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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 Tuesday, May 22, 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. Robert Woodson, Pastor of Trinity Presbyterian Church.

#### MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Jordan, and un-animously carried, the Minutes of the last meeting on May 7th were approved as submitted.

#### NATIONAL POLICE OFFICERS ASSOCIATION SAFETY AWARD PRESENTED CHIEF JOHN HORD.

Mayor Brookshire presented the Walker-Stacey Safety Award from the National Police Officers Association to Chief John S. Hord on behalf of the Charlotte Police Department, which was awarded for having rendered meritorious service for the public welfare by materially reducing traffic accidents and fatalities and supporting highway safety in Charlotte during the year 1961.

Mayor Brookshire expressed the congratulations and appreciation of the City Council for the fine work of the Department in earning the Award.

Chief Hord in turn presented the award to Captain B. L. Porter, head of the Traffic Division, stating that he and all of the men of the Division are responsible for the City receiving the award.

#### PRESIDENT OF BOARD OF REALTORS EXPRESSES GRATIFICATION AT THE ADOPTION OF THE STANDARD HOUSING CODE AND PLEDGES SUPPORT OF THE CITY'S PROGRAM UNDER THE CODE.

Mr. DeLacey Wyman, President of the Board of Realtors, appeared before Council and expressed their appreciation to Mayor Brookshire for the proclamation he recently issued in recognition of Realtor Week. Mr. Wyman stated they number 400 members dedicated to a cause that perhaps adds to the stature of the individual, but more importantly to the stamina of Charlotte and its growth, and who are in pursuit of what they call the advancement of the educational program of real estate, in order that they may produce more effectively and more intelligently. He expressed the gratification of the Board to the City Council for its adoption of the Standard Housing Code, and stated they are delighted to be a part of it and are pursuing the ambitious program of the development of our city under the Code the same as the Council.

Mayor Brookshire thanked Mr. Wyman for coming down and expressed the appreciation of the Council to the Board of Realtors for the business and civic contributions they are making to our city.

REQUEST THAT KILDARE DRIVE BE MATT SURFACED REFERRED TO CITY MANAGER FOR INVESTIGATION AND REPORT.

Mr. Robert Powell, Jr. was spokesman for a delegation of residents of Kildare Drive and Shannon Park requesting that Kildare Drive be paved in order to eliminate the mud and dust. He advised it is a through street to Shannon Park and causes inconvenience to all residents in Shannon Park. Mr. Powell called attention that when the area was annexed two years ago they were promised paved streets, and since then have gone through two winters of mud, with cars being towed out, and now it is a dust bowl, and all he is getting for his \$700 taxes is garbage collection.

Mr. Powell stated Kildare Drive extends from Olinda Street to Joyce Drive; that he has talked with the Bus Company and they would like to operate their busses over Kildare Drive, which has a 60-ft right-of-way, instead of Joyce Drive which is only 15 feet wide. He advised that he tried to get the street paved all the way last year under the assessment basis, and everyone on the street was willing with the exception of one man who would neither sign a petition for paving nor sell his property, and the Engineering Department stated it had to be the entire block or nothing. He advised further that since that time both Lakedale Drive and Ruth Drive have been graveled, or matt surfaced at the City's expense, and he is asking nothing more than was done for them, as Kildare Drive is in as bad or worse condition than these streets were in.

Mayor Brookshire stated there were a great many streets brought into the city in the annexation program where the developer had paved the streets and added the cost of the improvement to the cost of the property, in which case the purchasers paid not only for their homes but also paid for the pavement, and under the city's present policy anyone living on a dirt street where 25% of the owners are willing to bear the assessment, may have pavement. He asked Mr. Powell if he would not consult with his neighbors and see if they were not now willing to have the street paved on an assessment basis, and Mr. Powell stated he will be glad to do so.

The City Manager stated Kildare Drive was discussed earlier today in the Mayor's office, and he was requested to check into the condition of the street and make a report to Council.

