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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, January 29, 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 Dr. Moffatt Plaxco, Pastor of First A. R. P. Church.

MINUTES APPROVED.

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

REPORT OF FIRE DEPARTMENT INQUIRY BY CITY MANAGER ENDORSED AND CRITIZED BY PUBLIC.

Mr. J. M. Wasson, President of the Chamber of Commerce, appeared before Council stating they have a policy of examining all major issues affecting the general public and taking a position. That they have examined the Report on the Fire Department inquiry made by Mr. Veeder and endorse it completely and recommend that in the public interest it be accepted by the Council and the recommendations therein be adopted.

Mr. J. F. Henderson, President, Charlotte Central Labor Council, stated he will have to disagree with Mr Wasson relative to the Fire Department Inquiry. That it seems there are two sets of standards in the business world, one for business and one for city employees, if the same thing happened in business the man would be fired. That he is not here to deal in the personalities involved but rather to object to certain parts of the Veeder Report. First, that the investigation might have been ill conceived, and he cannot understand how the City Manager could make a fair and impartial investigation, and in the business world someone other than the employer would make such investigations, although no doubt, Mr. Veeder tried to be fair. That the question arises as to the right of the Fire Fighters Association, and he dislikes to think that any group in the City of Charlotte would be denied the right of free assembly, free speech and fellowship together. He stated the rights of other associations, such as the City Manager Association, Fire Chiefs Association, etc, are not questioned by him, nor is he here to condemn Chief Charles. That at the outset of this controversy, Chief Charles' actions were called errors in judgment, and in his opinion there have been quite a few errors in judgment since that time. That he may be wrong, but he cannot help but think at times that the investigation was based on getting Chief Charles off the hook but he stands to be corrected on that. However, he does not think the answer is to dissolve the existing associations, or taking away the right of assembly, or the right to have group insurance together. That it sounds to him like the largest purpose of the investigation was to get rid of the association now while there was an opportunity, and he thinks that was ill conceived and should not be adopted. He stated with regard

to James Long, President of the Association, that he cannot say, and it is not his business to say whether the association complaints were presented in proper manner or not, as he understands there was no procedure set up for such things. However, he thinks two sets of standards are being used for punishment, when on the one hand the reprimand for Chief Charles is based on length of service in the Fire Department, but no one is taking recognition of the length of service of Jim Long in the Department. That all Jim Long has done all of his life has been to serve in the Navy and 16 years in the Fire Department, and his record is clean and this should be taken into consideration. Too, the Council will be in the position of having the accuser cited before the Civil Service Commission by the accused for disciplinary action, and he cannot see how this is proper.

He referred to the resolution adopted by the Charlotte Central Labor Council membership, which contains the views he has expressed. He stated further his purpose in coming here today is to appeal to the Council's sense of fair play; that some parts of the By Laws of the Association may be ill advised, and it seems to him they should be given a chance to revise them; that he would like the Council to give these requests consideration and when they vote to do the right thing.

Mayor Brookshire assured Mr. Henderson and others present who are interested in this particular matter, that the Council has given thorough and serious consideration to the Report, which they have had before them for more than a week, and that any action on the part of the Council will be predicated on absolute fairness to all parties concerned and the best interest of Charlotte.

Mrs Effie Ray presented a resolution, signed by a large number of citizens, stated they have read the recommendations of the City Manager in his Report, which seems to condone Chief Charles and because of his extended service with the Department he should just be reprimanded and that done by the City Manager. That Mr James Long's 16 years of service with the Department, with a perfect record and his 22 years with the U.S. Navy and Naval Reserve, was not mentioned by the City Manager, nor considered in the Report, instead the City Manager recommended that the accused, Chief Charles, cite the accuser, Jim Long, before the Civil Service Commission not to be reprimanded but to be disciplined. That they believe Mr. Long was proper in not divulging names to the City Manager and not answering questions that did not concern his activities in relationship to his employment as a Fireman. She requested Council to consider these facts and not approve the City Manager's report.

Mr. J. F. Klutz, representing the Communications Workers of America, submitted a petition, which he stated was signed by 403 members stating they believe in this land of freedom, men have the right to organize in their own way, to help promote the general economic welfare of mankind and/or to help dissolve grievances that may be inflicted upon them; and, urged the City Council not to approve any part of the City Manager's Report that will dissolve the Fire Fighters Association or discipline any member for his lawful activities therein.

Mr. W. J. Elvin stated he has been a member of an Engineering Union, and was also elected a member of a Trades Council but because of a promotion did not accept, and has been a member of a Chamber of Commerce, so has sat, as it were, on both sides of the table in labor discussions. He stated he has no axe to grind and expressed his great respect for the Council and in particular for the Mayor and his fine stand on matters. He stated he feels that something important has been missed both by the gentleman who prepared the Report and by the representatives of the Labor

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Organizations; that he does not condone what Chief Charles has done but he considers his less guilty than Mr. Veeder or Mr. Long for the dereliction of duty, and he cannot understand why Mr. Veeder was asleep at the switch until advised by Mr. John Warren, Counsel for the Firemen, of the unfavorable conditions existing in the Fire Department. That he understands Mr. Veeder was Personnel Director in Ft. Lauderdale, Fla. before becoming City Manager in that city and having been trained in personnel work, this situation should have been corrected a year or so ago. That it appears to him unnecessary to commend Mr. Veeder for work he has left undone, and more is expected of a man making the salary he does.

