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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, June 13, 1960, at 3 o'clock p.m., with Mayor Smith presiding, and Councilmen Albea, Dellinger, Hitch, Myers, Smith and Whittington being present.

ABSENT: Councilman Babcock.

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INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED AS CORRECTED.

Upon motion of Councilman Hitch, seconded by Councilman Albea, and un-animously carried, the Minutes of the last meeting on June 6th were approved as corrected, by striking out the words "which he does not believe will succeed" in the statement by Councilman Hitch relative to the purchase of the Ice Hockey Team and Franchise recorded in the second line of the third paragraph on Page 426 of said Minutes.

NEGOTIATIONS AUTHORIZED WITH RAILROAD COMPANIES AND STATE HIGHWAY COMMISSION RELATIVE TO AVAILABILITY OF FUNDS FOR GRADE CROSSING ELIMINATION PROGRAM.

Mr. H. H. Baxter, Chairman of the Chamber of Commerce Sub-Committee of the Appearance Committee, appeared before Council, accompanied by Mr. Henry A. Yancey, Committee member and Mr. Brodie Griffith, Chairman of the Appearance Committee, and stated the Sub-Committee is charged with pushing the start of the west side traffic congestion with the cooperation of the Southern Railroad across Trade and many other west side crossings with plans already in hand including the demolition of the Old Southern Railroad Station and the building of a new one. That they have been awaiting the "Origin and Destination" report which has now been received and "approved in principle" by the Council and the powers that be at Raleigh and Washington. Now they are trying to get some action. The underpass on East Fourth Street is in these plans and although it is a small part of the whole project, it can be started at once and obtain the extra traffic lane on Fourth Street. In talking with the City Auditor they find funds are available; in talking with the City Engineer's office they find that plans are complete and railroad approval has been obtained and they understand that the railroad will provide a Supervising Engineer during the construction; in talking with Mr. Hoose and Mr. McIntyre they state that it would facilitate traffic to have the extra lane useable; in talking with Mr. Shaw, the City Attorney, he stated that insofar as he knows that the City can start the project with approval of the Council; that is the proposition in a nut shell, and this committee earnestly requests Council's approval and motion to advertise and start this very important phase of traffic easement to and from the downtown area.

Councilman Dellinger moved that the City Manager and City Attorney be authorized to negotiate with the Railroad Companies involved and the State Highway Commission as to the availability of funds for the entire grade crossing elimination program on the west side and on East 4th Street, and whether they are ready to proceed with the west side project and if not that the widening of the East 4th Street underpass be started at once. The motion was seconded by Councilman Hitch, and unanimously carried.

REPORT AND RECOMMENDATIONS OF CHAMBER OF COMMERCE AIRPORT MANAGEMENT STUDY SUB-COMMITTEE OF THE AVIATION COMMITTEE RECEIVED AS INFORMATION FOR COUNCIL CONSIDERATION.

Mr. Donald Denton, Chairman of the Chamber of Commerce Aviation Committee, stated the Committee, together with the Board of Directors of the Chamber, believe the report and recommendations of the Airport Management Study Sub-Committee will assist the Council in the operation of the Airport, one of the city's largest facilities. He then introduced Mr. J. P. Rogan, Chairman of the Sub-Committee, who gave the background of the work of the committee and enumerated the reasons for their recommendation and presented the recommendation:

REASONS

1. Whensoever possible, the functions of Government should be retained in the control of the electorate.
2. While an expanding residential community inevitably forces expansion of such basic municipal functions as water supply, sanitation, and sewage systems, Airport growth must have other stimulus in order to meet the needs of the traveling public in a manner which will bring praise and commercial growth to Charlotte.
3. The limitations on funding methods for capital improvement of our municipal Airport requires extraordinary analysis of its financial needs and the methods by which they may best be met.
4. The changing technology of air transportation and airport operation has been and is expected to be so swift that the assistance of an experienced semi-professional group is necessary to achieve maximum growth and economic utilization.

