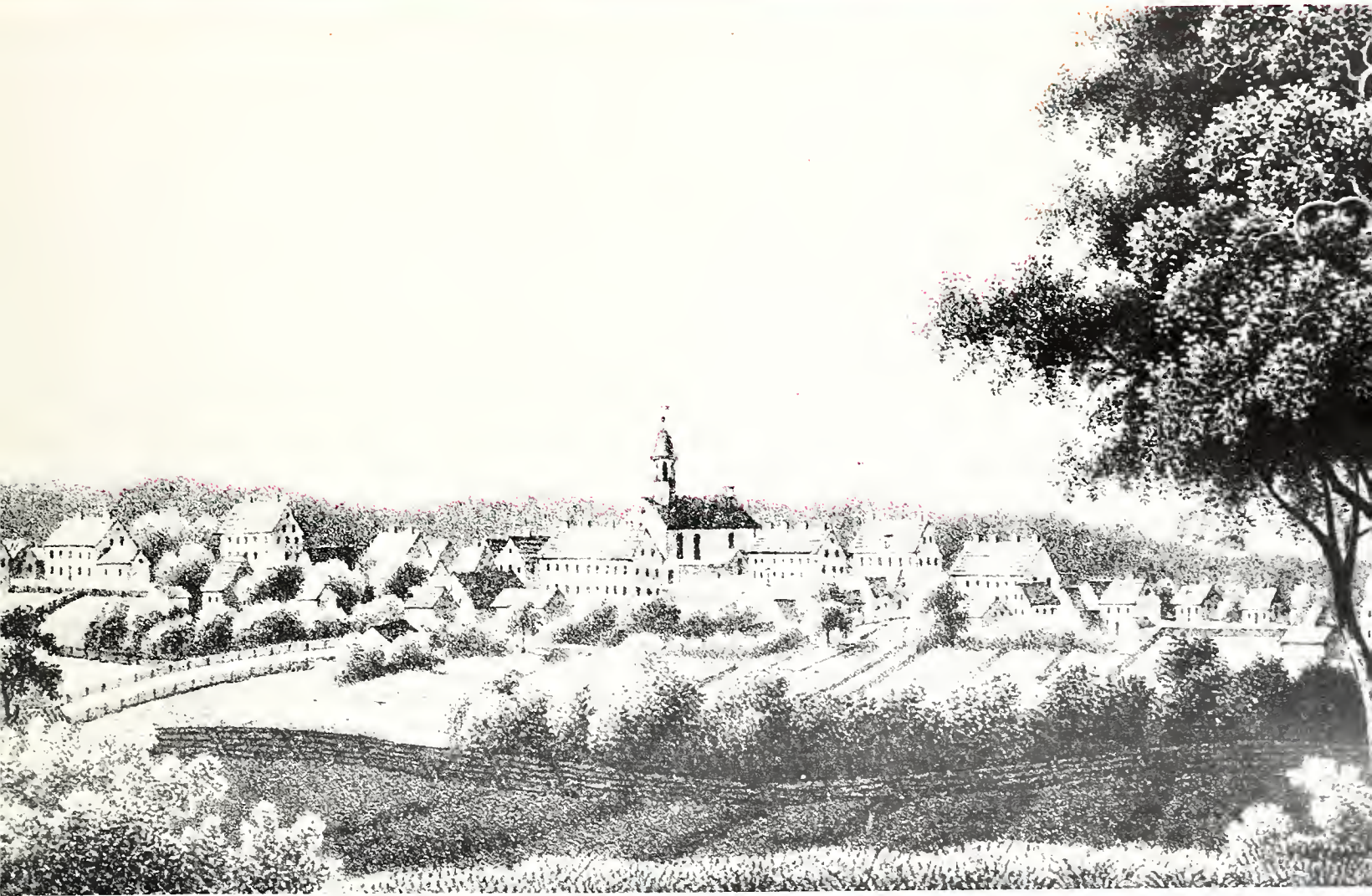


POPULAR GOVERNMENT

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The cover photograph is a reproduction of an etching by an unknown artist showing Old Salem as he saw it in 1816. The Old Salem restoration project was one of the major factors in winning LOOK magazine's "All America City" award for the City of Winston-Salem (see story on page 15). Permission to reproduce this photograph was graciously provided by Old Salem, Inc.

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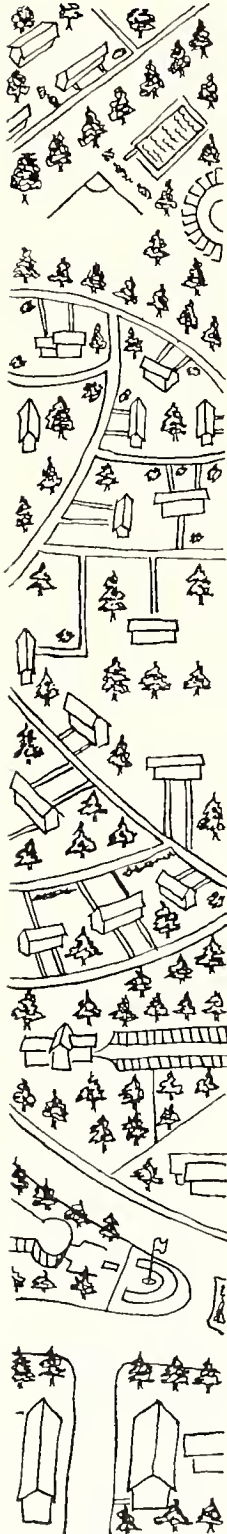
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DIARY OF GREENSBORO'S FIRST URBAN RENEWAL PROJECT

By Robert E. Barkley, Executive Director
Redevelopment Commission of Greensboro



Editor's Note: *The North Carolina city of 1970 will be a strikingly different place from its 1960 counterpart if germinating urban renewal programs come to life and grow according to plan. As of this writing ten North Carolina cities have received urban renewal planning advances from the federal government, and capital grant reservations have been set aside for these cities. They are Asheville, Charlotte, Durham, Fayetteville, Greensboro, Laurinburg, Mooresville, Raleigh, Wilmington and Winston-Salem. (See table on p. 7) In addition, an application for federal assistance is pending for Greenville. At least eleven other cities are actively considering initiating urban renewal programs. These are Burlington, Elizabeth City, Hendersonville, Hickory, High Point, Kinston, Monroe, Mount Airy, Salisbury, Statesville, and Washington.*

Of the ten cities which have received the "go-ahead signal" from the federal government, only one—the city of Greensboro—has passed the plan stage and reached the point of project execution. On January 19, 1960 the Greensboro Redevelopment Commission made its first property purchases in the Cumberland Redevelopment Project area. The process of land acquisition, which is expected to go on for about eighteen months, is now under way.

All of North Carolina's cities, Greensboro included, are novices at the business of urban renewal and redevelopment. With the thought that we can all benefit from each other's experiences, POPULAR GOVERNMENT plans to report from time to time on each of these programs as particular milestones are reached. Greensboro has reached an important milestone as it moves from planning to execution through land purchase. We therefore invited the Executive Director of the Greensboro Commission to prepare for us a diary account of his city's experience in this new and challenging area

of municipal responsibility. Mr. Barkley's DIARY is presented below. We hope that it will serve other North Carolina cities both as a checklist of the major actions involved and a rough schedule of the amount of time it takes to get from the stage of idea to the stage of execution and from step to step in the intervening period.

One word of caution to the reader—particularly the small town official. As North Carolina cities go, Greensboro is a large city. Its redevelopment program is likely to be more complicated and elaborate than such a program would be in a smaller city, just as its problem of blighted areas is liable to be more substantial and pressing. Officials of other cities should not be deterred if the Greensboro procedures, described below, seem unduly complex. They would do well to contact the Atlanta office of the Urban Renewal Administration (E. Bruce Wedge, Regional Director of Urban Renewal, 645 Peachtree, Seventh Building, Atlanta 23, Georgia.) A Field Representative will, upon request, visit your community to explain details of the program as they apply in your particular situation. He will also work closely with your Redevelopment Commission.

For further details of the Greensboro program, the reader may wish to correspond with Mr. Barkley or to procure from him one or more of the following publications which the Greensboro Redevelopment Commission has issued in connection with its work:

THE CUMBERLAND PROJECT: A PROGRAM FOR RENEWING A BLIGHTED AREA OF GREENSBORO (1959); THE EFFECTS OF BAD HOUSING ON GREENSBORO'S CITIZENS (1959); LAND DISPOSITION POLICY (1959); URBAN RENEWAL: A PROGRESS REPORT TO THE MAYOR AND CITY COUNCIL (1959); THE WORKABLE PROGRAM FOR URBAN RENEWAL (1958).

Many cities in North Carolina have initiated redevelopment programs, or have applications pending with the Urban Renewal Administration. However, relatively few cities in the State are far advanced on detailed project planning and only one, Greensboro, is in the execution stage. The City of Greensboro has taken upon itself a comprehensive program of renewal and redevelopment systematically to rid itself of its slums and blighted areas.

1951

October

City Council enacts ordinance confirming the existence of blight within the City of Greensboro, and establishes the need for the creation of a Redevelopment Commission.

December

Mayor appoints a five-member Redevelopment Commission, with the approval of City Council, in accordance with the provisions of the North Carolina Redevelopment Act.¹

1952-1953

February

Redevelopment Commission holds organizational meeting. Subsequently, Certificate of Incorporation is filed with Secretary of State.

March

Redevelopment Commission holds several meetings to create by-laws, establish a personnel policy, and formulate purchasing procedures. By a vote of members, a Chairman, Vice-Chairman, Secretary, and Treasurer are selected.

From April, 1952 to June, 1953

Several cities in North Carolina undertake planning for redevelopment projects. However, *State Redevelopment Act proves to be unworkable* since eminent domain cannot be employed to acquire standard structure in substandard neighborhoods. *Redevelopment activities cease.*

1957

April

State redevelopment enabling legislation is amended, providing that power of eminent domain can be utilized where two-thirds of structures in redevelopment area are blighted.²

1958

March

Greensboro Planning Commission had

1. G.S. 160-458.

2. G.S. 160-456(q).

Thus far major efforts are projected in three of the City's most blighted neighborhoods—the 83-acre Cumberland Project, the 333-acre Warnersville General Neighborhood Renewal Area, and the 55-acre Retreat Street tract. Furthest along of these efforts is the Cumberland Project, now in the land acquisition stage.

The Commission DIARY, set forth below, after noting early steps in the organization of the Greensboro pro-

previously designated a large area situated east of the central business district as "blighted". Redevelopment Commission selects a part of this blighted area as the location of its first project.³ This area, the Cumberland Redevelopment Project, consists of 83 acres of blighted residential land north of East Market Street.

April

Planning Department staff prepares "Survey and Planning Application" for the Redevelopment Commission. This application describes the characteristics of the first project area, estimates the amount of federal grant (i.e., two-thirds share of net costs) required to complete the project, and requests approval of a budget for detailed planning.

Subsequently, *Redevelopment Commission and City Council adopt resolutions authorizing the filing of the "Survey and Planning Application" with the Urban Renewal Administration. Application is sent to Regional Office in Atlanta.*

May

Greensboro is allocated \$60,626 in planning funds, and capital grants monies in the amount of \$1,030,000 are reserved. Redevelopment Commission takes necessary steps to employ professional help.

September

Full time Executive Director is retained by Redevelopment Commission.⁴

3. The Urban Renewal Administration Field Representative can be most helpful in selecting a feasible project area, and advising the Redevelopment Commission on various administrative details.

4. With the exception of Durham, North Carolina's larger cities that have received the Urban Renewal Administration green light—Charlotte, Raleigh, Wilmington, and Winston-Salem—have employed Executive Directors to head the Commission's staff.

gram, concentrates on the Cumberland Project from its inception to its present execution stage. This information is presented in chronological form to serve as (1) a checklist of significant actions; and (2) as a guide to the approximate amounts of time involved in moving from phase to phase in the initial stages of a North Carolina redevelopment program.

October

Studies of blight and population characteristics are begun within the redevelopment area. A survey of each structure yields a qualitative evaluation (based on a scoring system devised by the American Public Health Association) and the following information: number of rooms, extent of overcrowding, condition of plumbing, adequacy of electrical wiring, provision for ventilation, deterioration of building components, family composition, ownership or rental characteristics, and sources and amount of family income.

