

November 2, 1959  
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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, November 2, 1959, at 4 o'clock p.m., with Mayor Smith presiding and Councilmen Albea, Babcock, Dellinger, Hitch, Myers, Smith and Whittington being present.

ABSENT: None.

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INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Babcock, seconded by Councilman Whittington, and unanimously carried, the Minutes of the meeting on October 26th, 1959 were approved as submitted

OBJECTIONS REGISTERED BY JOHN C. BENNETT TO ALLEGED INTERFERENCE OF CITY MANAGER IN TRIAL IN SUPERIOR COURT TO JEOPARDIZE HIS RIGHTS.

Mr. John C. Bennett filed the following letter and requested that it be recorded in the Minutes of the meeting:

"I respectfully request an opportunity to register my objection to the act of City Manager Veeder interfering in a trial in Superior Court to jeopardize my rights which were at stake.

The trial was Bennett vs. Badame, held on October 1, 1959. The issue was malicious prosecution. Badame had issued a warrant for disorderly conduct against me, and in the resulting trial I was found not guilty. I suspected at the time that there was a conspiracy to use the city solicitor's office to hound me with malicious prosecution, and I brought suit against Badame for the malicious prosecution. This is the trial that was held before Judge Campbell, starting on September 30th and ending on the morning of October 1, 1959.

Judge Campbell allowed a motion of non-suit by the defense, which I suspect was to protect the public prosecutor instead of the defendant, Badame, as the testimony appeared to make out a case of conspiracy involving the public prosecutor.

I appealed the decision of Judge Campbell. Since use of the city solicitor's office for malicious personal prosecution is a very serious matter, I also wrote a letter to Mr. Veeder, in his capacity as City Manager.

Mr. Veeder never acknowledged my letter or replied in any way.

When time was close to running out on my appeal, I learned, much to my surprise, that the order of Judge Campbell had never been entered, and that the minute book of the court was incomplete as to the disposition of this case. The Clerk of Court informed me that he could not give me a certified copy before time expired for the appeal, and I went to ask Judge Campbell for an extension of time.

Judge Campbell refused to accept my request for an extension, and ordered me out of the courtroom, and informed me that he would not hear me then, or at any time in the future, giving as his reason the letter which I had written to City Manager Veeder which had been brought to attention of the court at a private hearing, at which I was not present to protect my rights, I immediately wrote to the North Carolina Supreme Court to request the extension which Judge Campbell denied, and have been informed that my appeal will be considered.

Clearly, it was highly improper for City Manager Veeder to appear against me before Judge Campbell while the trial was still technically in progress, and interfere with my rights to protection from malicious use of the law in which the city solicitor appeared to be a co-conspirator with other people.

Since my correspondence with the City Manager was used adversely against me in court under improper procedure, I have the right to incorporate that correspondence in the record of the case. I therefore request that this letter, and the correspondence which the City Manager submitted as evidence against me be entered in the minutes of the Charlotte City Council.

Respectfully submitted,

(Signed) John C. Bennett  
3406 Washburn Avenue  
Charlotte 5, N. C."

Mr. Veeder stated he recalls the letter from Mr. Bennett. That prior to that time Judge Arbuckle asked when anything pertaining to his Court came to Mr. Veeder that it be referred to him. That he sent Mr. Bennett's letter to Judge Arbuckle and what the Judge did with it he does not know.

Mr. Shaw, City Attorney, advised that Mr. Bennett lost his case on appeal to the Superior Court and is evidently taking this method to add fuel to his appeal to the Supreme Court. That if Mr. Bennett insists that the letter he is today filing go into the Minutes, he sees no objections; however, he does not think the previous letter from Mr. Bennett to the City Manager should go into the Minutes.

Mayor Smith stated no action is necessary and the letter presented today will be recorded in the Minutes as requested by Mr. Bennett.

ORDINANCE NO. 637 REPEALING THE SUNDAY OBSERVANCE ORDINANCE OF THE CITY OF CHARLOTTE ADOPTED.

Councilman Smith introduced an ordinance entitled: "Ordinance No. 637 Repealing the Sunday Observance Ordinance of the City of Charlotte" and moved its adoption. The motion was seconded by Councilman Babcock.

Councilman Hitch stated he is on record as stating he thinks the solution to the Sunday Observance question should be in the hands of those affected, not only the ministers but others interested and he is still of the opinion that would be more equitable. He stated he has been led to believe that a group of reputable citizens, who have interests both ways, would be willing and glad to serve on a Committee to study the question and make a report with recommendations to the Council. Then if the recommendations are not agreeable to the Council they can stand up and be counted. He stated further he thinks there are many inequities in the law as it is now, but they can be resolved.

