councilman Huntley, seconded by Councilman Griswold, this request was granted.

USE OF ARMORY FOR COLORED GOLDEN GLOVES GAMES WITHOUT COST.

Bishop Dale requested free use of the Armory-Auditorium on March 7th, 8th, and 9th, for the Golden Gloves games sponsored by the Colored Post of the American Legion, the proceeds of these games to be used to send a colored group from this organization to the Worlds Fair. Mayor Douglas stated that there had been some criticism of allowing the use of the Armory free of charge to organizations using the money for individual groups to make trips.

After discussion, on motion of Councilman Baxter, seconded by Councilman Hovis, the request was granted.

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COLORED Y. M. C. A. GRANTED USE OF ARMORY FOR BASKET BALL GAMES.

The Executive Secretary of the Colored Branch of the Y.M.C.A asked for use of the Armory for basket ball games to be held on February 23rd., 28th. and March 2nd., the proceeds of which will be used to take care of work among the underprivileged colored boys.

On motion of Councilman Hovis, seconded by Councilman Baxter, this request was granted.

AMENDMENT TO PLUMBING ORDINANCE.

On motion of Councilman Hovis, seconded by Councilman Albea, the following substitution to the Plumbing Ordinance, with reference to "Relief Valves" was made, repealing this original section; the motion to adopt being passed on three readings and declared by the Mayor to be an Ordinance of the City of Charlotte:

AN ORDINANCE
REPEALING SECTION 688 OF THE PLUMBING CODE OF THE
CITY OF CHARLOTTE, AND SUBSTITUTING THEREFOR NEW
SECTION 688 AS FOLLOWS:

SECTION 688. RELIEF VALVES. There shall be installed on all range boilers at closest possible point to the hot water boiler on the hot water line, or on the boiler itself, an approved self-closing, heat resisting, non-corrosive metal relief valve. Valve outlet to be so arranged as to discharge in a safe and proper manner.

Amended as written February 1939.

APPROVED AS TO FORM:
Basil M. Boyd
City Attorney

Recommended by the Code Committee of Master Plumbers,
City of Charlotte, N. C.

STREET MAINTENANCE 2200 AND 2300 BLOCKS BAY STREET AND 700 BLOCK WESTOVER STREET.

On motion of Councilman Albea, seconded by Councilman Huntley, the 2200 and 2300 blocks of Bay Street and the 700 block of Westover Street were taken over for City maintenance.

INVOICE FOR DAMAGE TO MONUMENT OF MR. JOE GARIBALDI REFERRED TO CITY ATTORNEY.

The City Manager presented an invoice from Mr. Joe Garibaldi, for \$300.00, rendered for damages to a monument on his lot caused by a tree, which was being removed from an adjacent lot, falling across the lot of Mr. Garibaldi and breaking the monument. Mr. Marshall explained that this was a very expensive monument, having been made in Italy and the figure on same being the face of Mr. Garibaldi's mother. Mr. Boyd

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stated that the removal of this tree might be classed as a governmental function, in which case the City would have no authority to pay this invoice.

Thereupon, Councilman Albea made a motion that the matter be referred to the City Attorney and held over for one week. Motion seconded by Councilman Nance and carried.

SPECIAL RATE ON ARMORY-AUDITORIUM FOR "HOUSE AND HOME EXPOSITION".

On motion of Councilman Griswold, seconded by Councilman Huntley, the Charlotte Observer was granted the same rate for the use of the Armory-Auditorium for their "House and Home Exposition", the week of March 28th., as was granted last year; namely \$100.00 for the entire engagement; the proceeds from which will be used for the Fresh Air Fund.

SEWER EXTENSION ON THOMAS AVENUE.

At the request of Mr. W. A. McCall, 1512 Thomas Avenue, Councilman Huntley moved that the City extend the sewer on Thomas Avenue a distance of 95 feet, to serve two houses; the work being estimated to cost \$112.20. Motion seconded by Councilman Hovis and carried.

PURCHASE OF 24" GATE VALVE FROM CHAPMAN VALVE MFG. COMPANY.

On motion of Councilman Albea, seconded by Councilman Baxter, the Mayor and Clerk were authorized to sign a contract with The Chapman Valve Manufacturing Company for 1 24" Hub-end Gate Valve, at the price of \$341.00. Other bids received were as follows:

Crane Company	\$368.00
Grinnell Company, Inc.	437.00

REQUEST FOR STREET OPENING AND MAINTENANCE, SPRINGDALE AVENUE, DENIED AT THIS TIME.

