

A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, on Wednesday, July 9, 1952, at 4 o'clock p.m., with Mayor Shaw presiding, and Councilmen Albea, Baxter, Boyd, Dellinger, Jordan and Van Every present.

Absent: Councilman Coddington.

INVOCATION.

The invocation was given by Councilman Claude L. Albea.

ORDINANCE (NO. 151-X) ANNEXING APPROXIMATELY 12.65 ACRES OF TERRITORY IN CRAB ORCHARD TOWNSHIP NORTHWEST OF EASTWAY DRIVE, AT REQUEST OF BARRON R. PHILLIPS ET AL.

The scheduled hearing was held in connection with the petition of Barron R. Phillips et al for the annexation of approximately 12.65 acres of territory in Crab Orchard Township northwest of Eastway Drive and contiguous to the northeastern boundary of Charlotte.

The ordinance, being Ordinance No. 151-X entitled, "An Ordinance Extending the Corporate Limits of the City of Charlotte by Annexing thereto approximately 12.65 acres of territory in Crab Orchard Township" was introduced and read. No objections to the proposed annexation were expressed. Whereupon, Councilman Baxter moved the adoption of the ordinance, which was seconded by Councilman Van Every, and unanimously carried. The Ordinance is recorded in full in Ordinance Book 11, at Pages 239 and 240.

ORDINANCE (NO. 152-X) ANNEXING APPROXIMATELY 2.60 ACRES OF TERRITORY IN CRAB ORCHARD TOWNSHIP NORTHWEST OF EASTWAY DRIVE, AT REQUEST OF T. C. BOWIE ET AL.

The hearing as advertised was held in connection with the petition of T. C. Bowie et al for the annexation of approximately 2.60 acres of territory in Crab Orchard Township northwest of Eastway Drive and contiguous to the northeastern boundary of Charlotte.

An ordinance entitled, "Ordinance No. 152-X Extending the Corporate Limits of the City of Charlotte by Annexing thereto approximately 2.60 acres of territory in Crab Orchard Township" was introduced and read. No objections to the proposed annexation were expressed, and upon motion of Councilman Van Every, seconded by Councilman Jordan, and unanimously carried, the ordinance was adopted. The ordinance is recorded in full in Ordinance Book 11, at Page 241.

ORDINANCE (NO. 149) AMENDING THE ZONING ORDINANCE CHANGING THE BUILDING ZONE MAP FROM R-2 TO INDUSTRIAL ON PROPERTY BETWEEN N. TRYON STREET AND HUTCHINSON AVENUE.

The hearing as scheduled in connection with the request for the rezoning of property between North Tryon Street and Hutchinson Avenue was held, and no objections were expressed to the change. The ordinance entitled, "Ordinance (No. 149) Amending the Zoning Ordinance by Changing the Building Zone Map from R-2 to Industrial on Property between N. Tryon Street and Hutchinson Avenue" was presented and read, and upon motion of Councilman Boyd, seconded by Councilman Van Every, was unanimously adopted. The Ordinance is recorded in full in Ordinance Book 11, at Page 242.

PETITION REQUESTING REMOVAL OF TRUCK ROUTE FROM LOUISE AVENUE, BETWEEN TENTH STREET AND INDEPENDENCE BOULEVARD, REFERRED TO CITY MANAGER FOR INVESTIGATION AND REPORT.

Mr. T. F. Newton, 635 Louise Avenue, presented a petition signed by residents of the 600 and 700 blocks of Louise Avenue, requesting relief from the noise and congestion on the street caused by heavy trucks since Louise Avenue from 10th Street to Independence Boulevard became a truck route. He

suggested that the route be changed from Louise Avenue and that it extend from 10th Street via Central Avenue to Pecan Avenue, thence on Pecan to Independence Boulevard; that the routing via Central Avenue and Pecan Avenue would be preferable as these streets are not entirely residential as is Louise Avenue. Councilman Jordan moved that the matter be referred to the City Manager for conference with the Traffic Engineer as to the selection of a more suitable route if possible and that he report back to the Council as soon as possible. The motion was seconded by Councilman Van Every, and unanimously carried.

PETITION PROTESTING ODORS FROM IRWIN CREEK DISPOSAL PLANT SUBMITTED BY RESIDENTS OF WILMOUNT ROAD SECTION - ADVISED THAT EFFORTS BEING MADE BY CITY TO LOCATE AND ELIMINATE ODORS AND THAT EXTENSIVE IMPROVEMENTS TO PLANT TO BE MADE.

Mr. L. Autry, resident of Route #4, submitted a petition signed by residents of the Wilmount Road section, protesting the odors from the Irwin Creek Disposal Plant and demanding that the condition be remedied.

Mr. Yancey, City Manager, advised that the City is cognizant of the condition and is making every known effort to locate it and effect a remedy; that improvements, such as new screening, are being made to the plant and that extensive improvements similar to those now under construction at the Sugaw Creek Plant will begin when the materials are received.

