

July 1, 1953  
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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, July 1, 1953, at 4:00 o'clock p.m., with Mayor Van Every presiding, and Councilmen Albea, Baxter, Boyd, Brown, Dellinger, Smith and Wilkinson present.

Absent: None.

#### INVOCATION.

The invocation was given by Councilman Claude L. Albea.

#### MINUTES APPROVED.

Upon motion of Councilman Dellinger, seconded by Councilman Baxter, and unanimously carried, the Minutes of the regular and special meetings on June 24th were approved as submitted.

HEARING CONTINUED UNTIL JULY 8TH ON ORDINANCE NO. 180 AMENDING ZONING ORDINANCE TO CHANGE ZONING ON THREE LOTS AT INTERSECTION OF JEWELL AND ALEXANDER STREETS IN GRIERTOWN.

Upon motion of Councilman Albea, seconded by Councilman Dellinger, and unanimously carried, the hearing relative to Ordinance No. 180 Amending the Zoning Ordinance to change the zoning from R-2 to B-1 on three lots at Jewell and Alexander Streets in Griertown was continued until 11 o'clock a.m., on Wednesday, July 8th, as requested by the petitioner, Mr. W. J. Crosby.

INVESTIGATION ORDERED RELATIVE TO COMPLAINT OF R. H. STONE AS TO ARREST OF WILL CROW AND FINES RESULTING THEREFROM.

Mr. R. H. Stone, Executive Secretary of Mecklenburg Presbytery, appeared before Council and reviewed the details of the arrest of Will Crow, 2215 Fairway Lane, who is a part-time worker for Mecklenburg Presbytery. Mr. Stone advised that Mr. Crow was arrested on a charge of an alleged traffic violation on the night of June 18th when it was found that his driver's license had expired, was accused of being drunk and that he was held without privilege of bond. Also, that a total of \$37.00 in fines, court costs and jail fees was paid by him. Mr. Stone stated further that it is their opinion that Mr. Crow was not treated right; should have been given the privilege of making bond, and the \$3.50 for meals in jail should not have been charged him, and that the court cost should be remitted. He asked that the matter be investigated and an apology be extended Mr. Crow by the Policeman making the arrest.

Mayor Van Every stated that he is interested in the welfare of all of the citizens of Charlotte and their proper treatment by any and all city employees, and he recommended to the Council that the matter be investigated.

Councilman Albea moved that the Mayor and City Manager make a thorough investigation of the incident. The motion was seconded by Councilman Wilkinson, and unanimously carried.

HOOR FOR REGULAR COUNCIL MEETINGS CHANGED TO 11 O'CLOCK ON WEDNESDAY OF EACH WEEK.

Councilman Brown stated that due to the hot weather and the fact that the Council will all be fresher mentally and physically, and that it will not keep certain city employees overtime in the afternoon, he moved that for the time being the Council change the regular meeting hour to 11 o'clock a.m. each Wednesday beginning next Wednesday, July 8th. The motion was seconded by Councilman Wilkinson.

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A special meeting of the City Council of the City of Charlotte was held at 9:30 p.m. in the Office of the City Manager pursuant to authority of Section 26 of the City Charter.

Mayor Van Every presided and Councilmen Albea, Baxter, Boyd, Brown, Dellinger, Smith and Wilkinson were present and all giving their consent to hold such meeting.

In the absence of the City Clerk and Deputy City Clerk, Mr. George B. Livingston was selected by acclaim as City Clerk for this special session only.

PURPOSE OF MEETING.

After the meeting was called to order by the Mayor, Councilman Boyd requested and was granted the floor, at which time he explained his purpose in requesting the Special Session of the Council, which was to rescind the Resolution passed at the afternoon session.

RESOLUTION REQUESTING THE CIVIL SERVICE COMMISSION TO MAKE INVESTIGATION RELATIVE TO POLICE DEPARTMENT RESCINDED.

Councilman Boyd directed the attention of the Board to a resolution passed by the City Council at the afternoon session, which resolution called upon the Civil Service Commission to make certain investigations relative to the Police Department, with particular reference to working conditions, compensation, and the general morale of the employees of the departments. He pointed out the use of the word investigate which he felt was not expressive of the true motives and purposes of the resolution and moved that it be rescinded. This motion was seconded by Councilman Baxter and was carried by the following recorded vote:

AYES: Councilmen Albea, Baxter, Brown, Boyd, and Dellinger.

NAYS: Councilmen Smith and Wilkinson.

CITY MANAGER REQUESTED TO MAKE A STUDY OF POLICE DEPARTMENT PERTAINING TO DIFFICULTY IN OBTAINING PROPER PERSONNEL AND REPORT TO COUNCIL.

