

An Adjourned meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, in the City Hall, on Wednesday, January 3, 1962, at 3 o'clock p.m., with Mayor Brookshire presiding, and Councilmen Albea, Bryant, Dellinger, Jordan, Smith, Thrower and Whittington present.

ABSENT: None.

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INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Jordan, and un-animously carried, the Minutes of the last meeting on December 28, 1961 were approved as submitted.

ACTION ON SIGN REGULATIONS IN PROPOSED ZONING ORDINANCE DEFERRED.

Councilman Smith moved that action on the Sign Regulations in the Proposed Zoning Ordinance be deferred. The motion was seconded by Councilman Dellinger, and unanimously carried.

Councilman Bryant stated in his opinion unless the Sign Ordinance demonstrates there is a safety factor or property devaluation involved or that it very directly affects the welfare of the citizens, that he cannot go along with nor does he think it is a legitimate function of the Council, that he does not think the Council has any right to regulate a matter of taste, and it seems to him when you get beyond the office institution type of zoning you get out of that realm.

PAYMENT AUTHORIZED TO GRIER, PARKER, POE & THOMPSON FOR LEGAL SERVICES IN CONNECTION WITH RIGHT OF WAY ACROSS THE UNIVERSITY PARK PROPERTY OF C. D. SPANGLER CONSTRUCTION COMPANY.

Councilman Jordan moved approval of the payment of \$25.00 to Grier, Parker, Poe & Thompson for legal services in connection with the preparation of an agreement for right of way across the University Park property of C. D. Spangler Construction Company for sanitary sewer construction. The motion was seconded by Councilman Smith and unanimously carried. Councilman Whittington asked if this work was done before Mr Morrissey came with the City and why not done by the former City Attorney. Mr. Morrissey stated the Engineering Department farms out much of their title work in similar cases in order to get it done with dispatch.

PAYMENT AUTHORIZED TO MCDOUGLE, ERVIN, HORACK AND SNEPP FOR LEGAL SERVICES.

Upon motion of Councilman Bryant, seconded by Councilman Albea, and unanimously carried, the payment of \$693.50 was authorized to McDougale, Ervin, Horack & Snapp for legal services in connection with the following items:

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Title examination and certification of title of Lot 21 of Selwyn Park #9	\$ 65.00
Title examination and right of way agreement at Barnhardt Mfg. Co. on Hawthorne Lane	27.50
Title examination and right of way agreement across W. S. Clanton property to serve Terrybrook Subdivision	45.00
Right of way agreements for Admiral Avenue Sewer, property James L. Yost and Rosalie Deb Daniel	35.00
Preparation of right of way agreements for sanitary sewer trunk across J.A. Berry property to serve portion of 1960 annexation area	51.00
Title examination and right of way agreement involved in Pineville Tunnel Project	470.00
	<u>693.50</u>

Councilman Whittington stated he is tired of legal work and appraisals being done by outside firms without Council approval, and particularly by the same firm of attorneys. Councilman Dellinger advised that sometime ago Council authorized the City Manager to employ anyone he wishes to do this type work and he is proceeding on that basis. He also asked that full information of the work for which payment is being requested be shown on the Docket, that is what it represents.

CONSTRUCTION OF SANITARY SEWER MAIN IN MALTA PLACE AUTHORIZED.

Councilman Dellinger moved approval of the construction of 200-ft. of sanitary sewer main in Malta Place, at the request of Triage Construction Company, at an estimated cost of \$625.00, with all costs to be borne by the applicant, whose deposit of the entire amount will be refunded as per terms of the contract. The motion was seconded by Councilman Whittington, and unanimously carried.

CONTRACT AWARDED CROWDER CONSTRUCTION COMPANY FOR STREET IMPROVEMENTS ON CHATHAM AVENUE, LEWISTON STREET AND SHADY BLUFF DRIVE.

Motion was made by Councilman Albea, seconded by Councilman Bryant, and unanimously carried, awarding contract to the low bidder, Crowder Construction Company, for the construction of street improvements on Chatham Avenue, Lewiston Street and Shady Bluff Drive, at their bid price of \$46,001.00.

