

January 28, 1942  
Page 343.

The City Council met in regular weekly session at 4 o'clock p.m., Wednesday, January 28, 1942, with Mayor Pro Tem Claude L. Albea presiding in the absence of Mayor Currie. Also present: Councilmen Beasley, Baker, Daughtry, Hovis, Painter, Price, Ross, Slye, Little and Ward.

Absent: Mayor Currie.

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On motion of Councilman Little, the reading of the minutes of the previous meeting was dispensed with at this time.

PURCHASE OF PIPE FOR WATER DEPARTMENT.

On motion of Councilman Little, seconded by Councilman Ward, the Mayor and Clerk were authorized to sign a contract with the Grinnell Company, Inc., for 5,000 feet of 3/4" and 500 feet of 1" Wrought Iron Pipe for the Water Department, at a net delivered price of \$776.70.

Other bids received on this material were:

Crane Company	\$776.70
Horne-Wilson, Inc.	776.70
Atlas Supply Company	814.38

Award was made to Grinnell Company due to the fact that they were the only bidder who had the material in stock and could make immediate delivery.

FENCE TO BE INSTALLED AT WATER WORKS FILTER PLANT.

Bids having been received for furnishing and installing 860 feet of new fence and gates and removing and relocating 116 feet of existing fence and one gate, at the Water Works Filter Plant, as follows:

American Steel & Iron Co.	\$1,361.00
Allison Fence Company	1,369.44

On motion made by Councilman Baker, seconded by Councilman Ross, purchase was authorized to be made from the lowest bidder, American Steel & Iron Company, at a net installed price of \$1,361.00, same to be completed within 40 days, and the Mayor and Clerk were authorized to sign the contract with this company.

WATER BILLS TO BE PRINTED.

On motion made by Councilman Slye, seconded by Councilman Little, award for printing 125,000 water bills, representing a 6 months supply, was made to the lowest bidder, Huneycutt Printing Company, at a net delivered price of \$163.45.

Other bids were as follows:

Carolina Printing Company	\$163.45
Southern Printing Company	198.75
News Printing House	200.00

January 28, 1942  
Page 344.

SALE OF WASTE PAPER.

The City had on hand 500 pounds of waste paper and pasteboard cartons which it desired to sell, and on motion of Councilman Little, seconded by Councilman Baker, sale of this material was authorized to the Chesapeake Paper Stock Co. Inc., at 40¢ per cwt. The I. V. Sutphin Company offered the same price on this paper.

APPROVAL OF SALE OF WATER WORKS MATERIAL.

On motion of Councilman Ross, seconded by Councilman Baker, approval was given for the sale of the following items to the Water Department of the City of Monroe, N. C., to fill an emergency need in supplying water to the new Army Camp:

1- 12" gate valve	\$95.00
1- 12 x 12 x 6' x 6 cast iron	
cross	25.85
1- 8" compound water meter	500.00

AUTHORIZATION FOR SALE OF SCRAP IRON PIPE.

The City Manager advised that at the November 12th. meeting, approval was given for the sale of approximately 1,000 pounds of scrap iron pipe to the highest bidder, Schwartz & Son, Inc., at a unit price of \$2.00 per cwt., but that it is now found that there were 5,460 pounds of this material and that Schwartz & Son do not wish to pay the quoted price for the additional 4460 pounds. They offer to pay 90¢ per cwt., which is .05 per cwt. higher than either of the other two bids originally received, and on motion of Councilman Baker, seconded by Councilman Ross approval was given for the sale of this additional scrap iron at the price of 90¢ per cwt.

REASSESSMENT PETITION FOR PROPERTY ON STATESVILLE AVENUE REFERRED TO CITY ATTORNEYS.

The City Manager reported receipt of a petition filed by Druid Hills, Inc., requesting that property on Statesville Avenue be re-subdivided and reassessed but at the request of Mr. Flack this was held over for one week in order that same be referred to the City Attorneys.

CHANGE IN TIRES ON NEW GARBAGE TRUCKS.

