

February 29, 1960
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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 29, 1960, at 4 o'clock p.m., with Mayor Smith presiding and Councilmen Albea, Dellinger, Hitch, Myers and Whittington being present.

ABSENT: Councilmen Babcock and Smith.

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INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Dellinger, seconded by Councilman Whittington, and unanimously carried, the Minutes of the last meeting on February 22nd were approved as submitted.

PROTESTS BY CHARLOTTE BRANCH, NAACP AND JOHNSON C. SMITH UNIVERSITY STUDENTS RELATIVE TO POLICE BRUTALITY DURING "SIT-IN RESTAURANT" DEMONSTRATIONS, REFERRED TO CHIEF OF POLICE FOR STUDY.

Mr. Kelly M. Alexander, Executive Secretary, Charlotte Branch of the NAACP, presented a written statement to the Council in which the views and recommendations of the organization were expressed regarding the "Sit-in" demonstrations at department and variety stores and places of public accomodation; it was stated that the young college students participating in the demonstrations are challenging and protesting the segregated treatment given them in establishments and public places which solicit their business to purchase merchandise but deny them service at lunch counters and eating facilities; that the demonstrations represent the yearning of the negro people everywhere, and especially young Americans, to enjoy equality and walk with human dignity in our democratic society; that because of the refusal of the merchants to voluntarily discontinue discriminatory practices, the responsibility of protecting the rights of the negro citizens is in the hands of the City Council, and to take an apathetic position in reference to the demonstrations is not a reasonable approach and such an attitude will not solve the problem; that the solution to the problem is for the merchants to voluntarily allow negroes who patronize their stores, to use eating facilities on a non-segregated basis or for the City Council to pass legislation making it unlawful for the merchants to discriminate and segregate these facilities because of race or color; that the unconstitutionality of state segregation statutes can be demonstrated by the Council at this time by not allowing such discrimination and segregation.

That the major recommendation the organization makes is - (1) for the City Council to pass legislation aimed at eliminating discrimination and segregation as to all places of public accomodation; (2) that the City Council will not endorse the violent acts of police officers to use excessive force in the administration of their duties on negroes, and (3) that the Council today assure the citizens of Charlotte they are giving to this important problem their serious thought, study and consultation, and not leave the negro citizens with the impression that discrimination and segregation, as to the present problem, has governmental sanction.

Mr. Hayward Davenport, student at Johnson C. Smith University, presented a written Protest of the Students and appeal to the City Council to insure equal protection under the law during the ensuing days of their "sit-in" demonstrations. In the written statement they stated that members of the police force used abusive and obscene language and unnecessary physical contact on students, in the performance of their police duties. They recited incidents where a young woman student was pushed down by a police officer; a student was arrested for a minor traffic violation and taken to police headquarters; students pushed around in general by police officers and firemen, and police officers gave parking violation tickets to drivers before they had time to put money in the meters.

Johnson C. Smith University students speaking to the Protest presented by Mr. Davenport, were Miss Anthanette Johnson, who stated while the students were walking in a circle in Ivey's Department Store she was knocked down by Lieut. Charles Adams, and had to receive treatment at the First Aid Station in the Store; Charles Jones, stated it is unfortunate that the students must come before the Council as they had no intention of being put in a situation where they would be manhandled as they have tried to conduct themselves during the demonstrations in an orderly manner. He stated they are appealing to the Council's sense of patriotism and moral convictions in realizing they are all citizens of Charlotte and proud of the city; Charles McNeill stated he was obstructed by the Assistant Manager of Belks and Mr. Julian Scheer of The Charlotte News while demonstrating in Belks Dept. Store; that the attitude of the Police Force has become quite appalling; Miss Mattie Cauthen stated that on Tuesday while demonstrating in Belks Store a policeman named Crenshaw pushed against her and a Fireman was rude and kept pushing them around and called her a "cockroach"; Mr. Elvin Ryan stated he was mistreated by a Policeman while standing in Belks by himself and was arrested for creating a fire hazard.

