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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, December 8, 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 Dellinger, and unanimously carried, the minutes of the last meeting on November 23rd were approved as submitted.

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, PASSED ON FIRST READING.

Mr. Robert Lassiter, Jr., Attorney for City Coach Lines, Inc., appeared before Council with Mr. Manfred Burleigh of Detroit, Michigan, President of the Coach Lines, Mr. Merl Morrow and Mr. Bruce Matthews, officials of the Company, and Mr. W. S. O'B. Robinson, Attorney for Duke Power Company, and requested the transfer of the Power Company's bus transportation franchise to the Charlotte City Coach Lines, Inc. Mr. Lassiter stated that, as the Council has previously been advised, the Power Company agreed to sell its transportation system in six cities to the City Coach Lines on October 22, 1954, and on November 23, 1954 filed with the Council their request for the transfer of the Power Company's franchise to the City Coach Lines, for the operation of a passenger transportation system in Charlotte and vicinity.

Mr. Lassiter advised that Mr. Burleigh has been in the transportation business for thirty years, operating in Jacksonville, Fla., Flint, Michigan and Grand Rapids, Michigan; that as indicated in the Auditor's Report submitted to the Council, the total assets of the Company are in excess of \$9,000,000.00, and the gross revenue in 1953 was in excess of \$6,500,000.00. That the Coach Lines initial investment in the six Carolina cities is \$1,200,000.00 and in each of these cities much of the equipment will have to be replaced, which will amount to from \$2,000,000 to \$3,000,000. He stated this is "big business" and they were not just "playing around". That the past record of the Coach Lines is what counts; that when they purchased the Jacksonville, Florida bus system it was being operated at an annual loss of \$150,000.00 and at the end of the first year they realized a profit of \$142,000.00.

Councilman Boyd asked if the Jacksonville System was operated during that year at the same fare as previously, to which Mr. Lassiter replied there was an increase in fares, which together with efficient operation brought about the profit.

Mr. Lassiter stated further that he is firmly of the opinion that Mr. Burleigh will measure up to his previous efficient transportation operation, and he does not believe the City will find another purchaser of the transportation system who has the record of the Coach Lines people.

He stated their proposal is to take over the transportation operation in Charlotte "as is". That the suggested ordinance they have included in their proposal will accomplish just that. That they are not asking any concessions or conditions, and hope they can turn the bus transportation operation here into a profitable transportation business, which can be done by good management. Mr. Lassiter asked that the Council dispose of the request as quickly as possible, as they must make similar requests in the five other Carolina cities whose bus systems they have purchased.

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Mr. W. S. O'B. Robinson, Attorney for Duke Power Company was then requested by Mr. Lassiter to discuss the proposal. He stated that Duke Power Company is getting out of the bus business; that all of the Power Company's officials are, of course, vitally interested in Charlotte and would not agree to disposing of the business except in a way that would better serve Charlotte. That they spent much time as to how to dispose of the business and to whom to sell it; that they interviewed a half dozen or more companies and it is their opinion that Mr. Burleigh is the best man in the country to whom they could sell the bus system. That Duke Power Company is actually not bus operators, that 90 percent of its business is something else, while Mr. Burleigh is solely a transportation operator and knows all the ins and outs and how to make a profit without sacrificing service. That their investigations in those cities in which Mr. Burleigh operates show that the service rendered is good and the operation satisfactory. That the Duke Power Company bus system has many employees who have been with them for years and Mr. Burleigh is assuming the contracts Duke Power Company has with the respective unions representing these employees. Mr. Robinson stated further that he believes the service rendered by Mr. Burleigh will be entirely satisfactory and efficient and that he will look forward to seeing a successful bus operation in Charlotte by Mr. Burleigh.

Councilman Baxter then introduced the ORDINANCE 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, which was read, and there was included therein and made a part of the ordinance at the request of Councilman Boyd, the following statement: " and subject to the provisions of Section 31, sub-section 35, of the Charter of the City of Charlotte now in effect",

Councilman Baxter moved the adoption of the ordinance on its first reading. The motion was seconded by Councilman Dellinger, and unanimously carried.

The ordinance is recorded in full in Ordinance Book 11, beginning at Page 389, and ending at Page 390.

ORDINANCE CONSENTING TO TRANSFER TO CHARLOTTE CITY COACH LINES, INC. OF DUKE POWER COMPANY FRANCHISE TO OPERATE A PASSENGER TRANSPORTATION SYSTEM IN CHARLOTTE AND VICINITY TO BE ACTED ON BY CITY COUNCIL AT MEETING ON DECEMBER 15, 1954.

Councilman Baxter then moved that the second and final reading of the ORDINANCE 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 fixed for the Council Meeting on December 15th, which was seconded by Councilman Dellinger, and unanimously carried.

