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The City Council met in regular weekly session on Wednesday, May 11, 1938, at 4:00 o'clock P. M., with Mayor Douglas presiding, and Councilmen Albea, Baxter, Durham, Griswold, Hovis, Hudson, Huntley, Little Nance and Wilkinson being present.

Absent: Councilman Sides.

MINUTES APPROVED.

The meeting was called to order and on motion of Councilman Albea, seconded by Councilman Huntley, the minutes of the May 4th. meeting were approved as read.

REQUEST OF BELK BROTHERS COMPANY TO WIDEN SIDEWALK ON EAST FIFTH STREET.

Mr. George Dowdy, representing Belk Bros. Company, appeared before the Council, petitioning that the City widen the sidewalk on East 5th. Street, in front of Belk Bros. new store building, a minimum of 18 inches, stating that pedestrian traffic on this street would be much heavier when the new building is opened, and advised that Belk Bros. Company is prepared to pay the cost of doing this work.

Mr. Marshall stated that this would be a permanent improvement, which should be done on petition of the property owners in that block.

Mr. G. G. Galloway, a property owner on this block, expressed the feeling of a number of the other property owners, stating that Mr. Cutter would agree if Mr. Eford would also consent, and Mr. Eford that he was not quite ready at this time. However, Mr. Galloway stated that he felt it advisable to widen this walk, since pedestrian traffic was necessary to business, and after further discussion, on motion of Councilman Nance, seconded by Councilman Durham, the matter was referred to the Public Works Committee to see if the question could be worked out. Councilman Wilkinson, Chairman of this Committee advised that he would call a meeting of his committee with the property owners within a very short time.

SEWER EXTENSION ON PECAN AVENUE.

Councilman Albea moved that the sewer be extended on Pecan Avenue to serve two houses, at an estimated cost of \$234.85, if and when the applicants secure and furnish to the City the necessary right-of-way across private property for this sewer. This motion seconded by Councilman Durham, and carried unanimously.

CONTRACT TO GRINNELL COMPANY, INC. FOR TWO CHECK VALVES FOR SPRINKLER SYSTEM.

On motion of Councilman Wilkinson, seconded by Councilman Huntley and carried, contract was awarded to Grinnell Company, Inc., for furnishing to the Water Department, one 6" and one 8" check valve, for use in installing two sprinkler systems, at a total delivered price of \$388.30, and the Mayor and Clerk were authorized to sign the contract. The only other bid received was from the Globe Automatic Sprinkler Company, at the price of \$398.50, making Grinnell Company, Inc. the low bidder.

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STREET CURB CORRECTION SOUTH CHURCH AND WEST MOREHEAD STREETS.

Upon the request of Mr. Davis Clark that the northwest corner of the intersection of South Church and West Morehead Streets be equipped with a wider radius, Councilman Wilkinson, seconded by Councilman Hovis, moved that this be changed from a 6 ft. to a 10 ft. radius, at a cost of \$50.93. Motion unanimously carried.

REQUEST FOR CHANGE IN STREET NAME HELD FOR NEW PETITION.

The City Manager reported receipt of a petition signed by a number of residents of Skipper Street asking that this be changed to Pearl Street, but that on investigation it had developed that there is already a Pearl Avenue and that Mrs. J. Lee Smith, one of the petitioners had suggested that the name be changed to Ruby Avenue.

Councilman Huntley made a motion that this matter be held over one week until the other residents could be heard from, which motion was seconded by Councilman Wilkinson and carried. After motion was made it was suggested that a new petition be secured if the name of Ruby Avenue was satisfactory.

SEWER EXTENSION ON PROVIDENCE ROAD.

On motion of Councilman Huntley, seconded by Councilman Wilkinson, the request of Mr. L. L. Hackney for the extension of a sewer on Providence Road 150 feet towards Queens Road, to serve one store building, was granted. The Engineering Department estimated the cost of this work at \$123.75.

SPECIAL OFFICER PERMITS.

On motion of Councilman Hovis, seconded by Councilman Durham Mr. B. L. Lisk and Mr. O. D. Ellis were appointed as special officers for service at the Y.M.C.A, as per request of Mr. L. ex Kluttz; these appointments having the approval of the Chief of Police.

W.P.A. PROJECT REQUEST REFERRED TO FINANCE COMMITTEE.

On motion of Councilman Albea, seconded by Councilman Griswold, the request of Mrs. Hannah Withers, Area Supervisor of the Works Progress Administration, that the City participate in the cost of certain W. P. A. projects, was referred to the Finance Committee. Mr. Marshall presented the letter received from Mrs. Withers.

