

December 15, 1954  
Minute Book 35 - Page 420

A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, on Wednesday, December 15, 1954, at 4 o'clock p.m., with Mayor Van Every presiding, and Councilmen Albea, Baxter, Boyd, Dellinger, Smith and Wilkinson present.

ABSENT: Councilman Brown.

INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Smith, seconded by Councilman Baxter, and unanimously carried, the minutes of the last meeting on December 8th were approved as submitted.

ORDINANCE NO. 243 AMENDING ZONING ORDINANCE, CHANGING ZONING ON PORTION OF LOT ON INDEPENDENCE BOULEVARD, ADOPTED.

The scheduled hearing was held in connection with the petition of Mr. Dwight L. Phillips for a change in zoning from R-1 to B 1-A on a portion of a lot on Independence Boulevard, to provide parking space for the Motel of 140 rooms he will construct on the adjacent presently zoned B 1-A area. No objections were expressed to the change. Councilman Smith moved the adoption of Ordinance No. 243 Amending the Zoning Ordinance, changing the Building Zone Map from R-1 to B 1-A, as requested. The motion was seconded by Councilman Wilkinson, and unanimously carried. The ordinance is recorded in full in Ordinance Book 11, at Page 391.

ORDINANCE NO. 244 AMENDING ZONING ORDINANCE, CHANGING ZONING ON PORTION OF LOT ON EAST MOREHEAD STREET, ADOPTED.

The advertised hearing was held in connection with the petition of Dr. Henry C. Harrelson, Jr., for a change in zoning from R-1 to B-1 on a portion of a lot at 1343-49 East Morehead Street. No opposition to the proposed change was expressed. Councilman Baxter moved the adoption of Ordinance No. 244 Amending the Zoning Ordinance, changing the Building Zone Map from R-1 to B-1, as requested. The motion was seconded by Councilman Smith, and unanimously carried. The ordinance is recorded in full in Ordinance Book 11, at Page 392.

HEARING CONTINUED TO JANUARY 14, 1955 RELATIVE TO ASSESSMENT OF BENEFITS IN WEST FIFTH STREET IMPROVEMENT DISTRICT, BETWEEN NORTH CEDAR STREET AND WEST TRADE STREET.

Councilman Baxter moved that the hearing scheduled for today relative to the assessment of benefits in the improvement district on West Fifth Street, between North Cedar Street and West Trade Street, be continued to 5 o'clock p.m. on Friday, January 14, 1955. The motion was seconded by Councilman Dellinger, and unanimously carried.

ORDINANCE NO. 245-X CONSENTING TO THE TRANSFER TO CHARLOTTE CITY COACH LINES, INC., OF THE DUKE POWER COMPANY FRANCHISE TO OPERATE A PASSENGER TRANSPORTATION SYSTEM IN THE CITY OF CHARLOTTE AND VICINITY, ADOPTED.

Councilman Baxter moved that Ordinance No. 245-X Consenting to the Transfer to Charlotte City Coach Lines, inc., of the Duke Power Company Franchise to Operate a Passenger Transportation System in the City of Charlotte and Vicinity, be passed on its second reading. The motion was seconded by Councilman Dellinger.

December 15, 1954  
Minute Book 35 - Page 421

Mr. John West, Attorney, stated he was appearing for another attorney who could not be present, and who requested the postponement of the final determination on the ordinance for two weeks to permit a group of citizens to prepare recommendations on the question.

Mrs. D. D. Washam stated she was appearing for a group of residents of the Ashley Park section, and asked that the transfer of the franchise be deferred unless the Council is fully aware of the financial stability of the Charlotte City Coach Lines. She presented a petition signed by twenty-six residents asking that a thorough study of the Coach Lines be made before granting the franchise, in the interest of improved bus service being realized particularly by the Ashley Park area, which she stated is at present unsatisfactory.

Councilman Baxter stated he thought a decision should be made today, as the matter has already been deferred.

Mayor Van Every stated that he has personally contacted the three cities in which the Coach Company operates and was advised they are well pleased with the service, and the financial aspects seemed well in order.

Councilman Boyd stated he understands the Power Company recently sold their bus system in High Point to another concern and the employees brought an action in Federal Court regarding their unearned leave of absence, retirement, etc., and he would like to know if a similar situation will arise with the employees in the transfer of the Charlotte franchise.

Mr. W. S. O'B Robinson, Attorney for Duke Power Company, advised that the purchaser of the High Point Bus System did not assume the Power Company's contract regarding the employees. That such will not be the case in Charlotte; that the Coach Lines will assume the contract and accumulated sick allowances remains as it is. As to the employees pension, when the system was sold to the Coach Lines, Duke Power Company set aside a separate trust fund of the benefits accrued for employees, and when they reach retirement age while in the employ of the purchaser they will be paid from the Duke Power Company Fund. He stated further that the Power Company handled the matter in the same manner when they sold their Gas System to Piedmont Natural Gas Company.

The vote was then taken on the motion for the adoption of the ordinance, and unanimously carried. The ordinance is recorded in full in Ordinance Book 11, at Page 389-390.

STATEMENT OF CHARLOTTE CITY COACH LINES, INC. RELATIVE TO TRANSPORTATION SERVICE TO BE RENDERED.

Councilman Baxter presented the following letter, and after the reading thereof moved that it be incorporated in the minutes of this meeting. The motion was seconded by Councilman Albea, and unanimously carried:

" December 15, 1954

The Honorable, the Mayor and  
City Council of the City of  
Charlotte

Gentlemen:

We are writing you with respect to a question which has been raised as to the service to be rendered by our company under the Charlotte Transportation Franchise which Duke Power Company has agreed to transfer to us.