Mr. John D. Shaw, City Attorney, stated to Mr. Lassiter, that assuming the Council adopts the ordinance at the meeting on the 15th, under their contract with the City of Charlotte they must secure the franchise in Greenville, S. C. and in one other city, and the approval of the State Utilities Commission, before our contract becomes effective. Mr. Lassiter stated this is correct and understood by them.

REQUESTED PURCHASE OF 25-FOOT STRIP OF LAND ON STONEWALL STREET BY T. M. BRYANT REFERRED TO CITY MANAGER FOR REPORT.

Mr. Elbert Foster, Attorney representing Mr. T. M. Bryant, appeared before Council and stated that Mr. Bryant wishes to purchase from the City the 25 foot strip of land adjacent to and partially at the rear of the piece of property he recently purchased from the City, ^{on Stonewall Street} and requested that it be put up for public sale, and that Mr. Bryant will start the bid price at \$1.00 per square foot, the same price he paid for the other parcel. Councilman Baxter moved that the request be referred to the City Manager for investigation and report, which was seconded by Councilman Dellinger, and unanimously carried.

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ANNEXATION OF THOMASBORO AREA TO BE APPROVED IF SECTION IS WITHIN CHARLOTTE DRAINAGE AREA.

Mr. William B. Gayle was spokesman for a small delegation of residents of the Thomasboro area of the city, and stated the private firm supplying the area with water is going out of business and asked if the residents of the area voted to come into the city, would the Council oppose the annexation of the area to the City? The City Attorney stated that a check should be made with the City Engineer to determine if the area to be annexed is within the Charlotte drainage area; that if it is not, then it would be necessary for the City to construct new plant facilities to furnish sewer lines to the area, which the City would no doubt not want to do.

The Council advised Mr. Gayle that the annexation will be agreeable if the area is within the drainage area and the area is qualified in all respects.

RECOMMENDATIONS SUBMITTED BY S. C. VAUGHN THAT SMOKE ABATEMENT PROGRAM BE PLACED UNDER CONTROL OF FIREMEN, AND A RELIEF RAILROAD TRACK BE CONSTRUCTED IN CENTER PLANTING STRIP OF THE PROPOSED BY-PASS ON THE WESTERN FRINGE OF THE CITY.

Mr. S. C. Vaughn appeared before Council and presented two recommendations, namely: That the Firemen be delegated the control and enforcement of the smoke abatement program, and, secondly, that a railroad track, for the relief of Southern Railway freight trains, be constructed in the center planting strip of the proposed by-pass on the western fringe of the city to be constructed by the State Highway Commission.

Councilman Smith thanked Mr. Vaughn for his suggestions and stated they would be taken under advisement by the Council.

SALARY ADVANCE AUTHORIZED PAID CITY EMPLOYEES ON DECEMBER 23RD, IF DESIRED.

Upon motion of Councilman Dellinger, seconded by Councilman Smith, and unanimously carried, an advance in salary for the period December 15th to 31st was authorized paid on December 23rd to city employees employed on a semi-monthly salary basis, and an advance of one week's salary paid on December 23rd to employees on a weekly salary basis, the payment of the advance being optional with the said employees.

REGULAR WEEKLY COUNCIL MEETING SCHEDULE CHANGED FROM WEDNESDAY AT 4 P. M. TO FRIDAY AT 5 P. M.

Councilman Smith moved that effective January 1, 1955, the regular weekly Council Meeting schedule be changed from Wednesday at 4 o'clock p.m. to Friday, at 5 o'clock p.m. The motion was seconded by Councilman Baxter and unanimously carried.

ORDINANCE REGULATING MATTERS RELATING TO TREES, ETC. TO BE CONDENSED AND PUT IN A MORE SIMPLIFIED FORM.

An Ordinance Regulating Matters Relating to Trees, Shrubs, Vines and Flowers, was introduced by Councilman Alba. Following the reading thereof, it was the expressed opinion of the Council that the provisions of the ordinance were too technical and strict and its enforcement would be practically impossible, and an ordinance more to the point would better serve the needs of the City. Councilman Alba stated the ordinance was drawn by the City Attorney and he understands it has the endorsement of the City Manager. That he definitely favors the adoption of an ordinance relating to the control of trees; however, he is willing for the ordinance to be revised if the Council so desires, but he is not willing for it to be put aside indefinitely.

Upon motion of Councilman Baxter, seconded by Councilman Smith, and unanimously carried, the ordinance was authorized condensed and put in a more simplified form by the City Attorney, and then presented for Council consideration.

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REQUESTED EMPLOYMENT OF INDUSTRIAL HYGIENE ENGINEER AND INCREASE IN SALARY OF DIRECTOR OF SANITATION ENGINEERING & INSPECTION DIVISION DENIED.

