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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 8, 1960, at 4 o'clock p.m., with Mayor Smith presiding, and Councilmen Albea, Babcock, Dellinger, Hitch, Myers, Smith and Whittington being present.

ABSENT: None.

\* \* \* \* \*

#### INVOCATION.

The invocation was given by Councilman Claude L. Albea.

#### APPROVAL OF MINUTES.

Upon motion of Councilman Hitch, seconded by Councilman Whittington, and unanimously carried, the Minutes of the last meeting on February 1st were approved as submitted.

#### AMBULANCE SERVICE TO BE DISCONTINUED BY WHITE FUNERAL DIRECTORS ON APRIL 1, 1960.

Mr. James R. Bryant, representing the Funeral Directors, advised the Council that since appearing before Council on January 25th when they stated they would discontinue emergency ambulance service after March 1st, the white directors have met and have decided to stop furnishing ambulance service entirely after April 1st, and will extend their deadline on emergency service to that date. Mr. Bryant stated the Funeral Directors so acting are Hovis Funeral Home, Hankins-Whittington Funeral Directors, Miller-Kerns Funeral Directors, McEwen Funeral Services and Harry & Bryant Company.

He advised that if they can be of any service to the Council in establishing an ambulance service they will be glad to so so but as of April 1st the present white ambulance service will be discontinued.

Mayor Smith stated this is a bad time to have this laid in the City's lap, as we do not have funds budgeted to take care of it. Mr. Bryant stated they feel there is a solution to the problem and think it can be handled without any appreciable cost to the city.

Councilman Smith, Chairman of the Council's Ambulance Service Committee, stated he has attempted to have a meeting and will now set a tentative date to meet on Friday. Mr. Bryant stated they will be glad to meet with the Committee at any time.

#### PROTEST AGAINST ALLEGED INTERFERENCE OF CITY PERSONNEL IN CIVIL SUIT OF JOHN C. BENNETT IN SUPERIOR COURT.

Mr. John C. Bennett presented the following statement to the Council following which he stated he would like to appear at some future time and submit a detailed report. Mayor Smith advised Mr. Bennett he was welcome to attend the Council Meetings at any time he wishes:

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"3406 Washburn Avenue  
Charlotte, N. C.  
February 8, 1960

To the Charlotte City Council  
Charlotte, N. C.

Gentlemen:

On November 2, 1959 I appeared before the City Council to protest what appeared to be interference by the City Manager in a civil suit in the Superior Court of Judge Hugh Campbell, in which I was the plaintiff. This suit was for damages for malicious prosecution without probable cause in which it appeared that the Solicitor of the City Court, Mr. George Miller, had entered into a conspiracy with other members of the bar and other persons to prosecute me on criminal charges of which I was found not guilty, and there was some illegal and unethical procedure of the part of Miller which justified a report to the City Council.

At that time I did not ask the Council to take action, because during the discussion it was disclosed that certain of my correspondence intended for the City Council had been intercepted by Judge Howard Arbuckle, and presumably it was Judge Arbuckle who interfered illegally in my civil suit. I believe I stated that I wanted these statements to be entered on the minutes of the meeting and received as information, pending study of the law relating to this unexpected development.

I now have an opinion from the Attorney General of North Carolina, in which he indicates that there has been civil and criminal violation of Federal Statutes concerning Civil Rights.

It is possible that Mr. Veeder and Judge Arbuckle and other officials have, in the course of this and related proceedings, rendered the City of Charlotte, and themselves as individuals, liable for civil damages under 42 USCA 1983 and 42 USCA 1985 (3).

I respectfully submit that this interference in Superior Court by Judge Arbuckle and City Manager Veeder is a very serious offense, in that it had the effect of denying to me the only defense available against malicious abuse of the law by court officers and others. This particular case was one of a long series of malicious prosecutions in which there has clearly been conspiracy for forgery and extortion, and bad faith on the part of the bar, the judiciary, and the part which controls the administration of the City of Charlotte and Mecklenburg County. There has been a consistent pattern of malicious civil and criminal prosecution with illegal interference and private one-sided appearances before the courts, and submission of forged evidence in secret without permitting examination or defense by me, such as the recent act of Judge Arbuckle and other instances.

The entire affair very closely parallels the famous Dreyfus Case, except that in the instant case, the conspiracy, forgery, extortion, and illegal procedure have been in the City, State and Federal civil and criminal courts, and in the bar, while in the Dreyfus Case, the illegal procedure was in the military court, and Dreyfus had recourse to the civilian courts and assistance by the bar, which I have been illegally denied.

