

A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber in the City Hall, on Monday, February 1, 1960, at 4 o'clock p.m., with Mayor Smith presiding, and Councilmen Albea, Babcock, Dellinger, Myers, Smith and Whittington being present.

ABSENT: Councilman Hitch.

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INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Whittington, seconded by Councilman Babcock, and unanimously carried, the Minutes of the last meeting on January 25th were approved as submitted.

DECISION ON ORDINANCE NO. 642 TO AMEND THE ZONING ORDINANCE RELATIVE TO CHANGING ZONING FROM R-2 TO O-I ON PROPERTY ON PROVIDENCE ROAD ADJACENT TO THE LIBRARY, ON PETITION OF A. H. AND AILEEN CASH, DEFERRED FOR ONE WEEK.

Upon motion of Councilman Dellinger, seconded by Councilman Babcock, and unanimously carried, decision on Ordinance No. 642 to amend the Zoning Ordinance Relative to changing zoning from R-2 to O-I on property on Providence Road adjacent to the Library, on petition of A. H. and Aileen Cash, was deferred for one week on request of their representative, Mr. Caldwell McDonald.

CONSIDERATION OF RESOLUTION GOVERNING THE FUTURE CONSTRUCTION OF SANITARY SEWERAGE FACILITIES OF THE CITY OF CHARLOTTE DEFERRED FOR ONE WEEK.

Mayor Smith advised that in view of the absence of the City Manager and the City Attorney, because of illness, consideration of the resolution governing the future construction of sanitary sewerage facilities would be deferred for one week.

APPOINTMENT OF GEORGE B. LIVINGSTON AS ACTING CITY MANAGER DURING PRESENT ABSENCE OF CITY MANAGER.

Upon motion of Councilman Albea, seconded by Councilman Babcock, and unanimously carried, Mr. George B. Livingston was appointed Acting City Manager during the present absence of Mr. Veeder, City Manager.

JOHN C. BENNETT COMMENDS COUNCILMAN DELLINGER FOR STATEMENT IN CONNECTION WITH CITY RECORDER'S COURT INVESTIGATION AND ASKS COUNCIL TO SUPPORT HIM.

Mr. John C. Bennett stated he notices in the newspapers that Councilman Dellinger has been criticized by the Bar and Judge Arbuckle for his statement relative to the City Recorder's Court investigation; that he feels this is a public affair and Councilman Dellinger is within his rights as a Councilman and that he is correct and the public and Council should back him up to the hilt.

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REV. VIRGIL MCSWAIN REQUESTS THAT STREET ON WHICH HE RESIDES BE NAMED, AS THE PRIOR NAME "DAVIS STREET" HAS BEEN ASSIGNED TO ANOTHER STREET.

The Reverend Virgil McSwain stated he now resides within the limits of Charlotte and the street on which he lives has not been named; that it was formerly Davis Street, then Ludwell but both names have been assigned other streets in the area. Mayor Smith stated that his recent letter requesting the assignment of a name to the street has been referred to the Planning Board and as soon as a name has been given the street, Mr. McSwain will be advised.

EMPLOYMENT OF ERNEST W. MACHEN, JR. ATTORNEY TO ASSIST CHIEF JAMES IN INVESTIGATION AND TO ESTABLISH PROCEDURES IN RECORDER'S COURT CLERK OFFICE TABLED.

Councilman Smith stated it was his impression that Mr. Ernest W. Machen, Jr., was employed as the attorney to work with Chief James in the investigation of the Clerk of Recorder's Court Office in the absence of the City Attorney and to carry the work through. Councilman Myers stated he feels Mr. Machen should be formally requested to submit a proposal for setting up controls in the Clerk's office; that he feels the agreement with Mr. Machen should be tied down. He stated further that in the absence of the City Attorney he feels any particular problems in this connection of both Chief James and the City Manager should be handled by Mr. Machen.

Councilman Dellinger stated that the Institute of Government set up the procedure for the Office sometime ago, and he thinks the Council should look into the matter and see if there is a need for Mr. Machen's services before taking action. He stated further it might be well to employ him to assist Chief James but not to set up the procedures. Councilman Smith moved that if Chief James is to conduct the study, then he be allowed to employ Mr. Machen - if not, then that is another question.

Councilman Albea moved that the matter be tabled at this time. The motion was seconded by Councilman Babcock, and unanimously carried.

MOTION LOST THAT CHIEF OF POLICE OR S.B.I. MAKE INVESTIGATION OF CITY RECORDER'S COURT OFFICE AND THAT NO RESIGNATIONS NOR APPOINTMENTS BE MADE ON PERMANENT BASIS UNTIL STUDY AND RECOMMENDATIONS COMPLETED AND FILED.

Councilman Whittington moved that the Council ask the Chief of Police to carry on the investigation of the Clerk of Court's office and of the procedures in that office and if he feels he cannot make the investigation that the Council ask the S.B.I to do so and that the City Manager be requested to move rapidly in determining what is needed in space and personnel in the Clerk of Court's office. That the City Council not accept any resignations nor make any appointments on a permanent basis until the investigation and recommendations are completed. The motion did not receive a second and was lost.