Mayor Brookshire advised Mr. Powell that the City Manager will look into the situation and make a report and he will advise Mr. Powell later.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON JUNE 18TH ON PETITIONS NUMBERED 62-21 THROUGH 62-24 FOR CHANGES IN ZONING CLASSIFICATIONS AND THE PUBLICATION OF NOTICE THEREOF, ADOPTED.

Upon motion of Councilman Thrower, seconded by Councilman Alba, and un-animously carried, a Resolution Providing for a Public Hearing on June 18th on Petitions Numbered 62-21 through 62-24 for changes in zoning classifications and the Publication of Notice thereof, was adopted. The resolution is recorded in full in Resolutions Book 4, at Page 195.

RESOLUTION FIXING DATE OF PUBLIC HEARING ON JUNE 11TH ON AN ORDINANCE AMENDING THE CITY CODE, CHAPTER 18, SUBDIVISIONS, ARTICLE I, SECTION 18-5.1 TO RESTRICT THE SUBDIVISION FOR RESIDENTIAL PURPOSES OF LAND SUBJECT TO FLOODING.

Councilman Whittington moved the adoption of a Resolution Fixing the Date of Hearing on June 11th on an Ordinance Amending the City Code, Chapter 18,

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entitled: Subdivisions, Article I, Section 18-5.1 to Restrict the Sub-division for Residential Purposes of Land subject to Flooding, and also requested the City Manager to meet with the Building Inspection Department regarding an amendment to the Building Code that would limit single family construction in flood plains. The motion was seconded by Councilman Jordan, and unanimously carried.

The resolution is recorded in full in Resolutions Book 4, at Page 196.

Councilman Bryant stated he thinks if the Council comes up with any suggestions concerning changes in the Building Code they should be made public prior to the hearing so that those who are interested might have the information available. Councilman Whittington asked that changes in the Building Code be given the Council at next week's meeting.

PURCHASE OF 6.7 ACRES OF LAND NEAR ORCHARD CIRCLE FROM JOHN CROSLAND COMPANY FOR NORTH-SOUTH EXPRESSWAY.

Councilman Albea moved that 6.7 acres of land near Orchard Circle be purchased from John Crosland Company at \$13,400.00 for the proposed North-South Expressway, as recommended by the City Manager. The motion was seconded by Councilman Whittington, and unanimously carried.

CONTRACT AUTHORIZED WITH GEORGE G. SCOTT AND COMPANY FOR MAKING ANNUAL AUDIT FOR FISCAL YEAR JULY 1, 1961 TO JUNE 30, 1962.

Motion was made by Councilman Bryant, seconded by Councilman Whittington, and unanimously carried, authorizing a contract with George G. Scott and Company to make the annual audit of the City's accounts for the fiscal year July 1, 1961 to June 30, 1962.

PAYMENT OF CHANGE ORDER NO. 2 IN CONTRACT WITH FOARD CONSTRUCTION COMPANY FOR GENERAL CONSTRUCTION OF FIRE STATION #14 ON SHARON-AMITY ROAD.

Councilman Whittington moved approval of the payment of Change Order #2 in the contract with Foard Construction Company for the general construction of Fire Station #14 on Sharon-Amity Road, to increase the contract price by \$383.77 due to the necessity for additional depth of the building footings and reinforcement of wall footings because of bad soil conditions. The motion was seconded by Councilman Smith, and unanimously carried.

RIGHT-OF-WAY AGREEMENTS WITH N.C. STATE HIGHWAY COMMISSION AND U.S. BUREAU OF PUBLIC ROADS FOR THE INSTALLATION OF WATER MAINS.

Upon motion of Councilman Thrower, seconded by Councilman Jordan, and unanimously carried, Agreements were authorized with the N. C. State Highway Commission and U. S. Bureau of Public Roads for right-of-way for the installation of water mains at the following locations:

- (a) Installation of water mains for a distance of 2,050-ft in the South Access road of Interstate Highway #85, in connection with a contract between the City and Mecklenburg Realty Company.
- (b) Installation of water mains for a distance of 1,625-ft. in the South Service Road along Interstate Highway #85, in connection with a contract between the City and J. A. Jones Construction Company.

