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The regular weekly meeting of the City Council was held on Wednesday, February 16, 1938, at 4:00 o'clock P. M., in the Council Chamber, City Hall, with Mayor Douglas presiding and Councilmen Albea, Baxter, Durham, Griswold, Hovis, Hudson, Huntley, Little, Nance, Sides and Wilkinson being present.

Absent: None.

MINUTES OF FEBRUARY 2ND. AND 9TH APPROVED.

On motion of Councilman Albea, seconded by Councilman Griswold, the minutes of the meeting of February 2nd. were approved as read and the minutes of February 9th., with correction to show letter on the Sunday question received from the Charlotte Typographical Union instead of Charlotte Central Labor Union.

THREE DAYS USE OF ARMORY-AUDITORIUM GRANTED FOR CAROLINAS' BOOK FAIR IN APRIL.

Mr. Cameron Shipp requested use of the Armory-Auditorium for three days in April for the Carolinas' Book Fair, sponsored by both Charlotte newspapers, the Charlotte Womans Club and the Public Library; no admission fee to be charged.

On motion of Councilman Albea, seconded by Councilman Wilkinson, this request was granted provided the sponsors name the dates desired and they do not conflict with other dates.

REQUEST OF PARK AND RECREATION COMMISSION THAT THE CITY SPONSOR SWIMMING POOL PROJECT.

Mr. John M. Sorrow, Chairman of the Swimming Pool Committee of the Charlotte Park and Recreation Commission, appeared before the Council, asking that the City sponsor and sign application to the W.P.A. for a municipal swimming pool in order that the project may be put through; Mr. Sorrow explaining that this would entail no obligation on the part of the City, as the following rider would be attached to the application:

"TO THE WORKS PROGRESS ADMINISTRATION: In consideration of expenditures to be made from Federal funds on the proposal designated above, we, The City of Charlotte,

Charlotte Park and Recreation Commission the sponsors, do hereby agree that we will finance such part of the entire cost thereof as is not to be supplied from Federal funds", if and when we, the sponsors, have secured through public subscription the necessary cash for our share, which is not available at the present time from tax funds, either of the City of Charlotte or the Charlotte Park and Recreation Commission. We understand the project can be cancelled at any time if we fail to raise our share and that project will not be started until this share is available, and W.P.A. is so notified. It is further understood that this agreement does not obligate the City of Charlotte or the Charlotte Park and Recreation Commission in any way."

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Mr. Sorrow stated that the sponsor's part would be \$25,000.00 which they hoped to raise through public subscription and that the project would not be put through unless the money is obtained.

A discussion was held as to whether the City officials' signatures to the application containing the above rider would be accepted by the W.P.A., after which Councilman Hovis, seconded by Councilman Wilkinson, moved that the City Manager and City Treasurer be authorized to sign the application provided there would be no legal obligation on the part of the City, in order that the application could go through.

After further discussion, Councilman Hovis stated he would withdraw his motion in order that Councilman Baxter could make a motion to refer the matter to the Finance Committee, but Mr. Cartier advised that they were very anxious to get the project in to Raleigh as quickly as possible and would like to have the matter handled at this meeting if possible. Thereupon, Councilman Baxter withdrew his motion, and a vote was taken on the original motion made by Councilman Hovis, which was carried unanimously.

THOMPSON ORPHANAGE TAX MATTER REFERRED TO FINANCE COMMITTEE.

Mr. Francis O. Clarkson and Mr. C. L. Burwell appeared before the Council regarding taxes on property owned by the Thompson Orphanage, on which the City Attorney is bringing suit, these attorneys asking that the matter be taken up with the proper committee to see if a compromise settlement could be worked out.

On motion of Councilman Wilkinson, seconded by Councilman Hudson and carried, this was referred to the Finance Committee and the City Attorney and Collector of Revenue to work out with the attorneys for the Orphanage.

SOUTHERN SECURITIES AND INVESTMENT COMPANY ASKING FOR EXTENSION OF TIME TO SETTLE TAXES.

Mr. John James, attorney, representing the Southern Securities and Investment Company, et al, defendants in a tax suit brought by the City of Charlotte, requested the Council to authorize the City Attorney to extend the time for filing an answer in the above case until his clients could make settlement, stating that of an original \$1600.00 tax account, with interest, substantial payments had been made, in addition to similar large payments on the street assessments against the property on which suit had not yet been brought. He stated that if judgment is taken against this property it will greatly hinder the sale of same and that if given additional time the account could be paid in full. Mr. James could not give any definite date for clearing out the account but asked for an indefinite extension.

Mr. Boyd, City Attorney, stated that he would like for the Council to adopt a policy regarding such cases, since he had been instructed by the Council to bring suit on delinquent taxes. Mr. Durham, Chairman of the Finance Committee, would not recommend the granting of additional time, inasmuch as the Council had authorized the City Attorney to bring suit to collect back taxes and should stand behind him on this. Mr. Boyd stated that with consent of Counsel for the defendants the City would agree to take judgment against the property but would defer execution or foreclosure for six months in order to give the defendants time to clear off the taxes, but Mr. James stated that this was just what his clients had tried to prevent.

