

A regular meeting of the City Council was held in the Council Chamber, City Hall, at 11 o'clock a.m., on Wednesday, December 14, 1949, with Mayor Shaw presiding, and Councilmen Aitken, Albea, Boyd, Coddington, Daughtry, Jordan and Wilkinson present.

INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Jordan, and unanimously carried, the minutes of the last meeting were approved as submitted.

HEARING ON AMENEMENT TO THE ZONING ORDINANCE DEFERRED TEMPORARILY.

Mayor Shaw announced the scheduled Hearing on an Amendment to the Zoning Ordinance relative to changing the zoning of the Rockledge Apartments property, and requested that the discussion be deferred temporarily in deference to Councilman Boyd who was unable to remain for the entire Council Meeting due to an out-of-town appointment and who wished to be present during the consideration of the Rent Control question. Councilman Aitken moved that the hearing on the Zoning Ordinance Amendment be deferred until immediately after consideration of the Rent Control question. Motion was seconded by Councilman Wilkinson, and unanimously carried.

RESOLUTION ADOPTED REQUESTING TERMINATION OF FEDERAL RENT CONTROL IN THE CITY OF CHARLOTTE.

The following resolution was introduced by Councilman Wilkinson:

WHEREAS, the City Council of the City of Charlotte, after a public hearing held in the Criminal Court Room in the Mecklenburg County Court House in the City of Charlotte, North Carolina, which said meeting was held after more than ten days notice and publication thereof in a newspaper of general circulation in the City of Charlotte and publicity in connection with the same having been given by the local press, at which said hearing those seeking termination of rent control and those desiring to retain rent control were given a full and complete hearing;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE: That, it is found as a fact that there no longer exists such a shortage in rental housing accommodation as to require rent control in the City of Charlotte, North Carolina.

BE IT FURTHER RESOLVED that, the Housing Expediter be, and he is, hereby requested to terminate Federal Rent Control in the City of Charlotte effective the 1st day of May, 1950; and

BE IT FURTHER RESOLVED that, Honorable Kerr Scott, Governor of the State of North Carolina, be, and he is, hereby requested to approve this resolution in order that the same may be transmitted to the Housing Expediter, as provided by law.

Councilman Wilkinson moved the adoption of the resolution. Motion was seconded by Councilman Daughtry.

Councilman Albea offered a substitute motion that rent control be left in effect in Charlotte until the expiration date on June 30, 1950 as fixed by the Federal Government. Motion was seconded by Councilman Coddington.

The question of the parliamentary correctness of Councilman Albea's substitute motion was raised, and Councilman Boyd moved the unanimous consent of Council to consider the motion, which was seconded by Councilman Wilkinson, and unanimously carried.

The vote on the substitute motion was taken, and the motion was lost, with the votes cast as follows:

- AYE: Councilmen Albea and Coddington.
- NAY: Councilmen Aitken, Boyd, Daughtry, Jordan and Wilkinson.

A substitute motion was then offered by Councilman Boyd that the Council defer any action on the question of rent control in Charlotte until the first regular Council Meeting in April 1950. Motion was seconded by Councilman Albea.

Councilman Boyd stated for the record, the reason for presenting his motion was that in voting to decontrol rents in Charlotte on May 1, 1950 the Council is projecting itself into the future in trying to determine at this time what conditions will be next spring. That if conditions have improved by next April then the Council could intelligently and fairly remove the controls, and in case conditions have not improved at that time, and the controls have been ordered lifted then the Council will be in an embarrassing position. He stated further he did not like the provisions of the Federal Rent Control law in peace time and when it is a known fact that ample living quarters exist he would immediately favor the lifting of such controls.

The vote was taken on the substitute motion, and the motion was lost, with the votes cast as follows:

- AYE: Councilmen Albea, Boyd and Coddington.
- NAY: Councilmen Aitken, Daughtry, Jordan and Wilkinson.

The vote was then taken on the main motion for the adoption of the Resolution, and carried, with the votes cast as follows:

- AYE: Councilmen Aitken, Daughtry, Jordan and Wilkinson.
- NAY: Councilmen Albea, Boyd and Coddington.

COUNCILMAN BOYD ABSENT FOR REMAINDER OF SESSION.

Councilman Boyd left the meeting at this time for a business appointment in Raleigh, and was not present for the remainder of the session.