RECOMMENDATION

1. It is therefore recommended that a formal advisory committee consisting of five members be appointed by the City Council to assist in the management of the Charlotte City airport.
2. The tenure of office of any member of this committee should be five years, with one member being replaced each year. A member may succeed himself only once.
3. Two of the five members should be persons who are intimately familiar with aviation matters by reason of their vocation or avocation. The other three members should be selected from such fields as banking, the legal profession and general business.
4. Tenants of the airport or full time employes of tenants should not be eligible to serve on this board.
5. The committee should select its own chairman.
6. Meetings should be held as necessary, not less than every 60 days on a regularly scheduled basis.
7. The Council should fill at its discretion, the office of any member made vacant by death, resignation, prolonged illness or failure to attend any four successive meetings.
8. The committee chairman or his designate should report all recommendations of the Committee in writing to the City Council in a regular City Council session.

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9. The Advisory Committee should be empowered to appoint as they may find necessary, subcommittees to study special problems.
10. Membership on the Advisory Committee should not be restricted to residents of the City of Charlotte.
11. Minutes of each and every committee meeting should be recorded.
12. The committee should be assigned by the City Council the continuing responsibility for: formulating and reviewing long range planning in the form of a master plan for airport development; the review and study of all revenue producing contracts, recommending appropriate action to the City Council; the reviewing of the annual airport budget; the study of the financial needs for improvement of airport facilities; studying methods and means of financing airport projects; and the continuing study of the air transportation needs of the community.

Councilman Alba moved that the Report and Recommendation be accepted as information for Council consideration. The motion was seconded by Councilman Hitch, and unanimously carried.

Councilman Hitch commended the Committee on their work, and stated he hopes the Council will take action on their recommendations at a very early date.

Mr. Veeder, City Manager, stated he has been aware of the recommendations for about a week and wishes to endorse them to the Council; that he does not think the City Manager should have anything to do with appointments to this or any Board; that he thinks the recommendations are worthwhile and should be put in an appropriate ordinance for Council consideration.

OBJECTIONS TO THE CITY RETAINING GEO. G. SCOTT & COMPANY TO MAKE ANNUAL AUDITS OF THE CITY'S ACCOUNTS REGISTERED BY JOHN C. BENNETT.

Mr. John C. Bennett again appeared before Council and presented the following statement:

"Charlotte City Council  
City Hall  
Charlotte, N. C.

Gentlemen:

I respectfully request that this be considered as my objection to the retaining of Geo. G. Scott & Co. as auditors for the City for the fiscal year which will end on June 30, 1960, and for the fiscal year which will begin on July 1, 1960.

My objection is based on the following reasons:

The registration of the firm on the public records is false. There have been, and there are now undisclosed owners which make this firm ineligible to contract for any municipal audit under State laws, and particularly, the City of Charlotte under the City ordinances.

The firm is incapable of making an independent audit by reason of the hidden ownership, and by reason of the method of operation. It is the policy of this firm to obtain the contract for the audit engagement with the City of Charlotte. This contract is entered in the names of the registered owners. However, it is sub-contracted

to one of the firm's sub-contractors, who has to make what he can out the proceeds after setting aside a commission for the owners of the firm, both registered and un-registered. Under these conditions - with sub-contractors and employees having a financial interest in the audit contract - an independent audit is impossible. the residents and taxpayers and bond-holders have the right to expect that the audit be independent, and any representation that this audit has been, and is now independent is false and is against the public interest.

I respectfully request that the Council contract with an accounting firm from a list of reputable firms selected by an independent committee of citizens.

Respectfully submitted,

(Signed) John C. Bennett"

Mayor Smith advised Mr. Bennett that the City has made an investigation of the Company and is satisfied as to the validity of the firm and as to their being properly organized and capable of making the City's audit and he would suggest that Mr. Bennett take the matter up with the Courts if he is not satisfied.

Mr. Shaw, City Attorney, stated that every member of the Company is a Certified Public Accountant and he has ruled that under the law it is eligible to make the City's audit.

