

October 28, 1953
Minute Book 35 - Page 116

A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, on Wednesday, October 28, 1953, at 4 o'clock p.m., with Mayor Van Every presiding, and Councilmen Albea, Baxter, Boyd, Brown, Dellinger, Smith and Wilkinson present.

INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Wilkinson, and unanimously carried, the minutes of the last meeting were approved as submitted.

JOHN P. WHITE, MEMBER OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS WELCOMED TO MEETING.

Mayor Van Every welcomed to the meeting Mr. John P. White, recently appointed as a member of the Mecklenburg County Board of Commissioners, and former City Councilman.

Mr. John D. Shaw, City Attorney who served with Mr. White while on the City Council, extended congratulations and stated that Mecklenburg County has gained a fine Commissioner.

REQUEST FOR CHANGING ZONING ON LOT AT 118 BRUNS AVENUE DENIED.

At the scheduled hearing in connection with the proposed amendment to the Zoning Ordinance to change the zoning from Residence-2 to Light Industrial on a portion of a lot at 118 Bruns Avenue, Mr. Roy B. McKnight, Jr., Attorney, together with eighteen residents, appeared in opposition to the proposed change. Mr. McKnight filed two petitions, one in accordance with the State Zoning Laws, that bore the signatures of 20 percent of the residents of the area opposing the change which would require a three-fourths vote of the Council to effect the change. The second petition was signed by sixty-one residents of Bruns Avenue and adjoining streets who opposed the change. Mr. McKnight advised that there is a school and church within a block of the lot and the increase in traffic that would materialize from the construction of business in the lot would prove hazardous to the neighborhood; also, such construction would decrease the valuation of the two residences on adjoining lots.

Mr. H. S. Strawn, petitioner for the change, advised that he has no plans for the development of the lot; that as it is already zoned more than 80 percent as Industrial, he merely wishes the entire lot zoned alike, and it is the opinion of the Zoning Board of Adjustment that this should be done.

Councilman Wilkinson moved that the request be denied, and stated that he had looked at the site and felt that the homes in the area would be affected by the development of business at this location. The motion was seconded by Councilman Dellinger, and unanimously carried.

ORDINANCE NO. 190 AMENDING ZONING ORDINANCE TO CHANGE ZONING ON THREE LOTS AT INTERSECTION OF JEWELL AND ALEXANDER STREETS ADOPTED.

The scheduled hearing was held in connection with an Ordinance to Amend the Zoning Ordinance to change the zoning from Residence-2 to Business-1 on three lots at the intersection of Jewell and Alexander Streets in Griertown, which was denied by the Zoning Board of Adjustment.

October 28, 1953
Minute Book 35 - Page 117

No objections to the proposed change were expressed by the public.

Councilman Brown stated that he and the other Councilmen had viewed the site and that he was advised by the owners of the adjacent properties that they had no objections to the change in zoning; he stated further that in his opinion the revised plans for the building on the lots would enhance property values in the neighborhood; therefore, he moved the adoption of the ordinance effecting the change from R-2 to B-1. The motion was seconded by Councilman Baxter, and unanimously carried. The ordinance is recorded in full in Ordinance Book 11, at Page 330.

RESOLUTION AUTHORIZING PERMANENT IMPROVEMENTS ON SOUTH CALDWELL STREET ADOPTED.

A resolution entitled: "Resolution Authorizing Permanent Improvements on South Caldwell Street" was placed on its second reading. Upon motion of Councilman Albaea, seconded by Councilman Wilkinson, and unanimously carried, the resolution was adopted. The resolution is recorded in full in Resolution Book 2, at Page 152.

RESOLUTION APPOINTING APPRAISERS IN CONNECTION WITH SOUTH CALDWELL STREET IMPROVEMENTS.

A resolution entitled: "Resolution Appointing Appraisers in Connection with South Caldwell Street Improvements" was introduced and read. Councilman Wilkinson moved the adoption of the resolution, which was seconded by Councilman Smith, and unanimously carried. The resolution is recorded in full in Resolutions Book 2, at Page 154.

