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*Proposed New Look For  
Downtown Mooresville*



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## CONTENTS

### articles

Is It Face Lifting Time For Downtown North Carolina?

by *Ruth L. Mace*

1

Driver Training and Safety Education in North Carolina

by *Joseph P. Hennessee*

8

### departments

Public Personnel

by *Donald B. Hayman*

11

Book Reviews

12

The Attorney General Rules

by *Robert Montgomery*

13

Clearinghouse

Purchasing School Scheduled

16

Honors

16

Institute for Civil Service and Personnel Officials Slated

16

City Notes

Inside Back Cover

A-Z Notes

Inside Back Cover



### COVER

This month's cover photo shows a scale model of downtown Mooresville, North Carolina, as it will look if proposed modernization comes about. The Mooresville Plan for recapturing the economic vitality of its aging downtown is one of the nation's pioneer efforts in central business district renewal. The subject of downtown revitalization is treated in a series of two articles by Ruth L. Mace, research associate of the Institute of Government. The first begins on page 1 of this issue.—Cover photo courtesy Reynolds Metals Company.

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# IS IT FACE LIFTING TIME FOR DOWNTOWN NORTH CAROLINA?

*Face-lifting, no! Major surgery may be called for, since disease as well as old age must be dealt with. While the condition warrants action soon, the time is not quite yet. The patient must first be convinced. Only then can a successful cure be devised and carried through.*



By Ruth L. Mace

Research Associate of the Institute of Government

## ***What Is Downtown Disease?***

“Parking troubles, traffic congestion, and a general down-at-the-heel look.” Yours is a fortunate town if this description does not apply to its downtown section. A falling-off in retail sales, vacant stores and offices, and decreasing property values may be other unpleasant symptoms of the central business district disease, which appears to have reached epidemic proportion in cities and towns all over the country.

Surprisingly, a general description of the downtown disease and its causes fits almost every American city, large or small, though the actual conditions and the intensity of the problem vary widely from city to city. What is the background of the down-trend downtown? Old age and an apathy toward it or a paralysis before it, a sort of combined physical and psychological obsolescence. An enormous growth in numbers of people living in and around cities, making use of and placing a strain

upon their facilities. An even greater increase in numbers of automobiles. (There has been more than 100 per cent increase in the number of automobiles since 1940, with a great bulk of this gain coming since the war.)

Downtown is where the city began. It is the “old city.” Buildings are old, often ugly, in poor repair or obsolete. Hung over from earlier days is an ill-assorted collection of inappropriate uses—houses turned into roominghouses or apartments, gasoline stations, used car lots, or perhaps small manufacturing enterprises.

Streets, designed and built before the era of the automobile, are inadequate—too narrow, illogically laid out. In many cities (and this is characteristic of the North Carolina scene) shops and stores, that now constitute downtown, first settled along through highway routes which still serve their original purpose. Among the would-be shoppers, looking for a place to park, the competition for the few available spaces is keen. The downtown stage is



set for a grim and nerve-racking battle between automobile and automobile and automobile and pedestrian. Between those who want to go and those who want to stop and those who want to walk around.

By jamming downtown's streets, the automobile has given birth to downtown's competitor, the outlying shopping center, and has introduced the element of competition from neighboring communities. It is now possible to drive for considerable distances to cities where shopping may be more pleasant and rewarding. Little wonder that "drifting downtowns" are losing out.

## *Is the Patient Worth Saving?*

This then is a general description of the downtown disease in most cities where curative action has not been taken. Cure, in most cases, is possible. Undoubtedly, it is desirable. The businessman's investment and continuing profits are at stake. A substantial portion of the city's tax base hangs in the balance, along with its investment in public improvements in the downtown section. All of the residents of the city and its hinterland benefit from a conveniently located focal point, a downtown center where they can shop, play, or attend to governmental or private business. Too many people have a stake in the continued vitality of the patient to allow it to die.

## *How Serious Is Downtown Disease in North Carolina?*

North Carolina's cities and towns are small and young, relatively speaking. We have not yet grown into the difficulties of older, more densely populated and industrialized regions of the country. This is fortunate and unfortunate. Fortunate, in that the range of problems confronting urban North Carolina—among them that of the declining downtowns—is less complex and more susceptible to solution. Unfortunate, in that we undoubtedly are living with problems, problems that will grow and multiply. But these difficulties are not yet sufficiently dramatic—the pocketbook is not yet hurting enough—to cry out for action now, when effective action is most feasible. Conversations with city officials and planners around the state almost all point up the current lack of awareness among merchants and business leaders of the need for

an organized program of action to guarantee the future prosperity of the central business district. **It is time for Main Street to wake up to the need for action.**

## **Large Cities**

Storm clouds are already on the horizon for the merchants, bankers, real estate interests and others who are concerned with the future of retailing in the downtowns of our largest cities. These clouds are in the form of close-in regional shopping centers that will blossom forth on the local scene in several cities later this year.

It requires considerably more effort and skill to remodel and conserve something old than to build anew. In new, small cities such as ours where in-town or close-in land is likely to be available in sufficient acreage to build integrated shopping centers of the type that can compete with downtown, such developments are likely to come into being. This trend toward commercial decentralization may be shaping up for North Carolina.

In four of our cities of over 50,000 population, seven regional shopping centers are scheduled to begin construction during the coming spring and summer. These will contain department stores and other variety stores offering a wide selection of goods. It is expected that they will be attractive, integrated shopping areas with ample parking facilities. At least one of these centers (to be constructed at the heart of the metropolitan city) will be ultra-modern, completely-roofed-in, so that shoppers can go about their business coatless in any weather.

Can today's Main Street, North Carolina, with its haphazard group of stores, cut apart into blocks by streams of heavy traffic and beset by parking difficulties, compete successfully with such facilities? The unhappy experience of Raleigh's downtown merchants with their competitor, the now thriving nine-year-old regional shopping center, Cameron Village, warns that the answer to this question may be "no."

Cameron Village, set on a 30-acre tract of land, is only one and a half miles from downtown Raleigh. Built in stages, this shopping center at first served primarily surrounding residential areas. In more recent years, with the opening of several department stores to supplement the early established Sears Roebuck, Cameron Village has attained the status of a true regional center, drawing customers from all over the city and seriously rivalling the downtown area. Downtown merchants have begun, during the past two years, to feel the edge of this

competition which is registered in falling sales and growing vacancies in stores and offices in the central district. Aroused at this plight, the Raleigh Merchants Bureau about a year ago requested that the city undertake a study of the central business district with a view to developing a plan for arresting its downward course and bringing it to renewed health. The study is now underway in the city's planning department. One portion of it has been published<sup>1</sup> and it is anticipated that a definite proposal will be ready by this coming summer.

### Small Towns

Where there are ominous clouds on the horizon for the larger cities, many of our smaller cities are already in the midst of stormy weather. North Carolina communities are fairly evenly distributed over the countryside. Distances between them are short. With the good highway network that we now have and the improvements to come, it is easy to get from one town to another to shop. We now have a situation, and this will be increasingly the case, where towns are in sharp competition with each other for the shopper's dollar. In particular, the small towns can suffer severely from the competition offered by the varied goods in the neighboring larger cities. This is an economic fact of life that cannot be overlooked. Merchants in larger towns can stock a wider selection of goods, and because of greater turnover may be able to offer them at lower prices. The small town is at a severe disadvantage.

Take the case of Hookerton, a small Greene County Community. According to a recent report in the *Raleigh News and Observer* "Hookerton is in the unenviable position of seeing her business district fade away when most of the towns around her show progress and growth.

"The decline has been most noticeable since 1951. Mayor H. S. Taylor, Jr., said that through 1948 Hookerton was booming. Then, things started happening.

"Slowly, but observably, business after business closed. Now, one entire city block is without an active business. Five good buildings are vacant in the heart of Hookerton on one side of the business district.

"There are other empty buildings scattered throughout the town.

"Many things are responsible for the situation. Bruce Williams, who has been in business in Hookerton for several years and now operates a

super market, points out that paved roads and good automobiles are a major factor.

"'The bigger towns and large shopping centers are only a few minutes drive from Hookerton,' Williams said. 'Shopping habits today are such that when folks go shopping they want to shop around. They want to try several stores and pick what they feel is more to their liking. Small towns just can't have several stores carrying the same type goods.'

"Mayor Taylor said 'The time has gone when a farm family would hitch the mules to a wagon and bring the family to town every Saturday. If a farm family wants to shop or go to town now, it has a good car available and good roads to carry and bring them back.' " If small town Main Street is to survive and prosper in future years, it must explore all ways and means of counteracting this disadvantage, and begin now to arrest the trend of decline already well under way.

To summarize then, this is the diagnosis for downtown North Carolina. Generally speaking, our Main Streets, large and small, are plagued with the downtown disease in an early stage. The symptoms are there, but the patient is only just starting to be aware of discomfort. The situation is not sufficiently aggravated as to cause him alarm. Although he may not realize this yet, the condition is serious and can lead to real pain or possibly even death. It is time to devise and inaugurate a course of treatment. Downtown must be taken in hand, but whose is the responsibility?

