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Regular meeting of the City Council, held in the Council Chamber, City Hall, at 4 o'clock P. M., Wednesday, August 13, 1941, with Mayor Currie presiding, and Councilmen Albea, Baker, Beasley, Daughtry, Hovis, Little, Painter, Price, Ross and Ward being present.

Absent: Councilman Slye.

APPROVAL OF AUGUST 6TH. MINUTES.

On motion of Councilman Albea, seconded by Councilman Ward, the minutes of the meeting of August 6th. were approved without change.

\$900.00 TO BE APPROPRIATED FOR POLICE AND SANITARY PURPOSES FOR DEFENSE COUNSEL RECREATION.

Mr. C. M. Westbrook, Mr. Henry Benoit and Mr. Francis Clarkson, appeared before the Council, asking for an appropriation of \$900.00 to be used in connection with a club house in the uptown district for soldiers; stating that the Board of County Commissioners had made an appropriation of this same amount contingent upon the City doing so.

Mayor Currie advised that this would be referred to the City Attorney to determine if the Council has the power to make such donation, but after hearing Mr. Francis Clarkson, and after Councilman Ross asked if the City could make such an appropriation for police and sanitary purposes and was informed by the City Attorney, Mr. Hugh Campbell, that it could be done in that manner, Councilman Ross, seconded by Councilman Ward, moved that an appropriation of \$900.00 from the Emergency Fund be used for police and sanitary purposes for the Council for Defense Recreation if the City Attorney rules that it can be done legally. Motion carried.

MEMBERS OF COLORED RESCUE MISSION REQUESTED AID.

A delegation of colored members of the Colored Rescue Mission, presented a request for permission to continue to operate this Mission and also financial aid in providing a suitable building to house wayfarers, stating that they have on at the present time a campaign to raise \$4000.00 for this work, which is not meeting with the success hoped for. The Mayor advised them that they had permission to continue to operate the mission, and on motion of Councilman Price, seconded by Councilman Albea, the written request which they filed, was received as information.

PRESENTATION TO THE CITY COUNCIL OF PHOTOSTATIC COPY OF CHARTER OF 1768.

Mr. John James, Attorney, at this time, presented to the Council a photostatic copy of "An Act for Establishing a Town in Mecklenburg County", which is the first charter of the City of Charlotte, bearing date of December 3rd. 1768; Mr. James stating that this copy was procured by him from the Secretary of State, at a cost of \$3.03, which the Council could reimburse him for if it cared to do so.

Upon motion of Councilman Ward, seconded by Councilman Albea and carried, the City is to reimburse Mr. James for his expenditure same to come from the Emergency Fund, and that the copy of the Charter

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be turned over to the City Manager with instructions to have it framed and hung in a suitable place upon the walls of the Council Chamber.

RESOLUTION AUTHORIZING THREE MEMBERS OF CITY COUNCIL TO ATTEND THIRTY-THIRD ANNUAL CONVENTION OF THE NORTH CAROLINA LEAGUE OF MUNICIPALITIES IN DURHAM.

On motion of Councilman Daughy, seconded by Councilman Beasley, the following resolution was unanimously adopted:

BE IT RESOLVED, by the City Council of the City of Charlotte, N. C., that the following officials are hereby authorized to represent this municipality at the Thirty-Third Annual Convention of the North Carolina League of Municipalities to be held in Durham August 14-16, 1941, and to vote in the election of league officers and other matters of state-wide municipal policy:

Any three members of the City Council who can attend.

Adopted this the 13th day of August 1941.

AUTHORIZATION FOR INCREASE IN SALARY OF TWO CLERICAL WORKERS IN JUDGE REDD'S OFFICE.

Mayor Currie presented a letter received from Mr. S. Y. McAden, Chairman of the Board of County Commissioners, Mecklenburg County, in which he enclosed copy of a letter from Judge Redd, acted upon by the Board at their meeting on August 11th. This letter reads in part as follows:

"At the present time we have with us Miss Marian Balance who has been with us quite a long period, and is a highly efficient book-keeper and cashier of the Court. Miss Balance receives a salary of \$70.00 per month. Miss Jessie Auten, who has also been with us some time, and is a stenographer, dictaphone operator and record clerk. She works with the probation officers and caseworkers of the Court and her work is highly satisfactory. She receives a salary of \$60.00 per month. Our problem is to keep Miss Balance and Miss Auten and frankly, it will not be possible to do so at the salary they are receiving. Out of loyalty to the Court, Miss Auten has refused a salary of \$85.00 per month, etc.

I respectfully recommend and request that you approve a salary of \$80.00 per month a piece for these young ladies. This is a total increase of \$20.00 per month, of which the County's share would be \$15.00 per month."

