

March 18, 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, March 18, 1953, at 4 o'clock p.m., with Mayor Shaw presiding and Councilmen Albea, Baxter, Boyd, Coddington, Dellinger and Van Every present.

INVOCATION.

The invocation was given by Mr. Francis O. Clarkson.

MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Van Every, and unanimously carried, the Minutes of the Council Meetings March 10th and 11th were approved as submitted.

REQUEST THAT TAR AND GRAVEL BE PLACED ON SAINT MARKS STREET REFERRED TO CITY MANAGER.

The Reverend Paul E. Davis requested that tar and gravel be placed on Saint Marks Street, off Beatty's Ford Road, to keep down the dust which he stated is excessive due to a number of persons owning trucks residing on the street. Councilman Albea moved that the City Manager see if the condition of the street cannot be corrected. The motion was seconded by Councilman Baxter, and unanimously carried.

REQUEST FOR TRAFFIC SIGNAL AT NORTH TRYON STREET AND SYLVANIA AVENUE REFERRED TO CITY MANAGER FOR TRAFFIC COUNT AND REPORT TO COUNCIL ON APRIL 1st.

Mr. S. C. Vaughn appeared before Council and again requested that a traffic signal be installed at North Tryon Street and Sylvania Avenue. He stated that the signal is needed at this location far more than at North Tryon and Sixteenth Street where one was recently installed. Mayor Shaw advised that the Traffic Engineering Department has advised that a signal is not required at the Sylvania Avenue intersection, and the Council must rely upon the judgment of the Traffic Engineer in such matters. Councilman Dellinger moved that another traffic count be made of the street and the City Manager report the results to the Council two weeks from today. The motion was seconded by Councilman Boyd, and unanimously carried.

RESOLUTION TO ADVANCE \$50,000 FROM THE GENERAL FUND TO THE AUDITORIUM BOND FUND.

A resolution entitled: "Resolution to Advance \$50,000 From the General Fund to the Auditorium Bond Fund", was introduced and read. Upon motion of Councilman Baxter, seconded by Councilman Dellinger, and unanimously carried, the resolution was adopted. The resolution is recorded in full in Resolutions Book 2, at Page 69.

CLAIM OF W. E. RICHARDSON REFERRED TO CITY ATTORNEY.

The City Manager advised that notice of claim has been filed by Mr. Charles E. Knox, Attorney, on behalf of Mr. W. E. Richardson, in the amount of \$18,000.00, for injuries alleged to have been sustained from stepping into an open meter box in front of 1004 North Davidson Street on the night of February 11, 1953. Upon motion of Councilman Boyd, seconded by Councilman Albea, and unanimously carried, the claim was referred to the City Attorney for handling.

REMOVAL OF TREE FROM PLANTING STRIP AT 3420 COMMONWEALTH AVENUE.

Upon motion of Councilman Boyd, seconded by Councilman Albea, and unanimously carried, Mr. C. R. Helms was granted permission to remove a tree from the planting strip at his residence at 3420 Commonwealth Avenue, which interferes with the construction of a driveway.

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CONSTRUCTION OF NEW SANITARY SEWER IN MORETZ AVENUE APPROVED.

Councilman Albea moved that the construction of 100-feet of new sanitary sewer be authorized in Moretz Avenue, at an estimated cost of \$200.00, to serve one family unit and one vacant lot, with all costs to be paid by the City. The motion was seconded by Councilman Van Every, and unanimously carried.

CONTRACT WITH L. A. BARNES FOR CONSTRUCTION OF WATER MAINS TO SERVE DARBY ACRES SUBDIVISION.

Motion was made by Councilman Albea, seconded by Councilman Dellinger, and unanimously carried, authorizing a contract with Mr. L. A. Barnes for the construction of 7,043-feet of water main and 4 hydrants along and adjacent to Albemarle Road east of Evergreen Cemetery, outside the city limits, to serve 104 residential lots in Darby Acres Subdivision, at an estimated cost of \$16,163.00. All costs to be borne by the applicant.

CONSTRUCTION OF DRIVEWAY ENTRANCES AUTHORIZED.

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

- (a) Two 30-ft. entrances on College Street for 202 East Morehead Street.
- (b) One 8-ft. entrance at 715 East 11th Street.
- (c) One 30-ft. entrance at 300 North Brevard Street.
- (d) One 8-ft. entrance at 1667 Scotland Avenue.
- (e) One 26-ft. entrance and two 35-ft. entrances for 2101 North Independence Boulevard.

