

February 11, 1942.
Page 361.

The City Council met at 4 o'clock P. M., Wednesday, February 11, 1942, in regular weekly session, with Mayor Pro Tem Albea presiding and Councilmen Baker, Beasley, Daughtry, Hovis, Painter, Price, Ward and Little and Ross being present.

Absent: Mayor Currie and Councilman Slye.

BOYS SCOUTS TAKE OVER MEETING FOR FIRST HALF HOUR.

In celebration of National Boy Scout Week, representatives of local Boy Scout troops took over the City Council meeting for the first half hour, a Mayor, eleven members of the City Council, City Attorney and City Manager, occupying the seats of the regular Council, etc., and a very interesting Council meeting was conducted by these boys.

After the Scouts retired, the meeting was called to order by Mayor Pro Tem Albea and the reading of the minutes was dispensed with until later.

ARMORY-AUDITORIUM TO BE USED FOR PROGRAM "KNOW THE BOYS FROM BRAGG".

Messrs. D. H. Henderson and L. G. Ratcliffe, representing the American Legion local Post, asked for free use of the Armory-Auditorium on March 6th., when a large number of troops from Fort Bragg will be brought to Charlotte for a "Know the Boys from Bragg" program.

On motion of Councilman Price, seconded by Councilman Ward, this request was granted.

REPORT OF COMMITTEE ON REQUEST FOR DRIVEWAY TO FILLING STATION ON DALTON AVE.

Councilman Little reported for the special committee appointed to investigate the request of Mr. Chas. Dalton for permission to construct a driveway to a filling station on Dalton Avenue, in a different manner than called for by ordinance; advising that the committee was of the unanimous opinion that they be asked to comply with the ordinance.

On motion of Councilman Price, seconded by Councilman Ward, the report of the committee was accepted.

REPORT OF COMMITTEE ON GOVERNMENT'S REQUEST FOR USE OF ARMORY.

Councilman Ward reported that the committee on the Government use of the Armory for housing soldiers for the Air Base, had met and agreed that if the Armory was needed in an emergency for housing these soldiers to permit them the use of the basement only, at least for the present, and that if needed in case of an air raid or other emergency the Council could then make cancellation of engagements.

Councilman Ward then moved that the City Manager be asked to

February 11, 1942
Page 362.

notify Lieut. Taylor or Col. Howard of this action in writing.

BUTTERMILK COMMITTEE TO HAVE REPORT READY ON FEBRUARY 18TH.

Councilman Hovis reported that the "Buttermilk" committee would have report ready for presentation on February 18th., the date called for in the resolution adopted on January 28th.

SIGNAL CONTROL AT FIRST AND McDOWELL STREETS.

The City Manager asked that the matter of the signal control for McDowell and First Streets or McDowell and Stonewall Streets, discussed at the last meeting of the Council, be delayed for another week, but stated that in the mean time that section would be patrolled during school hours.

SALE OF WATER METER TO ARMY AIR BASE.

On motion of Councilman Little, seconded by Councilman Painter, approval was given for the sale of one 2-inch water meter to the Charlotte Army Air Base at cost, \$60.00, plus 10% for handling charges, making a total of \$66.00.

RESOLUTION AUTHORIZING APPEAL TO THE NORTH CAROLINA SUPREME COURT IN THE CASE OF MRS. JANIE WHITEHEAD vs. CITY OF CHARLOTTE,

At the request of the City Attorneys, and on motion of Councilman Baker, seconded by Councilman Price, the following resolution authorizing appeal to the North Carolina Supreme Court in the case of Mrs. Janie Whitehead vs. the City of Charlotte, was unanimously adopted:

WHEREAS, the City Attorneys are of the opinion that the above entitled case should be appealed to the Supreme Court of North Carolina from a judgment entered in the Supreme Court of Mecklenburg County, and have heretofore discussed same with the City Council at an informal meeting,

NOW, THEREFORE, Be it resolved that the Mayor and the City Clerk be, and they hereby are, authorized to enter into an appeal bond on behalf of the City in the amount of \$100, and the City Attorneys be, and they hereby are, authorized and directed to take such steps as may be necessary to perfect an appeal in this case to the Supreme Court and argue the same before said Court.

