

September 7, 1938  
Page 185

The regular weekly meeting of the City Council was held in the Council Chamber, City Hall, at 4:00 o'clock P. M., Wednesday, September 7, 1938, with Mayor Douglas presiding, and Councilmen Albea, Baxter, Durham, Griswold, Hudson, Huntley, Nance, Sides and Wilkinson being present.

Absent: Councilmen Hovis and Little.

MINUTES OF AUGUST 31ST. MEETING APPROVED.

On motion of Councilman Albea, seconded by Councilman Durham, the minutes of the August 31st. meeting were approved as read.

FUNDS ADVANCED TO CHARLOTTE PARK & RECREATION COMMISSION FOR SWIMMING POOL.

Mr. E. W. Gibson, Chairman of the Charlotte Park & Recreation Commission, appeared before the Council and presented the following resolution which was adopted by that Board on September 6th.:

BE IT RESOLVED by the Park and Recreation Commission of the City of Charlotte that the Commission make a request of the City of Charlotte to lend or advance the sum of \$3,136.00, which sum of money shall be evidenced by a note of even date herewith made payable to the City of Charlotte, and that the Charlotte Park and Recreation Commission pledge its portion of uncollected current taxes, which shall become due and payable unto said Commission as collected by the City Tax Collector and that the City Tax Collector or City Treasurer be authorized to pay unto the treasurer of the City of Charlotte such funds as would go to the Park and Recreation Commission from the unbudgeted current taxes until said note of \$3,136.00 shall be paid in full. It is intended to use this money by the Charlotte Park and Recreation Commission for the development of the second and final unit of the Swimming Pool and the improving of parks in the City of Charlotte, which are now by Law under the supervision and control of the Charlotte Park and Recreation Commission.

This resolution adopted this 6th day of September 1938.

Certified by: E. W. Gibson, Chairman  
Charlotte Park and Recreation Commission.

Mr. Gibson explained that the above advance was desired in order to erect a building at the new swimming pool in Revolution Park, which has already been taken care of and that with \$7500.00 budgeted for this purpose and the above advance, the W.P.A. will assist in the project of erecting a \$40,000.00 building.

Mr. Boyd, City Attorney, was called on for an opinion as to whether the City could make this advance, and Mr. Boyd advised that the law states that the Park and Recreation Commission cannot borrow from any source but that the City Council can advance to the Commission money due them from current, uncollected or past due taxes.

Whereupon, Councilman Griswold, seconded by Councilman Albea, moved that the request be granted, Councilman Sides stating that it was the recommendation of the Park & Recreation Committee of the Council that this be done. Motion carried, with Councilman Durham voting "No".

PERMIT TO BUILD TABERNACLE ON 35TH STREET.

Rev. Robt. H. Black requested permission to erect a tabernacle on 35th. Street, 30 ft. x 76 ft. in size for a period of 120 days, as required by City ordinance, and later to be cut down in size to conform to permanent requirements.

On motion of Councilman Sides, seconded by Councilman Griswold, this request was granted.

PETITION OF CITIZENS COMMITTEE (COLORED) FOR POLICE PROTECTION, ETC. ON SOUTH MC DOWELL STREET.

Mr. Marvin Ritch, accompanied by Woods Morgan (colored), presented a petition to the Council from the Citizens Committee, a colored organization, requesting twenty-four hour police protection on foot in the four and five hundred blocks of South McDowell Street; 24 hour police protection against crime, etc. and the destruction of property; protesting the operation of a pool room and grocery store in the same building at 425 S. McDowell Street; and requesting the enforcement of the law with regard to certain conditions on S. McDowell as regards the safety of occupants of the buildings at 500, 503 505, through 517 S. McDowell St.

After hearing the above requests, Councilman Hudson moved that the matter be referred to the City Manager, the Police Committee and the Civil Service Commission in an effort to cooperate regarding these requests. Motion seconded by Councilman Huntley and carried.