From this information, transferred to punch cards for mechanical tabulation and analysis, the following significant relationships are established: family size vs. income; rent paid vs. income; family size vs. number of rooms; dwelling unit scores vs. rent; and age distribution of population.

November

An environmental study of the project area is begun as a joint undertaking of the City Planning Department and the Redevelopment Commission. The length of streets failing to comply with the minimum right-of-way standard of 50 feet is determined; the number of dwelling units facing these narrow streets is counted; the width and condition of street paving is tabulated; the conformity of residential lots with the requirements of the zoning ordinance is calculated; the adequacy of existing public utilities is established; and the degree of service provided the redevelopment area by parks and schools is compared with accepted standards.

December

The social problems existing within the redevelopment area are studied with the help of the Police Department and Health Department. It was found that the redevelopment area accounted for: 1.6% of Greensboro's housing; 0.5% of the City's tax revenue; 11.2%

of major crimes; 20.1% of venereal disease cases; 10.0% of new tuberculosis cases; and 4.6% of infant mortalities.

The above facts, and other more detailed data, demonstrate to the Redevelopment Commission that the area is a physical, social, and economic liability.

1959

January

Work since October, 1958 (outlined above) is compiled into a "Project Eligibility and Relocation Report." This report is transmitted to the Urban Renewal Administration for review and approval.

Redevelopment Commission collects detailed information about existing utilities, property ownership, topography, and feasibility of structural rehabilitation.

The Urban Renewal Administration approves the "Project Eligibility and Relocation Report."



February

The Redevelopment Commission awards a series of contracts for various professional services. (1) Site planning work delegated to a landscape architect. (2) Preliminary utility designs and construction cost estimates assigned to a firm of civil engineers. (3) A realtor who specializes in real property market analysis given responsibility for one of the most important of the redevelopment planning

research studies, an examination of the marketability of project land and its value after clearance. (4) Appraisals for land acquisition contracted for with local realtors.

At the same time, staff of the Redevelopment Commission begins the preparation of the detailed "Final Project Report," the basis upon which the Urban Renewal Administration evaluates the redevelopment project proposals.

March

Preliminary site plan for the redeveloped area is completed by the landscape architect, then submitted to the Redevelopment Commission for review. Subsequently, the plan is presented to the Planning Board for tentative approval prior to completion of detailed drawings and preliminary engineering design.

July

Consultants work is virtually complete. Cost estimates have been developed by the Redevelopment Commission staff.

Maps and data are taken to Atlanta for a feasibility conference with representatives of the Urban Renewal Administration. This is a preliminary review prior to completion of the "Final Project Report." Following the review, the "Final Project Report" is completed, submitted to the Redevelopment Commission for approval, and then transmitted to the Urban Renewal Administration for final review.

Review of the "Final Project Re-

port" normally consumes considerable time, since it is processed by both the Urban Renewal Administration and the Federal Housing Administration (if the redevelopment plan includes residential reuses.)

During the review period, the Redevelopment Commission staff contacts many civic groups to explain the plan and obtains support of key leaders within the project area.

The "Final Project Report" contains: (1) The "Redevelopment Plan," which establishes the legal tools and administrative procedures necessary to effectuate the project. This document, which is later adopted by the Redevelopment Commission, Planning Board and City Council, is the keystone of the entire redevelopment proposal. (2) A "Project Planning Report" which describes the logic in developing the proposed pattern of land uses and streets and the basis for selection of rehabilitation and clearance areas. (3) A "Relocation Report" outlining the administrative procedures to be used in moving occupants from the project and the method of managing property from the time it is acquired by the Redevelopment Commission until demolition. (4) A "Housing Needs for Minorities" report which compares the total demand for Negro housing with the supply expected to be available during the period of relocation from the project area. (5) A "Project Improvements Report" giving detailed cost estimates for streets, public utilities, parks and playgrounds. The basis for design of each of these facilities is described. (6) A "Land Acquisition Report" which includes a detailed appraisal and photographs of each property. Methods to be followed in eliminating all existing restrictions on the use of the property must be given. (7) A "Land Disposition Report" which summarizes the results of the marketability studies and reuse appraisals. The methods to be used in promoting the sale of project land are also outlined. (8) A "Project Cost and Financing Report" which summarizes all the costs involved in completing the program. The method by which the City will finance its one-third share of the net cost is a most important part of this report, and can only be developed after consultation with responsible city officials. Normally, the purchase of property within a redevelopment area comprises 60% to 70% of all costs; hence, the importance of obtaining the very best land acquisition appraisals.

August

The *Urban Renewal Administration* approves the "Final Project Report," subject to certain cost modifications.

In accordance with the State Redevelopment Act⁵ the *Redevelopment Commission* calls for a public hearing on August 18th. Since no opposition is expressed at the public hearing, the *Redevelopment Commission* immediately adopts the *Redevelopment Plan*. If reasonable changes to the plan had been suggested, the *Redevelopment Commission* would have been obligated to delay action until the modifications could be carefully considered.

Redevelopment Plan subsequently is presented to the *City Planning Board*, together with the results of studies within the project area. *Planning Board* adopts a resolution finding the area to be "blighted" as defined in the State law⁶, and then approves the *Redevelopment Plan*. (Earlier conferences with the *Planning Board* can minimize the possibility of major changes in the plan at this time).

September

City Council meets in regular session and in accordance with the State law⁷ passes resolution calling for a public hearing October 4th on the *Redevelopment Plan* and on the feasibility of relocation.

No opposition materializes at public hearing held before *City Council*. *Redevelopment Plan* is approved by resolution. An "Agreement of Cooperation" is also adopted which provides for the *City's* one-third share of the net project costs. A portion of this one-third participation is in the form of streets, public utilities, and recreational facilities; the remainder is in cash payments which can be paid in installments.

The notices of public hearings, the minutes of these hearings, other legal data, the approved *Redevelopment Plan*, and the *Agreement of Cooperation* are assembled into a "*Local Project Approval Report*." This report is sent to the *Urban Renewal Administration* for processing.

While the "*Local Project Approval Report*" is being reviewed, conferences are held with realtors, home builders, public housing administrators, representatives of *FHA*, and others concerning the provision of relocation housing. Experience in many cities has shown

5. G.S. 160-463 (e).

6. G.S. 160-456 (q).

7. G.S. 160-463 (h).



Mayo Court, as seen from *Cole Street*, is inside the *Cumberland Project Redevelopment area* in *Greensboro*.

Jimmy Check, first tenant to occupy relocation housing under the *Federal Housing Administration's* Sec. 221 program in *Greensboro*, receives the key to his new home from *F.H.A.* representative, *R. P. Cunningham*, while *Redevelopment Director Barkley* looks on.



that the accommodation of displaced people is the most critical phase of the entire redevelopment program. Since it requires considerable time to plan, finance, and construct new housing, definite proposals must be formulated considerably in advance of actual relocation.

November

The Urban Renewal Administration approves the redevelopment project. A "Loan and Grant Contract" in the amount of \$2,054,125 is tendered to the Redevelopment Commission, and is accepted.

December

The Redevelopment Commission secures a "Temporary Loan" of \$185,000 from the federal government which provides project financing for a three-month period. A portion of the funds obtained from the temporary loan must be used to repay all planning expenditures incurred prior to the adoption of the "Loan and Grant Contract."

1960

January

A second appraisal on each parcel of property within the project area is obtained. These are reviewed in the field by the Urban Renewal Administration. The Redevelopment Commission must then establish a "fair market value" for each parcel. These "fair market values" must be concurred in by the Urban Renewal Administration before any real estate can be purchased.

On January 19th first contacts are made with owners of property within the project area offering to purchase at "fair market value." If option is accepted, closing is then completed by attorney of Redevelopment Commission. Upon acquisition, occupants of property are contacted by staff member of Redevelopment Commission, and relocation housing needs are established. Rental is paid to Redevelopment Commission until property is vacated (former home owners are permitted to occupy their premises for 30 days without payment of rent).

February

Owner of property at 719 E. Market Street refuses to sell, questioning constitutional grounds for redevelopment. Condemnation proceedings are instituted with Clerk of Court by Redevelopment Commission. (At the time of preparation of this article, this case was still before the courts.)

THE FUTURE

This, then, is the partial story of the Cumberland Redevelopment Project. The story has just begun; many events must still take place before this blighted area is renewed. Of primary importance, the legal rights of North Carolina Redevelopment Commissions must be established. Hundreds of families, scores of individuals, and dozens of businesses must be relocated into standard accommodations. Millions of bricks, many thousand board-feet of lumber, and tons of earth must be removed to prepare the site for new uses. Streets, sewers, water mains, gas lines, telephone networks, fire and police

alarm systems, and electric power lines will have to be relocated or constructed before sites can be sold to developers. Finally, enlightened interests must construct new housing, light industrial plants, and shopping facilities before the end product of redevelopment can be realized.

Is it worth all the effort? Hundreds of cities in the United States with advanced programs indicate that the results more than compensate for the difficulties which must be overcome. For blighted areas are not only physical liabilities, but social and economic liabilities as well. Redevelopment can turn these liabilities into assets.



A portion of a model showing what the Cumberland Redevelopment Project area will look like when it has been rebuilt.

NORTH CAROLINA CITIES WITH APPROVED URBAN RENEWAL LOAN AND GRANT APPLICATIONS AS OF FEBRUARY 1960

City	Project or GNRP*	Area Proposed for Renewal (Acres)	Amount of Planning Advance	First Project Capital Grant Reservation
Asheville	Project	54	\$ 43,200	\$ 1,042,000
Charlotte	GNRP	228	74,343	1,000,000
Durham	GNRP	464	42,000	1,000,000
Fayetteville	GNRP**	211	29,015	270,000
Greensboro	Project & GNRP	82	56,256	2,054,125
		333	30,000	2,490,000
Laurinburg	Project	7	22,171	223,000
Mooreville	Project	5	26,846	191,000
Raleigh	Project	47	45,860	965,864
Wilmington	Project	143	69,432	1,091,370
Winston-Salem	GNRP & Project	606	39,920	
		68	65,986	1,875,000
TOTALS		2,180***	\$540,029	\$12,202,359

* GNRP means General Neighborhood Renewal Plan—a plan for a large urban renewal area whose revitalization is expected to be carried out in stages over an estimated period of up to ten years.

** This proposed program will probably not be carried out since federal approval was withdrawn when plans revealed that much of the land in the proposed renewal area is beneath the flood stage of the Cape Fear River. The city is currently working on the selection of another area in the hope that funds allocated for the initial project can be transferred to another project location.

*** This total does not separately include the 68-acre Winston-Salem project which is the first project carved out of the 606 acre GNRP area.

DRIVER LICENSING AND HIGHWAY SAFETY IN NORTH CAROLINA

During the last year for which figures are available there was a traffic death every fourteen minutes in the United States. There was a traffic injury each fifteen seconds. Each four seconds someone was involved in a traffic accident. The total figures for traffic injuries and accidents are appalling. There were over 37,000 traffic deaths; more than 1,350,000 traffic injuries and over 11,000,000 traffic accidents. The total economic loss resulting from these 11,000,000 traffic accidents is estimated to have been in excess of \$6,500,000,000.

In North Carolina alone traffic deaths numbered over 1,000. There were over 19,000 reported traffic accidents, close to 50,000 traffic injuries, and approximately 175,000 drivers were cited into court for traffic offenses. We can only surmise as to the total economic losses suffered through traffic accidents in this state.

These totals point up as grave an internal problem as has ever faced the peoples of our state and nation—how to stop this senseless slaughter on our highways; how to prevent accidents; how to produce and maintain a higher caliber of drivers.