SYPHILLIS CONTROL CAMPAIGN.

Mr. Marshall presented a communication from the State Board of Health in regard to their participation in the Syphillis Control Campaign, in which the State proposes that a \$25,000.00 clinic be established in Charlotte for venereal diseases; the State to furnish \$10,000 from the Zachary Smith Reynolds foundation, which, with the \$7,000 per year already appropriated by the county and city for this work, would necessitate the city and county each contributing an additional \$4,000. for this clinic.

Councilman Albea moved that the matter be referred to the Health Committee, which motion was seconded by Councilman Barter and carried.

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EMPLOYMENT OF CLERICAL WORKER IN RECORD BUREAU.

Mr. Marshall reported that he had employed Mr. John W. Craig as a clerical worker in the Record Bureau of the Police Department.

MAY 20TH. DECLARED A HOLIDAY FOR CITY EMPLOYEES.

On motion of Councilman Albea, seconded by Councilman Barter, May 20th., Mecklenburg Declaration Day, was declared a holiday for all city employees who can be away from their duties.

AN OFFER FOR TRACT OF LAND NEAR SUGAW CREEK DISPOSAL PLANT.

Mr. Marshall advised that he had received an offer from Mr. P. D. Burks for an additional tract of land adjoining that which he purchased some time ago near the Sugaw Creek Disposal Plant, and this was referred to the Real Estate Committee for handling.

TAXICAB ORDINANCE PRESENTED.

Councilman Barter stated that the Councilmen had each been furnished with a copy of the proposed taxicab ordinance for study during the past week and called on the City Attorney to read the ordinance, which he wished to present at this time. This ordinance was read by Mr. Boyd, as follows:

AN ORDINANCE
TO REPEAL SECTION TWO OF THAT CERTAIN ORDINANCE ADOPTED SEPTEMBER 2, 1936 AND RECORDED IN ORDINANCE BOOK 7 AT PAGES 320 AND 321 IN THE OFFICE OF THE CITY CLERK RELATIVE TO LIABILITY INSURANCE, SURETY BONDS OR CASH DEPOSITS BY TAXICAB OPERATORS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHAR-

LOTTE:

Section 1: That that certain ordinance adopted September 2, 1936 recorded in Ordinance Book 7, ay pages 320 and 321 in the office of the City Clerk, 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 SURETY BONDS OR MAKE DEPOSIT OF SECURITIES WITH THE TREASURER OF THE CITY OF CHARLOTTE",

be amended as of July 1, 1938 by striking out all of Section Two of said ordinance which provides that taxicab operators may deposit with the City Treasurer money or other securities approved by the City Council in lieu of furnishing liability insurance.

Section 2: That from and after July 1, 1938, all persons, firms or corporations now operating taxicabs in the City of Charlotte under said Section Two of said ordinance of September 2, 1936, shall be required to operate under the provisions of Section One thereof, and all other sections thereof except Section Two, which Section Two is hereby repealed, said repeal to become effective July 1, 1938, but such repeal shall not affect any rights or liabilities arising or which now exist under the section hereby repealed or under said deposit, nor any rights or liabilities which may arise against any owner, operator, driver or lessee driving or operating a taxicab under said deposit between now and July 1, 1938.

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Section 3: That money or other securities heretofore deposited with the City Treasurer by persons, firms or corporations pursuant to the ordinance of September 2, 1936 as a surety bond for others shall remain on deposit with the said Treasurer subject to further action of the City Council.

Section 4: That all other sections of said ordinance above referred to adopted on September 2, 1936, shall remain in full force and effect.

Section 5: This amending ordinance shall become effective July 1, 1938 and shall be published in The Charlotte News one time at least ten days prior to that date.

Councilman Baxter moved the adoption of the above ordinance on first reading, which was seconded by Councilman Griswold, and carried, with the following vote.

For the ordinance: Councilmen Baxter, Durham, Hovis, Griswold, Huntley and Wilkinson.

Against: Councilmen Albea, Nance, Hudson and Little.

Councilman Baxter then moved that the rules be suspended and the ordinance be placed on second reading, which motion was seconded by Councilman Griswold and carried, with the following vote:

For: Councilmen Baxter, Durham, Hovis, Griswold, Huntley and Wilkinson.

Against: Councilman Albea, Nance, Hudson and Little.

Councilman Baxter then stated that in order to comply with the law the ordinance would not be placed on third reading at this meeting.

Mr. Boyd read a supplemental ordinance which should be passed when the above ordinance is finally passed, which provides that the cash bond now posted with the Treasurer by the ten-cent taxicabs, shall remain with the Treasurer until further action by the Council.

