

February 24, 1939
Page 346.

A special meeting of the City Council was held at 4:00 o'clock P. M., Friday, February 24, 1939, in accordance with due notice served on each member of the Council; in the Council Chamber, City Hall, Mayor Douglas presiding and Councilmen Albea, Baxter, Durham, Griswold, Hovis, Hudson, Huntley, Little, Nance, Sides and Wilkinson being present.

Absent: None.

NO MINUTES READ.

On motion of Councilman Albea, seconded by Councilman Nance, the reading of the minutes of several previous meetings, was dispensed with.

PURPOSE OF THE SPECIAL MEETING.

This meeting having been called for the purpose of further study of the new Charter, the City Attorney read the following letter, dated February 24, 1939:

Mayor Ben E. Douglas and
Members of the City Council,
City of Charlotte,
Charlotte, North Carolina.

Gentlemen:

We herewith transmit to you copies of the final draft of the proposed new charter of the City of Charlotte which has been prepared in accordance with your instructions.

We approve this proposed charter as to its form and legality. This proposed charter is fundamentally the same as the various acts now constituting the charter of the City with the exception of certain changes therein, which have all been made pursuant to your express instructions.

Yours very truly,

(Signed) Frank McCleneghan
J. M. Scarborough
Basil M. Boyd, City Attorney.

Mr. Boyd then proceeded to point out the few changes which had been made at the request of the Council since it was submitted to the Council on February 13th.

FILING FEE FOR PRIMARY ELECTIONS.

Councilman Wilkinson brought up the question of the amount of filing fees in the primary elections for Mayor and City Councilmen, Mr. Wilkinson being of the opinion that these fees should be higher due to the importance of the positions, and stated that personally he would like to see the fee for Councilmen increased to \$25.00 and for Mayor to \$50.00, but that he was willing to cut this amount if so desired. Mr. Boyd advised that this was entirely in the discretion of the Council and that any fee desired could be named.

Whereupon, Councilman Wilkinson, seconded by Councilman Baxter, made a motion that the filing fee for Councilmen be increased to \$12.50 and the filing fee for Mayor to \$25.00.

February 24, 1939
Page 347.

A discussion regarding one or two candidates having already paid the filing fee for the forthcoming municipal election followed, and also as to the amount of increase that should be made if changed at all. After which, Councilman Griswold made a motion that the matter be reconsidered, which was seconded by Councilman Albea, and carried, with Councilmen Durham and Wilkinson voting "no".

Councilman Albea, seconded by Councilman Griswold, then moved that the amount of fee stand as it is, but Councilman Wilkinson offered a substitute motion that the fee be made \$25.00 for Councilmen and \$50.00 for Mayor, which motion was seconded by Councilman Baxter and on being put to a vote failed to carry. A vote was then taken on Councilman Albea's motion to leave the fee as it now stands, and the motion carried.

MINOR CHANGES.

Mr. Boyd pointed out several other minor changes which were made since the charter was presented at the last meeting, an additional paragraph having been added under "City Clerk" relative to the handling of cemetery records. Also, that the Department of Purchase was omitted from the Charter but had now been added and after reading said Section, Councilman Sides, seconded by Councilman Little, moved that this new department be included in the charter.

A discussion regarding the fund from which the City Attorney's salary is to be taken was held, Mr. Marshall stating that this should be changed to read from the "General Fund and Water Fund", but it was not thought that this change was necessary and Councilman Sides' motion that the words "General Fund" be stricken out and the salary paid from any desired fund received no second.

POLICE AND FIRE DEPARTMENTS AND CIVIL SERVICE.

Inspector E. A. Williams, representing the Police Department, and Chief Palmer, of the Fire Department, were present and entered into the discussion regarding these two departments; a petition having been presented and read by the Mayor from the Police Department asking that no change be made in the present Civil Service act, while the Fire Department petitioned for certain changes.

Paragraph 6, under Section 41, Police Department, relative to promotions and demotions of the members of the Department made by the Chief and subject to the approval of the City Council was the main point of discussion, after which Councilman Baxter, seconded by Councilman Hudson, moved that the clause "Subject to the approval of the City Council" be stricken out. Motion carried, with Councilman Nance voting "No".

