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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, September 24, 1952, at 4 o'clock p.m., with Mayor Shaw presiding, and Councilmen Albea, Baxter, Boyd, Coddington, Dellinger, Jordan and Van Every present.

INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Jordan, seconded by Councilman Van Every, and unanimously carried, the Minutes of the last meeting on September 17th were approved as submitted.

COUNCILMAN VAN EVERY APPOINTED TO WORK WITH BOARD OF TRUSTEES OF THE FIREMEN'S RETIREMENT SYSTEM TOWARDS PUTTING THE SYSTEM ON AN ACTUARIALLY SOUND BASIS.

Councilman Van Every stated that he was much concerned to learn that the Firemen's Retirement System has \$2,600,000.00 in accrued liabilities, after he was assured sometime ago that the System was alright when he had noted in the newspaper that Geo. G. Scott and Company had stated that the System needed an actuarial study. That the stupidity and dumbness displayed by the Council in allowing the System to function in this manner for a period of five years is amazing to him. That the tax payers money to meet the Firemen's contributions is simply being put into a rat-hole. That in his opinion, one of the most despicable things possible is to lead a man to believe that he is putting funds into a retirement system so that he may have some security in the twilight years of his life, when all the time that system is already bankrupt. He recommended that the Mayor appoint a Committee of the Council to work with the Board of Trustees of the Firemen's Retirement System, headed by Mr. Guy Bagwell, to keep the Council advised as to what is taking place and what is to be done to correct the condition and when it will be done.

Councilman Boyd moved that Councilman Van Every be appointed as a Committee to work with the Board of Trustees of the Firemen's Retirement System as recommended. The motion was seconded by Councilman Baxter, and unanimously carried.

Councilman Van Every moved that three members of the Council be appointed as the Committee so that no one person will be biased in his thinking. The motion did not receive a second, and was lost.

Mayor Shaw stated that he, too, was distressed to learn that the System is reported actuarially unsound, however, he wonders if the money has been poured down a "rat hole" as indicated by Councilman Van Every and, too, he cannot recognize that the City Council has displayed "dumbness" and "stupidity" as stated by Councilman Van Every, as his advice is that the Council has had nothing to do with the matter, as it is handled under an Act of the N. C. Legislature.

Councilman Boyd stated that he concurred in the Mayor's statement; that the System was established pursuant to an act of the N. C. Legislature, and the City Council has no authority except that given it by the N. C. Legislature and the operation of this System was not authorized to the Council.

Mr. Yancey, City Manager, advised that when the System was established it provided that only six firemen could retire in any one year. That it was the thought that the older men in the Department could retire, one or more each year, and that none of the younger men would wish to take advantage of the retirement. However, as a fact, every firemen who has become eligible to retire has done so, and it has proved a detriment to the Fund.

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Councilman Van Every then asked the City Attorney what the Council's position is in the matter, as the tax payers' money is being applied to a Fund that is declared unsound, and in his opinion the Council is the custodian of such monies.

Mr. John D. Shaw, City Attorney, stated that the N. C. Legislature set up the Charlotte Firemen's Retirement System as a separate corporation, and the Act provides for the manner in which it shall operate. Under these provisions the Resident Judge appoints the Chairman of the Board of Trustees, etc. That the System was thereby taken from any political influence. That the City of Charlotte can go forward only under the mandate of a legislative act. However, now that the Council has an actuarial report indicating that the System is in danger of insolvency, in his opinion it is now the Council's duty to investigate the matter and see what can be done.

Councilman Van Every then stated that he had talked with Mr. Bagwell, the Chairman, who, too, is much disturbed, and who states that it will take \$50,000.00 a year from the tax payers money to keep the Fund in a solvent condition and it will pyramid as the members of the Fire Department are increased. He stated further that in his opinion the Council should take proper action and see what can be done to protect the taxpayers and the firemen.

Mayor Shaw again stated that the Council, insofar as he can learn, has at no time had anything to do with the operation of the System, and that he regrets that the inference may be gotten from the press that the City Council has acted unwisely or in a "dumb and stupid" manner.

