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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, February 23, 1955, at 4 o'clock p.m., with Mayor Van Every presiding, and Councilmen Albea, Baxter, Boyd, Brown, Dellinger, Smith and Wilkinson present.

Absent: None.

INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Smith, and unanimously carried, the minutes of the last meeting on February 16th were approved as submitted.

PROPOSED ORDINANCE NO. 247 AMENDING THE TAXICAB ORDINANCE SO AS TO PERMIT A VARIATION OF THE COLOR SCHEDULE OF TAXICABS DENIED.

Mr. Paul Ervin, Attorney representing Beatty Service Company, appeared before Council relative to an amendment to the Taxicab Ordinance to permit Cab Companies to have more than one color scheme, which he requested on February 9th. He stated that he understands there is some opposition to the proposed amendment. That the Red Top Cab Company recently employed several colored drivers and felt that in order that passengers be able to tell when they hail a cab whether the driver is white or colored, therefore they wished to paint the cabs driven by colored drivers another color than their usual red cabs. He stated it is now felt that customers are shunning the use of their cabs because of the colored drivers.

Councilman Boyd stated that the effect of the proposed amendment would be to raise the question of segregation, which the Council has tried to stay away from, more or less. That it would, in effect, also limit the service of this Company to the four cabs for the colored population of Charlotte, which is about one-third.

Mr. Ervin stated they are not endeavoring to perpetuate segregation whatsoever. That they merely feel a passenger should be able to know before entering a cab whether the driver is white or colored; that there is no desire on their part to control the pattern of segregation, which is a social force beyond their control. He stated further, that unless the amendment is adopted, the Cab Company will discontinue using colored drivers, which will deprive these men of employment, and they contemplate putting on a total of some sixteen to eighteen colored drivers.

Councilman Boyd suggested that the Council might receive a petition for a colored cab system, owned and operated by colored people, as has already been the case, and if this amendment were in effect, the Council would be forced to say that there is already such system in effect.

Mr. Shaw, City Attorney, stated that as he understands it, the position of the Council in deciding against the former petition for a Cab Company operated by colored persons was not to license additional cabs under new franchises, while Mr. Ervin's request is not for additional cabs but a change in color of those cabs already in operation.

Councilman Brown asked what the position of the Cab Company would be in answering a call for a cab where the color of the driver was not designated, to which Mr. Ervin replied that the first cab in line would be sent to answer the call.

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The ordinance entitled: "Ordinance No. 247 Amending the Taxicab Ordinance So As To Permit a Variation Of The Color Scheme of Taxicabs" was introduced and read, and Councilman Wilkinson moved its adoption, which was seconded by Councilman Dellinger.

Mayor Van Every expressed the opinion that the passage of the ordinance was a most unwise thing to do and stated he is opposed to its adoption.

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

YEAS: Councilmen Dellinger, Wilkinson and Brown.

NAYS: Councilmen Boyd, Baxter, Albea and Smith.

STUDY OF STARTING SALARY SCALE IN POLICE DEPARTMENT AUTHORIZED.

Councilman Boyd stated that Chief Littlejohn and Asst. Chief Hord have brought to his attention the starting salary scale in the Police Department, which has been lowered under job classification from that fixed by the Council last July when the Civil Service Commission and Chief of Police advised the Council they were unable to secure qualified employees because of the low salary. He gave the following figures:

SALARY SCALE APPROVED BY COUNCIL JULY 1954:

Starting salary	\$277.24 per month
Salary at end of first 6 months	\$287.56
Salary at end of 12 months	\$299.16
Salary at end of 18 months	\$326.08

PRESENT SALARY SCALE UNDER JOB CLASSIFICATION:

Starting salary	\$275.00
Salary at end of 1st year	\$286.40
Salary at end of 2nd year	\$297.80
Salary at end of 3rd year	\$309.20
Salary at end of 4th year	\$320.60
Salary at end of 5th year	\$330.00

Councilman Boyd stated that under the present scale an employee must be in the department for five years to receive the same salary previously authorized at the end of a 18 months period. He stated further it was his understanding that no salaries would be reduced and that the scale fixed in July would prevail in order that qualified personnel be obtainable.

Mayor Van Every stated that he would like to call to Mr. Boyd's attention that he was conveniently absent at budget meetings last summer and if he does not have the information as to why things are it is of his own making. Councilman Boyd replied that it does not behoove him to argue with the Mayor on the subject. That he does not think it was the Council's intention to undo what they had just done in July for the betterment of the department.

