

December 2, 1953
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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, on Wednesday, December 2, 1953, at 4 o'clock p.m., with Mayor pro tem Smith presiding, and Councilmen Albea, Baxter, Boyd, Brown, Dellinger and Wilkinson present.

Absent: Mayor Van Every.

INVOCATION.

The invocation was given by Dr. R. S. Snyder.

MINUTES APPROVED.

Upon motion of Councilman Baxter, seconded by Councilman Dellinger, and unanimously carried, the minutes of the last meeting on November 25th were approved as submitted.

ADVERTISEMENT OF SALE OF PROPERTY AT SOUTHWEST CORNER OF INDEPENDENCE BOULEVARD AND EAST STONEWALL STREET WITHDRAWN AND PROPERTY AUTHORIZED SOLD TO T. M. BRYAN.

Mr. Elbert Foster, Attorney, appeared before Council in behalf of Mr. T. M. Bryan, and reviewed the details of the City's actions with regard to the property formerly owned by Mr. Bryan at the southwest corner of Independence Boulevard and East Stonewall Street, which was acquired by the City for sidewalk purposes in the Stonewall Street widening program, and not used for this purpose, and which was authorized deeded back to Mr. Bryan, upon his request, in June 1953, after which Mr. Bryan did not accept the deed but asked that the property be sold at public auction. Mr. Foster stated that Mr. Bryan now requests that the advertisement of the sale be withdrawn and the Council reject all bids and go back to the original plan under which the property was authorized deeded to him, and permit Mr. Bryan to accept the deed to the property at the price set forth in the original plan plus the difference in the said price and that of the high bid on the property.

Councilman Brown stated he is of the opinion that Mr. Bryan should have the property, as all of it was formerly owned by him.

Councilman Boyd stated the City has the right to reject any and all bids it wishes to, and the City will lose nothing by going back to the original proposition with Mr. Bryan.

Councilman Brown moved that the advertisement of the sale of the property at the southwest corner of Independence Boulevard and East Stonewall Street be withdrawn if legal, and the property be sold to Mr. Bryan in accordance with the original resolution dated September 2, 1953, at the price set forth in the resolution dated September 30, 1953, plus the amount of the difference between the original price and the high bid submitted on the property. The motion was seconded by Councilman Boyd.

Mr. John D. Shaw, City Attorney, stated he is of the opinion that it is legal but subject to criticism.

Councilman Dellinger stated he feels the Council has been fair in its dealings with Mr. Bryan and has done exactly what he asked, and if the bid is not accepted then it should be readvertised and resold at public auction.

Councilman Boyd stated he feels that Mr. Bryan has a moral right to the property.

The vote was then taken on the motion, and carried, with the votes cast as follows:

AYE: Councilmen Albea, Baxter, Boyd, Brown and Wilkinson.
NAY: Councilman Dellinger.

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FIVE DAY WEEK PLAN FOR EMPLOYEES NOW WORKING SIX DAYS DIRECTED DISCUSSED BY CITY MANAGER WITH HEADS OF SUCH DEPARTMENTS, UPON PETITION OF EMPLOYEES OF SANITATION DEPARTMENT.

Petitions bearing the signatures of 146 employees of the Sanitation Department and of 63 employees of the Street Maintenance Division of the Engineering Department, were presented in which it was stated that the employees feel an injustice has been done them in the unequal pay raises and that instead of the increase of 5 percent which was recently given them, that the 9 percent granted the Police and Firemen should be allowed; also, the petition of the Sanitation Department employees requested that they be placed on a 5-day week work plan instead of the present 6-days.

Mayor pro tem Smith stated he understands there is also some question in the Street Maintenance Division regarding uniforms, and the City Manager advises that anyone needing a new uniform has only to turn in the old uniform to his foreman and he will receive a new one.

Mr. Wendell L. Knight spoke for the Sanitation Department, and urged that consideration be given the 9 percent increase, stating they feel their jobs are equal with those of employees who received the larger increase.

Councilman Boyd advised that he made the motion for salary increases of 9 percent for uniformed members of the Police and Fire Departments and of 6 percent to all other employees presently receiving up to \$6,000.00, which was adopted by the Council at last week's meeting and he regrets that there is any unhappiness over the increases. That no discrimination was in any way intended. That the Council appreciates the fact that the services of men in the Sanitation and Street Maintenance Departments are valuable and indispensable, and that a grand job is being done by them; however, it was the feeling that the Police and Firemen are different in that they risk being shot, injured or losing their lives in the performance of their duties. That there was not sufficient funds to raise everyone the 9 percent.