## *Who Is Responsible for The Patient?*

The responsibility and the initiative for revitalizing downtown North Carolina rests on: (1) the men whose businesses are directly affected; (2) bankers, realtors, insurance men, manufacturers, wholesalers and public utility executives—who benefit indirectly from business activity downtown; (3) newspapers, whose chief advertising revenue comes from downtown businesses; (4) city government, with its concern for this vital segment of the municipal tax base, its investment in public improvements, and its responsibility to its citizens for preserving and safeguarding the town center, the heart and mind of the community as well as its economic core. Primary responsibility is difficult to assign, but this much can be said. The city administration has an important role in the whole venture, and may even serve to spark its beginning. But unless there is real understanding and con-

<sup>1</sup>James A. Wright, *Study #1 of the Central Business District* . . . Raleigh, N. C.: Department of Planning, July, 1957.



viction on the part of the affected business interests that a virile downtown district is essential, the revitalization effort will not get off the ground.

## *What Are Main Elements Of a Cure?*

A course of treatment can be simply outlined; execution is a more difficult matter. Four main elements are necessary to a cure. These are: (1) Spark and organization; (2) The services of technically trained people; (3) A total plan geared to the future; (4) An action program to bring the plan to life. Let us look more closely at the composition of each of these elements.

*First—spark and organization.* Someone must start the ball rolling. Someone convinced of the need for action and its feasibility. He will undoubtedly be a man of foresight with a strong sense of civic responsibility. He will need both influence and considerable skill in working with people in order to bring the all-important action organization into being. Seldom will a program spring forth with the simultaneous interest of all concerned. Someone must begin the selling job that will later be taken over by an organization made up of the communities' ablest citizens. Effective management demands that this organization be small enough so as not to bog down. What is needed is a strong tight leadership, composed of citizens who have not only influence, but who control enough money to get things done.

*Second—the services of technically trained people* should be enlisted in the very earliest stages of the program in order to avoid trouble and mistakes later on. Planners, traffic experts, market analysts, and architects all may have an important role in advising and assisting the conception of a total plan. The traffic expert has a very obvious and important function in relation to the transportation problem, comprising such elements as parking, traffic flow, and transit. The market analyst is needed to help assess space requirements and to foresee the future desirable economic structure of the district. The architect will be called upon to determine the possibility of achieving physical unity and attractiveness. The planner's role is two-fold. First, he must see that the proposed revitalization effort fits realistically and logically into the framework of plans for the city as a whole. Second, he must see the total picture of the numerous ingredients that go into the restoration of Main Street. He must bring together the work of the various experts to the end that downtown is made

as beautiful and desirable and accessible as the new shopping centers are or will be.

The small town may not have to call upon this formidable array of experts. But the larger cities undoubtedly should. The first exploratory step on the part of the business leadership in cities where official planning departments are in operation may well be to contact the planning director. In other communities a good start would be to discuss the matter with a planning consultant.

*Third—the preparation of a total plan for the central business district that is geared to the future.* The formula for a successful plan includes:

- A comprehensive, long-range approach. All phases of the plan need not be scheduled for immediate execution, but the total scheme should be in mind before any outlay of money or effort. As one expert in this field puts it, "If we plan only for next week, we will be outmoded two weeks from now."
- A bold, inspiring scheme, designed to capture the imagination and the business of people who will shop in the new downtown.
- A coordinated public and private effort. Governmental action in zoning, traffic, planning and engineering, parking and the provision of public open spaces, is equally as important as private action. Also downtown is more than a commercial area. Frequently, it is a governmental and civic center as well. For these reasons, among others, the downtown plan should be developed in the context of an overall city or urban area plan. In cities where such planning has not been done, an aroused awareness of the need for action downtown may well trigger comprehensive planning for the whole community.
- Attention to merchandise and merchandising. Our concern here is with the physical aspects of refashioning, refurbishing, and otherwise modernizing downtown. However, it should be borne in mind by those interested in such an endeavor that physical improvements alone will not make downtown fully competitive—although these would contribute substantially to a strengthening of its position. Even though attractiveness is a plus factor, people are lured into shops by merchandise.<sup>2</sup> Managerial, advertising, and other business improvements are essential.

<sup>2</sup> According to the Urban Land Institute the general attractiveness of an area accounts for less than 25 per cent of the reasons why people shop in a particular location. Seventy-five per cent of the reasons relate to a wider selection of merchandise.

• A facing up to reality and avoidance of wishful thinking. The downtown plan must be scaled to meet the needs of the city and its trading area, and must recognize the role of the district in view of existing and potential competition. For example, the plan for Mooresville's central business district<sup>3</sup>, which will be described in greater detail in the next article, takes into account the pulling power of nearby Charlotte. "The main reality in Mooresville's business life is the booming city of Charlotte. Unless we are alert to the dangers of this situation, unless the correct diagnosis and prescription with appropriate action are forthcoming, the outlook for Mooresville is bleak." Mooresville recognizes itself as part of the mushrooming Charlotte metropolitan area. In undertaking downtown revitalization, the role it realistically chooses to play is similar to that of an outlying regional shopping center. By reconstructing itself as closely as possible in this form, the Mooresville district can hope to achieve success.

The specifics of a total plan to "bring downtown back alive" have run through this article as a recurrent refrain. Included is the need for:

1. Adequate parking;
2. Relief of traffic congestion and the elimination of hazards to pedestrians inside the shopping area;
3. Elimination of inappropriate uses within the area;
4. Replacement of ugliness with beauty through cooperative action, including redesign of signs, facades, and provision of open space;
5. Protection of adjacent neighborhoods by setting the area apart from residences, providing adequate traffic ways leading to and around the shopping area.

All over the country, in cities as small as our own Mooresville or as large as Cincinnati, a very similar proposal for downtown revitalization is being made on the basis of these components. The key element is the separation of foot and vehicular traffic. Plans call for rerouting traffic around the shopping area; making the main street a pedestrian mall; and distributing parking and service around the periphery of the area.

The "new downtowns" as they are taking shape all over the country will be described in some detail in the next article in this series. The eye-catching features of the Main Street renaissance

are both very old and very new. Ideas from the old cities of Europe and from the exciting new shopping centers are being pooled for downtown revitalization. The plazas, arcades and canopied walks of such cities as Venice, Florence, Paris, Milan, Berne and others too numerous to mention, made for town centers where people could relax and enjoy themselves. It makes considerable sense to aim (in part, at least) for these objectives in today's cities, particularly the smaller ones where achievement is feasible. The better planned, new shopping centers have made their most significant contribution in their approach to the big problem of unscrambling foot, automobile and service traffic through the device of assigning parking and service functions to the periphery of the shopping area.

*Fourth*—a concrete action program on the basis of which the plan can be brought to life, and the revitalized district kept up to date as the years go by. *Financing* and *continuing organization* are the major components of this program.

## Financing

Two financing phases must be considered. The first is the financing of initial organization and plan making. The second, and even more crucial phase, is the financing of the project itself.

If the push for downtown revitalization comes entirely from private sponsors, they must work out some resource-pooling device to finance both initial planning and the private share of the project cost. It is sensible to assume, however, that the city will assume an active role in major surgery upon its heart. If this is the case, financing of the plan phase is most logically undertaken governmentally. It is possible (and this has been done in some communities) to employ both public and private funds to finance the making of necessary studies and plans. This makes sense because the city may already be staffed to handle a sizable amount of the research that must be done. Where outside help must be called in, merchants and business interests directly concerned should demonstrate their support for the effort by contributing at least some portion of the required funds.

Small North Carolina municipalities (under 25,000 population) interested in the formulation of plans for central business district revitalization may wish to apply for federal planning assistance funds which have just been made available in this state. The newly established Division of Community Planning in our State Department of Conservation and Development is set up to assist municipalities in analyzing their planning needs and to aid them

<sup>3</sup> Town of Mooresville. *The Mooresville Plan: A Future for Downtown Mooresville*. July, 1957.



in securing planning grants. Under the federal program, grants of funds, up to 50 per cent of the cost of the work, are available to small cities for plan-making purposes. *In other words, if the municipal government in a small town decides to embark upon planning for upgrading its downtown, it may expect that 50 per cent of the total cost of plan preparation can be financed by a federal grant,* channeled from the federal treasury through the State Division of Community Planning to the locality concerned. In addition to these funds for general planning purposes, other federal planning grants for specialized purposes may be applicable in downtown revitalization. For example, major thoroughfare planning should probably go hand in hand with downtown renewal. Federal grants for major thoroughfare planning are available to cities of all sizes through the State Highway Department. Advance planning loans, available to all cities from the Housing and Home Finance Agency, Community Facilities Administration (Washington, D. C.), can be used for the planning of public buildings and municipal facilities.