Councilman Smith moved that a study be made of this salary scale and if it is found out of line, it could be adjusted and corrected. The motion was seconded by Councilman Brown and unanimously carried.

Mayor Van Every asked who Councilman Smith wished to make the study?

Mr. Yancey, City Manager, advised that he would be glad to look into the matter and bring in a suggestion.

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CITY MANAGER REQUESTED TO CONFER WITH HEALTH DEPARTMENT OFFICIALS RELATIVE TO JOB CLASSIFICATION.

Councilman Brown requested that the City Manager confer with Health Department officials relative to job classification. He stated that the last blanket raise, which included Health Dept. employees, was made in June 1953, and the Council should not allow a whole city department to be omitted from the increases. He requested Mr. Yancey to ascertain what one step-up in the Health Department under the Merit System would amount to.

NOTICE OF INTENTION TO HOLD BOND ELECTION ON MAY 3, 1955 AUTHORIZED EXECUTED AND FILED WITH LOCAL GOVERNMENT COMMISSION.

At the suggestion of the City Attorney Councilman Albea moved that the Mayor and City Clerk be authorized to execute the necessary papers in connection with the Bond Election to be held on May 3, 1955 and the City Treasurer be authorized to file with the Local Government Commission Notice of intention to hold the Election, as approved by the City Council on February 16th, when approved by the Bond Attorneys. The motion was seconded by Councilman Smith, and unanimously carried.

CHANGE ORDER IN CONTRACT WITH A. Z. PRICE & ASSO. FOR THE HEATING & VENTILATING AT IRWIN CREEK SEWAGE TREATMENT PLANT, AUTHORIZED.

Motion was made by Councilman Dellinger, seconded by Councilman Brown, and unanimously carried, approving Change Order No. 1, in the amount of \$1,648.00, in the contract of A. Z. Price & Associates for the Heating & Ventilating at the Irwin Creek Sewage Treatment Plant, as recommended by the Engineers, J. N. Pease & Company

RESOLUTION ADOPTED FIXING DATE OF PUBLIC HEARING ON MARCH 16, 1955 ON ORDINANCE NO. 252 TO AMEND THE ZONING ORDINANCE ON BLOCK 6 OF STATESVILLE AVENUE.

Ordinance No. 252 Amending the Zoning Ordinance to change the Building Zone Map from R-2 to B-1 on all of Block 6 of Statesville Avenue, was introduced and read, following which the Resolution Fixing the Date of Public Hearing on the Ordinance on March 16, 1955, was presented and read. Councilman Dellinger moved the adoption of the resolution, which was seconded by Councilman Baxter, and unanimously carried. The resolution is recorded in full in Resolutions Book 2, at Page 276.

COUNCIL ACTION ON FEBRUARY 16TH RESCINDED ADOPTING RESOLUTION FIXING DATE OF HEARING ON MARCH 2ND ON AMENDMENT TO ZONING ORDINANCE AND RESOLUTION ADOPTED FIXING DATE OF HEARING ON MARCH 16, 1955.

Councilman Brown moved that the action of the Council on February 16th be rescinded, fixing the date of hearing on March 2nd on Ordinance No. 248 Amending the Zoning Ordinance, relative to including "Kindergartens and nurseries" in structures permitted erected in Residence-2 districts, and that a Resolution Fixing the date of Public Hearing on March 16, 1955 be adopted. The motion was seconded by Councilman Albea, and unanimously carried. The Resolution is recorded in full in Resolutions Book 2, at Page 275.

ORDINANCE NO. 249 AMENDING THE CITY CODE SO AS TO MAKE ALLEYS LEADING FROM FOURTH STREET TO COLLEGE STREET ONE-WAY ALLEYS AND TO PROVIDE FOR THE REGULATION OF THE SAME.

An Ordinance entitled: "Ordinance No. 249 Amending The City Code So As To Make Alleys Leading From Fourth Street To College Street One-Way Alleys and To Provide For The Regulation Of The Same" was introduced and read. Upon motion of Councilman Wilkinson, seconded by Councilman Dellinger, and unanimously carried, the ordinance was adopted. The ordinance is recorded in full in Ordinance Book 11, at Page 399.

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ORDINANCE NO. 250 AMENDING THE CITY CODE SO AS TO MAKE FIRST STREET ONE-WAY FROM MINT STREET EAST.