Councilman Dellinger stated that he brought to the Council last week the request of another department that they be given the 9 percent instead of 6 percent, which was not granted as there is not enough funds available.

Mr. Knight asked if it would not have been better to have given everyone a 7 percent increase, rather than 9 percent to some and 6 percent to others.

Councilman Albea stated he made the motion that an 8 percent raise be made to the lower salaried employees and 3 percent to those in the higher salary bracket but without the desired results.

Mr. Eli Philemon of the Sanitation Department then requested that the employees be placed on a five-day work basis instead of the present six-day schedule, and stated further that he believes the 6 percent raise would be satisfactory if this was done. He advised that the garbage collection could be so arranged on a 5-day basis to give the present service to the public, by collecting garbage on Monday and Tuesday and Thursday and Friday, and by collecting only trash on Wednesday and working a full day instead of the present half-day schedule.

Councilman Wilkinson asked if the restaurants would experience difficulty in not having a Saturday collection of garbage, to which Mr. Philemon replied that they would not, that the Friday and Monday collections would serve them.

Councilman Boyd asked if all the employees of the Sanitation Department knew that Mr. Philemon is up here and making this request, to which Mr. Philemon replied that they did, everyone of them.

Councilman Dellinger asked if the request had been taken up with Mr. Fogus, and Mr. Philemon replied that it had not, as the request has been presented to him several times.

Councilman Dellinger recommended that the matter be referred to the City Manager for investigation and report.

Councilman Albea stated he has said many times that he does not understand why some employees are on a 5-day week basis and others on a 6-day basis, and the matter is always deferred or not acted upon.

Councilman Brown stated the change to a 5-day basis was discussed with Mr. Fogus at the time the Budget was made and he advised the plan was not feasible.

Councilman Baxter stated he thinks the request is reasonable; that everyone is endeavoring to reduce the work-week to 5 days.

Councilman Dellinger stated he does not see how it could be done for this department and not for other departments presently on a 6-day basis.

Councilman Boyd stated he thinks all city employees should be on a 40-hour a week basis even if additional personnel must be employed.

Councilman Dellinger then moved that the request be deferred for two weeks and the City Manager confer with the Heads of the Departments in which employees are working on a 6-days basis, and see if a plan cannot be worked out to effect the 5-day week schedule, and give the Council a report two weeks from today, together with the total number of employees working 6-days per week. The motion was seconded by Councilman Wilkinson, and unanimously carried.

COLISEUM NAMED "CHARLOTTE COLISEUM".

Councilman Brown moved that the Coliseum now under construction be named the "Charlotte Coliseum". The motion was seconded by Councilman Wilkinson, and unanimously adopted.

ORDINANCE GIVING PEDESTRIANS RIGHT-OF-WAY OVER MOTOR VEHICLES ORDERED ENFORCED.

Councilman Boyd stated that in view of existing conditions, the Council should take official notice of the vehicular traffic situation and let it be known there is a City Ordinance giving the pedestrian the right-of-way over motor vehicles, and that the Council proposes to enforce the ordinance for the protection of the pedestrians.

He moved that the City Manager be requested to discuss the situation with the Chief of Police and have him direct the Police officers to enforce the ordinance; and, also, that the City Manager be requested to direct the Traffic Engineer to design an attractive sign to be painted on the sidewalks to the effect that pedestrians have the right-of-way. The motion was seconded by Councilman Albea, and unanimously carried.

INSTALLATION OF TRAFFIC SIGNAL AT NORTH TRYON STREET AND SYLVANIA AVENUE AUTHORIZED UPON REQUEST OF S. C. VAUGHN.

Mr. S. C. Vaughn appeared before Council and urged that a traffic signal be installed at North Tryon Street and Sylvania Avenue, stating he has made similar requests and presented a number of petitions, within the last few years, and that the hazard to pedestrians in crossing Tryon Street is daily growing worse with the increased traffic.

Councilman Brown spoke in favor of the installation, stating he daily travels this route and has noted the hazard to pedestrians.

Councilman Dellinger stated he has observed the hazards at this location and moved that a Traffic Signal light be installed as requested. The motion was seconded by Councilman Brown, and unanimously carried.

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ORDINANCE NO. 194 PROHIBITING MINORS UNDER THE AGE OF 18 YEARS TO ENTER OR REMAIN IN POOL OR BILLIARD ROOMS.

