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A regular meeting of the City Council of the City of Charlotte, North Carolina was held in the Council Chamber, in the City Hall, on Monday, March 4, 1968, at 3:00 o'clock p.m., with Mayor Stan R. Brookshire presiding, and Councilmen Fred D. Alexander, Milton Short, James B. Stegall, Jerry Tuttle and James B. Whittington present.

ABSENT: Councilmen Sandy R. Jordan and Gibson L. Smith.

The Charlotte-Mecklenburg Planning Commission sat with the City Council and as a separate body, held its public hearings on Petitions for changes in zoning classifications concurrently with the City Council, with the following members present: Chairman Toy, and Commissioners Albea, Ashcraft, Godley, Sibley, Stone, Tate and Wilmer.

ABSENT: Commissioners Gamble and Turner.

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#### INVOCATION.

The invocation was given by Reverend John Vernon, Minister of Commonwealth Presbyterian Church.

#### MINUTES APPROVED AS CORRECTED.

Upon motion of Councilman Short, seconded by Councilman Alexander, and unanimously carried, the minutes of the last meeting, on February 26, 1968, were approved as submitted, with the following correction:

Page 107, seventh line from bottom of page, between the comma and word "is" add "without any provisions for heating".

#### HEARING ON PETITION NO. 68-20 BY CHARLOTTE CITY COUNCIL TO AMEND TEXT OF ZONING ORDINANCE TO PERMIT SALE OF BOATS AND FENCES AND FENCE MATERIALS WITHIN ENCLOSED BUILDINGS IN B-1 DISTRICTS.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated the total effect of this change would permit for the first time, the sale of boats, fences and fence material in enclosed building within the B-1 district. It is already permitted in other districts but is not stated like this at the present time. When the original ordinance was adopted in 1962 everyone had in mind the sale of boats and fences and fence materials as outdoor sales and did not want to permit this in the B-1 district. The proposal now would permit it provided it is within enclosed buildings in the B-1 districts.

No objections were expressed to the proposed change in the text amendment.

Council decision was deferred until later in the meeting.

CITIZEN PROTESTS CHIEF OF POLICE REQUESTING CITIZENS OF CHARLOTTE TO CONTACT COUNCILMEMBERS ASKING FOR SALARY INCREASE FOR POLICEMEN.

Mr. William Hoeflick, 1020 Arosa Avenue, stated he has written a letter to the open forum of the Charlotte Observer which they have not printed sofar. That it concerns the Police Department and the present subject of salaries. He stated sometime ago he attended a meeting in Church where the Chief of Police spoke and concluded his talk by asking members present to get in touch with the Councilmen and ask that the police salaries be raised to \$10,000. Mr. Hoeflick stated he has heard from other sources that he spoke elsewhere and brought out this point. That he has lived in several cities and towns and as far as he can remember he has never heard of a police chief, a superintendent of schools or Fire Chief to put this problem before the taxpayers. Mr. Hoeflick stated he does not deny the Chief the right to ask for higher salaries through the proper channels.

Mr. Hoeflick stated one morning this week the papers informed us that eight policemen have turned in their resignations - eight out of about 400. A few were dissatisfied about testifying in court and being harrassed by attorneys; some went to work for a trucking company for higher wages. About a day after the papers advised the Chief was in favor of raising salaries of policemen with four years service to \$10,000. At present they receive \$7,200. Imagine a business increasing the salaries of all employees with four years service by about 36%; they would be out of business in a short time. It may be that the policemen should receive an increase, but before deciding this, you should be told specifically how much their salaries have been increased in the past five years; why should it be \$10,000? Not long ago the Chief was advocating \$9,000 before a Rotary Club; what caused the sudden increase in a few weeks? He claims that Winston Salem and Greensboro pay their policemen more; how many thousand more? Why not give the exact amount? Mr. Hoeflick stated many cities larger than Charlotte pay higher salaries to their policemen but it is because the living cost is somewhat higher.