EXTENSION OF COKER AVENUE TO CREEK AUTHORIZED.

Mrs. R. B. Oswalt presented petitions from residents of Enderly Park area requesting the extension of Coker Avenue and Enderly Road, West, to the new park and playground area. Also, a petition that proper street markers be erected at Enderly Road West and Enderly Road East, as it is at present confusing to designate between the street. It was explained by the City Attorney that legally the City may extend only one street as an entrance to a park without cost to the property owners. Mrs. Oswalt and Mr. Marion Diehl, Superintendent of the Park and Recreation Commission, agreed that in this case Coker Avenue should be the street so extended.

Upon motion of Councilman Wilkinson, seconded by Councilman Albaea, and unanimously carried, Coker Avenue was authorized extended to the Creek and the estimated cost of \$6,075.00 was authorized charged against the Street Bond Fund.

COMMITTEE TO STUDY NEGRO HOSPITAL SITUATION TO BE APPOINTED AS SOON AS PRACTICABLE.

At the request of Mr. Charles V. Bell that the Mayor appoint the Committee to study the negro hospital question as authorized by the City Council in May, Mayor Van Every advised that he has been working on the matter, and as soon as certain Supreme Court cases are judicated he will appoint the Committee. He stated further that a 200 bed hospital would cost approximately \$3,000,000.00 on the present basis of \$15,000.00 per bed.

RESIGNATION OF JOHN P. WHITE FROM ZONING BOARD OF ADJUSTMENT ACCEPTED.

Councilman Albaea moved that the resignation of Mr. John P. White from the Zoning Board of Adjustment be accepted in view of his having been appointed as a member of the Mecklenburg County Board of Commissioners, and further that the Council give Mr. White a vote of thanks for the splendid work done while serving on the Board. The motion was seconded by Councilman Brown, and unanimously carried.

October 28, 1953
Minute Book 35 - Page 118

CITY TREASURER AUTHORIZED TO INVEST \$7,000,000.00 IN U. S. TREASURY SECURITIES

Councilman Brown moved that the City Treasurer be authorized to invest \$7,000,000 in U. S. Securities to mature on or about December 24th. The motion was seconded by Councilman Baxter, and unanimously carried.

RESOLUTION RELATIVE TO CITY MANAGER MAKING INVESTIGATION TO DETERMINE IF DISCOLORATION OF HOUSES WAS CAUSED BY SUBSTANCE IN SUGAW CREEK AND BY WHOM PLACED IN CREEK.

Councilman Boyd introduced a resolution entitled: "Resolution Relative to City Manager Making Investigation to Determine if Discoloration of Houses was Caused by Substance in Sugaw Creek and by Whom Placed in Creek", and moved its adoption. The motion was seconded by Councilman Albea, and unanimously carried.

The resolution is recorded in full in Resolutions Book 2, at Page 155.

WEST 25TH STREET BETWEEN TRYON AND CHURCH REQUESTED TOP-SURFACED IF ADVISABLE.

Councilman Dellinger requested the City Manager to have the Engineering Department check the advisability of putting black-top on West 25th Street between Tryon and Church Street.

RESOLUTION PROVIDING FOR HEARING ON AMENDMENT TO ZONING ORDINANCE ON NOVEMBER 18TH TO CHANGE ZONING ON NORTHEAST CORNER OF SELWYN AVENUE AND COLONY ROAD.

An ordinance entitled: "Ordinance No. 192 Amending the Zoning Ordinance", by changing the Building Zone Map from Residence-1 to Business-1 on a portion of lot located at the northeast corner of Selwyn Avenue and Colony Road, was introduced. Following the reading thereof a resolution entitled: "Resolution Providing for a Public Hearing on the Amendment to the Zoning Ordinance" on November 18th was presented and read. Councilman Albea moved the adoption of the resolution, which was seconded by Councilman Dellinger, and unanimously carried. The resolution is recorded in full in Resolutions Book 2, at Page 156.

