

March 25, 1953
Minute Book 34 - Page 456

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 25, 1953, at 4 o'clock p.m., with Mayor Shaw presiding and Councilmen Albee, Baxter, Boyd, Dellinger and Van Every present.

Absent: Councilman Coddington.

INVOCATION.

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

MINUTES APPROVED.

Upon motion of Councilman Van Every, seconded by Councilman Baxter, and unanimously carried, the Minutes of the last meeting on March 18th were approved as submitted.

Mayor Shaw requested the City Clerk to add to the Minutes of the meeting on March 18th his remarks in connection with the Firemen's Retirement Fund Amendment, that "he hoped we are not taking any action in the matter that we will regret at some future time".

CITY ATTORNEY DIRECTED TO DELIVER BILL AMENDING FIREMEN'S RETIREMENT ACT TO MECKLENBURG COUNTY DELEGATION TO THE GENERAL ASSEMBLY, AS BILL INTRODUCED BY THEM NOT IN CONFORMITY WITH PROVISIONS OF RESOLUTION ADOPTED BY COUNCIL.

Mr. Francis O. Clarkson, Attorney representing the Charlotte Firemen appeared before Council, with the Committee of Firemen, and advised that he had today received a copy of the Bill Amending the Firemen's Retirement Act, which has been introduced in the House of Representatives and that it does not conform to the provisions contained in the resolution adopted by the Council on March 18th in that it does not limit the freeze of benefits and retirement age at 65 years temporarily until March 1, 1955, but acts these up on a permanent basis.

Councilman Boyd stated that he discussed with Mr. Yancey, City Manager, and Mr. Shaw, City Attorney, the advisability of the City Attorney drawing the Bill to conform exactly with the provisions of the resolution; that Mr. Shaw drew the Bill and it was sent to the Legislators on last Thursday afternoon. That on that afternoon or the next day he noticed a newspaper account of the Bill that was to be introduced and according to the report it did not conform to the provisions of the resolution; that he wired Senator McIntyre asking him to please read the Bill drawn by the City Attorney. He stated further that since the Mecklenburg Legislators demanded to know what the Council wanted done in the matter, that it is now the duty of the Council to get it across to them what the Council does want. At the request of Councilman Van Every as to wherein the Bill that has been introduced differs from the provisions of the resolution, the City Attorney stated that the resolution provides that no firemen shall retire under the Act for the next two years under age 65 unless totally or permanently disabled with the exception of one fireman who will become 65 years of age, and that at the expiration of two years from March 1, 1953, the retirement ages and provisions shall automatically revert to the present provisions, whereas the Bill as presented makes it permanent legislation. He then read the two Bills, and stated further that after conferring with Mr. Boyd, Mr. Yancey and Mr. Clarkson, he wrote Senator McIntyre with copies to the Mecklenburg Representatives and sent them copies of the Bill he had drawn, and in fact, sent Senator McIntyre seven copies which is necessary for the introduction of a Bill in the Legislature.

Councilman Boyd moved that in order to settle the matter, that the City Council authorize the City Attorney to take the Bill drawn by him to Raleigh and deliver it to the Mecklenburg delegation and tell them once again that this is what the Council wants and what the Firemen want since they could not get the extra 5 percent contribution that they requested. The motion was seconded by Councilman Dellinger, and unanimously carried.

PETITIONS RELATIVE TO CHANGE IN NAME OF WESTBROOK DRIVE TO BE CONSIDERED AT NEXT COUNCIL MEETING.

Mr. L. F. Brown, 811 West 3rd Street, appeared before Council and requested that the change in the name of West 3rd Street to Westbrook Drive be disapproved by the Council. He presented a petition opposing the change which he stated was signed by all the residents on the street. Mr. Yancey, City Manager, stated a petition has been filed with the Engineering Department by residents requesting that the name of the street remain Westbrook Drive. At the suggestion of the City Manager, Mayor Shaw advised Mr. Brown that both petitions will be considered by the Council at next week's meeting and he requested the newspaper to publicize the fact so that all interested persons may be advised of the meeting.

RESOLUTION PROVIDING FOR HEARING ON APRIL 15TH IN CONNECTION WITH AMENDMENT TO ZONING ORDINANCE CHANGING ZONING FROM R-2 TO B-1 ON PROPERTY AT 1100-1130 EAST 36TH STREET.

