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A special meeting of the City Council having been duly called, the Council met on Monday, August 31, 1936 at 11 o'clock A. M., in the Council Chamber of the City Hall, with Mayor Douglas presiding and the following Councilmen present: Barter, Boyd, Durham, Havis, Hudson, Nance, Sides, Tipton and Wilkinson.

Absent: Councilmen Albea and Huntley.

PURPOSE OF MEETING

Mayor Douglas stated that the special meeting was called for the purpose of further considering and studying the Taxicab Ordinance, inasmuch as the City had been notified by the Insurance Company insuring all ten-cent taxicabs in the City of Charlotte, that insurance would be cancelled on August 31, 1936.

REPORT OF CITY ATTORNEYS ON THE SITUATION.

Mayor Douglas read a report from the City Attorneys with regard to change in the present Ordinance, which report is as follows:

"Realizing that the present Ordinance requiring Taxicab operators to carry liability insurance is a valid Ordinance and has been the means of producing the most satisfactory taxicab situation which Charlotte has had in some time, we are reluctant to suggest a change in this Ordinance. However, since it appears to be impossible for certain taxicab operators to any longer secure this insurance and since some of these operators through their Attorney, Mr. Taylor, have appealed to us for help and have assured us of their determination to operate their cabs in a careful and satisfactory manner if we will allow them to do so without the Liability Insurance, we have prepared a new Taxicab Ordinance and submit the same to you herewith with this explanation--- We do not vouch for the validity of Section Three of this Ordinance, which allows taxicab operators to deposit cash or certain other Bonds with the City in lieu of Insurance or Surety Bonds. The provisions of this new Section have not been authorized by the Legislature and we doubt that they could be legally enforced, however, this is what they want and what they say they will voluntarily perform, provided we permit them to operate without Liability Insurance, and in view of this situation, the Council can, if it sees fit, adopt this Ordinance with the alternative provision in Section 3 as a trial measure, and if any taxicab operator attempts to contest the validity of the Ordinance, or if it develops from experience that they are reckless or negligent or operate in violation of the regulatory ordinance or traffic laws, then our suggestion would be to immediately repeal this Ordinance and go back to the Ordinance now in effect. In other words you can, by adopting this Ordinance, give them the chance they are asking for and if they don't appreciate the chance by living up to their promises, then repeal the Ordinance and go back to the insurance requirement exclusively.

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You understand, of course, that the provisions of Section 3 will apply to all taxicab operators who care to come under the provisions of that Section, rather than carry Liability Insurance.

You understand, furthermore, that this Ordinance does not repeal any of the provisions of the regulatory ordinance now in effect."

(Signed) SCARBOROUGH & BOYD
By B. M. Boyd.

The following Ordinance was then presented:

AN ORDINANCE
TO REQUIRE JITNEY BUS AND TAXICAB OPERATORS CARRYING PASSENGERS FOR HIRE WITHIN THE CITY OF CHARLOTTE TO TAKE OUT AND CARRY LIABILITY INSURANCE OR PROVIDE THEMSELVES WITH SURETY BONDS, AS PROVIDED FOR IN CHAPTER 279 PUBLIC LAWS OF 1935, OR TO OPERATE BY PLACING CERTAIN CASH OR SECURITIES WITH THE TREASURER OF THE CITY OF CHARLOTTE, AS PROVIDED FOR.

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BE IT ORDAINED by the City Council of the City of Charlotte in regular session:

Section 1. That on and after September 1st, 1936, it shall be unlawful for any person, firm, corporation or association of individuals to operate or permit or cause to be operated any jitney bus or taxicab or any other motor vehicle engaged in the business of transporting passengers for hire over the public streets of the City of Charlotte, without first taking out and keeping in effect at all times for each such jitney bus, taxicab or other such motor vehicle so operated, a Policy of Insurance in some Insurance Company duly licensed by the Insurance Commissioner of North Carolina to do business in North Carolina or provide themselves with a Surety Bond with individual or corporate sureties as may be approved by the City Council, said Policy of Insurance or Surety Bond for each taxicab or motor vehicle so used and operated to cover damages to persons and property in the following amounts:

\$2500.00 for injury to one person in any one accident
\$5000.00 for injury to two or more persons in any on accident.
\$ 500.00 for property damage in any one accident

said Policy of Insurance or Surety Bond to be conditioned on the owner and operator of each such motor vehicle responding in any damages for any liability incurred on account of injuring a person or persons or damage to property resulting from the negligent or unlawful operation of any such motor vehicle when adjudicated by any Court of competent jurisdiction.

