

July 19, 1940  
Special Meeting.

A special meeting of the City Council was held at 4:30 o'clock P. M., Friday, July 19, 1940, in the Council Chamber, City Hall, written notice having been sent to all members of the Council as required by law. Mayor Douglas presided and the following Council members were present: Albea, Baxter, Britt, Hovis, Hudson, Huntley, Little, Nance, Sides, Ward and Wilkinson.

Absent: None.

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MINUTES APPROVED.

On motion of Councilman Baxter, seconded by Councilman Little, the minutes of the meeting of July 10th. were approved as read.

RESOLUTION PRESENTED BY D.A.V.

A resolution was presented by the Disabled American Veterans of the World War, asking that Chief E. J. Nolan be continued in the office of Chief of Police of the City. This resolution set forth that Chief Nolan had proven a capable and splendid leader and executive, fully qualified by experience, age, dignity and honesty of character; also that crime and disorder has been greatly reduced by the increased efficiency under his leadership.

This resolution was presented by Mr. Dixon, of the D.A.V., who stated that this organization was not interested in the office of Commissioner of Police but only in that of the Chief of Police, Mr. Nolan, who is a member of that organization.

No action was taken on this resolution.

REMOVAL OF TRASH FROM NEWLY ERECTED OR REPAIRED BUILDINGS.

The City Manager reported that it has been called to his attention that in a great many instances contractors fail to haul away trash after completion of new houses, or remodeling of old ones, which works a hardship on the Sanitary Department in having to haul this trash away.

Councilman Baxter made a motion that property owners and contractors be required to have their own debris removed from premises and streets after building new buildings or remodeling old ones, and not leave for the City to remove. This motion seconded by Councilman Hudson and unanimously carried.

SEWER EXTENSION AVONDALE AVENUE.

Mr. Armstrong reported request from Mrs. W. T. Rowland for the extension of an 8" sanitary sewer from Avondale Avenue to Sunset Drive, Windsor Avenue and Poindexter Avenue, a distance of 1572 feet, to serve four houses already erected and three houses proposed, at an estimated cost of \$1,357.00. He stated that Mrs. Rowland has posted

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check for \$557.90 to cover the difference between the amount allowed by the City for each house, or \$800.00 for the four houses already erected, with the agreement that this amount will be refunded to her when three additional houses are erected.

On motion of Councilman Sides, seconded by Councilman Hudson, this extension was authorized and the Mayor and Clerk authorized to sign the contract with Mrs. Rowland on the above basis.

#### SANITARY SEWER IN COX AVENUE.

On motion of Councilman Wilkinson, seconded by Councilman Britt, authority was given for the extension of a sanitary sewer to be laid from Turner Avenue to a point 175 feet west of Lima Avenue, or a distance of 1120 feet, to serve five houses already in this area, when sufficient additional houses are built to cover the estimated cost of this work, which is \$1,399.20. These houses will be erected on Cox Avenue, by Mr. H. S. Strawn, of Gary, Indiana, who made the request for this extension.

#### REFUND TO JOHN CROSLAND COMPANY OF DEPOSIT ON WILMOUNT ROAD WATER LINE.

On motion of Councilman Hudson, seconded by Councilman Wilkinson and carried, the John Crosland Company is to be refunded the amount of \$1,062.50 deposited by them on September 6, 1939; to cover cost of laying water main in Wilmount Road, with the understanding that this would be returned when and if the revenue from same for one year period equaled 5% of the cost of this work. The Superintendent of the Water Department reported that the revenue for the nine-months period ending on June 12, 1940, was within \$12.30 of the guarantee for one year and that the John Crosland Company made a cash payment of this amount. By doing so the Company earned the refund of their deposit at once, whereupon, the above motion was made and unanimously carried.

#### DELINQUENT TAXES TO BE ADVERTISED.

Councilman Hudson moved that the delinquent 1939 City taxes be advertised in the same manner as has formerly been done. This motion seconded by Councilman Wilkinson and unanimously carried.

#### ADOPTION OF APPROPRIATION BUDGET FOR FISCAL YEAR 1940-1941.

The appropriation Budget for the fiscal year 1940-1941 was presented as follows:

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AN ORDINANCE  
 RELATIVE TO THE ADOPTION OF THE APPROPRIATION  
 BUDGET FOR THE CITY OF CHARLOTTE FOR THE FIS-  
 CAL YEAR 1940-1941.