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Councilman Hitch offered a substitute motion that the Blue Laws question be referred to a Committee of citizens for study and recommendation. The motion was seconded by Councilman Dellinger.

Councilman Smith stated he understands Mr. Hitch's deep feeling on the matter and he does not believe a member of the Council wishes to desecrate the Sabbath but it seems best to him to wipe the slate clean and start over and if abuses arise they can be handled individually.

Councilman Dellinger stated he thinks the Council is charged with placing certain restrictions on some classification of people in all walks of life and they owe it to the citizens to maintain Sunday Blue Laws.

Councilman Albea stated in his opinion the repeal of the Blue Laws will remove all restraints and business will operate on Sunday the same as on the other six days of the week and he is very opposed to that.

Councilman Hitch stated he recognizes that the present inequities must be straightened out but by the same token believes there is a middle ground. He read a telegram just received from the President of the Women of the First Methodist Church urging the Council to give careful consideration and study to the Blue Laws before acting as this is of vital importance to the moral life of Charlotte, and suggesting that a comprehensive study Committee be named for this purpose.

The vote was taken on the substitute motion by Councilman Hitch, and lost, with the votes cast as follows:

YEAS: Councilmen Hitch, Dellinger and Albea.

NAYS: Councilmen Babcock, Myers, Smith and Whittington.

The following votes were cast on the main motion by Councilman Smith for the adoption of the ordinance, which carried:

YEAS: Councilmen Smith, Babcock, Myers and Whittington.

NAYS: Councilmen Albea, Dellinger and Hitch.

The ordinance is recorded in full in Ordinance Book 12, at Page 429.

ORDINANCE NO. 638 AMENDING THE SUNDAY OBSERVANCE ORDINANCE OF THE CITY OF CHARLOTTE SO AS ONLY TO PROHIBIT ENTERTAINMENT, AMUSEMENTS AND SPORTING EVENTS AT WHICH A SPECTATOR CHARGE IS MADE, PRIOR TO ONE O'CLOCK P.M.

Councilman Babcock stated that in view of Council action repealing the Sunday Observance Ordinance, there is one prohibition he thinks should be taken and he moved the adoption of an ordinance entitled: "Ordinance No. 638 Amending the Sunday Observance Ordinance of the City of Charlotte So as Only to Prohibit Entertainment, Amusements and Sporting Events at which a Spectator Charge is made, prior to One o'clock P.M." The motion was seconded by Councilman Whittington.

By way of explanation, Councilman Babcock stated his thinking was that the Blue Laws should be repealed as they were working a hardship on some people in making a living, but other than that he wants Sunday respected and does not want amusements going on during church services. Councilmen Albea and Dellinger expressed strong objections to the amendment being presented and to it not having been presented for discussion in informal session.

The vote was then taken on the motion for adoption of the Ordinance, and carried with the votes cast as follows:

YEAS: Councilmen Babcock, Whittington, Myers and Hitch.

NAYS: Councilmen Albea, Dellinger and Smith.

The ordinance is recorded in full in Ordinance Book 12, at Page 430.

Councilman Myers stated he does not feel the repeal of the Blue Laws precludes any group studying the problem and making recommendations; that the Council should be open minded and hear anything presented to augment a more satisfactory life for the community and he sees nothing wrong with appointing a Committee. Councilman Albea expressed full agreement with Councilman Myers remarks.

AREAS ADJACENT TO DAVIDSON STREET AND ALEXANDER STREET AUTHORIZED CONVERTED INTO PARKING STALLS TO RELIEVE PARKING PROBLEM AT CITY HALL.

At the request of Councilman Smith for recommendations to relieve the parking problem at the rear of City Hall, Mr. Hoose, Traffic Engineer, proposed that a section of grass strips between Davidson Street, the Fire Department and City Hall be converted into 25 parking stalls, to provide a total of 53 stalls instead of the present 28; also, the widening of Alexander Street north of East 4th Street to just beyond the driveway to provide for the relocation of the Police gas tank and 4 parking stalls off the driveway for Police, at a total cost of \$5,300.00. Councilman Smith moved that the work be done as proposed and the \$5,300.00 be transferred from the Emergency Fund for this purpose. The motion was seconded by Councilman Hitch, and unanimously carried. Councilman Smith stated this is Phase #1 of a program to relieve the parking problem and traffic congestion at City Hall.

TRAFFIC ENGINEER INSTRUCTED TO INVESTIGATE AND REPORT IF AVAILABLE SPACE IN FOUR CITY OWNED LOTS ACROSS EAST FOURTH STREET FOR PARKING CARS OF CITY HALL EMPLOYEES.