PEDDLERS ORDINANCE.

Judge Hunter again appeared in the interest of the County women who desire to sell their flowers on the streets of Charlotte, and Councilman Wilkinson stated that the City Attorney's report on the matter was that the City could not legally classify the peddling of flowers so as to permit the sale thereof in the congested district by people who grown their own flowers; that it cannot legally permit the sale of flowers and prohibit the peddling of other merchandise in the same district. Judge Hunter then stated that the ordinance adopted by the City is void in that it bars certain people from selling when the state statute gives them the right to do so, and that the ordinance as drawn is protecting the florists of the City of Charlotte.

Mr. B. Arp Lowrance stated he felt that these women should be allowed to sell the flowers which they had grown themselves and that he did not think that the sale of such flowers would be in competition to the florists, but that the cause of the trouble has been that certain people were buying the flowers and selling them in competition to those growing their own. He stated he was in favor of enforcement of the law in regard to buying and re-selling.

Mr. Blake Hunter and Mr. Davis Robinson, florists, both stated that the sale of flowers on the streets hurts the florists business quite a little, altho they did not wish to work a hardship on the county women. Mayor Douglas stated that he felt that the women should be permitted to sell their products within the City of Charlotte, if not in one certain place, then in another, and after discussion with Judge Hunter and Mr. Boyd, City Attorney, regarding the validity of the ordinance, the Mayor stated that the Council would be glad to take the matter under advisement.

Sept. 7, 1938  
Page 187.

**CONTRACT FOR PORTLAND CEMENT.**

On motion of Councilman Baxter, seconded by Councilman Durham, contract for two cars of Portland Cement was awarded to the Tucker-Kirby Company, at the price of \$847.00, and the Mayor and Clerk were authorized to sign same.

Bids received on this material were as follows:

The Builders Merchandise Co.	\$ 847.00
J. L. Wiggins & Son Lumber Co.	847.00
Doggett Lumber Company	847.00
T. J. Wiggins Lumber Co.	847.00
Charlotte Lumber Co.	847.00
H & S Lumber Company	847.00
Tucker-Kirby Company	847.00
North Charlotte Lumber Co.	861.00
City Lumber Company	864.50
Cathey Lumber Company	882.00

**CONTRACT FOR WATER METERS AWARDED TO PITTSBURGH EQUITABLE METER COMPANY.**

On motion of Councilman Wilkinson, seconded by Councilman Huntley, contract for 100- 5/8" Water Meters was awarded to the Pittsburgh Equitable Meter Company, at \$900.00 and the Mayor and Clerk were authorized to sign the contract.

Bids received were as follows:

Pittsburgh Equitable Meter Co.	\$ 900.00
Neptune Meyer Company	900.00
Hersey Manufacturing Co.	900.00

**CONTRACT FOR TERRA COTTA PIPE.**

Bids having been received on 1302 ft. of 8" Terra Cotta Pipe, as follows:

Charlotte Lumber Corp.	338.52
Doggett Lumber Company	351.34
North Charlotte Lumber Co.	351.54
Builders Merchandise Co.	351.54
Caldwell Construction Co.	351.54
W. S. Dickey Clay Mfg. Co.	351.54
Cathey Lumber Co.	351.54
Tucker-Kirby Company	351.54

Councilman Sides moved that contract be awarded to the low bidder, Charlotte Lumber Company, at the price of \$338.52, and that the Mayor and Clerk sign the contract. Motion seconded by Councilman Nance and carried.

September 7, 1938  
Page 188.

CONTRACT FOR FIRE HOSE.