- (c) Installation of water mains for a distance of 820-ft. across and beneath Interstate Highway #85, in connection with a contract between the City and J. A. Jones Construction Company.
- (d) Installation of water mains for a distance of 1,720-ft. in the South access road of Interstate Highway #85, in connection with a contract between the City and C. D. Spangler Construction Company.

#### CONSTRUCTION OF SANITARY SEWERS INSIDE THE CITY LIMITS AUTHORIZED.

Upon motion of Councilman Albea, seconded by Councilman Whittington, and unanimously carried, the construction of sanitary sewers, all inside the city limits, were authorized as follows:

- (a) Construction of 520-ft. of sewers in Denver Street, at request of Mrs W. H. Huffman, 4334 Wilkinson Boulevard, at an estimated cost of \$2,135.00. 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 4,307-ft. of sewers and trunks in Randolph Park, at request of Cedar Hills, Inc., 300 Sharon-Amity Road, at an estimated cost of \$14,040.00. All costs to be borne by the applicant, whose deposit of the entire cost will be refunded as per terms of the contract.
- (c) Construction of 170-ft. of sewers in North Tryon Street, at request of Quality Plumbing & Heating Company, at an estimated cost of \$1,680.00. All costs to be borne by the applicant, whose deposit of the entire cost will be refunded as per terms of the contract.
- (d) Construction of 140-ft. of sewers in Lewiston Street, at request of Nance-Trotter Realty, Inc., at an estimated cost of \$375.00. All cost to be borne by the applicant, whose deposit of the entire cost will be refunded as per terms of the contract.
- (e) Construction of 4,180-ft. of sewers in Darby Acres #4, at request of Ed Griffin Development Corp., at an estimated cost of \$10,215.00. All cost to be borne by the applicant, whose deposit of the entire cost will be refunded as per terms of the contract.

#### STREETS TAKEN OVER FOR MAINTENANCE.

Motion was made by Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, taking over the following streets for continuous maintenance:

- (a) Gaynor Road, from Randolph Road to Chillingworth Lane.
- (b) Hardwicke Road, from Sharon Amity Road to Chillingworth Lane.
- (c) Chillingworth Lane 215-ft. west of Hardwicke Road to Gaynor Road.
- (d) Burleigh Street, from Hardwick Road 240-ft. west.
- (e) Hodgson Road, from Hardwicke Road 280-ft. west.
- (f) Mockingbird Lane, from Park Road 730-ft. east.
- (g) Amity Gardens Court, from Pierson Drive 800-ft. to end.
- (h) Oak Forest Drive, from Marbetta Lane to Malta Place.
- (i) Marbetta Lane, from Oak Forest Drive 175-ft. north.
- (j) Malta Place, from 150-ft. south of Oak Forest Drive, to 180ft north of Oak Forest Drive.
- (k) Clearmont Avenue, from Sharon-Amity Road to 475-ft. south to end.
- (l) Girard Court, from Clearmont Avenue 225-ft. to end.

CONTRACTS AUTHORIZED FOR THE INSTALLATION OF WATER MAINS.

Upon motion of Councilman Thrower, seconded by Councilman Albea, and un-  
animously carried, the following contracts were authorized for the  
installation of water mains:

- (a) Contract with John Crosland Realty Company, for the installation of 1,220-ft. of mains in Commercial Park, inside the city limits, at an estimated cost of \$4,000.00. The City to finance all costs and applicant to guarantee an annual gross water revenue equal to 10% of the total cost.
- (b) Contract with Mecklenburg Realty Company, for the installation of 2,050-ft. of mains to serve Industrial Property abutting on Interstate Highway #85 South Access Road, inside the city limits, at an estimated cost of \$10,000.00. The applicant to finance all costs and when the gross revenue from the mains equals 5% of the cost for a continuous 12 months period, the applicant will be refunded the cost, without interest.
- (c) Contract with Ervin Construction Company, Inc. for the installation of 905-ft. of mains in Centre Street, inside the city limits, at an estimated cost of \$3,400.00. The City to finance all costs and applicant to guarantee an annual gross water revenue equal to 10% of the total cost.
- (d) Contract with J. A. Jones Construction Company, for the installation of 1,050-ft. of mains at the corner of N. Graham Street and Interstate #85, outside the city limits, at an estimated cost of \$8,600.00. The applicant to finance all cost and own the mains until such time as the area is incorporated into the city limits, when the mains will become the property of the City without further agreement.
- (e) Contract with J. A. Jones Construction Company, for the installation of 3,365-ft. of mains at the northwest corner of N. Graham Street and Interstate Highway #85, inside the city limits, at an estimated cost of \$11,643.00. The City to finance all costs and applicant to guarantee an annual gross water revenue equal to 10% of the total cost.
- (f) Supplemental contract with American Investment Company for the installation of 900-ft. of mains in a portion of Columbine Circle Subdivision, outside the city limits, at an estimated cost of \$1,600.00. The applicant to finance all cost and own the mains until such time as the area is incorporated into the city limits, when the mains will become the property of the City without further agreement.
- (g) Supplemental contract with C. D. Spangler Construction Company for the installation of 7,430-ft. of mains in University Park Subdivision No. 5, inside the city limits, at an estimated cost of \$24,200.00. The City to finance all costs, and applicant to guarantee an annual gross water revenue equal to 10% of the total cost.

CANCELLATION AGREEMENT AUTHORIZED WITH FEDERAL AVIATION AGENCY RELATIVE TO THEIR CONTRACT FOR UTILITIES AND SERVICES AT DOUGLAS MUNICIPAL AIRPORT.

Councilman Dellinger moved approval of the execution of a Cancellation Agreement with the Federal Aviation Agency with regard to their contract for various utilities and services at Douglas Municipal Airport, as recommended by the City Manager. The motion was seconded by Councilman Albea, and unanimously carried.

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LEASE-AGREEMENT AUTHORIZED WITH FEDERAL AVIATION AGENCY FOR SPACE IN AIRPORT TERMINAL.

Upon motion of Councilman Thrower, seconded by Councilman Jordan, and unanimously carried, a Lease-Agreement was authorized with the Federal Aviation Agency for 583 sq. ft. of space in Douglas Municipal Airport Terminal for a period from September 1, 1961 through June 30, 1962, at an annual rental of \$2,332.00.

AGREEMENT AUTHORIZED WITH THE FEDERAL AVIATION AGENCY FOR FURNISHING SERVICES FOR SPACE IN THE AIRPORT TERMINAL.

Councilman Bryant moved approval of an Agreement with the Federal Aviation Agency for services for space in Douglas Municipal Airport Terminal, at a monthly fee of \$559.56. The motion was seconded by Councilman Albea, and unanimously carried.

LEASE AUTHORIZED WITH H & M LEASING CORP FOR SPACE IN AIRPORT TERMINAL FOR OPERATION OF CAR RENTAL SERVICE.

Upon motion of Councilman Albea, seconded by Councilman Thrower, and un-  
ananimously carried, a Lease with H & M Leasing Corporation was authorized for space in Douglas Municipal Airport Terminal for the operation of a Car Rental Service, for a period from March 1, 1962 to June 12, 1965, at a rental of 10% of all gross receipts.

RENEWAL OF SPECIAL OFFICER PERMIT TO MRS STELLA PATTERSON.

Councilman Whittington moved approval of the renewal of the Special Officer Permit issued to Mrs Stella Patterson, for use on the premises of J. B. Ivey & Company, for a period of one year. The motion was seconded by Councilman Smith, and unanimously carried.