The request of Dr. Bethel to employ an Industrial Hygiene Engineer in the Health Department and to increase the salary of the Director of the Division in which the program would be administered, was denied by the Council after a discussion of the matter.

The discussion was opened by Councilman Albea who moved that the Engineer be employed at a salary of \$6,720.00 and the salary of the Director be increased to \$7,200.00, in order that it be in excess of that of the Engineer, as requested by Dr. Bethel. The motion was seconded by Councilman Baxter.

Councilman Smith offered a substitute motion that the requests be considered at the time the next annual budget is made. The motion was seconded by Councilman Wilkinson. The motion carried, with the following votes cast:

YEAS: Councilmen Boyd, Dellinger, Smith and Wilkinson.
NAYS: Councilmen Albea and Baxter.

Dr. Bethel was present and stated that the Engineer whom he wishes to employ is also being sought by the State Board of Health, and his services will most probably not be available at a later date. He stated further that a check of the death records indicates that seventeen deaths have resulted from occupational diseases and accidents within the last twenty-two months, one only a week ago. He advised that he is gravely concerned over the lack of this service being rendered by the Health Department and feels that the citizens of Charlotte who elected the City Council expects them to approve this health measure.

Councilman Smith asked if these deaths did not occur under existing violations and if the State Department does not provide such inspection? Dr. Bethel replied that the deaths occurred from the dangers of occupational employment, and that the State Department has only three or four inspectors to service the entire state.

Councilman Dellinger stated he regrets that Dr. Bethel has seen fit to inject politics into the discussion. That the Council has cooperated with him in every way possible to provide the very best health protection to the citizens of Charlotte; that a generous budget is provided him, and additional personnel employed at his request from time to time, but this request for the employment of an Engineer has tied to it the increase in the salary of another person. That if Dr. Bethel were willing to compromise on the employment of the Engineer alone, then the Council might be able to work with him.

Dr. Bethel stated he will go along with that, if that is the only way to secure the engineer, but it is a bad policy.

Councilman Boyd expressed the opinion that he would be willing to consider this but Dr. Bethel would be back in a month or so saying he would lose the Director unless his salary is increased as now requested.

Councilman Albea stated he thinks it would be unwise to fix the salary of an employee higher than that of his immediate superior.

Councilman Baxter then moved that the motion adopted to consider the request when the next budget is made be rescinded. The motion was seconded by Councilman Boyd, and carried, with the votes cast as follows:

YEAS: Councilmen Albea, Baxter, Boyd, and Dellinger.
NAYS: Councilmen Smith and Wilkinson.

Councilman Baxter then moved that the Engineer be employed at a salary of \$6,720.00. The motion was seconded by Councilman Dellinger and was lost with the votes cast as follows:

YEAS: Councilmen Baxter and Dellinger.
NAYS: Councilmen Albea, Boyd, Smith and Wilkinson.

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CLAIMS OF MR. & MRS. CARL J. DELLINGER AND MRS. CATHERINE D. LINEBERGER, AND OF RUBY W. REID REFERRED TO CITY ATTORNEY.

Upon motion of Councilman Albea, seconded by Councilman Dellinger and unanimously carried, the following claims were referred to the City Attorney:

- (a) Claim in the amount of \$150.00, filed by Mr. E. A. Hilker, Attorney in behalf of his clients, Mr. and Mrs. Carl J. Dellinger and Mrs. Catherine D. Lineberger, for damages to their property at 432 Woodvale Place from sewage backing up into the basement, alleged to have been caused by the City's negligence.
- (b) Claim in the amount of \$2,000.00, filed by Mr. William E. Poe, Attorney, in behalf of his client, Ruby W. Reid, for personal injuries sustained from falling into a storm drain at the intersection of West Trade Street and South Summit Avenue, alleged to have been caused by the drain being obstructed by an accumulation of debris and also that the pavement is above the level of the grating over the drain.

TRANSFER OF FUNDS FROM EMERGENCY FUND TO TRAFFIC ENGINEERING DEPARTMENT FOR INSTALLATION OF TRAFFIC SIGNAL AT N. TRYON STREET AND 27TH STREET.

Councilman Baxter moved approval of the transfer of \$1,450.00 from the Emergency Fund (Code 110) to the Traffic Engineering Department (Code 1518-G-47) to cover the cost of the installation of the traffic signal at North Tryon Street and 27th Street. The motion was seconded by Councilman Albea, and unanimously carried.

CONTRACT WITH MRS. NOVELLA McCROREY FLANNAGAN FOR THE CONSTRUCTION OF WATER MAINS IN McCROREY HEIGHTS SUBDIVISION.