An ordinance entitled: "Ordinance No. 250 Amending the City Code So As To Make First Street One-Way From Mint Street East" was introduced and read. Councilman Smith moved the adoption of the Ordinance, which was seconded by Councilman Wilkinson, and unanimously carried. The ordinance is recorded in full in Ordinance Book 11, at Page 400.

ORDINANCE NO. 251 AMENDING THE ZONING ORDINANCE INTRODUCED AND RESOLUTION FIXING THE DATE OF HEARING ON MARCH 16, 1955 ADOPTED.

Following the introduction of an ordinance entitled: "ORDINANCE NO. 251 AMENDING THE CITY CODE WITH RESPECT TO THE ZONING ORDINANCE" to change the zoning from R-2 to B-1 on a vacant lot located approximately 100-feet from the northeast corner of Remount and Wilmount Road, a Resolution Providing for a Public Hearing on March 16th On the Amendment to the Zoning Ordinance was introduced and read. Councilman Brown moved the adoption of the resolution, which was seconded by Councilman Baxter, and unanimously carried. The resolution is recorded in full in Resolutions Book 2, at Page 277.

PLAT OF CLANTON PARK SUBDIVISION APPROVED.

Upon motion of Councilman Baxter, seconded by Councilman Brown, and unanimously carried, the Plat of Clanton Park Subdivision was approved, as recommended by the Planning Commission.

APPLICATION FOR BUILDING PERMIT TO ERECT LAUNDRY AT 2231 SOUTH BOULEVARD APPROVED.

Councilman Dellinger moved approval of the application of Joe S. Jacobs for a building permit to erect a laundry at 2231 South Boulevard in an Industrial Zone. The motion was seconded by Councilman Wilkinson, and unanimously carried.

INSTALLATION OF GRATES IN SIDEWALK AT 112 N. TRYON STREET AND IN 100 BLOCK OF NORTH COLLEGE STREET AUTHORIZED.

Motion was made by Councilman Wilkinson, seconded by Councilman Baxter, and unanimously carried, authorizing the installation of grates in the sidewalk over transformer vaults to be constructed by Duke Power Company at 112 N. Tryon Street to serve F. W. Woolworth Company building and in the 100 block of N. College Street to serve the new Belk Bros. building.

CONSTRUCTION OF SANITARY SEWER MAINS APPROVED.

Upon motion of Councilman Brown, seconded by Councilman Baxter, and unanimously carried, the construction of sanitary sewer mains at the following locations was approved:

- (a) 687-ft. of sewer main in Thomas Avenue, to replace the 30-year old main serving 22 family units, at an estimated cost of \$3,900.00, with all costs to be borne by the City.
- (b) 4,900-ft. of main and sewer trunk along Vance Street branch, to replace inadequate line, at an estimated cost of \$98,610.00, with all costs to be borne by the City.
- (c) 490-ft. of sewer main in Lexington Avenue, to replace the 30-year old 6-inch main that is inadequate, to serve 8 family units and 2 vacant lots, at an estimated cost of \$2,720.00, with all costs to be borne by the City.

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CONFIRMATION OF SALE OF PROPERTY AT SOUTHWEST CORNER OF STONEWALL STREET AND INDEPENDENCE BOULEVARD TO T. M. BRYAN.

Councilman Smith moved that the sale of property at the southwest corner of Stonewall Street and Independence Boulevard at public auction on February 7th be confirmed to the high bidder, T. M. Bryan at \$2,082.30. The motion was seconded by Councilman Dellinger, and unanimously carried.

RIGHT-OF-WAY AGREEMENTS WITH PIEDMONT & NORTHERN RAILWAY COMPANY, SEABOARD AIRLINE RAILWAY COMPANY AND SOUTHERN RAILWAY COMPANY FOR INSTALLATION OF WATER MAINS FROM FILTER PLANT TO DILWORTH AREA, UNDER THEIR TRACKS.

Upon motion of Councilman Albea, seconded by Councilman Baxter, and unanimously carried, the following rights-of-way agreements with the Piedmont & Northern Railway Company, Seaboard Airline Railway Company and Southern Railway Company for the installation of water mains under their tracks were authorized:

- (a) Agreement with Piedmont & Northern Railway Company for the installation of a 36-inch water main from the Filter Plant on Beatty's Ford Road to the Dilworth Area, beneath the main line of the railway company's tracks near Mile Post No. 2.
- (b) Agreement with Seaboard Airline Railway Company for the installation of a 36-inch water main from the Filter Plant to the Dilworth area, beneath the Railway Company's tracks near Mile Post No. 332.
- (c) Agreement with the Southern Railway for the installation of a 36-inch water main, from the Filter Plant on Beatty's Ford Road to the Dilworth Area, beneath the main line of the Railway Company's tracks near Mile Post #380.