Mayor Brookshire suggested that the City Manager might discuss the matter of some Special Officers wearing uniforms that too closely resemble those of City Policemen.

Mr. Veeder advised that several months ago a member of Council brought to his attention that there were Special Officers wearing uniforms very similar to those worn by our Policemen and the Police Department was requested to see what could be done to preclude this, and it appears to preclude it once and for all, it will be necessary to consider some provision in the ordinance that would authorize the issuance of a Special Officer Permit conditioned upon precluding the wearing of a uniform similar to those of City Police Officers. He stated he has not discussed it in detail with the City Attorney but he believes he shares the view that this can be controlled by ordinance.

At the suggestion of Councilman Smith, the matter was referred to the City Manager and City Attorney for study and recommendation to Council.

APPOINTMENT TO FILL VACANCY ON AUDITORIUM-COLISEUM AUTHORITY DEFERRED.

Councilman Dellinger moved that the appointment to fill the vacancy on the Auditorium-Coliseum Authority be deferred. The motion was seconded by Councilman Whittington, and unanimously carried.

Councilman Smith stated he thinks Council should make an effort to make the appointment at the next meeting.

TRANSFER OF CEMETERY LOTS.

Upon motion of Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, the Mayor and City Clerk were authorized to execute deeds for the transfer of the following cemetery lots:

- (a) Deed with Mr Ernest Spratt, for Grave #2 and #3, Lot 23, Section 3, Evergreen Cemetery, at \$120.00.
- (b) Deed with Mr W. R. Starnes, Sr. for Grave #7 and #8, Section 3, Evergreen Cemetery, at \$120.00.
- (c) Deed with Mr. F. A. Fridell and wife, for Lots 29 and 30, in Section L-Annex, Elmwood Cemetery, transferred from Mr & Mrs Clyde D. Goforth, at \$3.00 for transfer deed.
- (d) Deed to Mr Clyde D. Goforth and wife, for Lot 154, Section Q, Elmwood Cemetery, transferred from Mr & Mrs F. A. Fridell, at \$3.00 for transfer deed.
- (e) Deed to Mr Olin M. Harris and wife, for the south portion of Lot 319, Section Y, Elmwood Cemetery, transferred from Mr & Mrs M. M. Harris, at \$3.00 for transfer deed.
- (f) Deed to Mr M. M. Harris and wife, for north portion of Lot 319, Section Y, Elmwood Cemetery, at \$3.00 for new deed.

CONTRACT AWARDED AUSTIN ELECTRICAL COMPANY FOR ELECTRICAL SERVICE MODIFICATIONS TO MOTOR TRANSPORT GARAGE.

Councilman Dellinger moved the award of contract for electrical service modifications as specified to the Motor Transport Garage to the low bidder, Austin Electric Company, at their bid price of \$1,625.00. The motion was seconded by Councilman Bryant, and unanimously carried.

The following bids were received:

Austin Electric Company	\$ 1,625.00
Robinson Electric Company	1,765.00
Howard Electric Company	1,776.00
Reid Electric Company	2,628.00
The Industrial Electric Company	2,838.00

CONTRACT AWARDED FROEHLING & ROBERTSON, INC. FOR TESTING ASPHALT RESURFACING FOR DOUGLAS MUNICIPAL AIRPORT.

Upon motion of Councilman Whittington, seconded by Councilman Albea, and unanimously carried, contract was awarded Froehling & Robertson, Inc., the low bidder, for testing asphalt resurfacing for Douglas Municipal Airport, as specified, at their bid price of \$1,975.50.

The following bids were received;

Froehling & Robertson, Inc.	\$ 1,975.50
Law Engineering Testing Company	3,000.00

BID FOR RAIN COATS WITH CAP COVERS FOR POLICE DEPARTMENT REJECTED AND AUTHORIZED READVERTISED.