Mr. Bennett raised the point of the Company sub-contracting their audits. The City Attorney stated the City's contract with the Company does not provide for subcontracting and Mr. Bennett should prove that the work will be subcontracted.

Judge D. E. Henderson of the law firm Henderson & Henderson, attorneys for Geo. G. Scott & Company, stated the company is a partnership composed of three persons who are all Certified Public Accountants and they do not subcontract their audits.

Councilman Hitch advised Mr. Bennett that the City Manager will notify him when the award of the next auditing contract is docketed for Council consideration, as requested by Mr. Bennett in his letter to the Council on June 7th.

#### LEGAL RIGHT OF AUDITORIUM-COLISEUM AUTHORITY TO PROHIBIT DISTRIBUTION OF HANDBILLS ON PROPERTY QUESTIONED BY CHARLES JONES.

Mr. Charles Jones stated he was not permitted to distribute handbills, promoting support of demonstrations against segregated lunch counters and doing business at stores in which the counters are located, at the Auditorium at which graduation ceremonies of three negro high schools were being held, and he asked if the Auditorium-Coliseum Authority has the legal right to make such a policy that restricts the free movement of people in Charlotte, and if the City has an ordinance against the distribution of handbills.

The City Attorney stated the Auditorium-Coliseum Authority has control of the management and operation of the property and they have the blanket authority under the law to operate the buildings; that anyone renting the building would have to give their consent to such matters as the distribution of handbills, etc.

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CITY MANAGER REQUESTED TO WORK WITH OPTI-MRS CLUB RELATIVE TO REQUEST THAT TRYON STREET BE CALLED "RUTH STREET" ON WEDNESDAY, JUNE 15TH.

Mrs. Mark Penny, representing the Opti-Mrs Club stated they are sponsoring the Movie "The Story of Ruth" on Wednesday at the Carolina Theatre and they will have a ceremony at The Square at noon and would like permission to change the name of Tryon Street to "Ruth Street" for the day. The City Manager was requested to work with Mrs. Penny on their project without actually changing the street name.

CITY MANAGER REQUESTED TO CONFER WITH OFFICIALS OF HUNTLEY KNITTING MILLS RELATIVE TO GRIEVANCES.

Mr. Baxter Huntley, President of Huntley Knitting Mills and Mr. Flannigan, Vice-President, appeared before Council stating their property was taken into the city on January 1st and they have several grievances to register. That their \$5,000.00 water main has been confiscated by the city; they estimate their taxes will be increased \$10,000; that the Smoke Engineer has been out with the Police telling them not to strike a match and the garbage collectors will not pick up their trash, and so far they have gotten only a street light in front of the Mill.

It was explained that the terms of the contract with the city for the water main would govern that transaction, and the policy of the city regarding the collection of trash from commercial or industrial plants would prevail as to the collection from their plant.

Mayor Smith suggested that they discuss all their grievances with the City Manager and see if things cannot be worked out satisfactorily, and that they then come back to the Council for further discussion if they wish. Mr. Veeder, City Manager, stated he would be glad to confer with them.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON JULY 18TH ON ORDINANCE NO. 683.

A Resolution Providing for a public hearing on July 18th on Petition of Sunnyside Avenue Residents, for a change in zoning from R-2 to O-I on property on both sides of Sunnyside Avenue, from 621 to 910, as set forth in Ordinance No. 683, was introduced and read, and upon motion of Councilman Albea, seconded by Councilman Whittington, was unanimously adopted. The resolution is recorded in full in Resolutions Book 4, at Page 18.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON JULY 18TH ON ORDINANCE NO. 684.

A Resolution Providing for a public hearing on July 18th on Petition of Mrs. W. A. Weir, Concord, N. C. for change in zoning from R-1 to R-2, on property located on the west side of Glenn Street, as set forth in Ordinance No. 684, was introduced and read, and upon motion of Councilman Albea, seconded by Councilman Whittington, was unanimously adopted. The resolution is recorded in full in Resolutions Book 4, at Page 19.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON JULY 18TH ON ORDINANCE NO. 685.