An ordinance entitled: "Ordinance No. 174 Amending the Zoning Ordinance" to change the Building Zone Map from R-2 to B-1 on property located at 1100-1130, inclusive, East 36th Street, being Lots 1, 2, 3 and 4 in Block 21, was introduced. Following the reading thereof, a resolution entitled: "Resolution Providing for a Public Hearing on Ordinance No. 174 Amending the Zoning Ordinance" was presented and read. Councilman Albea moved the adoption of the resolution, which was seconded by Councilman Van Every, and unanimously carried. The resolution is recorded in full in Resolutions Book 2, at Page 71.

RESOLUTION AUTHORIZING PERMANENT IMPROVEMENTS ON SOUTH COLLEGE STREET.

A resolution entitled: "Resolution Authorizing Permanent Improvements on South College Street" was introduced and read. Councilman Albea moved the adoption of the resolution. The motion was seconded by Councilman Dellinger, and passed on its first reading. The resolution is recorded in full in Resolutions Book 2, at Page 72.

RESOLUTION AUTHORIZING ADVERTISEMENT OF NOTICE OF RESOLUTION OF PERMANENT IMPROVEMENTS ON SOUTH COLLEGE STREET.

A resolution entitled: "Resolution Authorizing Advertisement of Notice of Resolution of Permanent Improvements on South College Street", was introduced and read. Councilman Albea moved the adoption of the resolution which was seconded by Councilman Dellinger, and unanimously carried. The resolution is recorded in full in Resolutions Book 2, at Page 73.

RESOLUTION AUTHORIZING PERMANENT IMPROVEMENTS ON MARLOWE AVENUE.

A resolution entitled: "Resolution Authorizing Permanent Improvements on Marlowe Avenue", was introduced and read. Councilman Dellinger moved the adoption of the resolution, which was seconded by Councilman Albea, and unanimously passed on its first reading. The resolution is recorded in full in Resolutions Book 2, at Page 74.

RESOLUTION AUTHORIZING ADVERTISEMENT OF NOTICE OF RESOLUTION OF PERMANENT IMPROVEMENTS ON MARLOWE AVENUE.

A resolution entitled: "Resolution Authorizing Advertisement of Notice of Resolution of Permanent Improvements on Marlowe Avenue", was introduced and read. Councilman Dellinger moved the adoption of the resolution, which was seconded by Councilman Albea, and unanimously carried. The resolution is recorded in full in Resolutions Book 2, at Page 75.

RESOLUTION AUTHORIZING PERMANENT IMPROVEMENTS ON EAST THIRD STREET.

A resolution entitled: "Resolution Authorizing Permanent Improvements on East Third Street", was introduced and read. Councilman Albea moved the adoption of the resolution, which was seconded by Councilman Dellinger, and unanimously passed on its first reading. The resolution is recorded in full in Resolutions Book 2, at Page 76.

March 25, 1953
Minute Book 34 - Page 458

RESOLUTION AUTHORIZING ADVERTISEMENT OF NOTICE OF RESOLUTION OF PERMANENT IMPROVEMENTS ON EAST THIRD STREET.

A resolution entitled: "Resolution Authorizing Advertisement of Notice of Resolution of Permanent Improvements on East Third Street", was introduced and read. Councilman Albea moved the adoption of the resolution which was seconded by Councilman Dellinger and unanimously carried. The resolution is recorded in full in Resolutions Book 2, at Page 77.

PLAT OF BELLE TERRE COURT SUBDIVISION APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Van Every and unanimously carried, the Plat of Belle Terre Court Subdivision was approved, as recommended by the Planning Board.

CONSTRUCTION OF SANITARY SEWER MAINS AUTHORIZED IN SOUTH CEDAR STREET AND IN CREDENZA ROAD.

Motion was made by Councilman Dellinger, seconded by Councilman Albea, and unanimously carried, authorizing the construction of sanitary sewer mains at the following locations:

- (a) 135 feet of sewer main in South Cedar Street, at an estimated cost of \$770.00, to serve four business units and one vacant lot. All costs to be borne by the City.
- (b) 234 feet of sewer main in Credenza Road, at an estimated cost of \$820.00, to serve unsubdivided property. All costs to be borne by the City and applicant's deposit of the full amount to be refunded as per terms of the contract.

TRANSFER OF \$494.00 FROM EMERGENCY FUND TO PURCHASING DEPARTMENT FOR PURCHASE OF CALCULATOR.

Councilman Albea moved that \$494.00 be transferred from the Emergency Fund (Code 110) to the Purchasing Department (Code 1503-G-14) for the purchase of an electric calculating machine, as recommended by the City Manager. The motion was seconded by Councilman Dellinger, and unanimously carried.