The Reverend P. E. Davis, a Presbyterian Minister, stated he resides in Precinct 25 and has had the confidence and respect of the other residents in the area for the past 30 years; that they are interested in those things that are good for Charlotte, and asked him to request the Council to put forth every effort to keep down such incidents as have happened.

Mrs. E. S. Johnson related conversations made by the persons relative to the demonstrations which she heard in Kress' Store on last Saturday; she urged that Brotherhood Week, which is being held in our churches, be practiced by everyone concerned.

Mayor Smith suggested that the statements be received as information for Council consideration. That he believes everyone will agree there are numerous aspects to a situation of this kind, all of which must be taken into consideration. However, the allegations that have been made are for the Courts to decide.

Mrs. U. S. Brooks stated she does not think the demonstrations by the students warrant the brutality being practiced by the Police, and they wish to know that it does not have the approval of the Governing Body. Mayor Smith replied that neither he nor the Council approve of any brutality to anyone. However, they do not have proof of any brutality having been practiced.

Referring to the request of Mr. Alexander that the City pass legislation eliminating discrimination and segregation in places of public accommodations, Mr. Shaw, City Attorney, advised the Council that municipalities in North Carolina can only do those things authorized by the Legislature and he knows of no law authorizing the City Council of Charlotte to pass legislation regarding private property; that we are dealing here with

the question of occurrences on private property; also, that as to passing an ordinance on segregation, in his opinion, the Council does not have such authority. Councilman Dellinger moved that the statements presented by Mr. Alexander and the Students, along with the Minutes of the meeting, be referred to Chief James for study. The motion was seconded by Councilman Whittington, and unanimously carried.

NEGRO FUNERAL DIRECTORS ADVISE THEY WISH TO CONTINUE PRIVATE AMBULANCE SERVICE.

Mr. Kelly M. Alexander of Alexander's Funeral Home, stated that the Negro Funeral Directors joined with the White Funeral Directors in advising the Council they would not continue giving public emergency ambulance service, and since that time the White Undertakers have advised the Council they will discontinue all ambulance service. That, speaking for the Negro Funeral Directors, he wishes to advise the Council they wish to continue giving private ambulance service.

CITY MANAGER REQUESTED TO INVESTIGATE PARKING RESTRICTIONS ON CERTAIN STATE & CITY WIDENED STREETS THAT PROHIBIT DELIVERY OF MERCHANDISE BY TRUCKS.

Councilman Dellinger requested the City Manager to investigate parking restrictions on certain streets - in particular Hutchison Avenue and Tuckaseegee Road, between the old and new city limits - where he understands trucks are not allowed to park for a sufficient length of time to make deliveries to places of business. He stated these complaints have come to him from business firms on streets widened with State and City funds.

TRAFFIC COUNT REQUESTED AT EAST FIFTH AND NORTH MCDOWELL STREETS.

Councilman Dellinger requested the City Manager to have a traffic count made at the intersection of East 5th and North McDowell Streets.

CITY MANAGER REQUESTED TO MAKE SURVEY AND REPORT OF STREET INTERSECTIONS WHERE THE TRAFFIC VIEW IS BLOCKED.

Councilman Dellinger requested the City Manager to have a survey made, and report to Council, on street intersections where traffic view is blocked, one such being at Colville and Providence Roads.

VACATION PAY ALLOWED THE THREE RESIGNED OFFICERS OF THE OFFICE OF CLERK OF RECORDER'S COURT.

Councilman Whittington advised that in response to his request last week for a recommendation regarding vacation pay being allowed the three resigned officers of the Office of the Clerk of Recorder's Court, the City Manager recommends that payment be made, and in line with the recommendation, he moved that Mr. L. Carl Cook be paid \$186.75 for 9 days vacation, Mr. William F. Conner be paid \$96.95 for 7 days vacation and Miss Sue Funderburke be paid \$71.75 for 7 days vacation. The motion was seconded by Councilman Albea, who stated if the statements made by Mr. Cook in the press are true, then someone got a raw deal in the office of the Clerk.