HEARING DEFERRED UNTIL JANUARY 11, 1950 ON AN AMENDMENT TO THE ZONING ORDINANCE TO CHANGE THE ZONE ON THE ROCKLEDGE APARTMENTS PROPERTY.

The Mayor called for the discussion of the amendment to the Zoning Ordinance to change the zone on the Rockledge Apartments property to R-2 on the Rockledge Apartments Road, which Ordinance...

CHANGE IN TAXICAB METERED FARES REQUESTED BY TAXICAB COMPANIES.

Mr. Brock Barkely, Attorney for the Yellow Cab Company, requested an adjustment in the taxicab meter rate as petitioned by them on December 12th. He stated an audit of the company's records covering the first seven days metered operations indicated that 3,800 more trips were made than at any comparable time in the past while the revenue was reduced by \$700.00. He stated further they were satisfied with the metered system and believed it to be fair and just, however the fares established are working a hardship on taxicab companies, and requested that the starting rate of 35 cents be changed to either 35 cents for the first mile, instead of for a mile and one-half with 10 cents for each additional half-mile, or charge 45 cents for the first two miles. He stated their chief lost in revenue is on short trips. He advised his company has lost five drivers due to the rate and will probably lose others.

Mr. Paul Erwin, Attorney for Red Top Cab Company and Mr. Ralph Kidd, Attorney for Victory Cab Company stated the taxicab metered system is causing a reduction in their business and something must be done to gain additional revenue from their operations. They each requested that the meter system be abolished and the rates established at 25 cents for pick-up passengers and 50 cents for calls in the old city limits and 50 cents for pick-up passengers and 75 cents for calls within the perimeter area. Mr. Kidd stated the present meter system placed the taxicab business on a luxury basis and did not serve the general public and they wished to give the benefit of a cheaper rate of fare to the citizens.

Mr. John D. Shaw, City Attorney suggested that the Council have the City's auditing firm, Geo. G. Scott & Company, make a cost survey of the operations of the cab companies for a given period from the records of the companies in order that the Council might study the evidence in order to justify consideration of a change in fares. Mr. Erwin and Mr. Kidd stated the Red Top Cab Company and Victory Cab Company do not keep a written record, or log, of their trip operations but the information could be obtained from their meter tapes. Mr. Cliff Passons, an individual taxicab franchise holder, admitted that he also did not keep a log of cab operations. Mr. Shaw, the City Attorney, called attention to the provisions of the Taxicab Ordinance that requires drivers to keep a daily record, of manifest, showing the origin and destination of each trip and the amount of fares, and that this provision of the ordinance is being violated by the Red Top Cab Company, Victory Cab Company and Mr. Passons. He further stated that a cost study by the City's auditors would then of necessity have to be made from the written records of the Yellow Cab Company.

ESTABLISHMENT OF UPTOWN TAXISTANDS REQUESTED.

Mr. George F. Faille requested the Council to give consideration to the establishment of much needed taxi stands in the uptown area for the convenience of the traveling public.

COUNCIL RECESS TAKEN AT 12:25 O'CLOCK P.M.

Mayor Shaw announced that a recess would be taken for lunch and the meeting would reconvene at 2:30 o'clock p.m.

MEETING RECONVENED AT 2:30 O'CLOCK P.M.

The Council Meeting reconvened at 2:30 o'clock P.M., and the Mayor asked if anyone in the audience, or the Councilmen wished to resume the discussion of the Taxicab fare question. No remarks were offered on the subject.

AMENDMENT TO A RESOLUTION APPROVING APPLICATION FOR A PRELIMINARY LOAN FROM THE PUBLIC HOUSING ADMINISTRATION, ADOPTED.

Mayor Shaw stated he had invited Mr. Edwin Jones, Chairman of the Charlotte Housing Authority, and Mr. Harold Dillehay, Executive Secretary, to advise the Council of the action of the Federal Housing Authority on the City's application, on September 28th, for 400 non-white (negro) dwelling units, and to discuss with them the public housing question in general.

Mr. Dillehay advised that under a recent ruling of the Federal Housing Authority no application may be considered that specifies the occupancy of the units applied for; in other words, whether the units are occupied by white or colored persons is left to the decision of the local Housing Authorities.