The following bids were received:

Crowder Construction Company	\$ 46,001.00
Wm. B. Dillard Construction Company	48,615.50
Rea Construction Company	49,068.00
Blythe Bros Company	50,162.90
Eagle Construction Company	55,524.93

PURCHASE OF 653 FEET OF WATER MAIN IN WOODLAWN ROAD FROM BASCOM L. PHILLIPS AUTHORIZED.

Upon motion of Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, the purchase of 653 feet of water main in Woodlawn Road from Mr. Bascom L. Phillips at \$718.17 was authorized in accordance with the agreement made with Mr. Phillips when the mains were installed in January, 1949.

PAYMENT AUTHORIZED TO T. J. BERRY AND J. H. BERRY FOR RIGHT OF WAY FOR THE CONSTRUCTION OF SANITARY SEWER LINES TO SERVE PORTION OF PAW CREEK AREA.

Motion was made by Councilman Smith, seconded by Councilman Whittington, and unanimously carried, authorizing the payment of \$265.43 to Mr. T. J. Berry and Mr. J. H. Berry for right of way of 151.5 feet crossing two lots at Ranch Road and Park Drive, and 229.35 feet crossing two lots on Ranch Road, between Interurban and Edgewood Avenues and 150-foot crossing two lots at the intersection of Knollwood Road and Park Drive, for the construction of sanitary sewer lines to serve a portion of Paw Creek area.

WORKMEN'S COMPENSATION INSURANCE PLACED WITH TRAVELERS INSURANCE COMPANY EFFECTIVE JANUARY 1, 1962 ON BASIS OF ONE YEAR GUARANTEED COST PLAN.

Councilman Smith moved that the City's Workmen's Compensation Insurance be placed with Travelers Insurance Company, on a one year guaranteed cost plan. The motion was seconded by Councilman Bryant.

Mr. J. W. Knauff, Jr. stated as a citizen of Charlotte, he thinks the question should be discussed before voting. That both companies are qualified, so where does the City get the most for its money. That it appears that American Mutual is giving the most, last week they offered to take over all pending claims, and when Travelers was asked if they would do the same, they stated they would let the Council know.

Mr. Earle stated both companies have given the City voluntary binders for insurance to be effective January 1st, and also offered to accept the administration of all existing claims prior to January 1st at no cost to the City.

Councilman Dellinger stated he has made some inquiries and being as competitive as it is, he thinks we would be better off to postpone decision for one week and look into it even if we have to continue in the same way another year. He stated the figure he has obtained would not warrant the change on a one year basis, and he thinks it would pay to postpone it and get additional bids. He offered a substitute motion that the matter be postponed for two weeks, January 15th. The motion was seconded by Councilman Albea.

Mr. Bill Knauff, Industrial Accounts Representative for American Mutual, stated he would like to point out one thing in relation to Councilman Dellinger's remarks; that in talking with Mr. Dellinger during the week and explaining their proposal to him, the question that seemed of great concern to him was that the City got only two proposals. That proposals were advertised for by the City and he is sure all companies were aware that the business was available. That one reason he feels no more proposals were received was American Mutual coming with a proposal that is not questioned as far as service is concerned as well as price. Councilman Dellinger stated he based his motion on the fact that insurance representatives have told him they were not aware that this was going on. Mr. Knauff stated further, lots of companies would not bid, no doubt, because they realized they would be involved in politics and they do not want to spend the time and come up with the best proposal for naught.

Councilman Bryant stated it may be there were not any other companies that wanted this type of business being the type of risk it is.

Mr. McPhail stated the Insurance Advisory Committee interpreted its own role, for lack of any written instructions, to bring in a recommendation that they thought would be in the best interest of the city and before recommending the

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Travelers Insurance Company they approached the top insurance companies represented by agents, both stock and mutual who are located here with claim service and they were turned down cold by everybody but Travelers. He stated that nationally, municipal business is not an attractive business and Travelers was willing to take the city's business. That their recommendation was first for the 3 year plan and secondly for the one year guaranteed plan if you think you need this to get use to the change. He stated he hopes if a carrier is selected today, that Council will say whether for one or 3 years because it has been agreed as of today to go retroactive to January 1st.