Mr. L. L. Snyder stated he has some very good friends in the Fire Department, and he has known that this condition existed in the Department for some time. That one of the Firemen talked to him last summer regarding the method of promotion in the Department, stating if three men took the promotional tests, one with 5 years service, one with 10 years and one with 15 years, and they all made the same grade on the tests, that if Chief Charles liked the man with 5 years service best, then he gave him the job. He stated this is absolutely not right, and a man with ability should never be given the run around but promoted. He stated further that the new men coming into the department are upset and wondering if they too will be treated the same way. He asked that the Council correct this situation.

Mr. John Warren, Attorney representing the Fire Fighters Association, stated he has read the Report of the City Manager on the Fire Department and with most of it has no argument as it is beyond the scope of information that he has. That in checking the General Statutes of N. C. they find the Association is not illegal, however, some of the Bylaws appear to be contrary to what is stated in the Statutes. That his clients have no opposition to changing anything in the Bylaws that may be in conflict with the law as they do not wish to, in any way be classed as an organization in violation of the law. As to the part of the recommendation in the Report that says the organization has contributed to lessening the efficiency on the department, he has no direct knowledge of this, however, he has been told by several persons of the fine things the association has done, for example only through the association can they get a proper administration of the Credit Union in the Fire Department, too, the Association has written a system of directives for the Chief relating to some of the procedures now used in the Department; they took the initiative in drafting certain actions as to the Firemen's Retirement Fund and wrote the Bylaws at Chief Charles request and Jim Long was the member of the Committee doing this; they have worked for a more up-to-date training program, they have recommended and established more equitable working hours, and they feel they have improved the morale of the Department and Chief Charles told one of the men he doubted he would have been elected President of the International Fire Chiefs had it not been for the Fire Fighters Association and they have urged a study of the Civil Service Act relating to Firemen. Therefore, on behalf of his clients he feel that the criticism of the association is not just. As to the disciplinary action towards the President of the Association, the Association itself feels this would be a great injustice to its president because he was elected by the members and was carrying out the orders of the association adopted at an open meeting by two sessions. He stated that several members of the Committee asked Mr. Long not to reveal their names to anyone and that is why he did not do so. He stated Mr. Long has served over six years as President of the Association and given more time than any one member of the Department in the cause of his fellow workers and not been paid for it. He stated they realize that the Council has a responsibility to the City and to the citizens, as well as to the Fire Department, and they asked that the Council in their zeal to do their duty to the city, that they do

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their duty to every city employee by not intimidating one man who was given a job by some 260 men and because he tried to do the job in the best efforts for the city itself. He stated they have no further argument with the report. However, they do agree that some means should be found to continue this group, which would comply with whatever requirements would be necessary to keep the group for the purpose of group insurance, social activities and other matters, such as the Chiefs Club in the Department now. He stated he presumed that the Council is aware that there is another organization in the Fire Department - the Chief Officers Club.

Mr. George D. Bird, stated he is appearing in the interest of fair play and justice to everyone and thinks the Fire Fighters Association should be commended instead of reprimanded. That they have committed no crime, neither has their President, Mr. Long, committed a crime acting as their president. That he is proud to think Charlotte has this group who would bring this item of interest out in the open, and if the Association is disbanded how can the citizens expect to know these things. He stated he knows nothing against either Mr. Veeder or Chief Charles, but he comes to ask that no action be taken against Mr. Long, and he believes the Council can be depended upon to act in the best interest of the City of Charlotte.

Mr. A. T. Pierson stated he thinks the responsibility of the City Manager has been touched on too strongly, after all the Mayor, too, has some responsibility as he is empowered to get information regarding any department he wishes, and so does the Council. He stated he feels that Mr. Veeder was directed to make the report for Council's information, and not a matter of it being all black or all white, and he would like to see the Report accepted as information. He stated he thinks Chief Charles is a good Chief but his actions are not to be condoned but he would like to see him stay on. That as for Mr. Long, he possibly was uncooperative with the City Manager and it might be that the Council could pass a resolution saying that, but in his opinion that is as far as they can go. That the Council has to decide whether the firemen can belong to any association. He stated that he would like to see something come out of this investigation that is worthwhile.

CLARIFICATION OF CONDITIONAL USE PROVISION OF ZONING ORDINANCE DISCUSSED.

Mr. David Henderson asked for a clarification of what is meant by Conditional Usage under Sec. 23-35 (b) of the Zoning Ordinance with reference to applications for rezoning to B-1 shopping center districts to be accomplished by a schematic plan. He stated his understanding of Conditional Use, and in particular to Paragraph 2 at the bottom of Page 40 of the Zoning Ordinance, was that where there is any indication by the Planning Board of approval of an application (and he specifically refers to the Coppola property about which he appeared before Council at the time of the hearings on the Zoning Ordinance) was that under sub-item (h) Page 40, the property having been approved tentatively by the Planning Board office and by Council as a Conditional Business Use, there would be some indication somewhere in the ordinance, or some record of the fact that his request had been considered and approved subject to the presentation of the schematic plan. However, in talking with the Planning Director today he finds this is not the case. Also, that it is Mr. McIntyre's understanding that although his office has generally approved the Coppola property location as available for action on the schematic plan and although the public hearing on the matter was held, there is still nothing in the record to indicate that anything has been done at all and that in

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order to bring the schematic plan for the property before Council again, or to have it approved, it will have to come back as a new formal application, a new public hearing, new payment of the \$100.00 fee and reconsideration from scratch. That if his understanding is correct that he will have to start all over again, then he sees no need for the Conditional Use provision in the ordinance. That it seems to him where certain applications have previously been made and presented to the Council and the hearing held and fairly general approval given, that the property should be marked down for B-1 Conditional upon the presentation of the schematic plan to the Planning Board office without further ado.