Councilman Myers asked if this complies with the City's vacation schedule, and Mr. Veeder replied that it does with the exception of their giving two weeks notice.

The vote was then taken on the motion, and unanimously carried.

SALARY SCHEDULE FOR PERSONNEL OF OFFICE OF CLERK OF RECORDER'S COURT TO BE INCLUDED IN SALARY RECOMMENDATIONS FOR NEW BUDGET.

In response to Councilman Whittington's question if a salary schedule has been worked out for the personnel of the office of the Clerk of Recorder's Court, Mr. Veeder stated that unless the Council wishes to go into the matter of adjustments in these salaries earlier, his thought is to include them in the salary data that will shortly be compiled for the new budget. That normally before anyone is eligible for an increase he must be with the City six months, and there is a six months period involved in this instance.

Councilman Whittington then asked about a review of the Job Classification Pay Plan for the new fiscal year, stating he understands that presently salary increases are given by steps. Mr. Veeder replied that he thinks it is imperative that the City keep its salary rates current with the rates paid generally in the community and to tie them in with the City's budget; that this will be presented for Council consideration when the new budget is discussed.

CONSIDERATION OF REQUEST OF COUNTY COMMISSIONERS THAT COUNCIL APPROVE THE ERECTION OF BRIDGE OVER EAST FOURTH STREET DEFERRED ONE WEEK.

Mr. Thomas Ruff, Attorney for the County, requested the Council to approve the request of the County Commissioners for an easement over East Fourth Street for the erection of the foot-bridge to connect the Court House and their new office building. He stated the need for more space to provide necessary governmental facilities is pressing; that the people of the County voted their approval of the bond issue for the construction of the building and bridge, plans have been prepared, bids taken and contract awarded the low bidders today subject to one thing - Council approval of the bridge. He stated the Attorney General has advised the Council can approve the bridge. He advised further that the County Commissioners have made the decision they think will best serve the interest of the people by constructing a mall or elevated walkway between the two buildings. That if the easement is granted the County can go forward; if the Council delays or declines to honor the request, undue inconvenience will result in delay of the building and the existing inadequate facilities will continue. Plans will have to be redrawn, and because of advancing construction costs the delay could result in a cost to the taxpayer of \$200,000. Mr. Ruff stated he is sure the Council respects the jurisdiction and authority of the County Commissioners to make the decision. He stated further that he understands the City Engineer has said that the plans meet all requirements of the city.

Councilman Hitch stated he understands the Architects have said there are two possibilities for the bridge, one over Fourth Street and the other subterranean - and he is wondering about a third, nothing at all? Mr. Ruff replied that Fourth Street is heavily traveled and they would like persons going from one building to the other to do so with the least possible danger; he stated further that it will be necessary for the County employees to go back and forth between the offices in the two buildings in the conduct of the County's business. Mr. Ruff stated he does not know what amount would be saved if no passageway was constructed between the buildings, nor if it is feasible; that the heating and air conditioning has to be piped across the street to the new structure and the bridge will carry the conduits. At the question of Councilman Hitch if these facilities in the existing building are sufficient to service the new structure, Mr. Ruff stated that in the bond issue for the new facility, an expenditure for improvements to the existing building was voted and he is of the opinion this was to provide adequate heating and air conditioning facilities to service both buildings.

Councilman Myers asked the City Manager whether the Planning Board has reviewed the plans in relation to the so-called Civic Center, and Mr. Veeder replied that he does not know.

Councilman Whittington stated he feels there should be harmony between the two governments but considering the cost of the bridge being \$55,000 to \$65,000 and 80% of county tax is paid by the city taxpayer, he moves that the request be refused by Council based on the cost. The motion did not receive a second, and was lost.

Councilman Dellinger moved that consideration be deferred for one week. The motion was seconded by Councilman Albea. Councilman Myers requested that the motion include the request that the plans for the facility be submitted to the Planning Board for their comment prior to next week's meeting. The amendment was accepted by Councilmen Dellinger and Albea, and was made a part of the motion.

