

SPECIAL MEETING.
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A special meeting of the City Council was held at 5:00 o'clock P. M., Monday, September 16, 1940, due notice having been given to each and every Councilman, according to law; Mayor Douglas presiding and Councilmen Albea, Baxter, Britt, Hovis, Hudson, Huntley, Little, Nance, Sides, Ward and Wilkinson being present.

Absent: None.

PURPOSE OF MEETING.

This meeting was called for the purpose of electing a member to the Civil Service Commission and other business.

USE OF ARMORY-AUDITORIUM FOR VMI-DAVIDSON DANCE ON OCTOBER 12th IF AVAILABLE.

Mr. Al Bechtold, of the Charlotte Chamber of Commerce, requested use of the Armory-Auditorium on the night of October 12th., following the VMI-Davidson football game, for a dance to be given to these visiting students, no charge to be made for this dance.

On motion of Councilman Wilkinson, seconded by Councilman Albea, free use of the Armory-Auditorium on this date was granted, if available.

RESOLUTION OF CHAMBER OF COMMERCE ON SMOKE ABATEMENT.

The following resolution, which was adopted by the Board of Directors of the Charlotte Chamber of Commerce, was presented by Mr. Bechtold for such action of the City Council as they saw fit to take:

RESOLUTION

"The Charlotte Chamber of Commerce Board of Directors assembled at regular meeting on this the 16th day of September is requesting through Mr. John Wilkinson, one of their members, and Mr. C. O. Kuester, Executive Vice-President of the Charlotte Chamber of Commerce, to present the following request.

WHEREAS, during the Fall and Winter months Charlotte has a great amount of unnecessary smoke which destroys much valuable property and goods and whereas, by the proper elimination of this unnecessary smoke that this condition would be remedied, it is hereby requested that the City Council of the City of Charlotte draft and pass an ordinance requesting the unnecessary smoke in Charlotte be eliminated."

Councilman Wilkinson moved that the City Attorney be instructed to draw up an ordinance and present to the Council at the next meeting. This motion seconded by Councilman Hovis.

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City Attorney Scarborough suggested that a committee be appointed to write to the various cities having smoke abatement ordinances and then study the various ordinances presented. Councilman Wilkinson stated that he would amend his motion to comply with this suggestion. Carried.

Mayor Douglas later appointed on this committee Councilmen Sides, Nance, Britt and City Attorney Scarborough and City Manager Armstrong.

The City Manager reported in this connection, that he had been investigating apartment houses that had been burning trash.

GASOLINE TRUCK ORDINANCE ADOPTED ON THIRD READING.

Several representatives of the gasoline trucking industry were present and through Attorney H. L. Taylor protested the adoption of the ordinance "To Regulate Transportation of Inflammable Petroleum Products on the Streets of the City of Charlotte", which ordinance was adopted on two readings at the last meeting.

Mr. Taylor declared this ordinance unconstitutional, and discriminatory, and stated if adopted, that they would carry it to the Supreme Court. He cited a similar ordinance, which he said was not nearly so drastic as the proposed ordinance before the Council, which had been declared unconstitutional and null and void by the South Carolina Supreme Court.

Mr. Taylor suggested that the Council set the effective date of this ordinance as of December 15th. in order to allow time for a Supreme Court ruling before his clients were required to spend money to meet the requirements of the ordinance. A discussion was held on this proposal for extension of time of the effective date. Councilman Baxter stated he was not ready to vote on this ordinance and made a motion that the ordinance be tabled until the City Attorney has had time to examine same and advise the Council as to the legality of the ordinance. This motion was seconded by Councilman Huntley.

It was suggested that the effective date of the ordinance be fixed as of January 1, 1941 in order to allow ample time for the Supreme Court's decision, but after a lengthy discussion, with no date being agreed upon, Councilman Hovis offered a substitute motion that this ordinance be passed on third and final reading, which was seconded by Councilman Hudson.

Councilman Baxter's motion to table was voted on and failed to carry, receiving only five affirmative votes.

Councilman Hovis again moved that the Ordinance, which was again read (as presented at the last meeting) be adopted on third and final reading. Motion seconded by Councilman Hudson.

Councilman Ward made a motion that the Council recess for five minutes in order to study this question. Motion seconded by Councilman Albea and carried, and a five minute recess was taken at 5:55 P.M.

At 6:05 P.M. the Council reconvened and a vote was taken on Councilman Hovis' motion to adopt on third reading. This motion received six affirmative votes, viz: Councilmen Albea, Sides, Ward, Little, Hovis and Hudson. The Mayor declared the motion carried and the ordinance adopted on third and final reading.

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APPOINTMENT OF HERMAN A. MOORE AS MEMBER OF CIVIL SERVICE COMMISSION.

The Mayor stated that the appointment of a Civil Service Commissioner to fill the unexpired term of Brevard S. Garrison, resigned, was the next order of business and called for nominations.

Councilman Albea made a motion that Mr. Herman A. Moore be nominated to succeed Mr. Garrison, which motion was seconded by Councilman Baxter and unanimously carried, there being no further nominations.

Mr. Moore was called into the Council Chamber and introduced to the Council and was administered the oath of office by Mayor Douglas.

Messrs. W. C. Davis and S. J. Lowe, Jr., the other two members of the Civil Service Board, were also introduced to the Council at this time.

CONTRACT FOR MOVING HOUSE ON NORTH McDOWELL STREET AWARDED TO DEWITT TATE.