RIGHT-OF-WAY AGREEMENTS BETWEEN FRED J. WIGGINS, AND BETWEEN L. L. LASSITER AND PAUL V. OATES AUTHORIZED CO-SIGNED BY CITY FOR INSTALLATION OF WATER MAINS.

Motion was made by Councilman Wilkinson, seconded by Councilman Baxter, and unanimously carried, authorizing the Mayor and City Clerk to execute right-of-way agreements with the State Highway Commission as co-signers with the following companies, for the installation of water mains:

- (a) Agreement between the State Highway Commission and Fred J. Wiggins for the construction of 640-ft. of mains in Freeland Lane, outside the city limits.
- (b) Agreement between the State Highway Commission and L. L. Lassister and Paul V. Oates, for the construction of mains in Ferncliff Road, outside the city limits.

CONSTRUCTION OF DRIVEWAY ENTRANCES AUTHORIZED.

Upon motion of Councilman Albea, seconded by Councilman Brown, and unanimously carried, the construction of the following driveway entrances was authorized:

- (a) Widening of present 10-ft. driveway 20-ft. making a total 30-ft. driveway entrance at 1106 S. Tryon Street.
- (b) Two 30-ft. driveways on Winnifred Street, for 105 West Morehead Street.
- (c) Two 35-ft. driveways at 2227 and 2236 South Boulevard.
- (d) Two 35-ft. driveways on Central Avenue and two 35-ft. ones on Eastway Drive, all for 3800 Central Avenue.

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SPECIAL OFFICER PERMIT AUTHORIZED ISSUED TO CHARLES T. SNIPES.

Councilman Dellinger moved that a Special Officer Permit be issued to Charles Thomas Snipes, for use on the premises of Southern Railway Company, as requested. The motion was seconded by Councilman Baxter, and unanimously carried.

LEASE ON AIRPORT BUILDING CONCLUDED.

The City Manager reported that lease had been concluded for Airport Building No. 92 to Mr. H. M. Short, for a period of one year, at a monthly rental of \$30.00.

CONTRACT AWARDED LEE A. FOLGER, INC. FOR BUICK SEDAN.

Councilman Baxter moved the award of contract to Lee A. Folger, Inc. for One 4-door Special Buick Sedan, as specified, at a total net exchanged delivered price of \$2,582.07, less cash discount of \$300.00, or a net delivered price of \$2,282.07, as recommended. The motion was seconded by Councilman Brown.

Councilman Smith stated he voiced objections to the purchase of this type car before and notes now that we have only the bid of Folger, Inc. That there are numbers of cities who find it expedient and safe to use cars of the Ford, Chevrolet and Plymouth size, and it would appear out of line to use this car in Charlotte when larger cities find the other types more acceptable.

Mayor Van Every stated that on two occasions he has had Chief Charles in his office about this matter and told him he was going to oppose this purchase. Speaking to Chief Charles, who was present, the Mayor stated, I told you I was going to oppose the purchase of a big car for you to ride around in in a luxurious manner at the expense of the taxpayer. The City Manager uses a 1947 Dodge and other department heads use Fords. The Mayor stated further that he also told Chief Charles he thought it was bad judgment on his part to insist on a car of this type and he did not consider it good taste on his part and as Mayor of Charlotte he is protesting it and as a taxpayer he is protesting it. That he thinks it is unfair and it is showing too much favoritism.

Councilman Baxter stated that his reason for moving that the purchase of this car be made is because of the equipment that must be carried in the trunk of the car.

Mayor Van Every stated that the opinion of experts is that the trunk of the Ford will carry the necessary equipment.

Councilman Boyd stated he understands if this car is bought it will be for the Fire Department of Charlotte and the Council is not purchasing a department head a private automobile to ride around in at his own pleasure.

The Mayor stated that he does not see how Chief Charles can afford to insist on this car when the other department heads use the cars recommended by the City Manager. That the way he has maneuvered this deal shows poor judgment on his part. That he told him it is unfair.