I now request that the Council take action on this matter. In this connection, I am prepared to submit a detailed report at the next meeting of the Council, and I sincerely believe, and I have been so advised, that such a report will justify extensive investigation and action.

I also request that this petition be entered on the minutes of the Council.

Respectfully submitted,

(Signed) John C. Bennett"

PROTEST OF RESIDENTS AGAINST ERECTION OF ADDITION TO CITY'S RADIO SHOP  
AT 2400 THE PLAZA.

Mr. Ralph Clontz, Attorney, representing fifteen property owners in the vicinity of 2400 The Plaza, appeared before Council in protest of the City building an addition to the Traffic Engineering Department Radio Shop at 2400 The Plaza. He advised that the Building Inspection Department refused to issue a permit for the addition, as the existing building was nonconforming to the zone; that the Traffic Engineering Department appealed to the Zoning Board of Adjustment against the ruling of the Building Inspection Department and the variance was granted and the addition was constructed immediately. Mr. Clontz stated the building is in violation of the deed restrictions; that the residents in the vicinity have long been disturbed by radios in the shop playing at all hours and it is assumed that the noise will be even greater from a larger operation. He advised that the residents feel it is unfair of the city to make a law, by which citizens must abide and then for the City to ignore and violate the same law itself. That their only recourse is the courts and they do not feel they should have to go to the Courts for justice. He stated further if the Shop was a necessary function for the Police or Fire Departments, the residents would bear the noise without question but it is simply a Repair Shop and the city owns property where the shop could be located and not disturb the residents or violate the zoning laws. Councilman Dellinger asked the City Attorney if the Council can over-rule the Zoning Board of Adjustment? Mr. Shaw replied that he was consulted by the Building Inspection Department as to issuing the building permit for the addition, and he advised they could not do so under the zoning laws. That Mr. Clontz is asking the Council as the employers of the members of the Board of Adjustment to rescind their action. Mr. Clontz advised that Mr. Hoose, Traffic Engineer and also the Board of Adjustment were put on notice by his clients that this was a violation of the city and state laws. He asked that the Council give the proper consideration to the petition for the removal of the building.

ORDINANCE NO. 642 AMENDING ZONING ORDINANCE TO CHANGE ZONING FROM R-2  
TO O-I ON PROPERTY FRONTING ON PROVIDENCE ROAD ADJACENT TO LIBRARY,  
ADOPTED.

Upon motion of Councilman Albea, seconded by Councilman Smith, and un-animously carried, Ordinance No. 642 Amending the Zoning Ordinance by changing the Building Zone Map from R-2 to O-I on property fronting on Providence Road adjacent to the Library on petition of A. H. and Aileen Cash was adopted as recommended by the Planning Board. Councilman Myers remarked that in following the recommendation of the Planning Board, the Council may as well rezone the entire block from Queens Road to Hermitage Road, for there will be other similar requests. The ordinance is recorded in full in Ordinance Book 12, at Page 451.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON MARCH 21ST ON ORDINANCE NO.  
652 TO AMEND THE PERIMETER ZONING ORDINANCE TO ESTABLISH OFFICE-INSTITUTION  
CLASSIFICATION IN THE PERIMETER AREA, ON PETITION OF PARK ROAD CITIZENS,  
ADOPTED.

A Resolution Providing for a Public Hearing on March 21st on Petition of Park Road Citizens that the Perimeter Zoning Ordinance be amended to establish an Office-Institution Classification in the perimeter area, was introduced and read, and upon motion of Councilman Albea, seconded by Councilman Whittington, was unanimously adopted. The resolution is recorded in Resolutions Book 3, beginning at Page 453.

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RESOLUTION PROVIDING FOR PUBLIC HEARING ON MARCH 21ST ON ORDINANCE NO. 653 AMENDING PERIMETER ZONING ORDINANCE, ON PETITION OF W.C. BUNTING AND WIFE AND P.V. CARPENTER, ADOPTED.