Mr. E. C. Griffith, Realtor, stated his main objection to the proposed bridge is that East Fourth Street has become one of the most vital and important streets in Charlotte and leads to Old Sardis Road, the fastest growing area in Charlotte; that the front area of the Thompson Orphanage property will be turned over to Charlottetown for development within the next two years, and that at present 15,406 cars travel on East 4th Street today, and still the County Commissioners talk of erecting a bridge across the street for the use of two dozen people. He stated it will constitute a large expenditure of funds, will be offensive in appearance and be a blight on the adjoining property. He stated the County Commissioners have the right to authorize the bridge, but he thinks it is legally and morally wrong. Mr. Griffith stated further that he has had the plans explained to him by the architect, Mr. Wheatley; that the bridge comes off from floor level, 15 feet above 4th Street, of pressed cast stone with sidewall 6 feet high, and 30 feet wide, which is wider than the street on which he lives. He stated it is beyond his comprehension, and he thinks it is wrong and advised the Council to be sure of their legal rights in approving it because there will be injured property.

Mayor Smith stated he thinks the Urban Redevelopment Plan for the adjoining area should be considered.

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

YEAS: Councilmen Albea, Dellinger, Hitch, and Myers.
NAYS: Councilman Whittington.

RESOLUTION GRANTING PIEDMONT & NORTHERN RAILWAY COMPANY PERMISSION TO LAY SIDETRACK ACROSS JAY STREET, ADOPTED.

Upon motion of Councilman Dellinger, seconded by Councilman Albea, and unanimously carried, a resolution entitled: "Resolution Granting Piedmont & Northern Railway Company Permission to Lay Sidetrack across Jay Street" was adopted. The resolution is recorded in full in Resolutions Book 3, at Page 472.

PAYMENT AUTHORIZED TO TALIAFERRO, GRIER, PARKER & POE, ATTORNEYS FOR LEGAL SERVICES IN CONNECTION WITH OBTAINING RIGHTS-OF-WAY FOR SANITARY SEWER TRUNKS TO DOSTER STREET, INTERSTATE 85 HIGHWAY AND ANDRILL TERRACE.

Councilman Albea moved that payment of \$250.00 be made to Taliaferro,

Grier, Parker & Poe, Attorneys, for legal services in connection with obtaining rights-of-way for sanitary sewer trunks to Doster Street, Interstate 85 Highway and Andrill Terrace. The motion was seconded by Councilman Hitch, and unanimously carried.

CLAIM OF MRS. SUDIE CHANDLER WILLIAMS FOR PERSONAL INJURIES REFERRED TO CITY ATTORNEY FOR RECOMMENDATION.

Motion was made by Councilman Dellinger, seconded by Councilman Myers, and unanimously carried, referring to the City Attorney the claim of Mrs. Sudie Chandler Williams, in the amount of \$275.00, for personal injuries sustained on September 28, 1959 resulting from a fall on the entrance to the City Hall.

SUPPLEMENTARY CONTRACT AUTHORIZED WITH ERVIN CONSTRUCTION COMPANY FOR INSTALLATION OF WATER MAINS IN STARMOUNT NO. 4 SUBDIVISION.

Councilman Hitch moved that Supplementary Contract, to contract dated June 1, 1959, be authorized with Ervin Construction Company for the installation of 3,870 feet of additional water mains and 2 hydrants in Starmount No. 4 Subdivision, outside the city limits, at an estimated cost of \$12,500.00. All costs to be borne by the applicant who will dedicate the mains to the city, without cost, upon acceptance by the city for maintenance and operation. The motion was seconded by Councilman Dellinger, and unanimously carried.

NAME OF BURNSIDE DRIVE CHANGED TO BRAIRWOOD DRIVE AND RESIDENTS OF DARWOOD DRIVE AUTHORIZED REQUESTED TO SELECT NEW STREET NAME.