Councilman Boyd made the following motion:

Whereas it has come to the attention of the City Council that the Civil Service Commission is having difficulty in obtaining proper personnel of the City Police Department and therefore I move that the City Manager make a study of this particular matter and report to the City Council within thirty days. The Motion was seconded by Councilman Baxter,


Councilman Smith made the following substitute motion "That the Civil Service Commission and the City Manager be instructed to make a study of the Police Department, pertaining to working conditions, compensation, and all matters that have any effect on the securing of efficient and happy personnel in the Police Department and that the Civil Service Commission and City Manager provide this Council with their findings together with their recommendations. Motion seconded by Councilman Brown and after discussion, Mayor Van Every called for a vote upon the substitute which was carried by the following recorded vote:

AYES: Councilmen Smith, Brown, Albea and Wilkinson.

NAYS: Councilmen Baxter, Boyd and Dellinger.

ADJOURNMENT.

Upon motion made and seconded, the meeting was adjourned.

  
G. B. Livingston,  
City Clerk for Special Session

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Councilman Baxter objected to the change in that it would work a hardship on him and other Councilmen to be away from business during the morning hours. Councilman Dellinger also expressed opposition to the change to a morning meeting and stated it would work an injustice on him and other members.

Councilman Baxter offered a substitute motion that the Council Meetings be held every two weeks during July and August, instead of every week as at present. The motion was seconded by Councilman Dellinger.

Councilman Boyd stated he understood some of the Councilmen had a meeting regarding the matter, and it is his thought that matters of importance such as this should be discussed with the entire Council. That the majority of the Council makes their living in the morning hours, and that it will prove embarrassing to him in his legal practice to be away from business in the morning; also, that he feels the afternoon is a more proper time for meetings for the convenience of citizens wishing to attend - he asked that the matter be reconsidered. Councilman Brown stated that in his opinion more can be accomplished by the Council by meeting in the cool of the morning and it would be better for everyones temperament. Councilman Baxter then asked Councilman Wilkinson how he could second the motion for changing the hour when only two months ago he seconded the motion for the hour to be fixed at 4 o'clock p.m. Councilman Wilkinson replied that he could change his mind after considering the matter.

Councilman Albea expressed objections to meeting every other week, stating that the meetings are twice as long and become burdensome. Councilman Boyd then suggested that the meetings be held at 12 o'clock instead of at 11 o'clock as proposed.

The Mayor then called for a vote on the substitute motion by Councilman Baxter, which was lost, with the votes cast as follows:

YEAS: Councilmen Baxter, Boyd and Dellinger.  
NAYS: Councilmen Albea, Brown, Smith and Wilkinson.

The vote was then taken on the main motion by Councilman Brown, and carried, with the votes cast as follows:

YEAS: Councilmen Albea, Brown, Smith and Wilkinson.  
NAYS: Councilmen Baxter, Boyd and Dellinger.

Councilman Boyd stated he was going to assume that law prevails and no business will be transacted in the Mayor's office pertaining to public affairs. Councilman Dellinger stated he thought the meetings in the Mayor's office should be discontinued as it seems that he, Councilman Baxter and Councilman Boyd cannot vote with the other four Councilmen. Councilman Boyd then stated that he was not in agreement with Councilman Dellinger's remarks, that he believes there are no four men on the Council who are going to form a clique or clan. But if so, for the welfare of the people of Charlotte he proposes to let it be known far and wide. That it will not do, is bad business and is unfair to the citizens of Charlotte.

Councilman Baxter then asked Councilman Brown if he did not have a meeting with a few of the Councilmen regarding this matter; Councilman Brown replied that he did not, that it was discussed by three of the men who happened to meet at a luncheon. Councilman Albea stated that he did not ask anyone to vote on having the Council meetings held in the morning.

CIVIL SERVICE COMMISSION REQUEST THAT COUNCIL RECONSIDER INSTRUCTIONS THAT THEY MAKE STUDY OF POLICE DEPARTMENT AND RECOMMENDATION THAT SPECIAL COMMITTEE BE APPOINTED TO MAKE SAID STUDY, TABLED TEMPORARILY.

Mayor Van Every presented the following letter from Mr. Alfred E. Smith, Chairman of the Civil Service Commission:

July 1, 1953

"Mayor Philip L. Van Every, and  
Members of the City Council,  
City of Charlotte, North Carolina

Gentlemen:

At a meeting today the Civil Service Commission and the  
City Manager, sitting as a Joint Body, unanimously approved  
presenting the following letter to the City Council:

That the Civil Service Commission could best continue  
to serve the City in an impartial manner if it continues  
to perform the same kind of duties as in the past;  
accordingly, we recommend that the City Council reconsider  
the matter, and, further recommend that a special committee  
be appointed to study the Police Department.

If after reconsideration the City Council still desires  
that we study the Police Department as outlined in the  
motion by Councilman Smith adopted on June 24th, please  
be assured we are at your service.

