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The regular weekly meeting of the City Council was held in the Council Chamber, City Hall, at 4:00 o'clock P. M., Wednesday, July 13, 1938, with Mayor Douglas presiding, and Councilmen Albea, Baxter, Durham, Griswold, Hovis, Hudson, Huntley, Little, Nance and Sides being present.

Absent: Councilman Wilkinson.

READING OF MINUTES DEFERRED UNTIL CLOSE OF MEETING.

On motion of Councilman Sides, seconded by Councilman Nance, the reading of the minutes of the two previous meetings was deferred until the close of the session.

CITY COUNCIL TO SPONSOR MOVEMENT FOR HOSPITALIZATION.

Mr. Henry Dockery, acting as spokesman for a delegation of physicians, appeared before the Council, with a petition signed by a number of physicians and other citizens of Charlotte, regarding a union hospital to be built with a Federal grant, asking that the City Council sponsor this movement. Mr. Dockery pointed out that this movement had been carried through in a number of cities, and that it would mean the erection of a 300 bed hospital, which is badly needed, without one cent of cost to the tax payers of the City. He stated that the additional amount needed over and above the grant would come from private subscriptions and outlined the plans. He stated that all he was asking from the Council was that a resolution be adopted sponsoring this plan.

Thereupon, Councilman Baxter, seconded by Councilman Albea, moved that the City of Charlotte sponsor this movement, if legal. Motion unanimously carried.

ORDINANCE REGULATING THE PEDDLING OF MERCHANDISE.

A large representation of merchants in the City, headed by Mr. J. B. Vogler and N. B. Sinclair, were present and reported that the committee had an ordinance regulating the peddling of merchandise in the City drawn and ready for presentation. Councilman Hudson then introduced the following ordinance and moved its passage on first reading, which was seconded by Councilman Hovis and unanimously carried:

AN ORDINANCE
REGULATING THE PEDDLING OF ARTICLES OF
MERCHANDISE IN THE CITY OF CHARLOTTE.

WHEREAS, the peddling of articles of merchandise on foot or from vehicles in the City of Charlotte, and especially in the congested business district of the City, has become a serious impediment to pedestrians on the sidewalks and a menace and hazard to vehicular traffic, and whereas, in order to regulate and facilitate the orderly and proper use of pedestrian and vehicular traffic upon the sidewalks and streets of the City and protect the public in the use hereof, NOW, THEREFORE,

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BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CHARLOTTE:

SECTION ONE: The word "Person" as used in this ordinance shall be deemed to include any person, male or female, organization, firm or corporation.

SECTION TWO: The words "Articles of Merchandise" as used in this ordinance shall mean anything of value offered for sale to the public by any person.

SECTION THREE: The word "Peddling" as used in this ordinance shall mean the sale or offering for sale at retail by any person on foot or from any vehicle where it is proposed by such person so offering or selling such article of merchandise to deliver the same to the purchaser instantly upon receipt of the purchase price therefor.

SECTION FOUR: For the purpose of this ordinance the words "Congested Business District of the City of Charlotte" is hereby declared, designated and defined to be as follows:

Tryon Street between Eighth and Stonewall Streets
College Street between Seventh and Stonewall Streets
Church Street between Fifth and Second Streets
Trade Street between Alexander and Cedar Streets
Fifth Street between Church and College Streets
Sixth Street between Church and College Streets
Seventh Street between Church and College Streets
Fourth Street between College and Mint Streets
Third Street between College and Church Streets
Second Street between College and Church Streets

SECTION FIVE: That it shall be unlawful for any person to peddle any article of merchandise upon any of the streets or sidewalks within the congested business district of the City of Charlotte as defined in the preceding section, newspapers and magazines excepted.

SECTION SIX: That it shall be unlawful for any person, while peddling any article of merchandise from any vehicle or on foot to occupy any space upon any street within one block or to occupy any space within three hundred foot distance for a period of more than thirty minutes during any twenty-four hour period.

SECTION SEVEN: That it shall be unlawful for any person, required to have a license, to peddle any article of merchandise upon the streets or sidewalks of the City of Charlotte until such person shall have first secured a proper license to peddle the same and such person shall keep and have such license on his person or vehicle at all times while peddling and shall produce and exhibit the same to any lawful officer upon demand.

