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The regular meeting of the City Council was held in the Council Chamber, City Hall, on Wednesday, August 11th. 1937, at 4:00 o'clock P. M., with Mayor Douglas presiding and Councilmen Albea, Baxter, Durham, Hudson, Huntley, Griswold, Little, Nance and Wilkinson present.

Absent: Councilmen Hovis and Sides.

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On motion of Councilman Albea, seconded by Councilman Hudson and carried, the reading of the minutes of the last meeting was dispensed with.

KNIGHTS OF COLUMBUS GRANTED FREE LICENSE FOR MIDWAY SHOW.

On motion of Councilman Albea, seconded by Councilman Hudson and carried, the Knights of Columbus were granted free license to hold a Midway show for eight days in April, the exact date not yet being determined, the proceeds of same to be used for the benefit of this organization.

V. F. W. GRANTED USE OF ARMORY-AUDITORIUM FOR DANCE AND BEAUTY CONTEST AT COST.

On motion of Councilman Griswold, seconded by Councilman Albea and carried, the Veterans' of Foreign Wars were granted the use of the Armory-Auditorium on September 10th. for a dance and beauty contest, at cost.

MEAT INSPECTION ORDINANCE TABLED.

The Mayor announced that the meat inspection ordinance which was passed on first reading at the last meeting of the Council was now brought up for second reading, and Councilman Nance, seconded by Councilman Albea, moved that the reading of this ordinance be postponed for another week, inasmuch as one or two changes were contemplated. This postponement was objected to by several members of the Council, Councilman Albea withdrawing his second after these protests, and Councilman Griswold then seconding Councilman Nance's motion. But after further discussion Councilman Nance, with the consent of the second, withdrew the motion entirely.

Councilman Nance then read the clauses which were to be added to the ordinance, one of which stated that the ordinance would become effective sixty days from the date of its adoption on third and final reading.

Councilman Baxter moved that the further reading of the ordinance be postponed for two weeks, which motion was seconded by Councilman Nance. Councilman Hudson, seconded by Councilman Albea, immediately moved that the ordinance be tabled until the City has control of its own abattoir.

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Mr. J. B. Vogler, Secretary of the Retail Grocers' Association, stated that he felt that the City should own its own abattoir in keeping with the Airport and Stadium, etc., and that if the ordinance is adopted as drafted that the farmers would be compelled to take their meats to nearby towns because of the high cost.

Several farmers from among the large delegation present spoke against the ordinance as it is proposed, contending that the passage of same would drive the farmers away from Charlotte instead of bringing them into Charlotte.

Attorney D. E. Henderson, representing the Mecklenburg farmers, advised the Council that the present abattoir is very unsanitary and to force the farmers to use same would bring about much worse conditions than at present, and also stated that as he interpreted the proposed ordinance it was unconstitutional. He suggested that the City employ inspectors to visit the farmers and inspect the animals there rather than have the farmers bring their products to Charlotte for inspection, and contended that the passage of this ordinance would drive the farmers to other nearby cities rather than to Charlotte.

After hearing all these protests, Mayor Douglas advised that the City of Charlotte was not trying to work a hardship on the farmers and keep them out of Charlotte but that it was a healthy measure entirely, and called for a vote on Councilman Hudson's motion to table, with the following vote recorded:

For the motion: Councilmen Albea, Baxter, Durham, Hudson, Wilkinson and Little.

Against: Councilmen Griswold, Huntley and Nance.

The Mayor declared the motion carried and the ordinance tabled.

SERVICE COAL COMPANY'S CONTRACT FOR YEAR'S SUPPLY OF COAL.

Report was made of receipt of a letter from the Service Coal Company relative to contract awarded them for the yearly supply of coal for the City of Charlotte. This contract was awarded this company at the last Council meeting and was properly executed and an order immediately placed for 385 tons, or about 30% of the entire contract, which amounts to 1300 tons. The total amount of the contract is \$7,345.00.

The contract was set up in four sections and the Service Coal Company now advise that they will not be able to fill Section 3, which calls for 1000 tons of New River Egg Coal at \$5.55 per ton. They state the price of \$5.55 bid by them was in error and should have been \$6.25 per ton. They advise that they are willing to fill the balance of the contract if the City will cancel their contract for Section 3. The City Attorney ruled that Section 3 will have to be re-advertised if the City permits the contractor to fill the remainder of the order, on which they were the low bidder. Of, if the contractor does not fulfill any part of the contract, then the complete contract must be re-advertised. Also, that the contractor's check for \$250.00 posted with his bid will have to be retained and the difference in his present price and the new price bid, whether for a part or the entire order, will be charged against the Service Coal Company.