Mr. Flack reported that on December 3rd the Council awarded to the Pyramid Chevrolet Company the contract for 13  $\frac{1}{2}$  ton Chevrolet trucks for the Sanitary Division, same to be equipped with the spare tire and tires for the two rear wheels No. CC-22, size 32x6, 10-ply special constructed Stop and Start, especially suited for that service. The Pyramid Chevrolet Company now advise that they are unable to furnish this tire, as only standard tires are available and they propose to furnish the trucks equipped with standard equipment and credit the City covering the differential, amounting to \$59.70 per unit, or a total credit of \$776.10. He advised that these trucks are in stock and will be released to the City as soon as the Government restriction is lifted. He recommended that the standard equipment

January 28, 1942  
Page 345.

be accepted and also the credit of \$776.10, which is a fair adjustment in his opinion.

On motion of Councilman Little, seconded by Councilman Slye, this change and adjustment was approved.

REQUEST FOR USE OF ARMORY BY THE U. S. GOVERNMENT REFERRED TO A SPECIAL COMMITTEE.

Mr. Flack reported receipt of a request from Colonel C. W. Howard, Commanding Officer of the Army Airbase in Charlotte, for use of the Armory-Auditorium for housing military units should troops move into this area in large numbers and he recommended that a committee be appointed to look into this request.

On motion of Councilman Ross, seconded by Councilman Little, this was referred to a special committee, Mr. Flack being asked to serve on same.

Mayor Pro Tem Albea then appointed the following members of the Council to serve on this committee in addition to the City Manager: Messrs. Ward, Ross and Beasley.

CANCELLATION OF PAVING ASSESSMENT ON PROPERTY AT 515-517 LAMAR AVENUE AND ADOPTION OF RESOLUTION PERTAINING TO SAME.

The matter of cancellation of paving assessment on property at 515-517 Lamar Avenue, for Mr. E. T. Cansler, Jr., was referred to the City Manager to secure opinion from the City Attorneys regarding same, and in accordance therewith the following resolution was prepared by the City Attorneys and presented at this time:

RESOLUTION PROVIDING FOR CANCELLATION  
OF STREET PAVING ASSESSMENT ON 515-517 LAMAR AVE.

WHEREAS, upon the report of the Collector of Revenue regarding street paving assessment account #1594 the Council finds that said assessment has been discharged in accordance with a resolution of the Commissioners of the City adopted March 12, 1920, appearing in Minute Book 16, page 96;

NOW, THEREFORE, BE IT RESOLVED that the Collector of Revenue be, and he is, authorized and directed to cancel the said assessment on the records of the City.

On motion of Councilman Ross, seconded by Councilman Little, the above resolution was unanimously adopted.

ANTI-WOOD SHINGLE ORDINANCE TIME EXTENDED.

The City Manager advised that fifteen years ago the City adopted an anti-wood shingle ordinance, which called for the same to be in full force and effect on February 1st. 1942. He reported that he had

January 28, 1942  
Page 346.

written the Fire Underwriters relative to extension of time on this requirement and that they had suggested a specific length of time. He also advised that there are approximately 1,000 houses in Charlotte at this time with wood shingles, 4050 having been eliminated during the fifteen year period, and that he had been informed that the roofing people have an ample supply of materials on hand at this time.

After discussion, Councilman Price moved that the time be extended for requiring elimination of all wood-shingle roofs twelve months. Motion seconded by Councilman Little.

Councilman Daughtry attempted to make a substitute motion that the time be extended two years, but this motion received no second. Councilman Ross, seconded by Councilman Slye, then offered a substitute motion that the matter be referred to the City Attorneys to draw proper ordinance extending the time one year, and this motion was adopted unanimously.

QUESTION OF NEW CEMETERY FOR CHARLOTTE REFERRED TO FINANCE COMMITTEE.

The City Manager advised that there are only about 93 lots remaining unsold in Elmwood Cemetery and that the matter should be referred to the proper committee for study, with possibly some action soon.

On motion of Councilman Slye, seconded by Councilman Daughtry, this was referred to the Finance Committee.

PROGRESS REPORT MADE BY CITY MANAGER ON IMPROVING SUGAW CREEK.