He stated on the other side is the taxpayer and this includes many retired people with fixed incomes. That there is no doubt that the taxpayers life at home or in the streets will be any safer even if salaries are increased to the amount asked for; it will not prevent riots. The taxpayers will be assured on the other hand that his taxes will go up. He stated the Chief of Police does not seem to realize that such increases will open the door for firemen and other employees to ask for similar increases. Why should only the policemen be the favored ones? Where will it stop? Does the Chief not know if he continues harping on this subject, he will have a dissatisfied police force on his hands before he moves elsewhere?

Mr. Hoeflick called attention to the article in the morning's paper where the cashier of a movie was held up last night when she went to make a deposit only two doors away from the movie. That the answer to that is that the Chief of Police should encourage places such as this to get in touch with the police and ask for safe conduct to the nearest bank. That any holdup man would think twice before he attacked a policeman whom he knows is armed. While it may take a few minutes to accompany a person to the bank, how many hours and days will be wasted in investigating the case and trying to run down the criminal and he may never be found.

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ORDINANCE NO. 808-X ORDERING THE DEMOLITION AND REMOVAL OF THE BUILDING AT 1500 NORTH BREVARD STREET PURSUANT TO THE BUILDING CODE OF THE CITY OF CHARLOTTE AND SECTION 6.61, ARTICLE IV, CHAPTER 6, CHARTER OF THE CITY OF CHARLOTTE.

Upon motion of Councilman Whittington, seconded by Councilman Tuttle, and unanimously carried, the subject ordinance was adopted, and is recorded in full in Ordinance Book 15, at Page 222.

ORDINANCE NO. 809-X ORDERING THE DEMOLITION AND REMOVAL OF THE BUILDING AT 1600 BURTONWOOD DRIVE, PURSUANT TO THE BUILDING CODE OF THE CITY OF CHARLOTTE AND SECTION 6.61, ARTICLE IV, CHAPTER 6, CHARTER OF THE CITY OF CHARLOTTE.

Councilman Whittington moved the adoption of the subject ordinance, which was seconded by Councilman Alexander, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 15, at Page 223.

ORDINANCE NO. 810-X AMENDING ORDINANCE NO. 655-X, THE 1967-68 BUDGET ORDINANCE, AUTHORIZING THE TRANSFER OF A PORTION OF THE GENERAL FUND CONTINGENCY APPROPRIATION.

Motion was made by Councilman Tuttle, seconded by Councilman Alexander, and unanimously carried adopting the subject ordinance authorizing the transfer of \$850.00 from the contingency appropriation to Building Inspection Department - Contractual Services to be used for the demolition of two houses declared unfit for human habitation.

The ordinance is recorded in full in Ordinance Book 15, at Page 224.

ENCROACHMENT CONTRACT WITH STATE HIGHWAY COMMISSION FOR CONSTRUCTION OF SANITARY SEWER MAIN.

Councilman Whittington moved approval of the subject contract with the North Carolina State Highway Commission for the construction of an 8-inch sanitary sewer main near the intersection of Chesapeake Drive and Pneumafil Drive. The motion was seconded by Councilman Short, and carried unanimously.

RIGHT OF WAY AGREEMENT AUTHORIZED BETWEEN CITY AND STATE HIGHWAY COMMISSION FOR INSTALLATION OF WATER MAIN IN QUAIL HOLLOW ROAD AND CARMEL ROAD.

Upon motion of Councilman Short, seconded by Councilman Whittington, and unanimously carried, the Mayor and City Clerk were authorized to execute a right-of-way agreement between the City and the State Highway Commission for the installation of approximately 8,350 feet of 12-inch cast iron water main in Quail Hollow Road, between Sharon Road and Carmel Road, and approximately 2,750 feet of 12-inch cast iron water main in Carmel Road, between Quail Hollow Road and Carmel Valley Road.

RIGHT OF WAY AGREEMENT WITH DUKE POWER COMPANY FOR ENCROACHMENT OVER PORTION OF CITY'S LANDFILL PROPERTY ON YORK ROAD.