A Resolution Providing for a Public Hearing on March 21st on Petition of W. C. Bunting and wife and P. V. Carpenter to amend the Perimeter Zoning Ordinance by changing zoning on property on Eastway Drive, between Shamrock Drive and Springway Drive, from R-1 and R-2 to B-1, was introduced and read. Councilman Albaea moved the adoption of the resolution, which was seconded by Councilman Whittington, and unanimously carried. The resolution is recorded in full in Resolutions Book 3, at Page 456.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON MARCH 21ST ON ORDINANCE NO. 654 AMENDING THE PERIMETER ZONING ORDINANCE, ON PETITION OF AMITY COUNTRY CLUB, INC. ADOPTED.

A Resolution Providing for a Public Hearing on March 21st on Petition of Amity Country Club, Inc., to amend the Perimeter Zoning Ordinance by changing property fronting on Sharon-Amity Road from R-1 to R-2 on petition of Amity Country Club, Inc., was introduced and read. Councilman Albaea moved the adoption of the resolution, which was seconded by Councilman Whittington, and unanimously carried. The resolution is recorded in full in Resolutions Book 3, at Page 457.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON MARCH 21ST ON ORDINANCE NO. 655 AMENDING THE PERIMETER ZONING ORDINANCE, ON PETITION OF ERVIN CONSTRUCTION COMPANY, ADOPTED.

A Resolution Providing for a Public Hearing on March 21st on Petition of P & N Railroad Company to amend the Perimeter Zoning Ordinance by changing property on Hoskins Road from B-1 to Industrial, was introduced and read. Councilman Albaea moved the adoption of the resolution, which was seconded by Councilman Whittington, and unanimously carried. The resolution is recorded in full in Resolutions Book 3, at Page 458.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON MARCH 21ST ON ORDINANCE NO. 656 AMENDING THE PERIMETER ZONING ORDINANCE, ON PETITION OF PARK ROAD CITIZENS, ADOPTED.

A Resolution Providing for a Public Hearing on March 21st on Petition of Park Road Citizens to amend the Perimeter Zoning Ordinance by changing property on the west side of Park Road, from near Woodlawn Road to the Park Road Baptist Church property, from R-1 and R-2 to Office-Institution, was introduced and read. Councilman Albaea moved the adoption of the resolution, which was seconded by Councilman Whittington, and unanimously carried. The resolution is recorded in full in Resolutions Book 3, at Page 459.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON MARCH 21ST ON ORDINANCE NO. 657 AMENDING THE CHARLOTTE ZONING ORDINANCE, ON PETITION OF MARSH LAND COMPANY, ADOPTED.

A Resolution Providing for a Public Hearing on March 21st on Petition of Marsh Land Company to amend the Charlotte Zoning Ordinance by changing property on both sides of Camp Greene Street, south of Freedom Drive, from R-2 to B-1, was introduced and read, and upon motion of Councilman Albaea, seconded by Councilman Whittington was unanimously carried. The resolution is recorded in full in Resolutions Book 3, at Page 460.

PAYMENT AUTHORIZED FROM SEWER BOND FUND TO TALIAFERRO, GRIER, PARKER & POE, ATTORNEYS FOR LEGAL SERVICES IN SECURING RIGHTS-OF-WAY FOR SANITARY SEWER TRUNKS IN ANNEXED AREA.

Councilman Smith moved that payment of \$830.00 be made to Taliaferro, Grier, Parker & Poe, Attorneys for legal services in securing rights-of-way for sanitary sewer trunks in the annexed area. Councilman Dellinger asked the City Attorney if it is necessary for the city to employ outside attorneys to do this work when the City has two attorneys. Mr. Shaw stated he has only handled one or two of these matters himself and the work was previously done by Mr. McLain when he was Tax Attorney for the city; however, this particular work has been completed by the Attorneys in question and they are due payment. The motion was seconded by Councilman Albea, and unanimously carried. Councilman Dellinger requested the City Manager to discuss with Mr. Wilmoth, Tax Attorney, the handling of these matters in the future.

CONTRACTS AUTHORIZED WITH MARSH REALTY ASSOCIATES, INC. AND NEIL M. CRAIG FOR INSTALLATION OF WATER MAINS.

Upon motion of Councilman Albea, seconded by Councilman Babcock, and unanimously carried, the following contracts were authorized for the installation of water mains:

- (a) Contract with Marsh Realty Associates, Inc., for the installation of 800-ft. of water mains in McCrorey Heights Subdivision, inside the city limits, at an estimated cost of \$1,280.00. The City to finance all costs and the Applicant to guarantee an annual gross water revenue equal to 10% of the total construction cost.
- (b) Contract with Neil M. Craig for the installation of 3,825-ft. of water mains in the Robinhood Dell Development belonging to Mr. Craig, inside the city limits, at an estimated cost of \$12,000.00. The city to finance all costs and Applicant to guarantee an annual gross water revenue equal to 10% of the total construction cost.