The financing of the private portion of the project may be on an individual basis or through the formation of a corporation where funds and credit would be pooled. Another federal aid should be considered if the decision is to finance on an individual basis. This is a direct loan program of the federal Small Business Administration. Merchants can finance 100 per cent of remodeling costs if they can borrow 25 per cent of the total from a local bank. The remaining 75 per cent will be loaned to the merchant by the Small Business Administration. The maximum amount of the federal loan is \$15,000. It can run for a period up to five years, with a monthly repayment schedule at interest not to exceed six per cent per annum.

In financing the public share of the project, a municipality may hope to draw upon some of the following fund sources: current revenues, Powell Bill funds and possibly other state highway grants for the construction and improvement of major streets, bond issue for the construction of parking facilities, special assessments for parking and street improvements, federal urban renewal loan and grant funds where slum clearance may be involved.

Probably the most crucial phase of a successful program of downtown revitalization is the financing of the program itself. Precise financing methods will have to be worked out in each situation based on the nature and scope of the plan that is devised and the extent to which the whole operation is a joint private-public venture. The subject of financing methods that have been employed and others that have been suggested would consume a detailed

article in itself. This much, however, may be said in general terms.

Private money will have to be put up for store modernization, interior and exterior; for the construction of facades and canopies. Private money may also be needed for the financing of off-street parking, and perhaps for the landscaping, or part of it, and other amenities to be provided in connection with the plaza scheme if it is adopted.

Public money will go into purchase of land for rights of way and other purposes, street construction and improvement, traffic planning and engineering, perhaps into off-street parking\* and the provision and maintenance of a park mall. If transit enters the picture, as it might in our largest cities, some expenditures on the part of the transit company as well as the city will probably be necessary to tie this vital element into the total plan.

### Continuing Organizations

The importance of good initial and continuing organization in a program for rejuvenating downtown probably rates as high or higher than the issue of financing in the ultimate success of the project. After all, it is the organization that must arrive at a workable financing program. The firm of LaSias Segoe & Associates, senior planning and engineering consultants, recently devised a plan for renewing downtown Waukesha, Wisconsin, a community of 25,000 population in the Milwaukee metropolitan area. The report in which this plan is set forth includes some excellent specific recommendations relating to organization of downtown renewal that have relevance for any small or medium-sized town. This section of the Waukesha report is reproduced, in part, below:

Attention to the economic, legal and managerial problems of a project of this kind is fully as important as to the physical plan. In fact, a "master plan" of organization of property and business interests complementing the physical plan and one attuned to the other, is considered a prerequisite to adequate promotion and effective implementation of the plan. The nature of the program, involving a multitude of private interests, obviously makes it impossible for the city government to assume responsibility for all of its intricate phases. Much of the required work calls for measures beyond the scope of authority vested in municipal corporations. Thus active participation of private interests is needed far beyond ordinary citizen participation in local governmental undertakings. A single owner who undertakes to develop a shopping center is operating at an immense advantage, of course, over any group of individuals endeavoring to accomplish the same purpose. . . . The various owners in well-established, mature business districts will not ordinarily be willing to relinquish what they consider important special advantages or assign property rights—even temporarily—to a body superior, such as a development or holding corporation, even if such

\* For a detailed discussion of public finance of off-street parking see John Alexander McMahon, "Financing Off-Street Parking Facilities." *Popular Government*, June, 1957, pp. 11-18.



were constituted by and limited to the owners themselves. At the same time, a development program of any consequence requires centralized management capable of making decisions within limited but adequate delegated authority.

Private interests should be organized two-ways: as a relatively informal association, to promote actively and coordinate the various efforts; and corporately to carry out those projects requiring private capital outlays which go beyond the scope of improvements by individual property owners. The already established steering committee of the Chamber of Commerce could form the nucleus of the entire organization. The membership of the committee must be representative of the downtown interests and given the authority to evolve general plans applicable to the project area as a whole. "Downtown" as such is a somewhat loosely defined and unmanageable entity. Therefore, it should be divided into small sub-project units—on block or block front basis, for example—each of these to be represented by a sub-committee whose chairmen might well constitute the steering committee [for the downtown organization].

The steering committee [for the downtown program] . . . would coordinate, with the overall plan as a general guide . . . all private improvement projects, both corporate and individual. Details concerning only sub-project units would be handled by the respective sub-committee . . . subject to review and approval by the [steering] committee. Desirably, these committee activities should be conditioned and assisted by policies of local lending institutions, for instance . . . favorable interest rates for property improvements in harmony with the Downtown Plan. . . . These institutions will [probably] be represented on both . . . block units and the [steering] committee, establishing thereby the necessary liaison.

Specifically, the [steering] . . . committee would contract for the precisings of the general plan. This will include . . . architectural studies of the individual properties and determining those projects . . . best carried out by special purpose corporations. Such corporations may be chartered to undertake . . . the construction of parking structures . . . or . . . the renewal of groups of structures. . . . There may also be chartered a holding corporation which would purchase those properties whose owners may not be interested to participate in carrying out the Downtown Plan. These properties would then be improved . . . or sold . . . subject to improvement. Still other functions of . . . [the steering committee] would involve the preparation and supervision of voluntary enforcement of rules governing . . . advertising signs and methods, district promotion . . . etc.

To coordinate public and private functions and improvements, a coordinating committee constituted by representatives of . . . [the steering committee] and the Mayor and Common Council should be created. Its specific duties would include the exploring of federal and state financial assistance programs, the preparing and revising of that phase of the City's public works program concerning the Downtown Plan, possibly the sponsoring of an urban renewal program under the Federal Housing Act, the review of zoning and other control measures, and the recommending of methods of financing public improvements in the project area.

In fashioning these Downtown Plan organizations, the need for administrative and technical services must not be overlooked.

The . . . [steering] committee can function effectively only if it has the services of a staff. Waukesha is very fortunate that it already has a well-functioning executive department in its Chamber of Commerce. It would appear only logical—and good economy—to have

the executive of the Chamber also serve as head of the . . . [steering] committee staff. . . .<sup>5</sup>

## Summary

This article has described the nature of the downtown disease and its status in North Carolina. It has placed the responsibility for initiating and carrying through a course of cure upon both public and private interests. The elements of a cure—spark and organization, expert help, a total plan, and a concrete action program—have been outlined. In the next article the "new downtowns" as they are taking shape all over the country will be described in some detail.

For those who would like to read further on the general subject of downtown revitalization the following sources are suggested.

Victor Gruen, "Dynamic Planning for Retail Areas." *Harvard Business Review*, November-December, 1954, pp. 53-62.

Reprints of this article are available at one dollar per copy from the *Harvard Business Review*, Soldiers Field, Boston 63, Mass.

"How to Rebuild Our Cities Downtown—A Round Table Report." *Architectural Forum*, June, 1955. pp. 122-131 plus.

Reprints of this article are available at one dollar per copy from the *Architectural Forum*.

Richard L. Nelson and Frederick T. Aschman, *Conservation and Rehabilitation of Major Shopping Districts*. Washington, D. C., Urban Land Institute, 1954. (Technical Bulletin No. 22)

Copies of this publication are available from the Urban Land Institute, 1200 18th Street, N. W. Washington 6, D. C., at \$5.00 per copy.

James W. Rouse, "Will Downtown Face Up to Its Future?" *Urban Land*, February, 1957, pp. 1, 2-5.

This is an official publication of the Urban Land Institute. Single copies are available from them at \$1.00 each.

U. S. Department of Commerce. Business and Defense Services Administration. *Basic Information Sources on Downtown Shopping Districts*. Washington, D. C., December, 1955.

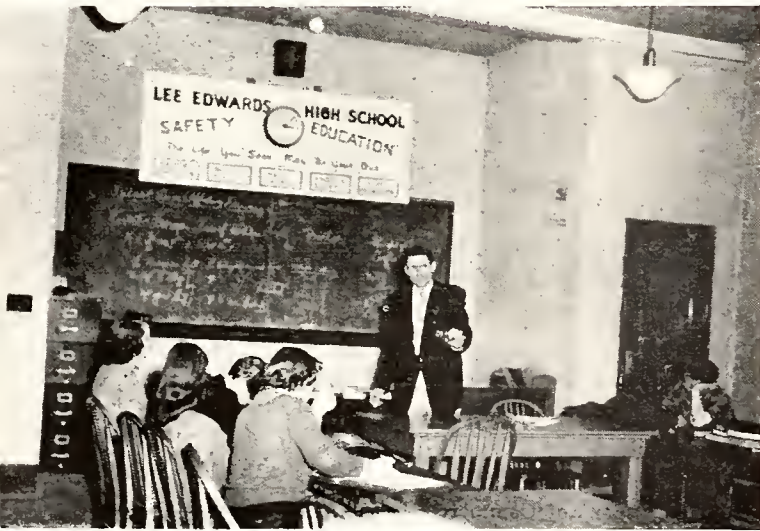
This publication is for sale by the U. S. Department of Commerce, Washington 25, D. C., at ten cents per copy.

