

A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, in the City Hall, on Wednesday, April 30, 1958, at 11 o'clock a.m., with Mayor Smith presiding, and Council members Albea, Baxter, Brown, Dellinger, Evans, Foard and Wilkinson being present.

ABSENT: None

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#### INVOCATION.

The invocation was given by Councilman Claude L. Albea.

#### MINUTES APPROVED.

Upon motion of Councilwoman Evans, seconded by Councilman Dellinger, and unanimously carried, the Minutes of the last meeting on April 23rd were approved as submitted.

#### REMOVAL OF OLD SPANISH CANNON TO CITY HALL GROUNDS DEFERRED UNTIL DEFINITE DECISION AS TO LOCATION REACHED.

Councilman Baxter stated that at the last Council Meeting on April 23rd the City Manager was instructed to remove the Old Spanish Cannon from the A. G. Junior High School grounds to the City Hall grounds, and since then there has been a difference of opinion as to the proper location for the Cannon, and he recommended that its removal from the School grounds be deferred until a decision is reached. The Council concurred in the recommendation.

#### CONSOLIDATION OF CITY OF CHARLOTTE AND MECKLENBURG COUNTY TAX DEPARTMENTS AUTHORIZED.

Councilman Baxter advised that the Board of Commissioners for Mecklenburg County at their meeting on Monday, April 28th, approved the consolidation of the Mecklenburg County and City of Charlotte Tax Departments, and he moved that the Council authorize the said consolidation. The motion was seconded by Councilman Brown, and unanimously carried.

#### APPOINTMENT OF COMMITTEE FROM CITY COUNCIL TO WORK OUT DETAILED PLANS FOR OPERATION OF CONSOLIDATED TAX DEPARTMENTS OF CITY AND COUNTY WITH COMMITTEE FROM COUNTY.

Mayor Smith appointed the same members from the Council to the Committee to work out detailed plans for operating the Consolidated City and County Tax Departments, who made a study of and recommendation for the said consolidation.

#### COST ESTIMATE REQUESTED FOR CONSTRUCTING CURB AND GUTTER ON SOUTH BOULEVARD WHERE IT DOES NOT EXIST TO THE CITY LIMITS.

Councilman Foard requested the City Manager to have an estimate made of the cost of constructing curb and gutter on South Boulevard to the city limits, where it is not presently existing.

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COUNCIL ADVISED BY CITY ATTORNEY THAT COURT TEST CASE MAY BE REQUIRED BY BOND ATTORNEYS TO VALIDATE BOND ELECTION FOR FACILITIES IN PERIMETER AREA.

Councilman Baxter asked the City Manager how soon water services could be extended to the Thomasboro Area and sewer lines to Sherwood Forest section, in the perimeter area, now that Bonds were favorably voted on April 26th to supply these facilities. The City Manager replied that the water services could be furnished the Thomasboro area as soon as applications from the residents are received; that only two applications have come in. He also explained other methods whereby the water lines may be extended under the City's policy.

Mr. John Shaw, City Attorney, stated he would like to divulge a closely guarded secret that the City's Bond Attorneys may require a court test case to validate the bonds for services in the perimeter area, in which case no work can be financed by bond funds until the case is decided.

Mr. Shaw further stated that the City should determine the method of procedure before extending water service to Thomasboro; that as a taxpayer he objects to the City giving the residents of this area, outside the City, advantages in receiving City services not realized by Charlotte citizens; that so long as the area is outside the city limits, the City is not responsible for their health. He outlined the financial policy whereby water services are supplied residents inside the City, under which payment is guaranteed by the applicant, and stated he cannot see why the City should use bond funds to run a main into an area outside the city with no guarantee of payment and without anyone having requested the main.

Councilwoman Evans asked if it is felt the Committee from Thomasboro, who appeared before Council, were made to fully understand just what was required before water services could be supplied them?

Mr. Yancey, City Manager, also outlined the City's policy for constructing sewer mains inside the City and the methods of payment by the applicant, and stated further that it may be a different proposition in the Sherwood Forest area, outside Charlotte, as the city will be servicing a whole area instead of an individual, (and much of the area is undeveloped) and the City will be treating residents outside the city much better than Charlotte residents.

Councilman Dellinger asked the City Attorney why the Bond Attorneys want a test case when the Bond Election for the services outside the city carried? Mr. Shaw explained that the legality of spending city funds in the area still outside the city limits is the general issue at stake; he stated further that the Bond Attorneys have not opposed issuing Anticipation Notes against the Bonds, although they may not want to do so. He stated that he has written the Local Government Commission today regarding the law and to find out how the City should draft a bill to the Legislature which would give authority to issue notes for payment over a five year period against the City's revenue, which would have the general effect to have the newly annexed citizens participate in the cost of operating the city government for the first year they are in the city before being subject to city taxes; that if the City were to put the facilities outside the city limits, the City would be paying tax money to operate them.