Councilman Van Every stated that if he was wrong in his belief regarding the Council's authority in the matter, then he stands corrected.

APPROPRIATION APPROVED FOR AIDING IN THE FINANCING OF COUNTY-WIDE, CHEST X-RAY SURVEY CONTINGENT UPON LIKE AMOUNT BEING APPROPRIATED BY MECKLENBURG COUNTY.

Councilman Alba moved that the requested \$7,500.00 be appropriated to assist in financing the County-wide, Chest X-ray Survey contingent upon the same amount being appropriated by Mecklenburg County. The motion was seconded by Councilman Coddington and unanimously carried.

RESOLUTION FIXING DATE OF HEARING ON AMENDMENT TO ZONING ORDINANCE

An Ordinance entitled, "Ordinance No. 155 Amending the Zoning Ordinance to change the Building Zone Map from R-2 to B-1 on a lot located at 233-235 W. Boulevard", was introduced. Following the reading thereof, a resolution entitled, "Resolution Providing for a Public Hearing on the Proposed Amendment to the Zoning Ordinance", on October 15th, was presented and read.

Upon motion of Councilman Jordan, seconded by Councilman Dellinger, and unanimously carried, the resolution was adopted. The Resolution is recorded in full in Resolutions Book 2, at Page 21.

COMPROMISE SETTLEMENT OF FRALEY ESTATE FOR RIGHT-OF-WAY FOR WIDENING STONEWALL STREET.

Councilman Alba moved that payment be approved for the compromise settlement of Fraley Estate for necessary right-of-way for the widening of Stonewall Street in the sum of \$18,178.10. Motion was seconded by Councilman Van Every, and unanimously carried.

CONTRACT WITH G. E. VINROOT FOR CONSTRUCTION OF WATER MAINS IN PARK ROAD TERRACE.

Upon motion of Councilman Dellinger, seconded by Councilman Baxter, and unanimously carried, contract was authorized with Mr. G. E. Vinroot, for the construction of 1590 feet of 2" water main in Park Road Terrace, outside the City Limits, at an estimated cost of \$2,100.00, to serve 26 residential lots. All costs to be borne by the Applicant, who will own the said mains until territory is taken into the City.

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CONSTRUCTION OF SANITARY SEWER MAINS APPROVED.

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

- (a) 980 feet of 8" sanitary sewer in Bancroft Street, at an estimated cost of \$2,000.00, to serve 9 vacant lots, at request of American Trust Company. All costs to be borne by the City and Applicant's deposit of the full amount to be refunded as per terms of contract.
- (b) 387 feet of sanitary sewer main in Centre Street, at an estimated cost of \$600.00, to serve 3 family units and 5 vacant lots, at request of Mrs. J. D. Shaw. All costs to be borne by the City.

CONTRACT AWARDED PYRAMID MOTOR COMPANY FOR 12 POLICE CARS.

Councilman Dellinger moved that contract be awarded the low bidder, Pyramid Motor Co. for 12 Chevrolet, Styline four-door sedans, as specified, at a total price of \$20,216.76, subject to cash discount of \$2,928.76, or a net delivered price of \$17,288.00. The motion was seconded by Councilman Van Every, and unanimously carried.

STREETS TAKEN OVER FOR MAINTENANCE.

Motion was made by Councilman Boyd, seconded by Councilman Coddington, and unanimously carried, taking over the following streets for City maintenance:

- (a) Simpson Drive, from Matheson Avenue to Beverly Place.
- (b) Masonic Drive, from Central Avenue north to dead-end.
- (c) Meadow Brook Road, from Sardis Road south to dead-end.

CONSTRUCTION OF DRIVEWAY ENTRANCES APPROVED.

Upon motion of Councilman Boyd, seconded by Councilman Coddington, and unanimously carried, the construction of driveway entrances was approved at the following locations:

- (a) Two 30 ft. driveway entrances at 108 E. 36th St.
- (b) One 12 ft. driveway entrance on Winthrop Avenue for 528 Kingston Avenue.
- (c) One 8 ft. driveway entrance at 607 Cherokee Place.