Section 2. That every person, firm, corporation or association of individuals intending to operate or cause to be operated a jitney bus, taxicab or other motor vehicle carrying passengers for hire within the City of Charlotte shall, as a condition precedent to the operation of any such motor vehicle, file with the Chief of Police of the City of Charlotte, their or its name, the number of cars owned and operated as a jitney bus or taxicab carrying passengers for hire in the City of Charlotte, the name of the Insurance Company in which the Insurance herein provided for is carried, the number of each Policy so carried and the expiration dates,---Provided, that if a Surety Bond is carried instead of an Insurance Policy, such person, firm or corporation shall have said Bond prepared, executed and delivered to the City Clerk of the City of Charlotte to be approved by the City Council.

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Section 3. That in lieu of the provisions set forth in Sections 1 and 2 of this Ordinance, any person, firm or corporation may place or deposit with the Treasurer of the City of Charlotte money, United States Government, State of North Carolina, County of Mecklenburg or City of Charlotte Bonds or any other Bonds approved by the City Council, provided that no Surety Bond as referred to in Sections 1 and 2 of this Ordinance shall be acceptable from those operating under the alternative provision of this Section, in the sum of \$5000.00 which shall permit such person, firm or corporation to operate on the streets of the City of Charlotte one taxicab and for each additional taxicab operated under the provisions of this Section, such person, firm or corporation shall increase the amount of money or securities as aforesaid by the value of \$250.00, conditioned for the payment of any final judgment rendered on account of property damage or personal injury caused by any such motor vehicle or taxicab; and conditioned further that the Treasurer of the City of Charlotte shall have the right and authority to pay any such final judgment from the proceeds of such deposit at any time after fifteen (15) days from the rendition of the final judgment against such person, firm or corporation operating under the provisions of this Section; that the amount of deposit of securities as set forth above is the minimum amount required and must be kept up to such minimum at all times. Provided, further that any person, firm or corporation who desires to operate under the provisions of this Section shall at the time of making such deposit with the Treasurer of the City of Charlotte shall sign an agreement with the City of Charlotte authorizing the Treasurer to pay any such final judgment at any time after fifteen days of the rendition of such judgment against such person, firm or corporation out of the deposit so made with the Treasurer.

Section 4. That all persons, firms or corporations desiring to operate under such provisions of Section 3 of this Ordinance as a condition precedent shall deliver to the Chief of Police of the City of Charlotte his, their or its name and address, phone number and give a description of each and every such vehicle operated, including the name of the make or car, its motor number and its State and City License Number and no such vehicle shall be operated on the Streets of the City of Charlotte until such description has been given to the said Chief.

Section 5. Every person, firm or corporation who shall operate or cause or permit to be operated any such motor vehicle for the purpose of carrying passengers for hire within the City of Charlotte in violation of the foregoing provisions, shall upon conviction, be subject to a penalty of \$50.00 for each and every such operation of any such motor vehicle.

Section 6. Nothing in this Ordinance shall be construed to jitney busses and motor vehicles operated under the jurisdiction of the Utilities Commission or Utilities Commissioner of North Carolina.

Section 7. That this Ordinance shall become effective as of September 1, 1936 and the same shall be duly advertised in some newspaper published in Mecklenburg County.

Section 8. That if any clause, sentence, paragraph or any part or provision of this Ordinance shall, for any reason, be adjudged by a Court of competent jurisdiction to be invalid, such Judgment shall not affect, impair or invalidate the remainder of said Ordinance, but shall be confined in its operation to the clause, section or provision or part thereof directly involved in such judgment.

Section 9. That the Ordinance passed by the Council of the City of Charlotte on October 16, 1935, and recorded in Ordinance Book 5 at pages 75 and 76, entitled--

"AN ORDINANCE TO REQUIRE JITNEY BUS AND TAXICAB OPERATORS CARRYING PASSENGERS FOR HIRE WITHIN THE CITY OF CHARLOTTE TO TAKE OUT AND CARRY LIABILITY INSURANCE OR PROVIDE THEMSELVES WITH SURETY BONDS AS PROVIDED FOR IN CHAPTER 279 PUBLIS LAWS OF 1935."

is hereby repealed.

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Mr. H. L. Taylor, Attorney, representing one of the Dime Taxicab Companies, stated that this ordinance is almost prohibitive because of the amounts of deposits required and asked that the ordinance be changed to allow ten cabs to be operated for the first \$5,000 deposited and \$100.00 for each additional cab.

Mr. Frank Sims, Attorney, for two Quarter Cab Companies, stated that the ordinance now in force is valid and satisfactory and asked the Council to leave it as it is, stating he believed the ordinance submitted could and would be attacked.