CONTRACT AWARDED CREECH MOTORCYCLE COMPANY FOR MOTORCYCLES.

Councilman Whittington moved the award of contract to the low bidder, Creech Motorcycle Company for 4 solo motorcycles, as specified, at a total net delivered price of \$6,450.80. The motion was seconded by Councilman Babcock, and unanimously carried.

The following net delivered bids were received:

Creech Motorcycle Company	\$ 6,450.80
Sparkey's Harley-Davidson Sales Company	\$ 6,530.00
Informal bid received after appointed time for receiving bids.	
Harley-Davidson Motor Company	\$ 6,474.80
Informal bid received after appointed time for receiving bids.	

CONTRACT AWARDED MERSON UNIFORM COMPANY, INC. FOR 462 UNIFORM SHIRTS FOR POLICE DEPARTMENT.

Upon motion of Councilman Whittington, seconded by Councilman Babcock, and unanimously carried, contract was awarded Merson Uniform Company, Inc., for a supplementary order of 462 uniform shirts to their bid of December 4, 1959, on the same unit price basis of \$3.24, representing a net delivered price of \$1,496.88.

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CONTRACT AWARDED PARNELL-MARTIN SUPPLY COMPANY FOR C.I. SOIL PIPE AND FITTINGS.

Upon motion of Councilman Albea, seconded by Councilman Whittington, and unanimously carried, contract was awarded the low bidder, Parnell-Martin Supply Company, for 23,250 ft. of 4 and 5-inch Cast Iron Soil Pipe and 800 Fittings, as specified, on a unit price basis, representing a total bid of \$15,040.66, subject to cash discount of \$300.81, representing a net delivered price of \$14,739.85.

The following net delivered bids were received:

Parnell Martin Supply Company	\$14,739.85
Crane Company	\$14,751.69
Horne-Wilson, Inc.	\$14,770.48
Hajoca Corporation	\$14,771.41
Atlas Supply Company	\$14,774.25

CONSTRUCTION OF SANITARY SEWER MAINS AUTHORIZED.

Motion was made by Councilman Albea, seconded by Councilman Hitch, and unanimously carried, authorizing the construction of sanitary sewer mains as follows:

- (a) Construction of 150-ft. of 8-inch sewer main in Grace Street, inside the city limits, at request of Trotter-Nance Construction Company, to serve one family unit, at an estimated cost of \$580.00. All cost to be borne by applicant, with refund of his required deposit of \$500.00 as per terms of the contract.
- (b) Construction of 637-ft. of 8-inch sewer main and trunk in Andrill Terrace, at request of Mr. Horace Pittman, to serve 24 family units, at an estimated cost of \$1,810.00. All costs to be borne by the applicant, with refund of required deposit of \$1,810.00, as per terms of the contract.
- (c) Construction of 910-ft. of 8-inch sewer main in Blairmore Drive inside the city limits, at request of Mr. Neil M. Craig, to serve 18 vacant lots, at an estimated cost of \$2,945.00. All costs to be borne by the applicant, with refund of his required deposit of \$2,945.00, as per terms of the contract.

CONTRACT AUTHORIZED WITH DANCE FREIGHT LINES, INC., THURSTON MOTOR LINES AND BELL LINES, INC. FOR INSTALLATION OF WATER MAINS IN JOHNSON STREET.

Councilman Smith moved that contract be authorized with Dance Freight Lines, Inc., Thurston Motor Lines, and Bell Lines, Inc., for the installation of 2,300-ft. of water mains and 2 hydrants in Johnson Street, at an estimated cost of \$8,900.00. The City to finance all construction costs and applicants to guarantee an annual gross water revenue equal to 10% of the total construction cost. The motion was seconded by Councilman Albea, and unanimously carried.

PAYMENT AUTHORIZED TO HENRY G. NEWSON & COMPANY FOR OBTAINING RIGHTS-OF-WAY FOR SEWER TRUNK LINE EXTENSIONS TO SHERWOOD FOREST, ETC.

Upon motion of Councilman Whittington, seconded by Councilman Babcock, and unanimously carried, payment of \$235.00 was authorized to Henry G. Newson and Company, from the Sewer Bond Fund, for securing rights-of-way for sewer trunk line extensions to Sherwood Forest, Finchely Road, McDonald Heights and Lift Station site on Wilmount Road.

