

MAY 27, 1936
PAGE 315.

THE REGULAR WEEKLY MEETING OF THE CITY COUNCIL WAS HELD IN THE COUNCIL CHAMBER, CITY HALL, WEDNESDAY, MAY 27, 1936, AT 4:00 O'CLOCK P. M., WITH MAYOR DOUGLAS PRESIDING AND COUNCILMEN ALBEA, BAXTER, BOYD, DURHAM, HOVIS, HUDSON, HUNTLEY, NANCE, SIDES AND WILKINSON BEING PRESENT.

ABSENT: COUNCILMAN TIPTON.

MEETING OF MAY 6TH MEETING APPROVED.

ON MOTION OF COUNCILMAN DURHAM, SECONDED BY COUNCILMAN ALBEA, THE MINUTES OF THE MAY 6TH. MEETING WERE APPROVED AS READ.

MENTAL HYGIENE SOCIETY REQUEST NOT GRANTED.

THE CITY MANAGER PRESENTED A LETTER RECEIVED FROM MRS. ERNEST HUNTER, PRESIDENT OF THE MENTAL HYGIENE SOCIETY, REQUESTING AN ADDITIONAL APPROPRIATION FOR THE OPERATION OF THE CHILDS GUIDANCE CLINIC.

WHEREUPON, COUNCILMAN ALBEA MADE A MOTION THAT THE CITY DONATE \$150.00 FROM THE CONTINGENT FUND FOR THIS PURPOSE. MOTION SECONDED BY COUNCILMAN BOYD.

COUNCILMAN SIDES OPPOSED THIS MOTION ON THE GROUND THAT WHEN AN APPROPRIATION WAS MADE SEVERAL MONTHS AGO THIS AGENCY HAD AGREED TO CARRY ON THE WORK FOR THE LAST TWO MONTHS OF THE YEAR WITHOUT ASSISTANCE FROM THE CITY. HOWEVER, ON REFERRING BACK TO THE MINUTES OF JANUARY 29TH. IT WAS FOUND THAT THIS MOTION HAD NOT CARRIED, AND AFTER DISCUSSION BY THE COUNCIL, THE FOLLOWING VOTE WAS TAKEN ON THE MOTION BEFORE THE HOUSE:

FOR: COUNCILMEN ALBEA, BOYD, HUDSON AND NANCE.

AGAINST: COUNCILMEN BAXTER, DURHAM, HOVIS, HUNTLEY
SIDES AND WILKINSON.

MOTION LOST.

SUIT OF J. D. KENNEDY VS. CITY OF CHARLOTTE.

THE CITY MANAGER REPORTED THAT NOTICE OF SUIT OF J. D. KENNEDY, IN THE AMOUNT OF \$3,000.00, AGAINST THE CITY OF CHARLOTTE, FOR ALLEGED INJURIES SUSTAINED BY STEPPING IN A HOLE ON SOUTH McDOWELL STREET, HAD BEEN REFERRED TO THE CITY ATTORNEYS.

MAY 27, 1936
PAGE 316.

CONTRACT TO ALLISON FENCE COMPANY

BIDS HAVING BEEN RECEIVED FOR FENCING AND GATES FOR THE MEMORIAL STADIUM AS FOLLOWS:

ALLISON FENCE COMPANY	\$ 1,494.86
AMERICAN CHAIN LINK FENCE Co.	1,812.10
CYCLONE FENCY COMPANY	1,905.94
MITCHELL & BECKER Co.	2,076.62
CONTINENTAL STEEL CORP.	2,167.06
AMERICAN HARDWARE & EQUIPMENT Co.	2,167.06

COUNCILMAN WILKINSON, SECONDED BY COUNCILMAN HUNTLEY, MOVED THAT CONTRACT BE AWARDED TO THE ALLISON FENCE COMPANY AT THE PRICE OF \$1,494.86 AND THE MAYOR AND CLERK BE AUTHORIZED TO SIGN THE CONTRACT. MOTION CARRIED UNANIMOUSLY.

KENSINGTON DRIVE TAKEN OVER FOR CITY MAINTENANCE.

ON MOTION OF COUNCILMAN ALBEA, SECONDED BY COUNCILMAN NANCE AND UNANIMOUSLY CARRIED, THAT PART OF KENSINGTON DRIVE BETWEEN THE PLAZA AND NASSUA BOULEVARD WAS TAKEN OVER FOR MAINTENANCE BY THE CITY.

EMULSIFIED ASPHALT CONTRACTS.