The following bids having been received on 2500 ft of 2 1/2" and 500 feet of 1" Fire Hose, as follows:

Matthews-Morse Sales Company	Net	\$1,417.57
B. F. Goodrich Company		1,443.69
Textile Mill Supply Company		1,449.17
American LaFrance & Foamite Industries Inc		1,612.10
Union Rubber Asbestos Company		1,788.50
Hewitt Rubber Corp.		1,800.00
Charlotte Supply Co.		2,046.44
U. S. Rubber Company		2,067.80
Grinnell Company		2,126.60

Councilman Sides, seconded by Councilman Hudson, moved that contract be awarded the low bidder, Matthews-Morse Sales Company, and the Mayor and Clerk were authorized to sign the contract.

APPOINTMENTS.

The City Manager reported the appointment of Miss Barton Jackson as Clerk in the office of the Collector of Revenue.

QUEENS ROAD AND PLAZA PAVING DISCUSSED.

Councilman Barter stated that he had received several complaints that the paving on the Plaza was not up to that being placed on Queens Road, these two streets being paved under a W.P.A. project, and asked the City Manager to explain the difference in these two surface treatments.

Mr. Marshall advised that the base of the old paving on Queens Road was worn to such extent that it was necessary to resurface it in order to bring back to surface, that the Plaza base had not failed and that all it needed was a seal coating paving, which would save about \$5,000.00 over the same treatment as used on Queens Road but that the two surfaces would look just the same when finished. A discussion then followed as to the life of the Plaza paving as compared to that on Queens Road, Mr. Marshall stating it was impossible to estimate the life of any paving but that he felt that it would be better to resurface the Plaza every five years rather than put a twenty year paving down at this time.

Mr. U. S. Goode, a resident of the Plaza, was present at this time with regard to the difference in the paving of these two streets and discussed the matter with the City Manager.

ATTORNEYS EMPLOYED TO ASSIST IN CODIFYING OF CITY ORDINANCES.

The City Attorney stated that he had been authorized by the Council several weeks prior to this meeting to submit the names of attorneys whom he thought would be the proper ones to assist in the work of codifying the City Ordinances and revising the City Code, and that after much thought given to the matter he suggested the names of Claude Cochran and Frank McCleghenan as a firm and Mr. J. S. Scarborough.

He also advised that he had called on Mr. Brock Barkley, after Mr. Barkley's statement as to the work he had already done on revising the City Code several years ago, to turn over to him the data which he had prepared, but that Mr. Barkley had refused to do so. Whereupon, Councilman Durham, seconded by Councilman Sides, made a motion that the City Council request Mr. Barkley to turn over to the City Attorney all papers in his possession relative to this matter. Motion carried.

September 7, 1938  
Page 189.

Councilman Sides then moved that the City Attorney's request regarding the attorneys to assist him in this work be complied with. Motion seconded by Councilman Baxter and carried.

STREET ASSESSMENT ON HARDING PLACE.

Councilman Durham reported with regard to the street assessment on Harding Place, belonging to Mr. Caldwell McDonald, total amount of which was \$2902.97, stating that the original assessment of 613 feet was divided into smaller frontages and in making the division it was found that 150 feet of the 613 ft. frontage was the property of Mr. Caldwell McDonald. The payment for the paving on the 150 feet was taken up with Mr. McDonald who advised that he did not know that he owed same and had not been previously advised as to the amount against the property. On investigation by the City Attorney it was found that this was true as the entire charge was included in the 613 feet. Also, that Mr. McDonald appeared before the Finance Committee and that it was agreed that if Mr. McDonald would pay the balance of the principal due on the 150 feet, or \$539.14, that the interest would be cancelled.

Councilman Durham then moved that this offer of the principal be accepted. Motion seconded by Councilman Wilkinson and carried.

CEMETERY DEEDS.

On motion of Councilman Baxter, seconded by Councilman Durham the following cemetery deeds were approved:

Mrs. T. L. Stroupe, East Half 44-C "D Annex"	ELMWOOD	\$38.85
Rev. D. J. Flynn, East Half Lot No. 12, Section E	WEST PINWOOD	\$22.25
Mrs. Lillian Smith, 15,	F " "	16.00

ADJOURNMENT.

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

*Alice B. McConnell*  
City Clerk