CONTRACT AWARDED ARMCO DRAINAGE & METAL PRODUCTS, INC. FOR METAL CULVERT MATERIAL FOR REPLACEMENT OF BRIDGE IN BERRYHILL ROAD.

Councilman Van Every moved that contract be awarded the low bidder, Armco Drainage & Metal Products, Inc., for Metal Drainage Culvert, including bolts and nuts for field erection, as specified, for a total price of \$4,834.56, for the replacement of the present wood bridge in Berryhill Road near New Thrift Road. The motion was seconded by Councilman Dellinger, and unanimously carried.

CONTRACT AWARDED CROWDER CONSTRUCTION COMPANY FOR CONSTRUCTION OF CURB AND GUTTER ON NORTH CALDWELL STREET.

Upon motion of Councilman Boyd, seconded by Councilman Baxter, and unanimously carried, contract was awarded the low bidder, Crowder Construction Company for the construction of approximately 950-feet of standard curb and gutter in North Caldwell Street, on a unit price basis of \$2.00 per linear foot, representing a total of \$1,900.00.

CONTRACT AWARDED ERVIN CONSTRUCTION COMPANY FOR CONSTRUCTION OF SANITARY SEWER IN THE CELANESE PLANT TRUNK SEWER.

Motion was made by Councilman Dellinger, seconded by Councilman Baxter, and unanimously carried, awarding contract with the low bidder, Ervin Construction Company for the construction of sanitary sewer in the Celanese Trunk, all as specified, on a unit price basis, representing a total price of \$12,577.25.

SALE OF BUILDING NO. 204 WITH TWO LEAN-TO'S TO WHEATLEY & COMPANY.

Upon motion of Councilman Boyd, seconded by Councilman Baxter, and unanimously carried, the sale of Building No. 204, with two lean-to's, at Douglas Municipal Airport, was authorized to the highest bidder, Wheatley & Company, for the total price of \$1,150.00.

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CONTRACT AWARDED HERSEY MANUFACTURING COMPANY FOR 1,500, 5/8- INCH WATER METERS.

Motion was made by Councilman Baxter, seconded by Councilman Dellinger, and unanimously carried, awarding contract to the low bidder, Hersey Manufacturing Company for 1500 - 5/8-inch Displacement Type Water Meters, without bushings, as specified, on a unit price basis, representing a net delivered price of \$28,200.00.

CONTRACT AWARDED NEPTUNE METER COMPANY FOR 25, 1-INCH WATER METERS.

Councilman Van Every moved that contract be awarded Neptune Meter Company for 25, 1-inch Water Meters, Displacement Type, without bushings, as specified, on a unit price basis, representing a net delivered price of \$1,045.00. The motion was seconded by Councilman Baxter, and unanimously carried.

CONTRACT AWARDED NEPTUNE METER COMPANY FOR 50, 1-1/2 INCH WATER METERS.

Upon motion of Councilman Boyd, seconded by Councilman Dellinger, and unanimously carried, contract was awarded Neptune Meter Company, for 50, 1-1/2-inch Water Meters, Displacement Type, with brass couplings, as specified, on a unit price basis, representing a net delivered price of \$3,990.00.

CONTRACT AWARDED BADGER METER COMPANY FOR 15, 2-INCH WATER METERS.

Motion was made by Councilman Boyd, seconded by Councilman Albee, and unanimously carried, awarding contract to the low bidder, Badger Meter Company, for 15, 2-inch Water Meters, Displacement Type, with companion flanges, as specified, on a unit price basis, representing a net delivered price of \$1,794.75.

CONTRACT AWARDED FORD METER BOX COMPANY FOR 1500 METER YOKES.

Councilman Dellinger moved that contract be awarded the only bidder, The Ford Meter Box Company, for 1500 Meter Yokes, #209-U, as specified, on a unit price basis, representing a net delivered price of \$5,430.00. The motion was seconded by Councilman Baxter, and unanimously carried.

SPECIAL OFFICER PERMIT RENEWED TO W. T. ALEXANDER.

Upon motion of Councilman Van Every, seconded by Councilman Baxter, and unanimously carried, the Special Officer Permit issued to Mr. W. T. Alexander for use on the premises of Charlotte Memorial Hospital was renewed for one year.

