

September 2, 1936
Page 440.

The regular weekly meeting of the City Council was held in the Council Chamber, City Hall, at 11 o'clock A. M., Wednesday, September 2, 1936, Mayor Ben E. Douglas presiding and Councilmen Albea, Baxter, Boyd, Durham, Hovis, Hudson, Nance, Sides and Tipton present.

Absent: Councilmen Huntley and Wilkinson.

COMMITTEE APPOINTED TO STUDY PARKING METERS.

Mr. C. C. Beasley introduced to the Council Mr. W. L. Moore, President of the Pure Oil Company, who also represents the Mark-Time Parking Meter, and Mr. Moore filed with the Council a petition signed by 95% of the merchants in the business section, asking for the installation of parking meters.

Councilman Baxter moved that the Mayor appoint a committee to look into this matter, which was seconded by Councilman Albea and carried.

Mayor Douglas then appointed Councilman Baxter as Chairman of this committee with Councilmen Durham and Nance as the other members, to look into the proposition and report back to the Council after they have had sufficient time to study it.

Mr. W. C. Deaton, representative of the Park-O-Meter Company stated he would like to offer a meter for investigation of the committee just appointed, and was advised that he would be permitted to do so.

TAXICAB ORDINANCE.

The Mayor then called on Mr. J. M. Scarborough, City Attorney, to read the new taxicab ordinance which they had drafted for consideration of the Council, a large delegation of taxicab operators being present at this time. The following ordinance was read:

**AN ORDINANCE
TO REQUIRE JITNEY BUS AND TAXICAB OPERATORS CARRYING
PASSENGERS FOR HIRE WITHIN THE CITY OF CHARLOTTE TO
TAKE OUT AND CARRY LIABILITY INSURANCE OR PROVIDE SURETY
BONDS OR MAKE A DEPOSIT OF SECURITIES WITH THE TREASURER
OF THE CITY OF CHARLOTTE.**

BE IT ORDAINED by the City Council of the City of Charlotte in Regular Session:

day of

Section 1. That on or after the 2/September 1936, it shall be unlawful for any person, firm, corporation or association of individuals to operate or cause to be operated any jitney bus or taxicab or any other motor vehicle used for transporting passengers for hire over the streets of the City of Charlotte, without first taking out and keeping in effect at all times a policy or policies of insurance in some Insurance Company duly licensed to do business in North Carolina or provide a surety bond or bonds with individual or corporate sureties as may be approved by the City Council to cover damages for injury to one person in any one accident in the sum of

Sept. 2, 1936

Page 441.

\$2500.00 and damages for injury to two or more persons in any one accident in the sum of \$5000.00 and for property damage in any one accident in the sum of \$500.00. Said insurance or surety bond conditioned for the payment of any final judgment rendered on account of property damage or personal injury as aforesaid caused by any such vehicle or taxicab operated on the streets of Charlotte by such person, firm, corporation or association of individuals.

Section 2. That any such person, firm, corporation, or association of individuals in lieu of furnish such insurance, bond or bonds as required by Section One of this Ordinance may place or deposit with the Treasurer of the City of Charlotte money, United States Government Bonds or other securities approved by the City Council in the amount of \$5500.00 for the first such vehicle or taxicab so operated and increase the amount of money or securities as aforesaid by the value of \$100.00 for each and every additional taxicab so operated, conditioned for the payment of any final judgment rendered on account of damage for an injury to one person in any one accident in the sum of \$2500.00 and for damages for injuries to two or more persons in any one accident in the sum of \$5000.00 and for property damage in any one accident in the sum of \$500.00 caused by any such vehicle or taxicab so operated. That any such person, firm, corporation or association of individuals who elects to operate under the provisions of this Section, such election shall be deemed an act authorizing the said Treasurer to pay any such final judgment at any time after 15 days of the docketing of the same out of the deposit so made with said Treasurer. That the amount of deposit as above set forth is the minimum amount required and must be kept up to such minimum at all times.

Section 3. That every person, firm or corporation as a condition precedent to the operation of such vehicles on the streets of Charlotte shall file with the Chief of Police of Charlotte his, their or its name and address and give a description of each and every such vehicle so operated including the name of the make of car, its motor number and its State and City License Number, the name of the insurance company in which the insurance is carried, the Policy Number or numbers of the Policy or Policies and the expiration date or dates of such Policy or Policies. Provided if a surety bond is given as provided instead of insurance, such person, firm or corporation shall have said bond prepared, executed and delivered to the City Clerk to be approved by the Council or the securities approved if such securities are deposited.

Section 4. The provisions of this Ordinance shall apply to such vehicles or taxicabs while in use within the limits of the City of Charlotte only.

Section 5. Every person, firm or corporation who shall operate or permit or cause to be operated any such motor vehicle for the purpose of carrying passengers for hire within the City of Charlotte in violation of this Ordinance, shall upon conviction, be subject to a penalty of \$50.00 for each and every such operation of any such motor vehicle.

