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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, April 8, 1963, at 3 o'clock p.m., with Mayor Brookshire presiding, and Councilmen Albea, Bryant, Dellinger, Jordan and Smith present.

ABSENT: Councilmen Thrower and Whittington.

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INVOCATION.

The invocation was given by Dr. Robert S. Woodson, Associate Pastor of Trinity Presbyterian Church.

MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Jordan, and un-animously carried, the Minutes of the last meeting on April 1st were approved as submitted.

GOOD WISHES OF CITY COMMISSIONERS OF HONOLULU CONVEYED TO CITY COUNCIL.

Mr. W. J. Elvin appeared before Council stating that while in Honolulu last summer he attended a meeting of the Commissioners there and they invited him up on the podium and he said a few words, and they asked him to convey their very good wishes to the Members of the Charlotte City Council.

Mayor Brookshire thanked him for delivering the message.

NO ACTION TAKEN BY COUNCIL TOWARD ACQUIRING A PARK SITE FOR THE LIBRARY AND SUGGESTION MADE THAT CHAMBER OF COMMERCE FOLLOW THROUGH WITH THE PROGRAM ALREADY INITIATED, AND CHECK EXTENDED BY ALBERT PEARSON ON PARK PROJECT ORDERED REFUNDED TO HIM.

Mr. Albert Pearson asked for a clarification of a letter from the City of Charlotte to the Chamber of Commerce regarding the suggestion he made last week about the proposed Library Park, the last sentence of which reads: "I wish to call to your attention Council action on the subject - that should the Library Park project not be initiated, Mr. Pearson's money should be re-funded to him". He asked if he is to conclude from the letter that Council has approved the suggestions he made at last week's meeting? Mayor Brookshire stated the proposed Library Park is not a project of the City Council but of the Chamber of Commerce and the check Mr. Pearson presented towards the project was sent to the Chamber and he presumes it was specified in the letter of transmittal that should the Park project not materialize the check would be returned to him. Mr. Pearson stated the reason he asked the questions is that his suggestions were made to the City Council and he is wondering if they approved them before the check was sent to the Chamber and just what action the Council took?

Councilman Dellinger stated he made the motion last week that Mr. Pearson's check be returned to him if this project as outlined by Mr. Pearson was not initiated. Councilman Smith stated Mr. Pearson is raising the question, he presumes, as to why the check was turned over to the Chamber of Commerce? Mayor Brookshire advised it was turned over to them as the Library Park is a

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project in their work program and is not a City Council project. Mr. Pearson stated his suggestions were presented to the City Council for their consideration and he is wondering if they were considered? Councilman Dellinger stated the Council did not take any action in that respect, and if Mr. Pearson would like, the Council will have the check refunded to him now. Mr. Pearson stated he realizes the Council hasn't initiated anything if they haven't taken any action on this at all; that if he had wanted the Chamber to have the check, which is the next step, he would have presented it to them himself. At the question of Councilman Smith as to whom the check was made, Mr. Pearson stated it was made to "Albert T. Pearson" and in reply to Councilman Smith's further question if it was endorsed to the City, Mr. Pearson stated he endorsed it to "Albert T. Pearson". Mayor Brookshire stated if Mr. Pearson would like to have the check back, it could be sent to him at once, and Mr. Pearson stated that the purpose of this discussion is to find out why the Council did not handle it themselves?

Councilman Dellinger stated he gathers from Mr. Pearson's conversation that if the Park is not done by the City of Charlotte, then Mr. Pearson is not interested in participating in it, and Mr. Pearson replied that he suggested three things and if the Council did not see fit to take action on them, he would have thought they would have seen fit to return the check to him and let him do with it as he saw fit. Mayor Brookshire stated he would take the responsibility for the check having been sent to the Chamber; that he assumed Mr. Pearson wanted to make a contribution to the Park, hopeful that it would materialize; that the check was sent to the Chamber with the understanding that it would be returned to Mr. Pearson if the Park does not materialize, however, if Mr. Pearson would like the check returned to him now, the City will ask the Chamber to do so. Mr. Pearson stated the Mayor is 100% right on part of his assumption, that he did want the check used for the Library Park, but it was with the thought it should go through the Council for action and if they did not see fit to act, then they would return the check to him for him to do with however he saw fit.

Councilman Dellinger stated he understood that Mr. Pearson had a proviso in his donation, that the Downtown Merchants donate 1/10th of one percent of their net earnings to the project; Mr. Pearson replied that is not exactly spelled out but that was his intent, and he would be glad to submit it to the Chamber of Commerce himself on that basis; in other words, he would like to see action taken rather than just talking about it; that if these people really want something, it has to be paid for and he does not think the City should have to do it. Mr. Pearson stated further that last week he suggested that Council approve the Library Park in substance as long as it did not cost them any money and as long as it did not take money out of a future budget for something that hasn't even reached the planning stage as far as the next five years are concerned. That he would be glad to let the Mayor resubmit it to Council on the basis of 1/10th of one percent of the Mayor's business and anybody else's business, if he thinks he can get it started that way. Mayor Brookshire stated he thinks it more appropriate that the Chamber of Commerce or some other civic body promote the Library Park rather than the City Council and Mr. Pearson stated the Mayor did not think so when he suggested in the newspaper that he would suggest to the City Council that they appropriate money in advance on it. Councilman Dellinger advised he would like to state, and he thinks Council will agree, that they have not initiated any program such as Mr. Pearson suggests and do not propose to do so, as the Council cannot expend public funds to that extent. That the City can participate in the street widening program but he does not think Council has the right, unless they ask for more legislation, to put a Park on that corner and he does not think Council will initiate the program. Mayor Brookshire stated that it has never been suggested that the Council sponsor or put a Park on this corner, and Mr. Pearson stated it has not been suggested by him either, that