Mayor Brookshire stated that Council considered the points that Mr. Henderson has raised in going over the ordinance, and it was thought that by giving the designation to certain areas where based on population growth etc, shopping centers might be required in the future, that certainly the owner would be willing to put up the \$100.00 for a review of his plans.

Mr. Henderson stated it is not the \$100.00 fee but there is the additional problem of having been through all this before and Council having viewed the property and made up its mind. Too, the property owner cannot under this go to a prospective tenant and say that he can build him a building according to a certain plan because there is nothing in the record to show that the property has been considered by Council and tentatively approved, that instead it is just a case of the Planning Director having knowledge that these things have happened and he might decide to leave the City of Charlotte and without a record of the transaction there would be nothing to go on.

Mr. Dellinger called attention that this would have to be a general plan and that if the property owner waited a year or two to complete his application by submitting his plan, neighborhood conditions might have changed.

Mr. Henderson stated if the Conditional Use means nothing in the ordinance, then why have it? Mr. Albea called attention that it is there for the purpose of providing the property owner an opportunity to come back within the 2 year period, otherwise he could not do so. Councilman Thrower stated that once the property owner put up the \$100.00 fee, he would not have to do so again, and he would not of necessity have to wait the entire 2 year period.

Mr. Henderson stated he was under the impression that the Coppola property which he presented was approved subject to his presenting the final schematic plan whenever they were completed.

Mayor Brookshire stated this portion of the Zoning Ordinance was considered most carefully by Council, and assuming that Council satisfied itself on the technicalities involved in the verbage, if the ordinance is adopted today as written, then that is it, but Mr. Henderson can always come back.

THE ADVERTISING CLUB OF CHARLOTTE REQUESTS ADMENIMENT TO OUTDOOR ADVERTISING SIGN PROVISION OF ZONING ORDINANCE.

Mr. John M. Dunnagan, representing The Advertising Club of Charlotte, presented a resolution adopted by the Club, whose membership consists of representatives of the newspapers, radio stations, television stations, advertising agencies, outdoor advertising firms and advertising executives of Charlotte's largest business enterprises, stating they oppose the city government curtailing an important means of communication to the public; that they hold that the outdoor advertising medium in business and

industrial districts of the city is vital in stimulating the buying of products and services requesting Council to give serious consideration that this curtailment will constitute a violation of the free enterprise system and a discrimination against this phase of industry to the point of placing it in an unfair position competitively. They requested that the proposed Sign provision be amended as follows:

1. Permit outdoor advertising in the form of poster panels and painted bulletin displays in all business and industrial areas zoned as B-1, B-2, B-3 and I-1, I-2 and I-3.
2. Permit standardized painted bulletins in such areas up to a maximum of 750 square feet.
3. Permit such outdoor advertising structures to be erected no further from the street right-of-way than other business structures.

MAPS AND INFORMATION RELATIVE TO REQUEST FOR CUT IN MEDIAN STRIP IN INDEPENDENCE BOULEVARD TO PERMIT LEFT TURNS INTO PROPERTY OF BABE MALLOY'S RESTAURANT RECEIVED AS INFORMATION FOR LATER ACTION.

Mr. John Plumides, Attorney representing the owners of Babe Malloy's Restaurant on Independence Boulevard, submitted maps et cetera with regard to his request made to Council on January 15th for a cut in the median strip in Independence Boulevard to permit left turns into the property of Babe Malloy's Restaurant, which is opposite to the Coliseum property. He stated they would like to have approximately 100 feet of the median strip removed for the cut, which will give his client one driveway entrance into his property. He stated further that his client will pay for the cost of the cut. Mr. Plumides explained in detail to the Council the existing situation from the maps.

Following the discussion, Councilman Albea moved that the Map and information be received as information and acted on later. The motion was seconded by Councilman Dellinger, and unanimously carried.

ORDINANCE NO. 62 AMENDING CHAPTER 23 OF THE CITY CODE ENTITLED "ZONING" ADOPTED AS AMENDED.

Mayor Brookshire called for consideration of Ordinance No. 62 Amending Chapter 23 of the City Code entitled, "Zoning".

Councilman Jordan presented the following statement:

"Council consideration of the new zoning ordinance has taken a long, long time; not by choice, but by reason of the magnitude of the task.

The necessary delay in official adoption has inevitably created hardships upon our citizens and property owners. It was my belief that the last hurdle was passed at our last informal session and that adoption of the ordinance today would put an end to the hardships. For this reason, I took issue with a fellow Council member who, having been absent from the last informal session, stated that he did not feel bound by the informal vote taken in his absence, and might possibly offer further amendments when the ordinance came up for official adoption.

Because of my desire to avoid the hardships of further delay, I stated publicly that it would be my intention to ask the Council to uphold the ordinance as agreed upon informally at the meeting on January 8th.