WHEREAS, the following appropriation budget has been prepared and submitted to the Mayor and City Council of the City of Charlotte and has been considered and studied by the Mayor and each of the Councilmen, the City Manager and the Municipal Accountant; and

WHEREAS, the law requires that this appropriation budget be adopted by the governing body of the City of Charlotte not later than the fourth Monday in July.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, pursuant to a special meeting of the City Council held in the Council Chamber, at 4:30 o'clock P. M., on the 19th day of July, 1940, said meeting held pursuant to proper notice to each member of the Council:

Section 1. That there is hereby set aside and appropriated from the funds on hand and current revenues received and to be received during the fiscal year 1940-1941, for the maintenance and operation of the general government of the City of Charlotte, and its various sub-divisions or departments, and for the payment of its bonded indebtedness, the following amounts of money, and the payment of said sums are hereby authorized for the items herein set out:

CITY OF CHARLOTTE  
 BUDGET APPROPRIATIONS  
 July 1, 1940- JUNE 30, 1941

PURPOSE	FUND	EXPENDITURES		BUDGET
		1938-1939	1939-1940	1940-1941
<u>OPERATING &amp; MAINTENANCE</u>				
General Fund		1,140,010.83	1,132,065.71	1,201,693.65
Water & Sewer Fund		299,189.76	307,779.63	322,258.43
Total Operating & Maintenance		1,439,200.59	1,439,845.34	1,523,952.08
<u>CAPITAL OUTLAY</u>				
General Fund		95,310.40	58,030.30	72,920.24
Water & Sewer Fund		38,489.09	29,992.85	24,860.00
Total Capital Outlay		133,799.49	88,023.15	97,780.24
<u>DEBT SERVICE</u>				
Municipal Debt Service Fund		407,616.33	411,590.18	464,061.72
Water & Sewer Debt Service Fund		337,296.19	383,657.66	407,526.15
Total Debt Service		744,912.52	795,247.84	871,587.87
TOTAL		2,317,912.60	2,323,116.33	2,493,320.19

CITY OF CHARLOTTE  
BUDGET REQUIRE-  
MENTS  
JULY 1, 1940- JUNE 30, 1941

FUND	REVENUES REALIZED		BUDGET
	1938-1939	1939-1940	1940-1941
<u>REVENUES</u>			
General Fund	1,194,811.90	1,215,136.73	1,274,593.89
Water & Sewer Fund	339,686.94	360,837.44	347,118.43
Total	1,534,498.84	1,575,974.17	1,621,712.32
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Municipal Dept Service Fund	396,370.12	425,133.06	464,061.72
Water & Sewer Debt Service Fund	334,488.52	388,607.32	407,526.15
Total	730,858.64	813,740.38	871,587.87
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Total Revenues	2,265,357.48	2,389,714.55	2,493,300.19
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<u>SALE OF CAPITAL ASSETS</u>			
General Fund	1,784.20	1,776.69	20.00
Water & Sewer Fund	31.87	5.00	-0-
Total Sale of Capital Assets	1,816.07	1,781.69	20.00
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TOTAL	2,267,173.55	2,391,496.24	2,493,320.19

Upon motion of Councilman Sides, seconded by Councilman Hudson and carried, the foregoing ordinance, together with the budget as submitted by the Municipal Accountant, was read and passed upon its first reading. the votes cast upon its first reading were as follows:

Councilman Albea	AYE
Councilman Baxter	AYE
Councilman Britt	AYE
Councilman Hovis,	AYE
Councilman Hudson	AYE
Councilman Huntley	AYE
Councilman Little	AYE
Councilman Nance	AYE
Councilman Sides	AYE
Councilman Ward	AYE
Councilman Wilkinson	AYE

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Upon motion of Councilman Sides, seconded by Councilman Hudson and carried, the rules were suspended and the foregoing ordinance and budget as submitted by the Municipal Accountant was read and passed upon its second reading. The votes cast upon its second reading were as follows:

Councilman Albea	AYE
Councilman Baxter	AYE
Councilman Britt	AYE
Councilman Hovis	AYE
Councilman Hudson	AYE
Councilman Huntley	AYE
Councilman Little	AYE
Councilman Nance	AYE
Councilman Sides	AYE
Councilman Ward	AYE
Councilman Wilkinson	AYE

Upon motion of Councilman Sides, seconded by Councilman Hudson and carried, the rules were suspended and the foregoing ordinance and budget as submitted by the Municipal Accountant was read and passed upon its third and final reading, and the Mayor declared it passed and an ordinance of the City of Charlotte. The votes cast upon its third and final reading were as follows:

Councilman Albea	AYE
Councilman Baxter	AYE
Councilman Britt	AYE
Councilman Hovis	AYE
Councilman Hudson	AYE
Councilman Huntley	AYE
Councilman Nance	AYE
Councilman Sides	AYE
Councilman Ward	AYE
Councilman Wilkinson	AYE
Councilman Little	AYE

Upon the foregoing recorded vote the ordinance was duly adopted and declared to be the budget ordinance of the City of Charlotte for the fiscal year 1940-1941.

#### TAX RATE ORDINANCE.

An ordinance fixing the Tax Rate for the fiscal year 1940-1941 was then read by the City Manager, as follows:

AN ORDINANCE  
 ENTITLED "AN ORDINANCE FIXING THE TAX RATE  
 FOR THE CITY OF CHARLOTTE FOR THE FISCAL  
 YEAR 1940-1941, AND LEVYING A TAX UPON ALL  
 REAL AND PERSONAL PROPERTY LOCATED WITHIN  
 THE LIMITS OF THE CITY OF CHARLOTTE FOR THE  
 SAID FISCAL YEAR".