After a lengthy discussion, Mr. Taylor stated that if the ten cent taxicabs would not be permitted to operate after this date, that they could remove their telephone numbers and announce that they are common carriers, and explained that the 1933 State law placing motor carriers under the jurisdiction of the State Utilities Commission, did not exempt the cruising of taxicabs.

Mr. Taylor stated that his clients could put up the \$5,000.00 for the first ten cabs and \$100.00 for each additional cab but could not raise the amount required in the ordinance presented.

Councilman Boyd stated that he thought this would be prohibitive and thought something should be worked out whereby the taxicabs could continue to operate.

The Mayor called for some action in the matter but when none was forthcoming, he stated that the matter would have to be held open until the regular meeting of the Council on Wednesday, September 2nd.

Mr. Taylor asked if the cabs would be permitted to run until the matter was settled, but was advised by the City Attorney that under the present ordinance the City Manager would have to enforce the law and cause them to be withdrawn from the streets.

Councilman Wilkinson then moved that the matter be taken under advisement and that the City Attorneys with the Attorneys for the taxicab companies, work together to see if they cannot get an ordinance that will be acceptable and that the ordinance now in effect stand just as it is until that time. Motion seconded by Councilman Baxter and carried, with Councilmen Boyd and Hudson voting "No."

APPROPRIATION FROM CONTINGENT FUND FOR POLICE PROTECTION - DURING GREEN PASTURES RALLY.

Councilman Sides, seconded by Councilman Wilkinson, made a motion that the Council appropriate from the Contingent Fund of the City of Charlotte, the sum of Twelve Hundred (\$1200.00) Dollars for police protection for the coming of the President on September 10, 1936. Motion carried unanimously.

REGULAR MEETING TO BE HELD AT 11 A. M. WEDNESDAY SEPTEMBER 2, 1936.

On motion of Councilman Hovis, seconded by Councilman Boyd and unanimously carried, the regular weekly meeting of the Council will be held at 11 o'clock A. M., Wednesday, September 2nd, 1936, instead of at 4 o'clock P. M.

ADJOURNMENT.

Motion by Councilman Wilkinson, seconded by Councilman Baxter, to adjourn, unanimously carried.

Alice B. McQuell
City Clerk.

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The regular weekly meeting of the City Council was held in the Council Chamber, City Hall, at 11 o'clock A. M., Wednesday, September 2, 1936, Mayor Ben E. Douglas presiding and Councilmen Albea, Baxter, Boyd, Durham, Hovis, Hudson, Nance, Sides and Tipton present.

Absent: Councilmen Huntley and Wilkinson.

COMMITTEE APPOINTED TO STUDY PARKING METERS.

Mr. C. C. Beasley introduced to the Council Mr. W. L. Moore, President of the Pure Oil Company, who also represents the Mark-Time Parking Meter, and Mr. Moore filed with the Council a petition signed by 95% of the merchants in the business section, asking for the installation of parking meters.

Councilman Baxter moved that the Mayor appoint a committee to look into this matter, which was seconded by Councilman Albea and carried.

Mayor Douglas then appointed Councilman Baxter as Chairman of this committee with Councilmen Durham and Nance as the other members, to look into the proposition and report back to the Council after they have had sufficient time to study it.

Mr. W. C. Deaton, representative of the Park-O-Meter Company stated he would like to offer a meter for investigation of the committee just appointed, and was advised that he would be permitted to do so.

TAXICAB ORDINANCE.

The Mayor then called on Mr. J. M. Scarborough, City Attorney, to read the new taxicab ordinance which they had drafted for consideration of the Council, a large delegation of taxicab operators being present at this time. The following ordinance was read:

**AN ORDINANCE
TO REQUIRE JITNEY BUS AND TAXICAB OPERATORS CARRYING
PASSENGERS FOR HIRE WITHIN THE CITY OF CHARLOTTE TO
TAKE OUT AND CARRY LIABILITY INSURANCE OR PROVIDE SURETY
BONDS OR MAKE A DEPOSIT OF SECURITIES WITH THE TREASURER
OF THE CITY OF CHARLOTTE.**

BE IT ORDAINED by the City Council of the City of Charlotte in Regular Session:

day of

Section 1. That on or after the 2/September 1936, it shall be unlawful for any person, firm, corporation or association of individuals to operate or cause to be operated any jitney bus or taxicab or any other motor vehicle used for transporting passengers for hire over the streets of the City of Charlotte, without first taking out and keeping in effect at all times a policy or policies of insurance in some Insurance Company duly licensed to do business in North Carolina or provide a surety bond or bonds with individual or corporate sureties as may be approved by the City Council to cover damages for injury to one person in any one accident in the sum of