Therefore, the City's application has been temporarily rejected and will not be presented to the President of the United States within the next few days along with other approved applications unless the Council wishes to amend the application to simply apply for 400 dwelling units, without qualifications as to occupancy.

In reply to the questions of Mayor Shaw as to whether the Charlotte Housing Authority considers housing both white and colored persons in the same units, Mr. Dillehay stated they did not; that the Authority would work with the City Council at all times to decide jointly whether the need for housing was greater for white or colored persons. He also stated that if the Council amends the present application for the 400-units, they will be used for negroes, as the need is acute at this time for housing for this race. He stated further that there exists a need for low-cost housing for white persons also.

At the question of Councilman Coddington as to whether the Federal Housing Authority would approve more than the 400-units at this time, Mr. Dillehay replied they advised him in a telephone conversation they would approve 1000 units for Charlotte.

Mr. Jones, Chairman of the local Authority, urged that the Council take action in the matter today and request the increase to 1000-units, as housing is badly needed for both whites and colored in Charlotte.

Upon motion of Councilman Aitken, seconded by Councilman Albea, the unanimous consent of Council was given for the presentation of a resolution, amending the resolution adopted on September 28th, approving an application for a preliminary loan from the public housing administration. The resolution was presented and read, as follows:

BE IT RESOLVED, that the resolution entitled, "RESOLUTION APPROVING APPLICATION FOR A PRELIMINARY LOAN FROM PUBLIC HOUSING ADMINISTRATION" adopted on September 28, 1949 by the City Council of the City of Charlotte, North Carolina, be, and the same is hereby amended in the following respects:

"That wherever the words 'non-white (Negro)' appear in the said resolution, be, and the same are hereby stricken out."

Upon motion of Councilman Albea, seconded by Councilman Aitken, and unanimously carried, the Resolution was adopted.

Councilman Albea moved the unanimous consent of Council to consider requesting the Federal Housing Authority to increase the number of units to 1,000. Motion was seconded by Councilman Coddington, and lost, with the votes cast as follows:

AYE: Councilmen Aitken, Albea, Coddington and Jordan.
NAY: Councilmen Daughtry and Wilkinson.

Councilman Albea then requested that the Consideration of Requesting the Federal Housing Authority to Increase the Number of Dwelling Units for Charlotte, be placed on the Agenda for the Council Meeting on December 21st.

ORDINANCE(No. 89) INTRODUCED AND RESOLUTION ADOPTED SETTING DATE OF HEARING ON AMENDMENT TO THE ZONING MAP RELATIVE TO LOT 13, IN BLOCK 12 OF WEST WORTHINGTON AVENUE.

An ordinance entitled, "Ordinance (No. 89) Amending Chapter 21 of the City Code with respect to the Zoning Ordinance" was introduced and read, to change the Building Zone Map from an R-2 to a B-1 district on Lot 13, in Block 12 of West Worthington Avenue. Following the reading thereof, a Resolution entitled, "Resolution Providing for a Public Hearing on the Proposed Amendment to the Zoning Ordinance", fixing the date for a hearing on January 4, 1950, was presented and read. Upon motion of Councilman Albea, seconded by Councilman Jordan, and unanimously carried, the resolution was adopted. Resolution is recorded in full in Resolutions Book 1, at Page 226.

RESOLUTION RELATIVE TO TERMS OF CONTRACT WITH C. D. SPANGLER FOR PURCHASE OF STATESVILLE ROAD PROPERTY DEFERRED ONE WEEK.

At the recommendation of the City Attorney, consideration of a resolution relative to terms of contract with C. D. Spangler for the purchase of Statesville Road property was deferred one week in order that all papers in connection therewith may be completed.

TRANSFER OF FUNDS FROM EMERGENCY FUND TO PET DEPARTMENT.

Upon motion of Councilman Aitken, seconded by Councilman Daughtry, and unanimously carried, the transfer of \$450.00 from the Emergency Fund, (Code 110) to the Pet Department Budget, Professional Services Account, (Code 404 B-21) was authorized.

PORTION OF BERRYHILL STREET TAKEN OVER FOR FULL MAINTENANCE.

Motion was made by Councilman Albea, seconded by Councilman Wilkinson, and unanimously carried, authorizing taking over for full maintenance Berryhill Street, from the intersection of Carol Street to the intersection of Rose Street, a distance of one block.

PURCHASE OF WATER LINE FROM SHARON WATER COMPANY APPROVED.