<sup>5</sup> Ladislas Segoe & Associates. Waukesha Shopping Center. Waukesha, Wis.: City Plan Commission, April, 1957, pp. 18-21.

*This is the first of two articles on downtown revitalization. This article suggests the need for such action and outlines what is involved. The second article will describe Main Street restorations now under way.*



*Behind the Wheel...*



*Classroom...*

*and Mechanical  
Instruction*



*Driver  
Training  
and  
Safety  
Education  
in  
North Carolina*

By Joseph P. Hennessee  
Assistant Director of the  
Institute of Government



**“The education of automobile drivers is a highly significant part of general education in preparing young citizens for living efficiently and responsibly. Driver training and safety education has grown and will continue to grow because it satisfies social and economic needs which increasing numbers of youth and adults find extremely important.”—Charles F. Carroll, State Superintendent of Public Instruction.**

During the year 1955, more than 1,800,000 licensed drivers in this state operating more than 1,600,000 motor vehicles killed more than 1,100 persons and injured more than 17,000 others, with a resulting economic loss of approximately \$139,000,000. Even to the most callous, these figures are appalling. Obviously we cannot afford to continue these deaths, injuries, and resulting economic losses. All reasonable persons agree that some means must be found to lessen the death and destruction on our highways.

One approach to this problem is through a systematic program of driver training and education. The following facts indicate that driver education is no longer considered as a fancy “extra” or a “frill” in the learning process. It is an essential part of education for modern living.

Training drivers in the public schools is not new. During the 1955-56 school year, 52% of the nation's schools offered driving instruction to 56% of the eligible pupils. During the same school year, only 24% of North Carolina high schools offered this instruction to 19% of the eligible students.

Forty-four North Carolina high schools offered driver education in 1948. By 1954 the program had expanded on a local basis to include 209 schools offering such instruction to more than 10,000 students. After 1954, however, few additional schools were able to offer driver training and safety education courses because of the costs involved. Under the then existing circumstances, with a few exceptions where local funds were available to hire additional teachers, the only method whereby driver education could be added to the high school curriculum was to divert teachers employed by the school for the

teaching of other courses or to assign it as an additional duty to a teacher already carrying a full teaching load.

This was the situation in early 1957 when the General Assembly enacted into law a measure sponsored by Representatives Sam Whitehurst of Craven County and Thomas J. White of Lenoir County. This act added an additional dollar to the price of automobile license plates in order to provide funds to finance a statewide system of driver training and safety education in the public high schools. According to the terms of the act the Department of Public Instruction is required to establish standards for courses offered and the State Board of Education is required to allocate funds from revenues provided by this additional tax to schools offering these courses.

### **What Is Driver Education?**

An approved driver training and safety education course, according to the State Department of Public Instruction, consists of a minimum of thirty hours of classroom instruction and six hours of behind-the-wheel driving. This course is backed by the National Safety Council, National Educational Association, International Chiefs of Police, and educational and automobile associations.

### **Why Do We Need Driver Education?**

One way or another most youngsters are going to learn enough about driving to get a driver's license. The manner in which they learn will directly affect the quality of their driving. Accident records prove that we are paying an enormous price for neglecting to teach our drivers how to operate motor vehicles safely or efficiently.

Since human error seems to be the chief causal factor in traffic accidents, it seems reasonable to assume that education offers a great opportunity for taking effective action upon such a critical social and economic problem.

A program of driver education in the public schools is not offered as a cure-all for this problem. It is recognized, however, as one of the most effective long range plans yet devised to improve traffic behavior. Its effect necessarily will have to be cumulative with its effectiveness increasing as the number of drivers with driver education training increases. It pays the best dividends when provided for the beginning driver before he is licensed to drive. Too, persons who have satisfactorily completed approved courses in driver education have fewer accidents and traffic violations than drivers who have not had the advantage of such instruction.

### **How Does Driving Instruction Affect the Student?**

The Governor's Traffic Safety Council states that driver education creates a safety consciousness—a community of thought conducive to safe driving in which most drivers will want to drive safely and will accept the social responsibilities which go along with the driving privilege.

The effect upon a student who has satisfactorily completed an approved course in driver education is not limited to the physical skills of driving. Students are taught safety consciousness and social responsibilities as well. In addition to acquiring driving skills, a student is given information sufficient to enable him to make wiser decisions, and is taught the inherent dangers of misuse of the automobile. He is taught to recognize his

limited experience in learning to share the roadway with others, and to recognize his own capabilities and limitations, the capabilities and limitations of his vehicle, and the capabilities and limitations of other users of the highways.

Persons who have had an opportunity to learn to drive in a formal education course have an excellent opportunity to develop into highly proficient drivers. Accident records indicate that the average beginning driver at the completion of his high school driver education course has a driving ability equal to that of the average person who has spent ten years in learning without formal driving instruction.

### Preliminary Planning

Proponents of driver education have recognized that it would take a reasonable period of time—approximately one year—to implement such a statewide program, and an additional period of approximately three years for such a program to reach full maturity.

Plans for putting the program into effect were begun soon after the legislative adjournment in June. During the month of December, county and city superintendents met in Raleigh with Superintendent Charles F. Carroll, who called the meeting, and Controller C. D. Douglas of the State Board of Education. At this meeting plans for expanding the existing system of driver education were discussed along with tentative rules and regulations to govern the administration and operation of the program. Among the topics that came in for consideration, were: (1) the place of driver training and safety education in the total curriculum; (2) eligibility of students for such training; (3) certification of driver training teachers; (4) operational suggestions; and (5) plans for using the state funds allocated for this program.

Superintendents and other persons in attendance gave valuable suggestions based on their practical experience in administering local driver training programs and these suggestions were incorporated into the rules and regulations prepared for consideration by the State Board of Education at its meeting on January 2, 1958.

### Rules and Regulations to Govern Program

At its meeting on January 2, 1958, the State Board of Education, acting upon the recommendation of the State Superintendent of Public Instruction, adopted the following rules and regulations to govern the expanding operation of driver training and safety education.

*Program of Instruction.* Driver training and safety education courses will consist of a minimum of thirty (30) clock hours for classroom instruction and a minimum of six (6) clock hours of practice driving per student.

The classroom phase of the course will include a study of the causes and effects of traffic accidents; mental and physical characteristics of the driver; capabilities and limitations of the automobile; natural and man-made laws which affect the driver; and cooperative use of highway facilities by pedestrians, bicyclists, and motorists. In the practice-driving phase of the program the student will practice the procedures learned in the classroom and develop the fundamental skills of driving.

Regulations provide that driver training and safety education courses may be offered as a part of the total school curriculum, during the regular school day or at any other time during the day or the year in the discretion of the appropriate county or city board of education.

*Eligibility of Students.* Any regularly enrolled student in a public high school who has attained the minimum age of fourteen years and six months is eligible to enroll in the classroom phase of a driver training and safety education course. A student who has satisfactorily completed the classroom phase of the course, or who is currently enrolled in such a course, will be eligible for the practice-driving phase, provided he has in his possession a restricted instruction permit, a learner's permit, or an operator's license, as required by the applicable motor vehicle laws.

Although instruction may be offered pupils as early as fourteen years and six months, schedules are required to be arranged so that a majority of pupils receive driver-training instruction as near their sixteenth birthday as possible. Irrespective of the completion of a driver education course, however, one cannot be given an unrestricted operator's license un-

til he has reached his sixteenth birthday, and until he has met the regular requirements for a driver's license.

*Instruction Personnel.* Any person who meets the qualifications for teaching in the elementary or secondary schools of North Carolina who has completed a minimum of two semester hours of college credit in preparation for teaching driver training and safety education is eligible for certification as an instructor in this program. Of course, persons selected as driver-training instructors must have valid driver licenses and acceptable driving records.

In addition, those persons who have been trained and approved by the Department of Public Instruction and any others who have completed a minimum of forty (40) clock hours in preparation for teaching driver training prior to September, 1959 may substitute such training for the required two semester hours of college training.

Persons employed to teach driver training and safety education may be paid from the State funds on the basis of the local salary schedule for academic teachers.

*Plan of Operation.* Before courses of driver training and safety education supported by State funds may be incorporated in the curriculum of any school, the superintendent involved must submit to the State Superintendent of Public Instruction a proposed plan of operation and a proposed budget for such courses. These items must have been approved and certified by the appropriate county or city board of education before being submitted to the State Superintendent.

*Allocation of Funds.* The law directs the State Board of Education to allot annually for the use of each school administrative unit in the state for driver training and safety education courses its proportionate share of collected funds based upon the current annual enrollment of eligible pupils in each administrative unit. Funds that are not used during a given year are cumulative and can be used only for driver training and safety education.

The expanded driver training and safety education program, soon to go into effect in North Carolina as a result of legislation providing for an additional dollar tax on every motor vehicle for which the registration tax is paid at the annual rate of \$10.00 or more, will provide opportunities for the youth of North Carolina to be safer and more efficient users of existing traffic facilities.