Councilman Dellinger moved that the four 50-ft. lots across East 4th Street from City Hall that are owned by the City be used for City Employees for parking purposes, with the exception of the City Manager, and the parking area at the rear of City Hall be used for parking by persons coming to City Hall on business. The motion lost for lack of a second.

Councilman Dellinger then moved that the Traffic Engineer be instructed to make an investigation of the four lots across East 4th Street and ascertain if they are used by persons other than city employees and if sufficient space is not available for parking city employees' cars. The motion was seconded by Councilman Whittington, and unanimously carried.

OLD INCINERATOR BUILDING LEASED TO KEETER TRAILER & BODY COMPANY.

Upon the inquiry of Councilman Whittington as to the status of the request of Keeter Trailer & Body Company to lease the Old Incinerator Building, Mr. Veeder, City Manager, reported he has discussed with the Superintendent of the Park & Recreation Commission their request to use the building for storage purposes, and finds they want it rent free, while Keeter

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Trailer & Body Company wishes to lease it at \$100.00 per month, the same amount we have been getting. Councilman Whittington moved that the building be leased to Keeter Trailer & Body Company at \$100.00 per month. The motion was seconded by Councilman Smith, and unanimously carried.

CONSTRUCTION OF TEMPORARY SIDEWALKS ON HARTFORD AVENUE AUTHORIZED IF COUNTY COMMISSIONERS WILL PAY FOR SIDEWALK ON PORTION OUTSIDE THE CITY LIMITS.

Mr. Veeder, City Manager, reported on Councilman Whittington's previous request for an investigation as to the construction of temporary sidewalks to serve Sedgefield Elementary School. He reported that the logical street on which to construct the sidewalk is Hartford Avenue, a small portion of which is in the county and will not come into the city in 1960. Councilman Whittington stated he feels it is desirable and necessary to construct the sidewalk as the area is wooded and dangerous for children walking. Councilman Dellinger moved that a temporary sidewalk be constructed if and when the County Commissioners pay for the paving of the portion remaining outside the city limits. The motion was seconded by Councilman Whittington, and unanimously carried.

HEARING ON SEWER EXTENSION POLICY FIXED FOR COUNCIL MEETING ON NOVEMBER 16TH.

Councilman Hitch moved that the hearing on the Sewer Extension Policy be held at the Council Meeting on November 16th. The motion was seconded by Councilman Albea, and unanimously carried.

RESOLUTION COMMENDING GEORGE BELL LIVINGSTON ON HIS THIRTY YEARS SERVICE WITH THE CITY OF CHARLOTTE.

Councilman Hitch introduced the following resolution, and moved its adoption:

"Thirty years ago, George Bell Livingston entered employment with the City of Charlotte, and his services to his City during such period of time have been devoted and loyal.

NOW, THEREFORE, Be it resolved by the City Council of the City of Charlotte that the thirty years of service of George Bell Livingston with the City of Charlotte be and the same are hereby recognized, and he is hereby publicly thanked for such loyal and devoted service and his unfailing interest in the affairs and good government of this City."

The motion was seconded by Councilman Albea, and unanimously carried.

DECISION ON ORDINANCE NO. 625 AMENDING ZONING ORDINANCE TO CHANGE ZONING ON PROPERTY ON ALBEMARLE ROAD FROM RURAL TO B-1, ON PETITION OF EASTHAVEN DEVELOPMENT COMPANY DEFERRED TO NOVEMBER 23RD ON REQUEST OF ATTORNEY FOR PETITIONER.

Mr. Ray Rankin, Attorney for Easthaven Development Company, requested that Council decision on the petition of his client to rezone property on Albemarle Road from Rural to B-1 be deferred until November 23rd. Councilman Dellinger moved that the request be granted, which was seconded by Councilman Smith.

Mr. Kermit Caldwell, Attorney for the residents of the area opposing the change in zoning, requested that Council make a decision today rather than later when it will be difficult for them to recall the arguments against the change in zoning. Councilman Whittington stated he felt the request for deferment should be granted in all fairness to Mr. Rankin. The vote was taken on the motion, which carried, with the votes cast as follows:

YEAS: Councilmen Babcock, Dellinger, Hitch, Myers, Smith and Whittington.

NAYS: Councilman Albea.

RESOLUTION ADOPTING SETBACK LINES ON COLLEGE STREET FROM EAST MOREHEAD STREET TO THE END OF THE STREET AT THE SEABOARD AIRLINE RAILWAY PROPERTY.