RESOLUTION AUTHORIZING APPEAL TO THE NORTH CAROLINA SUPREME COURT IN THE CASE OF CITY OF CHARLOTTE vs. MARGARET THURMOND KAVANAUGH, ET AL.

On motion of Councilman Baker, seconded by Councilman Ward, the following resolution, relative to appeal of the case of Margaret Thurmond Kavanaugh, et al., was also unanimously adopted:

WHEREAS, the City Attorneys are of the opinion that the above entitled case should be appealed to the Supreme Court of North Carolina from a judgment entered in the Supreme Court of Mecklenburg County.

NOW, THEREFORE, Be it resolved that the Mayor and the City Clerk

February 11, 1942
Page 363.

be, and they hereby are, authorized to enter into an appeal bond on behalf of the City in the amount of \$50, and the City Attorneys be, and they hereby are, authorized and directed to take such steps as may be necessary to perfect an appeal of this case to the Supreme Court and argue the same before said Court.

RESOLUTION RELATING TO PARKING METERS.

The following resolution was presented by Mr. Flack, City Manager, at the request of the City Attorneys, and on motion made by Councilman Beasley, seconded by Councilman Price, was adopted:

RESOLVED that while the parking meters recently contracted for are in operation during the trial period, care shall be used by the representatives of the City in charge of the supervision, maintenance and operation of the meters to deal with the meters of each company fairly and in the same fashion, and without in any manner giving the meters of one company a preference over the meters of the other company, and that, as nearly as may be during the said trial period, the meters shall be operated, maintained and serviced in the same manner that they will be operated, maintained and serviced after purchase, in the event the City purchases same, to the end that the City's experience with the meters during the trial period will correctly reflect what its experience probably will be if the Council decides to purchase the meters.

FEDERAL TAXATION OF MUNICIPAL BONDS.

Mr. Flack reported that the U. S. Conference of Mayors, in the interest of cities over the United States, is condemning the Federal proposal to tax municipal bonds; stating that Mr. Ledbetter, City Treasurer, had made an extensive study of this matter and a resolution had been suggested by him, which was passed on to the City Attorneys for study, and that he had received the following letter from Mr. C. W. Tillett regarding the question:

" The resolution suggested by Mr. Ledbetter and attached to his letter to you and Mr. Flack of even date, carries the implication that the Council approved the federal taxation of state and municipal bonds if the Federal Government gives to states and cities the reciprocal right to tax federal securities. Mr. Ledbetter's letter points out, however, that due to the fact that not very many federal bonds are held in North Carolina and a great many state and municipal bonds are held within the State, the reciprocal tax would not off-set the loss that the state and cities in North Carolina would suffer.

If the Council prefers to condemn the proposition to tax state and city bonds independently of whether or not the reciprocal right to tax federal securities is given, then we suggest that the enclosed resolution be adopted instead of the one suggested by Mr. Ledbetter."

The resolution prepared by Tillett & Campbell was then presented and on motion made by Councilman Price, seconded by Councilman Ross, was unanimously adopted:

RESOLUTION CONDEMNING FEDERAL TAXATION OF
MUNICIPAL BONDS.

WHEREAS, a proposal is being sponsored by certain federal officials for the taxation of the securities of states and their subdivisions and agencies and, whereas, the federal taxation of municipal bonds would be reflected in either an increased interest rate or a lower

February 11, 1942
Page 364.

sale price, which would mean an increased burden upon city taxpayers and, whereas, all sources of city taxation are rapidly being curtailed except the field of ad valorem taxation of real and personal property, which are already over-burdened with taxation and, whereas, the federal taxation of local bonds would vest in the federal authorities a means of controlling local affairs not contemplated by the Federal Constitution:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE, THIS 11TH DAY OF FEBRUARY, 1942:

1. That the City of Charlotte opposes any attempt to add to the cost of state and municipal governments by the federal taxation of the securities of states, their subdivisions and agencies.
2. That the City of Charlotte opposes this proposal regardless of whether or not the reciprocal right is granted to states and cities to tax federal securities because federal securities are so scantily held within the State of North Carolina as that such reciprocal right would not produce revenue sufficient to offset the loss which the State and its subdivisions and agencies would lose by the proposal.
3. That the City of Charlotte urges all members of both Houses of Congress to support legislation in Congress at the 1942 session designed to prevent the taxing of outstanding bonds, or future issues, of the states, municipalities and instrumentalities.
4. That the City of Charlotte endorses the objectives of the Conference on State Defense and the U. S. Conference of Mayors so far as same are consistent with this resolution and states its willingness to cooperate with state organizations in furthering said objectives.
5. That a copy of this resolution be sent to all members of both Houses of Congress from the State of North Carolina, to the members of the House Ways and Means Committee, to the members of the Senate Finance Committee and the North Carolina League of Municipalities, and to the Attorney General of the State of North Carolina.

SPECIAL OFFICER PERMITS FOR AIRPORT PREMISES.

On motion of Councilman Hovis, seconded by Councilman Ward and carried, Mr. Charles R. Jefferson and Mr. Eugene Hinkle were granted Special Officer permits on the premises of the Douglas Airport.

WAR TIME ORDINANCE.

Upon motion made by Councilman Baker, seconded in each instance by Councilman Ward, the following ordinance was read, approved and adopted on three readings and declared by the Mayor Pro Tem to be an ordinance of the City of Charlotte, this 11th day of February 1942.

AN ORDINANCE ADOPTING WAR TIME.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE, N.C.:

Section 1. That war time as provided for in the Proclamation of the President of the United States heretofore issued, said war time having become effective on the 9th day of February, 1942, be, and the same hereby is, adopted for the City of Charlotte, with the purpose and intent that such adoption of war time shall have the force and effect provided by Section 63 of the Charter.

Section 2. That this ordinance shall be and become in full force and effect upon its adoption by the City Council.

February 11, 1942
Page 365.

Section 3. That the City Clerk shall certify to the passage of this ordinance and cause the same to be published.

APPROVED AS TO FORM:

TILLET & CAMPBELL
City Attorneys.

RESOLUTION UPON DEATH OF MR. P. J. BUCKLEY, CITY EMPLOYEE.

On motion of Councilman Ward, seconded by Councilman Little, the following Resolution was ordered placed upon record and copies furnished to the family of the deceased:

R E S O L U T I O N

WHEREAS, in the Providence of the Almighty God, he has seen fit to call from this temporal life our friend and fellow-worker, Mr. Patrick J. Buckley; and

WHEREAS, through his death the City of Charlotte has lost a loyal and faithful public servant; and

WHEREAS, we respect and honor his memory, devotion to duty and loyalty in service throughout his many years of service to the City:

NOW, THEREFORE, BE IT RESOLVED that we, the City Council, of the City of Charlotte, in regular session convened, this the 11th day of February 1942, have lost a true friend and the City and citizens of Charlotte have lost a valued ~~employee~~ public servant, and that we deeply sympathize with the ~~xxxxxxx~~ family of the deceased; and

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the family of the deceased, a copy spread upon the official minutes of the City Council and a copy sent to the Newspapers of the City of Charlotte.

INVITATION TO ATTEND "RELIGIOUS-PATRIOTIC" MEETING OF D.A.R.

An invitation was extended to the Mayor and Council by the Daughters of the American Revolution for a Religious-Patriotic meeting to be held on February 22nd., at Queens College, when Dr. Frank Graham, of the University of North Carolina, will be the speaker.

PERSONNEL CHANGES.

Mr. Flack reported the dismissal of Mr. J. H. Fullerton and Mr. W. A. Neal, Sanitary Inspectors, and Mr. Thad Phifer, of the Armory.

CEMETERY DEEDS.

On motion of Councilman Baker, seconded by Councilman Ward, the following cemetery deeds and perpetual care agreements were approved:

Ivey W. Stewart, Lot No. 40, G. Annex, Elmwood, with Per.Care	\$256.20
E. C. Dwelle, perpetual care on N $\frac{1}{2}$ Lot No. 5, Sec. "W"	60.00

February 11, 1942
Page 366.

REPORT OF COMMITTEE ON DOG POUND.