In order to clear up any doubt which may exist, we wish to state that:

1. We understand that under the form of ordinance which was passed on its first reading on December 8, 1954, Charlotte City Coach Lines, Inc., its successors and assigns, will be required to furnish adequate, efficient and reasonable passenger transportation service to the public in the City of

December 15, 1954  
Minute Book 35 - Page 422

Charlotte, and our company intends to be bound by this understanding.

2. Our company intends and hereby agrees formally to confer with the City Council for extended services when new sections are added to the City.

Respectfully yours,

CHARLOTTE CITY COACH LINES, INC.

By: Addison H. Reese, a Director

MAYOR PRO TEM PRESIDES FOR REMAINDER OF THE MEETING.

Mayor Van Every left the meeting at this time, and Mayor pro tem Smith presided for the remainder of the session.

COUNCIL MEETING ON WEDNESDAY, DECEMBER 22nd DISPENSED WITH.

Upon motion of Councilman Baxter, seconded by Councilman Dellinger, and carried, the council meeting on Wednesday, December 22nd, was dispensed with, and the votes were cast as follows:

YEAS: Councilmen Baxter, Boyd, Dellinger and Wilkinson.

NAYS: Councilman Albea.

TRANSFER OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO WILLIAM E. BRIGMAN TO OPERATE TAXICAB NO. 43 OF THE RED TOP CAB COMPANY.

Councilman Boyd moved approval of the request of William E. Brigman for the transfer of the Certificate of Public Convenience and Necessity to operate Taxicab No. 43 of The Red Top Cab Company. The motion was seconded by Councilman Albea.

Mr. H. G. Cleveland, Taxicab Inspector, expressed objections to Mr. Brigman owning a cab; he stated that he is now driving for Victory Cab Company on a conditional basis, and there is a vast difference in driving under supervision of the Cab Company owner, and owning a cab. That Mr. Brigman has a criminal record, having been convicted in 1951 for assault on a female cab passenger.

Chief Littlejohn was present and stated he approves the transfer; that the matters pertaining to Mr. Brigman have been squared up.

The vote was then taken on the motion for the transfer of the certificate, and unanimously carried.

SUBDIVISION PLATS APPROVED.

Upon motion of Councilman Dellinger, seconded by Councilman Wilkinson, and unanimously carried, the following subdivision plats were approved:

- (a) Plat of Country Club Acres Subdivision, being developed by Ervin Construction Company.
- (b) Plat of Portion of Wilmore Subdivision, being developed by Ervin Construction Company.
- (c) Plat of Willow Oak Acres Subdivision, being developed by Mr. J. Grant Carey.
- (d) Plat of Oaklawn Park Subdivision, being developed by Ervin Construction Company.

December 15, 1954  
Minute Book 35 - Page 423

CONSTRUCTION OF DRIVEWAY ENTRANCES ON INDEPENDENCE BOULEVARD AND PARK DRIVE AUTHORIZED.

Councilman Dellinger moved approval of the construction of two 35-foot driveway entrances on Independence Boulevard and two 35-foot driveways on Park Drive, all to serve 1325 Park Drive, as recommended by the City Manager. The motion was seconded by Councilman Wilkinson, and unanimously carried.

CONSTRUCTION OF NEW SANITARY SEWER MAINS APPROVED.

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

- (a) 180-ft. of 8-inch main in Gibbs Streets, at an estimated cost of \$910.00, to serve two 4-family units. All costs to be borne by the city.
- (b) 203-ft. of 8-inch main in Chesterfield Avenue, at an estimated cost of \$1,410.00, to serve the Christian Missionary Alliance Church, and three vacant lots. All costs to be borne by the City, and the applicants deposit of \$160.00 to be refunded as per the terms of the contract.
- (c) 1,600-ft. of 8-inch main in West 32nd Street, at an estimated cost of \$3,800.00, to serve vacant lots. All cost to be borne by the City, and applicant's required deposit of the full amount to be refunded as per terms of the contract.

TRANSFER OF CEMETERY LOT.

Upon motion of Councilman Albea, seconded by Councilman Wilkinson, and unanimously carried, the Mayor and City Clerk were authorized to execute a deed for the transfer of Lot 71, Section 4-A, Evergreen Cemetery, to Douglas & Sing Mortuary, at a cost of \$81.90.

EFFECTIVE DATE OF ORDINANCE REGULATING THE DISCHARGE OF SUBSTANCES INTO SANITARY SEWERAGE SYSTEM EXTENDED TO JUNE 1, 1955.

Councilman Albea moved that the effective date of the Ordinance Regulating the Discharge of Substances into the City's Sanitary Sewerage System be extended from January 1, 1955, to June 1, 1955, as recommended by the City Manager, who advised that the Engineers have informed him that the Plant will be completed by that time. The motion was seconded by Councilman Wilkinson, and unanimously carried.

INDUSTRIAL PLANTS TO BE NOTIFIED TO BE READY TO CONNECT TO CITY'S SEWERAGE SYSTEM JUNE 1, 1955 WHEN DISPOSAL PLANT WILL BE COMPLETED AND ORDINANCE PUT INTO EFFECT.

Councilman Boyd moved that the City Manager notify all persons coming under the provisions of the Ordinance Regulating the Discharge of Substances into the Sanitary Sewerage System, that the Disposal Plant redesign will be completed on June 1st and their plans should be made to connect to the system on that date. The motion was seconded by Councilman Baxter, and unanimously carried.

ADJOURNMENT.

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

  
City Clerk