Mayor Brookshire asked for how long the bind can be effective? Mr. Hope replied they would like the matter to be expedited and they would be willing to extend their binder to January 10th if the Council desires and probably some longer. That American Mutual says they may extend their binder, so we will do so.

Councilman Smith stated the Insurance Advisory Committee should be commended for the very good job they have done for the city.

Mr. Berry, President Southern Engineering Company, stated his company is one with a large amount of hazards involved. American Mutual has covered them for over twenty years and he has never know a company to be more interested and more helpful, and he thinks the Council should honor their very good low bid.

Mr. E. Dudley Sanders, representing Travelers, stated they will extend their binder for two additional weeks, from January 1st to January 14th or 15th. Mr. Hope stated they will go to the same date or as long as reasonable.

The vote was taken on the substitute motion to defer action, and lost by the following recorded vote:

YEAS: Councilmen Dellinger and Albea.

NAYS: Councilmen Bryant, Smith, Thrower and Whittington.

Councilman Jordan being absent from the room.

The vote was then taken on the original motion by Councilman Smith to place the insurance with Travelers Insurance Company on a one year guaranteed plan, and carried by the following recorded vote:

YEAS: Councilmen Smith, Bryant, Thrower and Whittington.

NAYS: Councilmen Albea and Dellinger.

Councilman Jordan being absent from the room.

RESIGNATION OF JERRY C. TUTTLE FROM INSURANCE ADVISORY COMMITTEE ACCEPTED WITH REGRET.

Mr. Jerry C. Tuttle, member of the Insurance Advisory Committee, presented his letter of resignation from the Committee, in which he stated he represented the local Mutual Agents Association on the Committee along with the two members representing the local Stock Agents Association and has enjoyed his work on the Committee; however, the Council has since appointed him to the Civil Service Commission and because of recent additions to his business and the time taken from that business in committee work, he is forced to offer his resignation in spite of the fact that because of the resignation of Mr. McAlister Carson from the Advisory Committee, this will leave Mr McPhail as the only member remaining on the Committee. He stated it is his hope that the Council will immediately replace him with a member who will be recommended by the Mutual Agents Association, and at the same time replace Mr Carson with a member of the Stock Association.

Councilman Smith moved the acceptance of Mr Tuttle's resignation with regret. The motion was seconded by Councilman Albea, and unanimously carried.

Mayor Brookshire expressed his sincere appreciation for the years of service Mr. Tuttle has rendered the City on the Committee.

APPOINTMENT OF MR IKE JONES TO THE INSURANCE ADVISORY COMMITTEE REPRESENTING LOCAL STOCK AGENTS ASSOCIATION.

Councilman Smith moved the appointment of Mr Ike Jones of the American Commercial Agency to the Insurance Advisory Committee, representing the local Stock Agents Association and recommended by them. The motion was seconded by Councilman Bryant, and unanimously carried.

MAYOR REQUESTS MR TUTTLE TO ASK MUTUAL AGENTS ASSOCIATION TO RECOMMEND A SUCCESSOR.

Mayor Brookshire requested Mr. Tuttle to ask the Mutual Agents Association to recommend a successor to himself on the Committee.

LEASE AGREEMENT WITH CHARLOTTE REHABILITATION HOSPITAL BOARD OF TRUSTEES TERMINATED UPON REQUEST.

Mayor Brookshire presented a letter from Mr Glenn E. Park, Chairman of the Board of Trustees of Charlotte Rehabilitation Hospital, advising they have reached an agreement whereby the hospital will become a member unit of Charlotte-Mecklenburg Hospital Authority and as the hospital property at 1610 Brunswick Avenue is owned by the City and under lease to the Board of Trustees, they request that the lease be terminated and the hospital and land be subsequently deeded to Charlotte-Mecklenburg Hospital Authority under whose supervision the hospital will be operated by a Board of Managers designated by the said Authority. The City Attorney advised he has reviewed the Agreement between Charlotte Rehabilitation Hospital and Charlotte-Mecklenburg Hospital Authority and there is no problem involved and the Council may take immediate action on the request if they so desire.