# PUBLIC PERSONNEL

By DONALD B. HAYMAN

Assistant Director, Institute of Government

## Charlotte Employees Join Union

Charlotte City Employees Local 984 was chartered approximately four months ago by the American Federation of State, County and Municipal Employees (AFL-CIO). The local now claims a membership of over 400 of Charlotte's 1,600 municipal employees. To date the union has requested (1) payroll deductions of union dues, (2) a grievance procedure, and (3) a \$1.00 a day emergency wage increase for city employees.

In October, upon the recommendation of City Manager Henry Yancey, the Charlotte City Council unanimously approved the payroll deductions of dues for Local 984 and for the International Association of Firefighters (AFL-CIO) which claims a membership of approximately 200 firemen. By November, 286 employees had authorized the city accountant to deduct union dues of \$3.00 from their paychecks each month. Thus Charlotte joins Durham and becomes the second North Carolina city to provide for payroll deductions of union dues.

In December, the city manager announced the following grievance procedure. All department heads are to meet with duly-elected shop stewards on employee grievances. If a settlement to the satisfaction of the employee is not reached with the department head, the union may take the issue to the city manager. If the employee is not satisfied after the problem has been discussed with the city manager, the local may present the grievance to the city council.

In agreeing to make payroll deductions for members of Local 984 and agreeing to discuss employee problems with union representatives, the city has not formally recognized Local 984 as a bargaining agent for all city employees.

## Flu Shots

Many cities and counties have cooperated with local health departments this fall and winter in securing Asian flu vaccine for their employees. The shots have been administered by the local health departments and in some instances the vaccine has been paid for by the governing body. The shots were not mandatory, but in each instance were recommended by the governing body or administrative officials.

The Winston-Salem Personnel Department is planning a study of the effects of the flu and the flu vaccine on the sick leave rate of the city's 1,700 employees. The average rate of sick leave among Winston-Salem employees has been one-quarter day per employee per month.

## Supervisor Appointed

Dr. Dorothy C. Adkins, Merit System supervisor, announced the appointment as of December 1 of Claude E. Caldwell as assistant Merit System supervisor. Caldwell replaced Mary Frances Kerr who recently resigned. Miss Kerr has served as an assistant supervisor since 1946.

Caldwell has served since June 1, 1956, as personnel consultant with the North Carolina Personnel Department.

As assistant Merit System supervisor, Caldwell will have immediate supervision of a full-time staff handling the day-to-day administration of the state-wide policies and procedures of the Merit System from the office in Raleigh.

A native of Georgia, Caldwell received his undergraduate degree from the Atlanta division of the University of Georgia and the bachelor of laws degree from Emory University. Prior to his work with the State Personnel Department, Caldwell served for three

years as the principal personnel administrator for the City of Richmond and for ten years in several professional capacities with the Georgia State Merit System.

## The Employee Who Wasn't There

The case of the Lexington sexton who continued to draw a pay check although he had no assigned duties has been outdone by a Rocky Mount ghost named Wells. Rocky Mount, which long has prided itself upon the operation of a clean city government, finds itself considerably embarrassed by a recent audit report. The audit report revealed that \$3,700 had been paid as wages to an apparently non-existing person by the name of James Wells. *The Rocky Mount Evening Telegram* reports that "as it now stands . . . no such person has been found and until the matter is cleared up, the public has but little reason to suspect anything less than a case of a padded payroll."

An editorial in the November 11th issue of the *Telegram* suggests that each new employee should be fingerprinted before being permitted to draw a single pay check.

Because of such problems, Greensboro adopted the following personnel rule some years ago.

*Preparation of payroll.* All payrolls prepared within departments shall be certified by the department head as to name, rate, and amount of pay. Payrolls prepared by the payroll section of the Finance Department shall be certified by the City Accountant. In no instance may an employee be paid at a rate other than that set forth on current approved personnel action slips. At least semi-annually the Personnel Supervisor shall verify the names and rates of pay entered on the payroll for all employees of the City. At least once each year, the City Accountant or a representative of the Finance De-

partment shall personally hand to each employee his salary check for a payroll period. All payments of salaries and wages shall be by check . . . .

### Additional Testing Facilities Available

The N. C. Employment Security Commission has established a program of occupational vision testing on an experimental basis in 12 of its larger employment offices. North Carolina is the first state employment agency to try such a program.

The vision tests are being made with the same type machine used by driver license examiners, a Bausch and Lomb Ortho-Rater. Since June, vision tests have been given with all specific job aptitude and all proficiency (shorthand and typing) tests given in the local agencies.

The Ortho-Rater test is the first one given to job applicants. If the job applicant passes this test, more specific job tests are given. Only the minimum visual standards must be satisfied. If the applicant fails the eye test, the ESC will not offer job placement. Instead, the applicant will be advised to consult a doctor for visual correction and then return for another test.

The high percentage of workers with poor eyesight has been one of the reasons for high employee turnover in some industries. It is the hope of the agency that the visual testing program will reduce this unnecessary employment turnover.

During the test, depth perception, color perception, eye balance, and acuity (clear sight) are checked for near and far vision. Different vision standards for six broad classifications are checked.

Local Employment Security offices participating in the experimental testing are Charlotte, Hickory, Gastonia, Concord, Morganton, Asheville, Raleigh, Winston-Salem, Statesville, Burlington, Asheboro and Sanford.

### New Classification and Pay Plan

The City of Lexington adopted a new classification and pay plan for its 202 municipal employees on December 9th. The classification plan which was the first in the city's history was prepared by the N. C. Employment Security Commission. The new pay plan which was made retroactive to September 1 increased the

(Continued on page 15)

## Books of Current Interest

THE CITY IN MID-CENTURY, edited by H. Warren Dunham. Detroit 1: Wayne State University Press, 1957. 192 pp. \$4.00.

This is a series of five lectures, together with critical comments thereon, delivered at Wayne State University in 1955-56. The speakers—Jose Luis Sert, Joseph D. Lohman, W. Fred Cottrell, Coleman Woodbury, and Dr. Dunham—make a series of challenging observations on problems of the modern city, together with proposals for improvement. Subject matter ranges from urban architecture to the effects of the atom on the city's development, but the emphasis throughout is upon human relations.

SIGNIFICANT CASES IN BRITISH CONSTITUTIONAL LAW, edited by C. Gordon Post. New York 23: The Liberal Arts Press, 153 West 72nd Street, 1957. 262 pp. \$1.25 (paper edition).

To the lawyer or citizen familiar with the formal American Constitution and the body of law which has grown out of it, it is always startling to discover how similar principles have been developed in English law without the existence of such a document—through statutes, case law, and even "conventions." This collection is intended to supplement materials covered in a college course on English government, but it will be of interest to all who are concerned with the long process of working out the relationships between the citizen and his government.

PATH OF PROGRESS FOR METROPOLITAN ST. LOUIS. University City 24, Mo.: Metropolitan St. Louis Survey, 8147 Delmar Blvd., 1957. 121 pp. \$2.50 (cloth), \$1.50 (paper).

The most significant recent development in the field of local government is undoubtedly the experimentation with metropolitan governments. The apparent success of the Toronto metropolitan government has led to similar proposals in such diverse spots as Miami, Nashville, and Sacramento.

In St. Louis, what is advertised as "the most comprehensive metropolitan area study of its type ever undertaken in the United States" was undertaken with support of the Ford Foundation and the McDonnell Aircraft Corp. Charitable Trust. This is the product of that survey. While the St. Louis type of problem has not yet become important in North Carolina, forward thinking governmental officials will find much of value in this study and the conclusions it reaches.

A MANUAL ON MUNICIPAL BONDS, by Winthrop S. Curvin. New York 5: Smith Barney and Company, 14 Wall Street, 1956. 64 pp. \$3.50.

This very short book contains brief discussions on the people and companies who buy municipal bonds; the reasons they buy municipal bonds; the effect of the tax exemption feature of municipal bonds; the way municipal bonds are marketed; and some of the general characteristics of municipal bonds, including types of issues, maturities, legal opinions, and ratings. There are discussions of the various kinds of general obligation bonds, limited tax bonds, and revenue bonds. In the revenue bond discussion, there is included a summary of the part bond attorneys, engineers, and bankers play in the marketing of revenue bonds, together with the various provisions in the agreement between issuer and bondholder. Also included is a discussion of housing bonds.

Other portions of the book are devoted to the investment yields of tax-exempt bonds as compared to taxable bonds, the mathematics of bond investment, and municipal bond ratings. The book, by virtue of its brevity, will be of interest to individuals desiring to get a quick, over-all idea of municipal bonds. It may also provide specific items of information to persons generally familiar with municipal bonds. The author has performed a real service in providing a readable summary of the important features of municipal bonds.