Very truly yours,

(Signed) Alfred E. Smith

Chairman  
Civil Service Commission "

aes/h

Councilman Smith moved that all action on the question be tabled  
temporarily. The motion was seconded by Councilman Brown, and unanimously  
carried.

ORDINANCE NO. 184 AMENDING THE ELECTRICAL CODE TO REQUIRE NOTICE OF BEGINNING  
WORK, TO REWRITE FEES, TO PROVIDE OVER CURRENT PROTECTION FOR DWELLINGS AND  
TO PROVIDE INSTALLATION REQUIREMENTS.

An ordinance entitled: "Ordinance No. 184 Amending the Electrical  
Code to Require Notice of Beginning Work, to Rewrite Fees, to Provide Over  
Current Protection for Dwellings and to Provide Installation Requirements"  
was introduced and read. Upon motion of Councilman Albea, seconded by Council-  
man Wilkinson, and unanimously carried, the ordinance was adopted as read.  
The ordinance is recorded in full in Ordinance Book 11, beginning at Page 322.

RESOLUTION SETTING THE TENTATIVE TAX RATE FOR THE FISCAL YEAR BEGINNING  
JULY 1, 1953.

A resolution entitled: "Resolution Relative to Setting the  
Tentative Tax Rate for the City of Charlotte for the Fiscal Year Beginning  
July 1, 1953", was introduced and read. Councilman Dellinger moved the  
adoption of the resolution, which was seconded by Councilman Baxter, and  
unanimously carried. The resolution is recorded in full in Resolutions  
Book 2, at Page 117.

PUBLICATION, AND SALE IF NECESSARY, OF REAL ESTATE FOR THE NON-PAYMENT OF  
1952 TAXES.

Motion was made by Councilman Brown, seconded by Councilman  
Smith, and unanimously carried, authorizing the publication and sale, if  
necessary, of real estate for the non-payment of 1952 City taxes.

SETTLEMENT OF CLAIM OF W. T. PICKLESIMER FOR DAMAGES TO CAR.

Upon motion of Councilman Albea, seconded by Councilman Dellinger,  
and unanimously carried, the payment of \$12.50 was authorized to Mr. W. T.  
Picklesimer for cleaning and waxing his 1950 Ford for which he claimed damages  
from asphalt spray alleged to have been caused by the City's Street Machine.

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CONTRACT WITH ERVIN CONSTRUCTION COMPANY FOR CONSTRUCTION OF WATER MAIN AND HYDRANT IN GENEVA COURT.

Councilman Albea moved that contract be authorized with Ervin Construction Company for the construction of 725 feet of water main and one fire hydrant in Geneva Court, at an estimated cost of \$1,500.00, to be financed by the City with the applicant guaranteeing a gross annual water revenue equal to 10 percent of the said cost. The motion was seconded by Councilman Smith, and unanimously carried.

CONSTRUCTION OF SANITARY SEWER MAIN IN SOUTH TRYON STREET.

Upon motion of Councilman Albea, seconded by Councilman Wilkinson, and unanimously carried, the construction of 75 feet of 10 inch sanitary sewer main was authorized in South Tryon Street from East 2nd Street north, at an estimated cost of \$540.00 to be financed by the City.

CONSTRUCTION OF DRIVEWAY ENTRANCES AUTHORIZED.

Motion was made by Councilman Smith, seconded by Councilman Wilkinson, and unanimously carried, authorizing the construction of driveway entrances at the following locations:

- (a) One 10-foot driveway at 2608 Commonwealth Avenue.
- (b) One 20-foot driveway on Rensselaer Avenue and One 35-foot driveway on South Boulevard, both for Duke Power Company Substation at 1418 South Boulevard.

RENEWAL OF SPECIAL OFFICER PERMIT TO HENRY D. PRICE.

Upon motion of Councilman Albea, seconded by Councilman Smith, and unanimously carried, the Special Officer Permit issued to Mr. Henry D. Price for use on the premises of Lance, Inc., was renewed for one year.

TRANSFER OF CEMETERY LOT.

Motion was made by Councilman Dellinger, seconded by Councilman Albea, and unanimously carried, authorizing the transfer of Lot 246, in Section 4-A, Evergreen Cemetery, to Mr. Charlie Strate, for the sum of \$81.90.

RESOLUTION TO ADVANCE MONEY FROM GENERAL FUND TO THE FIRE STATION BOND FUND TO BE PAID BACK NOT LATER THAN JUNE 1, 1954.

A resolution entitled: "Resolution to Advance Money from the General Fund to the Fire Station Bond Fund to be Paid Back not Later than June 1, 1954", was introduced and read. Councilman Albea moved the adoption of the resolution, which was seconded by Councilman Wilkinson, and unanimously carried. The resolution is recorded in full in Resolutions Book 2, at Page 118.

ADJOURNMENT.

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

*Lillian R. Hoffman*  
City Clerk