Councilman Dellinger moved that the lease be terminated as requested and the property deeded to Charlotte-Mecklenburg Hospital Authority. The motion was seconded by Councilman Albea, and unanimously carried.

REQUEST OF BOARD OF TRUSTEES OF PUBLIC LIBRARY RELATIVE TO BREVARD STREET BRANCH LIBRARY PROPERTY DEFERRED FOR ONE WEEK.

Mayor Brookshire called attention to the letter from the Board of Trustees of Charlotte-Mecklenburg Public Library stating that the Brevard Street Branch Library, located in the area of the Brooklyn Urban Redevelopment Project, has been operated by them at this location since 1905 and is an integral part of the Public Library System; that all other library properties have been deeded to the Public Library by various Acts of the General Assembly but this particular property was never specifically mentioned, and they feel by all rights the property should be deeded them. However, in view of the transactions between the Redevelopment Commission and the City as to the property, they request that the City provide the Public Library with a site or sites for future branch libraries in an amount equivalent to the value of the Brevard Street property, and neither the City nor Redevelopment Commission will be called upon for any outlay of funds.

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The City Manager explained that the Redevelopment Commission in checking the title to the Brooklyn properties found the title to the Library property was vested in the City of Charlotte and a deed was prepared for execution by the City deeding the property to the Redevelopment Commission, and the value of the property fixed at \$21,000.00 would be a credit for the City against its cost of the project.

Councilman Smith moved that the request be complied with. The motion was seconded by Councilman Whittington.

Mr. Morrisey, City Attorney, stated he would like the opportunity of satisfying himself as to the City's authority to provide a site for future libraries.

Councilman Bryant offered a substitute motion that action be deferred one week. The motion was seconded by Councilman Jordan, and unanimously carried.

ORDINANCE NO. 58 ESTABLISHING REGULATIONS FOR THE OPERATION OF OAKLAWN CEMETERY, ADOPTED.

Councilman Bryant moved the adoption of an ordinance entitled: "Ordinance No. 58 Establishing Regulations for the Operation of Oaklawn Cemetery", which was seconded by Councilman Whittington and unanimously carried. The ordinance is recorded in full in Ordinance Book 13, at Page 127.

ORDINANCE NO. 59 EXTENDING THE NON-MONUMENT SECTION OF EVERGREEN CEMETERY ADOPTED.

Upon motion of Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, Ordinance No. 59 Extending the Non-Monument section of Evergreen Cemetery, was adopted. The ordinance is recorded in full in Ordinance Book 13, at Page 128.

PROGRESS REPORT ON EAST 5TH AND EAST 6TH STREET CONNECTORS AND KENILWORTH AVENUE CONNECTOR AND WEST SIDE GRADE ELIMINATION PROJECT.

The City Manager reported the City will be ready to receive bids on the East 5th and East 6th Street Connectors as soon as the Commissioners can decide the value of three parcels that we were unable to negotiate.

Relative to Kenilworth Avenue Connector, Mr. Cheek stated in the Thoroughfare Plan, the SW Connector was proposed from a point on Park Road on the town side of the Church of the Holy Comforter. Connector would cross vacant land and tie into existing Kenilworth at Ordermore and Dilworth Drive and continue to East Boulevard and a new right of way would be acquired from East Boulevard and end of Dilworth Drive and continue to Scott Avenue, pass Memorial Hospital to Romany Road via Kenilworth across Morehead Street, Harding Place and Greenwood Cliff and on new right of way across Thompson Orphanage property to a junction with Baxter Street. This connector will eventually extend through Baxter Street just north of the present junction of Baxter Street and Independence Boulevard Expressway. The State would like to get this project off first and they have given approval to make this a Federal joint project with the City of Charlotte. He stated the City has reviewed it and come up with a figure higher than estimated by Wilbur Smith. That the State wishes to make one big project on this entire connector. That the City has prepared the right of way plans for the project which will be complete by the end of this week after which the State will probably hold the first hearing on the project at a date they will announce. Basically, on northern end along Kenilworth, we are talking about a 45-foot street section

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with additional turning lanes at the principal intersections and 60-foot right of way. That the two parallel sections a minimum street width of 30-feet on Scott Avenue and portion of Kenilworth with right of way of 50-feet on each side. He stated the total estimated cost is ~~\$551,000.00~~ ^{\$551,000.00}, he thinks, and the State has agreed basically they will build the project if the City will furnish the right of way, which will cost the City \$234,000.00, which is a little less than half the project. He stated for this year the City had set up \$59,000 just for the end connections and proposed to set up \$110,000 next year, which gives us \$140,000 total for an estimated half of the project, however, we find the total cost will go to about \$551,000.