Mr. Flack made a progress report on the possibility of improving Sugaw Creek, stating that it will cost approximately \$6.00 per foot, depending on how many feet are improved and if all is improved the entire footage would be 12,960.

PURCHASE OF TRANSCRIPT OF EVIDENCE CASE OF MRS. ULA HARRIS VS. CITY OF CHARLOTTE.

On motion of Councilman Hovis, seconded by Councilman Slye, the following resolution was adopted:

WHEREAS, upon request of the City Attorneys, it appears desirable to purchase the transcript of the testimony introduced in a previous trial of this case,

NOW, THEREFORE, be it resolved that the City Attorneys be, and they hereby are, authorized and directed to purchase the transcript of the testimony in the case of Mrs. Ula Harris v. City of Charlotte from E. D. Blair, Court Reporter, at a cost not to exceed \$30.00.

The motion made by Mr. Hovis included that the money was to be paid from the Emergency Fund.

PARKING METER CONTRACTS.

The following letter from the City Attorneys, relative to parking meter contracts, was read by the Clerk, at the request of Councilman Beasley:

January 28, 1942  
Page 347.

To: Mayor E. McA. Currie.

January 21, 1942

PARKING METER CONTRACTS

In preparing the parking meter contracts, pursuant to the Council's resolution of January 7th., we find that it is desirable to make two additions to the resolution as per the enclosed copy.

In the light of the present conditions the meter companies do not desire to guarantee prices on other styles of meters for the entire trial period; in view of the fact that the Council has selected the kind of meters it wishes, it does not seem particularly important to insist upon this provision. If we do insist upon it, we may have difficulty in obtaining the execution of the Michael's Art contract. In the case of the Buckeye Meter Company it would not quote prices on any meter except the one which was selected.

While we do not anticipate that there will be any effort to enjoin the operation of these meters, something like that might be done and hence we think that the trial period should be extended if the operation is halted by litigation.

Before the manufacturers can manufacture the meters they must know what the parking limits will be; also before we can draft the appropriate ordinance we must have the same information.

We suggest that this resolution be presented to the Council for adoption this afternoon.

(Signed) TILLET & CAMPBELL  
By C. W. Tillett  
City Attorneys.

The resolution prepared by the City Attorneys was then read and on motion of Councilman Beasley, seconded by Councilman Slye, was adopted, as follows:

RESOLUTION RELATING TO PARKING  
METER CONTRACTS.

RESOLVED, That the resolution adopted January 7, 1942, awarding contracts for the installation of parking meters to Buckeye Meter Company and Michael's Art Bronze Company be, and the same is, amended by adding the following paragraphs:

(7) There shall be omitted from the said contracts the provision appearing in Section 4 (e) of the specifications requiring said companies, at the end of the trial period, to give to the City the option to select any other type of parking meter manufactured by the Company, at prices to be stated in the bid. There shall be included in the said contracts provisions to the effect that in calculating the trial period any time during which the meters are not in operation, due to litigation, will be deducted. Instructions shall be given to the said companies that the said meters shall be so manufactured as to allow twelve minutes parking for one penny and sixty minutes parking for a nickel.

(8) The City Attorneys are instructed to prepare for submission to the Council prior to the time when the said meters shall be put into operation, an ordinance fixing parking limits, upon the streets where the meters are to be installed, of twelve minutes for the insertion of a penny and sixty minutes for the insertion of a nickel into the parking meters, the said ordinance containing such other provisions as may be necessary in order to regulate traffic and the parking of motor vehicles conforming to the operation of the said meters.

Councilman Hovis voted against the adoption of the above resolution.

January 28, 1942  
Page 348.

PETITION FROM NEGRO CITIZENS OF SECOND WARD ASKING FOR INSTALLATION OF SIGNAL LIGHT AT FIRST AND MCDOWELL STREETS.

A petition from a committee of colored residents of the Second Ward, asking for the installation of a signal light at the intersection of First and McDowell Streets and at the intersection of Stonewall and McDowell, was presented by the City Manager, who suggested that it be referred to the Police and Fire Committee. Councilman Little, seconded by Councilman Slye, so moved, and the motion was carried.