TRANSFER OF CEMETERY LOT.

Motion was made by Councilman Dellinger, seconded by Councilman Van Every, and unanimously carried, authorizing the Mayor and City Clerk to execute a deed with Mr. W. A. Russell and wife, for Lot 39, in Section 2, Evergreen Cemetery, at \$156.00.

REPORT ON STATUS OF PLANS FOR IMPROVEMENTS TO SELWYN AVENUE.

Mr. Yancey, City Manager, reported that it will be five or six weeks before the plans for the improvements to Selwyn Avenue are completed. That the delay is occasioned by the Engineering Department being rushed with previously authorized work, as well as the shortage of draftsmen.

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PETITION OF DEPARTMENT HEADS REQUESTING STUDY OF ALL CITY RETIREMENT SYSTEMS BY AN ACTUARY, PRESENTED COUNCIL BY CITY MANAGER.

Mr. Yancey, City Manager, presented to the Council a petition from fifteen Department Heads requesting that a study be made by an actuary of all the retirement systems, and that efforts be made to treat the employees of all City Departments as nearly alike as possible with respect to retirement benefits.

REPORT BY CITY MANAGER OF COST TO CITY TO INCREASE CONTRIBUTIONS TO POLICE AND GENERAL CITY EMPLOYEES RETIREMENT SYSTEMS.

In conformity with the request of the Council at the meeting on March 11th, the City Manager advised that the cost to the City of increasing the contribution to the Police Retirement Fund by 5 percent would be \$29,918.04 annually and for increasing the contribution to the General City Employees System would be \$53,499.48 per annum.

Councilman Boyd recommended that the report be received as information and not considered further.

PURCHASE OF PROPERTY ON WEST FLINT STREET AS RIGHT-OF-WAY FOR OPENING WEST FIFTH STREET APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Dellinger, and unanimously carried, the purchase of the following property on West Flint Street for right-of-way for the opening of West Fifth Street, was authorized as recommended by the City Manager:

- (a) No. 236-40 West Flint Street, at \$12,170.00 from J. P. Hackney and wife Margaret McC. Hackney.
- (b) No. 301-05 West Flint Street, at \$10,000.00 from Novella McCrorey Flannagan, Executrix of Will of Henry L. McCrorey, Sr.
- (c) No. 307-09 West Flint Street, at \$12,190.00 from Theodus L. Gunn and wife, Floretta Gunn.
- (d) No. 311-13 West Flint Street, at \$6,490.00 from J. J. Adam and wife, Eunicetine Adam.
- (e) No. 315-17 West Flint Street, at \$8,000.00 from Octavia Boyden Tucker.
- (f) No. 319-21 West Flint Street, at \$7,000.00 from L. B. Washington and wife, Vivian S. Washington.

PETITION FOR REGULAR BUS SERVICE TO MERRY OAKS, MEDFORD ACRES AND COUNTRY CLUB HILLS SUBDIVISIONS AND VICINITY.

The City Manager presented a Petition for regular bus service to Merry Oaks Subdivision, Medford Acres Subdivision, Country Club Hills Subdivision and vicinity, which was signed by Gretchen Ellis, C. N. Nance and Robert A. Ball representing 250 families.

Councilman Boyd moved that the petition be placed in the file with similar petitions for consideration when the matter of bus service is discussed with Duke Power Company officials next week.

RESOLUTION RESCINDING ACTION OF COUNCIL ON MARCH 10, 1953 REQUESTING LEGISLATURE TO AMEND FIREMEN'S RETIREMENT ACT, AND, FURTHER, REQUESTING MECKLENBURG DELEGATION TO AMEND SAID ACT PROVIDING NO FIREMEN SHALL RETIRE FOR TWO YEARS UNDER AGE 65, UNLESS TOTALLY OR PERMANENTLY DISABLED, AS A TEMPORARY MEASURE FOR TWO YEARS ONLY, ETC.

The following resolution was introduced by Councilman Van Every:

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RESOLUTION RESCINDING ACTION ON MARCH 10, 1953 REQUESTING
LEGISLATURE TO AMEND FIREMEN'S RETIREMENT ACT: AND, FURTHER
REQUESTING MECKLENBURG DELEGATION TO AMEND SAID ACT.