Councilman Brown asked Chief Charles how long he used the last Buick, to which Chief replied "four years".

Councilman Baxter stated in his opinion there is a difference in the cars used by the Police and Fire Departments - that the Fire Department must always be sure their equipment will get them where they are going.

Chief Charles stated he figures this type car suits the needs of the department better, and in their opinion will serve the purpose better. However, whatever type of car the Council desires to purchase and put in the Fire Department they will use and do the best they can. That he does not want any preference shown his department and he is perfectly willing to take whatever the Council wishes.

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Councilman Smith stated the point he was making was that in other cities they seem to have found these smaller cars advantageous.

Chief Charles stated that in the larger cities the city is cut up into districts or divisions.

Mayor Van Every asked if it is not true that the fire equipment is not run over 40 miles per hour? Chief Charles replied that is correct, that he himself set 40 miles per hour as the standard for the department. That you cannot stop the heavy fire equipment going over 40 miles per hour.

The vote was then taken on the motion to award the contract to Lee A. Folger, Inc. and carried, with the votes cast as follows:

YEAS: Councilmen Albea, Baxter, Boyd, Brown, Dellinger and Wilkinson.

NAYS: Councilman Smith.

CONTRACT AWARDED TRAFFIC ENGINEERS SUPPLY COMPANY FOR TRAFFIC SIGNALS FOR INDEPENDENCE BOULEVARD TO DOWD ROAD PROJECT.

Motion was made by Councilman Baxter, seconded by Councilman Wilkinson, and unanimously carried, awarding contract to Traffic Engineers Supply Company for 32 One-way 3-section span wire signals, as specified, and 16 one-way 4-section span wire signals with green lens in third and fourth sections, as specified, at a total net delivered price of \$2,416.00.

CONTRACTS AWARDED FOR CAST IRON PIPE, PIPE FITTINGS AND GATE VALVES FOR WATER DEPARTMENT.

Upon motion of Councilman Dellinger, seconded by Councilman Brown, and unanimously carried, contracts were awarded for Cast Iron Pipe, Pipe Fittings and Gate Valves as follows:

- (1) Contract awarded Lynchburg Foundry Company for 20,000 ft. of 6-inch, 10,000-ft. of 8-inch and 2,000-ft. of 16-inch Cast Iron Pipe, as specified, on a unit price basis, representing a total net delivered price of \$62,220.00.
- (2) Contract awarded Lynchburg Foundry Company for 6 pieces 8-inch 12-ft. long F&S Cast Iron Pipe, 2 pieces 8-inch 12-ft. long FF Cast Iron Pipe, One piece 8-inch 4-ft. x 7" long FF Cast Iron Pipe and 2 pieces 8-inch 3-ft. long FF Cast Iron Pipe, all as specified, at a total net delivered price of \$538.39.
- (3) Contract awarded American Cast Iron Pipe Company for Schedule of 168 Cast Iron Pipe Fittings, all as specified, at a total net delivered price of \$3,959.38, on a unit price basis.
- (4) Contract awarded American Cast Iron Pipe Company for Schedule of 21 Cast Iron Pipe Fittings, flanged, all as specified, on a unit price basis, representing a total net delivered price of \$1,330.34.
- (5) Contract awarded M & H Valve & Fittings Company for 100, 6-inch hub end, 25, 8-inch hub end, 12, 12-inch hub end Gate Valves and 6-8" FF, 250 lb. standard flanges, faced and drilled Gate Valves, 2, 8-inch flanged and hub end, 250 lbs. standard flanges, faced and drilled Gate Valves and 2-6 inch flanged and hub end, 250 lb. standard flanges, F & D Gate Valves, all as specified, on a unit price basis, representing a total price of \$8,028.70, less cash discount of \$160.57, or a net delivered price of \$7,868.13.

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TRANSFER OF CEMETERY LOTS.

Upon motion of Councilman Albea, seconded by Councilman Wilkinson, and unanimously carried, the Mayor and City Clerk were authorized to execute deeds for the transfer of the following cemetery lots:

- (a) Deed with Sidney A. Cooke, Jr. for Lot 93, Section 2, Evergreen Cemetery, at \$160.00.
- (b) Deed with Mrs. W. C. Killick, for Lot 313, Section 4-A, Evergreen Cemetery, at \$126.00.

ADJOURNMENT.

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

Lillian R. Hoffman
City Clerk