SECTION EIGHT: That it shall be unlawful for any person to peddle any article of merchandise in the City of Charlotte, which article of merchandise has been grown, produced, made or manufactured by such person or members of such person's immediate family, upon premises owned or occupied by such person or the members of such person's immediate family until such person shall have first obtained a permit therefor from the Collector of Revenue of the City of Charlotte.

SECTION NINE: Every person desiring to obtain a permit to peddle any article of merchandise in the City of Charlotte which has been grown, produced, made or manufactured by such person or members of such person's immediate family upon premises owned or occupied by such person or the members of such person's immediate family, shall apply and make a sworn affidavit as appears in this section before the Revenue Collector of the City, and upon making application and swearing to the said affidavit the Revenue Collector shall issue to such person a free permit to peddle said articles of merchandise as allowed herein, all of which shall be given free of charge. The affidavit sworn to by such applicant to be in form as follows:

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"I, _____, residing at _____, first being duly sworn, depose and say:

That all of the articles of merchandise to be peddled and proposed to be sold or offered for sale by me in the City of Charlotte ~~for~~ ~~the~~ will be grown, produced, made or manufactured by me on my premises or upon premises of my immediate family, owned or occupied by me or members of my immediate family, and that I will not, by peddling on foot or from any vehicle, sell or offer for sale in the City of Charlotte any article of merchandise which has been purchased for resale. I make this affidavit for the purpose of having issued to me a free permit to peddle the articles of merchandise described herein and no other, in the City of Charlotte.

This the _____ day of _____ 193_____

Sworn and subscribed before me, this _____ day of _____ 193_____

Notary Public
My commission expires _____ "

SECTION TEN: The free permit provided for in Section Nine shall be in force and effect until revoked for cause. All persons to whom such free permis shall be issued shall keep and have such permit on his person or vehicle at all times while peddling and shall produce and exhibit the same to any lawful officer upon demand.

SECTION ELEVEN: Any person violating any provision of this ordinance shall, upon conviction, be subject to a penalty of Fifty (\$50.00) Dollars and each and every day any provision of said ordinance shall be violated shall constitute a separate and distinct offense.

SECTION TWELVE: All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION THIRTEEN: This ordinance shall become effective upon its passage and after its first publication in The Charlotte News.

APPROVED AS TO FORM:

B. M. Boyd
City Attorney.

Read, approved and adopted this the 13th day of July 1938

On motion of Councilman Hudson, seconded by Councilman Hovis, the rules were suspended and immediately put upon its second and third readings and declared by the Mayor to be an ordinance of the City of Charlotte.

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PETITION FOR IMPROVEMENT OF ROADWAY ON ORLANDO, RACHEL AND MORETZ AVENUES.

Mr. G. E. Fields presented a petition signed by a number of residents of Orlando and Rachel Streets and Moretz Avenue, asking that these streets be improved by the City by grading and putting cinders on same. The City Manager explained that it was the policy of the City not to put streets under city maintenance until the development companies had put the streets in good condition. However, Mayor Douglas suggested to Mr. Fields that he take the matter up with the City Manager to see if the matter could be worked out satisfactory to all.

APPROVAL OF COUNCIL ON ACQUIRING THE McINTYRE FARM FOR MEMORIAL PURPOSES.

Mrs. Benjamin Wyche asked the aid and cooperation of the Council in acquiring the old McIntyre farm site for the McIntyre Farm Foundation, in order to perpetuate it as a memorial shrine, stating that the Daughters of the American Revolution are working to acquire this homestead and would like to have the Council interested in the movement.

Councilman Albea moved that the Council go on record as approving the work of the D.A.R. in acquiring and maintaining this property, which motion was seconded by Councilman Durham and unanimously carried.

TAXICAB ORDINANCE PRESENTED AND ADOPTED ON THIRD READING.

Councilman Hudson presented the following motion regarding the taxicab ordinance passed on two readings at the last meeting:

"I move that the ordinance which was read, introduced and passed upon two readings at the Council meeting on Wednesday, July 6th., entitled "AN ORDINANCE TO AMEND THAT CERTAIN ORDINANCE ADOPTED SEPTEMBER 2, 1936, AND RECORDED IN ORDINANCE NOOK 7 AT PAGES 320 AND 321 IN THE OFFICE OF THE CITY CLERK RELATIVE TO LIABILITY INSURANCE, SURETY BONDS OR CASH DEPOSIT FOR TAXICAB OPERATORS AND PROVIDING FOR BONDSMEN" be placed upon its third and final reading, and I move the final passage and adoption of the said ordinance as read and passed on first and second readings last Wednesday," which motion was seconded by Councilman Albea.