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Mr. Query, of the Service Coal Company, was present and filed with the Council a letter, which was read by the Clerk, in which they stated that an error was made in their bid which was not noticed until the contract had been awarded, signed and returned to them. In this letter they offered a substitution or variation in the grade of coal under this Section 3, suggesting that they be allowed to furnish the New River Egg at \$6.25 or to use the Red Ash Egg at \$5.55 per ton. They advised that this is the same grade of coal specified in the contract, and gave a comparison between the New River and Red Ash Coal; the New River coal having a Heat Unit or B.T.U's of 14,800 and 4.45% Ash, while the Red Ash Heat Unit or B.T.U's is 14,790 with Ash of 4.35%, which would give an equal value in Heat Units.

City Attorney Boyd advised the Council that unless the Service Coal Company notifies the City in writing that the contract will be carried out on the bid basis that it will be necessary to throw the entire contract out and re-advertise. Councilman Wilkinson was in favor of retaining the \$250.00 bid check put up but didn't feel that the taxpayers or other bidders would want to hold the Service Coal Company to paying the difference in their bid and the new contract price and stated that if legal he would like to see the bids re-advertised for and not make them pay the difference. City Attorney Boyd stated that the City could not do that and that the contractor would be liable for the difference.

Councilman Wilkinson, seconded by Councilman Griswold, moved that all bids be thrown out and re-advertised.

Mr. Boyd stated that the Service Coal Company had requested time to consider whether they would fulfill their contract and that unless they make the statement that they are not going to fill the balance of the contract the City has no right to throw out and re-advertise. A discussion followed regarding the substitution of Red Ash for New River coal, Mr. Boyd advising that the Purchasing Agent was not willing to accept the substitution.

Thereupon, Councilman Wilkinson re-worded his motion as follows: That all bids be thrown out and re-advertised for the reason that Mr. Query cannot carry out the contract, unless he notifies the City Clerk in writing by 12 Noon tomorrow (August 12th) that he will fulfill all of his contract except the 1000 tons of New River. Motion seconded by Councilman Huntley and unanimously carried.

STREET MAINTENANCE - KENDRICK STREET.

On motion of Councilman Baxter, seconded by Councilman Wilkinson and carried, Kendrick Street, between Polk and Snowball Streets, was taken over for City maintenance.

PURCHASE OF WATER METERS FROM HERSEY METER COMPANY

On motion of Councilman Wilkinson, seconded by Councilman Baxter and carried, the Mayor and Clerk were authorized to sign a contract with the Hersey Mfg. Company for 1- Hersey All-Bronze Model C.T. Compound Water Meter, with connections, at the price of \$468.00, less allowance on old meter of \$60.00, making net delivered price of \$408.00.

CONTRACT FOR SODA ASH FOR WATER DEPARTMENT TO E. I. du PONT de NEMOURS & CO.

Bids received on one carload (40,050 pounds) of Soda Ash for use by the Water Department, from six concerns were all at the price of \$536.87, and on motion of Councilman Albea, seconded by Councilman Huntley and carried, contract was awarded to the E. I. du Pont de Nemours & Co., at \$536.87; three of the bidding companies already having yearly contracts for chemicals for the Water Department and one of the other bidders being recently awarded a similar order.

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BIDS ON OPERATOR'S RESIDENCE, FILTRATION PLANT, REJECTED.

On motion of Councilman Griswold, seconded by Councilman Baxter and carried, all the bids received for the construction of a house to be used by an operator at the City's filtration plant, in connection with the Water Works Improvement program, were rejected, the prices bid being excessive for this type of house.

The following bids were received for this work:

Ernest Foard, Contractor Construction and Wiring	\$4,900.00
Nivens Construction Co. Construction and Wiring	4,432.00
Acme Plumbing Company Heating - Vapor	839.40
Gastonia Mill Supply Co. Heating - Hot Air	322.00
Acme Plumbing Company Plumbing	781.00

CONTRACT FOR PUBLISHING DELINQUENT TAXES AWARDED THE CHARLOTTE NEWS.