Councilman Thrower moved that the one bid received for 100 reversible Rain Coats with Cap Covers for the Police Department submitted by Service Uniform Company, in the amount of \$3,038.50, be rejected and notice for bids be readvertised, as recommended by the Chief of Police and Purchasing Agent. The motion was seconded by Councilman Whittington, and unanimously carried.

BID FOR IMPROVEMENTS TO SOUTH BOULEVARD REJECTED AND AUTHORIZED READVERTISED.

Upon motion of Councilman Dellinger, seconded by Councilman Jordan, and unanimously carried, the one bid received for Improvements to South Boulevard submitted by Blythe Bros Company in the amount of \$75,020.00, was rejected as it exceeds the funds allocated for this purchase by more than \$5,000.00, and notice for bids was authorized readvertised.

NAME OF C. W. TODD ADDED TO LIST OF APPROVED APPRAISERS.

Upon motion of Councilman Albea, seconded by Councilman Jordan, and unanimously carried, the name of Mr C. W. Todd was added to the list of approved appraisers, as requested by him and concurred in by the Council members.

AN ADDITIONAL 3.53 MILES OF STREETS AUTHORIZED RESURFACED.

Councilman Albea moved that the additional 3.53 miles of streets be resurfaced, as recommended by the City Manager, to be included in the \$35,000 allocation for street resurfacing on May 7th. The motion was seconded by Councilman Thrower, and unanimously carried.

REQUEST OF L. L. LEDBETTER FOR RETIREMENT TO BE ACTED ON WITH OTHER POTENTIAL EMPLOYEE RETIREMENTS TO BE SUBMITTED WITHIN NEXT TWO WEEKS.

Councilman Whittington stated the Council has had the request for retirement from Mr Ledbetter for six weeks or two months and he moved that it be acted on as requested on July 1st.

Mr. Veeder stated he discussed this with Mr Ledbetter this morning and it is his wish that his retirement be effective October 1st this year. That Council will have an opportunity to review this, as well as other potential retirements possibly next Monday or certainly no later than the following Monday; that each year the State Retirement System must be notified of formal action to extend the employment of persons who are eligible for retirement and Mr Ledbetter's will be among them.

Councilman Whittington stated this is satisfactory to him.

OBJECTIONS REGISTERED TO PURCHASE OF CITY SUPPLIES UNDER STATE CONTRACT.

Councilman Whittington stated two different shoe suppliers have contacted him with regard to the contract for the boots the Police Department has ordered, saying they had no opportunity to bid on them and the purchase order was turned over to the State and the shoes will be bought through the State instead of our Purchasing Department putting it out for bids. He asked if this is not irregular? He stated they were told that by the Police Department.

Mr. Veeder stated they were told incorrectly and had they checked with Mr. Beatty they would have found differently. If it had been possible to buy these shoes under the State's contract, which at times other units of government has the prerogative of doing, it perhaps would have been to our advantage to do so, but it was not possible in this case and Mr. Beatty had discussed the purchase of the shoes with him and he is under the impression we are receiving bids on the shoes or will be doing so shortly, and we are not buying them under State contract.

Councilman Whittington stated he suggested to the suppliers that they discuss it with Mr Beatty and that he would discuss it here today. He stated further he does not think we should purchase under the State's contract at all but should give local persons an opportunity to bid, and that is the point he is bringing up, and he will advise the persons contacting him that the boots are not being so purchased.

CITY MANAGER REQUESTED TO CONTACT CORNERSTONE REALTY COMPANY RELATIVE TO PURPOSE FOR WHICH THEY WISH TO PURCHASE CITY PROPERTY FRONTING ON HARDING PLACE.

Councilman Jordan advised the City has a request from Mr. C. L. McCuller, of Cornerstone Realty Company, who is interested in buying three lots fronting on Harding Place, known as Lots 14, 15 and 16 in Block 7 owned by the City; that the lots drop off very sharply on the banks of Sugaw Creek; that they have made an offer of \$4,500.00 for the three lots. It should be kept in mind that the lots are not suitable for building as they are below street level and have a power line right-of-way at the rear which runs back to the Creek. That he is bringing the offer to Council for consideration.