CONSTRUCTION OF DRIVEWAY ENTRANCE AT 515 WALNUT AVENUE APPROVED.

The construction of a 12-foot driveway entrance at 515 Walnut Avenue was authorized upon motion of Councilman Dellinger, seconded by Councilman Baxter and unanimously carried.

CONTRACT AWARDED CRANE COMPANY FOR CORPORATION STOPS, BRASS CONNECTIONS AND KEY CURB STOPS.

Upon motion of Councilman Dellinger, seconded by Councilman Baxter and unanimously carried, contract was awarded Crane Company for 500, 3/4-inch and 24, 2-inch Corporation Stops only; 500 3/4-inch and 24, 2-inch 45-degree Brass Connections complete with fibre washers, and 50, 1-inch inverted ground Key Curb Stops, all as specified, at a total price of \$1,199.60, subject to 2% cash discount.

CONTRACT AWARDED BLYTHE BROS. COMPANY FOR STREET IMPROVEMENTS AND BRIDGE ON EAST BOULEVARD.

Motion was made by Councilman Albea, seconded by Councilman Dellinger, and unanimously carried, awarding contract to Blythe Bros. Company, for Bid #1 covering Clearing, grading, drainage, etc., in the amount of \$18,148.50 and for Bid #2 covering bridge construction in the amount of \$24,158.48, East Boulevard Project, all on a unit price basis, completing in 120 days, representing a total price of \$42,299.98.

March 25, 1953
Minute Book 34 - Page 459

SPECIAL OFFICER PERMITS RENEWED FOR ONE YEAR.

Upon motion of Councilman Van Every, seconded by Councilman Baxter, and unanimously carried, Special Officer Permits were renewed for one year to the following persons:

- (a) To E. C. Sullivan, 1609 Pogram Street, for use on the premises of Lance, Inc.
- (b) To John W. Kay, 416 W. 11th Street, for use on the premises of Domestic Laundry, Inc.

LEASE OF AIRPORT BUILDINGS REPORTED CONCLUDED.

The City Manager reported that leases have been concluded on the following buildings at Douglas Municipal Airport:

<u>BUILDING NO.</u>	<u>LESSEE</u>	<u>MONTHLY RENTAL</u>	<u>DATE AND TERM OF LEASE</u>
51	Charlotte Salvage Company	\$19.35	3-1-53 1 year
59	Carolina School Supply	27.32	4-1-53 1 year renewal
249	H. M. Hicks	30.00	4-1-53 1 year renewal
348	S. H. Duncan	12.80	4-1-53 1 year renewal

TRANSFER OF CEMETERY LOTS.

Upon motion of Councilman Van Every, 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 Ben F. Favell, Sr. and wife, and Ben F. Favell, Jr. and wife, for Lot 347, Section 3, Evergreen Cemetery, at \$163.80.
- (b) Deed to Carl W. Johnson and wife, Lot 346, Section 3, Evergreen Cemetery, at \$163.80.
- (c) Deed to H. S. Dost and wife, for Perpetual Care on Lot 64, in Section L-Annex, Elmwood Cemetery, at \$100.00.
- (d) Deed to Mrs. Belle C. King, transferred from H. S. Dost and wife, for Lot 64, in Section L-Annex, Elmwood Cemetery at \$1.00 for transfer.

LEASE OF AIRPORT BUILDING #283 TO CHARLOTTE AERO ASSOCIATION.

Councilman Albea moved that the request of the Charlotte Aero Association to lease Building No. 283 at Douglas Municipal Airport, at an annual rental of \$1.00, be granted, as recommended by the City Manager. The motion was seconded by Councilman Baxter, and unanimously carried.

REPORT OF SIX MONTHS TRIAL PERIOD OF REDUCED BUS SERVICE AND SCHEDULES FILED BY DUKE POWER COMPANY AND CONFERENCE ARRANGED FOR WEDNESDAY, APRIL 1ST TO CANVASS PETITIONS FOR INCREASED BUS SERVICE AND SCHEDULES.

The Report of Duke Power Company of their operating costs for the six months trial period of reduced bus service and schedules, requested by the City Council, was presented by the City Manager.

Councilman Van Every moved that the report be accepted as information. The motion was seconded by Councilman Baxter.

Councilman Albea stated he did not think the report should be merely received as information and pigeon-holed.