Woods Morgan, spokesman for a delegation interested in this petition, asked that they be heard, and several representatives of various churches and P.T.A. organizations, as well as Mr. Harding, Superintendent of City Schools, told of the great need for lights at these intersections. Councilman Beasley, Chairman of the Police & Fire Committee, assured those speaking and those present that every consideration would be given to this petition.

REQUEST FOR USE OF ARMORY-AUDITORIUM BY NEGRO SCHOOL OF PINEVILLE FOR BASKETBALL GAMES DENIED.

The Superintendent of the Pineville High School, Pineville, N.C., request permission to use the Armory-Auditorium on February 27th., March 5th., 8th., 12th. and 26th., April 1, 3, 8, 9 and 10th., or as many of those dates as possible, on the same basis as other schools are permitted to use same for basketball games, but after considerable discussion, and on motion made by Councilman Baker, seconded by Councilman Ross, the request was denied.

CEMETERY DEEDS.

On motion of Councilman Little, seconded by Councilman Baker, the following cemetery deeds were approved for transfer:

Estate of Fred Weston Glover, Lot No. 41, G-Annex, Elmwood, with perpetual care \$240.00.

AN ORDINANCE AUTHORIZING BLACKOUT AND AIR RAID PROTECTION ORDERS, RULES AND REGULATIONS.

On motion of Councilman Little, seconded by Councilman Baker, in each instance, the following ordinance was unanimously adopted on three readings and declared by the Mayor Pro Tem to be an ordinance of the City of Charlotte:

AN ORDINANCE  
AUTHORIZING BLACKOUT AND AIR RAID PROTECTION  
ORDERS, RULES AND REGULATIONS.

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WHEREAS, a state of war exists between the United States of America and Japan, Germany and Italy, and the defense of the United States of America is in the hands of the Army and Navy; and

January 28, 1942  
Page 349.

WHEREAS, in modern warfare no city, however, distant from the enemy, is free from attack; and

WHEREAS, lights at night time are a definite aid to the enemy in reaching military and other objectives; and

WHEREAS, blackouts, when ordered by the Army or Navy are essential to the preservation of life and property in this city, and it is imperative that the City of Charlotte aid the Army and Navy by all possible cooperation and assistance; and

WHEREAS, failure to extinguish lights when ordered to do so by duly authorized authorities may result in loss of life by thousands of the residents of the City of Charlotte as well as the residents of other parts of the Nation when lights in this city are used as a guide to other objectives; and

WHEREAS, failure to comply with orders, rules and regulations governing evacuations, traffic movements, congregation of persons in streets and other public places will result in confusion and unnecessary loss of life both during blackouts and during air raids in the daytime, now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. **AUTHORITY TO PROMULGATE NECESSARY ORDERS, RULES AND REGULATIONS FOR BLACKOUTS AND AIR RAIDS.** In order to protect life and property in the City of Charlotte from enemy action the Mayor is authorized and directed to carry out blackouts and air raid protection measures in said city at such times and for such periods as are authorized or ordered by the Army or Navy and to promulgate such orders, rules and regulations as may be necessary to insure the success of the blackouts and air raid protection measures and to protect life and property during said periods. Said orders, rules and regulations shall include traffic movements of emergency or other vehicles, evacuation of residents, congregation of persons on public streets, sidewalks, in public places or buildings, but this enumeration shall not be taken as a limitation on the power to promulgate orders, rules, regulations governing any other subject, persons or property which must be regulated in order to insure the proper carrying out of any duly authorized blackout or air raid protection measure. Practice blackouts and air raid drills may be carried out at such times and for such periods as the Mayor shall in his discretion deem appropriate or necessary, but subject always to the orders and directions of the Army or Navy, and the orders, rules and regulations authorized herein.

Section 2. **GENERAL ORDERS, RULES AND REGULATIONS TO BE IN WRITING.** All orders, rules and regulations authorized by this ordinance for the conduct of the general public shall be in writing and shall be available for public inspection at the office of the City Clerk.