# The Attorney General Rules...

By Robert Montgomery

Assistant Director of the Institute of Government

## CIVIL RIGHTS

**Effect of conviction of a felony in a federal court on civil rights of defendant.** Recently a person was convicted of a felony in a federal court in North Carolina. He now has completed his term and has been released. Has he lost any of his civil rights?

To: C. R. Jonas

(A.G.) Article VI, Section 8 of the Constitution of North Carolina disqualifies for office a person who has been convicted of a felony, or any other crime for which the punishment may be imprisonment in the penitentiary. This office has taken the position over a number of years that the word "penitentiary" means the State Penitentiary or State Prison and, therefore, that conviction in a federal court would not cause a person to lose any civil rights under the North Carolina constitutional provision mentioned. It is not known whether such a conviction would result in the loss of any federal rights.

## CLERK OF COURT

**Duty to receive for disbursement old age assistance check of deceased recipient.** When must a clerk of superior court receive, for purposes of disbursement and distribution, an old age assistance check of a deceased recipient who dies before the check is cashed? Is the clerk entitled to any fee from the funds when such a check is processed?

To: Mrs. J. W. Brown

(A.G.) G.S. 108-32 provides that any old age assistance check, payable to a recipient whose death occurs during or after the first day of the month for which a grant was previously authorized by the county and not endorsed prior to the recipient's death, shall be delivered to the clerk of superior court and administered under G.S. 20-68 and G.S. 20-68.2. The clerk is required to receive the check under G.S. 20-68 provided that no administrator has been appointed for the estate of the deceased; that the amount of the check is five hundred dollars or less; and that receipt of the check will not cause the aggregate sum coming into the clerk's hands on behalf of the deceased to exceed five hundred dollars. In the absence of a local act to the contrary, the clerk is entitled to a fee

of 3% on the amount of the check received. G.S. 2-26.

**Lack of authority to hear appeals from action of the Department of Motor Vehicles.** When the North Carolina Department of Motor Vehicles has taken action in suspending, cancelling or revoking an operator's license, does a clerk of the superior court have authority to hear the appeal of an aggrieved petitioner under G.S. 20-25?

To: D. M. McClelland

(A.G.) The North Carolina Supreme Court has said that a petitioner under G.S. 20-25 has a right to a review by a superior court judge. *In re Wright*, 228 N.C. 301. It is the opinion of this office that a clerk would have no authority to hear this type of proceeding; that the section could not be construed with G.S. 1-7 to give the clerk the necessary authority.

## COUNTIES

**Hospitals—lease of hospital and use of maintenance tax proceeds.** A county voted for bonds, the proceeds of which were to be used to construct a hospital. The county also voted for the levy of a five cent tax for purposes of maintaining the hospital. Can the county levy the tax and pay the proceeds to a non-profit corporation to which the hospital would be leased?

To: E. A. Gordon

(A.G.) It is the opinion of this office that such a procedure would be authorized by virtue of G.S. 131-126.20, particularly sub-section (c). See *Hospital v. Commissioners of Durham*, 231 N.C. 604.

**Hospitals — necessity of vote of people for tax levy for support.** Is a vote of the people necessary in order for a county to levy a tax for the support of a public hospital?

To: R. J. Hester, Jr.

(A.G.) The Supreme Court of North Carolina has held in *Palmer v. Haywood County*, 212 N.C. 284, and *Board of Managers v. Wilmington*, 237 N.C. 179, that the support of a public hospital is not a necessary expense of a county; therefore, a tax may not be levied for the support of such a hospital without a vote of the people.

**Public Welfare — assignment of old age assistance lien.** Recently,

a recipient of old age assistance died, leaving a widow and several children. One child desires to pay the amount secured by the old age assistance lien applicable to the property of his deceased father, and to enforce the lien against the other children upon the death of the widow. Does the county attorney have the right to receive the amount secured and transfer the lien so that the child making payment may later enforce it?

To: T. S. Johnston

(A.G.) It is the opinion of this office that the Old Age Assistance Lien Law as contained in G.S. 108-30.1 through G.S. 108-30.3 creates a lien which can be enforced only by the county, not by a private person who is the assignee of the county.

**Payment of dues by county alcoholic beverage control board to North Carolina Association of Alcoholic Beverage Control Boards.** Does a county alcoholic beverage control board have authority to affiliate with and pay annual dues to the North Carolina Association of Alcoholic Beverage Control Boards?

To: C. P. Yow

(A.G.) Although there is no specific statutory authority for the payment of dues by a county alcoholic control board to the North Carolina Association of Alcoholic Beverage Control Boards, the General Assembly of North Carolina biennially appropriates funds to various state agencies to be used for the payment of annual dues to national associations with whom they have become affiliated for the purpose of exchanging ideas which may lead to a more efficient operation and administration of the agencies, even though there is no specific statutory authority for such affiliations. The powers and duties of county alcoholic beverage control boards are extensive and technical and, in the administration of the statutory powers and duties, such boards should have available to them all beneficial information. Therefore, it is the opinion of this office that a county alcoholic beverage control board, in the interest of good business management, would be justified in the payment of reasonable annual dues to the North

Carolina Association of Alcoholic Beverage Control Boards.

#### DOMESTIC RELATIONS

**Juvenile courts — lack of jurisdiction over juveniles charged with certain felonies.** What court has jurisdiction to try a child between the ages of fourteen and sixteen years who is charged with a felony in which the punishment might exceed ten years in prison?

To: M. J. Stokes

(A.G.) G.S. 110-29(6) indicates that the juvenile court would not have jurisdiction in such a case. Although the above statute does not specify what court would have jurisdiction, the North Carolina Supreme Court in *State v. Burdette*, 179 N.C. 735, at page 741, has stated as follows: "As to children of fourteen years and over, and in the case of felonies in which the punishment may be more than ten years, they shall, in all instances, be subject to prosecution for crime as in case of adults."

**Adoptions—adjudication of abandonment — necessity of service of process by publication.** Certain children have been abandoned by one or both parents. Preparatory to the adoption of the children, actions are brought in the juvenile court to have the children declared abandoned. Summons is returned in each case with a notation that the parent cannot be found in the county. (1) Is it necessary to effect service of process by publication with regard to the parents before the court may enter a valid order finding the children to be abandoned so that the parents' consent to an adoption of the children would not be necessary? (2) Must the abandoning parents be served with notice of the adoption proceedings by publication?

To: M. P. Thomas, Jr.

(A.G.) Regardless of the provisions of G.S. 110-28, which appear to eliminate the necessity of service of process by publication in the cases you mention, it may be that the provisions of that statute are applicable only to cases in which immediate action is necessary because of the environment or situation of the child. *In re Coston*, 187 N. C. 509; therefore, it is the opinion of this office that grave doubt would exist as to the validity of an adoption proceeding upon subsequent attack if service of process by publication were not had in the juvenile court proceeding. But it is also the opinion of this office that a parent who has been declared to have abandoned a child need not be served with notice of a subsequent adoption proceeding and the adoption would not be rendered invalid by reason of the omission of such notice. G.S. 48.5.

**Adoptions—jurisdiction of juvenile court to declare child abandoned.** A child of divorced parents was adjudicated to have been deserted by its mother in the juvenile court, which ordered that the child be committed to its father's custody until further order of the court, a condition of custody being that the child

was placed under the supervision of the county welfare department for placement. Is the child under the jurisdiction of the juvenile court and if so, should an independent proceeding be initiated in that court to declare the child abandoned or should the question of abandonment be determined in an adoption proceeding?

To: E. O. Brogden, Jr.

(A.G.) It is the opinion of this office that under G.S. 48-5(a) a petition may be filed with the juvenile court to declare the child abandoned or, under G.S. 48-5(b), the question of abandonment may be determined by the court of adoption in an adoption proceeding.

#### MUNICIPAL CORPORATIONS

**Extension of corporate limits to include portion of sanitary district.** A proposed extension of the corporate limits of a town will include a portion of a sanitary district. Is there any statutory obstacle to this?

To: L. H. Wall.

(A.G.) Although G.S. 130-33 prohibits the inclusion of any portion of a municipal corporation in a sanitary district without a request from the governing body of the municipality, this office is not aware of any statutory provision which would prohibit a municipality from extending its corporate limits so as to include therein part of a sanitary district.

**Necessity for approval by board of county commissioners or purchase of school site by municipality.** A city board of education owns a school building and land, previously financed from proceeds of bonds issued by the city. The existing site is no longer needed for school purposes, and it is desired to exchange the site, under G.S. 115-126, for a tract of land on which the board plans to erect a new school building. (1) Must the board of education obtain approval from the board of county commissioners before purchasing any school site? (2) Must the board of education obtain the approval of the board of county commissioners in connection with the proposed exchange of sites?