A resolution entitled: "Resolution Adopting Setback Lines on College Street from East Morehead Street to the End of the Street at the Seaboard Airline Railway Property" was introduced and read, and upon motion of Councilman Dellinger, seconded by Councilman Albea, was unanimously adopted. The resolution is recorded in full in Resolutions Book 3, at Page 427.

RESOLUTION ADOPTING SETBACK LINES ON SOUTH SIDE OF EAST MOREHEAD STREET, FROM HARDING PLACE TO NEAR SUGAW CREEK.

A resolution entitled: "Resolution Adopting Setback Lines on South Side of East Morehead Street, from Harding Place to Near Sugaw Creek" was introduced and read, and upon motion of Councilman Albea, seconded by Councilman Smith, was unanimously adopted. The resolution is recorded in full in Resolutions Book 3, at Page 428.

CONSTRUCTION OF TEMPORARY SIDEWALK ON NORTH SIDE OF BARCLAYDOWNS DRIVE, BETWEEN SELWYN AVENUE AND THE CITY LIMITS AT BRIAR CREEK, AUTHORIZED.

Motion was made by Councilman Smith, seconded by Councilman Albea, and unanimously carried, authorizing the construction of temporary gravel sidewalk on the north side of Barclaydowns Drive, between Selwyn Avenue and the City limits at Briar Creek, at an estimated cost of \$400.00, and the transfer of said amount from the Emergency Fund (Code 110) to the Engineering Department.

LEASES AND RENEWAL OF LEASES OF AIRPORT PROPERTIES AUTHORIZED.

Upon motion of Councilman Albea, seconded by Councilman Whittington, and unanimously carried, the following leases of airport properties were approved:

NEW LEASES

<u>NAME OF LESSEE</u>	<u>BUILDING NO.</u>	<u>RENTAL PER MONTH</u>
Aircraft Electronics Center	292	\$ 82.50
Anchor Rent-A-Car, Inc.	66	\$ 45.00
W. K. Batson	48	\$ 32.25
Carolina Hall, Inc.	345	\$ 75.00
Charlotte Airport Hotel	Display Case	\$ 35.00
C. N. Flagg Co.	283	\$ 40.00

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NEW LEASES - continued

<u>NAME OF LESSEE</u>	<u>BUILDING NO</u>	<u>RENTAL PER MONTH</u>
Holman & Moody	Bldgs No. 50-51-89-217 and 286	\$241.85 total
Willa Holthouser	Branch Post Office	\$ 15.00
John H. McKenzie	H-18	\$ 15.00
R. B. Wise	H-44	\$ 35.00

RENEWAL OF EXISTING LEASES

Carolina Link Training Center	69	\$ 40.00
Charlotte Flying Service	356	\$132.98
Charlotte 7-Up Bottling Co.	257	\$ 25.80
Display Fixtures	39	\$143.00
Draco Furnace	Bldgs. No. 71-67-37	\$158.86 total
H. M. Hicks	249	\$ 45.00
Mathias Business Equip Co.	Display Case	\$ 35.00
Odes Redmond	Bldgs. No. 47 & 213	\$ 65.70
Ruth White	237	\$ 33.84
Winton Products, Inc.	256	\$ 57.00
Wingate Mfg. Co.	287	\$ 38.16
Keeter Body & Trailer Co.	296	\$134.00
T. O. Gaines	H-49	\$ 22.50
Howard Hughes Post #273	109 and 25 acres of land	\$ 1.00

CONSTRUCTION OF DRIVEWAY ENTRANCES AUTHORIZED.

Upon motion of Councilman Whittington, seconded by Councilman Smith, and unanimously carried, the construction of driveway entrances was authorized at the following locations:

- (a) One 18-ft. driveway on W. 7th Street for 312 N. Graham St.
- (b) One 35-ft. driveway at 213 E. Worthington Avenue.
- (c) Two 20-ft. driveways at 2101 Freedom Drive.
- (d) One 20-ft. driveway at 3119-21 S. Tryon Street.
- (e) Two 24-ft. driveways at 1350 Kings Drive.
- (f) Three 35-ft. driveways at 2222 Freedom Drive.
- (g) One 15-ft. driveway at 2224 Beatties Ford Road.
- (h) One 10-ft. driveway at 223 N. Myers Street.
- (i) Two 30-ft. driveways at 2613 Lucena Street,

CONTRACT AUTHORIZED WITH AMERICAN LAFRANCE DIVISION OF STERLING PRECISION CORPORATION FOR ONE BLOCK ASSEMBLY FOR FIRE ENGINE #7.