Inspector Williams stated that he had been instructed to ask that no change be made in the Civil Service law with reference to the Police Department, and that the Act be left as passed in 1929. Mr. Boyd, after hearing Mr. Williams, stated that he thought Mr. Williams did not quite understand the changes and explained that what was desired under a Civil Service Commission was the furnishing to the Chief of Police and the City of Charlotte an eligibility list of employees; that certain rules and regulations would be made by the Chief of Police and if such rules and regulations are violated that the Chief have the right to suspend any member for such violation for a period not to exceed 30 days, when he is tried at a hearing before the Civil Service Commission and if convicted, that he have the right to appeal to the Superior Court for trial by jury, just as the present law sets out. Mr. Williams asked Mr. Boyd to read the proposed act regarding Civil Service and after doing so, he stated that the Police Department felt that the rules and regulations set up should be subject to the approval of the Civil Service Commission and the City Council, but it was the consensus of opinion that this would divide control and would not be satisfactory.

February 27, 1939
Page 348.

Mr. Boyd stated that he was sure that the Police and Fire Departments would like this proposed act after a short time. Mr. Williams replied that they were interested only in the efficient operation of the Department.

Section 41, sub-section 1, Police Department, which reads "The Chief of Police shall be appointed by the City Council to serve at the pleasure of the Council, and he shall be accountable to the City Council and the City Manager for the faithful performance of his duties" was, upon motion of Councilman Sides, seconded by Councilman Durham, changed to read:

"The Chief of Police shall be appointed by the City Council and the said Chief may be removed by a majority vote of the Council after being given an opportunity to be heard in his own defense."

CERTAIN CHANGES IN TAXATION.

Mr. Boyd pointed out a change made in the Tax Department set-up, Paragraph 1, Section 50, which he stated was necessary due to the Machinery Act now before the Assembly which will make it mandatory that property be sold in two years for delinquent taxes, adding that he did not feel that it was the desire of the City Council to do this.

He also explained that under Section 70, Enacting and Repealing Provisions, that this section, section 71 and sub-section 1 of section 57 (relative to the School Board), and sections 1 thru 25 inclusive, of this act shall be in full force and effect from and after the date of the ratification of this action, and that sections 26 thru 70 inclusive, and all sub-sections thereof, shall be in full force and effect from and after 12:01 a.m. on the 3rd. day of May 1939, and that from and after this date certain laws are hereby repealed.

Mr. Boyd then stated that Mr. Frank McCleneghan and Mr. J. M. Scarborough had very ably assisted him in the preparation of this Charter and that a great deal of time and effort had been given to same.

Councilman Wilkinson arose and stated that he felt that the Council should offer a vote of thanks to the attorneys who have so ably drawn this new charter.

PUBLICATION OF CHARTER, AND SPECIAL PUBLIC MEETING.

The publication of the charter having been authorized at a previous meeting, Mr. Marshall advised that it would be published on Monday, February 27th., and Councilman Huntley, seconded by Councilman Sides, made a motion that the public be invited to meet with the Council at 4 o'clock P. M., Friday, March 3rd. for the purpose of studying the charter. Motion carried.

NO MEETING ON WEDNESDAY, MARCH 1ST.

Inasmuch as a special meeting is to be held on Friday, March 3rd., on motion of Councilman Wilkinson, seconded by Councilman Griswold, the regular weekly meeting, March 1st. is to be dispensed with.

RESOLUTION RELATIVE TO ADVERTISEMENT AND SALE OF PROPERTY OF CITY OF CHARLOTTE.

The following Resolution was presented and on motion of Councilman Huntley, seconded by Councilman Wilkinson, was unanimously adopted:

WHEREAS, the City Council has heretofore authorized the advertisement and sale at Public Auction of a piece of Real Estate owned by the City of Charlotte containing 2.773 acres on Oakdale Road, a part of the Water Works Reservoir tract, and

February 24, 1939
Page 349.

WHEREAS, the said property was duly advertised for sale and sold at Public Auction in the Courthouse in Mecklenburg County on Monday, February 6, 1939 and bid in by R. T. Keistler for the sum of \$450.00, which bid has not been raised.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte that the said bid of \$450.00 of R. T. Keistler for the said tract of land be accepted and that the Mayor and City Clerk are hereby authorized to execute a Deed conveying the title to the said property to the said R. T. Keistler.

ACT RELATIVE TO COUNTY-WIDE ELECTION ON CHARLOTTE PUBLIC LIBRARY.

The City Attorney read the Act drawn relative to the County-wide election for the Charlotte Public Library, authorized at a joint meeting of the City Council and the Board of County Commissioners, stating that Mr. Stancill, County Attorney, had requested that this act be approved by the City Council before being presented to the Legislature.