Councilman Jordan moved approval of the purchase from the Sharon Water Company of 19,837 feet of water lines located in Providence Road, Sharon Road, Harris Road, Wendover Road, Vernon Drive, Overhill Road, Forest Circle, Cassamia Place and Pinewood Circle, at a total price of \$18,628.78, upon the presentation of Deed, or Bill-of-sale, approved by the City Attorney.

CURB CUTS FOR DRIVEWAYS APPROVED.

Motion was made by Councilman Coddington, seconded by Councilman Aitken, and unanimously carried, authorizing the following curb cuts for driveways:

- (a) 15-foot cut at 600 Hawthorne Lane, at request of Jno. M. Dwelle.
- (b) Two 16-foot cuts at 1423 South Tryon Street, separated by a 50-foot island, at the request of H. V. Dick & Company.

CONSTRUCTION OF NEW SANITARY SEWERS APPROVED.

Upon motion of Councilman Daughtry, seconded by Councilman Aitken, and unanimously carried, the construction of new sanitary sewers at the following locations were approved:

- (a) 8-inch sewer 500 feet in Grimes Street, at an estimated cost of \$1,130.00, to serve 2 houses and 4 vacant lots,
- (b) 8-inch sewer 218 feet in Arnold Drive, at an estimated cost of \$400.00, to serve 2 family units and 5 vacant lots.
- (c) 8-inch sewer 230 feet in Belvedere Avenue, at an estimated cost of \$350.00, to serve 2 family units.

SUPPLEMENTARY CONTRACT AUTHORIZED WITH C. M. ALLEN & COMPANY ON CONTRACT FOR CONSTRUCTION OF SANITARY SEWERS IN BRIAR CREEK PROJECT.

Councilman Albea moved that a Supplementary Contract be authorized with C. M. Allen & Company to cover additional solid rock excavation on a unit price basis, at a total amount of \$3,736.62, on contract dated July 6, 1949 for the construction of sanitary sewers in Briar Creek Project. Motion was seconded by Councilman Coddington, and unanimously carried.

SUPPLEMENTARY CONTRACT AUTHORIZED WITH BLYTHE BROS. COMPANY ON CONTRACT FOR HAWTHORNE LANE UNDERPASS CONSTRUCTION.

Motion was made by Councilman Albea, seconded by Councilman Aitken, and unanimously carried, authorizing a Supplementary Contract with Blythe Bros. Company, in the amount of \$4,568.21, based on adjustments in quantities and extra work performed on contract for the construction of the Hawthorne Lane Underpass, dated September 28, 1949.

CONTRACTS FOR PURCHASES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Aitken, and unanimously carried, contracts were authorized with the following concerns for purchases, as outlined:

- (a) Contract with Badger Meter Company for 1200 - 5/8 inch Water Meters, on a unit price basis of \$15.84 each, representing a net delivered price of \$19,008.00.
- (b) Contract with The Ford Meter Box Company, Inc., for 1,500 Water Meter Yokes, on a unit price basis of \$3.04 each, representing a net delivered price of \$4,560.00.
- (c) Contract with General Chemical Division, Allied Chemical & Dye Corp., for 20,000 pounds of Sodium Fluoride, representing a total price of \$2,300.00, f.o.b. shipping point.
- (d) Contract with American Cyanamid Company, for 225 Tons of Aluminum Sulphate, on a unit price basis of \$39.80, representing a net delivered price of \$8,955.00.
- (e) Contract with The Standard Lime & Stone Company, for 270 tons of Hydrated Lime, on a unit price basis of \$17.19, representing a net delivered price of \$4,641.30, subject to 25¢ per ton discount for cash payable on the 10th of month following date of shipment.
- (f) Contract with Solvay Sales Division, Allied Chemical & Dye Corp., for 60 tons of Liquid Chlorine, on a unit price basis of \$2.70, representing a total price of \$3,240.00, f.o.b. Hopewell, Va.
- (g) Contract with Mathieson Chemical Corp., for 5 tons of Anhydrous Ammonia, on a unit price basis, representing a net delivered price of \$1,900.00.

