

February 25, 1942
Page 372.

The regular weekly meeting of the City Council was held in the Council Chamber, City Hall, at 4 o'clock P. M., Wednesday, February 25th, 1942, with Mayor Currie presiding and Councilmen Albea, Baker, Beasley, Daughtry, Hovis, Painter, Price, Ross, Slye and Ward being present.

Absent: Councilman Little.

TEACHERS RETIREMENT.

Messrs. Richard E. Thigpen and Chas. E. Lambeth, members of the Finance Committee of the Board of School Commissioners, appeared before the Council in connection with the pending resolution relative to Teachers' Retirement, which was postponed from the last meeting. A large delegation of teachers were also present.

The resolution as presented at the February 18th. meeting, entitled "RESOLUTION OF CITY COUNCIL DIRECTING PAYMENT OF FUNDS REPRESENTING CONTRIBUTIONS TO STATE RETIREMENT SYSTEM" was again read by the Clerk, and on motion of Councilman Albea, seconded by Councilman Ward, was ordered taken up at this time. Thereupon, Councilman Albea, seconded by Councilman Hovis, moved the adoption of the resolution as read. After discussion, this motion was adopted, with Councilman Ross recorded as not voting. By way of explanation, Councilman Ross stated that while he was in favor of the resolution, he was not voting for it because it was not fair to all other City employees, which should be given the same protection.

The Mayor declared the Resolution adopted. This resolution appears on Pages 368 and 369 of the minutes of the meeting of February 18th.

TEXTILE WORKERS UNION GRANTED USE OF ARMORY-AUDITORIUM AT LOWEST COST.

On motion of Councilman Albea, seconded by Councilman Slye and carried, the request of Mr. R. R. Lawrence, of the Textile Workers Union, for use of the Armory-Auditorium on March 27th., for the holding of a mass meeting, was granted at the lowest cost set up in the ordinance for this type of meeting.

MINUTES OF FEBRUARY 18TH. MEETING CORRECTED AND APPROVED.

The minutes of the meeting of February 18th. were read, and on motion of Councilman Albea, seconded by Councilman Hovis, were approved with the following correction:

On Page 368, under Resolution relative to State Retirement System for School Teachers, in paragraph which reads:

"In connection with the above resolution, Councilman Albea at this time presented the following resolution and moved that the matter be deferred until the next regular meeting, same being approved with the unanimous consent of the Council"

This was changed to read:

"Councilman Albea, seconded by Councilman Hovis, moved to adopt the resolution, but after discussion it was unanimously agreed that the matter would be voted on at the next regular meeting."

February 25, 1942
Page 373.

COMMITTEE ON BONDS FOR CITY EMPLOYEES NOT READY TO REPORT.

Councilman Ross, Chairman of the Finance Committee, stated that his committee was not ready at this time to report on the matter of bonds for City employees.

REPORT ON REQUEST FOR CANCELLATION OF ASSESSMENT ON CARMEL STREET MADE BY ATTORNEY FOR G. A. SMITH.

Mr. Ross reported in connection with the request made at the last meeting by Attorney H. L. Taylor, on behalf of Mr. G. A. Smith, for cancellation of street assessment of 17-feet on Carmel Street, that the matter had been discussed with the City Attorneys and that Mr. Smith had refused to make application for division on rebate, and that Mr. Tillett, City Attorney would not approve. Therefore, Mr. Smith is going to pay for the 100 ft. assessment and sue for the remainder, or 17 feet.

This report was received as information.

REPORT ON DOG POUND TO BE MADE AT NEXT MEETING.

Councilman Albea reported that the committee appointed to study the Dog Pound would have report ready for the next meeting.

RENTAL OF ARMORY-AUDITORIUM DISCUSSED.

Councilman Ward brought up the question of the rental of the Armory-Auditorium causing Mr. Flack, City Manager, and Mrs. Hoffman, Secretary, quite a lot of trouble, especially with regard to the Sunday rental status. Councilman Albea stated that he was opposed to the renting of the Armory for Sunday use where sale of tickets is made. Mr. Flack advised that he would be glad to get the matter straightened out and on motion of Councilman Ward, seconded by Councilman Ross, with Councilman Albea voting "No", it was agreed that the matter of renting the Armory on Sunday be left to the City Attorneys and the City Manager so long as it complies with the present ordinance.

PURCHASE OF CORRUGATED METAL PIPE FOR ENGINEERING DEPARTMENT.