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After a discussion with Mr. James by several members of the Council, Mayor Douglas asked the Council if it wished to take any action but none was forthcoming and the Council moved on to other business; Mr. James stating that he would be forced to consider either an injunction to prevent the taking of judgment against the property or throwing the affair into receivership, which would delay matters and prove expensive.

SUNDAY QUESTION TABLED AT LAST MEETING AGAIN TAKEN UP.

A motion having been made at the last meeting to table the Sunday question until this meeting, the Mayor announced that the Council was now ready to take the matter up. Councilman Baxter advised that the Attorney had ruled that an election would not be legal until authorized by the Legislature.

Councilman Hudson, seconded by Councilman Wilkinson, moved to table the matter indefinitely.

Councilman Sides spoke for an unofficial referendum, stating that he was of the opinion that it would be just as authentic as one authorized by Legislature and that it could be conducted by having two boxes at each polling place, one for the registered voters and the other for those not registered. Councilman Hudson stated he was not opposed to a referendum on the Sunday issue but did not see how it could be held unofficially.

A vote was taken on the motion to table the question indefinitely, with the following result:

For: Councilmen Albea, Hudson, Nance, Huntley, Wilkinson
Against: Councilmen Hovis, Baxter, Durham, Little and Griswold,
and Sides. Motion lost.

Councilman Baxter then presented the following Ordinance applying only to outdoor recreational sports; and moved the adoption of said Ordinance, which motion was seconded by Councilman Hovis:

AN ORDINANCE TO AMEND AN
ORDINANCE PROHIBITING THE PERFORMANCE AND
OPERATION OF CERTAIN BUSINESS AND COMMERCIAL
SPORTS AND AMUSEMENTS ON SUNDAY.

BE IT ORDAINED by the City Council of the City of Charlotte:

Section 1. That that certain ordinance passed by the City Council of the City of Charlotte July 24, 1935 and recorded in Ordinance Book 7, at page 120-A in the office of the CITY CLERK, entitled, "AN ORDINANCE TO PROHIBIT THE PERFORMANCE AND OPERATION OF CERTAIN BUSINESS AND COMMERCIAL SPORTS AND AMUSEMENTS ON SUNDAY", be amended by repealing and striking out of said Ordinance the following provisions:

"Or to engage in or operate any place of amusement, show, game, or sport where a fee is charged for admission as a spectator, or to participate in any game, sport or amusement where an admission fee is charged, whether such admission fee be upon a club basis or otherwise,"

and substituting therefor the following:

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"Or to engage in or operate any place of indoor amusement or show where a fee is charged for admission as a spectator, or to participate in any indoor amusement or show where an admission fee is charged, and it shall be unlawful to operate any pool room or bowling alley in the City of Charlotte on Sunday, it being the purpose, intention and effect of this amendment to legalize outdoor games, sports and amusements on Sunday where an admission fee is charged."

Section II. That this amendment, when duly adopted by the City Council according to law, shall be and become a part of that certain Ordinance adopted by the City Council on July 24, 1935, and recorded in Ordinance Book 7, at page 120-A in the office of the City Clerk.

Section III. That this amendment, when so adopted, shall become effective from and after the date of its first publication in the Charlotte News.

Councilman Wilkinson asked that this ordinance not be passed on second reading at this time in order to give the public a chance to be present, and spoke on the dangers of passing such an ordinance, citing the result in other cities that had started in this same manner, gradually loosening up until gambling and other vices were operating wide open on the Sabbath.

A number of the Councilmen were heard at this time, after which Mayor Douglas called for the vote on the adoption of the above ordinance on first reading, which was as follows:

For: Councilmen Baxter, Hovis, Durham, Sides, Little & Griswold.
Against: Councilmen Albea, Nance, Hudson, Huntley and Wilkinson.

Councilman Baxter then moved the adoption of the ordinance on second reading, which was seconded by Councilman Hovis, but Councilman Wilkinson, seconded by Councilman Huntley, offered a substitute motion to wait until the next meeting for passage on second reading.

Voting for this motion were: Councilmen Sided, Albea, Nance, Hudson, Wilkinson and Huntley.

Against: Councilmen Hovis, Baxter, Durham, Griswold and Little.

Motion carried.

Councilman Wilkinson then suggested that the next meeting be held in the Armory-Auditorium or one of the court rooms in order that those opposed to the passage of the ordinance might appear. Mr. Tom Glasgow, who headed a group of laymen opposed to the open Sunday question, asked if the Council would consider tabling the Sunday issue until a referendum could be authorized by the Legislature. Thereupon, Councilman Wilkinson, seconded by Councilman Huntley, moved that the matter be tabled until the next meeting of the State Legislature. With opposition on this move coming from Councilmen Baxter and Hovis.

At this time Dr. Clark and Rev. Orr spoke briefly against the open Sunday.