RESIGNATIONS OF L. CARL COOK, CLERK OF RECORDER'S COURT, OF WILLIAM F. CONNER, ASSISTANT CLERK AND OF SUE C. FUNDERBURK, SECRETARY, ACCEPTED.

Councilman Babcock stated he thinks the Council has no alternative but to accept the resignations of the Clerk, his Assistant and Secretary; that they submitted resignations and walked off the job and are not working for the City. That he has no desire to make anyone a scapegoat nor put a

blemish on anyone's reputation, but in this case these people have resigned. Councilman Dellinger expressed the opinion that the resignations should be accepted but if those who are implicated are cleared, he feels they should be given an opportunity to be reemployed in these jobs. Councilman Whittington stated he feels if the resignations are accepted today, and if they are cleared, then the Council will have marked them. He moved that the Council stand pat.

At the request of Mayor Smith the resignations of Mr. Cook, Mr. Conner and Miss Funderburk were read. Councilman Babcock moved the acceptance of the resignation of Mr. Cook. The motion was seconded by Councilman Myers, and unanimously carried. Councilman Dellinger moved the acceptance of the resignation of Mr. Conner. The motion was seconded by Councilman Babcock, and unanimously carried. Councilman Babcock moved the acceptance of the resignation of Miss Funderburk, which was seconded by Councilman Dellinger, and unanimously carried.

CITY MANAGER AND CITY ENGINEER REQUESTED TO REPORT ON WATER AND SEWER SERVICE IN THE PERIMETER AREA BEYOND THE PRESENT CITY LIMITS.

Councilman Myers stated there are many construction projects for the perimeter, beyond the new city limits, involving large sums of money, whose plans are contingent on having city water and sewers. That he understands the City Manager has reserved decision as to whether they will be given this service until the Council takes action. That he would like to see the matter settled as early as possible, and requests a report from the City Manager and City Engineer on the subject.

APPOINTMENT OF GLENN FRANKLIN NIXON AS ACTING CLERK OF CITY RECORDER'S COURT.

Councilman Babcock stated in view of the resignations of Mr. Carl Cook, Clerk of City Recorder's Court and of Mr. William Conner, Assistant Clerk, having been accepted by Council, he moves that Mr. Glenn Franklin Nixon, presently Record Clerk in the Fire Department, be appointed Acting Clerk of City Recorder's Court. The motion was seconded by Councilman Dellinger, and unanimously carried.

AUDITORS AUTHORIZED TO CALL IN FORMER CLERK OF RECORDER'S COURT FOR INFORMATION AS HE IS STILL UNDER BOND.

Upon motion of Councilman Albea, seconded by Councilman Smith, and unanimously carried, Mr. Coffin of Geo. G. Scott & Co., Auditors for the City Recorder's Court, was authorized to call back Mr. Carl Cook, former Clerk of Recorder's Court, for information as Mr. Cook is still under bond.

ORDINANCE NO. 651 AMENDING CHAPTER 2 OF THE CITY CODE RELATIVE TO PARKING ON CITY STREETS, ADOPTED.

Upon motion of Councilman Dellinger, seconded by Councilman Babcock, and unanimously carried, Ordinance No. 651 Amending Chapter 2 of the City Code Relative to Parking on City Streets, was adopted. The ordinance is recorded in full in Ordinance Book 12, beginning at Page 450.

RESOLUTION CALLING A SPECIAL TAX ELECTION FOR THE SUPPORT OF THE CHARLOTTE-MECKLENBURG RECREATION COMMISSION, ADOPTED.

A resolution entitled: "Resolution Calling a Special Tax Election for the

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Support of the Charlotte-Mecklenburg Recreation Commission" was introduced and read, and upon motion of Councilman Albea, seconded by Councilman Whittington, was unanimously adopted. The resolution is recorded in full in Resolutions Book 3, beginning at Page 451.

CONSIDERATION OF PAYMENT FOR LEGAL SERVICES IN CONNECTION WITH RIGHTS-OF-WAY FOR SANITARY SEWER TRUNKS IN ANNEXED AREAS DEFERRED ONE WEEK.

Upon motion of Councilman Smith, seconded by Councilman Babcock, and un-animously carried, consideration of the payment of \$830.00 from the Sewer Bond Fund to Taliaferro, Grier, Parker & Poe, Attorneys, for legal services in connection with securing rights-of-way for sanitary sewer trunk lines in the annexed area was deferred for one week after Councilman Dellinger had questioned the necessity of employing a firm of attorneys to do the work when the City presently has two attorneys to handle legal work.

PAYMENTS AUTHORIZED FROM SEWER BOND FUND FOR RIGHTS-OF-WAY FOR SANITARY SEWER LINES TO ANNEXED AREA.