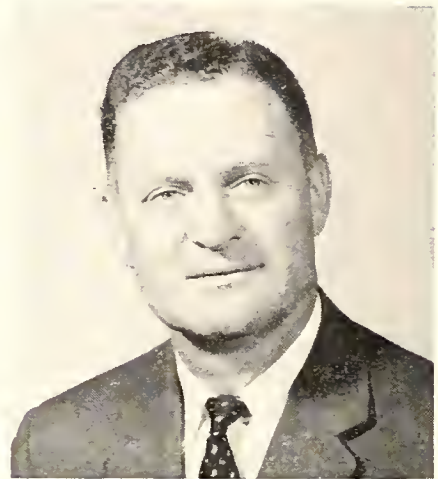
CAUSES OF TRAFFIC ACCIDENTS

The problem of traffic accidents in today's age is caused by many related and seemingly unrelated factors. For example, during the early years of the automobile, existing streets and roadways were capable of handling the minimum automobile traffic that then existed. However, as the number of automobiles grew the problems which accompanied the automobile multiplied. Heretofore adequate streets and roadways proved inadequate to accommodate either the increased flow of traffic or the speed engineered into the vehicles. Driving behaviors that might once have been considered relatively

safe on roads that accommodated four or five automobiles a day have proven deadly on streets and roadways that now number their automobile traffic in the thousands. Streets and roadways engineered for horse and wagon traffic—adaptable to minimum automobile traffic—are inadequate to carry today's traffic burden. Intersections that once required little or no traffic control now tax the ingenuity of both traffic enforcement officers and traffic engineers. A brief study of the problem demonstrates that traffic accidents and congestion are due to increasing traffic, inadequate streets and roadways, improper behavior of both driver and pedestrian, ineffective traffic controls, lack of public interest, and poor management of the facilities which we have.

Resolving the problem into more definite terms, we can say that traffic accidents are caused primarily by at least three tangible factors and one significant intangible. These are inadequate roads, poor driving ability, mechanical defects and failures, and the big intangible, poor driver attitudes. The three tangible factors require bigger and better roads, better driving ability, and better engineered and maintained automobiles. Within the limits of available financing and experience we are building bigger and better roads but accidents continue to happen. We have inaugurated more stringent minimum driving standards through licensing and relicensing of drivers, but those drivers who have demonstrated that they are capable of operating an automobile with a reasonable degree of safety continue to have accidents. Automobile manufacturers are engineering better and safer automobiles, but new cars as well as old are involved in accidents. Why? The answer lies, perhaps, in the never-never-land of intangibles called "driver attitudes." We can build the safest

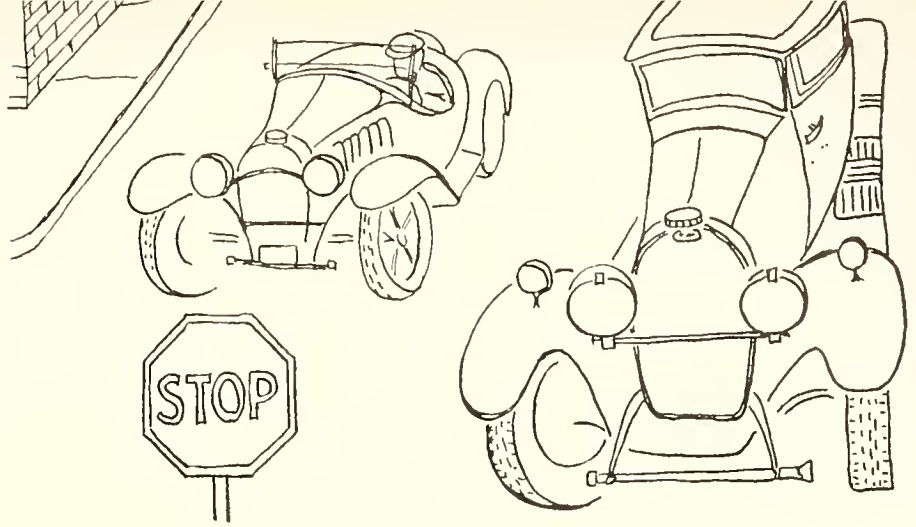
By Elton R. Peele
and Joseph Hennessee



Elton R. Peele, Director, Driver's License Division, North Carolina Department of Motor Vehicles.



Joseph Hennessee, Assistant Director, Institute of Government.



roads that engineering know-how can devise. Detroit can incorporate the last word in safety equipment. We can require that each automobile meet the most exacting safety standards. Through driver's licensing we can screen out the physically unfit, the halt, the lame, and the blind, as we are now doing. And accidents will continue to happen. Drivers will continue to drive too fast, follow too closely, pass on a curve or at the crest of a hill, turn without signalling, pass in the face of oncoming traffic, fail to stop at intersections, and try to beat traffic lights. Legislatures can prescribe detailed traffic rules and undisciplined drivers will ignore them. Driver licensing authorities can devise the most stringent minimum driving standards, and those who become licensed will continue to flaunt the rules of law and reason. This is not to say that we should slacken off on our program for improved roads, safer automobiles, or higher standards for drivers. Instead, these programs should be stepped up, and in conjunction with such stepped up programs, increasing attention should be given to developing better driver attitudes.

We know, generally speaking, that the problem points up the need for an adequate highway system, safer vehicles, trained drivers, adequate laws, financing, public support, driver licensing, safety research, safety education, and adequate supervision of users of the highways. We know further that it is only through strong public support that we can secure these objectives, and that largely these objectives must be secured, required, or authorized through or by the legislature. Thus, when we have secured better roads, safer vehicles, better trained drivers, adequate laws, and more stringent licensing standards, the problem becomes one largely of enforcement. In enforce-

ment the best cooperative efforts of the police, the courts, the licensing authority, and the public are required.

NORTH CAROLINA SAFETY PROGRAM

At the present time, North Carolina is engaged in a balanced program of highway safety which attempts to meet the problem of traffic accidents on all fronts. This encompasses engineering, education, and enforcement, and goes beyond to include a strict program of driver improvement.

Experts in the field of traffic safety recognize that there is no single answer to our present traffic accident and injury problem. But generally they agree that the one best answer is enforcement—an enforcement program which is fair and impartial to command respect, but one designed to remove from the roads, permanently, if necessary, those drivers who have demonstrated a disregard for the rights and welfare of other users of the highways. When we speak of enforcement we speak of the total enforcement picture—the police, the courts, and the driver licensing authority. It may be surprising to the uninformed that these experts rate driver licensing as the most important single factor in enforcement. This is so because the driver licensing authority is charged with the original determination of who will be permitted to drive, and then, after the police and the courts have done their jobs, with a determination as to whether certain problem drivers will be permitted to continue to drive. This is known as driver improvement.

DRIVER IMPROVEMENT PROGRAM

It is a matter of general knowledge that many dangerous drivers are not poor drivers in a mechanical sense. On the contrary, many show superior me-

chanical driving ability. They can drive, and they have demonstrated that they have a sufficient knowledge of the way they should drive in order to be reasonably safe drivers. But, for some reason, they fail to drive in a manner commensurate with their knowledge and abilities. Such drivers are brought to the attention of the driver licensing authorities in one of two ways. First, upon conviction for specified traffic offenses, the court is required to forward a record of conviction to the Department of Motor Vehicles. Secondly, each driver involved in an automobile accident in which there is either personal injury or property damage in the amount of \$100.00, and each officer who investigates such an accident, is required to file an accident report with the Department.

The Driver's License Division of the Department of Motor Vehicles keeps a running score or record of each driver, and as reports of certain convictions come in, or as a driver's record begins to mount, the Department's driver improvement program comes into play. The type of driver improvement action that will be employed in a given case depends largely upon the type of record built up by a driver. For example, if a driver's file contains a record of a conviction for which the legislature has decreed a mandatory license revocation, the Department is required by law to revoke his license for a definite period of time as specified in the statutes. If, however, the record contains a report of a conviction, or a combination of convictions, which authorizes, but does not require the Department to take action, a different situation is presented. In such a case the Department may suspend the driver's license, with or without a preliminary hearing. Designed to meet our due process of law requirements, these hearings permit the licensee to

appear and offer reasons why, in his opinion, his license should not be, or should not have been suspended. For the convenience of the licensee these hearings are held in his home county. For this purpose the Department maintains a staff of skilled hearing officers who meet with the licensee, explore with him his driving conduct and deficiencies, and make a recommendation as to whether or not a license should be, or should not have been suspended. If the recommendation is that the license should be suspended, a further recommendation is made as to the length of time that the suspension should be imposed.

Warning Letters

There are some problem drivers, however, whose files do not, at least at the moment, contain a record of a conviction for which the Department would be permitted to suspend a license. Where a file discloses a conviction for an offense for which the Department would be authorized to suspend upon receipt of a record of a second such conviction, where a driver's total record otherwise begins to approach suspension level, or whenever a driver accumulates four points under the point system, the Department sends out a warning letter. This is a courteous letter which reviews the offender's driving record and warns him that further additions to the record will probably result in a suspension. In most cases this driver improvement technique proves effective. In others, further action may be indicated.

Conferences

Drivers with mounting records and drivers who have accumulated seven points, under the point system, may be called in for a conference with one of the hearing officers. These conferences are designed to help the driver by (1) finding out why he is driving in the manner reflected in his driving record; and (2) suggesting ways in which his driving can be improved. These conferences, like hearings, are held in the licensee's home county, and are conducted in a friendly and informal manner. Following a conference, selected drivers may be permitted to attend a driver improvement clinic.

Preliminary Hearings

Unlike a conference where a driver's license is not then at point of issue, at a preliminary hearing a driver's license is always at issue. Here the proceedings are much more formal—

with sworn testimony, interrogation, and cross examination of witnesses. At the termination of a hearing, recommendations are made as to what action, if any, should be taken with respect to the license. Such a recommendation may be that a license suspension follow, or that the licensee be assigned to attend one of the traffic violator clinics conducted by the Department of Motor Vehicles.

Driver Improvement Clinics

For these purposes the Department conducts thirty driver clinics across the state. These clinics are each conducted by a driver improvement representative of the Driver Improvement Division, a driver license examiner, and by a member of the State Highway Patrol. The course of study at each violator clinic consists of eight hours of instruction, clinical interviews and testing based on a standard sixty hour driver training course. After the successful completion of such a course a prior suspension may be shortened by at least thirty days. Drivers, admitted under the point system who successfully complete the course, have three points erased from their point total.

It is obvious that under such a program every effort is made to improve a driver's conduct without taking his license. Where a driver either refuses to improve his driving or otherwise fails to better his driving record, there is no alternative other than to remove him from the highways. The driver improvement program continues, following the termination of all periods of revocation and most periods of suspension, in that, upon being relicensed, or upon having a license restored, a driver is required to post and maintain evidence of financial security for a period of two years.

PURPOSES OF DRIVER LICENSING

It is uniformly agreed that driver license laws exist for the primary purpose of promoting safe and sensible driving on the public highways. In general it may be said that this primary purpose is accomplished in two ways: (1) by initially refusing to license, or relicense, any person who cannot (a) meet minimum physical and mental standards, (b) demonstrate a working knowledge of traffic laws and regulations, or (c) meet prescribed minimum driving standards; and by (2) taking away a previously issued license whenever it is demonstrated

that (a) the mental or physical condition of a licensee has changed so as to make it unsafe for him to continue to drive, (b) the licensee has been convicted of certain specified traffic offenses, or (c) the licensee has accumulated twelve violation points or eight points in any twelve months period following a revocation or suspension. This encompasses the full play of driver improvement.

Driver Education

A second purpose of driver licensing, which is properly included within the primary purpose, but which deserves separate mention, is driver education as contrasted with driver improvement. This may be divided into three phases: (1) learning the laws, rules, and regulations governing the operation of a motor vehicle; (2) mastering the mechanics of driving; and (3) developing a sense of driver responsibility.

The first two phases of driver education are required by law, since no person may be licensed in this state until he can demonstrate a working knowledge of traffic laws, rules and regulations, and a minimum standard of driving proficiency. Thus a person is required to learn to drive before he can be licensed. This learning process is aided by the Driver's License Division which makes available to each applicant copies of a comprehensive driver's manual, *Traffic Law and Highway Safety*, and a condensed form refresher manual based on the same laws and safety practices. These manuals fill a vital need and provide a handy reference source for major traffic laws and driving practices. They are invaluable tools in the education of all drivers.

Unfortunately, there is no guarantee that a person, who has demonstrated that he knows all the traffic laws and safe driving practices and can handle the mechanical operation of a motor vehicle with safety, will in fact drive sensibly in obedience to law and reason. Thus, it becomes necessary to develop within each driver a sense of driver responsibility. Fortunately this sense of driver responsibility can be developed in most drivers during the preparation for and the taking of the various examinations for a license. For others, more stringent methods are needed and are provided. This is accomplished by means of the statutory authority to suspend or revoke the license of any person upon evidence of conviction of specified traffic offenses and for a continued pattern of viola-

tions. In addition, certain problem drivers may be assigned to a special school for traffic violators.