Motion was made by Councilman Tuttle approving a right of way agreement with Duke Power Company for a 200-foot wide encroachment over a small portion of the city's landfill property on York Road. The motion was seconded by Councilman Whittington, and carried unanimously.

APPRAISAL CONTRACTS AUTHORIZED.

Motion was made by Councilman Short, seconded by Councilman Stegall, and unanimously carried, approving appraisal contracts, as follows:

- (a) Contract with B. Brevard Brookshire, for appraisal of one parcel of land for the East Thirtieth Street Project;
- (b) Contract with Michael C. Cockinos, for appraisal of one parcel of land for the East Thirtieth Street Project;
- (c) Contract with W. B. Gammage, for appraisal of one parcel of land for the East Thirtieth Street Project;
- (d) Contract with Thornwell G. Guthery, for appraisal of one parcel of land for the East Thirtieth Street Project;
- (e) Contract with Alfred E. Smith, for appraisal of one parcel of land for the East Thirtieth Street Project.

TRANSFER OF CEMETERY LOTS.

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

- (a) Deed with Dan B. King, for Grave No. 6, in Lot No. 179, Section 2, Evergreen Cemetery, at \$60.00;
- (b) Deed with Mrs. Alice W. Shatley, for Lot No. 411, Section 6, Evergreen Cemetery, at \$240.00.

CONTRACT AUTHORIZED WITH HARRISON-WRIGHT COMPANY, INC. FOR INSTALLATION OF UNDERGROUND DUCT.

Councilman Whittington moved award of contract to the low bidder, Harrison-Wright Company, Inc., in the amount of \$3,546.45, for installation of underground duct to keep fire alarm system up to date with underground work being done in business and new expressway construction areas. The motion was seconded by Councilman Stegall and carried unanimously.

The following bids were received:

Harrison-Wright Company, Inc.	\$ 3,546.45
C. M. Allen & Company	3,877.00
Hunter & Walden Company, Inc.	4,298.00
Basic Electric Company, Inc.	4,396.28

RESOLUTION AUTHORIZING FILING OF APPLICATION FOR NEIGHBORHOOD FACILITIES GRANT.

Councilman Short moved the adoption of the subject resolution authorizing the filing of application for neighborhood facilities grant. The motion was seconded by Councilman Stegall, and carried unanimously.

The resolution is recorded in full in Resolutions Book 6, at Page 66.

TRAFFIC ENGINEERING DEPARTMENT AND POLICE DEPARTMENT TO BE INSTRUCTED TO ELIMINATE PARKING ON THE WEST SIDE OF CHIPPENDALE AVENUE IN THE FIRST BLOCK OFF MONROE ROAD BY MEANS OF SIGNS AND POLICING.

Councilman Short moved that the City Manager be instructed to instruct the Traffic Engineering Department and the Police Department by means of signs and by means of policing to eliminate parking on the west side of Chippendale Avenue in the first block off Monroe Road. The motion was seconded by Councilman Whittington, and carried unanimously.

Councilman Tuttle moved that the Traffic Engineering Department be instructed to construct temporary sidewalks on Chippendale Avenue, from Monroe Road to Mantle Court at a cost of \$1,100, with the funds to be from contingency funds. The motion died for the lack of a second.

PROPERTY TRANSACTIONS AUTHORIZED.

Upon motion of Councilman Whittington, seconded by Councilman Tuttle, and unanimously carried, the following property transactions were authorized:

- (a) Acquisition of 572 sq. ft. of property at 900 Wesley Avenue, from Frank W. Garrett and wife, Neva O., at \$250.00, for the East Thirtieth Street Project;
- (b) Acquisition of 524 sq. ft. of property at 916 Wesley Avenue, from Fred Allen Jenkins and wife, Mary O., at \$275.00, for the East Thirtieth Street Project;
- (c) Acquisition of 475 sq. ft. of property at 1015 Wesley Avenue, from Howard Talmadge Gordon and wife, Gladys G., at \$250.00, for the East Thirtieth Street Project;
- (d) Acquisition of 572 sq. ft. of property at 924 Wesley Avenue, from Warren C. Elmore and wife, Ruby L., at \$350.00, for the East Thirtieth Street Project;
- (e) Acquisition of 529 sq. ft. of property at 1016 Wesley Avenue, from Franklin D. Evans and wife, Rachel H., at \$300.00, for the East Thirtieth Street Project;
- (f) Acquisition of 572 sq. ft. of property at 912 Wesley Avenue, from Dowd C. Monteith and wife, Lessie B., at \$300.00, for the East Thirtieth Street Project;
- (g) Acquisition of 1,184 sq. ft. of property at 417 Charles Avenue, from Homer E. Bean and wife, Leona R., at \$300.00, for the East Thirtieth Street Project;
- (h) Acquisition of 4,149 sq. ft. of property on Cranbrook Road, 335 feet north of Randolph Road, from Dr. Carlisle Adams and Margery W. Adams, at \$1.00 for sanitary sewer easement to serve Dr. Carlisle Adams.

TELEVISION SHOWING OF PRESIDENT'S ADVISORY COMMITTEE ON CIVIL DISORDER  
TAPED TO BE SHOWN AT REQUEST OF COUNCIL MEMBERS.

Mayor Brookshire stated on yesterday afternoon, the local television stations covered the President's Advisory Committee on criminal disturbances. After the showing, Mr. Bill Simons phoned to say he had recorded both the audio and visual and offered to show it to members of Council who may have missed the showing on Sunday.

MAYOR ISSUES INVITATION TO COUNCIL MEMBERS TO ATTEND BEAUTIFICATION MEETING  
AT OVENS ON THURSDAY MORNING OF THIS WEEK.

Mayor Brookshire issued an invitation to members of Council to Ovens Auditorium on Thursday morning of this week at 9:30 A.M. for coffee and doughnuts, and at 10:00 A.M. there will be a program looking towards putting Charlotte's best foot forward for the month of May, which will be designated as "City Beautiful Month". That Mr. Don Bryant, Chairman of the Mayor's Beautification Committee is handling the details together with his committee. The Chamber of Commerce Beautification Committee, along with all the garden club representatives and the community development committee members, with other city officials, are being invited to this meeting to see what can be done about clearing up a lot of the debris and the ugliness of Charlotte that can be cleared in the planting of trees, shrubs, and roses, so that when Mrs. Johnson arrives on May 20th, we will be able to present the best foot forward.

REPORT ON COST ESTIMATES TO PIPE AND FILL DITCH ON WEST BOULEVARD RUNNING  
BESIDE CHURCH.

Councilman Stegall asked the City Manager for a report on the ditch running beside the Church on West Boulevard?

Mr. Veeder, City Manager, stated it will cost some money to do what some people would like to have done. That to put in pipe and fill in the ditch, the Engineering Department estimates it will cost \$33,500.00. He stated there is a policy for the City to furnish the labor if the property owners would provide the material to do the work. This means an expense of approximately \$6,500 on the Church's part to put in a 60-inch pipe with catch basins, and it would cost the City some \$12,800 for the labor; the difference of \$14,200 is the estimated amount of fill that would be required to completely fill up the ditch if it were piped. The Engineering Department suggests if the Church is interested in piping it, the Church might have some way of getting the necessary fill as they are the only ones who would be at interest and could perhaps use the property for parking.

Councilman Stegall stated he would pass the information to the Church but suppose they say they do not have the money to do this, are there any policies that will clean the ditch out? Mr. Veeder replied the ditch will be cleaned out, if not this afternoon, it will be cleaned out tomorrow of the debris. Councilman Stegall stated there are a lot of trees, bushes and old hedging in there, and he asked if this will be cleaned out as Briar Creek is cleaned out? Mr. Veeder replied this will be cleaned out without waiting for the county as it is needed badly.

Councilman Stegall stated without the bushes and trees cleaned out, he is afraid the debris will be back in there again as it apparently came from the houses facing Kingston and the apartments backing into Kingston.