The County moved that these raises be granted and that the City Council be asked to concur in this action, inasmuch as one-half this expense will be borne by the City. On motion of Councilman Price, seconded by Councilman Albea, this increase was granted.

STAND-BY CHARGE ON MEMORIAL HOSPITAL FIRE HYDRANT AGAIN DEFERRED.

Councilman Ross gave a ruling from the City Attorney relative to the request for waiver of the stand-by charge on the fire hydrant and free water for the Charlotte Memorial Hospital, in which the City Attorney advised that the fire hydrant charge could be waived but that free water service could not be given.

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On motion of Councilman Ward, seconded by Councilman Albea, this matter was again deferred for one week, pending study of this ruling by the City Attorney, and the Clerk was ordered to have each member of the Council furnished a copy of this ruling.

ROOF FOR NO. 3 FIRE STATION.

Bids having been received on roof, guttering and downspouts at No. 3 Fire Station, at Belmont Avenue and Allen Street, as follows:

Charlotte Hardware Company	\$223.00
H & S Lumber Company	282.50
Shuman Roofing & Heating Co.	310.00
Interstate Roofing Co. Inc	384.80
" " " " alternate bid	364.00

On motion of Councilman Daughtry, seconded by Councilman Baker, award was made to the lowest bidder, Charlotte Hardware Company, at a total price of \$223.00 and the Mayor and Clerk were authorized to sign the contract.

PURCHASE OF TERRA COTTA PIPE.

On motion of Councilman Albea, seconded by Councilman Hovis, the Mayor and Clerk were authorized to sign a contract with the Cathey Lumber Company, for one car, 1302 feet, of 8" terra cotta pipe, in 3-foot joints, at a net delivered price of \$340.99.

Bids received on this pipe were as follows:

Cathey Lumber Company	\$340.99
Tucker-Kirby Company	340.99
Isenhour Brick and Coal Co.	340.99
Charlotte Lumber Corp.	340.99
W. S. Dickey Clay Mfg. Co.	340.99
J. L. Wiggins & Son Lbr. Co.	347.31

The City Manager advised that bids will be taken on 14 cars of 8" terra cotta pipe next week and that the purchase of this car load, which is needed immediately, will show a saving of \$41.80 should same be purchased from the local yards, and the order was placed on that basis.

PURCHASE OF GATE VALVES.

On motion of Councilman Ward, seconded by Councilman Painter, the Mayor and Clerk were authorized to sign a contract with the Chapman Valve Mfg. Company, the low bidder, for 4- 12" Gate Valves to be used by the Water Department, at a net delivered price of \$336.00.

Other bids were as follows:

Grinnell Company. Inc.	\$352.80
Crane Company	405.13

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FIFTEEN FIRE HYDRANTS PURCHASED.

Bids having been received on 15 Fire Hydrants to be used in various locations over the City, as follows:

Grinnell Company, Inc.,	\$893.76
R. D. Wood Company	894.98

Upon motion of Councilman Baker, seconded by Councilman Albea, the order was authorized to be placed with the lowest bidder, Grinnell Company, Inc., at a net delivered price of \$893.76 and the Mayor and Clerk authorized to sign the contract.

CAST IRON PIPE FITTINGS.

The City Manager reported that the Water Department desired to purchase 12 Cast Iron Cutting-in Tees and that the following bids were received on same:

R. D. Wood Company	\$241.70
National Cast Iron Pipe Co.	243.96

Thereupon, Councilman Baker moved that the order be placed with the lowest bidder, R. D. Wood Company, at a net delivered price of \$241.70 and that the Mayor and Clerk sign the contract. Motion seconded by Councilman Albea and carried.

PURCHASE OF REVOLVERS FOR POLICE DEPARTMENT.

The Police Department having requested the purchase of 20- Police Revolvers (5 Detective Specials and 15 Pistol Positive Revolvers) the following bids were received:

Smith-Wadsworth Hardware Co. (Colts)	\$445.00
Charlotte Hardware Company (Colts)	445.00
Colts Patent Fire Arms Mfg Co (Colts)	445.00

Mr. Armstrong reported that the Police Department has standardized on Colt Revolvers and would like to continue with that make. Also, that the Colts Patent Fire Arms Mfg. Company, of Cincinnati, Ohio, would not be able to furnish guns as described above for approximately five months on account of the Preparedness Program. The Smith & Wesson Co. of Springfield, Mass. advised that they would not be able to furnish revolvers at all. Inasmuch as the price quoted by Colts Patent Fire Arms Mfg. Company was identical with the local dealers, it was the recommendation of the City Manager that the order be divided between Smith-Wadsworth Hardware Company and the Charlotte Hardware Company.