Identification and Control

A third purpose of driver licensing is identification or control. Any applicant who meets the minimum requirements for a license will be issued a license by the Department. He is required to keep this license in his immediate possession while operating a motor vehicle in this state. This provides law enforcement officers and driver licensing personnel with a means of identifying those persons licensed to drive. Conversely, failure to have a license in one's possession is an indication, though not necessarily proof, that such person has no legal right to drive.

Relationship Between Driver Licensing and Highway Safety

The specific relationship between driver licensing and highway safety is hard to determine. There is a relationship, however. The continued decline in the percentage of highway accidents in relation to increased motor vehicle registration and highway mileage totals bears witness to the vital role that driver licensing plays in a balanced program of highway safety.

Requirements for a License

Under the terms of the Uniform Driver's License Act of 1947, the Department of Motor Vehicles was authorized to set up and enforce adequate standards for all drivers. Under this authority the Department established a series of tests which each applicant for a license is required to pass. In addition, the Department was authorized to and has established certain minimum physical standards which all license applicants must meet. The 1947 law, which is essentially the law under which our license program is operated today, requires that chauffeurs be re-examined annually for a license. Operators are required to be re-examined each four years. In addition, in certain specified situations, either an operator or a chauffeur may be required to demonstrate on a special examination that he still meets our minimum driver standards.

Certain persons are not permitted to have a license under this law. These include habitual drunkards, dope addicts, epileptics, morons, or insane persons.

The Driver's License Division screens over half a million drivers each year.

In addition, the Division screens and tests a class of over 60,000 new sixteen-year-olds annually. Under this licensing process, approximately 35 percent of all applicants for original licenses and approximately 13 percent of all applicants for renewal licenses initially fail. Additionally, a high percentage of all those persons required to take a special re-examination fail to make a passing score.

There is no way of computing the number of traffic accidents that did not happen because applicants who could not meet our minimum driver standards were not licensed (or relicensed). Reason tells us, however, that the number would not have been inconsequential.

FINANCIAL RESPONSIBILITY

A further method of encouraging a sense of driver responsibility is contained in the Motor Vehicle Safety and Financial Responsibility Act of 1953. The purpose of this Act is to see that the financial costs of accidents are borne by those who are responsible for the accidents. This purpose is accomplished in two ways: (1) by requiring a security deposit following an accident, irrespective of fault, in an amount sufficient to provide recovery of damages estimated by the parties to have been suffered; and (2) requiring that persons who have had their licenses revoked for specified traffic offenses or for non-payment of judgments arising out of traffic accidents maintain proof of financial security for a specified period of time as a condition to being relicensed. The difficulties in securing insurance, in many instances, and in paying for insurance with surcharges for convictions and accidents, have a very salutary effect on most drivers. Likewise, the posting of a security is a potent device in the education of a driver as to his responsibility as a driver.

RELATIONSHIP BETWEEN VIOLATIONS AND ACCIDENTS

Unfortunately, as has been noted, although our licensing procedures permit us to screen out persons who cannot demonstrate that they meet our minimum driver standards, many of those who do meet these standards and are licensed to drive will ignore the laws of both man and nature and drive in a manner endangering themselves and other highway users. Driver li-

ensing provides a means for removing them from the highways. Thus, upon receiving notice of conviction for specified traffic offenses, the Department is required to revoke a license for a specified period of time. For other specified convictions, and upon an accumulation of twelve points under the point system, the Department is authorized, but not required, to suspend for a period not in excess of one year. Under these provisions of our law over 14,000 driver licenses were revoked in this state during the past year. During the same period, over 16,000 licenses were suspended for periods of up to one year each. Here again we cannot prove definitely that any accidents were in fact prevented through the removal of over 30,000 dangerous traffic violators from the roads. Some indication of the number of accidents that may have been prevented, however, can be drawn from a recent study of the case histories of over 40,000 drivers. This study indicated that drivers with no violations noted against them averaged .167 accidents per driver. Those with one violation averaged .391 accidents per driver. Drivers with two violations averaged .560 accidents; those with three violations, .699, those with four, .867; five, 1.001. Thus, if we can assume that each driver removed from the road had three traffic violations, upwards of 15,000 possible future accidents may have been prevented.

DRIVER IMPROVEMENT RESULTS

Warning letters—As we have noted earlier, the first contact that the Department has with an erring driver, outside the field of mandatory revocations and suspensions, is to send a warning letter to the driver. This letter informs the violator that a review of his driving record by trained case review officers indicates that if there are additional violations his license may become subject to suspension. While it is impossible to gauge with any degree of certainty the salutary effect of such warnings, a recent study indicates that violators who receive a Departmental warning letter have significantly fewer subsequent violations than violators who do not receive such a warning. Last year the North Carolina Department of Motor Vehicles sent warning letters to over 40,000 traffic violators. If these warning letters result in a similar reduction in subsequent traffic violations, a substantial number of traffic violations and re-

sultant accidents have probably been prevented.

Conferences—The final driver improvement action, short of a discretionary suspension, is a conference or hearing at which a trained hearing officer meets with the driver, reviews his driving record and seeks to determine the cause of his driving behavior. The salutary effects of such conferences and hearings are evidenced by substantial improvement in the subsequent driving record of many drivers. In addition, following such a conference, a driver may be assigned to attend a traffic violator school in which great emphasis is placed on improvement of a driver's attitudes. This program has been in effect for less than two years and it still too early to gauge its results effectively. Experience in other jurisdictions, however, indicates that substantial driver improvement has resulted from operation of traffic violator schools.

Preliminary Hearings—Some drivers accumulate a bad driving record with such speed that it is impossible to employ the usual driver improvement devices prior to the time that a license suspension becomes authorized. In such cases, and in those cases where the full early driver improvement actions have proven ineffectual, the Department is authorized to suspend, with or without a preliminary hearing, the license of any person whose record as a driver brings him within the discretionary authority of the Department. Where the license is suspended without a preliminary hearing, the law requires the Department to grant a post-suspension hearing upon the request of the licensee. Such a hearing, held in the licensee's home county by a trained hearing officer, skilled in the latest driver improvement techniques, includes a discussion of the driver's problems, statements by the licensee, and a hearing of any pertinent evidence which the licensee may wish to present. Following the hearing, the hearing officer may, after considering the case on its merits, recommend that the period of suspension be reduced or that it remain unchanged. During 1958 ten full-time hearing officers, meeting in each of the state's 100 counties, held 5,547 conferences, 2,689 hearings prior to suspension action, and 2,952 hearings following suspensions. Experience indicates that drivers who have had the full Departmental driver improvement treatment, from warning letters to conference,

hearing, and suspension, show a decided improvement in their subsequent driver behaviour.

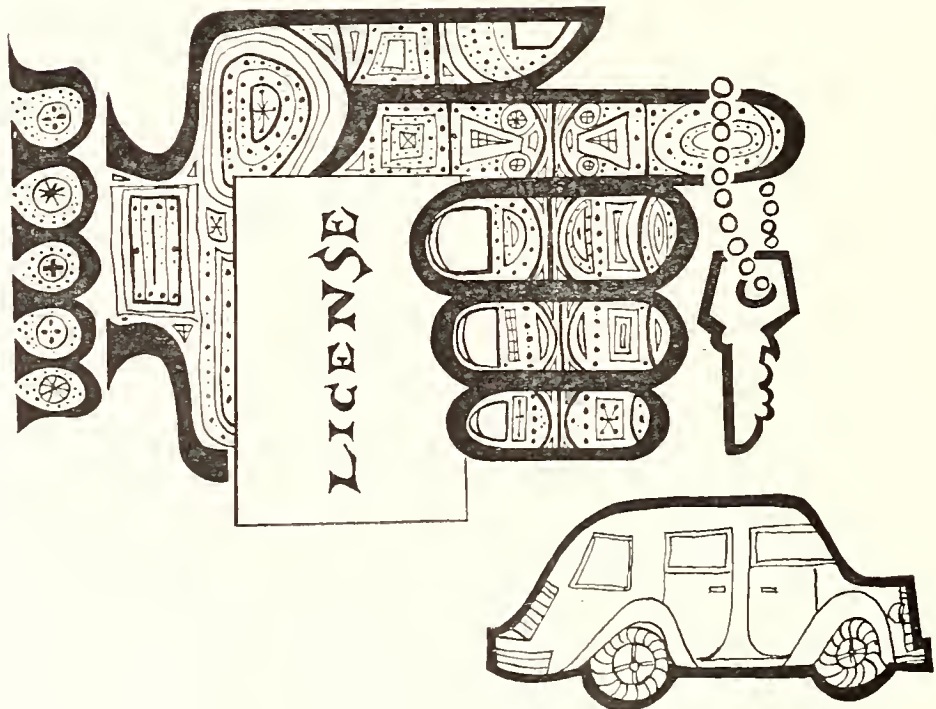
Probation—A new driver improvement tool given to the Department is the use of probation. Under the point system law, the Department is authorized to place a driver under probation in lieu of suspension or any part of a suspension. The period of probation is one year and an accumulation of three violation points constitutes a violation of probation. In addition, when a driver who has had his license revoked for four years for a second conviction of drunken driving seeks a return of his license after two years, the department may, upon a showing that the former licensee has been of good behaviour for two years, issue him a probationary license for the balance of the original period of revocation.

Financial Responsibility—The final weapon in the Driver's License Division's driver improvement program is contained in the Motor Vehicle Safety and Financial Responsibility Act of 1953. This Act, administered by the Driver's License Division, has a two-fold purpose. First, to insure that a person who causes an accident bears the financial burden of an accident, and secondly, to insure that drivers, who have had their licenses to drive

suspended or revoked, demonstrate that they can respond in damages resulting from a subsequent accident as a prerequisite to being licensed again following the suspension or revocation.

CONCLUSION

No one can state with any certainty how many lives have been saved by inoculations against typhoid fever and small pox. We do know that both these dread diseases have been virtually eradicated from the national scene. Nor can anyone say with definiteness how many children have been saved from the crippling ravages of polio through the mass inoculations of Salk vaccines. We do know that the incidence of polio has shown a marked decline. Likewise, no one can state with certainty the number of violations and accidents that have not happened because of the screening out of unfit drivers and the application of the various driver improvement devices of the Driver's License program of this state. We can, however, point to the gradually lowering traffic accident rate in this state which largely coincides with our licensing program. From this we may conjecture that driver licensing, as an integral part of our balanced safety campaign, has played a significant part in achieving the results.





by MILTON S. HEATH, JR.
Assistant Director, Institute of Government

GREENSBORO CHARTER REVISION

The background and results of a recent revision of the Greensboro City Charter are reviewed here for the benefit of city attorneys and others concerned with revising city charters.

The 1959 General Assembly adopted a comprehensive revision of the Greensboro City Charter drafted by the Institute of Government and City Attorney Jack Elam. Prior to its adoption the revision had been approved by the Greensboro City Council.

For the City's part, this was a much needed effort to up-date a 36 year old charter. For the Institute's part, it was an assignment undertaken as one of several pilot charter revision projects. When these have been completed it is anticipated that the benefits of the experience gained can be spread throughout the State by means of training schools, guidebooks and other traditional Institute programs.

After briefly placing the project in its setting—the need for revision, the groundwork that was laid, and the working guidelines that were followed—this article will summarize the major changes of substance that were adopted.

NEED FOR REVISION

The need for a thoroughgoing charter overhaul in Greensboro was described in a report by the Institute to the City Council, as follows:

It has been apparent for some time that the present city charter, adopted in 1923, ought to be carefully reviewed and revised. First, there is a serious need for reor-

ganization of its provisions. The charter proper has been amended at virtually every session of the General Assembly since 1923. More important, many related local laws affecting Greensboro that should be included in the charter have been adopted outside of its framework. Indeed the volume of this related legislation is now several times the volume of the charter itself. As a result, it is a formidable job today merely to collect all provisions concerning any particular aspect of city government.

Second, there is a need for substantive revision. By this we mean amendments of laws that have become outdated or unnecessary, and filling in of gaps that have developed in the charter with the passage of time.

Since 1923 the city's population has quadrupled and its area has more than doubled. In practical terms, this growth has been reflected in expanded city services, new forms of regulation, and altered administrative arrangements. In legal terms, it has been reflected to a degree in amendments to the city charter or in new statewide laws. The legal response, however, has been piecemeal at best. There has been no pause to reflect upon the overall impact of changed conditions on the charter.