Mr. Veeder stated the State Highway has not as of today given formal approval of this, we would hope this will be forthcoming shortly in view of what has transpired up to this point. If they approve it, as soon as we acquire the right of way, the State can start on it. Councilman Whittington asked what is being done about the right of way? Mr. Cheek replied nothing is being done and it would not be wise to do so until the State has held their public hearing. Councilman Whittington stated he is constantly receiving inquiries about this from people as to why others are not being considered for some of this work, and thinks we should get it into discussion next Monday.

In connection with the West Trade Street Grade elimination, Mr. Veeder stated the Council will be pleased to learn Southern Railway plans to award first contract relating to the new passenger station next Monday, and they anticipate they will be in position to follow through with subsequent contracts as these are completed.

He stated he has two items relative to this right of way which he will present next.

ACQUISITION OF RIGHT OF WAY FOR WEST SIDE GRADE ELIMINATION PROJECT FROM BOYLE UTILIZING COMPANY.

The City Manager recommended the acquisition of property from Boyle Utilizing Company along the main line track of Southern Railway, north of West 3rd Street, at a price of \$16,002.77, as right of way in the West Side Grade Elimination project. He stated it is thought in the best interest of both the City and Railway Company to acquire the entire site, and utilize what is needed and the balance can be put back on the market. Councilman Whittington moved approval of the acquisition of the property as recommended. The motion was seconded by Councilman Jordan, and unanimously carried.

AGREEMENT WITH INTERSTATE MILLING COMPANY AUTHORIZED TO PROVIDE OPERATING FACILITIES DURING CONSTRUCTION OF WEST SIDE GRADE CROSSING.

The City Manager recommended approval of an agreement with Interstate Milling Company, which is not the acquisition of right of way but due to the fact that during the construction of the Grade Crossing Project, it will be necessary to cut them off from railroad connection and also to move some of their structures and it is necessary to provide a method and the payment for their unloading and the relocation of certain buildings; that the total estimated liability is \$6,000.00 to the Southern and City. Councilman Dellinger moved that the agreement be executed as recommended. The motion was seconded by Councilman Jordan, and unanimously carried.

WATER SERVICE IN 5500 BLOCK OF MONROE ROAD REFERRED TO CITY MANAGER FOR INVESTIGATION AS TO EXTENSION OF WATER LINE AND REPORT.

Councilman Whittington stated he has a complaint from the residents of the

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5500 block of Monroe Road regarding water service; that as he understands it one resident is furnishing water for 14 or 15 homes, and this he cannot do without some of them during the day or night being without water supply. He asked if the Water Department cannot be asked to contact other people who are adjacent to the water line if it were to come down the old Monroe Road and Sharon Amity to 5500 block if they would put up the tap-on fee if the City ran the line down to that point, and if the revenue was enough to warrant the City extending the line. That if we offered the service they would combine and it would not be a hardship on anyone of them financially. He stated the resident of 5517 Monroe Road could give the City the names of these people. The City Manager advised he would be glad to do so.

STATEMENT BY CHIEF DONALD S CHARLES TO COUNCIL RELATIVE TO HIS EARLY RETIREMENT MADE MATTER OF RECORD.

Councilman Whittington moved that the following statement made by Chief Donald S. Charles to the Council in the Mayor's Office prior to the formal meeting today be made a matter of record, which was seconded by Councilman Dellinger, and unanimously carried:

"January 3, 1962

TO: Mayor Stanford Brookshire and
Members of the City Council of the City of Charlotte
City Hall
Charlotte, North Carolina

I do hereby wish to make a statement at this time concerning certain facts and circumstances surrounding my written notifications of intent on December 18, 1961, for retirement effective March 1, 1962.