A Resolution Providing for a public hearing on July 18th on Petition of Mr. S. H. Roddy, for change in zoning from Rural to B-1 on property located at the southwest corner of Herron Road and York Road, as set forth

in Ordinance No. 685, was introduced and read, and upon motion of Councilman Albea, seconded by Councilman Whittington, was unanimously adopted. The resolution is recorded in full in Resolutions Book 4, at Page 20.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON JULY 18TH ON ORDINANCE NO. 686.

A Resolution Providing for a public hearing on July 18th on Petition of Mr. W. R. Mincey, for change in zoning from R-2 to B-1, on property located on the north side of Gondola Avenue (formerly Grove Avenue East) east of Sugaw Creek Road, as set forth in Ordinance No. 686, was introduced and read, and upon motion of Councilman Albea, seconded by Councilman Whittington, was unanimously adopted. The resolution is recorded in full in Resolutions Book 4, at Page 21.

APPLICATION FOR LICENSE TO OPERATE INVESTIGATIONS, INC., A DETECTIVE AGENCY, GRANTED W. B. CRIDER, JR.

Councilman Albea moved approval of the application of Mr. W. B. Crider Jr., for a license to operate Investigations, Inc., a private detective agency. The motion was seconded by Councilman Hitch, and unanimously carried.

PAYMENT AUTHORIZED TO PIEDMONT & NORTHERN RAILWAY COMPANY FOR REMOVAL AND REPLACING TRACKS FOR CONSTRUCTION OF STEWART CREEK OUTFALL.

Motion was made by Councilman Smith, seconded by Councilman Whittington, and unanimously carried, authorizing the payment of \$216.06 to the P & N Railway Company for the removal and replacing of their tracks in the way of the construction of the Stewart Creek Outfall, according to the terms of the contract.

CONTRACT AUTHORIZED WITH DUKE POWER COMPANY TO FURNISH 1600 KILOWATTS OF ELECTRICITY TO CATAWBA RIVER PUMPING STATION.

Upon motion of Councilman Whittington, seconded by Councilman Smith, and unanimously carried, contract was authorized with Duke Power Company to furnish 1600 Kilowatts of electricity to Catawba River Pumping Station.

CONTRACTS AUTHORIZED FOR THE INSTALLATION OF WATER MAINS.

Upon motion of Councilman Hitch, seconded by Councilman Smith, and unanimously carried, contracts were authorized for the installation of water mains, as follows:

- (a) Contract with Charlotte Development Company for the installation of 2,648-feet of water mains and 2 hydrants in Greentree Subdivision, on the west side of Providence Road, inside the city limits, at an estimated cost of \$8,200.00. The City to finance all costs and applicant will guarantee an annual gross water revenue equal to 10% of the total construction cost.
- (b) Contract with Charlotte Development Company for the installation of 730-feet of water mains in Madallion Manor Subdivision on the south side of Central Avenue, inside the city limits, at an estimated cost of \$2,200.00. The city to finance all costs and applicant will guarantee an annual gross water revenue equal to 10% of the total construction cost.

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ISSUANCE OF SPECIAL OFFICER PERMIT AUTHORIZED TO JOHN SHIVER, FOR USE ON PREMISES OF PUBLIC LIBRARY.

Councilman Albea moved approval of the issuance of a Special Officer Permit to Mr. John Shiver, 352 Tranquil Avenue, for use on the premises of the Public Library, North Tryon Street. The motion was seconded by Councilman Hitch, and unanimously carried.

RESOLUTION WITH RESPECT TO THE EXTENSION OF SERVICE WITH THE CITY OF CERTAIN EMPLOYEES WHO BECAME 65 YEARS OLD OR OLDER DURING THE PRESENT FISCAL YEAR.