GROUNDWORK

Over the years an assortment of minor grievances against various features of the old charter had accumulated. These were known to the city attorney, Jack Elam, who also gathered additional suggestions for changes from other city officers during the "talking" stage of the revision project. The Director of Public Works, Hugh Medford, and the City Clerk, Mrs. Hazel Burch, were particularly helpful in this connection. By the time this writer sat down for his first serious conference with Elam, he was able to identify most of the areas where changes were thought to be needed, though from time to time thereafter further suggestions were thrown into the hopper.

On the part of the Institute the process of preparation was a slow and tedious one, as appears from the following paragraph in the Institute's report to the City Council:

This is the first comprehensive city charter revision in which the Institute has taken part. For that reason an unusual amount of preparatory groundwork was required. Initially a careful review was made of four categories of charters and laws concerning municipal government: first, pertinent North Carolina General Statutes provisions; second, available model charters; third, a group of

charters revised in 1957 with help from the League of Municipalities; and fourth, the charters of six or eight of the larger cities in North Carolina. Several weeks were spent in putting together an organizational framework or detailed table of contents, into which each of these categories would fit. Copies of the laws and charters were obtained and, with the help of several University of North Carolina law school students, these copies were clipped, reorganized and compiled into a dozen loose leaf notebooks. These notebooks furnished a baseline against which to compare the present Greensboro Charter.

GUIDELINES

The drafting of this charter revision was carried on in a characteristically friendly and informal atmosphere, and there was no call for either the Institute or the City to seek the other's agreement to any preconceived policies or principles. Yet in retrospect it is clear that four basic guidelines were accepted, implicitly or explicitly, from the beginning. They were these:

- (1) The City will decide policy issues; the Institute will assist in drafting . . .

As stated in the the Institute's report to the City Council:

It should be made clear that the responsibility for initiating policy changes has been left to Greensboro city officials. The Institute's role has been that customarily expected of the legislative draftsman—of finding out what the sponsor's objectives are; of presenting known alternative ways to accomplish these objectives; and of furnishing drafting assistance.

In a sense this is merely a continuation of the Institute's policy in all of its work. Nowhere, though, is there greater need for firmly drawing and holding this line than in situations where the Institute is assisting in the drafting of city charters.

- (2) The revised charter should be comprehensive . . .

As noted earlier, the volume of local acts affecting city government but adopted outside the framework of the old city charter had reached unmanageable proportions. (Translation: even the lawyers couldn't find out what the law is.) After years of experience with a "charter" that embodied only a small, and diminishing, part of the



"Even the lawyers couldn't find out what the law is."

rules concerning the property, affairs and government of the city, the city fathers decided it was time for a change. They determined that, so far as possible, all of the permanent laws of general interest concerning the city government should be drawn into the new charter. What was done in this regard is described in the following excerpt from the Institute's report:

It should not be necessary, as it is now, to examine a dozen or so separate laws for pertinent legislation concerning any aspect of city government. This is a trap for the unwary and a needless chore for the well-advised. For this reason, every effort has been made to cover as much ground as is feasible in the proposed charter. Nevertheless, some lines must be drawn, and certain materials that might arguably have been included in the charter have been excluded. Chief among these are laws concerning the city school system and the Municipal-County Court. These are excluded because control of the court and the school system is vested in agencies independent of the regular city government. Also excluded on similar grounds are laws relating to the Greensboro-High Point airport and to registration for elections in Guilford County. Finally, there is excluded a group of laws of limited application or duration—validation acts, transitional provisions, and the like. These various acts are assembled in separate bill sections in groupings that permit them to be readily identified.

- (3) The charter should be organized to facilitate later amendments within its framework . . .

Not only did the City mean to halt the practice of adopting so many special laws outside the charter; it also hoped to prevent a recurrence of this practice. The Institute's report describes the remedial steps that were taken in the new charter—

The charter and related laws have been so reorganized as to group the provisions essentially in six broad categories: organization and boundaries; elections; mayor and council; administrative arrangements; regulatory and planning functions; and city services and facilities. If this arrangement departs at all from the usual, it is in the emphasis placed upon the last two categories. The practical justification for this should be apparent. City government exists primarily to furnish services and regulate conduct, and it is in these areas that the need for new laws most commonly arises. We believe this choice of organizational emphasis will facilitate later charter amendment and increase the durability of the proposed charter.

These six broad categories plus an additional miscellaneous grouping make up the seven chapter headings used in the proposed charter. The chapters are further subdivided into subchapters, articles and sections. A decimal section numbering system is proposed with, initially, ten-section gaps between articles and twenty-section gaps between subchapters. This too is designed to increase the durability of the charter.

A final precaution was added, should all else fail. A section was included in the new charter, modeled after General Statutes' provisions concerning the Attorney General's authority to supplement the General Statutes in order to keep them up-to-date. It requires the City Attorney, after each biennial legislative session, to give the City Council copies of all local laws that were adopted affecting Greensboro, along with his recommendations for incorporating them into the charter.

- (4) The charter should not duplicate applicable general laws.

While this effort was being made to consolidate local acts within one document, pains were also taken to make certain that applicable general laws would not be duplicated in the new charter. Provisions of the old charter that overlapped or duplicated the Gen-

cial Statutes were carefully weeded out. The backdrop of the General Statutes was kept constantly in mind while the new charter was being drafted.

* * * *

Not all of these guidelines may be appropriate for all city charter revisions. For instance, far from seeking comprehensiveness in a revised charter, local authorities may yearn for a compact and tidy charter package.* Other competing or supplementing principles of equal merit may come to mind and certainly the Institute's single experience to date in this field does not justify the propounding of a firm set of standards or conclusions.

MAJOR CHANGES

The remainder of this article will describe some of the more noteworthy innovations introduced by the new charter. The discussion is organized under the chapter headings of the charter—*Elections, City Council, Administrative Matters, Regulatory Matters, City Services and Facilities, and Miscellaneous.*

* * * *

Elections

(1) In the area of elections the most notable change was a lengthy recasting of provisions for initiative, referendum and recall. Such provisions may be thought unnecessary for many cities. For Greensboro, however, they were a "must". The old charter had contained a provision on this subject which consisted merely of a reference to an outdated Consolidated Statutes section. Recent experience with a fluoridation referendum had clearly and publicly demonstrated the inadequacy of the old charter provision, and had pointed up the need for a substitute.

The new initiative, referendum and recall article borrows heavily from a corresponding article of the Model County Charter. In this instance the Model County Charter was used as a guide in preference to the older Model

* Perhaps some of the good features of these two apparently conflicting objectives can be combined. The body of the charter might be held to a minimum while, in separate bill sections, other local legislation is preserved by reference or by incorporating its text. In this way it should be possible to include within the four corners of a single document—the act enacting the charter into law—at least a bibliography of all the permanent local laws of general interest concerning the city government.

City Charter because of its greater precision and clarity.

(2) Aside from the initiative, referendum and recall article, few innovations were introduced in the elections chapter. Some slight changes were made in order to conform to general election procedures—in such respects as canvassing dates and procedures, methods for breaking ties and the number of ballots supplied. It seems to have been the experience in Greensboro, as in many other cities and towns, that deviations from general election procedures in matters such as these serve only to confuse the election officials, who frequently are the same persons for both city and county elections.

City Council

(1) A problem common to many cities in this day and age is that of keeping the size of the code of city ordinances within physically manageable proportions. Greensboro was no exception in this regard. Its loose-leaf code binder was bursting at the seams, primarily because of the large number of ordinances adopted in some areas (zoning and traffic regulations) and the great length of ordinances in other areas (the various technical codes). The new charter sought to remedy the situation by permitting separate codification of these classes of ordinances, which bulk so large but are rarely of general interest. As to zoning and traffic amendments, the use of mapping techniques was suggested—codification by appropriate entries on official map books to be retained permanently in the city clerk's office.

(2) Other modifications affecting council procedure include the addition of provisions (a) requiring a majority vote of all elected council members to adopt an ordinance, and a vote of five of the seven members to pass an ordinance on the day it is introduced; (b) empowering the council to compel attendance of absent members by having them taken into custody; (c) forbidding the council to consider formally or vote on any question in private session; (d) permitting the use of mechanical voting devices in lieu of roll call votes; and (e) permitting the council to continue public hearings without going to the expense of further advertisement.

Administrative Matters

(1) Current, everyday administrative problems prompted the expansion

or spelling out of administrative powers in a few areas. An example is a section that clarifies authority to establish police emergency lines for the purpose of controlling large gatherings of people in emergencies and at public functions. Another example is a section permitting the chief of police to provide for fingerprinting or photographing of any person arrested by a city policeman. (This is somewhat more liberal than a corresponding statewide provision, from which the city was exempted. The statewide provision restricts fingerprinting and photographing to felons and a limited class of misdemeanants. G.S. 148-79.) Another such section gives the city manager authority under council regulations to rent the city auditorium or stadium and vacant city-owned buildings for brief periods.

(2) The new charter includes a provision inherent in the city manager form of government, and recommended in both Model City and County Charters, that (with minor exception) prohibits council members from taking part in appointment or removal of city employees. It also draws upon the Model County Charter for a relatively simple and easily administered conflict-of-interests section, replacing the unwieldy requirements of the old charter. (The Model provision requires city officers and employees to declare conflicting personal interests affecting city purchases or contracts, and to refrain from participating in the making of such contracts or purchases.)

(3) In the area of property tax collection procedures, as in the case of election procedures, the new charter moves toward conformance with statewide procedures. Here again, it was apparently felt that diversity in such matters as interest dates and amounts produces more confusion for the taxpayers than can be justified.

One new tax collection provision worthy of mention permits the city to enforce privilege license tax collection by civil remedies customarily available in aid of property tax collection.

Regulatory Matters

(1) Traffic problems contributed significantly to the modifications that were made in the regulatory area. Of particular interest is a section granting the city concurrent authority to establish truck routes and speed limits on numbered State highways, as well as on all other city streets. The council must transmit to the State Highway

Commission copies of such regulations affecting state highways, and the regulations become effective if not disapproved by the Commission within twenty days after its regular meeting subsequent to receipt of the regulation.

Other new sections expressly authorized the city to regulate obstruction of alleys in the interest of fire protection, and to regulate operation of emergency vehicles such as ambulances and wreckers (as well as to operate ambulance or wrecker services itself). In addition, the council was empowered to grant authority for administrative officials, upon certain findings, to designate locations for traffic control devices.

(2) A section derived from a Charlotte special act was added expressly enabling the city council, as a condition of approving plats, to require subdividers of land to install improvements such as streets, curbs and gutters, and utilities. As a practical matter, this section merely spelled out an implicit authority and implemented a longstanding city policy.

(3) In a rewrite of provisions concerning private utility franchises, there were included provisions recommended by the Model City Charter to prohibit transfer of utility franchises without council approval and to permit the city to reserve the right in any franchise to repurchase covered utility properties (commonly known as a "recapture clause").

(4) An old charter section concerning rewards for conviction of false fire alarms was expanded to allow the council to pay rewards for conviction of any offenses it believes seriously endanger public peace or safety.

City Services and Facilities

(1) Most of the changes made concerning city services and facilities consisted of consolidating hitherto scattered provisions covering relatively slight modifications. An example in

point is a section concerning recreation facilities, in which the only significant change is a spelling out of authority for the city to promote athletic events and the like, involving such facilities. Another example is found in two sections concerning city-owned utility systems. The first of these pulls together the various provisions relating to utility operations and, more clearly than before, makes the city council responsible for major policy while leaving operation and management to the city manager. The second section standardizes for all city utilities the provisions concerning liens for utility charges.

(2) An existing statewide statutory procedure for closing of streets was incorporated in the charter, with the addition of requirements for investigation of street closing petitions by the city attorney and reference thereof to the planning board for its recommendations.