Councilman Baxter stated that the Council members were elected by the people of Charlotte and they in turn appointed Mr Shaw as Attorney to keep their actions legal. That the Council asked the people in the perimeter area to come into the City and to vote to do so, and now the Council is faced with this situation and he would like to ask the City Attorney

why he did not bring this possibility to the Councils attention earlier? Mr. Shaw replied that the Bond Attorneys told him not to mention it, and that he kept his mouth shut; he stated further "you wanted the bonds to pass, didn't you?" Councilman Baxter replied that of course he wanted the Bond Election to carry so that the residents could be given the facilities they are entitled to have when they come into the City and this could not be done without the bond funds; at the same time if there was any question about the Bond Election it should have been brought out in the open and understood by everybody. He stated further that this is certainly a big surprise and disappointment to the entire Council.

Councilman Wilkinson stated that as he understands it, the City is only doing what has been done before and the people in the perimeter area are going to pay the extra cost. Mr. Shaw stated he thinks the bonds are legal but it is up to the Bond Attorneys.

Councilman Dellinger stated he thinks that Mr. Shaw should hurry up the Bond Attorneys so there will be no delay in securing the funds to provide the facilities, and Mr Shaw replied that he has today informed the Bond Attorneys that the Bond Election carried.

Councilwoman Evans stated she thinks the City Attorney should have advised the Council of the Bond Attorneys questioning the legality of the Bond Election; that a Special Council Meeting could have been held if necessary, and it is the Council who must suffer for such things and they should therefore be kept advised.

COUNCILMAN WILKINSON LEFT MEETING AT THIS TIME.

Councilman Wilkinson left the meeting at this time and was absent for the remainder of the session.

APPOINTMENT OF J. MURRAY ATKINS AND W. A. KENNEDY TO BOARD OF TRUSTEES OF CHARLOTTE COMMUNITY COLLEGES.

Mr. J. Murray Atkins and Mr. W. A. Kennedy were appointed as the City's two representatives on the Board of Trustees of Charlotte Community Colleges, upon nomination of Mr. Atkins by Councilman Dellinger, and of Mr. Kennedy by Councilman Foard, with the nominations seconded by Councilman Brown, and unanimously voted.

ACTION ON DETAILED PLAN FOR OPERATION OF CONSOLIDATED TAX DEPARTMENTS DEFERRED UNTIL COMMITTEE SUBMITS PROPOSED TAX BILL AND DATA.

Councilman Brown opened the discussion of the operation of the consolidated City and County Tax Departments, and the matter of payment of tax bills and discounts thereon. Following a general discussion by the Council and the Assistant Tax Supervisor for Mecklenburg County, it was agreed to defer decision on all phases of the operation until the Tax Committee presents at next weeks meeting a proposed tax bill.

NIVENS CONSTRUCTION COMPANY ADVISED THAT WATER AND SEWER FACILITIES TO THEIR PICARDY SUBDIVISION IN THE PERIMETER AREA CAN ONLY BE MADE UNDER CITY'S PRESENT POLICY.

Mr. Charles Myers, Attorney representing Nivens Construction Company asked for a decision on their application for the extension of water and sewer services to their Picardy Subdivision, located outside the city limits in the Park Road area, on the same basis as such services are furnished residents inside the city.

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Councilman Brown moved that the Council adhere to its present policy for furnishing water and sewer services outside the city. The motion was seconded by Councilman Foard, and unanimously carried.

Mr. Myers stated they would go ahead and install services in one-half of the development under the City's existing policy and leave their application on file with the City for services in the remaining half until the area is annexed in 1960. He stated further that they want assurance that their application will be in good standing on the date of annexation, and the fact that it has been on file with the City for three months to be taken into consideration in the order of granting the extension of services in 1960.

Councilwoman Evans asked if Mr. Myers did not mean that all he is asking is that the City keep a running list of applications for services when the perimeter area is annexed, and that his application be in its proper place as to the filing date? Mr. Myers replied that this is correct and is all they are requesting.

RESOLUTION AUTHORIZING PERMANENT IMPROVEMENTS ON ROSWELL AVENUE, FROM QUEENS ROAD WEST TO COLONY ROAD, PASSED ON FIRST READING.

A resolution entitled: "Resolution Authorizing Permanent Improvements on Roswell Avenue, from Queens Road West to Colony Road" was introduced and read. Councilman Albea moved that action be postponed indefinitely on the resolution to widen the street to a width of 40 feet. The motion was seconded by Councilman Foard. Speaking to his motion, Councilman Albea stated that he does not think it is right to widen the street when the residents do not want it, and when there are so many other streets that are requested and need to be widened. He stated further that he believes this is the first time he has ever voted against the opening or widening of a street, but the residents do not want it.

The vote was then taken on the motion, and lost, with the votes cast as follows:

YEAS: Councilmen Albea and Foard.

NAYS: Council members Baxter, Brown, Dellinger and Evans.