The City Manager reported that the Engineering Department wished to purchase 1040 lineal feet of iron corrugated metal pipe for emergency use in view of present conditions, and that the following bids were received on same:

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| Wheeling Corrugating Company | \$849.10 |
| Dixie Culvert & Metal Company | 932.37 |
| Tennessee Coal, Iron & R.R. Company | 932.37 |

On motion of Councilman Ward, seconded by Councilman Slye, award was made to the lowest bidder, Wheeling Corrugating Company, at a net delivered price of \$849.10, and the Mayor and Clerk were authorized to sign the contract.

February 25, 1942
Page 374

METER READING LEDGER SHEETS PURCHASED FROM HUNEYCUTT PRINTING COMPANY.

The following bids having been received on 43,000 meter reading ledger sheets for the Water Department:

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| Huneycutt Printing Company | \$103.00 |
| The News Printing Company | 173.40 |
| Remington-Rand Inc. | 181.60 |
| Pound & Moore Company | 206.00 |

On motion made by Councilman Albea, seconded by Councilman Painter, the order was placed with the lowest bidder, Huneycutt Printing Company, at the net delivered price of \$103.00.

REPAIR WORK ON SPUR TRACK OF S.A.L. RY. AT EQUIPMENT DEPOT AUTHORIZED FROM EMERGENCY FUND.

The City Manager advised that the spur track of the Seaboard Railway Company leading to the trestle at the Equipment Depot is in need of repair, which must be made at once, as it is a requirement of the Railway Company that the work be done by their ground crew and paid for by the City. The estimated cost of doing the necessary work is \$130.00.

Councilman Baker moved that the work be done and that the \$130.00 estimated cost be paid from the Emergency Fund. Motion seconded by Councilman Albea and carried unanimously.

REPAIR PARTS FOR GATE VALVES.

On motion of Councilman Albea, seconded by Councilman Baker, authority was given for the purchase of repair parts for various size gate valves, by the Water Department, from Crane Company, at the cost of \$135.72.

INVOICE FOR PRINTING RECORD AND DOCKETING APPEAL OF CASE WHITEHEAD V. CITY OF CHARLOTTE, AUTHORIZED TO BE PAID FROM EMERGENCY FUND.

On motion of Councilman Ward, seconded by Councilman Albea, an invoice from the Clerk of Supreme Court, Raleigh, in the amount of \$80.85, covering cost of printing record and docketing appeal in the case of Mrs. Janie Whitehead vs. the City of Charlotte, was authorized to be paid from the Emergency Fund.

APPROVAL OF INVOICE COVERING MEALS FOR PRISONERS, FEBRUARY 1ST. TO 16TH.

On motion of Councilman Slye, seconded by Councilman Baker, approval was given for the payment of an invoice from the Purity Cafe, in the amount of \$100.80, covering 672 meals at 15 cents each, served to prisoners in the City Jail from February 1st. to 16th.; this payment to be made from the budgeted fund in the Police Department.

February 25, 1942
Page 375.

INVOICE FOR COPY OF RECORDS IN SUIT OF PACE VS. CITY APPROVED.

On motion of Councilman Baker, seconded by Councilman Albea, authority was given for the payment from the Emergency Fund of an invoice from E. D. Blair, Court Reporter, in the amount of \$4.80, covering copy of records in the suit of James F. Pace against the City of Charlotte; the plaintiff having given notice of appeal to the Supreme Court and this record being necessary for the City Attorneys to prepare case.

RESOLUTION RELATIVE TO CONTRACT WITH THE FEDERAL GOVERNMENT FOR CONSTRUCTION OF SIDETRACK ACROSS FORDSON AVENUE.

The City Manager advised that on September 6, 1941, the Council adopted a resolution authorizing the City to execute a contract with the Government for the construction of a sidetrack across Fordson Avenue, for the purpose of connecting the Quartermaster Depot with the Southern Railway, but that due to many minor changes made necessary by the Government, the Contract had never been signed, and the City Attorneys have prepared another contract which is acceptable to the Government. The following resolution was submitted in this connection, and on motion made by Councilman Slye, seconded by Councilman Albea, was unanimously adopted:

RESOLUTION AUTHORIZING EXECUTION OF
CONTRACT WITH THE UNITED STATES OF AMERICA.

RESOLVED that the Mayor and City Clerk be, and they hereby are, authorized and directed to execute the contract between the City of Charlotte and the United States of America bearing the Government's number W-7088-eng.2, dated Sept. 6, 1941, which has been presented to this meeting and which authorizes the Government, under the terms and conditions therein stated, to construct a sidetrack across Fordson Avenue for the purpose of connecting its Quartermaster Depot with the Southern Railway, and constructing a reinforced concrete bridge along Fordson Avenue across the said sidetrack.