(3) A face lifting was given to provisions formerly contained in a number of sections of the old charter plus a half dozen local acts outside the charter concerning condemnation and assessments for local improvements. These provisions were reduced to two articles in Chapter VI of the new charter. No major alterations were made, though a number of minor modifications suggested by the city's experience with these laws were included. Among them were the following: (a) addition of limited authority to condemn railroad rights-of-way, and to assess such rights-of-way for local improvements (both of these authorizations were somewhat watered down when the bill was under consideration by the General Assembly); (b) inclusion of water rights within the application of the revised condemnation procedure; (c) standardization of publication requirements throughout these laws; (d) clarification of provisions concerning the record on appeal in con-

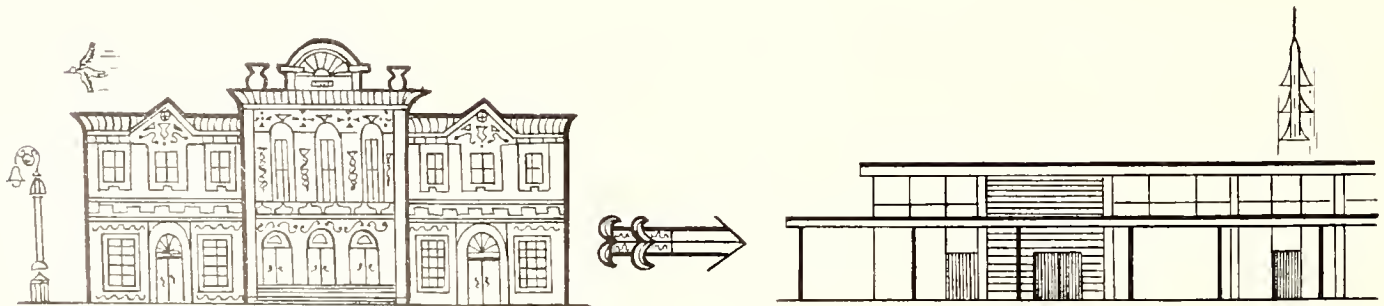
demnation cases; (e) clarification of key defined terms such as "roadway" and "street" in the assessment law; (f) permission to construct water mains between streets rather than in streets in appropriate cases; (g) reduction of the number of hearings required in assessment proceedings from four to two; (h) with regard to corner lot assessment exemptions, special provision for cases where corners have been foreshortened or rounded into a curve; (i) standardization of provisions for installment payment of assessments; (j) special provision for assessments against abutting property outside the city limits. Finally, it may be noted, the revised condemnation procedure was made applicable only to proceedings affecting property located within Guilford County.

Miscellaneous

(1) Problems that arose in recent litigation prompted some alterations in provisions regarding claims against the city—principally the addition of a sentence allowing the city to request appointment of a guardian *ad litem* to file suit on behalf of potential claimants known to be suffering from physical or mental incapacity.

Another claims problem was dealt with by giving the city manager authority to settle small claims arising from the taking of small areas of private property for rounding of corners at street intersections.

(2) Included in separate bill sections outside of the body of the charter were modifications of statewide provisions concerning purchasing procedure and mileage allowances. The former permits the city to purchase equipment and supplies up to a maximum estimated expenditure of \$3000 (rather than \$2000) without advertising for bids. The latter permits the city council to approve mileage allowances exceeding the general 7¢ maximum when the council considers this proper.



(3) More than the usual pains were taken in the drafting of the various repealer and saving sections, which cover eight legal size pages in all. An effort was made to separate the provisions to be repealed or saved into groups of similar laws—such as, all of the validating acts that were saved; all of the acts repealed because of obsolescence, etc. So that users of the charter can readily identify the subject matter of any law repealed or saved, a tag line was attached to every affected law. For example, bill section 6 begins as follows:

This act shall not be deemed to repeal, modify, nor in any manner to affect any validating laws applying to the City of Greensboro, including the following provisions of the Act of 1923 (the old charter) and of related special laws applying to the City of Greensboro.

Act of 1923: Sections 78(b), 78(c) . . . etc.

Again, bill section 7 reads, in part as follows:

The following acts or parts of acts applying to two or more municipalities are *repealed* in their application to the City of Greensboro and, where so noted below are consolidated into the charter:

(a) Private Laws 1924, Chapter 22, as amended, concerning the Greensboro Boxing Commission (consolidated into 4.01(b)(2); . . . etc.

Finally, considerable attention was given to the drafting of sections designed to save all vested or accrued rights, and to prevent the inadvertent revival of laws not intended to be revived.

* * * *

From this project the City of Greensboro has gained a face-lifted and, one might hope, an up-lifted charter. The City can add frosting to the cake by recompiling its code of ordinances, using the arrangement embodied in its revised charter.

The Institute has culled valuable experience and should be able soon to spread the benefits of this experience to other communities. With one or more such projects under its belt, the Institute will be in a position to offer charter revision schools or clinics for city attorneys and others. Also, the materials accumulated for the Greensboro revision can serve as the basis of a charter revision guidebook or compilation which, it is hoped, will be prepared and published in the near future.



Winston-Salem delegation presents City's case before "All America City" award jury in Springfield, Massachusetts. Left to right: Fred Linton, Executive Vice President, Chamber of Commerce; R. Philip Hanes, Jr., Vice President, Hanes Dye and Finishing Co.; Dr. Dale H. Gramley, President, Salem Academy and College; Mrs. G. Logan Bowman, President, League of Women Voters; and Ben Rouzie, Director, City-County Planning Board.

WINSTON - SALEM WINS "ALL AMERICA CITY" AWARD

An impressive record of achievements, including urban renewal, a huge new school building program and a new community center, has earned Winston-Salem this year's "All-America City" award. Eleven cities are so honored each year in a competition sponsored by *Look* magazine and the National Municipal League. Selection of these cities is made by a jury of 12 persons, representing various disciplines and associations. Foreman of the jury this year was Dr. George Gallup.

Featured in Winston-Salem's brief, on the basis of which the award was made, were: the city's record of comprehensive planning on a continuing

basis; urban renewal planning; the establishment of the nation's first successful arts council and the construction of an arts center; establishment of the nation's fourth rehabilitation center; conservation and restoration of Old Salem, 80-acre site of the 17th Century Moravian settlement; a 540-bed County hospital now in design; and cooperation between Winston-Salem and Forsyth County in such joint agencies as the City-County Library, City-County building inspectors, City-County Health Department and the City-County Planning Board. Preparation of the entry was a joint project of the League of Women Voters and the Chamber of Commerce.



Central Business District Seminar for the cities of Greensboro, High Point, and Winston-Salem in session in the Board Room of the Winston-Salem Chamber of Commerce.

CENTRAL BUSINESS DISTRICT SEMINARS

With the support of the Ford Foundation, the Institute of Government has embarked on the first of a number of training programs in the form of seminars designed to build a closer working relationship between top community leaders and city officials as they deal with emerging governmental problems. Because of current widespread interest in central business district problems (with "downtown" groups just beginning to function in many North Carolina cities), the initial series is being devoted to an ex-

amination of these problems. It is hoped that the seminars will yield practical immediate benefits to the participants as well as achieving the long-range goal of building better understanding of local government.

The series consists of five one-day sessions, held at weekly intervals. The initial session was held on April 12 and the series will run through May 18. Each session begins at 3:30 in the afternoon, extends through dinner, and concludes about 9:00 in the evening. Two series are being held. On Tuesday

of each week a group selected from Greensboro, Winston-Salem, and High Point meets together in the area. On Wednesday a group selected from Raleigh, Durham, Burlington, and Chapel Hill meets in Chapel Hill where a repeat program is presented.

In each case the "student body" consists of approximately 21 top community leaders (manufacturing executives, bank presidents, newspaper publishers, leading merchants) and nine city officials (usually the city manager, planning director, and redevelopment direc-

tor). In addition, guest-expert speakers are being supported by panels of local professional and technical people who can relate general principles to local situations. The size of the group has been deliberately limited (in contrast with the usual "convention" or "conference") so as to encourage maximum participation in the discussion by those attending. It is felt that this will greatly increase the impact of the program.

The program content of the complete series is as follows: The first day established the setting. The reason for a seminar on downtown problems was set forth; the changing functions of the central business district were discussed; and the problems in North Carolina central business districts were outlined. On the second day, the need for a comprehensive approach to these problems (both in the downtown district itself and in relating its problems to the problems of the city as a whole) was expounded. In addition, the subjects of organizing and gaining public support for a downtown improvement program were covered. The third and fourth days explore some aspects of the program in greater detail, with sessions on the economic and structural analysis needed, design possibilities, traffic and transportation problems, and necessary improvements to private property. The fifth and final day will be devoted to the role of government (federal, state, and local) with respect to urban renewal, necessary legislation, and the financing of public improvements.

In the two city regions covered by these seminars, "student bodies" are made up of many of the key leaders of the State of North Carolina, private and governmental. This should be an interesting experiment in bridging the gap between the people who are making the vital decisions in our cities and the city officials who are on the immediate firing line.



Central Business District Seminar for the cities of Burlington, Chapel Hill, Raleigh, and Durham meets at the Institute of Government in Chapel Hill.



Philip G. Hammer, Economic and Business Research Consultant, Atlanta, Ga., addresses Central Business District session.



Class discusses design problems following afternoon lecture.

SHORT - COURSE IN CITY PLANNING METHODS AND TECHNIQUES

With the rapid growth of North Carolina cities during the last fifty years has come an increasingly critical shortage of city planners to advise local governing bodies and planning boards on the technical aspects of both day-to-day and long-range problems of urban development. With the hope of partly alleviating the current shortage of planners in North Carolina, an intensive two-week course in basic city planning methods and techniques was held at the Institute of Government from November 29 through December 12, 1959.

The course was not intended as a substitute for the two-year program of graduate study normally undertaken by the professional city planner. Rather, it was designed to provide instruction in basic planning methods for local government employees—city engineers, building inspectors, city managers, etc.—who are often called upon to render technical advice and services to local planning boards and whose regular jobs are directly related to local development programs. Such training has been found to be especially useful in smaller cities, where funds for extensive consulting work or the establishment of a full-time planning department are not available. In addition, the course was designed to provide instruction for the junior employees of planning departments in larger cities throughout the state.

Contents of the course included the theory and objectives of city planning; the organization and administration of a planning program; and techniques for conducting research into local population, economic, and land use problems. The steps involved in preparing a comprehensive or "master" plan for the future development of industrial, business, and residential areas—as well as plans for streets, utilities, and urban renewal—were intensively studied. About one-third of the course was de-



Subdivision design problem on the drawing board.



Philip P. Green, Jr., Assistant Director, Institute of Government, lectures on zoning.

voted to study of the ways in which such plans can be carried out: zoning, subdivision regulations, long-range financial planning, and annexation.

Unlike planning short-courses which have been offered at such schools as M.I.T. and Georgia Tech for a number of years, the Institute course was built only in part on the lecture approach. Approximately half of the students' time was devoted to field surveys and exercises, design problems, and basic planning research. "Live" projects completed by the students were local population studies and projections, land use surveys and analyses, a land capability study, a comprehensive land development plan, and detailed site plans for a new residential community. Laboratory area for the class was Carrboro, N. C. In general, morning classes were devoted to lectures and seminar discussions; afternoon classes were spent in field surveys and design problems; while evenings were given over to the preparation of assignments, to "extra-curricular" planning film sessions, and to informal meetings with prominent planning practitioners throughout the state.

Because of the concentrated schedule, and as a means of providing more individualized instruction, enrollment in the course was purposely limited to ten students. Included were two city managers, three planning department employees, two assistant city engineers, a building inspector, and two project engineers of the North Carolina Department of Highways. Basic instruction was provided by Robert E. Stipe and Philip P. Green, Jr., of the Institute of Government staff. Guest instructors included Pearson Stewart, Planning Director, Research Triangle; Professor John W. Horn, Department of Civil Engineering, N. C. State College; R. Albert Rumbough, Associate, City and Town Planning Associates; Professor Daniel A. Okun, Chairman, Department of Sanitary Engineering, School of Public Health, U.N.C.; J. Ben Rouzie, Planning Director, Winston-Salem; Ronald Scott, Planning Director, Greensboro; and Robert Barkley, Executive Director, Greensboro Urban Redevelopment Commission. Other Institute of Government staff members participating in the course were George H. Esser, Jr.; Warren J. Wicker; and Mrs. Ruth L. Mace.

An advanced course in city planning methods will be offered this year to graduates of the 1959 course, and another course of basic instruction will also be scheduled.

May-June, 1960



Students discuss latest approaches to traffic engineering problems.



Robert E. Stipe, Assistant Director, Institute of Government, lectures on land use plan preparation.

Preparation of a comprehensive plan.





NAHRO panel session on the role of market analysis. Left to right: Panel Reporter; Richard L. Nelson, President, Real Estate Research Corp.; Isadore Candeb, President, Candeb & Fleissig; Sid Jagger, Executive Assistant to the Executive Vice President, Reynolds Aluminum Service, Corp.; H. O. Hogenson, Executive Director, Redevelopment Agency, Fresno, Calif.; and James E. McCormack, Director, Land Branch, Urban Renewal Administration.