Mr. Albea stated that the Mayor had appointed Mr. Painter and himself to meet with Mr. DeLaney with regard to the operation of the City's dog pound. He stated that the Humane Society is operating the pound for Mecklenburg County and that they are wanting to take over the City's for the remainder of this fiscal year. The pound is operating at a loss at the present time and it was the opinion of the committee that the matter of the Humane Society operating it should be looked into.

After considerable discussion regarding the matter, Councilman Baker made a motion that the present committee be retained and that they confer with the City Attorney and if an ordinance is necessary to take care of the matter, that they bring one to the Council at their earliest convenience. Motion seconded by Councilman Little and carried. Mr. Albea then asked that Mr. Flack, City Attorney Tillett and Mr. DeLaney also be asked to serve on this committee.

MINUTES READ AND APPROVED.

On motion of Councilman Little, seconded by Councilman Beasley, the minutes of the previous meeting were approved as read.

ADJOURNMENT.

On motion of Councilman Little, seconded by Councilman Ross, the meeting adjourned.

Alice B. McPherson
City Clerk

February 18, 1942
Page 367

The regular weekly meeting of the City Council was held in the Council Chamber, City Hall, at 4 o'clock P. M., Wednesday, February 18, 1942 with Mayor Currie, presiding and Councilman Albea, Baker, Beasley, Daughtry, Hovis, Painter, Price, Slye and Ward being present.

Absent: Councilman Little

On motion of Councilman Hovis, seconded by Councilman Baker and carried, the reading of the Minutes of the previous meeting was dispensed with at this time.

MILK ORDINANCE.

Mr. D. E. Henderson, Attorney for the Buttermilk Dealers Asso. advised the Council he had not received a copy of the revised Milk Ordinance which he understood was to be presented today, and therefore neither he nor the Dealers had reviewed it, and requested that the Ordinance be deferred for one week. Councilman Albea moved that the matter be deferred until the next regular Council Meeting, motion seconded by Councilman Hovis and unanimously carried.

USE OF ARMORY FOR GOLDEN GLOVE TOURNAMENT.

Dr. Oren Moore requested free use of the Armory for the Golden Glove Tournament on February 17 through 23, 1942. He stated the entire profits went to the Fresh Air Fund for underprivileged boys. Councilman Daughtry moved that the request be granted. Motion seconded by Councilman Albea and carried, with Councilman Ross voting "no", and stating that he was not opposed to the Fresh Air Fund but felt the Council had no legal right to approve free use of the Armory.

REQUEST FOR DONATION TO CHARLOTTE RESCUE MISSION.

Mr. Guy M. Beatty, representing the Charlotte Rescue Mission, requested the Council to make an appropriation of \$1,000.00 to the Mission. Mayor Currie advised Mr. Beatty that the City had no fund from which to make this donation at this time and suggested that the request be again brought to the attention of the Council and the Finance Committee in May or June before the 1942-43 budget was prepared.

USE OF ARMORY FOR HEBREW UNITED BROTHERHOOD.

Mr. J. L. Pressman, representing the Hebrew United Brotherhood requested use of the Armory without cost on September 11 through 13th, and on September 20 and 21, for church services. Mr. Pressman stated that the Hebrew Church was too small to accommodate the membership and the soldiers at services on these special dates. On motion of Councilman Ward, seconded by Councilman Albea, the request was granted if the dates were available, motion carried with Councilman Ross voting "no".

CHARGES REDUCED ON ARMORY FOR HIGH SCHOOL BOXING.

At the request of Mr. Bob Allen, Director of Physical Education in the City Schools, that a reduced rate of \$5.00, instead of the \$20.00 rate charged, be made for the three boxing matches held at the Armory this spring. Motion was made by Councilman Ward, seconded by Councilman Albea, that the request be granted. Motion carried with Councilman Ross voting "no".

STREET ASSESSMENT ON CARMEL STREET.

Mr. H. L. Taylor, Attorney for Mr. G. A. Smith, presented a request that Mr. Smith be relieved of a 17-foot assessment along Carmel Street, at the intersection of French Street. He stated that the assessment was based on 100-foot frontage, whereas they occupy only 83-feet. The Mayor