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TRANSFER OF CEMETERY LOT.

Councilman Babcock moved that that the Mayor and City Clerk be authorized to execute a deed with Miss Mary Beall Harper for the transfer of Lot 59, Section I, Elmwood Cemetery, from Mrs. Florence B. Harper, at a cost of \$1.00. The motion was seconded by Councilman Albea, and unanimously carried.

DECISION ON SEWER EXTENSION POLICY DEFERRED ONE WEEK AND CITY MANAGER DIRECTED TO DRAFT NEW RESOLUTION.

The resolution drafted by the City Manager on a policy for future sewer extensions, encompassing the thinking of the Council in their conference together, was presented for consideration.

Councilman Myers led the discussion, stating he believes the Council is in agreement that it would be an abrupt change in policy not to reimburse applicants; however, he is definitely of the opinion that reimbursements should be paid from operating funds and not bond funds. He offered a motion that the Council adopt the plan as proposed, which puts the formula on the same basis as the Water Department and that funds be budgeted annually and not by bond issues. The motion was seconded by Councilman Babcock.

Councilman Whittington asked the City Engineer for the amount of revenue that would be produced under the 5% clause and Mr. Cheek replied it would be approximately \$8.00 per year or .67 cents per month. Councilman Smith pointed out that this would naturally not be sufficient to reimburse the applicant. Councilman Dellinger urged that no change be made in the present policy, as it will be necessary to issue bonds to meet the needs even if the policy is changed, therefore he can see no reason in such action.

Councilman Myers stated his motion does not embrace sewer expansion needs, which will have to be made from bond funds, but it is the annually recurring costs that should be met by operating or budgeted funds. He stated further he will never vote to reimburse the applicant from bond funds. Councilman Dellinger stated the change in policy will be unfair to the little fellow, and to the people in the annexed area.

Councilman Dellinger then offered a substitute motion that the present policy be continued, which was seconded by Councilman Albea.

Councilman Smith suggested that the present \$300 allowed per house connection and \$600 for mains might be reduced to \$200 or \$250, and Councilman Dellinger and Councilman Albea accepted this suggestion and included the \$250.00 per house connection and \$500.00 for mains in their previous motion.

Mr. Jack DeLaney, representing the developers and home owners discussed the proposed policy at length, expressing objections to many provisions, to the language being couched in terms whereby the City Engineer could have complete control and to the inclusion of the perimeter area, and stating that they think probably Councilman Dellinger is right in saying there is no logic in changing the present policy.

Mr. Veeder stated that if the policy remains as it now is, then there are no funds available to build new sewer mains.

Councilman Babcock stated in his opinion operating revenues are supposed to be used to defray operating expenses and bond funds for capital improvements and whatever method is adopted, the reimbursements should be from operating funds.

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The vote was taken on the substitute motion by Councilman Dellinger, and lost with the votes cast as follows:

YEAS: Councilmen Albea, Dellinger and Smith.

NAYS: Councilmen Babcock, Hitch, Myers and Whittington.

Councilman Myers offered an amendment to his original motion, that all property owners be reimbursed at a rate of \$ \_\_\_\_\_ in keeping with the original policy and funds be budgeted annually to meet the recurring costs.

Following the discussion, Councilman Hitch offered a substitute motion that the matter be deferred for one week and that the resolution be redrawn by the City Manager. The motion was seconded by Councilman Whittington, and carried with the votes cast as follows:

YEAS: Councilmen Hitch, Myers, Babcock and Whittington.

NAYS: Councilmen Albea, Dellinger and Smith.

Mr. Veeder then asked for particulars as to redrawing the resolution.

Councilman Myers stated he would like a recommendation from the City Manager as to an equitable amount as to reimbursements and the resolution be based on the policy in the past as to reimbursements and over and above that that it be charged to the bond fund.

CONSIDERATION OF REQUEST FOR PERMISSION TO ERECT BRIDGE OVER EAST FOURTH STREET TO CONNECT COURTHOUSE WITH ADDITION, DEFERRED UNTIL RULING OBTAINED FROM ATTORNEY GENERAL.