Section 6. Nothing in this Ordinance shall be construed to apply to jitney busses and motor vehicles operated under the jurisdiction of the Utilities Commission or Utilities Commissioner of North Carolina.

Section 7. That this Ordinance shall become effective as of the 2nd. day of September 1936, and the same shall be duly advertised in some newspaper published in Mecklenburg County.

Section 8. That if any clause, sentence, paragraph or any part or provision of this Ordinance shall, for any reason, be adjudged by a Court of competent jurisdiction to be invalid, such Judgment shall not affect, impair or invalidate the remainder of said Ordinance, but shall be confined in its operation to the clause, section or provision or part thereof directly involved in such Judgment.

Sept. 2, 1936
Page 442.

Section 9. That the Ordinance passed by the Council of the City of Charlotte on October 16th. 1935, and recorded in Ordinance Book 5 at pages 75 and 76, entitled---

"AN ORDINANCE TO REQUIRE JITNEY BUS AND TAXICAB OPERATORS CARRYING PASSENGERS FOR HIRE WITHIN THE CITY OF CHARLOTTE TO TAKE OUT AND CARRY LIABILITY INSURANCE OR PROVIDE THEMSELVES WITH SURETY BONDS AS PROVIDED FOR IN CHAPTER 279 PUBLIC LAWS OF 1935"

is hereby repealed.

Councilman Albea moved the adoption of the above Ordinance, which was seconded by Councilman Boyd.

Councilman Sides stated he was in favor of the ordinance with exception of one provision--he felt that the deposit of \$100.00 for each additional car after the first car was not enough and that this should be changed to read \$200.00. Mr. Taylor, representing the dime cabs, claimed that the amounts shown in the ordinance would be ample to take care of all needs under the law of averages. Councilman Sides suggested that the amount per car be increased and that it be paid on a quarterly basis if they are unable to meet it all at one time.

Mr. Frank Sims, representing the 25-cent cab companies, again appeared in opposition to the passage of the above ordinance, stating that the protection is not sufficient.

After a lengthy discussion, Councilman Albea again moved the adoption of the Ordinance on first reading, which was seconded by Councilman Boyd, with the following vote taken:

AYE: Councilmen Albea, Boyd, Hovis, Hudson, Nance and Tipton.

NAY: Councilmen Baxter, Durham and Sides.

The rules were suspended and the ordinance was placed upon its second reading, with the following votes taken:

AYE: Councilmen Albea, Boyd, Hovis, Hudson, Nance and Tipton.

NAY: Councilmen Baxter, Durham and Sides.

On motion of Councilman Albea, seconded by Councilman Boyd, the rules were suspended and the ordinance was placed upon third and final reading, with the following votes taken:

AYE: Councilman Albea, Boyd, Baxter, Durham, Hovis, Hudson, Nance, Sides and Tipton.

NAY: None.

The Mayor declared the ordinance adopted.

CONTRACT FOR YEAR'S SUPPLY OF COAL AWARDED TO COCHRANE & ROSS.

On motion of Councilman Boyd, seconded by Councilman Nance, contract for the year's supply of coal was awarded to Cochrane & Ross, the low bidder, at a price of \$4,812.75 for Red Ash Coal, and the Mayor and Clerk were authorized to sign the contract.

Bids were opened on August 18th. as follows:

Sept. 2, 1936
Page 443.

RED ASH COAL

Cochrane and Ross Coal Company	\$ 4,812.75
H. V. Johnson & Son	4,857.50
Service Coal Company	4,908.75
Atlantic Ice & Coal Company	5,021.25

POCAHONTAS COAL

Cochrane and Ross Coal Company	\$ 5,586.25
Service Coal Company	5,656.25

CAST IRON PIPE FOR WATER DEPARTMENT AWARDED TO GRINNELL COMPANY.

On motion of Councilman Albea, seconded by Councilman Sides contract for 780 feet of 6-inch Cast Iron Pipe for the Water Department, was awarded to Grinnell Company, the low bidder, at \$561.60, and the Mayor and Clerk were authorized to sign the contract.

Bids received were as follows:

Grinnell Company	\$ 561.60
Lynchburg Foundry Company	616.20
U. S. Pipe & Foundry Company	631.80
National Cast Iron Company	639.50

CONTRACT FOR YEAR BOOK TO LASSITER PRESS, INC.

On motion of Councilman Sides, seconded by Councilman Nance, contract for printing 2000 copies of the 1935-36 Year Book was awarded to The Lassiter Press, Inc., low bidder, at \$428.85, and the Mayor and Clerk were authorized to sign the Contract, Councilman Albea voting against the motion.