Councilman Smith stated he thinks this in in connection with the building that is to be built next to the Stork Club on Kings Drive and they would cover the creek as they did at the Mall and go up to Harding Place. He stated further the City would have to put the property up for bids and see if the bidding went any higher than the price offered. That he does not know if these lots would be used in the Thoroughfare Plan. That it is flood land but if treated properly, it can be used for a parking lot.

Councilman Jordan moved that the City Manager contact Mr. McCuller and secure full details as to what use the property is desired and give Council a report next week. The motion was seconded by Councilman Thrower, and unanimously carried.

REQUEST THAT RIDGE ACROSS STREET IN 2500 BLOCK OF EAST 7TH STREET BE LEVELED.

Councilman Dellinger advised there is a ridge in the pavement in front of 2527 E. 7th Street, and cars and trucks crossing it are disturbing the residents at night. He asked the City Manager to have the ridge leveled.

ROBIN ROAD, FROM WESTBURY ROAD TO SHARON-AMITY ROAD AUTHORIZED GRADED AND GRAVELED.

Councilman Dellinger moved that the City Engineering Department grade and gravel Robin Road, from Westbury Road to Sharon-Amity Road, within the present right-of-way. The motion was seconded by Councilman Smith.

Councilman Thrower stated if this street is improved then all similar requests will have to be taken care of, and he does not believe there is that much money available, and he does not see how the people just in the

perimeter area can be taken care of and forget about the others. Councilman Dellinger stated other requests will have to be handled as they occur, and he feels he has an obligation to the people in the perimeter area who were promised city services and in this particular area the statement was not qualified while it was qualified in other areas.

The vote was taken on the motion and carried by the following recorded vote:

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

CITY ATTORNEY AUTHORIZED TO ASSOCIATE OTHER ATTORNEYS IN CASES WHEN NECESSARY IN THE CITY'S BEST INTEREST, ON A TEMPORARY BASIS.

Mr. Morrissey, City Attorney, requested that he be given authority to associate other attorneys when it is considered necessary by the City Attorney; that the reason he is asking is that litigation seems to be multiplying and at the present time there is coming up very soon the immediate case to show cause on the writ of mandamus in connection with the work of the Building Department, a sidewalk case, a false arrest suit in Federal Court and the condemnation proceedings in connection with the Pineville Sewage Treatment Plant site. That he spent some 18 hours outside of office hours last week in connection with a false arrest case in the Federal Court doing research and writing a brief and, aside from the time element, there are some cases, which by their very nature, would make advisable associating counsel.

Councilman Dellinger asked if Mr. Morrissey means he would like another man in his office, and if he does not think it would be advisable to have another attorney in the Legal Department? Mr. Morrissey replied that what he means is to associate another attorney with a specific case when considered necessary; that he thought the question of an assistant attorney might be reached at budget time next month.

Councilman Bryant moved that permission be granted as requested. The motion was seconded by Councilman Albea.

Councilman Whittington stated when this Council discussed setting up a Legal Department with a permanent City Attorney, two things were discussed about an assistant attorney, either a firm of attorneys who the City Attorney could call on or secondly, setting it up in some alphabetical order for him to call on in that fashion. He stated he does not want to be a part of Mr. Morrissey calling on the same firm or the same attorney all the time; that he realizes as in the real estate work, there are specialists in certain things and the Council has been criticized before by giving all the legal work to one or two firms and he does not want this to occur.

Mr. Morrissey stated as to choosing attorneys by the alphabet perhaps applies to farming out title work in connection with condemnation in the acquisition of land but certainly not in connection with the trial of the case.

Councilman Albea stated when the Legal Department was set up he understood that would be it. That he has said before that one man could not do the work and we should have a firm, and if Mr. Morrissey needs another attorney he is perfectly willing to vote for it but this thing of going out each week or each month and get someone, he cannot say he can favor that. That he believes in giving a man all the help he needs.