The Resolution with Respect to the Extension of Service with the City of Certain Employees who became 65 years old or older during the present Fiscal Year, was introduced and discussed. Upon motion of Councilman Hitch, seconded by Councilman Albea, and unanimously carried, the resolution was adopted and the City Manager was requested to give the Council a report on the persons over 70 years old whose service has been extended. The resolution is recorded in full in Resolutions Book 4, at Page 22.

APPOINTMENT OF PERSONS TO FILL VACANCIES ON PARK & RECREATION AND RE-DEVELOPMENT COMMISSIONS DEFERRED ONE WEEK.

At the suggestion of Councilman Hitch, the appointment of persons to fill the vacancies on the Park & Recreation Commission and Redevelopment Commission was deferred one week because of the absence of Councilman Babcock, who had made nominations to each Board.

LEASE AUTHORIZED WITH OLIN RENT-O-CAR FOR SPACE IN AIRPORT TERMINAL FOR CAR RENTAL SERVICE.

Upon motion of Councilman Whittington, seconded by Councilman Myers, and unanimously carried, a lease was authorized with Olin Rent-O-Car for space in the Airport Terminal for the operation of a car rental service.

ENGINEERING DEPARTMENT DIRECTED TO SUBMIT A LIST OF DUSTY STREETS IN THE PERIMETER AREA, THE MILEAGE INVOLVED AND COST ESTIMATE OF OILING.

Councilman Dellinger stated he is receiving complaints about the dusty condition of streets in the perimeter area, in several instances caused by the installation of sewer lines and other facilities. He moved that the City Manager instruct the Engineering Department to have these streets oiled to allay the dust. The motion was seconded by Councilman Albea. Mr. Bobo, the Assistant City Engineer, stated that oiling is not the answer, as it must be done over and over again, and that many of these are not maintained by the city but once oiled it constitutes maintenance; he called attention that no streets in the perimeter will be maintained by the City until July 1st. He stated further that the cost of oiling a street over a two year period would pay for paving it. Councilman Dellinger stated he feels the City is obligated to the residents of the perimeter area to keep these streets in good condition, particularly where the dusty condition was caused by the City, regardless of the cost of the oil; that he is asking the Council to approve it and if they do not, he thinks they are derelict in their duty to the residents. Councilman Smith offered a substitute motion that the Engineering Department submit a list of these streets and the mileage involved and a cost estimate for oiling them. The motion was seconded by Councilman Hitch, and carried, on the following vote:

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

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SIX MONTHS PROBATION PERIOD ESTABLISHED FOR NEW EMPLOYEES ENTERING CITY'S RETIREMENT SYSTEM.

Upon motion of Councilman Dellinger, seconded by Councilman Albea, and unanimously carried, a six months probation period was established for new employees to enter the City's Retirement System, as recommended by the City Manager.

PAYMENT AUTHORIZED TO CARL G. SEMENDINGER AND WIFE IN SETTLEMENT OF SEWER RIGHT-OF-WAY NORTH OF CONCORD BOULEVARD.

Councilman Whittington moved that payment of \$700.00 be authorized to Carl G. Semendinger and wife, in settlement of sewer right-of-way north of the Concord Boulevard, as recommended by the City Attorney. The motion was seconded by Councilman Albea, and carried by the following vote:

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

Councilman Smith stated he does not think the city should settle claims in this manner, but that a fixed rate per foot should be fixed and if not acceptable to the property owner, then the matter should be settled by the Courts.

PAYMENT AUTHORIZED TO E. LOWELL MASON AND WIFE IN SETTLEMENT OF SEWER RIGHT-OF-WAY IN ALABAMA STREET.

Upon motion of Councilman Dellinger, seconded by Councilman Whittington, and carried, payment of \$379.88 was authorized made to E. Lowell Mason and wife for the Stewart Creek sanitary sewer trunk across their property in Alabama Street, as recommended by the City Attorney, with the votes cast as follows:

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

PAYMENT AUTHORIZED TO R. B. STARNES IN SETTLEMENT OF CLAIM FOR DAMAGES TO CAR.