I now wish to state for the record, that although I do not plan to offer any amendments at this time, I recognize the legal right and prerogative of any Council member to do so.

I understand that, in a legal sense, amendments may be offered and adopted, and that the whole ordinance can then be adopted at today's session, without the continuing hardships of further delay.

Therefore, in the event that amendments are offered, I reserve the right to cast my vote on the merits of any such amendments and I do not now ask the Council to uphold the ordinance as passed informally, but, merely that as always each member vote in accordance with his own convictions.

I make this statement in the belief that substance is more important than procedure, that issues are more important than personalities, and that a good ordinance is more important than individual feelings."

Mayor Brookshire stated that Councilman Jordan's statement was a good and fair one.

Councilman Dellinger stated that in his opinion Councilman Jordan has taken a very broadminded stand on this, and he certainly has no quarrel with him nor with anyone on the Council.

Councilman Albea moved the adoption of the ordinance. The motion was seconded by Councilman Thrower.

Councilman Smith stated he has given a great deal of thought to the Advertising Signs and he has learned a lot about it and has predicated all of his remarks on the fact that this is a very technical ordinance that many of us do not understand without thorough study. That at the last informal session he supported the idea that advertising signs should be limited to 300 square feet but has found now that industry has certain painted signs that are specified by the national concerns to exceed this 300 sq. feet, and he thinks it is reasonable in the B-2 and Industrial Areas that these people should be permitted to have painted signs which exceed the standard size and this can be accomplished by an amendment. Therefore, he offered the following amendment to the Ordinance:

Amend Sec. 23-83 (c) (1) to read, "No advertising sign shall exceed 750 square feet in area."

Amend Sec. 23-83 (c) (4) to read, "Each structure may support one advertising sign not exceeding an aggregate of 750 square feet on either side of said structure."

The motion was seconded by Councilman Dellinger.

Councilman Bryant stated it was his belief that if any changes were made as of today it would delay the ordinance further, which he did not want to do, and as a result he shall vote as he voted originally because he has repeatedly told everyone he has talked to about it that he felt that the residential and office areas were no places for the government to restrict on matters such as this unless it is a matter of safety or health or property devaluation.

The vote was taken on Councilman Smith's motion to amend the ordinance, and carried by the following vote:

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

Councilman Bryant moved a further amendment to the ordinance, as follows:

Amend Section 23-98 (a) by striking out the words "area or lot width" appearing in line 4 of said section and inserting in lieu thereof the word "dimensional".

Further amend Section 23-98 (a) by adding at the end of the first sentence thereof the following:

"including vacant lots contained in subdivision plans which have received either preliminary or final approval under Chapter 18 of the Code of the City of Charlotte. Any subdivision which has received preliminary plan approval prior to the time of passage of this ordinance and which contains vacant lots that do not comply with minimum dimensional requirements prescribed by this ordinance, may nevertheless receive final plat approval under Chapter 18 of the Code of the City of Charlotte and thereafter be admitted to recordation."

The motion was seconded by Councilman Dellinger. The vote was taken on Councilman Bryant's motion to further amend the ordinance and unanimously carried.

The vote was then taken on the main motion and the ordinance was adopted as amended, by unanimous vote.

Mayor Brookshire commended the Council, stating they have labored faithfully over a very difficult ordinance for a long time and he is fully appreciative for the many hours spent together on it and that he is very pleased with the ordinance.

The ordinance is recorded in full in Ordinance Book 13, beginning at Page 151.

CHANGE ORDERS AUTHORIZED IN CONTRACTS OF ROBINSON ELECTRIC COMPANY AND TOMPKINS-JOHNSTON COMPANY FOR WORK ON SECOND FLOOR ADDITION OF AIRPORT WEST TERMINAL BUILDING.

Upon motion of Councilman Whittington, seconded by Councilman Dellinger, and unanimously carried, the following change orders in the Second Floor Addition of the Airport West Terminal Building, F.A.A. Project No. 9-31-017-6011 were authorized:

- (a) Change Order No. E-3 in contract of Robinson Electric Company for electrical work, substituting different electrical fixtures for those specified, which makes no change in the contract price.
- (b) Change Order No. HY-2 in contract of Tompkins-Johnston Company, for necessary changes in sheet metal duct work in Room 307, radar equipment and I.F.R. of the existing building, increasing the contract price by \$133.00.

PAYMENT AUTHORIZED TO BLYTHE BROS. COMPANY FOR BLACK TOP AROUND PARKING AREA AT CITY GARAGE.

Councilman Thrower moved approval of the payment of \$3,471.75 to Blythe Bros. Company for black topping around the parking area at the City Garage, in accordance with the 1961-62 Capital Improvements Budget. The motion was seconded by Councilman Whittington, and unanimously carried.

CONSTRUCTION OF SANITARY SEWER MAINS AND TRUNK LINES AUTHORIZED.

Motion was made by Councilman Whittington, seconded by Councilman Jordan,

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and unanimously carried, authorizing the construction of sanitary sewers and trunk lines at the following locations:

- (a) Construction of 2,260-ft. of sewer main to near Freedom Park Shopping Center property line, inside the city limits, at request of Freedom Drive Investment Company, at an estimated cost of \$6,965.00. All costs to be borne by the applicant, whose deposit of the entire cost will be refunded as per terms of the contract.
- (b) Construction of 1,927-ft. of sewer trunk and main from Outfall to Ascot Drive, inside the city limits, at request of Chase Hosiery Mills, at an estimated cost of \$7,900.00. All costs to be borne by the applicant, whose deposit of the entire cost will be refunded as per terms of the contract.