NOMINATIONS TO PARK AND RECREATION COMMISSION.

Councilman Alexander placed in nomination the name of Mr. William Oliver to the Park and Recreation Commission for a five year term.

Councilman Stegall placed in nomination Mr. Fred Severs, who is currently serving on the Commission, whose term will expire March 21.

Mayor Brookshire stated customarily the nominations are left on the table for one week.

ORDINANCE NO. 811 AMENDING CHAPTER 13, ARTICLE I, SECTION 13-34.1 AND 13-34.2.

Councilman Short stated with the help of Mr. Underhill and Mr. Watts of the City Attorney's office, he has a two part ordinance for consideration of Council in connection with reports on vandalism at motels. That the first part makes it unlawful for anyone to willfully damage the room of a motel and the other part prohibits anyone from registering at a motel or hotel in a false name.

Councilman Short moved the adoption of an ordinance entitled: Ordinance Amending Chapter 13, Article I of the Code of the City of Charlotte. The motion was seconded by Councilman Stegall.

Councilman Tuttle stated this does not include holding the person in whose name the room is registered responsible in the event it cannot be determined who does the damage. Councilman Short stated from studying cases that a municipality does<sup>not</sup> have the right to provide that there is a prima facie case against the one in whose name the room is registered for damage done there. This right could be acquired by legislation, and there is no such legislation in North Carolina. That he is going to ask Mr. Veeder and Mr. Underhill to include in our next legislative package enabling that would allow us to have an ordinance of this sort.

Councilman Tuttle stated he is voting for this ordinance with the understanding that the next legislative session will be requested to pass the necessary legislation as he thinks the person who is responsible for the room should be responsible for the damage as they are the ones who invite the people in and they should be responsible for them.

Councilman Stegall asked if this will supersede the present damage to property ordinance or state law that we now have? Councilman Short replied we do not have legislation of this sort as a municipal ordinance in Charlotte; nothing that clearly fits this situation. As to the State, there is a law somewhat of that nature but it was written some 40 or 50 years ago before the days of motels and the language is rather out of date, and he is not sure it squarely fits the situation; certainly not with motels anyway.

Councilman Alexander asked if he went to a hotel or motel and reserved in his name rooms for guests and they lived there that this ordinance would make that act a violation? Councilman Tuttle replied he could reserve the rooms in his name but when the people come and they sleep in the room, they have to register. Councilman Short stated if you register on a reservation basis in your own name, he does not believe that would be prohibited by this ordinance.

The vote was taken on the motion and carried unanimously.

The ordinance is recorded in Ordinance Book 15, at Page 225.

CONSTRUCTION OF REPLICA OF COURTHOUSE APPROVED BY COUNCIL.

Councilman Tuttle stated he has handed around a sketch of the Courthouse replica which is going to be built at a cost in excess of \$50,000 on steel beams, making it possible for them to donate it to the city to be picked up and moved to a park site; that it will be offered to the city and hopefully we will find a spot to put it.

He stated they will comply with the Insurance Department's regulations on the construction of the building, and the Insurance Department requires the Mayor, City Council and City Manager to be made aware of the exposure and to approve the undertaking.

Councilman Tuttle moved the approval of the undertaking, which was seconded by Councilman Whittington.

Councilman Tuttle stated every precaution is being taken, the shingles will be treated and every known precaution is being taken and it has been approved by the Insurance Department subject to the City's approval.

The vote was taken on the motion and carried unanimously.

HEARING ON LEASH ORDINANCE SET FOR TUESDAY, MARCH 19TH AT 2 O'CLOCK.

Councilman Whittington stated much has been said about the leash law. When Mrs. Owens first came to Council with her request for a leash law and several people in the audience was heard, he understood that Council would set a public hearing.

Councilman Whittington moved that a public hearing be set on March 11th. The motion was seconded by Councilman Short.

Councilman Stegall stated last week Mr. Smith asked that Council hold this off until he is back in the city as he would like to be present when the hearing is held; that he will attend the Council Meeting on March 18th.