I was privileged to be appointed to the Fire Department of this City on October 15, 1917. Since that initial appointment, I have been promoted through the ranks, finally being appointed Chief in June of 1948. Needless to say, my work in the Fire Department during the past forty-three years has been for me a wonderful experience, both in the association which I have formed with fellow members of the Department and also attempting to fulfill the responsibility and duty of trust which has been placed upon me.

For sometime I had been contemplating the possibility of requesting retirement on June 11, 1962, as I would then be sixty-one years of age on that date. This had been a matter which I had discussed with my family and one which I had not attempted to give broad publicity. On December 13, 1961, Mr. John Warren, an attorney, came to my office and ask permission to discuss a matter with me. I invited Mr. Warren into my office, after which he and I then had a conversation. Mr. Warren informed me that he had been retained as the attorney to represent "clients". Mr. Warren then informed me that he had some charges and complaints from his clients. Needless to say, I was quite shocked by the statement of Mr. Warren and I asked him what he meant by such a statement. Mr. Warren stated that he had information that I had permitted members of the Fire Department to work in and around my home while on duty; that the morale of the Fire Department was low, and that certain members were upset over promotions. Mr. Warren then made inquiry of me as to whether I had any plans about retirement, in that Mr. Warren stated that he had heard rumor to the effect that I may have some plans for retirement. I advised Mr. Warren that I had thought about the possibility of retiring and perhaps on my birthday which would be June 11, 1962. Mr. Warren then stated to me

that if I intended to retire in June, then he felt that he should recommend to his clients that nothing further should be done and that they should accept my decision to retire in June of 1962.

During the entire time that I have been a member of the Charlotte Fire Department, it has been a customary practice for us to help each other. I did have several of the firemen do some work in and around my home, however, this procedure did not effect the efficiency of the Department, nor did it deviate from the normal accepted practices, in that the same has been done for other firemen and with my complete knowledge and approval while I have been Chief of the Fire Department.

The matter of promoting men within the Fire Department is a most serious business. I have installed a system for written examinations as one basis for determining the efficiency of a fireman to be considered for advancement. I have attempted at all times to be fair and impartial, taking into consideration those factors which are for the best interest of the Department. The seniority points, the written tests and evaluation of those tests are matters which are now and have been open to anyone within the Fire Department for their inspection and consideration. I have never promoted a fireman upon the pure basis of personal friendship.

Since the Charlotte Fire Department has meant and now means so much to me, I felt it might be better for me to retire rather than to cause any possible unpleasantness or friction within the Department. Of course, the expressions from Mr. Warren came as a complete surprise to me, as I have felt that the department has been run in an efficient manner and that we did not have a grave morale problem other than the normal problem which you have in supervising and controlling 370 men. It was for that reason that I elected to write the letter of December 18, 1961, to Mayor Brookshire, wherein I made my written notification of intent to be effective March 1, 1962. During the past several weeks, I have felt it my duty and responsibility to remain silent as I did not feel, nor do I now wish to create any type of unpleasantness. I do feel, however, that the time has come for you to know that I stand before you and give you my positive assurance that the discharge of my duties as a member of the Charlotte Fire Department is an open book and I welcome an inspection of my activities by you or anyone else. Perhaps at times I have been too lenient to some of my men, yet taking into consideration their family responsibilities I have attempted to be on the side of kindness rather than to be severe upon them.

It now appears to me necessary for you to know my position. I do not wish, nor do I intend to leave the Charlotte Fire Department so long as there is one iota of doubt about my personal conduct or my discharge of duties as Chief of the Charlotte Fire Department. I do not intend to leave the Fire Department with any major discipline problems being inherited by my successor. If the facts so indicate, I shall prefer such charges before the Civil Service Commission as I may deem proper.

I therefore respectfully request that my letter of December 18, 1961, for effective retirement on March 1, 1962, be withdrawn.

I wish to thank you for the confidence which you have shown me in the past and I pledge to you again that I shall fulfill my obligations and duties to the best of my ability.