RENEWAL OF SPECIAL OFFICER PERMIT TO W. T. ALEXANDER ON PREMISES OF CHARLOTTE MEMORIAL HOSPITAL.

Upon motion of Councilman Jordan, seconded by Councilman Thrower, and unanimously carried, the Special Officer Permit issued to Mr. W. T. Alexander for use on the premises of Charlotte Memorial Hospital was authorized renewed for one year.

APPOINTMENT OF ROBERT STEWART ON AIR POLLUTION CONTROL ADVISORY & APPEAL BOARD.

Councilman Whittington moved the appointment of Mr. Robert Stewart as a member of the Air Pollution Control Advisory & Appeal Board, which was seconded by Councilman Albea.

Councilman Bryant offered a substitute motion for the reappointment of Mr. Wallace Osborne to the Board, which was seconded by Councilman Smith.

The vote was taken on the substitute motion and lost by the following vote:

YEAS: Councilmen Bryant and Smith.

NAYS: Councilmen Albea, Dellinger, Jordan, Thrower and Whittington.

The vote was then taken on the motion by Councilman Whittington, and carried by the following vote:

YEAS: Councilmen Whittington, Albea, Dellinger, Jordan and Thrower.

NAYS: Councilmen Bryant and Smith.

Councilman Smith moved that the appointment of Mr Stewart be made unanimous, which was concurred in by Councilman Bryant.

TRANSFER OF CEMETERY LOT.

Upon motion of Councilman Albea, seconded by Councilman Whittington, and unanimously carried, the Mayor and City Clerk were authorized to execute a deed with Mr. Frank Dwight Stephens for Lot 253, Section 2, Evergreen Cemetery, at \$600.00.

CONTRACT AWARDED DRESSER MANUFACTURING COMPANY FOR 1,000 SINGLE STRAP SERVICE CLAMPS.

Upon motion of Councilman Albea, seconded by Councilman Thrower and un-animously carried, contract was awarded Dresser Manufacturing Company, the low bidder, for 1,000 size 2" X 3/4" single Service Clamps for the Water Department, at their bid price of \$1,658.30.

The following bids were received:

| | |
|---------------------------|-------------|
| Dresser Manufacturing Co. | \$ 1,658.30 |
| Grinnell Company, Inc. | \$ 1,676.80 |
| Atlas Supply Co. | \$ 1,677.97 |
| Shelby Supply Co. | \$ 1,737.20 |
| Mueller Co. | \$ 1,777.60 |
| Tidewater Supply | \$ 1,787.70 |
| Pump & Lighting Co. | \$ 1,918.68 |

BIDS ON ELECTRICAL WIRING SYSTEM FOR MOTOR TRANSPORT BUILDING REJECTED.

Councilman Thrower moved that all bids received on electrical wiring system for the Motor Transport Building be rejected and plans and specifications redrawn to more completely describe our requirements, as recommended. The motion was seconded by Councilman Dellinger, and un-animously carried.

CONTRACT AWARDED L & N ROYAL TIRE SERVICE FOR RECAPPING AND REPAIR SERVICE ON FABRIC TYPE TIRES.

Motion was made by Councilman Albea, seconded by Councilman Smith, and unanimously carried, awarding contract to L & N Royal Tire Service, the low bidder, for recapping and repair service on fabric type tires, on a unit price basis, at their bid price of \$9,699.82.

The following bids were received:

| | |
|--------------------------|-------------|
| L & N Royal Tire Service | \$ 9,699.82 |
| Todd Tire Traders, Inc. | 10,833.75 |
| Brown Shoemaker Tire Co. | 11,731.58 |

CONTRACT AWARDED L & N ROYAL TIRE SERVICE FOR RECAPPING AND REPAIR SERVICE ON METALLIC TYPE TIRES.

Councilman Dellinger moved the award of contract to L & N Royal Tire Service, the low bidder, for recapping and repair service on Metallic Type Tires, on a unit price basis, at their bid price of \$5,556.75. The motion was seconded by Councilman Whittington, and unanimously carried.

The following bids were received:

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|--------------------------|-------------|
| L & N Royal Tire Service | \$ 5,556.75 |
| Todd Tire Traders, Inc. | 5,614.94 |

CONTRACT AWARDED GRINNELL COMPANY, INC. FOR PIPE THREADING MACHINE.

Upon motion of Councilman Whittington, seconded by Councilman Albea, and

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unanimously carried, contract was awarded Grinnell Company, Inc., the low bidder, for one Pipe Threading Machine, as specified, at their bid price of \$2,912.56.

The following bids were received:

| | |
|------------------------|-------------|
| Grinnell Company, Inc. | \$ 2,912.56 |
| Dillon Supply Company | 2,976.46 |
| Crane Supply Company | 3,420.34 |
| Horne-Wilson, Inc. | 3,450.50 |

CONTRACT AWARDED DILLARD PAPER COMPANY FOR 1,500 REAMS OF MIMEOGRAPH PAPER.

Motion was made by Councilman Whittington, seconded by Councilman Thrower, and unanimously carried, awarding contract to the low bidder, Dillard Paper Company for 1,000 reams of 8½ x 11 and 500 reams of 8½ x 14 Mimeograph Paper, as specified, at their bid price of \$1,797.80.

