

A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, on Wednesday, April 23, 1952, at 4 o'clock p.m., with Mayor Shaw presiding, and Councilmen Albea, Baxter, Boyd, Coddington, Dellinger, Jordan and Van Every present.

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INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Van Every, seconded by Councilman Dellinger, and unanimously carried, the minutes of the last meeting on April 16th were approved as submitted.

ACTION DEFERRED ON APPLICATION OF QUEEN CITY CAB COMPANY FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE THIRTY TAXICABS.

The hearing relative to the application of Queen City Cab Company for Certificates of Public Convenience and Necessity to operate thirty taxicabs in Charlotte was opened with Mr. Yancey, City Manager, advising that the Company's application, presented to him by Mr. Charles V. Bell, is in order insofar as he can determine; that it complies with the application requirements of the Taxicab Ordinance, but the Council must decide as to its adequacy. He read the financial statement presented with the application.

Mr. Charles V. Bell, Attorney for the Cab Company, presented petitions which he stated were signed by some six to seven hundred negro residents, requesting that the Council grant permission for taxicabs to be operated by qualified negroes upon the streets of Charlotte. He stated that because of the southern pattern of life the negro does not receive an equal share of services and the operation of a negro owned taxicab company for the use of the negro population of Charlotte will serve to better balance existing conditions. That the fact that it is difficult, if not impossible, especially in rainy weather, for a negro to get a cab, and that calls for cabs by white people are given preference, is proof of the need for cabs to serve the negro people. That practically all North Carolina cities have negro owned and operated cab companies, that Durham in particular has 77 cabs operated by colored drivers. He advised further that 187 cabs are operating in Greensboro, where the population is much less than Charlotte. That he has been advised by the Department of Motor Vehicles that only 104 of the 178 cabs for which certificates have been issued in Charlotte have licenses and are in operation, and the remaining 74 cabs are standing idle on the yards of Charlotte Cab Companies. He requested that the certificates covering these 74 cabs not in operation be revoked and certificates issued to the Queen City Cab Company for 30 cabs.

Councilman Boyd stated that as he understands the matter, the Council is concerned with just two things -- does the proposed cab company qualify itself, and if so, is there a necessity for the requested cabs.

Mr. Bell introduced Mr. Arthur Grier, who stated his interest in a cab company for negroes stems from his pride in Charlotte and its development to serve the citizens needs. That with the cooperation of the Police Department he sees no reason why such company cannot operate satisfactorily as in other North Carolina cities. That in his opinion there is a real need for this service.

At the question of Mayor Shaw as to whether he knows that there is a definite lack of cab service for colored people here, and if he has evidence that colored people are being discriminated against by the existing cab companies, Mr. Grier replied that he could not say there is a specific lack of service but believes that better service would be provided by a colored cab company; that calls for cabs have been made from his place of business and the cabs never responded to the call.

Dr. Nathaniel Tross stated that his appeal is not for colored owned cabs for colored people, but rather for adequate cab service for the negro population with the view towards maintaining and furthering the good race relations that have been brought about and that now exists in Charlotte. That he believes that any citizen and taxpayer should be allowed the privilege of entering into any competitive field of business in Charlotte. That he believes there exists a definite necessity for better cab service to negroes in Charlotte; that while the existing cab companies are not hostile to the negro population, many white cab drivers are not kindly disposed towards negro patronage. He urged that the effect upon the racial relations in Charlotte be kept in mind in deciding the matter.

Councilman Boyd stated that as a Councilman he wished everyone to know that the fact this application for a franchise has been filed by a negro will have nothing to do with his decision in the matter; that the question the Council must decide under the law is - does there exist a need for another taxicab company in Charlotte.

Councilman Van Every pointed out that the law requires the Council to find out if there exists a necessity for additional cab service and not who is going to operate it.

Mr. Bell introduced Mr. W. L. Smith, Assistant Manager of a local insurance company, who spoke in favor of a negro owned and operated cab company in Charlotte. He stated there is a definite need for such service, that cabs have repeatedly refused to come on the street where he resides, and he knows of similar instances. That if the question as to the need for such service were asked of thousands of Charlotte negroes, the answer would be "yes" and they are better qualified to speak on the matter than anyone else. He further stated that in his work he travels over the State and is embarrassed to have people in other cities say that negroes in Charlotte are refused the privilege of operating taxicabs.

Mr. John D. Shaw, City Attorney, asked Mr. Smith if the existing cab companies would put colored drivers on the cabs in operation would that answer the need? That the City has in effect 178 cab franchises and 41% are not now in operation. Mr. Smith replied that it probably would serve the need but he feels that the right to operate a company should be granted these applicants and the matter would resolve itself. That, in fact, the colored people of Charlotte believe it is a racial question.