ON MOTION OF COUNCILMAN SIDES, SECONDED BY COUNCILMAN HUDSON, AND UNANIMOUSLY CARRIED, THE MAYOR AND CLERK WERE AUTHORIZED TO SIGN CONTRACTS FOR TWO CARS OF EMULSIFIED ASPHALT: ONE FOR 7865 GALLONS, AT \$.07, AMOUNTING TO \$550.55, THE OTHER FOR 6000 GALLONS AT \$.07, AMOUNTING TO \$420.00, FROM THE LOW BIDDER EMULSIFIED ASPHALT REFINING COMPANY. BIDS HAVING BEEN RECEIVED AS FOLLOWS:

EMULSIFIED ASPHALT REFINING Co.	\$.07 GAL.
CENTRAL OIL EMULSION CORP.	.0735 "
AMERICAN BITUMULS COMPANY	.091 "

CONTRACT WITH HOBBS-PEABODY CONSTRUCTION CO. FOR EQUIPMENT RENTAL, AND TRULL HOUSE MOVING CO. FOR EQUIPMENT RENTAL.

THE CITY MANAGER REPORTED THAT IN THE RECONSTRUCTION OF BRIDGES IT WAS NECESSARY TO RENT CERTAIN EQUIPMENT AS FOLLOWS:

FROM - HOBBS-PEABODY CONSTRUCTION COMPANY	
AIR COMPRESSOR, HAMMERS & TRUCK CRANE	\$337.30
FROM - TRULL HOUSE MOVING COMPANY	
EQUIPMENT FOR LISTING TUCKASEEGE BRIDGE	335.00

COUNCILMAN ALBEA MOVED THAT THE MAYOR AND CLERK SIGN CONTRACTS WITH THESE TWO CONCERNS FOR THESE RESPECTIVE AMOUNTS. MOTION SECONDED BY COUNCILMAN HUNTLEY AND CARRIED.

MAY 27, 1936
PAGE 317.

CONTRACT FOR EMERGENCY REPAIRS AT CATAWBA RIVER STATION.

ON MOTION OF COUNCILMAN WILKINSON, SECONDED BY COUNCILMAN ALBEA AND UNANIMOUSLY CARRIED, THE MAYOR AND CLERK WERE AUTHORIZED TO SIGN CONTRACT WITH THE ARMATURE WINDING COMPANY, IN THE AMOUNT OF \$947.62, FOR EMERGENCY REPAIRS MADE ON ONE OF THE 350 H.P. MOTORS AT THE CATAWBA RIVER STATION WHICH BLEW OUT DURING THE RECENT STORM.

FREE USE OF ARMORY FOR PAYING BONUS CERTIFICATES.

COUNCILMAN BOYD MOVED THAT MR. PAUL YOUNTS BE GRANTED FREE USE OF THE ARMORY ON JUNE 18, 19 AND 20TH., IN CONNECTION WITH THE PAYMENT OF BONUS CERTIFICATES. MOTION SECONDED BY COUNCILMAN BAXTER AND UNANIMOUSLY CARRIED.

CITY MANAGER TO APPLY TO LOCAL GOVERNMENT COMMISSION FOR AUTHORITY TO ISSUE \$100,000.00 STREET IMPROVEMENT BONDS.

MR. MARSHALL REPORTED THAT A NUMBER OF PETITIONS FOR PAVING ON VARIOUS STREETS HAVE BEEN RECEIVED AND THE MAJORITY OF THESE PETITIONS VERIFIED AND FOUND AMPLE BY THE ENGINEERING DEPARTMENT. OTHER PETITIONS ARE IN THE PROCESS OF PREPARATION AND THE INDICATIONS ARE THAT AT LEAST SOME OF THESE WILL BE COMPLETED. THE COST OF THE PAVING ON THE STREETS ALREADY APPROVED IS APPROXIMATELY \$112,000.00. THE CITY HAS ON HAND IN THE STREET IMPROVEMENT FUND APPROXIMATELY \$55,000.00. HE REQUESTED AUTHORITY TO APPLY TO THE LOCAL GOVERNMENT COMMISSION FOR PERMISSION TO ISSUE \$100,000.00 FOR STREET IMPROVEMENTS AND THAT MASSLICH AND MITCHELL, BOND ATTORNEYS, BE REQUESTED TO PREPARE THE NECESSARY BOND ORDINANCE FOR SUBMISSION TO THE COUNCIL.

ON MOTION OF COUNCILMAN HUDSON, SECONDED BY COUNCILMAN ALBEA AND UNANIMOUSLY CARRIED, THE CITY MANAGER WAS AUTHORIZED TO MAKE APPLICATION TO THE LOCAL GOVERNMENT COMMISSION FOR PERMISSION TO ISSUE \$100,000.00 FOR THE ABOVE STREET IMPROVEMENTS AND TO HAVE MASSLICH & MITCHELL PREPARE THE NECESSARY BOND ORDINANCE.