Mr. Marshall reported that a petition had been received from residents of Springdale Avenue, south of Tremont Avenue, requesting that this street be opened and accepted for maintenance by the City, and that the Engineering Department reported that there is only one house to be served by this extension and that it would cost \$922.00 to do the work, and that, therefore, the Engineering Department did not recommend that it be taken over at this time. No action was taken by the Council.

PERSONNEL CHANGES.

The City Manager reported that he had dispensed with the services of A. M. Hetland, Outside Investigator in the Revenue Department, and had employed Mr. H. W. Fisher.

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FURTHER ACTION ON CHARTER DELAYED UNTIL AFTER LEGISLATURE MEETS IN CHARLOTTE.

The Mayor stated that in view of existing circumstances, he wanted to request the Council to hold in "status quo" any further action with reference to the new City Charter, until after the Legislature comes to Charlotte and returns to Raleigh.

Thereupon, Councilman Huntley, seconded by Councilman Griswold, moved that this request be granted. Motion unanimously carried.

BILL CALLING FOR SPECIAL ELECTION TO INCREASE TAX LEVY FOR PARK AND RECREATION COMMISSION READ AND APPROVED.

Mr. B. M. Boyd, City Attorney, advised that he had prepared an Act calling for an election on the Park & Recreation Commission tax increase and assumed that the Council would want this Act read and as a governing body would want to endorse it.

After discussion as to whether to submit it to the Park & Recreation Commission before adoption by the Council, Mr. Boyd advised that it had been submitted to them, and he was thereupon called on to read the Act. After the reading of this Act by the City Attorney, Councilman Hovis moved that the Council give its approval of same, which was seconded by Councilman Griswold and carried.

ELECTION ON LIBRARY TAX INCREASE DISCUSSED.

Mr. Boyd also advised that since the joint City and County Boards had authorized an election to be held for levying a tax to operate the Charlotte Public Library, this election to be county-wide; that he had prepared an Act calling for a City election on this question should the election fail to carry in the County, and asked for the opinion of the Council; it being a safety measure should the county-wide election fail to carry.

It was the opinion of a majority of the Council that if this was done, the election might fail in the County, due to the fact that they felt that the City would continue to operate it should they not vote for it and no action was taken regarding this bill.

RESOLUTION RELATIVE TO ERRONEOUS ASSESSMENT AGAINST MRS. HELEN DRAYTON DOUGLAS.

Councilman Baxter presented the following resolution and moved its adoption, which was seconded by Councilman Albea and carried:

RESOLUTION

"RESOLVED that Mrs. Helen Drayton Douglas be refunded the sum of \$297.97 on account of the erroneous listing of her property and the payment of taxes in error as approved by the County Tax Supervisor, the City Attorney and Chairman of the Finance Committee, this refund being upon condition that all unpaid taxes of Mrs. Helen Drayton Douglas be paid in full and that the Tax Collector is authorized to accept the base amount without interest and costs on the erroneous assessment for the unpaid tax items for the years 1933, 1935-1938, inclusive, in accordance with the schedule marked Exhibit "B", thereto attached."

The above referred to error was due to Mrs. Douglas being listed as the owner of a vacant lot belonging to some other party.

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NO MEETING OF COUNCIL ON WEDNESDAY, FEBRUARY 22, 1939.

On motion of Councilman Albea, seconded by Councilman Huntley, the next weekly meeting of the Council, Wednesday, February 22nd., was ordered dispensed with in order to enable the Council to attend the sessions of the Legislature to be held in Charlotte on that date.

CITY MANAGER AUTHORIZED TO PLACE ORDER FOR WATER AND SEWER PIPE.

Mr. Marshall stated that bids would be opened on Tuesday, February 21st., covering water and sewer pipe for use in the work being done on Kings Drive, and asked if the Council would authorize him to award the contract to the lowest bidder, subject to the approval of the Council at its next meeting, since no meeting would be held on the 22nd.

Councilman Baxter moved that the Manager let the contract for this material to the lowest bidder and the action be ratified at the next meeting of the Council. Motion seconded by Councilman Huntley and carried.

ADJOURNMENT.

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

RECONVENED.

The Mayor called the Council back into the Council Chamber immediately after adjourning, and reconvened in order to rescind the action of the Council at the last meeting relative to holding an open meeting for the public to discuss the new Charter, since it would not be ready on that date.

On motion of Councilman Albea, seconded by Councilman Griswold, this action was rescinded.

ADJOURNMENT.

Councilman Huntley again moved that the meeting adjourn, seconded by Councilman Albea and unanimously carried.


City Clerk