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Councilman Whittington asked Mr. Morrisey how he would go about selecting these attorneys? Mr. Morrisey stated if the City had no litigation pending before it at the present time, this request would not be made, and it is not made because he objects to late hours or long hours but it is made in the best interest of the city and in the best interest of the particular litigation; that when it comes to selecting counsel to associate with there is a personal element involved that cannot be ignored; it has to be two persons who can work together and it has to be someone with sufficient experience in terms of the nature of the particular case to make it worth while. That this would be strictly temporary and only if necessary.

Councilman Smith asked if Mr. Morrisey will not come back to Council and state who he is going to be associated with and the approximate fee; that he does not think the Council could give him blanket authority to make his own arrangements. Mr. Morrisey stated he would be glad to do so.

Councilman Dellinger stated he is for setting up a Legal Department in the City Hall, and not getting tied up with some firm and at budget time having it said we cannot terminate their services as we are involved with them too deeply and he thinks if Mr. Morrisey could get along until budget time than an assistant can be employed. Mr. Morrisey stated he has tried mightily to get along without assistance and he is only asking for temporary help in case it is needed.

Councilman Bryant stated with all due respect to the legal counsel in the past, he does not think we can compare the part time service of a man with the type service we now have; that our present City Attorney is on the spot, in the building and his advice has been invaluable and tying him to an alphabetical proposition is entirely different from the real estate work of the Council, and he personally does not want there to be an question as to the superior services the City has been getting beyond anything we have had, strictly by the nature of the set up we now have, and he thinks the temporary assistance he requests should be given him.

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

**MOTORCYCLE DRILL TEAM OF POLICE DEPARTMENT GRANTED PERMISSION TO ATTEND AND PERFORM AT ATLANTA INTERNATIONAL RACEWAY 500 RACE ON JUNE 10TH.**

Mr. Veeder, City Manager, advised that the Motorcycle Drill Team of the Police Department has received an invitation from the President of the Atlanta International Raceway to attend and perform at their Atlanta 500 Race on June 10th, at which they anticipate an attendance of some 70,000 people; that the invitation includes paying all expenses of these Officers and the cost of transporting the motorcycles by truck to Atlanta, and there would be no money involved on the part of the City of Charlotte. He stated he thinks there are at least two reasons why consideration should be given the men to making the trip; first, the Drill Team has been working hard on their own time on the activity to become skillful enough to put on a good performance, and in deference to the long hours they have put into it, they should be given the opportunity to show people what they can do; secondly, he thinks it would be good public relations for the City of Charlotte to be represented at such an affair as this.

Councilman Albea moved that the Motorcycle Drill Team be permitted to go. The motion was seconded by Councilman Jordan.

Councilman Dellinger asked how many officers are involved and Mr. Veeder stated he does not know, but probably a dozen or more and they will go on a Saturday and return on Sunday.

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Councilman Jordan stated this group of officers has practiced day and night and they are very good and he thinks they deserve the trip and it will add a lot to their morale and he thinks the publicity will be good for the City of Charlotte, and he is for it 100%.

Councilman Smith stated the point of the Drill Team is to make our Officers proficient in handling motorcycles; that the Team is being trained by professionals and the City will benefit greatly from this training; that they put on a wonderful demonstration in the Baseball Parade, and he thinks the Council should cooperate with them.

Councilman Thrower asked who is responsible for their liability? Mr. Veeder stated the City of Charlotte is responsible; that they will be officially representing the City.

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

#### JACK WILLIAMS ADVISED REQUEST FOR TAXICAB OPERATOR'S LICENSE REFUSED.

Mayor Brookshire advised Mr. Jack Williams that the Council has decided not to overrule the Police Department in their decision to refuse him a Taxicab Operator's license, from which decision Mr. Williams appealed to Council on May 7th.

#### ADJOURNMENT.

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

  
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Lillian R. Hoffman, City Clerk