CITY ATTORNEY AUTHORIZED TO INSTITUTE SUIT AGAINST J. W. MCCLUNG, JR., OWNER AND OPERATOR OF STANDARD TRANSPORT, IF EVIDENCE JUSTIFIES SAME AFTER CONSULTATION WITH MR. MCCLUNG AND HIS ATTORNEY.

Mr. J. W. McClung, Jr., owner and operator of Standard Transport, appeared before Council stating he noticed in the newspapers that the operation of his business at 1100 West Fourth Street is claimed to be in violation of the zoning ordinance. He advised that he has operated at this location since 1927 and is advised by his attorney that he is within his legal rights to continue operation. However, as he wishes to get the matter cleared up once and for all he will welcome the City instituting a suit against his company if that will end the matter.

Mr. John D. Shaw, City Attorney, stated that the Standard Transport is located in an R-2 Zone and is non-conforming to the uses of such zone; that the Zoning Ordinance provides that a non-conforming business in a given zone at the time the Ordinance became effective may continue to operate but may not expand nor enlarge its facilities, and it is his understanding that more and larger trailers have been added to Standard Transport, which creates the violation of the ordinance. Councilman Van Every moved that as Mr. McClung states he wishes the matter settled by the courts, that the City Attorney be authorized to institute suit if after consultation with Mr. McClung and his legal representative it is found that the evidence justifies filing a suit. The motion was seconded by Councilman Dellinger, and unanimously carried.

ORDINANCE TO AMEND THE TAXICAB ORDINANCE TO PERMIT CRUISING WITHDRAWN AND NO ACTION THEREON TAKEN.

Councilman Boyd moved that the ordinance proposed by him to amend the taxicab ordinance so as to permit cruising of cabs be withdrawn and not passed upon. The motion was seconded by Councilman Baxter, and unanimously carried.

CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY FOR THE OPERATION OF TEN TAXICABS BY QUEEN CITY CAB COMPANY DENIED.

The following resolution was introduced by Councilman Boyd, who moved its adoption:

RESOLUTION GRANTING CERTIFICATES OF PUBLIC
CONVENIENCE AND NECESSITY TO QUEEN CITY CAB
COMPANY FOR TEN TAXICABS.

WHEREAS, Queen City Cab Company has applied to the City Council of the City of Charlotte for certificates of public convenience and necessity,

for the operation of thirty (30) taxicabs;

AND, WHEREAS, after due notice thereof, a public hearing was held in connection with such application, evidence being introduced with respect to the demand of the public for additional taxicab service; the adequacy of existing mass transportation and taxicab service; the financial responsibility and experience of the applicant, and the ability of the applicant to earn a fair return on invested capital, and the Council has considered the effect of such additional taxicabs upon traffic congestion;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

1. It is hereby found as a fact that the public interest in the City of Charlotte requires the issuance of certificates of public convenience and necessity for the operation of ten (10) additional taxicabs in the City of Charlotte.
2. That the City Council further finds it a fact that the applicant, Queen City Cab Company, meets the other requirements of the Taxicab Ordinance of the City of Charlotte with respect to financial responsibility, experience and ability to earn a fair return on invested capital.
3. That, ten (10) certificates of public convenience and necessity for the operation of taxicabs in the City of Charlotte are hereby granted unto Queen City Cab Company, subject to the terms of the Taxicab Ordinance of the City of Charlotte.
4. Queen City Cab Company is hereby instructed to confer with the City Manager and Taxicab Inspector with respect to other details in connection with this proposed taxicab operation, including the designation of the color scheme, and to report the same to City Council for its further action and consideration.

Councilman Boyd stated that he saw no reason why the Council should refuse to grant this corporation, composed of colored people, the franchise for ten cabs. That he has talked with a number of persons, both colored and white, and not a single citizen has said that it should not be done. That there is a need for the service and these men are entitled to be given the opportunity to show what they can do. That he believes it will serve to establish a fine relationship between the white and colored people. That the Police Department has said it will create more crime, but that he does not think so under the proper police supervision.

The motion was seconded by Councilman Baxter, who stated that under a previous administration while he was the Mayor, the first colored policemen in the State were employed by the City of Charlotte. That it is his opinion that the colored people of Charlotte, who comprise one-third of our population, should be given the privilege of free enterprise; that if the cab company is not operated properly then the franchise can be terminated. He stated further that he did not see how the Council could sit as a board and protect a monopoly.

Councilman Van Every stated that he thought it unfair for Councilman Boyd to bring in the race issue. That there is not a word of truth in it and that Councilman Boyd is misleading the colored people who do not understand that under the law it is a matter of the Council finding a need for more cabs before issuing certificates therefor and the need has not been found to exist. That the City created the monopoly referred to by Councilman Baxter when the taxicab ordinance was passed.