To: Brock Parkley

(A.G.) G.S. 115-78(B)(1), as amended by Chapter 1220, Session Laws of 1957, requires approval by the board of county commissioners of the purchase of any school site by a city or county board of education. This grants to the board of county commissioners a veto power over the purchase of a particular site, not authority to participate in the selection of site. G.S. 115-126 contains authority for an exchange of sites and G.S. 115-78(B)(1) has no application to that situation. However, it is suggested that the board of county commissioners be requested to approve the exchange, inasmuch as the board of commissioners must approve the school budget of the city board of education.

**Residence requirements of police officer.** Is a town policeman required to be a resident of the town he serves in such capacity? What is the status of a town policeman who is not a resident and how would the

validity of any arrest made by him be affected?

To: R. B. Byrd

(A.G.) This office has uniformly held that a town policeman is a public officer and as such is required to be a resident of the town he serves. However, a town policeman who is not a resident of the municipality is a *de facto* officer and a person arrested by such an officer could not maintain that the arrest was invalid on the ground that the policeman was not a *de jure* officer. The only action which could be taken against the non-resident officer would be a *quo-warranto* proceeding in the superior court for the purpose of trying title to his office.

#### PROPERTY TAXES

**Exemption of non-adjacent non-productive land owned by college.** A private educational institution owns an unimproved tract of land located at considerable distance from the college itself. Is it entitled to exemption from county taxation?

To: Clarence Kluttz

(A.G.) No. Under the strict construction rule applied to exemptions, the land in question does not meet the requirements for exemption of property owned by educational institutions set by G.S. 105-296(4).

**Exemption of privately-owned land leased to educational organization.** A private corporation has leased a tract of beach land to an organization recognized as educational and charitable. Under the terms of the contract the lessee is made liable for a proportionate part of any ad valorem taxes assessed against the property. Is the land exempt from taxation to the extent of that proportionate part in view of the educational and charitable nature of the lessee?

To: Albert J. Ellis

(A.G.) No. The statute imposes the tax on the owner of the realty. This liability is not removed simply because the land is leased to a charitable and educational organization. Whatever arrangement may exist between lessor and lessee would not affect this liability.

**Exemption of waste treatment facilities.** The menhaden industry is concerned with catching fish and manufacturing them into feeds and fertilizers. Customarily waste from the industry in a certain location has been discharged into a nearby creek. A private company has set up equipment for treating the waste and manufacturing by-products from it. Is the equipment used in treating the waste material exempt from ad valorem taxation under G.S. 105-297(16)?

To: Alvah L. Hamilton

(A.G.) No. For exemption the statute cited requires that "the primary purpose" of the waste treatment equipment be "to reduce water pollution resulting from the discharge of sewage and waste and not merely incidental to other purposes and functions." Here the primary purpose of treating the waste products is to manufacture by-products and not to reduce stream



pollution. In dealing with such questions the statute must be construed strictly against exemption and in favor of taxation. *Latta v. Jenkins*, 200 N. C. 255.

**SCHOOLS**

**Authority of board of trustees to set policy for admission of students.** Does the board of trustees have the sole responsibility for establishing the policy for admission of students to Elizabeth City State Teacher's College?

To: S. D. Williams

(A.G.) It is the view of this office that Chapter 116 of the General Statutes vests responsibility in the respective boards of trustees of the institutions referred to in Article 2, Chapter 116 (Western Carolina College, Appalachian State Teacher's College, Pembroke State College, Agricultural and Technical College of North Carolina, North Carolina College of Durham, Elizabeth City State Teacher's College, Fayetteville State Teacher's College and Winston-Salem Teacher's College) for setting up the policy for the admission of students to the institutions, subject to the authority of the State Board of Higher Education, under G.S. 116-158(a), to fix general policies for all state supported institutions of higher learning.

**Vesting title to property in city school administrative unit.** Should a deed by which property is sought to be conveyed to a city administrative school unit be made to certain named individuals as trustees or to the particular city board of education as a corporate body?

To: J. R. Trotter

(A.G.) Regardless of individual Session Laws referring to conveyances to and by the trustees of a particular city administrative school

unit, G.S. 115-27 now provides that the board of education of each city administrative school unit in the state shall be a body corporate and as such shall hold title to all school property and be capable of purchasing and holding real and personal property; of selling and transferring the same for school purposes. Therefore, it is thought that the official title of the governing body of a city administrative school unit is "The ... City Board of Education" and that title to school property should be conveyed to the particular city school administrative unit, showing as grantee, "The City Board of Education," its successors and assigns. Although Chapter 1372, Session Laws of 1955, with which the statute now codified as G.S. 115-27 was enacted, provides that it shall not be construed to repeal any local or special act relating to the public schools, no local statute which is in conflict with the provisions of G.S. 115-27 has been called to the attention of this office.

**SHERIFFS**

**Searches and seizures on premises in absence of owner.** Peace officers, armed with a search warrant apparently regular and valid on its face, gained entrance to the described premises by pass key when they found no one at the premises and the door locked. Search disclosed a quantity of non-tax-paid liquor. The owner of the premises was later arrested and charged with a violation of the liquor laws. Should the evidence obtained in the search be suppressed on motion by the defendant?

To: J. M. Walker

(A.G.) G.S. 18-13, relating to search warrants under the liquor laws, does not put any restriction on how the warrant is to be served,

nor does it require the owner to be present at the time of a search. The case of *State v. Shook*, 224 N. C. 728, does not contain anything contrary to authorities from various other jurisdictions, which authorities are to the effect that an owner does not have to be present when a search warrant is served and when a search is made under the authority of the warrant. It is the opinion of this office that the evidence in the case you describe should not be suppressed.

**Authority to take bond for vehicles seized in connection with the illegal transportation of intoxicating liquors.** When a sheriff seizes an automobile by reason of the transportation of intoxicating liquors therein, does he have authority to accept a bond for the automobile prior to the court proceeding?

To: C. C. Holeman

(A.G.) G.S. 18-6 provides that a vehicle, seized by an officer in connection with the illegal transportation of intoxicating liquors, may be returned to the owner upon the execution by him of a bond, with sufficient sureties, in a sum double the value of the property. The bond must be approved by the officer and must be conditioned to return the property to the custody of the officer on the date of the trial. It is suggested that when such a bond is allowed, the automobile be appraised by competent appraisers; that only the bond of a corporate surety or a bond executed by at least two individual sureties, who justify before the clerk of superior court, be accepted. If necessary, the county attorney should be requested to examine the records in order to determine that individual sureties are in fact solvent.

**Public Personnel**

(Continued from page 12)

city's budget by \$28,971.80 for the remainder of the current fiscal year. The pay plan was prepared with the assistance of the Institute of Government. A new comprehensive personnel ordinance is now being considered by the City Council.

**State Recruitment Specialist Hired**

Roy G. Brantley, public information officer for the Employment Security Commission, is joining the staff of the State Personnel Department.

State Personnel Director John W. McDevitt said Brantley will work in areas of personnel recruiting, publications, and communications. This will include, said McDevitt, special recruitment programs, interpretation of policies and regulations through technical pamphlets and other publications, providing State employees with

information on job classification and pay scales, and communicating with State agencies and the public on job classification and pay matters.

Brantley, 35, is a graduate of the University of North Carolina, where he majored in journalism. Before joining the Employment Security Commission in July, 1956, he had worked for about nine years on newspapers in Rocky Mount, Durham and Raleigh.

Brantley is expected to assume his new duties with the Personnel Department about the last of January.

**Change in Job Classification**

The Raleigh City Council has adopted an amendment to its personnel rules providing for additional compensation for temporary replacements. The new ordinance provides that where an employee in one classification is temporarily assigned a position in a higher classification for

a period of time exceeding 30 days, the employee shall be compensated while in the position at the next higher salary step or at the minimum salary step for the position assumed.

**Christmas Bonus**

For several years Burlington has had an ordinance which increases the salary of each city employee \$5.00 for the month of December of each year. The ordinance directs the City Treasurer to pay the bonus the last pay day before the Christmas holidays.

This year the Burlington City Council revised the city classification and pay plan. The revision increased salaries approximately three per cent and made municipal salary more nearly competitive with other salaries in the area. On December 17, because of some doubts as to the desirability of such a bonus, the Burlington City Council repealed the Christmas bonus provision.

# THE CLEARINGHOUSE

## Purchasing School Scheduled

The second annual Local Government Purchasing School will be held at the Institute of Government on March 7-8, 1958. Jointly sponsored by the Institute of Government and the Carolinas' Chapter of the National Institute of Governmental Purchasing, the school will start at noon on the 7th and continue through noon on the 8th. The school is open to all local government purchasing officials. Last year's school was attended by some 75 officials and it is expected that an equal number will register for this year's school.

The program on Friday will open with a luncheon and will be followed by three panel discussions. The first will be devoted to the type of aid available to local governments for civil defense and allied activities. The second panel will consider the role of the purchasing agent in local government administration. What should be the relationship between the purchasing agent and the department heads? To whom should the purchasing agent report and how? If there are disagreements between the purchasing agent and the department heads or the manager, how should these be resolved? What principles should guide the purchasing agent in his relations with members of the governing body and the public? The final panel on Friday afternoon will discuss techniques of buying—the use of specifications and brand names and methods to secure greater competition and better prices.