Councilman Coddington stated that the colored citizens are privileged to buy cabs that are not in operation from local companies and the Council will consider the issuance of certificates to cover their operation.

Councilman Boyd asked the City Attorney if it is not a fact that if and when a cab company fails to operate cabs for which certificates have been granted by the City, the certificates may be revoked? Mr. Shaw replied that he has just received a communication from the Department of Motor Vehicles showing that only 104 of the 178 cabs in Charlotte have been licensed by the State, and in his opinion the certificates for the remaining cabs should be revoked.

Councilman Coddington expressed the opinion that unless calls are received for cab service the companies cannot pay drivers to sit idly and because of the lack of business a company should not be penalized to the extent of having his certificate revoked. Mr. Smith replied that the number of negro citizens who have not been able to get cab service would more than take up the cabs now idle, if the negroes were properly served.

Mr. Bishop Dale stated there is a definite need for additional cabs; that three of the members of the proposed company have been with one of the largest insurance companies in the country for some twenty years and can operate a Cab Company in an efficient manner under the supervision of the Police Department if given the opportunity. That it is impossible for negro citizens to secure adequate cab service. He stated further that he, and other negro citizens who have lived in Charlotte for a long time feel about Charlotte as the Councilmen do, and ask that they be allowed to survive at home in legitimate businesses.

Mr. Bell stated that the facts presented by him and other members of the negro race prove the necessity for colored cabs. That the Council states the race question does not enter into the matter, but it is a fact that in North Carolina transportation for white and colored people is separate on busses and in cabs alike. He stated further that he understood Mr. Shaw, City Attorney, to tell him that he is opposed to colored drivers for the present cab companies and if he could show the Council that there is a definite need for service to the colored people, and if there are cabs with certificates that are idle, then he would favor the revocation of the certificates of these cabs and the issuance of certificates to someone who will operate the cabs.

Councilman Baxter stated that in the colored areas of Charlotte, where one-third of the population resides, adequate cab service is not being provided.

Mr. Henry Strickland, Attorney for Victory Cab Company and those operating under it, stated that the change to the meter and in zone rates has brought about confusion in Charlotte's cab business. That the question of the number of cabs operating in other cities is no criterion of Charlotte's need; that the accepted number of cabs to provide adequate service is at the rate of one cab per 1,000 persons and Charlotte has one cab per 740 persons. That if a real need for additional service is found, why cannot colored persons be employed to drive our existing cabs. Mr. Isenhour of Victory Cab Company stated they have certificates for 21 cabs and 19 are in operation; that due to repairs, etc., it is never possible to maintain full operation. That 46 cabs are being operated under the Victory Cab Company, all with certificates and properly licensed.

Mr. Brock Barkley, Attorney for Yellow Cab Company stated the Company has certificates and state licenses for 56 cabs and all are kept in operation. That under the law the Council cannot pass on the question of a color line - that the question is - is there a need for a new cab company. That had there been a negro cab company operating in Charlotte in 1945 when the City adopted the franchise system, it would have automatically come under the system. That at that time the need for cabs was exceedingly great because of war industries then in operation, while that need is far less now. That Yellow Cab Company's business has decreased 15% in the last two years, and they are making 200 trips less in the evenings than a year ago, which is due to the increase in the number of privately owned cars, neighborhood Movie Houses, etc. That the Company now has part-time drivers for use during peak hours. That the Yellow Cab Company recognizes no difference in section nor race, and has never received a complaint from a negro citizen as to their service. That it is a fact that the negro population receives better service than the white population, because the negro sections are nearer each other and full benefit of the 35 cent rate is realized by the drivers, as well as usually a fare on the return trip. He stated that the North Carolina law provides that three facts are to be considered in allowing additional cab service - first, whether there is a substantial need for the service, secondly, whether existing carriers can meet this need, and third, whether additional service will impair the existing carriers. He stated further that the Company's records are open to the Council and will prove that there has been a definite decline in the cab business.

Mr. Keith Beatty, owner of Red Top Cab Company, stated that he lost money on the cab business last year and is still losing money. That he has 20 cabs idle and will sell them, or his entire business to the first person who will put up the funds regardless of color or race. That he believes a Company could give double the service with 100 cabs without two-way radios against the number required today using the radios.