SUPPLEMENTARY CONTRACT AUTHORIZED WITH BOB ALLEN AGENCY FOR WATER MAINS CONSTRUCTION IN GRAHAM HEIGHTS.

Motion was made by Councilman Albea, seconded by Councilman Smith, and unanimously carried, authorizing a supplementary contract with Bob Allen Agency, to contract dated April 29, 1953, for the construction of an additional 1,010 feet of water mains in Moretz and Rachel Avenues, at an estimated cost of \$1,675.00. The City to finance the cost and the applicant to guarantee a gross annual water revenue equal to 10% of the cost.

CONSTRUCTION OF NEW SANITARY SEWERS AUTHORIZED.

Upon motion of Councilman Dellinger, seconded by Councilman Baxter, and unanimously carried, the construction of new sanitary sewers at the following locations was authorized:

- (a) 400 feet of sewer in Park Road, at an estimated cost of \$1,000.00, to serve 4 family units and 1 vacant lot, at request of Mr. H. B. Jarman. All cost to be borne by the City, and applicant's deposit of \$200.00 to be refunded as per terms of the contract.
- (b) 48 feet of sewer in Moretz Avenue, at an estimated cost of \$200.00 to serve one family unit, at request of R. T. Allen, Jr. All cost to be borne by the City.
- (c) 625 feet of sewer in Ordermore Avenue, at an estimated cost of \$1,200.00, to serve 6 family units and 3 vacant lots, at request of Mr. C. J. Robertson. All cost to be borne by the City.

October 28, 1953
Minute Book 35 - Page 119

CONTRACT AWARDED GRAYBAR ELECTRIC COMPANY FOR 14 ITEMS OF TRAFFIC SIGNAL EQUIPMENT.

Upon motion of Councilman Albea, seconded by Councilman Dellinger, and unanimously carried, contract was awarded Graybar Electric Company, Inc. for 14 various Crouse-Hind traffic signal equipment items, as specified, for the McDowell Street Project, at a net delivered price of \$1,765.59.

SPECIAL OFFICER PERMIT AUTHORIZED ISSUED TO JOHN H. HOLDEN ON PREMISES OF CITY CEMETERIES.

Councilman Wilkinson moved that a Special Officer Permit be issued to Mr. John H. Holden, Supt. of Cemeteries, on the premises of the City's Cemeteries. The motion was seconded by Councilman Brown, and unanimously carried.

COUNCIL MEETING DISPENSED WITH ON NOVEMBER 11TH AND HOLIDAY GRANTED CITY EMPLOYEES IN OBSERVANCE OF ARMISTICE DAY.

Motion was made by Councilman Brown, seconded by Councilman Wilkinson and unanimously carried, granting city employees a holiday on Wednesday, November 11th, in observance of Armistice Day and dispensing with the Council Meeting on said day.

CONSTRUCTION OF DRIVEWAY ENTRANCES APPROVED.

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

- (a) One 15-ft. driveway on East 3rd Street and One 26-ft. on South Tryon Street, both for 301 S. Tryon Street.
- (b) One 30-ft. driveway at 200-208 North Brevard Street.
- (c) Three 30-ft. driveways on Cullman Avenue for 300 East 36th Street.
- (d) One 8-ft. driveway at 1404 North Davidson Street.

TRANSFER OF CEMETERY LOTS.

Motion was made by Councilman Albea, seconded by Councilman Dellinger, and unanimously carried, authorizing the Mayor and City Clerk to execute deeds for the transfer of the following cemetery lots:

- (a) Deed with Mrs. N. H. Lapham for Grave #6 on Lot 157, Section 3, Evergreen Cemetery, at \$26.00.
- (b) Deed with Mrs. George W. Patterson for lot 46, in Section 4-A, Evergreen Cemetery, at \$122.85.
- (c) Deed with Mrs. Mona T. Williams for Lot 275, in Section 2, Evergreen Cemetery, at \$104.00.
- (d) Deed with Mrs. Grace T. Huffman for Lot 256, in Section 2, Evergreen Cemetery, at \$104.00.
- (e) Deed with Mrs. Annie C. Dauer, for Grave #4, in Section 3, Evergreen Cemetery, at \$26.00.