Councilman Wilkinson assumed the Mayor's Chair at the request of Mayor pro tem Smith, who introduced the following ordinance, and following the reading thereof moved its adoption:

"NO. 194 AN ORDINANCE REGULATING MINORS
IN POOL OR BILLIARD HALLS

AN ORDINANCE PROHIBITING MINORS UNDER
THE AGE OF 18 YEARS TO ENTER OR REMAIN
IN ANY PART OF A POOL OR BILLIARD HALL.

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

Section 1. That the City Code for the City of Charlotte (O.B. 10), Chapter 19, Article VI entitled "Regulation of Amusements" Section 75 thereof be amended by adding at the end of said section, a new paragraph reading as follows:

'It shall be unlawful for any person, firm, or corporation operating a pool room and/or billiard room to permit any minor under the age of 18 years to enter and/or remain in any part of such pool and/or billiard room.'

Section 2. That this ordinance shall be in full force and effect from and after its adoption.

APPROVED AS TO FORM:

John D. Shaw
City Attorney "

The motion for the adoption of the ordinance was seconded by Councilman Albea, and unanimously carried.

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AUTHORIZED ISSUED TO M. L. ELLIOTT FOR OPERATION OF VICTORY CAB NO. 125 UPON REVOCATION OF CERTIFICATE OF ALVIN W. KILPATRICK FOR SAME CAB.

Upon motion of Councilman Boyd, seconded by Councilman Albea, and unanimously carried, the application of Mr. M. L. Elliott, Jr., was approved for permission to purchase Victory Cab #125 from Mr. Alvin W. Kilpatrick at a price of \$1,700.00, and a Certificate of Public Convenience and Necessity was authorized issued to Mr. Elliott for the operation of the cab upon the revocation of the Certificate held by Mr. Kilpatrick for the said cab.

CONTRACT AUTHORIZED WITH AMERICAN INVESTMENT COMPANY FOR WATER MAIN CONSTRUCTION IN PARKDALE SUBDIVISION.

Upon motion of Councilman Boyd, seconded by Councilman Baxter, and unanimously carried, a contract was authorized with the American Investment Company for the construction of 7,685 feet of water mains and 9 fire hydrants in Parkdale Subdivision, adjacent to Park Road, at an estimated cost of \$19,955.00, to serve 150 residential lots. All costs to be borne by the applicant, who will dedicate the mains and hydrants to the City upon completion.

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CONSTRUCTION OF SANITARY SEWER MAIN IN JENNINGS STREET AUTHORIZED.

Councilman Brown moved approval of the construction of 125 feet of sewer main in Jennings Street, at an estimated cost of \$200.00, to serve one family unit, at request of Mr. Kelly Worthy, 1340 Jennings Street. All costs to be borne by the City. Motion was seconded by Councilman Wilkinson, and unanimously carried.

CONTRACT AWARDED CROWDER CONSTRUCTION COMPANY FOR CONSTRUCTION OF CURB AND GUTTER AND CATCH BASINS AT INDEPENDENCE BOULEVARD, COMMONWEALTH AVENUE AND EASTWAY DRIVE INTERSECTION.

Motion was made by Councilman Albea, seconded by Councilman Baxter, and unanimously carried, awarding contract to the low bidder, Crowder Construction Company for street improvements at the intersection of Independence Boulevard, Commonwealth Avenue and Eastway Drive, by constructing concrete curb and gutter and catch basins, as specified, on a unit price basis, representing a total price of \$1,535.00.

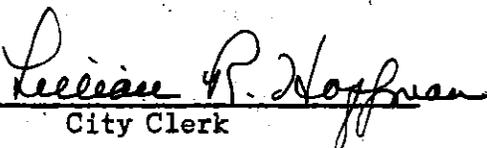
CONSTRUCTION OF DRIVEWAY ENTRANCES AUTHORIZED.

Upon motion of Councilman Dellinger, seconded by Councilman Baxter, and unanimously carried, the construction of driveway entrances was authorized at the following locations:

- (a) One 14-ft. driveway at 1723 Dilworth Road East.
- (b) One 35-ft. driveway at 218 North Independence Boulevard.
- (c) One 25-ft. driveway at 1617 Elizabeth Avenue.

ADJOURNMENT.

Upon motion of Councilman Baxter, seconded by Councilman Wilkinson, and unanimously carried, the meeting was adjourned.


City Clerk