Councilman Whittington stated he has no magic date but he does realize if the Council elects to have this brought before the people in a form of a referendum, it would have to be before the Board of Elections on the 22nd of March.

Councilman Whittington withdrew his first motion and moved the hearing be held on Tuesday, March 19th at 2 o'clock in the afternoon. The motion was seconded by Councilman Short.

Councilman Short stated Council might think in terms of using the Health Department auditorium for the hearing. Mr. Veeder stated he will check to see if the building is available. Councilman Whittington requested that Mr. Veeder check on the location and handle it through the press.

The vote was taken on the motion and carried unanimously.

REPORT ON LITTER AND EFFORTS OF AFFECTED DEPARTMENTS IN IMPROVING THE PROBLEM AS IT RELATES TO THOROUGHFARES, HIGHWAYS AND MAJOR STREETS.

The City Manager advised Council has expressed some concern on the problem of litter and in response to Council's interest he has been having weekly meetings with the affected departments to see what can be done that would have some impact on this situation and to bring to Council whatever recommendations they think might be in order if this should evolve out of the process.

He stated last Wednesday the Engineering Department through the street division and the Motor Transport Department used 253 people and 39 pieces of equipment towards a crash program of litter collection on at least 250 miles of highways, thoroughfares and other streets of major importance. This was the biggest single day's effort that has gone into this.

Mayor Brookshire asked if there is anything more the city can do to have the construction site on Kings Drive near Morehead cleaned up? Councilman Tuttle stated he believes they are close to getting back to work on that site.

APPLICATION TO BE FILED TO PRESERVE CITY'S OPTIONS UNDER GREEN AMENDMENT.

Councilman Whittington moved approval of the city filing application to preserve our options under the Green Amendment. The motion was seconded by Councilman Alexander, and carried unanimously.

COUNCIL MEMBERS NOTIFIED THAT CONGRESSIONAL CITY CONFERENCE WILL BE HELD IN WASHINGTON APRIL 7 THROUGH APRIL 9.

The City Manager advised that the annual legislative conference sponsored by the League of Cities is scheduled for April 7 through April 9, in Washington, D. C. It is now called the Congressional City Conference. That anyone who is interested in attending can contact his office as he has the necessary forms for registration.

CITY MANAGER AND MODEL CITIES EXECUTIVE DIRECTOR TO ATTEND MEETING IN WASHINGTON ON SUNDAY AND MONDAY OF NEXT WEEK.

Mr. Veeder, City Manager, advised a meeting has been scheduled in Washington on Sunday and Monday of next week for the Directors of Model Cities Programs and City Managers. The program looks good and he has asked Mr. Jones, Executive Director of the Model Cities Program to attend, and he thinks it will be worthwhile if he also attends the session on Sunday and Monday.

REPORT ON MEETINGS TO BE HELD IN COMMUNITY DURING BICENTENNIAL YEAR WILL BE MADE AT NEXT MEETING.

Mr. Veeder, City Manager, advised that Mr. Carstarphen of his office will have a report next Monday on places where meetings might be held in the community during the Bicentennial year. That he has been in contact with Miss Donna Lee Davenport of WTVI, the educational television station.

ORDINANCE NO. 812 AMENDING CHAPTER 23, ARTICLE III, DIVISION 1, SECTION 23-31, CATEGORY (b).

Councilman Alexander moved the adoption of the subject ordinance amending the text of the zoning ordinance by inserting in proper alphabetical order the words "Boats, retail sales within enclosed buildings", and "Fences and fence material, retail sales within enclosed buildings" as uses to be permitted in B-1, B-2, B-3, I-1, I-2 and I-3 Districts, as recommended by the Planning Commission. The motion was seconded by Councilman Tuttle and carried unanimously.

The ordinance is recorded in full in Ordinance Book 15, at Page 226.

ADJOURNMENT.

Upon motion of Councilman Stegall, seconded by Councilman Tuttle, and carried unanimously, the meeting was adjourned.

  
Ruth Armstrong, City Clerk