Upon motion of Councilman Albea, seconded by Councilman Hovis, the City Manager's recommendation was approved and the Mayor and Clerk were authorized to sign contracts with the two company's as above stated; the delivery date to be five months from the date order is placed.

PURCHASE OF BILLING MACHINES DEFERRED FOR SURVEY.

The following bids having been received on one 17-column Water Billing Machine, for use in making monthly bills in the Water Department:

Burroughs Adding Machine Co.	\$1,669.50
Underwood-Elliott-Fisher Co.	1,777.50

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The City Manager recommended that the order be placed with the lowest bidder, Burroughs Adding Machine Company, but on motion of Councilman Ross seconded by Councilman Baker and carried, this matter was referred to a special committee, appointed by the Mayor, (not more than three members), with power to act or to report back to the Council, in the discretion of the Mayor, in order that one or two companies handling this type of machine could make a survey of the needs of the Department with regard to the machine.

The Mayor appointed on this Committee Councilman Hovis, Daughtry and Price, and asked that they have this survey made and report their findings to the Council at their convenience.

PURCHASE OF MATTRESSES FOR CITY JAIL.

Bids were called for and received on 24 mattresses for use in the City Jail to replace worn-out mattresses, as follows:

Lawing Mattress Factory	\$126.00
Jamison-Anchor Bedding Co.	72.91

However, the City Manager reported that the bid of Jamison-Anchor Bedding Company did not include leatherette covers for the mattresses, as required in the specifications. Thereupon, Councilman Albea moved that the order be placed with the Lawing Mattress Factory, at a delivered price of \$126.00. Motion seconded by Councilman Beasley and carried.

SIGNAL CONTROL AT INTERSECTION OF SOUTH TRYON STREET AND WEST BOULEVARD.

Mr. Armstrong advised that numerous requests have been received for a signal control at the intersection of South Tryon Street and West Boulevard and that the result of investigation shows that present conditions warrant the installation of same, inasmuch as it is felt that this control will tend to slow traffic to a reasonably safe condition at West Kingston and West Park Avenues.

Upon motion of Councilman Daughtry, seconded by Councilman Ward and carried, authorization for installation of a signal control at the above intersection was given, the cost of same to be approximately \$300.00.

SPECIAL OFFICER PERMITS.

Upon motion of Councilman Albea, seconded by Councilman Little, the following special officer permits for duty at the Quartermaster Depot on Statesville Avenue, were authorized:

Geo. N. Cloninger
Ambrose W. Hardin
Howard R. Elliott.

Upon motion of Councilman Hovis, seconded by Councilman Albea, H. C. Snelson was granted a special officer permit, as requested by the Wm. Muirhead Construction Company, for work on the premises of the Quartermaster Depot.

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BUDGET STATEMENT.

The Council was furnished a statement showing uncollected taxes as of August 7, 1941.

CEMETERY DEEDS.

Upon motion of Councilman Hovis, seconded by Councilman Albea, the following cemetery deeds and perpetual care agreement were approved:

Ben H. Camp and wife, Lot No. 38, Section "Y", Elmwood	\$ 63.00
James E. Webb " " 200, " "Y" "	35.00
Mary Hearn & Walter Mullis, 48, " "Z" "	31.50
Transfer of South Half of Lot No. 187, Section "Q" from Mrs. Ann A. Mullen, Widow, to T. R. Drum and wife, Era	1.00
Perpetual care agreement issued to J. A. Jenkins for Lot No. 90, Section "V", Elmwood	144.00

APPROPRIATION FROM EMERGENCY FUND FOR W.P.A. INDEXING PROJECT OF MINUTES

Upon motion of Councilman Albea, seconded by Councilman Baker, the sum of \$36.00 was appropriated from the Emergency Fund to purchase additional record indexing sheets for use on the W.P.A. Minutes Indexing Project for the City Clerk's office.

RENTAL OF SHOVEL AT ROCK QUARRY FROM CONTRACTORS SERVICE INC.

On motion of Councilman Hovis, seconded by Councilman Ward, permission was given for the City Engineering Department to use the shovel at the rock quarry, at a cost not to exceed \$6.50 per hour, up to \$190.00.

SEVEN DAY ADVENTISTS GRANTED PERMISSION TO SOLICIT FUNDS.

Upon motion of Councilman Hovis, seconded by Councilman Ward and carried, the Seven Day Adventists were granted permission to solicit funds with which to operate their church. Councilman Ross voted against this motion.

SEWER LINE ALTONDALE AVENUE AND COTTAGE PLACE.

Upon motion of Councilman Ross, seconded by Councilman Albea, authority was given for the expenditure of approximately \$500.00 in relaying sewer line in Altondale Avenue and Cottage Place in order to do away with the sewer line that is in bad shape at this point.