Mr. E. C. Griffith was present at the Council Meeting to express objections to the proposed construction of a bridge over East Fourth Street to connect the Court House with the County's new office building to be erected across Fourth Street. The City Attorney advised he has requested a ruling from the Attorney General Malcolm Seawell as to the legality of the city approving the construction of the bridge, which should be received within a few days. Mayor Smith stated that action on the request for the Council's approval of the bridge will be deferred until the ruling is received.

SOUTHERN BELL TELEPHONE COMPANY AUTHORIZED TO LOCATE WALK-UP TELEPHONES IN THE CENTRAL BUSINESS DISTRICT AND ADJACENT AREAS.

Councilman Smith moved that Southern Bell Telephone Company be authorized to place walk-up telephones on the city's right-of-way at twelve locations in the central business district, and adjacent areas of the city, subject to removal at the request of the City. Mr. Veeder, City Manager, advised that it is estimated by the Company that the yield to the City from the twelve phones, on a commission basis, will be \$51.00 per month. The motion was seconded by Councilman Hitch, and carried, with the votes cast as follows:

YEAS: Councilmen Babcock, Hitch, Myers, Smith and Whittington.

NAYS: Councilmen Albea and Dellinger.

MAXIMUM PENALTY ON CITY PRIVILEGE LICENSE FOR 1959-60 FIXED AT 25 PERCENT.

Upon motion of Councilman Dellinger, seconded by Councilman Whittington, and unanimously carried, the maximum penalty on City Privilege License for the fiscal year 1959-60 was fixed at 25%.

CLAIMS OF H.F. PORTER FOR DAMAGES TO PROPERTY AND OF ALBERT BAKER FOR PERSONAL INJURIES REFERRED TO CITY ATTORNEY.

Motion was made by Councilman Whittington, seconded by Councilman Albea, and unanimously carried, referring to the City Attorney for recommendation the claim of H. N. Porter for damages to his car by a defective manhole cover flipping and striking the car, and the claim of Albert Baker for personal injuries caused by stepping into an unguarded hole in North Tryon Street.

CORRECTION OF STORM DRAINAGE PROBLEM IN VICINITY OF ALTONDALE AVENUE, AUTHORIZED.

Mr. Veeder, City Manager, advised that an acute storm drainage problem exists in the vicinity of Altondale Avenue which should be corrected; that the Health Department has investigated on petition of the residents of the area, the condition and advises it constitutes a definite health hazard. He advised the affected property owners have agreed to pay for the necessary pipe and materials and the estimated cost to the city is \$1,200.00 covering labor costs. Upon motion of Councilman Whittington, seconded by Councilman Hitch, and unanimously carried, the Engineering Department was authorized to install the pipe to be furnished by the owners and \$1,200.00 was allocated from the Special Flood Relief Reserve Fund to cover the City's cost.

UNNAMED STREET LOCATED NORTH OF WILKINSON BOULEVARD AND EXTENDING WEST FROM MIDLAND AVENUE ASSIGNED NAME "AMERIGO STREET" AS REQUESTED BY RESIDENT OF STREET.

Upon motion of Councilman Hitch, seconded by Councilman Albea, and unanimously carried, the unnamed street located north of Wilkinson Boulevard and extending west from Midland Avenue was assigned the name "Amerigo" as requested by the only resident of the street, the Reverend Virgil O. McSwain, and approved by the Planning Board.

JOHNSON MOTOR LINES GRANTED PERMISSION TO CONNECT SANITARY SEWER LATERAL FROM NEW TERMINAL BUILDING OUTSIDE CITY LIMITS TO CITY'S TRUNK LINE.

Mr. Veeder, City Manager, presented a request from Johnson Motor Lines to connect a 6-inch sanitary sewer lateral from their new terminal, outside the city limits on US-29 Bypass, to the City's trunk line serving the SAL Railway Company's Industrial Subdivision; he stated the City Engineer advises this is in the Irwin Creek drainage area and the Plant has ample capacity to take care of the flow from the terminal. Mr. Veeder stated the problem is that the Terminal is located outside the city.

Councilman Myers stated this is one of the firms he referred to last week in asking the City Manager and City Engineer for a report on their recommended policy of servicing plants outside the city. He asked Mr. Veeder if the connection is allowed will it jeopardize the health and welfare of the community? Mr. Veeder stated it is a matter as to where to draw the line; that if many similar requests are approved it would do so. It was pointed out by the City Engineer that Johnson Motor Lines asked at the time of their new terminal was started, about a year ago, if there was a trunk line available, and they were told there was. Councilman Smith moved that permission be granted them to connect to the city's trunk line. The motion was seconded by Councilman Dellinger, and unanimously carried. Councilman Myers stated he thinks the Council will need a rule-of-thumb on these outside connections.