The following bids were received:

| | |
|-------------------------|-------------|
| Dillard Paper Company | \$ 1,797.80 |
| Caskie Paper Company | 1,817.95 |
| Charlotte Paper Company | 1,949.30 |
| Henley Paper Company | 1,989.70 |

RESOLUTION OF APPRECIATION FOR RECOGNITION BY THE PEOPLE OF PERU THROUGH THE COMMITTEE ON UNDERSTANDING AND DEVELOPMENT AND THE HEMISPHERE ADOPTED. RESOLUTION OF SALUTATION TO THE CITIZENS AND GOVERNMENT OF THE CITY OF LIMA, PERU, RESOLUTION OF SALUTATION TO THE CITIZENS AND GOVERNMENT OF THE CITY OF RIMAC, PERU, RESOLUTION OF FRIENDLY ALLIANCE WITH THE CITY OF AREQUIPA IN PERU.

Upon motion of Councilman Bryant, seconded by Councilman Albaa, and unanimously carried, the following resolutions entitled: RESOLUTION OF APPRECIATION FOR RECOGNITION BY THE PEOPLE OF PERU THROUGH THE COMMITTEE ON UNDERSTANDING AND DEVELOPMENT AND THE HEMISPHERE, RESOLUTION OF SALUTATION TO THE CITIZENS AND GOVERNMENT OF THE CITY OF LIMA, PERU, RESOLUTION OF SALUTATION TO THE CITIZENS AND GOVERNMENT OF THE CITY OF RIMAC, PERU, RESOLUTION OF FRIENDLY ALLIANCE WITH THE CITY OF AREQUIPA IN PERU, were unanimously adopted as presented. The resolutions are recorded in full in Resolutions Book 4, beginning at Page 173.

Mayor Brookshire stated he will carry the resolutions with the greetings and compliments of the Council to the people in Peru.

OFFICIAL LIST OF REAL ESTATE APPRAISERS TO BE USED ON CITY PROJECTS.

The following list of Real Estate Appraisers were unanimously agreed upon by the Council, with all members present, to be used in alphabetical order on city projects, and before anyone is so used on a specific project, his name is to be brought by the City Manager to the Council for its approval before any action is taken or work started.

The City Manager stated he understands the Council's wishes and they shall be carried out in this connection.

J. E. Barrentine
 Ralph H. B. Booth
 Brevard Brookshire
 Henry E. Bryant
 J. H. Carson
 J. Henry Cromartie
 Freeman Daniel
 Allen Davis
 Ernest Delaney, Sr.
 Kemp Dunaway
 John F. Durham
 Claude Freeman
 Wallace Gibbs

Paul Guthery
 Frank Harlan
 W. I. Henderson
 Lee Kiney
 J. Caldwell McDonald, Sr.
 Banks McClintock
 Hal McKee
 Henry Newson
 Robert Rhyne
 Louis L. Rose
 Al Smith
 Ike B. Stevens
 Frank R. Thies
 Robert Webb

REPORT AND RECOMMENDATIONS OF CITY MANAGER ON FIRE DEPARTMENT INQUIRY
 ADOPTED.

Councilman Smith stated before he moves the adoption of Mr. Veeder's Report on the Fire Department Inquiry, he wished to have a little discussion on the status of James Long. He said in listening to the arguments today he has been influenced somewhat that James Long represents an association and as its President and under its by-laws he was prevented from making a statement to Mr. Veeder by his own agreement with the association. That personally he does not like the association in the Fire Department but is wondering if James Long should be picked as a scapegoat from the 260 members and disciplinary action taken against him. That he thinks this part should probably be left to Chief Charles, and not to the Council. That what he is saying, in effect, is that the Council go along with the recommendations in the report but leave any action on James Long up to the discretion of the Fire Chief.

Mr. Veeder stated he might be able to clarify the matter as to his personal thinking on the point Mr Smith is commenting on. That in his report he did not suggest any form of disciplinary action because of the fact by Charter this is outside the purview of the Manager's office and technically the Chief of the Department is vested by law with the responsibility to handle these matters; that it has, however, been his intent from the outset to recommend in this instance that the type of disciplinary action to be applied would be a very severe reprimand.

Councilman Dellinger stated he does not think the Council is in position to make a recommendation to Chief Charles in view of the fact that he is the only man who can cite these people to the Civil Service Board. That he does not see anything in the Report that should not be acted on by the Council, and thinks the Council should take a stand and whether they believe James Long guilty or not of infraction of the rules, the Council must decide whether they want to tell the Chief whether they agree with the Report and whether they believe he should find out what the trouble is in the department. He then asked the City Attorney if he is satisfied in his own mind with the legality of the Fire Fighters Association in the Department? Mr. Morrissey replied that he is satisfied that the association is not illegal per se. That he thinks he would support the language contained in the Report, which said the Association violates the spirit if not the letter of the 1959 law. Councilman Albea asked how it violates the law so long as dues are not paid to National, International or to any Association.

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Councilman Smith stated the Council cannot go along on one point, which is the secrecy of this association. That he understands the members are pledged to secrecy and that is the reason James Long did not answer the Manager's questions. Councilman Bryant stated he believes the Report says the average member in the association did not know the members of this particular committee who were appointed to make an investigation of the Department.