After which, Councilman Baxter moved that the Council approve the Act as drawn, which was seconded by Councilman Wilkinson and carried.

EXTENSION OF TIME OF SOUTHEASTERN CONSTRUCTION CO AND FILTER PLANT.

On motion of Councilman Baxter, seconded by Councilman Durham, the contract of the Southeastern Construction Company on the Water Works Filter Plant, which had previously been extended to February 1st., was extended to February 18th., the day of completion, due to excessive rains delaying the beautification of the grounds.

PURCHASES OF MATERIAL FOR KINGS DRIVE RATIFIED.

On motion of Councilman Huntley, seconded by Councilman Griswold and carried, the Mayor and Clerk were authorized to sign the contract with the J. L. Wiggins Lumber Company for certain pipe and fittings to be used in connection with the improvement of the King's Drive project, at a total price of \$1098.90.

Other bids on this material were as follows:

Caldwell Construction Co.	\$1101.85
Charlotte Lumber Corp.	1111.53
Doggett Lumber Co.	1111.55
H. & S. Lumber Co.	1111.55
Tucker-Kirby Company	1111.55

CAST IRON PIPE CONTRACT TO LYNCHBURG FOUNDRY CO. INC.

On motion of Councilman Wilkinson, seconded by Councilman Sides, the Mayor and Clerk were authorized to sign a contract with the Lynchburg Foundry Company, Inc., for cast iron pipe and fittings to be used for stock, in the amount of \$2853.00. Other bids were as follows:

U. S. Cast Iron Pipe Co.	\$2927.00
Glamorgan Pipe & Foundry Co.	2955.75
McWane Cast Iron Pipe Co.	2990.40
American Cast Iron Pipe Co.	3019.02

February 24, 1939
Page 350.

CAST IRON SOIL PIPE FROM HAJOCA CORPORATION.

Councilman Wilkinson, seconded by Councilman Durham, made a motion that contract for 1330 feet of 4" C.I. Soil Pipe be awarded to the Hajoca Corporation, at a price of \$330.37, on the basis of rotating business, and that the Mayor and Clerk sign the contract.

Bids received were as follows:

Hajoca Corporation	\$330.37
Horne-Wilson, Inc.	330.37
Crane Co.	330.37
Grinnell Company	342.48

MRS. ELLA N. SMITH GRANTED LICENSE TO OPERATE FRANKLIN HOTEL.

On motion of Councilman Sides, seconded by Councilman Albea, Mrs. Ella N. Smith, was granted a license to operate the Franklin Hotel; the City Manager advising that he had received good references regarding Mrs. Smith and that the sanitary rating on the hotel was satisfactory.

CEMETERY DEEDS.

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

J. E. Taylor, North Half Lot No.19, Section B.B. Elmwood Cemetery	\$63.00
Walter Nivens, East Portion Lot No. 6, "F Annex"	92.40
C. T. Kerley, Lot No. 28, Section "Y"	63.00
Mr. & Mrs. B. C. Glover and George J. Killius, Lot 124-C, D Annex	35.20
Perpetual care on " " "	30.80

INVOICE FOR DAMAGE TO MONUMENT APPROVED FOR PAYMENT.

On motion of Councilman Hovis, seconded by Councilman Baxter, the invoice of Mr. Joe Garibaldi for damage to monument in Elmwood Cemetery, was authorized to be paid when approved by the City Attorney.

RESIGNATION OF MR. EDWARD STUKES, RECORDER PRO TEM.

The Mayor presented a letter of resignation from Mr. Edward Stukes, as Recorder Pro Tem, and Councilman Wilkinson moved that the matter be held over until the next meeting, which was seconded by Councilman Griswold, but on substitute motion made by Councilman Sides, seconded by Councilman Huntley, this resignation was accepted.

NOMINATIONS FOR POSITION OF RECORDER PRO TEM.

Councilman Hovis nominated Mr. Enos Edwards as Recorder Pro Tem to fill the vacancy caused by the resignation of Mr. Stukes, which motion was seconded by Councilman Huntley.

Councilman Wilkinson, seconded by Councilman Durham, then nominated Mr. W. K. Covington.

Councilman Hovis, seconded by Councilman Griswold, then moved that nominations be closed, and balloting was done secretly, with Mr. Enos Edwards receiving the highest number of votes, and thereupon, declared by the Mayor to be elected.

ADJOURNMENT.

On motion of Councilman Wilkinson, duly seconded, the meeting adjourned.

Alice B. D. Crull City Clerk