March 25, 1953
Minute Book 34 - Page 460

Councilman Boyd stated he did not think the report was worthy of being received as information. That he thought it was an insult to the intelligence of the people of Charlotte and the City Council, or a travesty on the business judgment of the Duke Power Company. That he realized anyone would have known that the report would be favorable to the Company and unfavorable to the citizens. That he believes the bus situation is one of the most important things before the City Council and it is being treated lightly. That so long as he is a member of the Council he is going to express himself about the inadequate bus services to the citizens by Duke Power Company.

Councilman Dexter stated that the Report was requested by the Council and should, therefore, be accepted. That the Council could not ask for expanded service so long as the Company was losing money on the operation but now that it looks better the matter should be considered with the view of the services being improved.

Councilman Boyd stated that Duke Power Company or its predecessors, have had the exclusive franchise for fifty years to furnish gas, electricity and public transportation to the people of Charlotte, and they have an obligation to the citizens. That the streets in the uptown area must be widened, which cannot be done, or a curtailment of the ever increasing automobile usage to get people to work and back home. That from reports of other cities, the answer is an adequate, effective, alert public transportation system. That if the present condition continues, one of these days we will not have a public transportation system at all. He stated further, the Council has on file petitions from citizens for the restoration of services as curtailed. That, in his opinion, these petitions should be studied and discussed with Duke Power Company officials.

Councilman Boyd then offered a substitute motion that the City Manager be requested to assemble the requests on file for increased or improved bus service and the Council meet and study them. The motion was seconded by Councilman Albea.

Councilman Van Every stated that the bus issue is a political plum.

Councilman Albea arose to a point of order, stating if this is a political act then Councilman Van Every is a part of it, as he voted for the six months trial operation and the period is completed and the matter comes up now.

Councilman Boyd vigorously denied the accusation and challenged Councilman Van Every to show that his interest as a Councilman in the welfare of the citizens of Charlotte is political. He stated further that in behalf of the great number of people in Charlotte crying for proper bus transportation he wanted to say to Councilman Van Every that he resented his remarks.

Mayor Shaw stated that he came into office as Mayor four years ago on a bus and it looks like he is going out on one.

Councilman Van Every stated that he believes every citizen of Charlotte should have the best bus service obtainable but everyone is entitled to a profit in business. That this nation was built on liberty but liberty cannot live on bankruptcy. That he believes in order to have adequate bus service, one of three things will have to be done - increase bus fares, reduce the service or decrease the pay of bus drivers. That the Courts have ruled that Duke Power Company cannot take their transportation losses and subsidize them from their electrical business. To go further and throw rocks at Duke Power Company when they are operating the best they can is unfair and unjust - that if it were anyone but Duke Power Company they would have gone out of business long before now.

Councilman Albea stated he is not throwing rocks at anyone.

March 25, 1953
Minute Book 34 - Page 461

Councilman Baxter stated that he felt a study of the report and the requests on hand would be the proper approach to the question and he withdrew his second to the main motion.

Councilman Boyd then withdrew his substitute motion to the main motion.

Councilman Van Every asked the City Attorney what authority the City Council has over the transportation system? The City Attorney stated that the Council and Power Company can agree on transportation questions, but if they cannot then it becomes a controversy and must be decided by the State Utilities Commission and that the said Commission fixes the rate of fare to be charged by the said Company.

Councilman Boyd then moved that the City Manager be requested to assemble the petitions of the citizens from the various sections of the City for increased and additional bus service and schedules, and that the Council meet and canvass these petitions with a map showing the present bus routes and schedules, and that the Council take such action as the majority of the Council deems wise. The motion was seconded by Councilman Albee, and unanimously carried.

Councilman Baxter requested the City Manager to ask the Power Company officials for an explanation of two items on the report listed as Expenses - Other Operation in the amount of \$110,158.00 and Other Local in the amount of \$28,511.00.

The Council concurred in the Mayor's suggestion that the conference to consider the bus petitions be held next Wednesday, at 2 o'clock P.M.

SURVEY AND MAPS OF SELWYN AVENUE IMPROVEMENTS REQUESTED WITHIN THREE WEEKS.

Councilman Boyd asked the City Manager if it is not possible to complete the survey and maps of the Selwyn Avenue street improvements within three weeks time instead of the estimated six weeks. Mr. Yancey replied that he would do everything possible to do so. Councilman Boyd then asked the Council if they would not like to have the material within that time, and they indicated that they would.

ADJOURNMENT.

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

Lillian R. Hoffman
City Clerk