Sincerely yours,

(Signed) Donald S. Charles, Chief
Charlotte Fire Department"

DSC:lkt

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CITY MANAGER DIRECTED TO MAKE INVESTIGATION OF FIRE DEPARTMENT AND REPORT FINDINGS TO COUNCIL.

Councilman Whittington presented the following resolution for the record:

WHEREAS, there have been persistent rumors and charges from within the Charlotte Fire Department concerning its Chief, Donald S. Charles and other personnel. These rumors have been aired in the local press, radio and television media without any written facts.

WHEREAS, on December 27, 1961, the City Council by Resolution called on the members of the Fire Department who had any grievances with Chief Donald S. Charles in the operation of this Department to present them in writing to the City Manager by December 29, 1961. This was not done by the firemen.

NOW THEREFORE, be it resolved that: This Council instruct the City Manager "Under its authority to investigate" (Section 69 of the City Code) with whatever help he deems necessary to investigate the complaints against Chief Donald S. Charles, presumably, from a minority of the Fire Department personnel.

The role of the Charlotte Fire Fighters Association in the Fire Department has become a matter of public concern. By that very nature, it is the City Council's responsibility to determine the following:

A- Does the Charlotte Fire Fighter Association function in the public interest?

B- Do the By-Laws of this organization cause its function to be against the public interest?

Now, THEREFORE, be it further resolved that the City Manager bring to the Council members any information having a bearing on these questions.

Councilman Whittington stated he does not intend to be critical of the majority of our firemen, as they are some of our finest citizens, but for the benefit of the City Council, the Fire Department, Chief Donald S. Charles and our citizens, he moves the Council take action to clarify the questions concerning the Fire Department. The motion did not receive a second and Councilman Whittington stated that evidently therefore the Council did not agree with him.

He stated further as Councilman Albea pointed out in the executive session, at no time has he mentioned the fact that there was a union in the Fire Department or in any other department of the City, that he believes the Council knows ^{when} a story was given the newspapers, the reporter writes it and someone else writes the headline, and he cannot help nor has any apologies for the statement. That he thinks it is time the Council takes some action now to clear up this matter in the interest of the Association, the personnel of the Fire Department and Chief Charles because it is a matter of public concern and as such it is the responsibility of the Council to try to clear it up.

Councilman Dellinger stated he thinks the resolution is about the same as the one which he presented last week, at least it is no more forceful, and while he thinks the Council should clear the situation up, he feels there are other avenues more effective.

Mr. Veeder, City Manager, stated he thinks in view of developments this afternoon on the situation and Chief Charles' statement he is now in position to go fully into the matter and make a report to Council with recommendations.

Councilman Bryant stated he would like to make a motion and preface it by saying he thinks all members of the Council are aiming at the same thing,

however, he has disagreed with both the efforts to bring it into the open and he thinks a pattern has been established and the manner in which it is continued should be on a different level and since the only thing the Council knows is rumors that the Council should not mention any individuals or organization other than the Fire Department, and since the rumors involve both the Chief and Fire Department the proper individual to go through is the City Manager, and he moved that the Council instruct the City Manager to make an inquiry into the general morale of the Fire Department. Mayor Brookshire stated in view of the remarks made by Mr. Veeder, he does not think it is necessary to instruct him, as it is his responsibility to look into all departments on any matter. Councilman Bryant stated in that case he would request that the City Manager make the inquiry and bring back a report of his findings.

Councilman Dellinger stated out of respect to Mr. Veeder and his position, he does not feel in a case like this that the man responsible for the operation of the department should make a study of the department. That he thinks it must come from the inside of the department; that he thinks the older men in the department can ferret out the individuals who are responsible for what has occurred and that it should be done by the Chief of the Fire Department. He is the only one who can bring charges to the Civil Service Commission; however, he believes that the Council should exercise its power granted under State Statutes and summons such persons who have been responsible for these acts before the Council and be sworn and their testimony taken, that a positive approach must be taken.