Motion was made by Councilman Dellinger, seconded by Councilman Wilkinson, and unanimously carried, authorizing a contract with Mrs. Novella McCrorey Flannagan for the construction of 4,205 feet of water mains and 8 fire hydrants in McCrorey Heights Subdivision, at an estimated cost of \$11,861.00, to serve residential property inside the city limits. The City to finance all costs and applicant to guarantee a gross annual water revenue equal to 10% of the total cost.

SUPPLEMENT TO LEASE OF EASTERN AIRLINES FOR LEASE OF ROOM G-10 IN BASEMENT OF AIRPORT TERMINAL BUILDING.

Councilman Baxter moved approval of Supplement #2 to Lease of Eastern Air Lines at Douglas Municipal Airport, for the lease of Room G-10 in the Terminal Building basement for storage purposes, at a rental of \$1.00 per square foot. The motion was seconded by Councilman Dellinger, and unanimously carried.

REMOVAL OF TREES AUTHORIZED AT KING'S DRIVE & EAST MOREHEAD STREET, AND AT 1922 BEVERLY DRIVE.

Upon motion of Councilman Baxter, seconded by Councilman Smith, and unanimously carried, the removal of trees at the following locations was authorized:

- (a) Three trees to be removed from the planting strip of the property of Pure Oil Company at King's Drive and East Morehead Street, which interfere with proposed driveways.
- (b) Two trees to be removed from the planting strip of the property of Dr. Ira Rapp at 1922 Beverly Drive.

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CONSTRUCTION OF NEW SANITARY SEWER MAINS IN INDEPENDENCE BOULEVARD, AND IN GIBBS STREET.

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

- (a) Construction of 1,526 ft. of 8-inch sewer main in Independence Boulevard, at an estimated cost of \$3,920.00, to serve property before paving by the State Highway Commission. All costs to be borne by the City.
- (b) Construction of 207-ft. of 8-inch sewer main in Gibbs Street, at an estimated cost of \$1,300.00, to serve 16 family units. All costs to be borne by the City.

RIGHT-OF-WAY AGREEMENT BETWEEN STATE HIGHWAY COMMISSION AND WILSON LEWITH AUTHORIZED CO-SIGNED BY CITY FOR INSTALLATION OF WATER MAINS IN MIDLAND AVENUE.

Upon motion of Councilman Boyd, seconded by Councilman Baxter, and unanimously carried, the Mayor and City Clerk were authorized to co-sign an agreement between the State Highway Commission and Mr. Wilson Lewith, for the installation, maintenance and operation of water mains in Midland Avenue, outside the city limits.

CONSTRUCTION OF DRIVEWAY ENTRANCES AUTHORIZED.

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

- (a) Two 30-ft. driveways on S. Church St. for 138 W. Trade St.
- (b) One 30-ft. driveway at 3217 The Plaza.
- (c) Three 35-ft. driveways at 501 Independence Boulevard South.
- (d) Two 35-ft. driveways on East Morehead St., and Two 35-ft. driveways on Kings Drive, all for 1001 King's Drive.
- (e) One 35-ft. driveway on Commonwealth Ave. and Two 40-ft. driveways on Independence Boulevard, all for 3400 Independence Boulevard.
- (f) One 30-ft. driveway at 1115 Elizabeth Avenue.

RENEWAL OF SPECIAL OFFICER PERMITS FOR USE ON PREMISES OF FEDERAL RESERVE BANK.

Councilman Baxter moved approval of the renewal of Special Officer Permits to the following persons, for use on the premises of the Federal Reserve Bank, which motion was seconded by Councilman Albea, and unanimously carried:

E. L. Kale	C. L. Ware
C. O. White	J. H. Miller
O. H. Turner	O. W. Parks
Milus Pruet	E. H. Dellinger
John E. Pettit	J. L. Puckett, Jr.
J. E. Porter	W. H. Linker

CHRISTMAS AND NEW YEAR'S HOLIDAYS GRANTED CITY EMPLOYEES.

Upon motion of Councilman Albea, seconded by Councilman Smith, and unanimously carried, holidays were granted city employees on December 24th and 27th in observance of Christmas, and on December 31st in observance of the New Year.

ACTUARY TO STUDY FIREMEN'S RETIREMENT SYSTEM AUTHORIZED EMPLOYED BY CITY MANAGER, AT A FEE TO BE DETERMINED BY THE MAYOR AND CITY MANAGER.

Councilman Smith moved that the City Manager be authorized to employ an Actuary to make a study of the Firemen's Retirement System, as recommended by the Firemen, at a fee to be approved by the Mayor and City Manager. The motion was seconded by Councilman Baxter, and unanimously carried.

ADJOURNMENT.

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

Leicester P. Hoffman
City Clerk