PURCHASE OF THIRTEEN PIECES OF PROPERTY FOR WIDENING AND EXTENDING
INDEPENDENCE BOULEVARD APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Dellinger, and unanimously carried, the purchase of thirteen pieces of property for the widening and extension of Independence Boulevard was authorized at a sum of \$115,138.00, as set forth in the following report of the Committee appointed to negotiate and secure the rights-of-way for this project:

"Charlotte, N. C., October 28, 1953

Mr. H. A. Yancey
City Manager
Charlotte, N. C.

Dear Sir:

A deed has been executed and acknowledged by the party or parties named in each group of grantors hereinafter listed in which the consideration tabulated opposite the listing is stipulated and which conveys property for use in connection with the widening of Independence Boulevard from East Hill Street to East Morehead Street and the extension of said Boulevard from East Morehead Street to Wilkinson Boulevard. Except as otherwise noted, all deeds have been executed to the City of Charlotte:

Radiator Specialty Company.....	\$ 2,088.00
The Blumenthal Properties, Inc.....	15,849.00
Lorraine Corporation	1,484.00
R. H. Bouligny, Inc,	23,500.00
Youngblood Truck Lines, Incorporated,	9,000.00
Ruth H. Barber, widow,	350.00
W. B. Reid and Wife, Bird C. Reid,	5,700.00
Elizabeth Guion Bain and husband, Charles E. Bain, Caldwell Guion Davis, unmarried, Anne Guion Abernathy and husband, William E. Abernathy, and American Trust Company as Trustee under that certain trust indenture executed by A. H. Guion, dated August 2, 1943,	162.00
T. S. Hasty and wife, Ola Hasty -- deed to City of Charlotte for land within extension of Independence Boulevard in which a consideration of \$9,632.00 is stipulated, and deed to Tucker-Kirby Company for land outside said extension in which a nominal consideration is stipulated	9,632.00
Tucker-Kirby Company -- deed to City of Charlotte for land inside extension of Independence Boulevard in consideration of conveyance procured by City from T. S. Hasty and wife to Tucker-Kirby Company of land outside said extension and a further cash consideration of	1,000.00
Mary Keesler Dalton and husband, H. L. Dalton,	4,708.00
Rebecca W. Cramer, widow, George B. Cramer and wife, Elizabeth C. Cramer, Stuart W. Cramer, Jr., and wife, Julia S. Cramer, and Katherine C. Angell and husband, James R. Angell,.....	32,665.00
C. K. Keith and wife, Louise F. Keith,	9,000.00
TOTAL	\$115,138.00

We consider the foregoing amounts to be fair and reasonable prices for the properties described in the respective deeds and recommend approval thereof by the City Council and payment thereof to the parties entitled thereto in accordance with their respective interests.

Lee Kinney and J. E. Barrentine

BY J. E. Barrentine " (Signed)

October 28, 1953
Minute Book 35 - Page 121

CONTRACT WITH STATE BOARD OF HEALTH FOR PUBLIC HEALTH ACTIVITIES FOR FISCAL YEAR 1953-54.

Councilman Brown moved that a contract with the State Board of Health be entered into covering public health activities in Charlotte for the fiscal year 1953-54 for which the State will appropriate \$24,607.00. Also, that a supplementary contract be entered into whereby the State Board of Health will appropriate \$2,500.00 to the City of Charlotte for the field training program and/or other special activities of the Health Department. The motion was seconded by Councilman Baxter, and unanimously carried.