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BIDS AUTHORIZED RECEIVED ON PARKING METERS FOR AIRPORT PARKING LOT.

Upon motion of Councilman Babcock, seconded by Councilman Whittington, and unanimously carried, bids were authorized received on parking meters for the Airport parking lot, based on alternate financing of the meters.

INVESTIGATION OF DISPOSITION OF PROPERTY STORED IN CLERK OF RECORDER'S COURT OFFICE VAULT ORDERED CONTINUED AND REPORT OF FINDINGS TO BE MADE TO COUNCIL BY CHIEF JAMES.

Mayor Smith stated the Council is aware of his feeling relative to the probe of the Clerk of Recorder's Court office; however, after having had recent discussions with Judge Arbuckle, Solicitor Walker, the City Attorney, City Manager and Chief of Police, he finds there is no way to get a conviction even if the city prosecuted any of the inequities presented in the Chief's report and the investigation has been taken as far as it can go, therefore he recommends the following:

The purpose of this report is to review discussions held during the last several days among several persons familiar with the recent problems that developed in the operation of the Office of Clerk of the Recorders Court. Those who have participated in discussions include Mayor Smith, Judge Arbuckle, Solicitor Walker, Attorney Machen, City Manager Veeder and Chief James. After reviewing all facets of the recent happenings involving the Office of the Court Clerk, it is the opinion of all that no useful purpose would be served by going further with the review. This opinion is based, in large measure, on the non-specific wording in the statute dealing with the disposition of certain types of evidence.

Although it does not appear desirable to pursue the subject further, all are of the opinion that recent events have served a useful purpose in that a poor situation was brought to light and definite steps have and are being taken to preclude a similar reoccurrence.

It is suggested that the episode be considered closed. At the same time, it is recommended that:

1. Appropriate legislation be prepared for the next session of the General Assembly that would have the net effect of clarifying responsibility for all phases of the operation of the City's Recorders Court, and
2. Efforts be made to improve physical facilities, and
3. Steps be taken to appoint a new Clerk and adequate staff to handle the ever increasing work load.

Mayor Smith stated also that there were a number of matters presented on the Report stating certain evidence was unaccounted for, and that part will be continued and if evidence brought forward he would present it to Council.

Councilman Dellinger stated that because of all this three persons in the Office resigned under duress and he wanted to know what the Council is going to do about them?

Councilman Smith moved that the Mayor's report be accepted and approved. The motion lost for lack of a second.

Councilman Dellinger protested stopping the investigation as there have been irregularities and these persons resigned; that he thinks everyone should be cleared and then put back to work and the probe be continued

and see that proper measures are taken to assure that it does not happen again; that it should all be aired and not whitewashed in this manner. He stated further that he is the one that was ridiculed and pointed out by Judge Arbuckle, but he still proposes to see that everyone is treated right and treated alike.

Councilman Whittington stated that this has been an administrative matter poorly handled, and some employees reputations have been at stake; that he feels the investigation should go on and if anything wrong has been done it should be brought out. He stated he has great respect for Solicitor Walker but he can be wrong and judgement in the matter should be left with the people.

Councilman Babcock stated he is very interested in removing any blight from the name of Mr. Cook ~~and if he is not guilty then he should go back to work.~~

the words marked out.

Councilman Whittington stated that Mr. Cook was told to resign and if he did not by Monday of last week, then he would be asked to do so; that the only charge the Council has against him is that he allowed people to go into the vault in his office. That he wishes the investigation continued.

Mayor Smith stated if the Council is not satisfied, then to name an investigation body and let them report to them.

Councilman Whittington moved the adoption of the Report as amended, which was seconded by Councilman Hitch, and unanimously carried:

The purpose of this report is to review discussions held during the last several days among several persons familiar with the recent problems that developed in the operation of the Office of Clerk of the Recorder's Court. Those who have participated in discussions include Mayor Smith, Judge Arbuckle, Solicitor Walker, Attorney Machen, City Manager Veeder and Chief James. After reviewing all facets of the recent happenings involving the Office of the Court Clerk, it is the opinion of all that no useful purpose would be served by going further with the review. This opinion is based, in large measure, on the non-specific wording in the statute dealing with the disposition of certain types of evidence.