The vote was then taken on the motion for the adoption of the resolution and the motion was lost with the votes cast as follows:

AYE: Councilmen Baxter and Boyd.

NAY: Councilmen Albea, Dellinger, Jordan and Van Every.

ORDINANCE (NO. 152) AMENDING THE TAXICAB ORDINANCE REQUIRING THE ESTABLISHMENT OF TAXICAB STANDS.

An ordinance entitled, "Ordinance (No. 152) Amending the Taxicab Ordinance Requiring the Establishment of Taxicab Stands" was introduced by Councilman Boyd, and read. He stated that the Council may decide now or later the locations for the cab stands. Councilman Boyd further stated there exists a provision in the Traffic Code which makes it mandatory that the Traffic Engineer shall designate and establish places on the streets as cab stands - that it has not been complied with and he thinks the provision should be changed from the Traffic Code to the Taxicab Ordinance. Mr. Isenhour of Victory Cab Company, Mr. Paul Erwin representing Red Top Cab Company and Mr. Baker of Baker Cab Company spoke in favor of cab stands and the adoption of the proposed ordinance. Mr. Crump of Yellow Cab Company stated he had no objections to the establishment of the stands; however, he believes they will bring about greater traffic congestion, will not be popular with merchants at whose places of business they are established, and that the public does not desire them. He stated that he now has cab stands on private property about the city.

Councilman Baxter moved the adoption of the ordinance, which was seconded by Councilman Boyd, and unanimously carried. The ordinance is recorded in full in Ordinance Book 11, at Page 243.

RESOLUTION FIXING DATE OF PUBLIC HEARING ON AMENDMENT TO THE ZONING ORDINANCE TO CHANGE THE ZONING FROM R-1 TO B-1 AT HERRIN AVENUE AND PLAZA ROAD.

An ordinance entitled, "Ordinance (No. 153) Amending the Zoning Ordinance of the City of Charlotte" to change the zoning from R-1 to B-1 on the rear portion of lot at the intersection of Herrin Avenue and Plaza Road, was introduced and read. Following which a Resolution Fixing the Date of Hearing on the Proposed Ordinance as of August 6, 1952, was presented and read. Councilman Albea moved the adoption of the resolution, which was seconded by Councilman Baxter, and unanimously carried. The resolution is recorded in full in Resolutions Book 1, at Page 500.

RENEWAL OF PRIVILEGE LICENSE TO CAROLINA DETECTIVE AGENCY.

Upon motion of Councilman Boyd, seconded by Councilman Dellinger, and unanimously carried, the privilege license for Carolina Detective Agency was authorized renewed for one year.

SALE OF PACKARD PLACE PROPERTY TO PARK & RECREATION COMMISSION APPROVED AND CITY ATTORNEY DIRECTED TO DRAW PROPER RESOLUTION FOR TRANSFER OF PROPERTY.

Councilman Van Every moved that the sale of 47 lots, known as Packard Place Property, be authorized sold to the Park and Recreation Commission at a price of \$1,990.17, and the City Attorney be directed to draw the proper resolution of transfer for the next Council Meeting. The motion was seconded by Councilman Jordan, and unanimously carried.

SETTLEMENT OF CLAIMS.

Upon motion of Councilman Jordan, seconded by Councilman Van Every, and unanimously carried, settlement of the following claims was authorized as recommended by the City Attorney:

- (a) Claim of J. W. Quinn, in the amount of \$35.56, for repairs to his car which was damaged on March 27, 1952 by a City Fire Truck.
- (b) Claim of F. L. Ashley, in the amount of \$104.96, for repairs to his car which was damaged by running over an improperly filled ditch on Cowles Road on January 22, 1952.
- (c) Claim of C. H. Lauda, in the amount of \$22.50, for repairs to his car which was damaged by hitting a steel rod of an old street marker at the intersection of Monroe Road and Briar Creek Road on March 14, 1952.

(d) Claim of T. W. Porter, for repairs to furnace, water heater and laundry machine by water flooding his basement from a stopped up storm drain in Chelsea Drive, on December 4, 1951. Settlement in the amount of \$154.50.

CONTRACT AWARDED LYNCHBURG FOUNDRY COMPANY FOR PIPE.

Motion was made by Councilman Van Every, seconded by Councilman Jordan, and unanimously carried, awarding contract to the Lynchburg Foundry Company for 666 lineal feet of 10 inch Class 100 B & S Super DeLavaud Pipe, in 18 foot lengths, on a unit price basis, representing a net delivered price of \$1,818.18.

FIELDWOOD ROAD, FROM HEARTHSTONE COURT NORTH TO END TAKEN OVER FOR MAINTENANCE.