Mr. Cleveland, Taxicab Inspector, stated that the cab business is definitely feeling a slump; that a fair indication of <sup>the</sup> fact is shown in the statement of Duke Power Company that a million fewer passengers were hauled in busses in Charlotte in 1951 than in 1950; that citizens are using their privately owned cars more and more.

Captain W. A. McCall, formerly Taxicab Inspector, stated that during the war years and immediately thereafter many complaints were received from the outlying areas that adequate cab service was not available, that the two-way radios were ordered installed in cabs and that in his opinion there has been, nor is there today any lack of service for Charlotte citizens. That in 1949 when private automobiles were put back into service, he told the cab companies that we had at least sixty too many cabs in service and that before too long they would realize the fact and begin to feel the financial results. That today the colored areas of the city are getting extra good service, due to the short hauls; that more colored people travel in cabs during the evening than white people, and the service is available to them. That he knows of one cab company that today has 22 cabs standing in his yard on which state license have not been paid. That Mr. Crump of Yellow Cab Company has 20 cabs standing in his yard today due to lack of business. He stated that in his opinion the Interurban Bus System in Charlotte is excellent and people are using it. That he does not believe there is a lack of cab service today; that he knows as a fact that when he was Taxi Inspector the cabs did not shirk calls from the colored areas of the city and he cannot believe they do today. That in his opinion the cab business is off 25%, and the decrease has been felt for the past year.

Mr. Crump of Yellow Cab Company stated that Charlotte has the lowest cab rate of any city in the United States with a population of 100,000 to 150,000. That the colored people are getting about 70% better service because of the short hauls and return fares.

Councilman Boyd moved that all information presented be taken under advisement and the question be passed on at some future time. The motion was seconded by Councilman Baxter, and unanimously carried.

REQUEST BY H. L. JOHNSON FOR TRANSFER OF TAXICAB CERTIFICATE DEFERRED ONE WEEK.

Upon motion of Councilman Boyd, seconded by Councilman Dellinger, and unanimously carried, Mr. H. L. Johnson deferred presenting his request for the transfer of his taxicab certificate to Mr. J. N. Owens, for one week as the City Manager wished the Taxicab Inspector to be present when the matter is considered.

CONTRACT AWARDED GRINNELL COMPANY FOR CAST IRON SOIL PIPE.

Councilman Baxter moved that contract be awarded the low bidder, Grinnell Company for 10,000 lineal feet of Cast Iron Soil Pipe, 4 inch single hub, 5 foot joints, and 2,000 lineal feet of 4 inch double hub, 5 foot joints, on a unit price basis, at a total price of \$6,680.00, subject to cash discount of \$122.88, and that with prices equal, the Grinnell Company be requested to fulfill the City's contract from pipe procured from a local manufacturer. The motion was seconded by Councilman Boyd, and unanimously carried.

COUNCILMAN VAN EVERY ABSENT FOR REMAINDER OF MEETING.

Councilman Van Every left the meeting at this time and was absent for the remainder of the session.

PAYMENT OF COST OF REMOVAL OF PIEDMONT PRODUCTS COMPANY FROM STONEWALL STREET RIGHT-OF-WAY APPROVED.

Mr. Mancey, City Manager, advised that the extension and widening of Stonewall Street makes it necessary that the Piedmont Products Company move from their present location at 206 East Stonewall Street to a new location, and the expense of the removal will be borne by the City. That a location on North Tryon Street has been selected by the Company and a price of \$14,944.00 has been obtained by them for the removal of their furniture and fixtures, this price being the lowest of three bids; together with \$1,590.00 for the construction of a new sidetrack and \$550.00 for a new driveway and parking area. He recommended that the Council approve the payment of \$17,084.00 to the Piedmont Products Company covering these items, and that the City Attorney be

directed to draw an agreement to be executed by the said Company covering the terms and conditions of settlement, and protecting the City's interest in the matter. Upon motion of Councilman Coddington, seconded by Councilman Albea, and unanimously carried, the recommendation was approved and payment authorized.

RESOLUTION PROVIDING FOR THE RENEWAL OF \$100,000 AUDITORIUM BOND ANTICIPATION NOTES.

A resolution entitled, "Resolution Providing for the Issuance of \$100,000 Auditorium Bond Anticipation Notes" was introduced and read. Councilman Albea moved the adoption of the resolution, which was seconded by Councilman Coddington, and unanimously carried. The resolution is recorded in full in Resolutions Book 1, beginning at Page 477 and ending at Page 480.

CONSTRUCTION OF SANITARY SEWER IN OEHLER LANE APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Jordan, and unanimously carried, the construction of 1,330 feet of 8 inch sanitary sewer main in Oehler Lane was authorized at an estimated cost of \$2,880.00, with all costs to be borne by the City, and the refund of applicant's deposit of \$1,880.00 as per terms of the contract.