Saturday's program will open with a session on the sales interview—how to get more out of the salesman and the salesman out of the office. This will be followed by a discussion of the statutes governing local purchasing in North and South Carolina. Special attention will be given during this session to recommendations for changes in North Carolina purchasing laws which have been made by a special committee of the Carolinas' Chapter of NIGP. The final period on Saturday morning will bring a consideration of methods of controlling emergency purchases and petty cash funds.

The school was planned by a committee representing both the Chapter

and the Institute of Government. Representing the Chapter were Aaron C. Shepherd, Chapter president and purchasing agent for Winston-Salem; C. E. Beatty, purchasing agent for Charlotte; G. C. Robinett, Jr., purchasing agent for Columbia, S. C.; Bruce Boyette, purchasing agent for Wilson; C. L. Lineback, city manager of Salisbury; J. Harry Weatherly, Guilford County manager; and Sam Gattis, Orange County accountant. Alex McMahon and Jake Wicker represented the Institute of Government.

Further information on the school may be secured by writing to the Institute of Government.

## Honors

Local governments in North Carolina were honored during 1957 by the selection of a large number of officers to positions of responsibility and leadership in various national organizations. From the newspaper files of the Institute of Government the following roster has been constructed.

Leading the list is Fire Chief Donald S. Charles of Charlotte who was elected to the presidency of the International Fire Chiefs Association at the Association's annual convention in New Orleans in September. Chief Charles has been a fireman for almost 40 years. During this time he has held numerous offices in state and national associations and has been a leader in promoting fire training.

County officers also were represented among national presidents selected during 1957. The new president of the National Association of County Recorders and Clerks is Lemuel R. Johnson, register of deeds for Chatham County. Johnson had previously served as the president of the North Carolina Association and a vice-president of the National Association.

T. E. Hinson, city manager of High Point, continues as a vice president of the International City Managers Association, a post which he had held the year before.

National organizations have also looked to North Carolina officials for service on policy-making committees. Mayor E. J. Evans of Durham, immediate past president of the North Carolina League of Municipalities,

was appointed to the Resolutions Committee of the American Municipal Association prior to its annual convention in San Francisco. Three other North Carolinians are serving on permanent committees of the AMA. C. L. Lineback, city manager of Salisbury, was appointed to the five-man national committee on Civil Defense; Mayor Marshall C. Kurfees of Winston-Salem is serving on the AMA Highway Committee; and General James Townsend, city manager of Greensboro, is a member of the AMA Water Resources Committee.

## Institute Slated

An institute for local personnel officers and civil service commissioners will be held in Chapel Hill on February 11-12. Eight topics of interest to public officials will be discussed by panels and speakers during the two-day institute sponsored by the Institute of Government.

The opening session at 11:00 a.m., Tuesday, February 11, will include talks on employment interviewing and a demonstration interview. Participants will include Mrs. Maude Sprinkle of the N. C. Employment Security Commission and Warren J. Wicker of the Institute of Government.

"Physical Examinations and Physical Standards" will be discussed by Mrs. Ruth B. Cowan, Greensboro personnel supervisor; James S. Massemburg of ESC, and Dr. Ralph Watkins, employee health service physician at N. C. Memorial Hospital. Joe Greenlee, Charlotte personnel director; Claude E. Caldwell, assistant merit system supervisor, and Donald Hayman of the Institute of Government will discuss, "Compensating Public Employees."

Principal speaker at the banquet Tuesday evening will be Dr. Frank deVyver, chairman of the Department of Economics, Duke University. Dr. deVyver, former state merit system supervisor and personnel director of Erwin Mills, will speak on the topic, "My Advice to Civil Service Commission and Personnel Officers."

Wednesday morning the first session will consider the topic, "Establishing



a Training Program." Panelists will include Mrs. Sallie McPherson, Raleigh personnel officer; William Reich, personnel director for the City of Winston-Salem; and William Reeves, director of public safety in Greensboro.

At 9:30 a.m. a panel composed of James McGaughey, Burlington personnel officer; Edson Bates, industrial services supervisor for ESC; and Ridley Nichol, Mooresville city manager, will discuss performance standards and performance ratings.

At the final session Wednesday morning, Raymond P. Kaighn, author of *How to Retire and Like It*, will discuss preparing employees for retirement. Miss Mary B. Gilson, former lecturer in economics at the University of Chicago, will speak on "Compulsory Retirement." Nathan Yelton, secretary of the N. C. Local Governmental Employees Retirement System and state social security administrator, will discuss local retirement plans. Ralph Sisk, Statesville personnel officer, will serve as chairman of the session.

The closing session of the institute before adjournment at 3:00 p.m. Wednesday will be a general discussion of civil service and personnel problems and practices. Joseph Snider, secretary to the High Point Civil Service Commission, will serve as moderator.

## City Notes

Voters in **Thomasville** approved the first major annexation by the city in a half century in a referendum, held December 11. The vote was 939 to 314 for extending city limits to take in an additional 2.75 square miles, almost doubling the city's area. The population boost was 3,000, bringing the total to an estimated 15,500.

The **Four Oaks** town board of commissioners has accepted bids totaling \$170,229.10 for three phases of a municipal water system. It will include water mains, meters, hydrants, pump houses, foundation for a storage tank, a 100,000-gallon water tank, two turbine pumps and an auxiliary gasoline pump.

As of December 1, the **North Wilkesboro** Fire Department put into effect an order that firemen from that department not answer any calls to points outside the city limits. The

order to cease rural fire protection was passed on instructions to that effect from the North Carolina Rating Board.

Installation of a new, ultra-modern street lighting system for **Asheville's** business districts was approved by the city council recently. The new system, to employ color-corrected mercury lighting fixtures, reportedly will give a 112% increase of light at a 6.12% increase in cost to the city, compared to the present 30-year-old incandescent street lamps.

The town of **Pine Level** has accepted bids for \$128,125.71 for construction of a new water system. The citizens approved a \$150,000 bond issue last May 7 to finance the project.

**Gastonia** is getting a \$250,000 grant from the federal government to help pay for its new two-million-dollar waste disposal plant. The quarter-million-dollar grant in aid was cleared recently by the Public Health Service.

An increase in town water rates has been voted by the **Wadesboro** town council with a 25% increase for residential users across the board, and a 10% increase for commercial customers who will fall under the specific category set up by the water department.

An estimated 1,200 **Winston-Salem** citizens attended a recent open house at the city's newest fire station at 2417 Reynolda Road. Operating out of the new station is the city's first combination fire-police patrol. This patrol covers the fire area 24 hours per day and handles both fire and police calls. Other men remain permanently at the station with the trucks and the fire-fighting equipment. Fighting fires is still the primary job.

## A-Z Notes

A unit inspection program is used in **Cincinnati, Ohio**, to supplement the fire prevention and inspection activities of the fire prevention bureau of the city fire department. The bureau, one of the first organized in this country, has always had the responsi-

bility for the inspection of all types of commercial, industrial and residential structures.

The bureau has 55 fire fighters in addition to supervisors, and one of its goals is to inspect every occupancy at least once each year. This goal has been out of reach in recent years because of increasing population, expanded areas, and new construction. Therefore certain fire companies and their entire manpower have been assigned on a rotating basis on a unit inspection program to supplement the work of the bureau.

*Public Management*

The **National Committee for Municipal Bonds** has been created with membership consisting of 16 prominent officials of state and local government, education, business and professional organizations. The committee will aid state and local governments in their future bond financing by attracting institutional investors. It is supporting a congressional bill (H.R. 8702) which is designed to attract the funds of all investment companies which derive 90% of their gross income from dividends, interest, and gains on the sale of stocks and bonds. The bill would preserve the tax-free status of the interest on municipal bonds as it passes through the investment company to the shareholder.

*Public Management*

The police department of **Las Vegas, Nev.**, operates a rehabilitation farm which provides self-supporting quarters for 80 inmates. Nearly all persons between 18 to 21 years of age, booked at the city jail for minor offenses, are sent to the farm. Certain older prisoners can be admitted upon request providing they demonstrate trustworthiness. The farm operates with minimum security, and the prisoners are placed on their honor. There are no locks on the doors or windows of the main building and a six-foot fence keeps people out. The prisoners' quarters are air conditioned and provide more space per prisoner than is found in the normal jail. Prisoners have the use of two television sets, a radio, a library and a picnic area during their leisure hours. Inmates raise various foodstuffs for use on the farm and at the city jail, and experimental farming is conducted. A nursery supplies trees and shrubbery for landscaping municipal property.

*Public Management*

**Keeping "hot wires" humming** is the job of Joe Gilbert, high voltage lineman of West Covina, California. He takes time for a Camel after repairing a 220,000-volt power line. "Sure feels good to have a Camel," he says. "Plenty of flavor—easy to get along with."



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