REAPPOINTMENT OF DR. RALPH JARRETT TO THE HEALTH ADVISORY COMMITTEE.

Councilman Albea moved the reappointment of Dr. Ralph Jarrett to the Health Advisory Committee for a term of 5 years upon the expiration of his present term, September 30, 1952. The motion was seconded by Councilman Jordan and unanimously carried.

PLAT OF BONAIRE RETREAT SUBDIVISION APPROVED.

Councilman Albea moved the approval of the plat of Bonaire Retreat Subdivision, located in Enderly Park, as recommended by the Planning Board. The motion was seconded by Councilman Jordan, and unanimously carried.

TRANSFER OF CEMETERY LOTS.

Upon motion of Councilman Coddington, seconded by Councilman Jordan, and unanimously carried, the Mayor and City Clerk were authorized to execute deeds for the transfer of the following Cemetery Lots:

- (a) Deed to Mrs. Garrie M. Faggart, for lot #335, in Section 4-A, Evergreen Cemetery, at \$81.90.
- (b) Deed to Hermon C. Baker and wife, for Lot #186, in Section 4-A, Evergreen Cemetery, at \$81.90.
- (c) Deed to Mrs. George M. Rose, for Lot #388, in Section 3, Evergreen Cemetery, at \$163.80.

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SETTLEMENT OF CLAIM OF MRS. LILLIAN RAMSEY.

Councilman Boyd moved that the claim of Mrs. Lillian Ramsey against the City of Charlotte, for personal injuries sustained on June 22, 1952, at 411 S. Brevard Street, from stepping upon a loose water meter cover, be settled in the amount of \$250.00 as recommended by the City Attorney and City Manager. The motion was seconded by Councilman Jordan, and unanimously carried.

RESOLUTION CHANGING THE POLICY OF THE CITY OF CHARLOTTE SO AS TO PERMIT THE USING OF WATER REVENUES OF LINES WITHOUT THE CITY OF CHARLOTTE AGAINST REFUNDING AND/OR INDEMNITY AGREEMENTS WITH RESPECT TO WATER LINES CONSTRUCTED WITHIN THE CITY OF CHARLOTTE.

A resolution entitled, "Resolution Changing the Policy of the City of Charlotte so as to Permit the Using of Water Revenues of Lines Without the City of Charlotte against refunding and/or Indemnity Agreements with Respect to Water Lines Constructed Within the City of Charlotte", was introduced and read, and upon motion of Councilman Albea, seconded by Councilman Jordan was unanimously adopted. The resolution is recorded in full in Resolutions Book 2, at Page 22.

DESIGNATION OF TAXICAB STANDS LOCATIONS.

Councilman Baxter moved that the following locations for taxicab stands be approved and made a part of the Ordinance (#152) adopted by the City Council on July 9, 1952, amending the City Code requiring the establishment of taxicab stands:

- 2 cabs - side entrance Hotel Charlotte
- 3 cabs - by railroad station on Wilkes Place
- 3 cabs - in front of bus station
- 2 cabs - in front of Johnston Building
- 2 cabs - 1st block East Trade Street (Kress' side entrance)
- 2 cabs - just above Law Building on Trade Street
- 2 cabs - just above Hotel Barringer on Tryon Street
- 2 cabs - just this side of Sears Roebuck on Tryon Street
- 2 cabs - side door of Selwyn Hotel on Church Street
- 2 cabs - near entrance of Memorial Hospital
- 2 cabs - near entrance of Doctors Building on Kings Drive

And further, that in case a designated location is within a peak-hour, restricted area, the said stand be located adjacent to the said restricted area, and that said taxicab stands become effective upon the erection of signs indicating their locations. The motion was seconded by Councilman Boyd and unanimously carried.

ADJOURNMENT

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

Lillian R. Hoffman
City Clerk