Upon motion of Councilman Dellinger, seconded by Councilman Albea, and unanimously carried, the name of Burnside Drive was changed back to Briarwood Drive, as requested by the residents of the street and recommended by the City Manager and Planning Board, and residents of Darwood Drive were authorized requested to select a new street name in view of the confusion being realized with Durwood Drive, as requested by the residents of Durwood Drive and recommended by the City Manager and Planning Board.

CONTRACT AWARDED HERSEY-SPARLING METER COMPANY FOR WATER METER.

Upon motion of Councilman Albea, seconded by Councilman Dellinger, and unanimously carried, contract was awarded the only bidder, Hersey-Sparling Meter Company, Atlanta, Ga., for One 6-inch Model FM-CT Water Meter complete with flange connections, as specified, at a total price of \$1,297.84, less trade-in allowance of \$129.78 for old meter, representing a net delivered price of \$1,168.06.

CONTRACT AWARDED AUTOMATIC SIGNAL DIVISION, EASTERN INDUSTRIES, INC. FOR VOLUME DENSITY CONTROLLER FOR TRAFFIC ENGINEERING DEPARTMENT.

Motion was made by Councilman Whittington, seconded by Councilman Albea, and unanimously carried, awarding contract to the only bidder, Automatic Signal Division, Eastern Industries, Inc., East Norwalk, Conn., for one Model 1022N two phase Volumn Density Controller, in type M-cabinet with Type G-cabinet, etc., as specified, at a net delivered price of \$5,085.56.

TRANSFER OF CEMETERY LOTS.

Upon motion of Councilman Albea, seconded by Councilman Hitch, and un-
animously carried, the Mayor and City Clerk were authorized to execute
deeds for the transfer of the following cemetery lots:

- (a) Deed with Mr. Michael Wise and wife, to Graves #1 and #2 in
Lot 89, Section 3, Evergreen Cemetery, at \$80.00.
- (b) Deed with Mr. Louis F. Cole, Jr. for Lot 60, Section BB,
Elmwood Cemetery, transferred from Mrs Nell C. Ridley, at
\$1.00 for transfer.

SHARON CIVITAN CLUB AUTHORIZED TO CONSTRUCT LITTLE LEAGUE BASEBALL FIELD
ON SUGAW CREEK TREATMENT PLANT PROPERTY OFF TYVOLA ROAD UNDER FORMAL
AGREEMENT.

Upon motion of Councilman Dellinger, seconded by Councilman Albea, and
unanimously carried, the request of Sharon Civitan Club to construct a
Little League Baseball Field on Sugaw Creek Treatment Plant property,
off Tyvola Road, was authorized under formal agreement, subject to a
60-days cancellation clause, carrying sufficient insurance to save the
City harmless from liability and the removal of structures et cetera
prior to vacating the property.

REPORT OF STATUS OF GENERAL DEVELOPMENT PLAN, THOROUGHFARE PLAN AND NEW
ZONING ORDINANCE.

Mr. Veeder, City Manager, reported on the status of the General Develop-
ment Plan, the Thoroughfare Plan and the new Zoning Ordinance.

He stated that the General Development Plan, which is a study and estimate
of the growth potential of the community for the next 20 years, and a
recommendation for the general physical plan of development for the
Metropolitan area designed to fit the estimated growth potential for the
same period, is substantially complete but cannot be put into final
form until the Thoroughfare Plan is available. That it is anticipated
that the Development Plan can be ready within a month after the release
of the Thoroughfare Plan report is released.

That the Thoroughfare Plan, which is a plan for major roads for the
Metropolitan area anticipating traffic requirements for the next 20 years,
and an integral part of the Development Plan, will be received in five
weeks.

That the overall new Zoning Ordinance will be the legal instrument to
put into effect the proposed land use recommendations of the General
Development Plan and will cover the presently zoned 120 square miles
of territory in and around the City together with the additional 60 square
miles of new perimeter presently unzoned. That it is anticipated that the
ordinance will be completed by midsummer.

ADJOURNMENT.

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

Lillian R. Hoffman

Lillian R. Hoffman, City Clerk