TENTATIVE TAX RATE FIXED AT \$1.46.

IT BEING NECESSARY FOR THE COUNCIL TO ADOPT A TENTATIVE TAX RATE IN ORDER TO RECEIVE PREPAYMENTS ON NEXT YEAR'S TAXES DURING THE MONTH OF JUNE, ON MOTION OF COUNCILMAN DURHAM, SECONDED BY COUNCILMAN SIDES, THE COUNCIL UNANIMOUSLY APPROVED THE EXISTING RATE OF \$1.46 AS THE TENTATIVE RATE.

MAY 27, 1936
PAGE 318.

SUIT OF HELEN MAY MILLS VS. CITY OF CHARLOTTE.

NOTICE OF SUIT OF HELEN MAY MILLS AGAINST THE CITY OF CHARLOTTE, ET AL, IN THE AMOUNT OF \$50,000, FOR INJURIES RECEIVED ON NORTH TRYON STREET, HAS BEEN REFERRED TO THE CITY ATTORNEYS.

REPORT OF CITY MANAGER ON OLD AUDITORIUM PROPERTY.

THE CITY MANAGER REPORTED IN ACCORDANCE WITH INSTRUCTIONS OF THE COUNCIL, HE ATTENDED THE FORECLOSURE SALE OF THE OLD AUDITORIUM PROPERTY AND BID \$12,000.00 ON THE THREE LOTS, WHICH LEAVES A DEFICIENCY JUDGMENT AGAINST THE HOLDERS, FOR WHICH THEY HAVE AGREED TO DEED THEIR INTEREST IN THE CORNER LOT ON WHICH THE CITY DOES NOT HOLD A LIEN, THESE PARTIES OWNING THREE-FOURTHS INTEREST IN THIS LOT, THE OTHER ONE-FOURTH INTEREST BELONGING TO THE AMERICAN TRUST COMPANY, WHO HAVE GIVEN THE CITY AN OPTION ON THEIR QUARTER INTEREST. MR. MARSHALL RECOMMENDED THAT THE CITY ACCEPT THIS PROPOSITION AND TAKE OVER THE ENTIRE PROPERTY.

COUNCILMAN BOYD THEN MOVED THAT THE CITY ACCEPT THE PROPOSITION AS OUTLINED AND RECOMMENDED BY THE CITY MANAGER. MOTION SECONDED BY COUNCILMAN BAXTER AND UNANIMOUSLY CARRIED.

CAST IRON PIPE PURCHASED FOR WATER DEPARTMENT.

ON MOTION OF COUNCILMAN BOYD, SECONDED BY COUNCILMAN HUNTLEY, THE MAYOR AND CLERK WERE AUTHORIZED TO SIGN A CONTRACT WITH THE MCWANE CAST IRON PIPE COMPANY FOR 2,004 FEET OF 3-INCH CAST IRON PIPE FOR WATER WORKS EXTENSIONS, AT 47¢ PER FOOT, TOTALING \$941.88. THE BIDS RECEIVED ON THIS PIPE BEING AS FOLLOWS:

MCWANE PIPE COMPANY	.47¢ PER FOOT
WALWORTH COMPANY	.5323 " "
GRINNELL Co. INC.	.48½ " "

BONDS PURCHASED FOR SINKING FUND ACCOUNT.

COUNCILMAN ALBEA MOVED THAT THE CITY PURCHASE THE FOLLOWING BONDS FOR THE SINKING FUND ACCOUNT, SUBJECT TO THE APPROVAL OF THE LOCAL GOVERNMENT COMMISSION:

\$1,000.00	RICHMOND COUNTY, 3½% BONDS, DUE MARCH 1, 1937, AT 102.73, TO YIELD	2.00%
\$1,000.00	GASTON COUNTY, 5% BONDS, DUE MARCH 1, 1937, AT 102.22, TO YIELD	2.00%
\$3,000.00	STANLEY COUNTY, 3-¾% BONDS, DUE APRIL 1, 1938, AT 103.75, TO YIELD	1.75%
\$5,000.00	LENOIR STREET IMPROVEMENT, 5½% BONDS, DUE NOV. 1, 1937, AT 104.39, TO YIELD	2.50%

MAY 27, 1936
PAGE 319.