Section 3. **ORDERS, RULES AND REGULATIONS EFFECTIVE UNTIL REPEALED BY COUNCIL.** Any order, rule or regulation promulgated pursuant to the authority conferred by this ordinance shall be in force and effect from the time of promulgation until amended or repealed by the Mayor or until repealed by the Council.

Section 4. **APPOINTMENT OF SPECIAL POLICE --- IDENTIFYING EMBLEM.** The Mayor may appoint for a specified time as many special police, without pay, as may be deemed advisable for service in connection with any blackout or air raid protection measure. During the term of service of such special police, they shall possess all the powers and perform all the duties of privates in the standing police force of the City. Said special police must wear such identifying emblem as may be prescribed by the Mayor and it shall be unlawful for any said special policeman to attempt to carry out any order, rule or regulation promulgated under the authority conferred by this ordinance when he is not wearing said identifying emblem.

January 28, 1942  
Page 350.

Section 5. UNAUTHORIZED WARNING OR ALL-CLEAR SIGNALS PROHIBITED. Any unauthorized person who shall operate a siren or other device so as to simulate a blackout signal or air raid, or the termination of a blackout or air raid shall be deemed guilty of a violation of this ordinance and shall be subject to the penalties imposed by Section 11 of this ordinance.

Section 6. NO MUNICIPAL LIABILITY. This ordinance is an exercise of the city of its governmental functions for the protection by the public peace, health and safety and neither the City nor the agents and representatives of said city carrying out, complying with or attempting to comply with, any order, rule, or regulation promulgated pursuant to the provisions of this ordinance shall be liable for any damage sustained to person or property as the result of said activity.

Section 7. LIGHT DURING BLACKOUT DECLARED PUBLIC NUISANCE. Any light displayed contrary to any order, rule or regulation promulgated pursuant to the provisions of this ordinance constitutes a public nuisance and when deemed necessary in order to protect life or property during a blackout or air raid the police, or the special police authorized herein, are authorized and directed to enter upon any premises within the City, using reasonable force, and extinguish lights or take other necessary action to make effective any order, rule or regulation promulgated under the authority conferred by this ordinance.

Section 8. CONDITIONS VIOLATIVE HEREOF UNLAWFUL. It shall be unlawful and shall be a violation of this ordinance for any person, firm or corporation to suffer or permit any thing or condition to exist in violation of this ordinance or any orders, rules or regulations promulgated hereunder.

Section 9. CONFLICTING ORDINANCES, ORDERS, RULES AND REGULATIONS SUSPENDED. At all times when the orders, rules and regulations made and promulgated pursuant to this ordinance shall be in effect, they shall supersede all existing ordinances, orders, rules and regulations in so far as the latter may be inconsistent therewith.

Section 10. NO CONFLICT WITH STATE OR FEDERAL STATUTES. This ordinance shall not be construed so as to conflict with any State or Federal statute or with any Military or Naval order, rule or regulation.

Section 11. PENALTY FOR VIOLATION. Any person, firm or corporation violating any of the provisions of this ordinance or any order, rule or regulation issued pursuant thereto, shall be deemed guilty of a misdemeanor and punished accordingly. Each violation of this ordinance or any order, rule or regulation promulgated pursuant thereto shall be deemed a separate offense.

Section 12. SEPARABILITY OF PROVISIONS. It is the intention of the City Council that each separate provision of this ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the City Council that if any provision of this Act be declared to be invalid, all other provisions thereof shall remain valid and enforceable.

Section 13. FINDING OF EMERGENCY. This ordinance is passed as an emergency measure, and the Council does by the vote by which this ordinance is passed, hereby declare that a national emergency exists, which makes it imperative that this ordinance should become effective forthwith, the nature of said emergency being as follows: a state of war exists between the United States of America and Japan, Germany and Italy, and the President of the United States has declared that an invasion or predatory incursion is threatened, and it is necessary in the furtherance of the public health, safety and welfare of the residents of this city that this ordinance be effective immediately.



January 28, 1942  
Page 251.