Councilman Hudson then introduced the following ordinance, and moved its adoption:

AN ORDINANCE
TO AMEND SECTION TWO OF THAT CERTAIN ORDINANCE
ADOPTED SEPTEMBER 2, 1936 AND RECORDED IN ORDINANCE BOOK 7 AT PAGES 320 AND 321 IN THE OFFICE OF THE CITY CLERK RELATIVE TO LIABILITY INSURANCE, SURETY BONDS OR CASH DEPOSITS FOR TAXICAB OPERATORS AND PROVIDING FOR BONDSMEN.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1: That that certain ordinance adopted September 2, 1936 and recorded in Ordinance Book 7 at pages 320 and 321 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 SURETY BONDS OR MAKE A DEPOSIT OF SECURITIES WITH THE TREASURER OF THE CITY OF CHARLOTTE"

be amended by striking therefrom all of Section Two thereof, and substituting in lieu therefor the following known as Section Two.

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Section 2: That in lieu of policy or policies of insurance or surety bonds or bond as provided in Section 1 hereof, any person, firm or corporation desiring to operate taxicabs for hire in the City of Charlotte may deposit with the Treasurer of the City of Charlotte cash, or securities approved by the Council, in the sum of \$5500.00 for the first vehicle or taxicab so operated and increase this amount \$100.00 for each additional taxicab so operated, conditioned for the guaranty of the payment of any final judgment secured as the result of injury or damage on account of the negligent operation of said car, no matter by whom operated or driven at the time, for injury or damage caused by negligence of such owner, or operator or driver to any one person in any one accident not to exceed \$2500.00, and to two or more persons in any one accident not to exceed the sum of \$5000.00, and for property damage caused by negligence of such owner, operator or driver not to exceed \$500.00; persons, firms or corporations desiring to act as bondsmen and deposit the cash bond herein referred to, may do so on the same basis of deposit as above set forth for others who desire to operate taxicab or taxicabs under this Section, provided; such person, firm or corporation desiring to make the cash bond deposit for other persons shall adopt a trade name for the taxicabs which they are to bond and require this Trade Name to be printed on each side of each such taxicab, before operation and furnish a list each fifteen days, or whenever a change occurs, to the Chief of Police and the City Treasurer, giving the name of the owner of the car to be bonded, the make and model of the car, the motor number, State license number, and the driver of each car; on each side of each such car shall be printed, under the Trade Name adopted, these words: "Bonded by (insert name) under Charlotte Taxi Ordinance", such list so required and furnished shall be for information only, and shall determine the total bond sum to be deposited as above provided; provided further that such bondsman shall be liable on his or its bond so deposited for the payment of any final judgment secured as the result of the negligent operation of any such taxicab by any person whether the name of the owner, operator, driver or lessee appear upon said list or not.

Sub-Section 2-A: Every person or corporation desiring to deposit the cash bond for one or more persons operating taxicabs as above provided shall accompany the said deposit with an agreement as follows, which agreement shall be a part of this ordinance:

"The undersigned having deposited money or securities under ordinance of September 2, 1936, relating to taxicabs, or the amendment thereto of May , 1938, as a cash surety bond for certain taxicab owners and drivers does hereby agree that such deposit is made to guarantee the payment of any final judgment secured as the result of negligence against the owner, operator, driver or lessee of any taxicab bonded by the undersigned, said judgment to be paid out of said funds under the terms of this ordinance and the undersigned adopts the Trade Name (insert name) under which the taxicab owners, drivers or lessees are bonded and hereby consents and agrees that the said City Treasurer shall pay any final judgment within the terms of said ordinance, secured against the driver, operator, lessee or owner, or either one, as the result of the negligent operation of an automobile on the streets of Charlotte, bearing said trade name and the undersigned's name as bondsman as provided in said ordinance, no matter by whom operated at the time; and further agrees that such deposit shall remain with said City Treasurer until a final determination by judgment or otherwise, of all claims arising as the result of the operation in the City of Charlotte of any such motor vehicle under said ordinance, or amendments.

This the _____ day of _____, 19____.

JOHN DOE COMPANY, INC.