CONTRACT AWARDED BLANKENSHIP BROS. FOR CONSTRUCTION OF EAST FOURTH STREET TRUNK SEWER FROM S. CALDWELL STREET EAST TO SUGAW CREEK OUTFALL.

Councilman Boyd moved that contract be awarded Blankenship Bros. for the construction of the new East Fourth Street Trunk Sewer, from South Caldwell Street east to Sugaw Creek Outfall, as specified, on a unit price basis, representing a total price of \$44,377.00. The motion was seconded by Councilman Jordan, and unanimously carried.

CONTRACT AWARDED PINE HALL BRICK & PIPE COMPANY FOR VITRIFIED CLAY PIPE.

Upon motion of Councilman Boyd, seconded by Councilman Jordan, and unanimously carried, contract was awarded Pine Hall Brick & Pipe Company for 20,000 lineal feet of No. 1 Vitrified Clay Pipe, 8 inches in diameter, as specified, on a unit price basis, representing a total of \$8,400.00, subject to cash discount of \$252.00.

PURCHASE OF COUNTRYSIDE SEWERAGE SYSTEM FROM JOHN S. SPURRIER AND WIFE.

Councilman Albea moved that the Countryside Sewerage System, consisting of 1,765.8 feet in Hassell Place, Selwyn Avenue, etc., be purchased from John S. Spurrier and wife, at a total price of \$3,304.15, subject to the approval of the City Attorney of the bill-of-sale or deed-of-conveyance. The motion was seconded by Councilman Dellinger, and unanimously carried.

PURCHASE OF WATER MAINS IN IDLEWOOD CIRCLE, YALE PLACE AND PARK ROAD FROM FIDELITY REALTY & INSURANCE CORPORATION.

Upon motion of Councilman Boyd, seconded by Councilman Dellinger, and unanimously carried, the purchase of 1,960 feet of 2 inch water mains in Idlewood Circle, Yale Place and Park Road was authorized from Fidelity Realty & Insurance Corp., at a total price of \$990.37, subject to the approval of the City Attorney of the bill-of-sale or deed-of-conveyance.

CONSTRUCTION OF DRIVEWAY ENTRANCES APPROVED.

Motion was made by Councilman Dellinger, seconded by Councilman Jordan, and unanimously carried, authorizing the construction of driveway entrances at the following locations:

- (a) Three 40-ft. entrances at 800 Gesco Street.
- (b) One 9-ft. entrance at 1315 West 6th Street.
- (c) One 9-ft. entrance extension to be added to present 9-ft. entrance at 324 East Boulevard.
- (d) One 35-ft. entrance at 521 Dowd Road.
- (e) One 9-ft. entrance at each of the following locations:

2433, 2427, 2421, 2415, 2409, 2401, 2345, 2339, 2333, 2327, 2321, 2315, 2309, 2301, 2243, 2237, 2231, 2225, 2219 and 2211 Ashley Road, for a new development of the John Crosland Company.

## REPORT OF LEASE OF AIRPORT BUILDINGS.

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

BUILDING NO.	LESSEE	MONTHLY RENTAL	DATE & TERM OF LEASE	
51	M & E Sales Company	\$19.35	10-15-51	1 year renewal
287	G. S. Patton & Associates	21.00	5-1-52	1 year renewal
47	L. D. Payne	25.80	4-16-52	1 year

REMOVAL OF BUILDING, TANKS AND PUMPS FROM STONEWALL STREET RIGHT-OF-WAY BY H. M. WADE AT CITY'S EXPENSE APPROVED.

Mr. Yancey, City Manager, advised that in the deed, dated March 27, 1952, from Mr. H. M. Wade to the City of Charlotte for property for the widening of Stonewall Street it is stipulated that the underground tanks, pumps and service station on said property will be removed at the expense of the City and installed at another location. That bids in the amounts of \$6,800 and \$6,500 have been received by the City for the work; however, Mr. Wade agrees to accept \$5,000 in full and complete settlement and have the tanks, pumps and station removed himself. Mr. Yancey recommended that the offer be accepted, and that the City Attorney be instructed to draw an agreement that the work will be done by Mr. Wade at this figure, and the City will be relieved of further obligation in the matter. Upon motion of Councilman Boyd, seconded by Councilman Dellinger, and unanimously carried, the recommendation was accepted.

## ADJOURNMENT.

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

*Lillian R. Chapman*  
City Clerk