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TERMINATION OF SERVICES OF MR. JAMES W. ARMSTRONG AS CITY MANAGER AND APPOINTMENT OF A CITY MANAGER.

Councilman Baker moved that the term of office of Mr. Jas. W. Armstrong, as City Manager, be terminated at once. This motion was seconded by Councilman Daughtry.

Councilman Hovis asked if the Council had anyone in mind to put in this place and Councilman Albea also stated that he felt that a man should be selected to fill the place before voting on the above motion.

Mr. Hugh Campbell, City Attorney, was requested to read from the city charter the section relative to the office of City Manager, after which Councilmen Hovis, Ward and Albea voiced strong opposition to the dismissal of Mr. Armstrong, whom they stated had rendered satisfactory service as Manager, and who had worked day and night with the new Council in the preparation of the City's budget for the fiscal year 1941-42.

After hearing the above Councilmen, the Mayor called for a vote on the motion as made by Councilman Baker, which showed the following result:

AYE: Councilmen Baker, Beasley, Daughtry, Painter, Price and Ross.

NAY: Councilmen Albea, Hovis, Little and Ward.

The Mayor declared the motion carried.

Councilman Baker then moved that Mr. L. L. Ledbetter, in addition to his duties as City Treasurer, be appointed temporary or acting City Manager, his salary to be fixed at a later date. Mr. Baker was informed by the City Attorney that there was no such office as acting City Manager provided for in the charter, and he, thereupon, changed his motion to read "City Manager" instead of "temporary or acting City Manager". This motion was also seconded by Councilman Daughtry and the following votes were recorded:

AYE: Councilmen Baker, Beasley, Daughtry, Painter, Price and Ross.

NAY: Councilmen Albea, Hovis, Little and Ward.

And the Mayor declared this motion had passed.

Councilman Hovis, seconded by Councilman Ross, moved that Mr. Armstrong be paid for his regular vacation period. Mr. Campbell informed them that the same ruling as had been given with regard to the discharge of other City officials would prevail and that when a discharge becomes effective immediately the man is no longer an employee and the City does not have the power to make a gift to anyone of public money. Councilman Hovis then made a motion that the resolution presented by Councilman Baker with regard to the termination of Mr. Armstrong as City Manager, be changed to read effective as of September 1st. After some discussion, the Mayor declared a recess in order that the City Attorney draw up proper motion to cover this.

After a 10 minute recess, the Council reconvened, and Councilman Baker, seconded by Councilman Daughtry, moved that the two motions previously passed with regard to the City Manager, be rescinded. Motion Carried.

The following motion was then offered by Councilman Baker, which was seconded by Councilman Daughtry:

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"Moved that the employment of Mr. James W. Armstrong as City Manager, be and it hereby is, terminated, effective midnight August 31, 1941, and that his vacation start at once. Effective from this date that Mr. L. L. Ledbetter, in addition to his duties as Treasurer, perform the duties of City Manager."

This motion carried on the following recorded vote:

AYE: Councilmen Baker, Beasley, Daughtry, Painter, Price and Ross.

NAY: Councilmen Albea, Hovis, Little and Ward.

After the passage of the above motion, Councilman Baker then offered the following resolution, which was seconded by Councilman Daughtry and carried on a vote of six to four, the same as shown above:

WHEREAS, the position of City Manager has become vacant, and, whereas, the Council desires now to appoint a City Manager to take office and serve pending the Council's consideration of the qualifications of all persons whose names may be brought before it for appointment as successor to James W. Armstrong:

NOW, THEREFORE, it is moved that Mr. L. L. Ledbetter, in addition to his duties as City Treasurer, be appointed City Manager, effective midnight, August 31, 1941, with salary to be fixed at a later date.

This resolution was adopted on the following vote:

AYE: Councilmen Baker, Beasley, Daughtry, Painter, Price and Ross.

NAY: Councilmen Albea, Hovis, Little and Ward.

APPOINTMENT OF CHIEF OF FIRE DEPARTMENT.

On motion of Councilman Beasley, seconded by Councilman Little, W. H. Palmer was re-appointed as Chief of the Fire Department.

CHIEF OF POLICE APPOINTED.

Councilman Beasley then placed in nomination as Chief of Police the name of the present incumbent, Harry M. Joyner. This motion was seconded by Councilman Ward and carried unanimously.

APPOINTMENT OF CITY CLERK.

On motion of Councilman Hovis, seconded by Councilman Albea and carried unanimously, Alice B. McConnell was re-appointed City Clerk.

ADJOURNMENT.

Upon motion of Councilman Hovis, seconded by Councilman Albea, the meeting then adjourned.

Alice B. McConnell
City Clerk