\$3,000.00	WEST HICKORY, 5 $\frac{1}{8}$ % BONDS, DUE JULY 1, 1937, AT 103.72, TO YIELD	2.25%
3,000.00	HIGH POINT, 6% BONDS, DUE JULY 1, 1938, AT 101.00, TO YIELD ABOUT	4.90%
3,000.00	HIGH POINT, 6% BONDS DUE JULY 1, 1939, AT 101.50, TO YIELD ABOUT	5.00%

MOTION SECONDED BY COUNCILMAN BOYD AND UNANIMOUSLY CARRIED.

RESIGNATIONS AND APPOINTMENTS.

THE CITY MANAGER REPORTED THAT MR. A. H. WILLIAMSON, DAIRY SUPERVISOR, HAD RESIGNED AND THAT DR. ROY W. WOLFE HAD BEEN APPOINTED TO FILL HIS POSITION. ALSO, THAT MR. HARMON MORTON HAD BEEN APPOINTED TO ASSIST DR. WOLFE.

HE ALSO REPORTED THAT MR. E. L. RILES, JR. HAD RESIGNED AS NIGHT WATCHMAN AT THE EQUIPMENT DEPOT AND THAT MR. H. T. BOST HAD BEEN APPOINTED TO FILL THIS VACANCY.

BUDGET STATEMENT PRESENTED.

A BUDGET STATEMENT FOR TEN MONTHS OF THE FISCAL YEAR WAS PRESENTED EACH MEMBER OF THE COUNCIL, AND ATTENTION WAS CALLED TO THIS STATEMENT BY THE CITY MANAGER.

AMENDMENT TO ANIMAL AND LIVESTOCK ORDINANCE.

THE FOLLOWING ORDINANCE WAS PRESENTED BY THE CITY MANAGER, AND ON MOTION OF COUNCILMAN HUDSON, SECONDED BY COUNCILMAN ALBEA, WAS UNANIMOUSLY ADOPTED ON THREE READINGS, AND DECLARED TO BE AN ORDINANCE OF THE CITY OF CHARLOTTE, BY THE MAYOR:

AN ORDINANCE
TO AMEND SECTION 22 OF CHAPTER 3 OF THE 1931
CODE OF THE CITY OF CHARLOTTE ENTITLED,
"ANIMALS, LIVESTOCK, ETC".

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE IN REGULAR SESSION:

SECTION 1. THAT SECTION 22 OF CHAPTER 3 OF THE 1931 CODE OF THE CITY OF CHARLOTTE, ENTITLED: "ANIMALS, LIVESTOCK, ETC", BE AMENDED BY ADDING AFTER THE WORD "DOG" AT THE END OF THE SECOND LINE IN THE FIRST PARAGRAPH OF SAID SECTION, THE FOLLOWING WORDS: "WHICH HAS SHOWN ANY INDICATION OF VICIOUSNESS".

MAY 27, 1936
PAGE 320.

SECTION 2. THAT THIS ORDINANCE SHALL BECOME EFFECTIVE TEN DAYS AFTER THE DATE OF ITS FIRST PUBLICATION.

RATIFIED AND ADOPTED THIS THE 27TH DAY OF MAY 1936.

SETTLEMENT WITH McDOWELL AGENCIES INC. FOR \$500.00 AUTHORIZED.

MR. B. M. BOYD, CITY ATTORNEY, RECOMMENDED THAT THE CITY SETTLE THE CASE OF McDOWELL AGENCIES, INC. AGAINST THE CITY OF CHARLOTTE, RESULTING FROM THE OPERATION AND MAINTENANCE OF THE SUGAW CREEK DISPOSAL PLANT, ~~XXXXXXX~~ FOR THE SUM OF \$500.00, STATING THAT HE FELT IT WOULD BE TO THE CITY'S ADVANTAGE TO DO SO.

THEREUPON, COUNCILMAN BAXTER, SECONDED BY COUNCILMAN NANCE, MOVED THAT THE CITY ATTORNEY'S RECOMMENDATION BE COMPLIED WITH. THE FOLLOWING VOTE WAS TAKEN ON THIS MOTION:

FOR: COUNCILMEN BAXTER, BOYD, HOVIS, HUNTLEY, NANCE
DURHAM AND WILKINSON.
AGAINST: COUNCILMEN ALBEA, SIDES AND HUDSON.

HEALTH ORDINANCE AMENDED.