IMPROVEMENTS TO PORTION OF TUCKASEEGEE ROAD AUTHORIZED FROM STREET BOND FUNDS.

Motion was made by Councilman Wilkinson, seconded by Councilman Dellinger, and unanimously carried, authorizing the City Manager to proceed with the widening and improvements to the first four blocks of Tuckaseege Road, at an estimated cost of \$21,500.00 and that the said cost be charged against the Street Bond Fund.

REQUEST OF MECKLENBURG COUNTY BOARD OF ELECTIONS THAT VOTING MACHINES BE PURCHASED FOR INSTALLATION IN ALL PRECINCTS RECEIVED AS INFORMATION.

The City Manager advised that the Mecklenburg County Board of Elections requests that the City and County Governments purchase voting machines to be installed in all precincts in the County. The request was received as information until such time as a date may be decided upon to discuss the matter with the Board members and the Mecklenburg County Board of Commissioners.

REMOVAL OF ELEVEN TREES ON EAST MOREHEAD STREET AND DILWORTH ROAD BY COVENANT PRESBYTERIAN CHURCH.

Upon motion of Councilman Smith, seconded by Councilman Dellinger, and unanimously carried, Covenant Presbyterian Church was authorized to remove eight trees from the planting strip on East Morehead Street and three from the strip on Dilworth Road, bordering the Church property.

JOB CLASSIFICATION REPORT TO BE DISCUSSED DURING THE LAST TWO WEEKS IN NOVEMBER.

Councilman Boyd requested that the Council meet and discuss the Job Classification Report which was filed with the Council by the City Manager on yesterday. It was decided to hold as many meetings as necessary during the last two weeks in November to properly consider the Report.

L. L. LEDBETTER APPOINTED AS ACTING CITY MANAGER DURING ABSENCE OF CITY MANAGER ON VACATION.

Upon motion of Councilman Brown, seconded by Councilman Albea, and unanimously carried, Mr. L. L. Ledbetter, City Treasurer, was appointed Acting City Manager during the absence of Mr. Yancey, City Manager, on vacation.

REPORT OF POLICE STUDY FILED BY DR. R. S. SNYDER AND MR. LAMBERT SCHWARTZ.

Dr. R. S. Snyder, Chairman, and Mr. Lambert Schwartz of the Police Study Committee filed a report of the study made by them.

ACTION ON REPORT OF POLICE STUDY COMMITTEE DEFERRED FOR TWO WEEKS.

Councilman Boyd stated that he had read the report of the Police Study Committee, submitted by Dr. Snyder, Chairman, and Mr. Lambert Schwartz and that it is very fine. That included in their recommendations is the following: "We recommend, in view of national publicity and wide-spread criticism, and urge that every effort be made by the City Council to clear once and for all the good name of Chief Frank Littlejohn and members of the Charlotte Police Department". That in view of this

October 28, 1953
Minute Book 35 - Page 122

recommendation, he suggests that the first thing the Council should do would be to pass a resolution carrying out this recommendation, and before presenting such resolution he wished to ask Dr. Snyder and Mr. Schwartz, who were present, if in their opinion it would not be a good policy to do so and clear up this phase of the matter. He stated further that whatever he has said about the Study was not directed at Dr. Snyder and Mr. Schwartz but rather about this phase.

Mr. Schwartz replied that he would suggest that the Mayor ask Mr. Marley when he will finish his report and if it will be an indefinite time then the information should be turned over to the proper persons. That he and Dr. Snyder delayed submitting their report, waiting on Mr. Marley to complete the phase of the study he was pursuing but they were unable to get him to say when his report would be ready.

Councilman Boyd asked if Mr. Schwartz did not think the delay is tending to cause confusion within the Police Department? Mr. Schwartz replied that he believed that many people will think the matter has been whitewashed and that he thought it urgent that the good names of Chief Littlejohn and the members of the Police Department be taken from under the insinuations that have been made.