Councilman Whittington moved that Council adopt the Report of the City Manager concerning the Fire Department. The motion was seconded by Councilman Dellinger.

Councilman Smith stated this puts him in the position of voting for the Report when he objects to Recommendation #4. Councilman Whittington stated he is trying to get the Report adopted and if Council then wishes to go into the recommendations individually they may do so. Councilman Bryant said he regards the Report as containing the recommendations. Mayor Brookshire asked if the motion as made does not embrace adopting the report with the recommendations? The City Attorney replied the recommendations are part of the Report but Council should also be aware that certain of the recommendations may require further implementation. Councilman Whittington stated this is his point exactly, that one or more recommendation should be specifically spelled out as to what is to be done, as they are only suggestions, and he doubts if it can all be covered on one vote. Councilman Smith stated as long as the record is clear that he is not out to get James Long's scalp because he happened to be President of the 260 member organization, because he thinks all 260 are as guilty as James Long and he should not be singled out.

Councilman Whittington asked the City Attorney to clarify the recommendations, as to how one is going to vote on the entire report without the recommendations? That a suggestion cannot be voted on, but it must be something more concrete. Mr. Morrissey replied that the Council can receive the Report on the basis of information and then take separate action on each of the recommendations.

With the consent of Council, Councilman Whittington rephrased his motion that the Council adopt the Report with any recommendations and revisions the Council may see fit to make in the six recommendations at the end of the Report. The motion, as rephrased, was seconded by Councilman Dellinger. Mr. Morrissey stated this could be reversed, and the recommendations be acted on first and then adopt the Report with the recommendations as decided on.

Councilman Dellinger asked Mr. Veeder for clarification on Item 4, he asked if Mr. Veeder thinks by virtue of the majority of the Council asking him to make the investigation that James Long acted in violation of the Civil Service Act by not answering his questions? Mr. Veeder replied he thinks there is a degree of insubordination involved when a city employee declines to answer questions coming from the City Manager. Councilman Dellinger stated he too feels that way, except in the case of a Civil Service employee but he does not know whether in that case he would be liable to the City Manager as an employee. Mr. Morrissey stated the Report makes no reference to a violation of the Civil Service regulations. That the authority of the Manager to the employee is fixed in the Charter. The duties of the Civil Service Commission are also fixed in the Charter and therefore have to be read together. That he thinks a fair interpretation is that the Manager's authority is not impaired by the Civil Service regulations except insofar as disciplinary action is concerned, which prescribes the method of handing out discipline short of reprimanding.

Councilman Smith asked the Council if they do not think the fact that the City had a check-off system for the Fire Fighters Association gave some recognition to it and the Council is involved in it as much as they are, and that some justice should be rendered by saying that in the future this will be done away with? Councilman Dellinger took exception to this because the Council had ordered that check-offs discontinued, and no one knows how it was started again. Councilman Smith stated his position is to do away with the association but he does not know if at this late date the blame should be put on any one person.

Councilman Thrower asked the City Attorney if his understanding is correct that the Manager does have the authority to reprimand members working under Civil Service? Mr. Morrisey replied that the Charter makes the Chief responsible for the order and efficiency of his department, it also makes the Chief responsible to the Manager and the City Council for the efficient operation of his department. Councilman Thrower asked if Mr. Veeder has the authority to reprimand a person who works under the Civil Service? Mr. Morrisey stated he would think the Manager would have the authority under the Council to direct orders to the department heads, who are made responsible to him by the Charter, and this includes the Chief of the Fire Department, and the Manager would have to go through the Chief if he wanted to administer a reprimand or some other form of disciplinary action to a member of the department.

Councilman Thrower moved an amendment to the motion that the words "disciplinary action" be changed to "reprimand" in the Report. The motion did not receive a second.

Councilman Smith stated he would go along with Councilman Whittington's motion if he will except Item 4 from the Recommendations. That it is up to Chief Charles what he does with James Long.

Mr Veeder offered this word of caution - that looking at another aspect of this, he is sure it is not being suggested that employees be encouraged to not acknowledge their superiors when they are questioned by them. Councilman Albea stated the employee being a citizen of the United States might think the question is none of the questioner's business. Councilman Bryant pointed out that it affects the welfare of the City, with which remark Councilman Albea stated he disagreed. Mr. Veeder pointed out there is no criminal action here, it is an employer-employee relationship. Councilman Bryant stated that it appears to him to boil down to this level if there is no matter of contrast between the Civil Service disciplinary action and with what the City Manager was charged to do when he was hired, then it comes down to whether in a matter of employer-employee relationship, the Council is going along with the Manager or not, and this matter has been given a great deal of time and interest by the Manager in order to bring back a Report to the Council that represents the Manager's best judgment. Councilman Smith stated he has always taken the position to back up the City Manager and he will always do so, because he is the appointee of the Council but he does think the Council is partly responsible when the check off of the association's dues was permitted because by that act the association was recognized.

Councilman Bryant offered a substitute motion that the Report be adopted as is and that it be carried out in the manner in which the report was made. Councilman Whittington stated this, in essence, is the same motion that he made. Councilman Bryant stated he was under the impression that Councilman Whittington was trying to get each item acted on individually, and if that is incorrect then he misunderstood the original motion and he will withdraw his substitute motion if it is the same.