WHEREAS, the Charlotte Firemen's Retirement Fund has been declared to be actuarially unsound by Bowles, Andrews and Towne, Actuaries, and

WHEREAS, by the Legislative Act setting up this Fund, the City Council is directed to contribute public funds in the amount of 5% of the Firemen's salary to this Fund matched by an equal contribution from the firemen's salary, and

WHEREAS, the firemen are insisting that the Act be amended by the Legislature to direct that the City Council contribute an additional sum of 5%, or approximately \$80,000.00 to this Fund for the next two years, and

WHEREAS, it appears to the City Council that this would still not make the Fund actuarially sound and would call for an additional contribution from the City two years hence based upon the retirement benefits now provided for in the present Law, and that the additional contributions now asked for by the firemen would result in discrimination in favor of the firemen against the policemen and the other general city employees, and

WHEREAS, the firemen have agreed to stop all retirements for the next two years for all firemen under 65 years of age, with the exception of one fireman who will be 65 years of age within two years, as a temporary, emergency concession, provided the contribution is increased by 5%, but the Council does not deem it wise to make this additional contribution at the present time, and

WHEREAS, it appears to the City Council that to change the retirement age to 65 years for the next two years would make the Firemen's Retirement Fund actuarially sound for the next two years without any additional contribution from the City, and

WHEREAS, due to the condition of the Firemen's Retirement Fund, which they themselves had enacted into law in 1947, and due to the alleged discrimination that would result against the policemen and general city employees to increase the city's contribution to this Fund at this time, and

WHEREAS, the City Council is of the opinion that an actuarial survey, appraisal and evaluation should be made of all of the Retirement Funds or systems of the city employees to determine their actuarial soundness, the adequacy of their benefits, and the equality of treatment so that benefits will be as nearly equal as possible, considering age, sex, class, number of years service, salaries, and regardless of the type of formula by which benefits are calculated, allowing certain extra benefits to policemen and firemen on account of the extra hazardousness of their employment and duties.

NOW, THEREFORE, BE IT RESOLVED that the City Council rescind its action at the special meeting on Tuesday, March 10, 1953, wherein the Legislature was requested to amend the Firemen's Retirement Act to provide for an additional 5% Contribution to the Firemen's Fund and that the Legislative Delegation from Mecklenburg County be requested to amend said act only in the following respect:

AMEND SAID ACT BY PROVIDING THAT NO FIREMEN SHALL RETIRE UNDER SAID ACT FOR THE NEXT TWO YEARS UNDER AGE 65, UNLESS TOTALLY OR PERMANENTLY DISABLED WITH THE EXCEPTION OF ONE INDIVIDUAL WHO WILL BE 65 WITHIN TWO YEARS, MAKING IT CLEAR IN THE AMENDMENT THAT THIS IS A TEMPORARY, EMERGENCY MEASURE FOR TWO YEARS ONLY, AND THAT AT THE EXPIRATION OF TWO YEARS FROM MARCH 1, 1953, THE RETIREMENT AGES AND PROVISIONS SHALL AUTOMATICALLY REVERT TO THE PRESENT PROVISIONS WITHOUT ANY ACT OF THE LEGISLATURE, UNLESS OTHERWISE AMENDED BY THE LEGISLATURE, AFTER THE ACTUARIAL SURVEY OF ALL RETIREMENT FUNDS OF THE CITY, AS HEREINABOVE SET FORTH, HAVE BEEN COMPLETED AND STUDIED.

Following the reading of the resolution, Councilman Van Every moved its adoption, which was seconded by Councilman Boyd.

Councilman Coddington expressed opposition to the resolution; stating that any group of employees who have raised as much money as the firemen have for their retirement, should be given every possible consideration, and they certainly have no incentive to continue to put funds into the system unless the City contributes also. He urged that the resolution include such additional contributions from the City as would be required to match all extra contributions put into the Fund by the firemen. He stated further that the Council met last week, adopted a resolution, sent it up to the Legislature and then began meeting all over again this week to change it; that Councilman Boyd had the firemen out at his house last night and leaves the impression with the Council that this resolution is agreeable to them. Councilman Boyd replied that the firemen who are present here today are the ones who were at his house; that they firmly object at this time to the adoption of this resolution. They are not consenting to it. That after talking with them for two hours last night, he is seconding the motion to adopt the resolution advisedly because he thinks it is the best thing we can do at the present time under existing conditions. Councilman Dellinger stated that he did not see what else the Council can do in face of the petition from the City Department Heads. Councilman Baxter stated that under this resolution a study of all the retirement systems will be started, which he believes is the best thing to do. Councilman Coddington stated further that under the resolution the Councilmen are asking the firemen to sit down and wait another two years until the Legislature meets again. Why not include in the resolution that when the Actuary's report is made that the Fund will revert to its present provisions.