COUNCILMAN BAXTER PRESENTED THE FOLLOWING ORDINANCE AND MOVED ITS ADOPTION. MOTION SECONDED BY COUNCILMAN SIDES AND UNANIMOUSLY CARRIED ON THREE READINGS AND DECLARED BY THE MAYOR TO BE AN ORDINANCE OF THE CITY OF CHARLOTTE:

**AN ORDINANCE
TO AMEND SECTION 572 OF CHAPTER 15 OF THE
1931 CODE OF THE CITY OF CHARLOTTE, SAID
CHAPTER BEING ENTITLED "HEALTH".**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE IN REGULAR SESSION:

SECTION 1. THAT SECTION 572 OF CHAPTER 15 OF THE 1931 CODE OF THE CITY OF CHARLOTTE, SAID CHAPTER BEING ENTITLED "HEALTH", BE AMENDED BY ADDING AFTER THE WORD "COWS" THE WORDS "OR ANY GOAT OR GOATS".

SECTION 2. THIS ORDINANCE SHALL BECOME EFFECTIVE TEN DAYS AFTER ITS FIRST PUBLICATION.

RATIFIED AND ADOPTED THIS THE 27TH DAY OF MAY, 1936.

MAY 27, 1936
PAGE 321.

COUNCILMAN SIDES EXPRESSED APPRECIATION FOR TELEGRAM SENT TO CHARLOTTE HIGH SCHOOL BAND.

COUNCILMAN SIDES EXPRESSED, ON BEHALF OF THE CHARLOTTE HIGH SCHOOL BAND AND HIMSELF, THEIR APPRECIATION OF THE TELEGRAM SENT TO THE BAND IN CLEVELAND.

NEGRO RECREATIONAL CENTER.

COUNCILMAN SIDES REPORTED THAT THE PARKS COMMITTEE OF THE CITY COUNCIL HAD LOOKED OVER THE NEGRO RECREATIONAL CENTER ON THE SITE OF THE OLD WATER WORKS FILTER PLANT, IN COMPANY WITH MR. CARTIER ON THIS DATE, AND PRESENTED A LETTER FROM MR. CARTIER ADDRESSED TO THE COUNCIL ASKING THAT THEY BE GIVEN THE USE OF THE HOUSE ON THIS PROPERTY NOW OCCUPIED BY MR. H. N. PORTER, ENGINEMAN AT THE FILTER PLANT, FOR THE SUPERINTENDENT OF THIS RECREATION CENTER.

THE CITY MANAGER EXPLAINED THAT THIS HOUSE WAS FURNISHED TO MR. PORTER AS PART OF HIS SALARY AND THAT THE CITY WOULD HAVE TO INCREASE MR. PORTER'S SALARY TO COMPENSATE HIM FOR HOUSE RENT IF THIS BUILDING WAS TAKEN OVER BY THE NEGRO RECREATIONAL CENTER.

AFTER DISCUSSION, COUNCILMAN NANCE MOVED THAT THE PARK & RECREATION COMMITTEE OF THE CITY COUNCIL, THE CITY MANAGER AND THE SUPERINTENDENT OF THE PARK & RECREATION COMMISSION WORK OUT PLANS WHEREBY THIS HOUSE, IF POSSIBLE, CAN BE GIVEN TO THE SUPERINTENDENT OF THIS NEGRO CENTER. MOTION SECONDED BY COUNCILMAN ALBEA AND UNANIMOUSLY CARRIED.

CEMETERY DEEDS

ON MOTION OF COUNCILMAN DURHAM, SECONDED BY COUNCILMAN WILKINSON, THE FOLLOWING TRANSFERS OF CEMETERY LOTS IN ELMWOOD CEMETERY WERE APPROVED:

- OLD DEED ISSUED TO O. H. CROWELL TO BE CANCELLED AND NEW DEED ISSUED TO MR. & MRS. O. W. CROWELL, FOR LOT No. 315, SECTION "U" \$1.00
- TRANSFER OF NORTH HALF OF LOT No. 110, SEC. "Q" FROM DAVID W. MARTIN TO L. C. ISENHOUR 1.00
- TRANSFER OF DEED FROM D. F. MITCHELL TO J. W. SHUMAKER, FOR WEST HALF OF LOT No. 68 "D ANNEX" 1.00
- DUPLICATE DEED ISSUED TO THE HEIRS OF MRS. M.E. NEWCOMB, ON AFFIDAVITS OF MR. JOHN H. NEWCOMB AND MR. CHASE BRENIZER THAT OLD DEED TO LOT No. 38 SEC. "P" TURNED OVER TO MR. BRENIZER AS TRUSTEE HAD BEEN LOST OR MISPLACED BY HIM 1.00

ADJOURNMENT

MOTION BY COUNCILMAN ALBEA, SECONDED BY COUNCILMAN BAXTER, TO ADJOURN, UNANIMOUSLY CARRIED.

Alice B. McConnell
CITY CLERK