Councilman Alba moved the award of contract to American LaFrance Division of Sterling Precision Corp. for One block Assembly, complete as specified, for repairing and reconditioning Fire Engine No. 7, at a net delivered price of \$2,654.29. The motion was seconded by Councilman Dellinger, and unanimously carried.

CONTRACT AUTHORIZED WITH MOTOROLA C & E COMPANY, INC. FOR RADIO UNITS FOR VARIOUS DEPARTMENTS.

Motion was made by Councilman Whittington, seconded by Councilman Hitch, and unanimously carried, awarding contract to the low bidder, Motorola

C & E Company, Inc. for 38 radio units for Engineering, Motor Transport, Fire, Water, Radio and Police Departments, as specified, at a total delivered price of \$14,472.48, subject to cash discount of \$435.48, representing a net delivered price of \$14,037.00.

The following net delivered bids were received:

Motorola C & E Company, Inc.	\$14,037.00
General Electric Company	\$15,830.00

CONTRACT AUTHORIZED WITH D. E. ALLEN DEVELOPMENT COMPANY FOR INSTALLATION OF WATER MAINS IN KILLARNEY GARDENS SUBDIVISION.

Councilman Dellinger moved approval of a contract with D. E. Allen Development Company for the installation of 6,650 feet of water mains and 6 hydrants in Killarney Gardens Subdivision, inside city limits, to serve residential property, at an estimated cost of \$21,500.00. The City to finance all costs and applicant to guarantee a gross annual water revenue equal to 10% of the total cost. The motion was seconded by Councilman Smith, and unanimously carried.

MAYOR AND CITY CLERK AUTHORIZED TO CO-SIGN AN AGREEMENT BETWEEN STATE HIGHWAY DEPT. AND AMERICAN INVESTMENT CO. FOR WATER MAIN CONSTRUCTION.

Upon motion of Councilman Hitch, seconded by Councilman Albea, and unanimously carried, the Mayor and City Clerk were authorized to co-sign an agreement between the State Highway Department and American Investment Company for the installation of a water main in Carmel Road, outside the city limits.

HOLIDAYS GRANTED CITY EMPLOYEES ON WEDNESDAY, NOVEMBER 11TH AND THURSDAY NOVEMBER 26TH.

Councilman Albea moved that a holiday be granted city employees on Wednesday, November 11th in observance of Veterans Day and on Thursday, November 26th in observance of Thanksgiving Day. The motion was seconded by Councilman Babcock, and unanimously carried.

TRANSFER OF CEMETERY LOTS.

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

- (a) Deed with D. B. Kizziah for Lot 307, Section 3, Evergreen Cemetery, at \$189.00.
- (b) Deed with John S. Chonis for Lot 102, Section 4-A, Evergreen Cemetery, at \$252.00.

APPOINTMENT OF JAMES B. BELL AS SUPERINTENDENT OF THE BUILDING INSPECTION DEPARTMENT.

Mr. Veeder reported the appointment of Mr. James B. Bell as Superintendent of the Building Inspection Department, effective November 1, 1959, at a monthly salary of \$698.00.

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LEASE AUTHORIZED WITH TELE-TRIP COMPANY, INC. FOR SALE OF TRIP INSURANCE  
AT DOUGLAS MUNICIPAL AIRPORT.

The City Manager recommended that lease be entered into with Tele-Trip Company, Inc. for the exclusive sale of trip insurance at Douglas Municipal Airport, which has been approved by the Airport Advisory Committee and recommended by the Airport Manager. He advised this Company submitted the best proposition of the three proposals submitted as follows:

TELE-TRIP COMPANY, INC

Payments to the City ranging from \$25,000 the first year to \$45,000 the 5th year, or 30% gross sales, whichever is greater.

AIRPORT SALES CORPORATION

Payments to the City of \$25,112.00 each year for 5 years, or 25% of gross sales, whichever is greater.

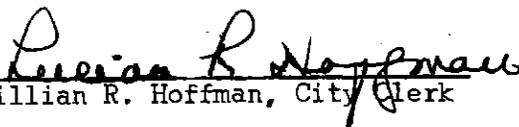
ASSOCIATED AVIATION UNDERWRITERS

Payments to the City of \$22,500.00 each year for 5 years, or 25% of gross sales, whichever is greater.

Councilman Babcock moved approval of lease with Tele-Trip Company, Inc., in accordance with their proposal, subject to approval of the City Attorney and City Manager. The motion was seconded by Councilman Dellinger and unanimously carried.

ADJOURNMENT.

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

  
Lillian R. Hoffman, City Clerk