Councilman Baxter then offered a motion that the resolution be approved as worded, which was seconded by Councilman Brown, and passed on its first reading, with the votes cast as follows:

YEAS: Council members Baxter, Brown, Dellinger and Evans.

NAYS: Councilmen Albea and Foard.

The resolution is recorded in full in Resolutions Book 3, at Page 202.

CONSTRUCTION OF SANITARY SEWER MAINS IN SHARON ROAD AND MARKHAM VILLAGE.

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

- (a) Construction of 100-ft. of sewer main in Sharon Road, inside the City, on request of Mr. Russell Cannady, 2724 Sharon Road, to serve one family unit, at an estimated cost of \$300.00. All costs to be borne by the City.

- (b) Construction of 3,436-ft. of sewer main in Markham Village, inside the city, on request of Ervin Construction Company, to serve 76 vacant lots, at an estimated cost of \$8,430.00. All costs to be borne by the City, and applicants required deposit of the full construction cost to be refunded as per terms of the contract.

#### SETTLEMENT OF CLAIM OF MRS. J. W. WADSWORTH, JR. FOR PERSONAL INJURIES.

Councilman Baxter moved that settlement of claim of Mrs. J. W. Wadsworth Jr., in the amount of \$54.50, for personal injuries, be authorized. The motion was seconded by Councilman Dellinger, and unanimously carried.

#### CONSTRUCTION OF DRIVEWAY ENTRANCES AUTHORIZED.

Motion was made by Councilman Albea, seconded by Councilman Brown, and unanimously carried, authorizing the construction of driveway entrances at the following locations:

- (a) Two 35-ft. driveway entrances at 1318 to 1426 Central Avenue.
- (b) One 12-ft. driveway entrance at 1624 West Independence Boulevard.
- (c) One 15-ft. driveway entrance at 114 Cecil Street.
- (d) One 35-ft. driveway entrance at 700 South Mint Street.
- (e) One 20-ft. driveway entrance at 414 West Hill Street.

#### EXTENSION OF SICK LEAVE AUTHORIZED TO EMPLOYEES OF WATER AND SANITARY DEPARTMENTS.

Upon motion of Councilman Dellinger, seconded by Councilman Baxter, and unanimously carried, sick leave was authorized extended to the following persons:

- (a) Extension to July 1, 1958 to Pat Mungo, Water Department employee.
- (b) Extension to July 1, 1958, to H. N. Porter, Water Department employee.
- (c) Extension to July 1, 1958, to Russell Alexander, Water Department employee.
- (d) Extension to June 2, 1958, to W. E. Boone, Sr., Sanitary Department employee.

#### ISSUANCE OF SPECIAL OFFICER PERMIT TO BILL PRESSON FOR USE ON PREMISES OF JOHNSON SMITH UNIVERSITY, AUTHORIZED.

Councilman Foard moved approval of the issuance of a Special Officer Permit to Mr. Bill Presson, 935 N. Myers Street, for use on the premises of Johnson C. Smith University. The motion was seconded by Councilman Baxter, and unanimously carried.

#### TRANSFER OF CEMETERY LOTS.

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

- (a) Deed with Thomas L. Keever and wife, for Lot 352, Section 6, Oaklawn Cemetery, at \$137.75.
- (b) Deed with Mrs. Mary McFarland Sutton, for Graves #1 and #2, Lot 99, Section 3, Evergreen Cemetery, at \$80.00.

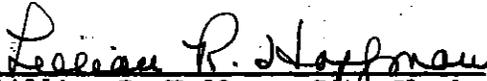
- (c) Deed with Wesley C. Thompson and wife, for Lot 43, Section 2, Evergreen Cemetery, at \$320.00.
- (d) Deed with Edward L. Heiser and wife, for Lot 343, Section 4-A, Evergreen Cemetery, at \$126.00.
- (e) Deed with Mrs. Florence M. Soule, for Lot 88, Section D, Elmwood Cemetery, transferred from Dr. J. A. Elliott and wife, at \$1.00 for transfer.
- (f) Deed with Mrs. Liza P. Henderson, for north part of Lot 56, Section A-Annex, Elmwood Cemetery, transferred from Mrs. Miriam Shell Hicks and husband, at \$1.00 for transfer.

JOINT MEETING WITH COUNTY COMMISSIONERS ON MAY 7TH AT 10 O'CLOCK TO ADOPT BUDGET FOR JOINTLY OPERATED ACTIVITIES OF THE TWO GOVERNMENTS FOR THE FISCAL YEAR 1958-59.

The City Manager stated that the County Commissioners would like to meet with the Council on next Wednesday to adopt the budget for the jointly operated facilities of the City and County Governments. The Council concurred in the request and fixed the meeting for 10 o'clock on May 7th, in the Council Chamber.

ADJOURNMENT.

Upon motion of Councilwoman Evans, seconded by Councilman Albea, and unanimously carried, the meeting was adjourned until 10 o'clock on May 7th, in the Council Chamber.

  
Lillian R. Hoffman, City Clerk