Signature By: _____

(Official Title)"

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Sub-Section 2-B: That prior to the operation of any such taxicab in the City of Charlotte under this section and sub-sections, there shall be placed on each side of each such automobile proposed to be operated as a taxicab if the taxicab is owned by the bondsman, these words: "Owned and bonded by (Name)"; if the taxicab is bonded by a person or corporation other than the owner then these words under the adopted Trade Name-

"Bonded by (Name of Bondsman) under Charlotte Taxi Ordinance"; and in addition thereto and as a further condition precedent to the driving of any taxicab in the City of Charlotte under this Section and Sub-Sections, every such driver shall provide himself with a card to be visibly displayed in said car on which shall be his photograph, his name, and printed thereon these words: "Bonded by (Name of Bondsman) under Charlotte Taxi Ordinance" underneath which must be the signature of the person or corporation depositing the cash bond under which the particular driver is operating and it shall be unlawful for any person to operate or drive a taxicab on the streets of Charlotte for hire under this section without this card being visibly displayed in the automobile at the time of operation; provided that such failure on the part of the driver at the time to comply with this provision shall not be pleaded by the bondsman as a defense to liability on his or its bond.

Sub-Section 2-C: In the case of those persons, firms or corporations which have heretofore deposited funds or securities under the said ordinance of September 2, 1936, such funds and securities shall be considered and taken as a deposit under the terms and conditions of this amending section and sub-sections, provided such person, firm or corporation executes and delivers to the City Treasurer the agreement under Sub-Section 2-A hereof before the effective date of this ordinance.

Sub-Section 2-D: Any person or corporation depositing said bond or securities as herein provided, whether for himself or itself as owner and operator, or for others, contracts and agrees by making such deposit that the same shall cover any owner, driver, operator or lessee of any automobile upon which the bondsman's name appears at the time, no matter by whom driven, if the injury or damage on which any final judgment is obtained, occurred inside the City limits of Charlotte, even though the driver, or owner or operator or lessee was under contract to carry passengers to some point outside of the City.

Sub-Section 2-E: That all other provisions and sections of the ordinance of September 2, 1936 shall remain in full force and effect and the penalty for violation thereof shall apply to this section 2 and sub-sections.

Sub-Section 2-F: That this amendment shall become effective May 25, 1938 at 12:00 o'clock Noon and shall be published in The Charlotte News and The Charlotte Observer one time at least ten days prior to that date.

Councilman Hudson, seconded by Councilman Albea, moved the adoption of the above ordinance on first reading, with the following voting Aye: Councilmen Albea, Hudson, Little and Nance.

The Mayor declared the motion lost and the ordinance failed to carry.

Mr. H. L. Taylor, attorney representing Messrs. Beatty Bros. and McCoy Service So., stated that according to the action of the Council at this meeting, Charlotte was without an ordinance requiring liability insurance on taxicabs until the ordinance presented and adopted on two readings became effective on July 1, 1938, but Mr. Boyd, City Attorney, explained that the old ordinance of September 2, 1936 would remain in effect until the adoption of the newly presented ordinance.

Mr. Boyd advised the Council that the Police Department should be instructed to start immediately to check every driver of taxicabs in the City of Charlotte to determine what car he was driving, the owner, etc., and the list so secured be furnished the McCoy Service Co. and Beatty Bros. and have them check that car and driver with the list of those covered by their securities, and that the ordinance should be enforced to the effect that no cab be operated without protection for the public.

REPORT OF AIRPORT COMMISSION ON FIRST YEAR'S OPERATIONS.

Mr. States Lee, Chairman of the Municipal Airport Commission, appeared before the Council and presented a statement showing the financial condition of the Airport covering its first year's operations, and read a letter addressed to the Mayor and Council enumerating the improvements made at the Airport.

This letter set forth the fact that at the time operation was begun they had nothing to start on but that at the present time fifteen planes are in the hangar, which is the capacity of the hangar, and that the building and grounds had been beautified, improvements made and contemplated, and the financial statement showed a surplus as of May 10th. 1938 of \$881.42.

Councilman Baxter stated that he felt the Airport Commission should be congratulated upon the splendid record made.

PARK AVENUE ASSESSMENT OF H.O.L.C. NOT TO BE ADJUSTED.

Councilman Durham, Chairman of the Finance Committee, reported on the Street Assessment request of Mr. H. L. Taylor, for the H.O.L.C., being the property of Mrs. R. O. Alexander at East Park Avenue and Cleveland Avenue, taken over by H.O.L.C., that this assessment had been investigated by the committee which disclosed that the two assessments had not come within the ten-year period, East Park Avenue having been paved in 1912 and Cleveland Avenue in 1923, and that it was the recommendation of the committee that this adjustment not be allowed.

Councilman Hovis, seconded by Councilman Huntley, moved that the recommendation of the Finance Committee be accepted, and the motion carried.

ADJOURNMENT.

On motion of Councilman Albea, seconded by Councilman Baxter, the meeting adjourned.

Alvin B. McConell
City Clerk