BE IT ORDAINED by the City Council of the City of Charlotte in special session, this the 19th day of July 1940:

Section 1. That for the purpose of defraying the general expenses of the City of Charlotte for the fiscal year 1940-1941; for the paying of interest accrued or to accrue; the retirement of maturing bonds, additions to the sinking funds; for the partial operation of schools; for the Charlotte Park and Recreation Commission, and Industrial Home, there is hereby levied upon all real and personal property located within the limits of the City of Charlotte, North Carolina, the following rates of taxation:

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(a) For general government purposes .8288 on the One Hundred Dollars valuation of real and personal property and a tax on polls of \$1.00 each.

(b) For the payment of interest, the retirement of maturing bonds and additions to sinking funds of the general government debt and street bonds .2810 on the One Hundred Dollars valuation of real and personal property.

(c) For the payment of interest, the retirement of maturing bonds and additions to sinking funds on sewerage bonds .0469 on the One Hundred Dollars valuation of real and personal property, and 03 per lineal foot frontage of real estate of each respective owner having sewerage lines in front of the said property or which is being served by the City sewerage.

(d) For the payment of interest, the retirement of maturing bonds, and additions to sinking funds, on school bonds .0497 on the One Hundred Dollars valuation of real and personal property.

(e) For the partial operation of schools .25 on the One Hundred Dollars valuation of real and personal property.

(f) For the use of the Charlotte Park and Recreation Commission .02 on the One Hundred Dollars valuation of real and personal property.

(g) For the upkeep and maintenance of the Industrial Home .0036 on the One Hundred Dollars valuation of real and personal property.

Section 2. The City Tax Collector, or Collector of Revenue of the City of Charlotte is hereby authorized, empowered and directed to proceed to collect taxes levied upon all real and personal property located within the City of Charlotte, based upon the foregoing rates; provided that on all taxes paid there shall be added interest at the rate allowed by law.

Section 3. The City Treasurer is hereby authorized, empowered and directed to apportion the funds coming into his hands from taxes collected for the fiscal year 1940-1941, according to the rates and classifications fixed in Section 1 hereof.

Section 4. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. This ordinance shall become effective immediately upon its adoption and shall be published one time in The Charlotte News.

Upon motion of Councilman Hovis, seconded by Councilman Baxter, the foregoing ordinance was placed upon its first reading and unanimously adopted.

The rules were suspended and the ordinance was immediately placed upon its second and third readings, and unanimously adopted, and declared to be an ordinance of the City of Charlotte, effective as above provided.

Ratified this the 19th day of July 1940. Published in The Charlotte News July 22, 1940.

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STREET NAME CHANGED - WEST THIRD STREET TO WESTBROOK DRIVE.

On motion of Councilman Ward, seconded by Councilman Huntley, that portion of West Third Street from Cedar Street to Wesley Heights, was changed to Westbrook Drive.

OFFICE OF COMMISSIONER OF POLICE ABOLISHED.

Councilman Hovis made a motion that the office of Commissioner of Police of the City of Charlotte be abolished as of August 1, 1940. Motion seconded by Councilman Huntley.

Councilman Sides opposed the abolishing of this office and made a substitute motion that the matter be tabled and not voted on at this meeting, which motion was seconded by Councilman Hudson.

A lengthy discussion followed, Councilman Hudson pointing out that the Police Department under the Commissioner had showed a saving over the prior year of \$3,000.00, in addition to the salary of the Commissioner, which he thought showed that the Commissioner had operated the Department in an efficient manner.

Councilman Baxter opposed the office from the standpoint of an unnecessary governmental expense. Councilman Wilkinson also strongly stood for the abolishing of the office.

Mayor Douglas suggested that the Council permit him to appoint a committee to study the matter for one or two weeks and bring back to the Council, when definite action can be taken.

Councilman Hovis outlined the plan of selecting a man within the Department as Chief and then having the Federal Bureau of Investigation assist in setting up the structural part of the Department; also of having the man selected as the Department head to attend the F.B.I. training school.

Councilman Nance suggested that the Mayor appoint a committee of five men from the Council, together with the Mayor and City Manager, to make an investigation and report back to the Council and Councilman Sides accepted this suggestion as a part of his substitute motion.

A vote was then taken on the substitute motion, which failed to carry on a five to six vote. Those voting aye were Councilmen Sides, Nance, Little, Hudson and Britt.

The original motion was then voted on and carried on a six to five vote, Councilmen Albea, Baxter, Ward, Huntley, Hovis and Wilkinson voted in the affirmative. The office of Commissioner of Police of the City of Charlotte was thereby declared abolished.

ADJOURNMENT.

On motion of Councilman Baxter, the meeting then adjourned.

*Alice B. McCune*  
City Clerk