Bids received for publishing Delinquent Taxes for 1936, were as follows:

The News Publishing Company	\$ 0.85 per column inch
The Charlotte Observer	0.87 $\frac{1}{2}$ " " "

On motion of Councilman Baxter, seconded by Councilman Durham and unanimously carried, the Mayor and Clerk were authorized to sign contract with The Charlotte News for publishing these lists, at the price of 85¢ per column inch.

RIGHT-OF-WAY FOR AIRPORT ROAD.

On motion of Councilman Albea, seconded by Councilman Wilkinson and carried, the City Treasurer was authorized to pay to Fred O. Reid, Agent, the amount of \$100.00 and County Taxes \$58.83, for deed from R. E. Reid and wife, at al, conveying to the City the right-of-way to be used as a roadway from Wilkinson Boulevard to the Municipal Airport.

SPECIAL POLICE OFFICERS.

On motion of Councilman Wilkinson, seconded by Councilman Baxter and carried, the applications of the Larkwood Silk Hosiery Mills, Inc. for appointment of T. J. Lingle and J. A. Current as special police officers employed as night watchmen at their plant, were approved.

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PETITION FOR FOOT BRIDGE AT EAST 15TH STREET REFERRED TO PUBLIC WORKS COMMITTEE.

On motion of Councilman Albea, seconded by Councilman Wilkinson and carried, the petition from citizens living near 15th Street and Sugaw Creek for a foot bridge across Sugaw Creek at East 15th Street, was referred to the Public Works Committee. The Engineering Department estimated in June 1936 that this bridge would cost \$488.35.

ACTION DEFERRED ON TRAFFIC SITUATION AT 4TH AND TRYON AND 5TH AND TRYON STS.

In the matter of unfinished business from last meeting, no action was taken regarding the change in traffic regulations at 4th and Tryon Sts., and 5th. and Tryon Sts., which was also deferred at the last meeting; Councilman Griswold making a motion that no change be made in these traffic regulations, but this motion received no second.

LICENSE FOR SHOOTING GALLERY IN 100 BLOCK SOUTH CHURCH STREET ALLOWED.

Mayor Douglas reported in the matter of requesting for license for shooting gallery in the one hundred block of South Church St., made at the last meeting by Mr. T. J. Elliott and deferred for two weeks for further investigation, that Mr. Armstrong, Collector of Revenue, reported that this location is not the same as the one requested by Mr. R. E. Austin and it was his recommendation that the license be granted. Thereupon, Councilman Nnance, seconded by Councilman Hudson and carried, moved that this license be granted.

GRADE IN FRONT OF WADE BUILDING CHANGED TO 1-3/4 INCH.

On motion of Councilman Hudson, seconded by Councilman Wilkinson, a change in grade in front of the Wade Building, on the northeast corner of 1st. and South Tryon Streets, was authorized from 1-1/2", the usual grade, to 1-3/4".

SCHOOL BUDGET FOR 1937-1938.

A letter from the Treasurer of the Board of School Commissioners submitting the School Supplemental Budget for 1937-38 was read by the Mayor, which budget calls for a local tax levy of 83% of a 25¢ rate on \$110,000,000.00 valuations, amounting to \$228,250.00, plus estimated revenue from prior year tax collections of \$32,826.05, making a total of \$331,485.62 for current expense and \$13,293.00 for capital outlay.

Mayor Douglas explained that it was necessary for the Council to approve this budget immediately in order that it be forwarded to the State authorities. Councilman Durham, Chairman of the Finance Committee, stated that he was not ready to vote inasmuch as he had had no time to study the budget. Whereupon, Councilman Albea, seconded by Councilman Baxter, moved that the matter be referred to the Finance Committee for study and report back at the next meeting, with the following vote recorded:

For: Councilmen Albea, Baxter, Durham, Griswold, Huntley, Nance
Little and Wilkinson.

Against: Councilman Hudson.

Motion carried.

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CEMETERY DEEDS.

On motion of Councilman Huntley, seconded by Councilman Baxter, the following cemetery deeds were authorized:

Mrs. T. H. Flowers Lot 100-B, in "D Annex"	\$95.90
Perpetual Care " "	68.50
Mrs. Margie E. Denton S.W. $\frac{1}{4}$ Lot 52-A, "D Annex"	35.00
Chas. W. Blackmon, Lot No. 26, Section "B.B"	98.00

ADJOURNMENT

Motion to adjourn made by Councilman Baxter and seconded by Councilman Albea, unanimously carried.

Alice B. Mitchell
City Clerk