Councilman Dellinger stated that it is his understanding that the Committee has been working on three phases of the Study, and he asked if Dr. Snyder has the information on the phase of the work that Mr. Marley was pursuing. Dr. Snyder advised that he has been unable to learn all that Mr. Marley is doing; that Mr. Marley is very secretive; that he was never able to find out what Drew Pearson said to Mr. Marley - in fact, he does not know just what information Mr. Marley has that is not included in the report submitted. Councilman Dellinger then asked if Dr. Snyder would be willing for the Council to pass on the report of the study without a report from Mr. Marley? Dr. Snyder stated that he would indeed, but out of deference to Mr. Marley as a member of the Committee, the Council will no doubt wish to wait on some kind of a report from him. Mr. Schwartz stated that Mr. Marley is studying the personnel of the Department, which takes time.

Councilman Boyd stated that he is of the opinion that the Council should support the majority of the Committee, who has rendered a report, and he feels that once the phase of the work regarding the good name of our Police Chief and the members of his department is settled, the balance of the Report can be considered.

He then submitted the following resolution and moved its adoption, and the motion was seconded by Councilman Baxter:

"A RESOLUTION GIVING POLICE
DEPARTMENT A VOTE OF CONFIDENCE

WHEREAS, A Question has been raised with respect to the honesty and integrity of the Police Department, And

WHEREAS, said Police Department is under the direction and supervision of Frank N. Littlejohn as its Chief, who has been with said Department for twenty six (26) years, eighteen (18) years as a Detective, and eight (8) years as its Chief, And

WHEREAS, Frank N. Littlejohn enjoys the respect and confidence of law enforcement officers throughout the nation, including the Federal Bureau of Investigation, And

WHEREAS, no officer in said Department in a supervisory capacity has been with said Department for less than thirteen (13) years, And

WHEREAS, the integrity of said supervisory personnel has been questioned, And

October 28, 1953
Minute Book 35 - Page 123

WHEREAS, the Study Committee has reported no basis of fact exists upon which to substantiate any charges of acts or failure to act with respect to said Police Department and its Chief of dishonesty or infidelity to duty, And

WHEREAS, the Police Committee in its report to the Council today has gone further and 'recommends, in view of national publicity and widespread criticism, we urge that every effort be made by the City Council to clear once and for all the good name of Chief Frank Littlejohn and members of the Charlotte Police Department'

NOW, THEREFORE, BE IT RESOLVED THAT The Police Department, its Chief and Supervisory Personnel are hereby given a vote of complete confidence, holding the newspaper and Radio charges of Drew Pearson to have been spurious and without any basis of fact."

Councilman Dellinger offered a substitute motion that the Report from the majority members be received and that action be postponed for two weeks, and that the Mayor contact Mr. Marley and ask that he bring in his report. The motion was seconded by Councilman Wilkinson.

Councilman Boyd offered an amendment to the substitute motion that the Mayor be requested to inform Mr. Dan Marley that the Council does not deem it wise to wait on his report longer than one week. The motion did not receive a second and the amendment was not acceptable to the motion.

Councilman Boyd stated that he did not understand why the Council does not have confidence in the Chief of Police and his officers. To which Councilman Alba replied that within a very short period of weeks the Council passed a vote of confidence in Chief Littlejohn and the personnel of the department, which stands until it is rescinded.

Councilman Baxter asked that assurance be given that regardless of whether an additional report is received on the Study, that the Council will take action on the matter at the end of the two weeks period. When no such commitment was forthcoming, he stated that politics appears to be the art of looking for trouble, of finding it everywhere, of diagnosing it wrong, and of applying unsuitable remedies.

Councilman Boyd stated that it is certainly a most unusual situation when a legislative body appoints a Committee of three men for a fixed purpose and the majority of the Committee brings in a report and the Council is not willing to accept it.

Mayor Van Every then called for a vote on the substitute motion by Councilman Dellinger, and it was carried unanimously.

ADJOURNMENT.

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


City Clerk