Councilman Dellinger moved that Fieldwood Road, from Hearthstone Court about 300 feet north to end be taken over for city maintenance, as recommended by the City Engineer. The motion was seconded by Councilman Jordan, and unanimously carried.

CONSTRUCTION OF SANITARY SEWER IN PARK ROW AUTHORIZED.

Upon motion of Councilman Van Every, seconded by Councilman Jordan, and unanimously carried, the construction of 600 feet of 8 inch sanitary sewer was authorized in Park Row, at an estimated cost of \$1,175.00. All costs to be borne by the City and deposit of Mrs. G. B. Maynor, 1638 Park Row to be refunded as per terms of the contract.

CONSTRUCTION OF DRIVEWAY ENTRANCES AUTHORIZED.

Councilman Dellinger moved that the construction of one 10 foot driveway entrance at 1413 East 10th Street and One 16 foot entrance at 1612 Sterling Road be approved. The motion was seconded by Councilman Jordan, and unanimously carried.

RENEWAL OF SPECIAL POLICE OFFICER PERMITS TO H. D. PRICE AND T. S. LEFLER.

Upon motion of Councilman Dellinger, seconded by Councilman Jordan, and unanimously carried, the renewal of Special Police Officer Permits was authorized to H. D. Price, for use on the premises of Lance, Inc., and to T. S. Eefler, for use on the premises of South Atlantic Waste Company.

LEASE OF AIRPORT BUILDING NO. 88 (EAST END) TO THURSTON MOTOR LINES, INC.

The City Manager reported that the lease of Airport Building No. 88 (east end) had been renewed to Thurston Motor Lines, Inc., for a period of one year from July 1, 1952, at a monthly rental of \$86.40.

TRANSFER OF CEMETERY LOTS.

Upon motion of Councilman Baxter, seconded by Councilman Dellinger, and unanimously carried, the Mayor and City Clerk were authorized to execute deeds for the transfer of the following cemetery lots:

(a) Deed to J. L., J. L. Jr., and John B. McClintock, for Lot 105, in Section 2, Evergreen Cemetery, at \$208.00.

(b) Deed to Mrs. Mae Farmer, for Lot 98, in Section 2, Evergreen Cemetery, at \$104.00.

(c) Deed to Earl P. Robinson, for southeast quarter of Lot 135, in Section 3, Evergreen Cemetery, at \$26.00.

SALE OF AIRPORT BUILDING NO. 258 TO FAITH TABERNACLE CHURCH.

Motion was made by Councilman Jordan, seconded by Councilman Van Every, and unanimously carried, authorizing the sale of Airport Building No. 258 to Faith Tabernacle Church at a price of \$200.00.

RESOLUTION RELATIVE TO THE ABANDONMENT AND RELINQUISHMENT OF THAT PORTION OF BEVERLY STREET BETWEEN AND CONNECTING CHARLES AVENUE AND LOUISE AVENUE.

A resolution entitled, "Resolution Relative to the Abandonment and Relinquishment of that portion of Beverly Street, between and connecting Charles Avenue and Louise Avenue, as recorded in Map Book 230, Page 1, of the Mecklenburg Registry" was introduced and read. Councilman Jordan moved the adoption of the resolution, which was seconded by Councilman Baxter, and unanimously carried. The resolution is recorded in full in Resolutions Book 2, at Page 1.

CHAMBER OF COMMERCE CITY BUDGET STUDY COMMITTEE TO BE INVITED TO A CONFERENCE WITH CITY COUNCIL ON JULY 14th FOR PURPOSE OF REVIEWING THE 1952-53 PROPOSED BUDGET.

Mayor Shaw stated that the Chamber of Commerce Committee has conferred with both the City Manager and himself several times within the past weeks regarding city affairs, and has submitted a report of their findings and opinions to the Chamber of Commerce. Copies of the said report were distributed by Mayor Shaw to the Councilmen. That the Chamber of Commerce has appointed a Special City Budget Study Committee to sit in with the City Council on its budget conferences, if agreeable. Mayor Shaw expressed pleasure at the interest in City Hall affairs being displayed by the members of the Chamber of Commerce, stating that in his opinion the better informed they, and other citizens are as to our activities and procedures, the better it will be for all and a better understanding of their City Government will result.

Councilman Baxter suggested that the regular Council sessions to go into the details of the proposed budget might prove confusing and lengthy to the Committee, and recommended that the Council invite the Committee to come down for an informal conference and that together they review the proposed budget and explain those particular parts, or the whole, in which the Committee is interested. Mr. Yancey, City Manager, stated that in his opinion this would be a better plan.

It was agreed that the Committee will be invited for a conference on Monday evening, July 14th, at 7:30 o'clock.

ADJOURNMENT.

Upon motion of Councilman Dellinger, seconded by Councilman Jordan, and unanimously carried, the meeting was adjourned.

Leatrice R. Hayman
City Clerk