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

Motion was made by Councilman Jordan, seconded by Councilman Coddington, and unanimously carried, authorizing the renewal of Special Officer Permits to the following men, for use on the premises of the Federal Reserve Bank:

Ernest L. Kale	Charles O. White
Odus H. Turner	Milus Pruett
John E. Pettit	Wade H. Vause
Cleveland Townsend	James E. Porter
Cicero L. Ware	Charles O. Rhodes
Edgar H. Dellinger	John H. Miller

APPLICATIONS FOR ERECTION OF BUILDINGS IN INDUSTRIAL ZONES, ON SOUTH TRYON STREET AND SOUTH CEDAR STREET.

Councilman Wilkinson moved approval of the following applications for the erection of buildings in Industrial zones. Motion was seconded by Councilman Aitken, and unanimously carried:

- (a) Office and Warehouse at 1221 South Tryon Street at request of Engelbracht Investment Company.
- (b) Foundry at 627 South Cedar Street, at request of Queen City Foundry, Inc.

CLAIM OF FRED E. WILEY FOR REFUND OF SEWAGE CHARGES, REFERRED TO CITY ATTORNEY.

The City Manager advised that claim has been received from Mr. Frank H. Kennedy, Attorney, in behalf of Fred E. Wiley, Myrtle Beach, S. C., in the amount of \$579.96, for alleged improper sewage charges by the City Water Department, from Sept. 1, 1946 to January 1, 1949, against a Laundry and Dry Cleaning Business at 1100 East Trade Street and 1101 East Fourth Street. Upon motion of Councilman Coddington, seconded by Councilman Albea, the claim was referred to the City Attorney for handling.

ORDINANCE MAKING IT ILLEGAL TO WEAR MASKS IN PUBLIC PLACES OF THE CITY OF CHARLOTTE, ADOPTED.

Mayor Victor Shaw made the following statement to the Council:

"At the close of the Civil War in 1865, my father, who surrendered with General Lee at Appamattox, came home to find conditions that are unnecessary for me to describe to you gentlemen today. Then, we had no law enforcement officers, and it was necessary that the good citizens of this and other communities take the law into their own hands.

My father was made a member of the Ku Klux Klan in the basement of the First Presbyterian Church when he was 16 years old. Years afterwards, he told me stories about how effective the Klan was in helping with certain bad conditions, but how brutal many of them became in their actions when they took the law into their hands.

Even then, it did not have the effectiveness the citizens hoped it would. When I returned from the first World War, the Klan was trying to establish itself in Charlotte, just as it is today. My father asked me to go to the then Chief of Police, Walter Orr, and tell him about his father and mine were members of the Klan back in the years following the Civil War, and that he hoped now he would continue his efforts to stamp out this crowd of hoodlums, many of whom were becoming members because they did not know the true picture of what they were associated with.

We have no need for such a subversive organization in this community, and I believe that you gentlemen of the Council agree with me and will go along with me, in your official capacity, and give your support to our Chief of Police Frank Littlejohn, in his efforts to prohibit this group from establishing itself in Charlotte.

I have had an ordinance drawn, which I ask that you, after you have heard it, will give your unanimous approval to it by voting today to make the wearing of masks illegal in this community.

Councilman Coddington moved the unanimous consent of Council to the presentation of the ordinance. Motion was seconded by Councilman Daughtry, and unanimously carried.

Whereupon, the Ordinance (No. 90) Making it Illegal to Wear Masks in Public Places in the City of Charlotte, was introduced and read. Councilman Albea moved the adoption of the ordinance. Motion was seconded by Councilman Coddington, and unanimously carried, and the Mayor declared it to be an ordinance of the City of Charlotte, in full force and effect upon its adoption today. The Ordinance is recorded in full in Ordinance Book 11, beginning at Page 100.

SETTLEMENT OF CLAIM OF LOLA J. LEDFORD FOR PERSONAL INJURIES.

Upon motion of Councilman Aitken, seconded by Councilman Jordan, the unanimous consent of Council was given for the presentation of the recommendation of the City Attorney and City Manager that the claim of Lola J. Ledford, arising from person injuries alleged to have been sustained by stepping into a hole on West 6th Street, be settled in full in the sum of \$270.00. Upon motion of Councilman Daughtry, seconded by Councilman Aitken, and unanimously carried, the claim was authorized settled as recommended.

ADJOURNMENT.

Upon motion of Councilman Coddington, seconded by Councilman Wilkinson, and unanimously carried, the meeting was adjourned.

Levin R. Hoffman
City Clerk