SPECIAL OFFICER PERMIT OF W. R. STROUPE, JR., REFERRED TO POLICE & FIRE COMMITTEE FOR HEARING OF EVIDENCE AND REPORT BACK TO COUNCIL.

On motion of Councilman Albea, seconded by Councilman Hovis and carried, the matter of revocation of special officer permit of W. R. Stroupe, Jr., brought up at the last meeting, was referred to the Police and Fire Committee to hear evidence and report back to the Council.

MILK ORDINANCE CHANGES DISCUSSED AND AGAIN POSTPONED.

Councilman Hovis, Chairman of the special committee appointed to go into the matter of the Milk Ordinance, reported that the Committee had prepared an ordinance which they had agreed upon with the exception of Section 8, shown on page 12 of the ordinance. Councilman Baker, a member of this committee, stated that the section 8 in the ordinance presented meets with his approval, and made a motion that the ordinance be adopted as submitted, without Section 8 being changed. This motion was seconded by Councilman Slye.

Councilman Hovis, seconded by Councilman Albea, made a substitute motion that Section 8 be changed as follows:

February 25, 1942
Page 376.

SECTION 8. GRADES OF MILK AND MILK PRODUCTS WHICH MAY BE SOLD.

From and after the date on which this ordinance goes into effect no milk or milk products shall be sold to the final consumer, or to restaurants, soda fountains, grocery stores or such establishments, except certified milk- pasteurized, Grade A pasteurized, certified raw, Grade A raw and Grades A, B and C buttermilk; provided, however, that any person, firm or corporation may sell butter and Grade C of raw buttermilk to other than public eating places when such butter and Grade C raw buttermilk comply with Item 1-R, 10-R, Item 25-R and Item 11-R, except, however, running water under pressure shall not be required, provided covered wells and pumps therein are used. Provided, further, that Grade C raw buttermilk shall be sold only in standard milk containers and with the Grade and Producer's name and address printed on the cap, and the outer wrapper of butter packages shall be stamped in India ink thereon the name and address of the producer. Writing on butter wrappers with pen and ink or pencil is hereby prohibited.

This section shall not be construed as forbidding the sale of lower grades of milk and milk products during temporary periods of degrading, not exceeding thirty consecutive days, or in emergencies such longer periods as the Health Officer may deem necessary.

After considerable discussion, Councilman Hovis withdrew his substitute motion. Councilman Baker stated that he felt that the doctors know what is best for the community and that they are in favor of the ordinance as written. Several other members of the Council voiced their opinions, and Mr. D. E. Henderson, attorney, representing the buttermilk dealers of Mecklenburg County stated that if the ordinance as written is to be considered, then the buttermilk dealers would like to be heard,

Councilman Hovis, seconded by Councilman Daughtry, then made a substitute motion that the new Section 8 be placed in the ordinance.

Councilman Price stated that he knew nothing of this change and would not want to vote on it before having time to study same, and he thereupon, offered a second substitute motion that the matter be delayed until such time as the doctors have had time to study it. At this point, Councilman Baker stated that the committee had met with the Medical Society and that they had given approval of the ordinance as written, but not with the substituted Section 8.

Mr. Henderson then engaged in a lengthy argument, in which he stated that the only benefits of the ordinance will be to the milk plants and not to the producers. Mr. Frank Kennedy, attorney, also spoke relative to the hardships which such an ordinance will work on the buttermilk dealers, and after considerable discussion, Councilman Price's motion to delay the matter was seconded by Councilman Ross, and on being put to a vote was carried, and the matter was postponed for one week.

CEMETERY DEEDS.

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

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| J. B. Bradbury and wife, Lavata, Lot No. 66, Section "Z" Elmwood | \$35.00 |
| Dr. L. D. PcPhail & wife, S. Half Lot No. 87 Sec. "X" | 70.00 |
| Perpetual care on same | 60.00 |
| Mrs. J. O. McAuley, Lot No. 159 Section "Y" | 63.00 |
| Transfer of N.W. 1/4 Lot No. 138 Sec. "Q" from Mr. and Mrs. | |
| J. M. James to Mrs. John Gilbert | 1.00 |

ADJOURNMENT.

On motion of Councilman Hovis, the meeting then adjourned.

Alice B. McConnell
City Clerk