Section 14. REPEAL OF CONFLICTING ORDINANCES. All ordinances and clauses of ordinances in conflict herewith are hereby repealed.

Section 15. PUBLICATION. The City Clerk shall certify to the passage of this ordinance and cause the same to be published.

Section 16. EFFECTIVE DATE. This ordinance shall take effect from and after its passage.

Read, approved and adopted on three readings and declared by the Mayor to be an ordinance of the City of Charlotte, this 28th day of January, 1942.

APPROVED AS TO FORM:

Tillett & Campbell  
City Attorneys

Alice B. McConnell  
City Clerk

RESOLUTION AUTHORIZING EMPLOYMENT OF APPRAISERS.

The following resolution was presented, and on motion made by Councilman Little, seconded by Councilman Ross, was unanimously adopted:

RESOLVED that Messrs. Currie, Ross and Little, as the committee heretofore authorized to deal with accounts involving street assessments and other liens, be, and they are, authorized from time to time to employ appraisers for real estate which is the subject of said liens, at a fee not to exceed one-half of one percent of the appraised value of the property examined, with a minimum of \$5 per appraiser, per trip; resolved further, that bills of appraisers so employed and approved by the Chairman of the Finance Committee shall be paid by the City Treasurer, and for that purpose that \$200.00 be, and it is, appropriated from the Emergency Fund.

RESOLUTION REFERRING PROPOSED MILK ORDINANCE TO A COMMITTEE OF THE COUNCIL.

The resolution referring the proposed milk ordinance to a committee of the Council, which was introduced by Councilman Ward, at the last meeting, was again read and after discussion, Councilman Ward moved that it be amended to include in paragraph (1) the following words: "Mecklenburg Medical Association". This motion was seconded by Councilman Beasley and carried. Councilman Baker then moved that the word "Three" be inserted in the blank showing the number of committee members to be appointed. This motion seconded by Councilman Ward and carried. Councilman Baker also added to include in his motion the figures "18th. day of February" in paragraph (4) as the date on which the committee report its findings to the Council. After all of the above, on motion of Councilman Ward, seconded by Councilman Beasley, the resolution as amended was adopted; this resolution with the amendments reading as follows:

January 28, 1942  
Page 352.

RESOLUTION REFERRING PROPOSED MILK  
ORDINANCE TO A COMMITTEE OF THE COUNCIL.

RESOLVED, That the proposed milk ordinance introduced and passed upon its first reading at the Council's session on the 7th day of January 1942, be, and it is, referred to a committee of three members of the Council, to be appointed by the Mayor, the duties of the said committee to be as follows:

- (1) To hold one or more public meetings at which representatives of the State Health Department, the City Health Department, the Mecklenburg Medical Association, the milk dealers and any other interested persons will be invited to state succinctly their views and present for the Committee's consideration any evidence bearing upon the wisdom of the proposed milk ordinance.
- (2) Obtain from the City Health Department an analysis of the proposed milk ordinance for the purpose of ascertaining the exact particulars in which the proposed milk ordinance differs from the existing milk ordinance;
- (3) Take any other steps and do any other things which it may consider useful or necessary in order properly to determine whether or not it is in the public interest that the proposed milk ordinance should be adopted.
- (4) Report back to the Council not later than the 18th day of February 1942, its findings of fact and recommendations regarding the said ordinance.

After the adoption of this resolution, Mayor Pro Tem Albea named the following members of the Council to serve on this committee: Mr. Hovis, Chairman, Messrs. Painter and Price. Mr. Price asked to be excused due to the fact that he would be out of the city for the next three weeks, and the Mayor Pro Tem appointed Mr. Baker to serve instead of Mr. Price.

A large delegation of milk dealers were present and Mr. D. E. Henderson, attorney, asked that when the committee was ready to meet with representatives of the milk dealers that Mr. Ashcraft or Mr. Hunter be notified for the sweet milk dealers and that he (Mr. Henderson) be notified on behalf of the buttermilk dealers. This the committee agreed to do.

ADJOURNMENT.

On motion of Councilman Baker, the meeting adjourned.

*Alvin B. McCune*  
City Clerk