Councilman Albea stated he does not know why his friend, Councilman Whittington has picked on the Fire Fighters Association and the papers have mentioned the Union as being involved and it is not true because three years ago the Legislature outlawed all uniform unions in municipalities, and this is not a union and has no connection with the American Federation of Labor C.I.O. and if those boys want to get up an organization of their own that would be up to the Chief, not up to the Council. That it seems to him the crux of the whole thing is to get at the Fire Fighters Association, it has been in the newspapers two or three times and here it is again. Councilman Dellinger stated he thinks Councilman Albea will find the resolution adopted last week did not mention any organization but merely disgruntled personnel of the department.

Councilman Smith stated he thinks the resolution presented by Councilman Dellinger last week was very effective, that the Council had to tell those people that they were ready to hear them and now that they have not been heard from and he was pleased with the way Chief Charles came in and said he is still Chief and that he would ferret out the discord in the department and he thinks Chief should be given full rein to bring those men in before the Civil Service Commission where it should be heard, and he, therefore, does not think any action should be taken at the moment by the Council.

Councilman Bryant stated that since Chief Charles has admitted certain irregularities, he does not see how the Council is in position to ask him to make any investigation and he thinks it has to come from outside the department and if the man they are responsible to is not able to make the inquiry into the situation he does not know who is.

Councilman Thrower stated we have two distinctly different situations here, if the Chief wants to handle his department before the Civil Service Board, that is fine but there were also some errors in judgment on his part and he thinks the City Manager should be asked to look into that, as Chief is directly responsible to the City Manager.

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Councilman Thrower moved that the City Manager notify all Department Heads that city employees are not to do any work for anyone on city time other than the job for which they are employed. The motion was seconded by Councilman Smith, and unanimously carried.

Councilman Albea stated he has repeatedly talked about stopping city employees who receive a salary down here doing work during their off hours in competition with labor who are trying to make a living, that it is all wrong and should be stopped but he has never been able to get anywhere.

Councilman Bryant stated he would like to know if Mr. Veeder considers himself sufficiently instructed to conduct an inquiry into the matter and bring back a report to Council. In this particular case, there is a difference of opinion as to how the Council should go about achieving this information and he wants to make sure the Council all know which way they are going.

Mr. Veeder stated he intends to make a thorough inquiry into the subject matter from all facets, and prepare a report to Council based on what he finds.

ACTION ON VOTE OF CONFIDENCE FOR CHIEF CHARLES DEFERRED.

Councilman Dellinger stated in view of Chief Charles statement today and since there is no accusation against him other than he has said he probably used bad judgment, he thinks the Council should give him a vote of confidence. It was the consensus of opinion that any further action should be help up until the City Manager renders a report following his inquiry.

ACTION ON IRREGULARITIES BY CHIEF CHARLES DEFERRED FOR REPORT BY CITY MANAGER.

Councilman Bryant stated in Chief Charles' statement, he stated he has been guilty of some irregularities and he would like to ask the City Attorney to what extent these irregularities go in the performance of his duties and whether he is due a reprimand or some sort of penalty. Mr. Morrissey stated he would think this would be part of Mr. Veeder's investigation.

REQUEST THAT CONSIDERATION OF HOUSING CODE BE EXPEDITED.

Councilman Bryant stated he is anxious that the Council schedule a discussion on the Housing Code which has been given them and thinks it should be expedited and not dragged out.

CONFERENCE ARRANGED FOR MONDAY, JANUARY 8TH, AT 9:30 A.M. TO DISCUSS SIGN ORDINANCE IN PROPOSED ZONING ORDINANCE.

Upon motion of Councilman Whittington, seconded by Councilman Smith, and carried, an informal meeting was arranged to be held next Monday morning, January 8th at 9:30 o'clock to discuss the Sign Ordinance in the Proposed Zoning Ordinance, by the following recorded vote:

YEAS: Councilmen Albea, Bryant, Jordan, Smith, Thrower and Whittington.
NAYS: Councilman Dellinger.

ADJOURNMENT.

Upon motion of Councilman Jordan, seconded by Councilman Thrower, and unanimously carried, the meeting was adjourned.

Lillian R. Hoffman
Lillian R. Hoffman, City Clerk