REDEVELOPMENT OFFICIALS MEET IN CHAPEL HILL

The Redevelopment Section of the National Association of Housing and Redevelopment Officials held its Fifth Working Conference on Urban Renewal at the Institute of Government in Chapel Hill on March 20-23. More than 200 participants from 26 states attended this national get-together.

The conference theme was "The End Product of Urban Renewal." After a welcome and preliminary introductions by Albert Coates, Director of the Institute of Government, Dr. James L. Godfrey, Dean of the Faculty of the University, and Charles L. Farris, President of NAHRO and Executive Director, St. Louis Housing and Land Clearance for Redevelopment Authorities, the keynote address was delivered by Congressman Albert Rains of Alabama, Chairman, Sub-Committee on Housing, House Banking and Currency Committee. Lawrence M. Cox, Executive Director, Redevelopment and Housing Authority, Norfolk, Va., and Chair-

man of NAHRO's Redevelopment Section presided at this opening dinner.

Following the general theme of the conference, panel sessions were devoted to an appraisal and evaluation of the "end product" of urban renewal; formulation and control; design influences and details; the role of land disposition; and the role of market analysis.

These panelists participated in the various sessions: Carl Feiss, planning and urban renewal consultant, Douglas Haskell, Editor, *Architectural Forum*; Harry Weese, architect; Knox Banner, Executive Director, National Capital Downtown Committee, Inc.; John Gilligan, City Councilman, Cincinnati, Ohio, and Member, Special Committee of the Council on Housing and Urban Renewal; Kermit C. Parsons, Assistant Professor, Department of City and Regional Planning, Cornell University; Julian Levi,

Executive Director, South East Chicago Commission; Donald M. Graham, Planning Administrator, City Planning Board, Boston, Mass.; Mrs. Chloethiel Smith, architect; George E. Kostritsky, Director of Planning, Greater Baltimore Committee, Inc.; Edward A. Waugh, School of Design, North Carolina State College; Charles H. Stamm, Director of Urban Renewal, Cincinnati, Ohio; William L. Slayton, Vice President, Webb & Knapp, Inc.; Nathan F. S. Porter, Executive Director, Housing Authority of Huntsville, Ala.; Samuel Ratensky, Director, Urban Renewal Board, New York City; Isadore Candeb, President, Candeb & Fleissig, planning & urban renewal consultants; Sid Jagger, Executive Assistant to the Executive Vice President, Reynolds Aluminum Service Corp.; Richard L. Nelson, President, Real Estate Research Corp.; James E. McCormack, Director of the Land Branch, Urban Renewal Administration.

Two distinguished guests addressed luncheon and dinner sessions. David M. Walker, Commissioner, Urban Renewal Administration, spoke before the group at luncheon on March 21, and Dr. Constantinos A. Doxiadis, President, Doxiadis Associates, Inc., international firm of consultants in architecture, planning, housing, and engineering, addressed the group at the dinner on the same day.

Philip P. Green, Jr., Assistant Director of the Institute of Government was in charge of conference arrangements for the University of North Carolina.

NAHRO lead-off panel. Left to right: Harry Weese, Architect, Chicago; Douglas Haskell, Editor, Architectural Forum, New York; and Carl Feiss, Planning and Urban Renewal Consultant, Washington, D. C.



SMALL WATERSHED GUIDES

Small watershed projects are very much in the news throughout the State. By the latest count, applications for Federal grants under Public Law 566 have been filed for 42 watersheds affecting 51 counties. Over \$5 million in Federal funds are set up in project work plans prepared to date.

Local watershed sponsors are confronted by a variety of ways to organize their programs (see POPULAR GOVERNMENT, Nov. 1959, "Small Watershed Enabling Laws"). To help

them through the maze of details involved in setting up and operating projects, the Institute of Government is preparing a series of guides concerning the organization and conduct of small watershed programs in North Carolina. These guides are being issued with the approval of the State Soil Conservation Committee and the State Conservationist. Subjects covered in guides that are now or soon will be available include: a petition form for watershed improvement districts; responsibilities of soil conservation district supervisors and county commissioners in organization of watershed

improvement districts; conduct of watershed improvement district referenda and registration; a checklist of anticipated expenses in organization of watershed improvement districts; organization of county watershed programs, and city and county participation in small watershed programs. Look for announcements of additional guides in future issues of POPULAR GOVERNMENT.

For further information or copies of particular guides write Milton Heath, Assistant Director, Institute of Government.

NEW STATE HIGHWAY MAP AVAILABLE

"From the mountains to the sea" is the theme of the all-new State Highway color maps for 1960.

The front cover of this year's color map shows a view of western North Carolina, near Mount Mitchell, and the back cover features a coastal scene showing a fisherman with his nets and two small children looking on. The phrase "Variety Vacationland" appears on both covers in red and black lettering. Three hundred thousand copies are ready for free distribution by the State Highway Department.

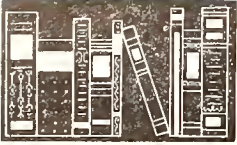
The map side shows Interstate routes in green, US routes in red and NC

numbered routes in black against a white background. Two new insert city maps have been added this year. They are High Point and Rocky Mount. Other insert maps include Winston-Salem, Greensboro, Charlotte, Asheville, Durham, Fayetteville, Raleigh and Wilmington.

The pictorial side of the map shows points of interest throughout the State. There are color photographs of the State Capitol, along with a picture and welcome message from Governor Luther Hodges. Also pictured in color are: tourists photographing a black bear in the Smoky Mountains National Park, a fox-hunting scene in the Sandhills, Roanoke Island's Elizabethan

Gardens, a mountain campfire scene, two fishermen displaying prize blue marlin catches, a scenic view of the Blue Ridge Mountains, two restored homes in Old Salem, a fishing pier shot, a view of New Bern's Tryon Palace, the Ocracoke Lighthouse, State College's Nuclear Reactor, musicians performing at the Brevard Music Festival, part of the scenic drive from Old Fort to Ridgecrest on US 70, Wilmington's Orton Plantation and an azalea-decked park in Wilmington.

Other information on the map includes the location of roadside parks, as well as departure times for the three toll-free ferries and the new privately-operated ferry.



BOOKS OF CURRENT INTEREST

PRACTICAL POLICE KNOWLEDGE, by *Juby E. Towler*. Charles C. Thomas, Publisher, 301-327 E. Lawrence Avenue, Springfield, Ill. 1960. 206 pp \$5.75.

For the novice police officer here is down-to-earth personal advice on just what services are expected of him and how to carry out the various duties assigned to him. The book is designed to supplement his department's basic training and to provide that basic training if his department does not conduct training programs. It will long serve as a guide for top performance in law enforcement. Adaptable to training programs as a text book in recruit and in-service schools, and as a refresher course for the experienced officer.

PUBLIC ADMINISTRATION, by *John M. Pfiffner and Robert V. Presthus*. Fourth edition. The Ronald Press Company, 15 E. 26th St., New York 10, 1960. 570 pp \$7.

A standard text in this field for almost three decades, this book provides a clear and interesting account of the field of administration at all levels of government. It represents an effective integration of the descriptive-institutional materials of administrative science and the behavioral analyses of administration in action. The nature of public bureaucracy is carefully analyzed, as is the political environment and its attendant pressures on the public administrator. In discussing the traditional technical aspects of administration—organization, finance, and personnel, emphasis is placed both on formal content and the realities of the administrative process. Pertinent examples from all jurisdictions are included to illustrate contemporary practice in these areas.

TWENTY YEARS OF PUBLIC HOUSING, by *Robert Moore Fisher*. Harper & Brothers, 49 E. 33rd St., New York 15, 1960. 303 pp \$6.50.

From a nonpartisan point of view the author reviews the successes and

failures of the public housing program. He measures the various costs to the federal and local governments, and considers objectively to what extent legislation has succeeded in eliminating substandard housing, providing adequate dwellings for low-income families, and alleviating unemployment. Real estate agents, city planners, social service agencies, charitable organizations, and economists all have a stake in the success of the public housing program, and watch its progress with interest. Therefore this impartial presentation of the issues involved, and of the statistical data bearing on them, makes **TWENTY YEARS OF PUBLIC HOUSING** a unique reference source.

CRIME AND KIDS: A POLICE APPROACH TO THE PREVENTION AND CONTROL OF JUVENILE DELINQUENCY, by *John E. Winters*. Springfield, Illinois: Charles C. Thomas, Publisher, 301-327 E. Lawrence Avenue, 1959. 159 pp \$5.25.

Inspector Winters' book offers a realistic approach to the spreading tragedy of civilization—youthful killings, rapes, robberies, and vandalisms. It is the result of a penetrating study of current police techniques and the general thinking of those concerned with the prevention of juvenile delinquency.

THE LAW OF MEDICAL PRACTICE, by *Burke Shartel and Marcus L. Plant*. Charles C. Thomas, 301-327 Lawrence Ave., Springfield, Ill. 445 pp \$12.50

This book grew out of lectures given over the past 13 years to senior medical students in the Medical School of the University of Michigan. Since it gives broad coverage to all major legal problems the doctor is likely to encounter, thereby apprising him of the legal pitfalls that may beset him in his work, this volume will be of value to medical students and practitioners as well as lawyers.

INTRODUCTION TO PUBLIC HEALTH, by *Harry S. Mustard and Ernest L. Stebbins*. The Macmillan Company, 60 Fifth Ave., New York 11, N. Y. 338 pp \$4.50

A discussion of the various activities normally carried on by a typical health department, from vital statistics to communicable diseases to school health services to chronic diseases, and so on. This is the fourth edition, and brings up to date Dr. Mustard's valuable treatment of this subject in his earlier editions published in 1935, 1944, and 1953.

WORLD LEGAL ORDER: POSSIBLE CONTRIBUTIONS BY THE PEOPLE OF THE UNITED STATES, by *Wallace McClure*. The University of North Carolina Press, Chapel Hill, N. C. 1960. 366 pp \$7.50.

In this timely, convincing, and practical book, supported by solid legal arguments, Dr. McClure, Consulting Director of the World Rule of Law Center at Duke University, tells the people of the United States what they themselves can do, through their courts, Congress, and President, to establish the rule of law in the world and to set the pace for other peoples.

THE FOREST RANGER: A STUDY IN ADMINISTRATIVE MANAGEMENT, by *Herbert Kaufman*. The Johns Hopkins Press, Homewood, Baltimore 18, Md. 1960. 259 pp \$5.

This book is a thorough analysis of "what actually happens in an organization." By focusing on the central problem of cooperation between planners and field officers, the author determines where and how the leadership of a large organization—in this case, the Forest Service—gains its objectives. Because of the unusual viewpoint used in this study of administrative management, this book will be of great interest to professional organization and methods analysts, specialists in public administration, students of government, and professional foresters.



THE ATTORNEY GENERAL RULES

PROPERTY TAXES

Allowing Indigent's Hospital Bill as Credit against Hospital's Taxes.

(1) Before allowing credit against a private hospital's tax bill for unpaid hospital bills of indigents as provided in G.S. 105-298(a), should the taxing unit require the hospital to have the bills reduced to judgment and have execution returned unsatisfied? (2) If credit is given for such a bill, does the amount of the bill become a tax upon which the taxing unit can proceed to collect by garnishment, etc.?

To: Jesse C. Sigmon, Jr.

(A.G.) (1) No. G.S. 105-298 is mandatory with respect to giving private hospitals credit upon their tax bills when the requirements of the statutes are met. These requirements are: (a) the patients must be indigent and likely to become public charges; (b) the bills must be itemized and sworn to; (c) if presented to a city, the hospital must submit a sworn statement to the effect that the bills have not and will not be presented to any board of county commissioners as a debt against that county or as a credit on taxes due that county; (d) the bills must be approved by the county physician or health officer as necessary or proper. While the governing body of the taxing unit should use its judgment in determining whether the bills presented for tax credit are proper, it would not be justified in requiring suit to be instituted against patients who are known to be judgment proof, thus incurring unnecessary expense. The approval by the county physician or health officer extends to the reasonableness of the bills for the services rendered.

(2) No. The taxing unit's only remedy would be to proceed by taking an assignment of the hospital's bills and having recourse to ordinary civil remedies. To consider the indigent as a taxpayer and his bill as a tax would have the effect of depriving him of his constitutional homestead and personal property exemptions as against an ordinary private debt.