Upon motion of Councilman Albea, seconded by Councilman Babcock, and un-animously carried, payments were authorized the following persons for rights-of-way for sanitary sewer lines to the annexed area:

Biddle Development Company	\$ 554.59
Thomas S. Waller and wife, Dorothy L.	77.63
Thomas C. Tuggle and wife, Lorraine	147.75
Guy B. Hartman and wife, Margaret Cozart	108.59
Bud McMillan and wife, Myrtle Kelly	28.18
Roy Lee Foster and wife, Pearl B.	50.00
Edward J. Fisher and wife, Sheila L.	64.93
Cynthia Pharr Whiting	147.80
Lloyd N. Brown and wife, Mary T. Brown,	
William T. Brown and wife, Virginia Orrell	100.95
Civil Development Company, Inc.	277.66
George Pettica and wife, Martha and Louis B.	
Vreeland, Administrator C.T.A. of Annie Golden	
Estate	80.43
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TOTAL	\$1,638.51

RENEWAL OF SPECIAL OFFICER PERMIT TO W. T. ALEXANDER.

Councilman Babcock moved the renewal of Special Officer Permit to Mr. W.T. Alexander for use on the premises of Charlotte Memorial Hospital. The motion was seconded by Councilman Albea, and unanimously carried.

CONTRACT AWARDED ARMCO DRAINAGE & METAL PRODUCTS, INC. FOR CONSTRUCTION OF RIGID FRAME STEEL BUILDING FOR STREET DIVISION.

Upon motion of Councilman Dellinger, seconded by Councilman Whittington, and unanimously carried, contract was awarded the low bidder, Armco Drainage & Metal Products, Inc. for furnishing and erecting a Rigid Frame Steel Building, as specified, on a lump sum basis, representing a total price of \$11,765.00.

The following bids were received:

Armco Drainage & Metal Products, Inc.	\$11,765.00
Industrial Construction Company	\$12,579.00
Roebuck Buildings Company	\$13,446.00
Laird Steel Buildings & Materials, Co.	\$13,613.00

CONTRACT AWARDED TOOMEY BROTHERS PLUMBING & HEATING COMPANY FOR PLUMBING FOR STEEL BUILDING FOR STREET DIVISION.

Motion was made by Councilman Dellinger, seconded by Councilman Whittington, and unanimously carried, that contract be awarded the low bidder, Toomey Brothers Plumbing & Heating Company for Plumbing Work on Steel Building for the Street Division, as specified, on a lump sum basis, representing a total price of \$1,897.00.

The following bids were received:

Toomey Brothers Plumbing & Heating Co.	\$ 1,897.00
Mecklenburg Plumbing Company	\$ 1,961.00
Acme Plumbing & Supplies, Inc.	\$ 1,967.00
Tompkins-Johnston Plumbing & Heating Co.	\$ 2,412.00

CONTRACT AWARDED ACME PLUMBING & SUPPLIES COMPANY FOR HEATING STEEL BUILDING FOR STREET DIVISION.

Councilman Dellinger moved the award of contract to the low bidder, Acme Plumbing & Supplies Company, for Heating Steel Building for the Street Division, as specified, on a lump sum basis, representing a total price of \$1,493.00. The motion was seconded by Councilman Whittington, and unanimously carried.

The following bids were received:

Acme Plumbing & Supplies Company	\$ 1,493.00
Toomey Bros. Plumbing & Heating Co.	\$ 1,549.00
Engineering, Inc.	\$ 1,592.00
Tompkins-Johnston Plumbing & Heating Co.	\$ 1,980.00
Southern Piping & Engineering Co.	\$ 1,985.00
Reliance Engineering Co.	\$ 2,432.00

CONTRACT AWARDED YANDLE ELECTRIC COMPANY FOR ELECTRICAL WORK ON STEEL BUILDING FOR STREET DIVISION.

Upon motion of Councilman Dellinger, seconded by Councilman Whittington, and unanimously carried, contract was awarded the low bidder, Yandle Electric Company, for the electrical work on a Steel Building for the Street Division, as specified, on a lump sum basis, representing a total price of \$528.00.

The following bids were received:

Yandle Electric Company	\$ 528.00
Robinson Electric Co.	\$ 770.00
Lawing Electric Co.	\$ 881.00
Broadhurst-Allen Electric Co.	\$ 990.00
Austin Electric Co.	\$ 1,084.00

TRANSFER OF CEMETERY LOT.

Motion was made by Councilman Babcock, seconded by Councilman Whittington, and unanimously carried, authorizing the Mayor and City Clerk to execute a deed with Mrs. Brittie Harrison and Family for Lots 87 and 88, in Section 6, Oaklawn Cemetery, at \$400.00.

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ACCOUNTING DEPARTMENT EMPLOYEE DECIDES AGAINST ASSUMING DUTIES OF ACTING CLERK OF RECORDER'S COURT BECAUSE OF HEALTH.

Mr. Livingston, Acting City Manager, stated for the record that he and Mr. Veeder, City Manager, this morning selected a man from the Accounting Department to serve as Acting Clerk of Recorder's Court; however, as the man has stomach ulcers, he decided against assuming the duties.

ADJOURNMENT.

Upon motion of Councilman Alba, seconded by Councilman Babcock, and unanimously carried, the meeting was adjourned.

Lillian R. Hoffman
Lillian R. Hoffman, City Clerk