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At the request of the Mayor to restate his motion, Councilman Whittington advised that the intent of the motion was to adopt the Report to the City Council on the Fire Department Inquiry from the City Manager and in this Report are six recommendations which should be adopted as part of the Report and he wants that in the motion, and Recommendation #2 says "it is also suggested that the City Council consider establishing as a condition of continued employment in the Fire Department, non-membership in the Fire Fighters Association or any successor thereto having the same or similar purposes", and he thinks his motion would have to say, instead of using the words "suggested", "that" it is a fact that they cannot be a member of that organization for future employment.

The Mayor asked Councilman Dellinger, who seconded Councilman Whittington's former motion, if the statement just made by Councilman Whittington as a part of his motion, is in all effects what he understands the motion to be? Councilman Dellinger replied that he does not know about the necessity of this but he will go along with it. Councilman Smith stated the Council is not ruling out any civic or social club the firemen might have.

Councilman Bryant asked the City Attorney if it is necessary to implement these things by individual resolutions? Mr. Morrisey replied that it is not, not if Council adopts them all, that he thinks Mr. Whittington's motion includes the adoption of the recommendations, and Council ordering their implementation.

The vote was then taken on Councilman Whittington's motion, and carried by the following recorded vote:

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

QUESTION OF OFFICERS CLUB IN FIRE DEPARTMENT DISCUSSED.

Councilman Albea called attention that it has been stated there is an Officers Club in the Fire Department and asked what is going to be done about it, that he is not opposed to it but just wants to know what these people who are opposed to these organizations are going to do about it? Mayor Brookshire stated the question is technical and he would like Councilman Albea to pose it to the City Attorney.

BEST WISHES OF COUNCIL EXTENDED MAYOR BROOKSHIRE ON TRIP TO PERU.

Councilman Bryant offered a resolution wishing the Mayor God-speed on his trip to Peru tomorrow, with the hopes that he will have a very wonderful trip. The motion was seconded by Councilman Whittington, and unanimously carried.

RESOLUTION PROVIDING FOR PUBLIC HEARINGS ON ZONING PETITIONS ON FEBRUARY 20TH, ADOPTED.

Councilman Whittington moved the adoption of a Resolution Providing for Public Hearings on 34 Zoning Petitions on Tuesday, February 20th, at 7 o'clock p.m. in Court Room #1, Mecklenburg County Courthouse. The motion was seconded by Councilman Jordan, and unanimously carried.

The resolution is recorded in full in Resolutions Book 4, at Page 177.

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MAYOR LEAVES MEETING AND MAYOR PRO TEM PRESIDES FOR REMAINDER OF SESSION.

Mayor Brookshire left the meeting to fill an appointment at this time and Mayor Pro Tem Whittington presided for the remainder of the session.

BIDS AUTHORIZED RECEIVED FOR CONSTRUCTION OF TWO NEW FIRE STATIONS.

The City Manager presented the plot plan and elevations for the two new fire stations, approved in the current Capital Improvements Program, the location of one being on Glenwood Drive at Rowan Street and the other on Sharon-Amity Road near Randolph Road. He stated the station on Sharon-Amity Road is almost an identical replica of the one just completed on Inwood Drive, with minor improvements, and he explained the details of the proposed building. As to the station to be located on Glenwood Drive, Manager stated it is again the same as the one on Inwood Drive with one exception, that in as much as it is contemplated it will be a three company station in the future, the engine room is enlarged to take care of this. Councilman Smith moved that they be put out for bids, which was seconded by Councilman Bryant, and unanimously carried.

ACQUISITION OF PROPERTY FROM ESTATE OF W. T. DICKSON AS RIGHT OF WAY FOR THE CONSTRUCTION OF THE WEST SIDE GRADE CROSSING ELIMINATION PROJECT.

Councilman Bryant moved the purchase of 20,894 sq. feet of property from the Estate of W. T. Dickson, located on West 7th Street at the Southern Railway tracks, at a price of \$18,000.00, as right of way for the West Side Grade Crossing Elimination Project, as recommended by the City Manager. The motion was seconded by Councilman Jordan, and unanimously carried.

SALE OF \$1,800,000 CITY OF CHARLOTTE BONDS ON JANUARY 23RD COMMENTED ON.

Mr. Veeder commented on the sale of the \$1,800,000 City of Charlotte Bonds on January 23rd. He stated the sale reflects credit on the City of Charlotte; that the Local Government Commission received the largest number of bids on the bonds ever received on any one issue, with 23 bidders the spread on the bids was only .16%, the low bid being 3.1252. He stated this was a desirable price and was better than the twenty bond average on the 19th and on the eleven bond average which is usually a pretty good indication as to what the bonds might be sold for. That Mr. Ledbetter contributed a number of factors to the sale and the price was better than he, personally, had expected; that several things helped, one perhaps was getting out our Audit Report in better fashion, which was distributed widely to potential bidders; another thing was the fact that we hit the market at a good time; that all told he is very pleased and is sure the Council is pleased with the sale.

REPORT REQUESTED ON GUTTERING & DRAINAGE ON 35TH STREET, BETWEEN DAVIDSON AND THE PLAZA.

Councilman Smith stated the matter of guttering and drainage on 35th Street, between Davidson and The Plaza, has been brought up before and something should be done without delay. The City Manager advised that a cost estimated has been made and he will report it at the next Council Meeting.

ADJOURNMENT.

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


Lillian R. Hoffman, City Clerk