Discovered Property - Adequacy of Tax Bill as Notice. A list of motor

vehicles registered in the names of individuals in a given county is annually obtained from the State Department of Motor Vehicles and checked against property listings. Vehicles on the list not found on the tax lists are listed by the tax supervisor's staff, assessed by the same standards as listed vehicles, and a tax bill is computed and sent to the owner. The bill is treated as a notice, and the appropriate board (of equalization or commissioners) hears complaints as to valuations and listings and makes proper corrections whenever the point is raised. Does this procedure constitute a sufficient compliance with the notice requirements of the discovery statute, G.S. 105-331?

To: Roy A. Taylor

(A.G.) The sufficiency of the procedure is doubtful. The statute requires that the taxpayer be notified that the appropriate board will, at a stated time, assess the value of the property, at which time the board will hear any objections. It might be, as you suggest, that a stamped notice on the bill, informing the taxpayer when and where the board will meet and telling him that he has the right to be heard concerning the valuation, would be a sufficient compliance with the statute.

Exemption of Farm Products. Canned fruits and vegetables owned by a non-profit agricultural cooperative chartered in California are stored in a public warehouse in Mecklenburg County. Are they entitled to exemption under G.S. 105-297(12) which exempts farm products owned by the original producer or held by the original producer in any public warehouse and represented by warehouse receipts?

To: H. C. Dockery

(A.G.) No. In my opinion the farm products have lost their original status and are now subject to taxation as merchandise and inventories held for sale. See *Lawrence v. Commissioners of Hertford*, 210 N.C. 352 (1936), for an analogous case dealing with change of status of property. There is also a question as to whether the exemption statute referred to here extends to farm products owned and produced by a nonresident or foreign corporation,

for G.S. 105-297(7) does not include the exemption in G.S. 105-297(12) in its general coverage of foreign owners.

Municipal Tax Status of Personal Property. A state employee whose work requires him to move from place to place is housed in a trailer. In January 1960 he listed his personal property in a certain county, giving as his address the residence of his parents at a town in the same county. None of his personal property was actually present in the town or county on January 1, 1960. Is the property subject to taxation in the town in which the owner's parents live and whose residence he stated to be his address?

To: J. William Copeland

(A.G.) Yes. As a resident of the state this person is supposed to list his tangible personal property somewhere in North Carolina. Unless facts bring the case under some other provision of the law, taxable situs of personality is governed by G.S. 105-302(1) which requires listing in the township in which the owner resides. Here I do not believe that any other sections are applicable, thus the place where the owner had his last permanent residence should continue to be considered his residence for tax listing purposes until he acquires another permanent residence.

MUNICIPAL FINANCE

Deposits for Installation of Electric Meters by Municipality. A town has required deposits for installation of electric meters of \$5 for dwellings and \$10 for businesses. The town board now desires to raise the deposits as to new customers only. Does the board have authority to raise the deposit rates on only the new customers, or must they be raised both as to new and old customers?

To: D. D. Topping

(A.G.) The amount and condition of such a deposit are completely within the discretion of the town board. It may require a higher deposit for new customers than that charged to customers in the past. This will not result in discrimination since this policy

will be effective as to all new customers, and the old policy will be effective as to all old customers. However, it would be possible for the town to raise the deposit rate on old customers who have conformed to the old rates.

Bonding of Municipal Official Holding Two or More Offices. A certain municipal employee holds more than one job, more than one of which requires fiduciary bonds. May such an employee be covered in all capacities by a single bond or must he be covered by separate bonds? Under these circumstances, may the bond be of a continuing nature or must it be for a definite term?

To: Jule McMichael

(A.G.) This office has been unable to find any public provision of law or court decision making it unlawful for a municipal employee to be bonded for the faithful performance of multiple duties, any two or more required to be secured by bond, by a single bond for an indefinite period of time, if the same is otherwise valid and sufficient.

Sale of Goods to City by Member of the City Council. A hardware merchant has been elected to the city council. Prior to his election, he sold small items to the city, often at a reduced cost and when such items were not otherwise available. The question now arises as to whether he may continue to sell such materials or supplies to the city. As the facts appear, the sale of these supplies to the city by the person in question would be advantageous to the city from the standpoint of availability and reduced prices.

To: Jack Elam

(A.G.) It is the opinion of this office that, notwithstanding the fact that these sales might be advantageous to the city, such would nonetheless be in violation of G.S. 14-234. The statute makes it a misdemeanor for any public official to make any contract for his own benefit or be in any manner concerned or interested in making such contract or in the profits thereof. The statute is very broad in its terms and the word "contract" is not limited to contracts in the usual legal sense of the word. It would include other types of transactions in which a public official stood to gain a profit. It would include the sale of materials to the city made under the facts as outlined above.

MUNICIPAL LIABILITY

Tort Liability of Municipal Fire Department and Individual Firemen. A municipality operates a volunteer fire department. Would there be any liability, beyond the limits of liability insurance carried, should an accident occur in the operation of the fire truck? Would all the members of the department be liable or only the driver of the truck? Could liability be avoided by the creation of a non-profit corporation to operate the volunteer fire department?

To: Preston Seymour

(A.G.) G.S. 160-235 expressly authorizes the governing body of a municipality to provide for the organization, equipment, maintenance and government of a fire department. Our Supreme Court has held that the operation of a municipal fire department is a governmental function and that the municipality is not liable to individuals for injury or damage growing out of that function, unless expressly made so by statute. Article 15A, Chapter 160, of the General Statutes authorizes the governing body of any incorporated city or town, by securing liability insurance, to waive its governmental immunity from liability, but such immunity is waived only to the extent of the amount of the insurance so obtained.

An individual member of a volunteer fire department who might personally be guilty of negligence would be liable in damages to the party injured. Ordinarily this negligence would be attributed only to the driver of the truck, but I can imagine circumstances under which other members of the department might be guilty of negligence.

I can see no advantage in creating a non-profit corporation to operate the fire department, because this cannot take away from an individual member of the department his personal liability. The practical solution would seem to be to carry enough liability insurance to cover fully any damage to person or property likely to occur.

Municipal Liability in Case of Private Assistance to Injured Person. A private citizen found an injured man in an alley, put said man into his car, and took him to the hospital. The car was blood-spattered so as to require extensive refurbishing and upholstering. The town would like to pay the expense of the repairs to the citizen's car if legal authority could be found for doing so.

To: Howard G. Godwin

(A.G.) I find no law which would authorize an expenditure by a municipality for a purpose such as that described above.

CRIMINAL LAW

Authority of Municipal Recorder's Court to Add Waiver Fee to Bill of Costs. May a city add a \$3.00 fee to the cost bill in waiver-of-appearance cases before the Municipal Recorder's Court, the proceeds to be used to improve the courtroom and build up a law library?

To: Robert A. Lotten

(A.G.) This office has long been of the opinion that the defendant in a misdemeanor case may waive his personal appearance in court through his counsel but not through some other agent and that legislation would be necessary to validate any other procedure. It is also of the opinion that legislation would be necessary to authorize the addition of \$3.00 to the court costs for purposes of accumulating a fund to improve the court facilities.

Conditions of Suspended Sentence; Payment of Medical Bills. May a court lawfully require, as a condition of suspension of sentence, that a defendant convicted of assault pay the medical bills of the victim of the assault?

To: J. Coit Whitlock

(A.G.) Yes. The Supreme Court has said that the court may continue prayer for judgment or suspend the execution of judgment "upon conditions, in proper cases, and upon terms that are reasonable and just . . ." G.S. 15-109 (10) permits, as a condition of *probation*, reparation or restitution "to the aggrieved party for the damage or loss caused by his offense, in an amount to be determined by the court," giving legislative approval to the principle of restitution and reparation in criminal cases.

Custody of Evidence of Crime. Who is entitled to the possession of a bullet taken from the body of a person who has been shot?

To: Walter F. Anderson

(A.G.) If there is any reason at all to suppose that the gunshot wound resulted from the commission of a criminal offense, it is a well-settled principle of law that the medical or hospital authorities should turn the bullet over to the appropriate law-enforcing officers.

Jurisdiction over Actions under G.S. Chapter 19 to Abate Public Nuisances. Do courts below the Superior Court have jurisdiction over actions to enjoin the use of buildings, residences, etc. for lewd purposes, gambling, sale of whiskey, etc. under the provisions of G.S. 19-1 *et seq*?

To: J. Coit Whitlock

(A.G.) No. Although G.S. 19-2 says such actions may be brought by city solicitors, (1) these actions are civil in nature and in the name of the State of North Carolina, (2) they ask that the equity powers of the court be employed to perpetually enjoin the activities complained of, and (3) there is language in G.S. 19-3, referring to "terms of court", and in G.S. 19-2, referring to "judge in vacation", which indicates that the Superior Court was contemplated as the court before which such actions are to be brought.

Execution on Forfeited Bail Bonds. Should a judgment absolute entered by a municipal recorder's court upon a defaulted bond be docketed in the office of the clerk of superior court for issuance of execution thereupon?

To: Marvin R. Wooten

(A.G.) Yes. If the court is established under Article 24 of Chapter 7 of the General Statutes, G.S. 7-205 provides that judgments entered upon defaulted bonds shall be docketed in the superior court of the county "in the same manner and with the same effect as judgments of other courts docketed as provided by law."

Authority of Vice-Recorder. (1) May a vice-recorder or judge pro-tem lawfully conduct a separate session of court simultaneously with the regular judge, or (2) may the vice-recorder and the regular judge hold two daily sessions of court, one judge in the morning and the other judge conducting an afternoon session?

To: Howard B. Arbuckle, Jr.

(A.G.) Neither. As to the first question, the general law provides for only one municipal recorder's court, whereas this proposal would amount to the operation of two separate courts without the authority of law. Under the general law, the vice-recorder has power to preside over the court only when the regular judge is "prevented from attending to his duties on account of sickness or other temporary disability or by reason of his temporary absence." G.S. 7-199.

As to the second proposal, we believe the legislature did not intend to provide for a vice-recorder to share the workload with the regular judge. The vice-recorder is to serve only when the regular judge is incapacitated or temporarily absent.

Type of Bail Bond that Can Be Required. May a magistrate, upon issuing an arrest warrant and determining the amount of bond to be posted by the defendant after his arrest, require the bond to be a cash bond?

To: Perry L. Ellis, Jr.

(A.G.) No. The magistrate may fix only the amount of the bond to be given. The officer taking the bond may decide whether or not to accept a signed bond or to require a deposit of cash in lieu thereof.

Double Jeopardy when Assault Victim dies Subsequent to an Assault Prosecution. "A" assaults and inflicts gunshot wounds upon "G". "A" is tried and convicted for the assault. Within a year "G" dies as a result of the wounds. May "A" be prosecuted for murder?

To: Harvey A. Lupton

(A.G.) It seems quite clear that, under the authorities, a prosecution for murder in such a case would not be barred because of the assault prosecution. In *State v. Barefoot*, 241 N.C. 650, 654 (1955) the Supreme Court

said "the test is not whether the defendant has already been tried for the same act, but whether he has been put in jeopardy for the same offense."

Territorial Jurisdiction of Municipal Police Officers to Serve Peace Warrants. Must a municipal police officer serve a peace warrant issued by a justice of the peace residing outside of the municipality?

To: J. C. Keeter

(A.G.) If the process directs the officer to arrest someone outside the city limits, he would not be obliged to execute it, having no law enforcement powers outside the limits of the city which employs him. If the process is directed to the policeman and is for the arrest of someone within the corporate limits, he must serve the process. However a peace warrant must first be directed to the sheriff, coroner or some constable for service—G.S. 15-31. If the justice states that none of these officers is available to serve the warrant, the city policeman may not then refuse to serve it.

Use of City Jail by Justice of the Peace Court. Does a justice of the peace have the authority to confine prisoners in a municipal jail?

To: J. M. Hockaday

(A.G.) The justice should first obtain the consent and approval of the city authorities. It is the opinion of this office, heretofore expressed, that all persons arrested for violating the criminal laws of the State are State prisoners rather than municipal prisoners and should be placed in the county jail awaiting trial or the giving of bond. However, cities and counties have worked out varying arrangements with reference to the use of jails, and in general this is an area in which such problems are best settled by satisfactory arrangements between the officials concerned.



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