Bids having been received for moving a house on North McDowell Street, known as the H. W. Davis Estate, in connection with the 11th Street widening project, as follows:

DeWitt Tate	\$575.00
Frank Setzer	650.00

On motion of Councilman Little, seconded by Councilman Albea, award was made to the low bidder, DeWitt Tate, and the Mayor and Clerk were authorized to sign the contract in the amount of \$757.00.

SEWER EXTENSION ON WEST 28th STREET.

On motion of Councilman Little, seconded by Councilman Ward and carried, the extension of an 8" sanitary sewer in West 28th Street, for a distance of 215 feet, to serve one house already started, was authorized, at an estimated cost of \$179.03.

REFUND OF DEPOSIT FOR SEWER CONSTRUCTION TO CHARLES MILLS.

In accordance with authorization by the City Council at its meeting on June 12th, 1940, with reference to refund to Mr. Chas. Mills, 2410 Laburnum, of \$200.00 posted by him for construction of a sanitary sewer, when additional houses were built and served by this connection, the City Manager advised that this requirement had been complied with and that Mr. Mills was asking for refund of this \$200.00.

On motion of Councilman Little, seconded by Councilman Huntley, this refund was authorized.

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CONTRACT FOR SOIL PIPE, FITTINGS AND JOINT LEAD.

Bids were received on 1,070 feet of 4" soil pipe, single hub, standard weight; 54 4" 1/8 bends, standard weight and 1200 pounds of reclaimed lead, for use in connection with the Eleventh Street widening project, as follows:

Hajoca Corp.	\$ 282.92
Crane Company	292.58
Grinnell Company	356.27

On motion of Councilman Huntley, seconded by Councilman Hudson, award was made to the lowest bidder, the Hajoca Corp., at a net delivered price of \$282.92 and the Mayor and Clerk were authorized to sign the contract.

CONTRACT FOR TERRA COTTA PIPE.

The following bids having been received on 1 car (1302 feet) of No. 1 8" sewer pipe, in 3 ft joints and 60 8x4 V.O.wyes No.1 3-ft. joints, for use in various sewer services:

Tucker-Kirby Company	\$ 393.84
Doggett Lumber Company	406.43
Isehour Brick & Coal Co.	419.56
Cathey Lumber Co.	419.56

Councilman Hudson, seconded by Councilman Wilkinson, moved that the award be made to the lowest bidder, Tucker-Kirby Company, at the net delivered price of \$393.84 and that the Mayor and Clerk be authorized to sign the contract.

A RESOLUTION ACCEPTING THE AMENDATORY OFFER OF THE UNITED STATES OF AMERICA

The City Manager reported receipt of offer of the United States of America, Federal Works Administration, Docket NC 1412-F, whereby the original contract between them and the City of Charlotte, dated September 3, 1938, is to be amended so as to eliminate from the contract in line 9 of Paragraph 1, the figures \$466,363 and insert in lieu thereof the figures \$479,863.

After discussion of an amendatory offer of the United States of America, dated September 9, 1940, the following resolution was introduced and read in full by Councilman Wilkinson, who moved its adoption:

A RESOLUTION ACCEPTING THE
AMENDATORY OFFER OF THE UNITED STATES
OF AMERICA

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

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SECTION 1. An Offer of the United States of America to amend the contract created by the acceptance by the City of an offer dated September 3, 1938, a copy of which amendatory offer reads as follows, be and the same is hereby in all respects accepted:

"FEDERAL WORKS AGENCY
PUBLIC WORKS ADMINISTRATION

Washington, D C
Dated: September 9, 1940
Docket No. N.C.1412-F.

City of Charlotte,
Charlotte, North Carolina

The United States of America hereby offers to amend the contract created by the acceptance by the City of Charlotte, North Carolina, on September 15, 1938, of the Offer made by the United States of America and dated September 3, 1938, as amended by the acceptance of the said City on June 12, 1940, of the Offer made by the United States of America and dated June 10, 1940, by striking out, in line 9 of Paragraph 1 of said Offer dated September 3, 1938, as amended, the figures "\$466,363 and inserting in lieu thereof the figures "\$479,863".

UNITED STATES OF AMERICA

Federal Works Administrator

(Signed) E. W. Clark
Commissioner of Public Works"

SECTION 2. The City Council agrees to abide by all the Terms and Conditions which were made a part of the Offer of the United States of America, dated September 3, 1938, as amended by the Offer hereinabove accepted.

SECTION 3. The City Clerk be and she is hereby authorized and directed to send to the Public Works Administration three (3) certified copies of the proceedings in connection with the adoption of this Resolution, setting forth this Resolution in full, and such further documents or proofs in connection with the acceptance of the Amendatory Offer as may be requested by the Commissioner of Public Works.

Councilman Ward seconded the motion to adopt the foregoing resolution and the roll being called the following members voted aye:

Councilmen Albea, Baxter, Britt, Hovis, Hudson, Huntley, Little, Nance, Sides, Ward and Wilkinson.

The following members voted nay: None.

The Mayor thereupon declared said motion carried and said resolution adopted as introduced and read.

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CEMETERY DEED.

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

Mrs. J. M. Cowan, South Half of Lot No. 51, Section BB, Elmwood \$49.00

MEETING OF SEPTEMBER 17TH DISPENSED.

The regular meeting of September 18th., having been changed by motion duly passed at the last meeting to September 17th. at 4 o'clock P. M., on motion of Councilman Hudson, seconded by Councilman Baxter and unanimously carried, this meeting was dispensed with.

ADJOURNMENT.

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

Alice B. McConnell
City Clerk