Bids were received on the Year Book as follows:

The Lassiter Press, Inc.	\$ 428.85
The News Publishing Company	432.00
Honeycutt Printing Company	436.00
Washburn Printing Company	443.00
Herald Press, Inc.	469.00
Carolina Office Supply Co.	475.00
Observer Printing House	479.06
Pound & Moore Company	482.50

DITTO MACHINE PURCHASED.

On motion of Councilman Albea, seconded by Councilman Durham, and carried unanimously, the City Manager was authorized to purchase Ditto Machine, from Ditto, Inc., Chicago, Ill., at \$235.00; this machine having been rented for several months with option to purchase, and having demonstrated its usefulness and economy.

REVENUE ORDINANCE AMENDED RELATIVE SLOT MACHINES.

At the request of the Collector of Revenue, that section of the Revenue Ordinance relative to Slot Machines and Slot Locks, being Section 16-S, was amended to charge \$10.00 for all automatic phonographs and music machines, on motion of Councilman Nance, seconded by Councilman Sides and unanimously adopted on three readings.

Sept. 2, 1936
Page 444.

NOTICE OF SUIT OF MRS. BESSIE H. LITTLEJOHN.

Mr. Marshall reported notice of suit of Mrs. Bessie J. Littlejohn vs. the City of Charlotte for reduction in street assessment, has been received and referred to the City Attorneys for handling. Mrs. Littlejohn is represented by Frank Sims Jr. and W. A. Mason, Attorneys.

BIDS FOR PAVING SCOTLAND AVENUE RECEIVED.

Bids were received on September 1st. for the paving of Scotland Avenue as follows:

Blythe Brothers Company	\$19,018.70
Cochrane & Ross Coal Company	19,631.50
W. A. Ebert	21,555.45

On motion of Councilman Boyd, seconded by Councilman Albea, the Mayor and Clerk were authorized to sign contract with Blythe Bros. Company, the low bidder, at the price of \$19,018.70.

SUPPLEMENTARY APPLICATION FOR ADDITIONAL WORK ON STADIUM.

Mr. Marshall reported that a supplementary application for finishing touches on the Stadium, totaling \$5,182.00, had been filed with the W.P.A., but that it was returned as the sponsor's share should be 30% under the new program. He stated that the sponsor's donation was originally \$699.00 but that at 30% it would approximate \$1500.00. He advised that the Park & Recreation Commission have agreed to sign a note for \$1000.00 with the City and obligate uncollected back taxes, provided the City Council would be willing to advance the money.

Councilman Baxter moved that the City advance the \$1000.00 to the Park & Recreation Commission for this. Motion seconded by Councilman Albea and carried unanimously.

STREET PAVING PETITIONS.

Mr. Marshall presented a number of petitions received for street paving on a full assessment basis.

Councilman Baxter, seconded by Councilman Hovis, moved that the petition on Beattys Ford Road, signed by 24 of 39 property owners, be accepted. Motion carried.

Councilman Albea, seconded by Councilman Baxter, moved that the Mayor sign the petition for Oaklawn Avenue, for the City of Charlotte, one of the property owners on this street, which would make 6 out of 8 property owners and 86.79% of the abutting property signed for. This motion carried. Councilman Albea, seconded by Councilman Durham, then moved the adoption of the petition, which was unanimously carried.

Councilman Sides, seconded by Councilman Tipton, moved that petition for Wilmore Drive, be accepted. Motion carried.

At this point the City Attorneys advised that under the law, the petitions will have to be adopted by Resolution and duly published. The remainder of the petitions were then held up until proper Resolution can be prepared.

Councilman Durham, seconded by Councilman Boyd, then moved contract awarded to Blythe Bros. Company, be rescinded and held up until it can go through the proper channels. Motion unanimously carried.

Sept. 2, 1936
Page 445.

LABOR DAY HOLIDAY FOR CITY EMPLOYEES.

Councilman Albea moved that Monday, September 7th., Labor Day, be granted as a holiday for all City employees who can conveniently be away from their duties. Motion seconded by Councilman Boyd and unanimously carried.

REQUEST OF CLAY RUTLEDGE TO PURCHASE CITY LAND REFERRED TO PUBLIC WORKS COMMITTEE.

Mr. Marshall presented a request received from Clay Rutledge offering to purchase 13 acres of City land on the Statesville Road, for \$750.00, with certain provisions for drainage of the creek bed. This request was referred to the Public Works Committee to handle.

APPROVAL OF MINUTES OF AUGUST 18TH MEETING.

On motion of Councilman Albea, seconded by Councilman Tipton, the minutes of the August 18th. meeting were approved as read.

CEMETERY DEED.

On motion of Councilman Albea, seconded by Councilman Durham, duplicate deed was ordered issued in the name of Mrs. Stegall, for lot No. 22, B Fraction, Elmwood, to be delivered to Mrs. Vann Matthews..\$1.00

ADJOURNMENT

On motion of Councilman Albea, seconded by Councilman Nance, the meeting adjourned.

Alice J. McConnell
City Clerk.