Councilman Whittington moved approval of the payment of \$63.28 to R. B. Starnes in settlement of his claim for damages to his car caused by running over a displaced manhole cover in Seneca Place on February 9, 1960, as recommended by the City Attorney. The motion was seconded by Councilman Hitch, and carried by the following vote:

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

PAYMENT AUTHORIZED TO W. W. SUTTLE IN SETTLEMENT OF CLAIM FOR DAMAGES TO CAR.

Councilman Dellinger moved approval of the payment of \$15.00 to William W. Suttle in settlement of claim for damages to his car caused by striking a defective manhole cover in Arosa Avenue on December 23, 1959, as recommended by the City Attorney. The motion was seconded by Councilman Whittington, and carried by the following vote:

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

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PAYMENT AUTHORIZED TO H. F. PORTER IN SETTLEMENT OF CLAIM FOR DAMAGES TO CAR.

Upon motion of Councilman Whittington, seconded by Councilman Albea, and carried, payment of \$47.83 was authorized to H. F. Porter in settlement of claim for damages to his car by striking a defective manhole cover in Wilmore Drive on Feb. 18, 1960, as recommended by the City Attorney. The votes were cast as follows:

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

CLAIM OF MRS SAMMIE LEE KILLIAN FOR PERSONAL INJURIES REFERRED TO CITY ATTORNEY.

Motion was made by Councilman Albea, seconded by Councilman Whittington, and unanimously carried, referring to the City Attorney for recommendation the claim in the amount of \$500.00 filed in behalf of Mrs. Sammie Lee Killian, for personal injuries sustained from falling over an open meter box on North Davidson Street on May 15, 1960.

CONTRACT AUTHORIZED WITH SOUTHERN BELL TELEPHONE COMPANY FOR NEW SWITCHBOARD IN POLICE BUILDING.

Upon motion of Councilman Hitch, seconded by Councilman Albea, and unanimously carried, contract was authorized with Southern Bell Telephone Company for the installation and service of a new Switchboard in the Police Building.

CITY MANAGER REQUESTED TO RECOMMEND RELATIVE TO ADOPTION OF ORDINANCE REQUIRING TRUCKS HAULING LOOSE MATERIALS TO BE COVERED BY TARPAULINS.

Councilman Smith stated that several persons have asked if the city does not have an ordinance requiring trucks hauling loose materials to be covered by tarpaulins to prevent such materials from being scattered over the streets. He was advised that the city does not have such ordinance, and he requested the City Manager to recommend relative to the adoption of an ordinance making it mandatory.

GARBAGE COLLECTION ORDINANCE DISCUSSED.

Councilman Whittington referred to the proposed garbage ordinance which has been under discussion for several weeks, and stated he is certainly not advocating limited garbage service but increasing it and the residential area should certainly not have to employ anyone to haul away tree limbs, etc. He asked that the garbage collection service be reviewed and changes be made for improved service. He stated that the proposed ordinance has been aired in both newspapers and he wants it understood that he did not write the ordinance and saw it for the first time along with the other members of the Council. That he feels the garbage collection department is short of equipment and personnel, and a new ordinance is necessary and should be adopted and enforced; that he thinks the matter should be turned over to the Committee and the City Manager and they come back with something worthwhile. Councilman Dellinger stated he thinks we have the finest garbage collection service in the country. Councilman Albea expressed the opinion that there is nothing wrong with the present ordinance, that we need more

men because of the enlarged territory. Councilman Hitch stated some of the people feel they are not getting the service they did before, and he feels the city should do whatever is required to furnish proper service. Councilman Smith stated he does not want to be critical of the department, that the manpower and equipment has been spread too thin.

ADJOURNMENT.

Upon motion of Councilman Alba, seconded by Councilman Hitch, and un-animously carried, the meeting was adjourned until 3 o'clock p.m. Wednesday, June 15th in the Council Chamber to meet with the Board of County Commissioners for the purpose of adopting budgets for the fiscal year 1960-61 for the joint operations of the City and County governments.

  

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Lillian R. Hoffman, City Clerk