All are of the opinion that recent events have served a useful purpose in that a poor situation was brought to light and definite steps have and are being taken to preclude a similar reoccurrence.

Chief James is requested to continue his investigation of the disposition of all property covering the period that the previous incumbent was in office which was stored in the vault of the Clerk of the Court and present his findings in a report to the Council as soon as possible.

It is further recommended that:

1. Appropriate legislation be prepared for the next session of the General Assembly that would have the net effect of clarifying responsibility for all phases of the operation of the City's Recorders Court, and
2. Efforts be made to improve physical facilities, and
3. Steps be taken to appoint a new Clerk and adequate staff to handle the ever increasing work load.

Corrected  
2-15-60  
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eliminating

CITY MANAGER REQUESTED TO HAVE ALL DEPARTMENTS DETERMINE THEIR BOND FUND NEEDS FOR NEXT TWO OR THREE YEARS.

Councilman Dellinger stated that Chief Charles and Mr. Franklin are in the process of trying to determine their needs in bond funds for the next two or three years and he would like Mr. Veeder to ask all departments to determine their needs as soon as possible so the Council can have a clear picture of the entire situation and act accordingly. Councilman Whittington requested the City Manager to ascertain the amount of bonds the City can issue.

CITY MANAGER REQUESTED TO FURNISH LIST OF APPLICANTS FOR POSITION OF CLERK OF RECORDER'S COURT, GIVING QUALIFICATIONS AND BACKGROUND.

Mr. Veeder, City Manager, advised Council he has received six applications for the position of Clerk of Recorder's Court. When asked for a recommendation, Mr. Veeder stated at this time his choice would be Mr. Raymond Stultz, on an Acting Clerk basis to determine his fitness for the work. He stated that Mr. Stultz has been a resident of Charlotte since 1958, and previously served as Clerk of Court in Roanoke, Virginia; that he has checked his record with several sources in Roanoke and everyone has spoken highly of him.

Councilman Dellinger moved that the appointment be deferred one week, and the City Manager furnish the Council a list of all applicants, giving their qualifications and background. The motion was seconded by Councilman Whittington, and unanimously carried.

RESOLUTION REQUESTING CHARLOTTE CITY SCHOOL BOARD TO EXERCISE DILIGENT CARE IN THE DESIGN AND CONSTRUCTION OF ALL FUTURE FACILITIES, ADOPTED.

Councilman Babcock introduced the following resolution, and moved its adoption. The motion was seconded by Councilman Hitch, and unanimously carried:

"With full recognition of the fact that the Charlotte City School Board is a duly elected body responsible only to the electorate, we, as the governing and tax-levying body of the City, nevertheless feel compelled to adopt the following resolution:

WHEREAS, the capital outlays facing the City of Charlotte in the foreseeable future are so staggering for sewage disposal facilities, hospitals, thoroughfare programs, airport expansion, perimeter fire stations, urban redevelopment, and

WHEREAS, existing tax sources are already approaching unbearable limits, occasioning the Mayor to appoint a tax study committee to find other sources, and

WHEREAS, undue lavishness is not necessarily compatible with either beauty, function or utility,

NOW, THEREFORE, BE IT RESOLVED, that the Charlotte City School Board be requested to exercise diligent care in the design and construction of all educational facilities toward the highly desirable and practical goal of obtaining maximum value for every dollar expended. This body will likewise impose upon itself a similar resolution for the projects which it authorizes."

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HEALTH CENTER AUDITORIUM NAMED "HAMILTON MCKAY AUDITORIUM" IN HONOR OF DR. HAMILTON W. MCKAY.

Councilman Smith moved that the new Health Center auditorium be named Hamilton McKay Auditorium in honor of Dr. Hamilton W. McKay, who has been a member of the Health Advisory Committee since its creation and outstanding in public health activities and in the medical life of Charlotte. The motion was seconded by Councilman Babcock, and unanimously carried.

REPORT OF PRIVILEGE LICENSE SCHEDULE, WITH RECOMMENDED CHANGES, PRESENTED COUNCIL BY CITY MANAGER.

Mr. Veeder presented the Mayor and Council with copies of a Report on the present Privilege License Schedule, together with recommended changes.

ADJOURNMENT.

Upon motion of Councilman Hitch, seconded by Councilman Albea, and unanimously carried, the meeting was adjourned.

Lillian R. Hoffman  
Lillian R. Hoffman, City Clerk