The Mayor had previously advised that he had received a telegram from Councilman Wilkinson asking that the ordinance be held over one week until his return. This was not done, however, and discussions were called for from the Council. Councilman Baxter called on the Chief of Police to state the condition of the streets since the taxicabs had been off, and Chief Pittman advised that traffic had been much improved and the number of accidents cut down.

Councilman Sides asked the City Attorney to explain the ordinance offered last week as differing from the one offered on May 11th., which Mr. Boyd endeavored to do. Councilman Griswold stated he was of the opinion that insurance could be obtained by the taxicab operators if they really desired it and said he was not in favor of the ordinance as offered.

After the above discussions, a vote was taken on the ordinance, with the following result:

AYE: Councilmen Hovis, Sides, Albea, Nance, Hudson and Little.

NAY: Councilmen Baxter, Durham, Huntley and Griswold.

The Mayor declared the ordinance, as presented on 1st. and 2nd. readings on July 6th., recorded on pages 106, 107 and 108 of this book, adopted.

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ARMORY-AUDITORIUM GRANTED TO NEGROES FOR ST. PAULS BAPTIST CHURCH.

Will Honor, (colored) asked permission to use the Armory-Auditorium on the 5th. Sunday in July for the St. Paul's Baptist Church, without cost, and on motion of Councilman Albea, seconded by Councilman Durham, this request was granted.

CONTRACT FOR WATER METERS.

On motion of Councilman Albea, seconded by Councilman Hudson, the Mayor and Clerk were authorized to sign a contract with the Hersey Manufacturing Company for 100 5/8" Water Meters, at the total price of \$900.00; the other two bids received being at the same price.

CONTRACT FOR PENETRATION ASPHALT.

On motion of Councilman Huntley, seconded by Councilman Little, contract was awarded the American Bitumuls Company, for 8000 gallons of AE-1 Penetration Asphalt, and the Mayor and Clerk were authorized to sign the contract.

Bids received on this material were as follows:

American Bitumuls Company	\$557.60
Emulsified Asphalt Refining Co.	608.00

STREET NAME CHANGED.

On motion of Councilman Huntley, seconded by Councilman Albea, the request of a number of citizens that the name of Skipper Street be changed to Ruby Avenue was granted.

RE-ASSESSMENT ORDINANCE, PROPERTY ON HARDING PLACE.

On motion of Councilman Hudson, seconded by Councilman Albea, the following reassessment ordinance for property on Harding Place, was unanimously adopted on three readings:

The City Council of the City of Charlotte, N. C. DO ORDAIN that the special benefits to the abutting property on Harding Place, on account of the benefits of the paving of the roadway and sidewalks, beginning at a point 60 feet easterly from the northeast corner of the intersection of Harding Place and Greenwood Cliff and running thence in a southeasterly direction to East Morehead Street, a distance of 613 feet, and being originally assessed as a whole against the H. C. Sherrill Company, is hereby subdivided and reassessed on the east side only, as follows:

NEW NO.	OWNER	FRONTAGE	WATER	SEWER	STREET	SIDEWALK	TOTAL
1347-49	H. C. Sherrill Co.	60'	15.00	-	248.64	-	263.64
1351-59	" "	127'	15.00	-	526.29	-	541.29
1401-15	" "	212'	-	-	878.53	-	878.53
1417-21	" "	64'	-	-	265.21	44.55	309.76
1423-33	J. Caldwell McDonald & Wife, Janet M. McDonald	150'	15.00	-	621.60	133.65	770.25

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NOTICE OF SUIT OF FRANK JONES VS. CITY OF CHARLOTTE.

Notice was filed by Attorney Frank Kennedy of suit of Frank Jones vs. City of Charlotte, for damages in the amount of \$25,000.00 for injuries alleged to have been sustained on Luther Street, and this notice was turned over to the City Attorney for handling, on motion of Councilman Hovis, seconded by Councilman Albea.

CEMETERY DEED.

On motion of Councilman Huntley, seconded by Councilman Durham, the following cemetery deed was approved:

J. T. Monteith and wife, Beulah, Lot No. 14, Section "Z" Elmwood \$35.00

READING OF MINUTES.

On motion of Councilman Hudson, seconded by Councilman Huntley, the minutes of the meetings of June 29th and July 6th. were approved as read.

ADJOURNMENT.

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

Alice B. McCounell
City Clerk