Mr. Francis Clarkson, Attorney for the Firemen, was allowed the privilege of the floor, and stated that he appeared before the Council on March 10th, that the Council adopted a resolution approving the Firemen's proposed plan; that he went to Raleigh with the Firemen's Committee and went over the resolution item by item with our delegation and they agreed to it, with the exception of Representative O'Herron who said he would go along with it under the unit rule. That the Legislators asked that the Attorney General draw the Bill, and that he went to his office and the Bill was drawn. That he then came home, and he is shocked at the turn of events since that time. That the entire Council, except Mr. Van Every, agreed to the plan, and it seems that the proposal now made is that the Fund will be frozen for two years; that the Firemen will have no incentive to put money in the Fund. That he thinks the City of Charlotte should feel well enough disposed towards the Firemen to put the same amount as the firemen in the Fund within the next two years. That if the Council will put into the Fund as much additional funds as the Firemen do it will be appreciated. He then presented the following proposal:

" Charlotte, N. C.
March 18, 1953

RE: CHARLOTTE FIREMEN'S RETIREMENT FUND

The Charlotte Firemen agree to the following proposal:

1. That all retirement benefits under the present plan be frozen and none paid for the next two years, that is, until May 1, 1955, except to any firemen who should reach the age of 65 within that time, or to any firemen who would become totally disabled during the time, and these would be retired under the present plan.
2. That a committee of Charlotte citizens be appointed by the City Council to make a study, survey and recommendations during the next two years, looking toward the final setting up of the Fund on a sound basis.
3. That the firemen agree that they will adjust the benefits to be received under the fund at the end of two years to an age limit not to exceed the age 58 and benefits within 10% of present benefits.

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4. That the City will increase its contribution to the Firemen's Fund by an amount not to exceed the amount put into said Fund by the Firemen by funds including payments from the following sources:

Firemen's Relief Fund
 Firemen's Benefit Fund
 Firemen's Credit Union

These contributions not to extend beyond May 1, 1955.

5. That the Commission of Charlotte citizens be authorized to employ an actuary to be paid by the City of Charlotte to make a complete study as to what will make the system actuarially sound, and said Commission to make its report to the City Council of the City of Charlotte on or before November 15, 1954."

Mr. Clarkson stated if their proposal is agreeable the City could put its contribution into the fund at any time during the period that it is convenient to do so. That they feel this is a sound proposal, and if other city employees come up with a similar proposal, the Council should do the same for them.

Councilman Boyd asked what amount the firemen will contribute from these sources to the Fund? To which Mr. Clarkson replied that the amount cannot now be determined, that last year \$18,147.70 was so contributed by the firemen.

Mayor Shaw then stated that this matter has given him grave concern, that he would like to give the firemen an incentive to go ahead with the Fund, and he asked the Council to seriously consider going along with their proposal of matching whatever funds they raise.

Councilman Van Every stated that he did not want to see the Firemen putting their money into something that is unsound. That he wants to find out what will make the System sound. That he would like to see the Council set a goal for all employees and see if our Funds are sound and likewise that the taxpayers funds are going into a sound Fund.

The City Attorney stated if the Council and Legislature should decide to liquidate the present Fund, the Firemen would get back their money and the City would likewise get back the money contributed to the Fund, giving the City a backlog of the funds.

The vote was then taken on the motion for the adoption of the resolution, and the motion carried, with the following votes cast:

AYE: Councilmen Albea, Baxter, Boyd, Dellinger and Van Every.

NAY: Councilman Coddington

Councilman Boyd requested that certified copies of the resolution be transmitted to the Mecklenburg delegation immediately.

Mayor Shaw stated that he hoped we are not taking any action in the matter that we will regret at some future time.

ADJOURNMENT

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

Lucille R. Hayfron
 City Clerk

Note:
 Correction at
 3-25th meet-
 ing.