A vote on Councilman Wilkinson's motion to table until the Legislature could authorize a referendum was as follows:

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For the motion: Councilmen Albea, Nance, Hudson, Wilkinson and Huntley.
Against: Councilmen Hovis, Baxter, Durham, Sides, Little and Griswold.

The Mayor declared the motion lost.

At this point the Mayor arose and asked the Council to be consistent and not discriminatory in the adoption of an ordinance relative to the Sunday issue and if they were to allow Sunday baseball and outdoor sports that they also allow Sunday movies; that the ordinance just adopted on first reading was discriminatory and that the Council would have no peace until pictures shows are allowed to run.

The Council then passed on ^{to} other business.

MAINTENANCE OF STREETS IN EASTOVER.

The City Manager reported receipt of requests for maintenance of four blocks of streets in Eastover, where the development company had put down concrete base but on which no asphalt top had ever been placed and that these streets had never been accepted by the City for maintenance. He stated that there are broken places in the base that would need repairing and recommended that the City accepted for maintenance these streets, as follows:

Hempstead Place, from Eastover Road to Middleton Drive.
Middleton Drive, from Hempstead Place to Colville Road.
Colville Road, from Middleton Drive to Eastover Road.

Councilman Albea, seconded by Councilman Durham, moved that this be done, but after discussion, Councilman Albea withdrew his motion, and moved that the matter be referred to the Public Works Committee, which was seconded by Councilman Griswold and unanimously carried.

SEWER ON CHAMWOOD DRIVE.

On motion of Councilman Sides, seconded by Councilman Wilkinson and carried, the application of Wesley T. Heath for construction of a sewer on Chambwood Drive, from Tippah Avenue to Ashland Avenue, to serve eight houses and estimated to cost \$1,578.06, was approved.

CONTRACT FOR WATER METERS AWARDED TO HERSEY MANUFACTURING COMPANY.

On motion of Councilman Huntley, seconded by Councilman Hudson, the Mayor and Clerk were authorized to sign a contract with Hersey Manufacturing Company for the purchase of 100 - 5/8" Water Meters, at a total delivered price of \$900.00. The two other bids received on this material were at the same price and the contract was awarded on the policy of alternating awards.

TERRA COTTA PIPE PURCHASED FROM J. L. WIGGINS AND SON LUMBER COMPANY.

On motion of Councilman Hudson, seconded by Councilman Hovis, the Mayor and Clerk were authorized to sign a contract with the J. L. Wiggins and Son Lumber Company, the low bidders, for two cars (2604 feet) of 8" Terra Cotta Pipe in 3-foot lengths, at a total delivered price of \$677.04

Bids received were as follows:

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J. L. Wiggins & Son Lumber Company	\$677.04
The Builders Merchandise Co.	690.06
Caldwell Construction Company	703.08
Cathey Lumber Company	703.08
The Wearn Lumber Company	703.08
Doggett Lumber Company	703.08
Tucker-Kirby Company	703.08
McGee Lumber Company	703.08
T. J. Wiggins Lumber Mfg. Co.	703.08
Charlotte Lumber Company	703.08

PURCHASE OF UNIFORMS FOR POLICE AND FIRE DEPARTMENTS.

The City Manager reported the following bids received on summer uniforms for the Police and Fire Departments:

FIRE DEPARTMENT:

Efird's Department Store	\$2,032.05
(Based on using Verdun Serge #278 instead of Wanskuck Serge as specified)	
Sydmaur Uniform Company	1,666.05
(Does not include shirts, as other bids, which would make this bid high)	
Elliott and Fink	2,146.20
Martin's Department Store	2,259.51

POLICE DEPARTMENT:

Efird's Department Store	\$2,779.10
(Portion of this is based on American Woolen Mills instead of Walters material, as specified)	
Sydmaur Uniform Company	1,714.42
(Not including shirts, which would make this bid high)	
Elliott and Fink	2,828.20
(With a deduction of \$25.00 if American Woolen Mill material is used)	
Martin's Department Store	2,991.82

The recommendation of the City Manager was that contract be awarded to Elliott and Fink on the entire order, since their bid offered a 1% discount if awarded both contracts, and the bid of Efird's Department Store on Fire Department Uniforms is not based on specifications.

Thereupon, Councilman Huntley made a motion that the contract be awarded to Elliott and Fink since Efird's bid did not conform to specifications, at a total price of \$4,899.66, and that the Mayor and Clerk be authorized to sign the contract. Motion seconded Councilman Hudson and carried.

CEMETERY DEEDS.

On motion of Councilman Huntley, seconded by Councilman Albea, the following cemetery deeds were approved:

J. F. Kelley, N.W. 1/4 Lot No. 16-A, "D Annex"	\$35.00
Transfer of deed from Mrs. H. G. Browne, widow, to A. S. Cooley	
South Half of Lot No. 112, Section "S"	1.00

ADJOURNMENT.

On motion of Councilman Albea, duly seconded and carried, the meeting adjourned.

Alice B. In. Powell
City Clerk

SEE BOOK NO. 7, FOR FURTHER MINUTES.