his suggestion was that Council give it moral backing, subject to qualifications that the City not be expected to do things that are not good business. Councilman Jordan stated that the suggestion was only made last week and Council has not had an opportunity to discuss it or take any action even if they had wanted to do so.

Mayor Brookshire asked Mr. Pearson what his wishes are - would he like to have the check returned to him? Mr. Pearson replied his wishes were for the Council to consider his suggestions and do what they saw fit and that was all; that he is merely asking that Council have the courtesy to read his suggestions and do as they see fit with them. Councilman Dellinger stated he believes the gentleman should have his check refunded to him and then if he wants to donate money to the project he should present it to the people who are initiating the program.

Councilman Smith moved that Council take no action toward acquiring a Park site for the Library and suggested that the Chamber of Commerce follow through with their program already initiated. The motion was seconded by Councilman Bryant.

Councilman Dellinger remarked that this motion is alright but does not take care of the check and in as much as Council is not empowered to expend money in the manner suggested by Mr. Pearson, he thinks the money should be refunded to him. Councilman Smith stated the Council never formally accepted Mr. Pearson's money. That Council assumed the check was made to the City Government but it was made out to Mr. Pearson, and it was no more than just letting the Council hold the check. That all he is trying to do is to clarify the atmosphere - Council is not actively promoting the Park, it is a Chamber of Commerce project and at this point just say the Chamber is handling the program and Council is not taking any part in it. Mr. Pearson stated he is merely requesting that Council in due course consider and take action on his suggestions, and he does not think it is right for them to take action without full consideration; that he just thought it was relatively peculiar that the check should get to the Chamber of Commerce before Council had made any suggestion one way or the other.

The vote was taken on the motion by Councilman Smith, and carried unanimously.

Councilman Dellinger moved that the City of Charlotte refund to Mr. Pearson the check that he extended to Council last Monday. The motion was seconded by Councilman Bryant, and unanimously carried.

CONSTRUCTION OF SANITARY SEWER TRUNKS AND MAINS AUTHORIZED.

Upon motion of Councilman Smith, seconded by Councilman Jordan, and unanimously carried, the construction of sanitary sewer trunks and mains was authorized as follows:

- (a) Construction of 750-ft. of 8-inch main in Craftsbury Drive, inside the city, at request of John Crosland Company, at an estimated cost of \$2,095.00. All cost to be borne by the applicant and deposit of the full amount to be refunded as per terms of agreement.
- (b) Construction of 135-ft. of 8-inch trunk and 415-ft. of 8-inch main in Northcrest Drive, inside the city, at request of Nance-Trotter Realty Company, at an estimated cost of \$2,245.00. All cost to be borne by the applicant and deposit of the full amount to be refunded as per terms of agreement.

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CONTRACT AUTHORIZED WITH NANCE-TROTTER REALTY, INC. FOR INSTALLATION OF WATER MAINS IN TRESEVANT AVENUE AND DAVENPORT STREET.

Councilman Alba moved approval of a contract with Nance-Trotter Realty, Inc., for the installation of 1,370 feet of water main and one fire hydrant in Tresevant Avenue and Davenport Street, at an estimated cost of \$3,438.00. The City to finance all costs and applicant to guarantee an annual water revenue equal to 10% of the total construction cost. The motion was seconded by Councilman Bryant, and unanimously carried.

MECKLENBURG ENGINEERS AUTHORIZED TO CONNECT PRIVATE SANITARY SEWER LINES TO CITY'S SANITARY SEWERAGE SYSTEM IN SPRING VALLEY SUBDIVISION.

Upon motion of Councilman Alba, seconded by Councilman Jordan, and unanimously carried, Mecklenburg Engineers were authorized to connect private sanitary sewer lines to the City's sanitary sewerage system in Spring Valley Subdivision, outside the city limits, to serve 151 residential lots.

APPOINTMENT OF LARRY TOMLINSON TO SUCCEED HIMSELF ON THE AUDITORIUM-COLISEUM AUTHORITY.

Councilman Bryant moved the appointment of Mr. Larry Tomlinson to succeed himself as a member of the Auditorium-Coliseum Authority for a 5 year term. The motion was seconded by Councilman Smith, and unanimously carried.

CITY MANAGER REQUESTED TO HAVE TRAFFIC ENGINEER CHECK INTO TRAFFIC SIGNAL CHANGES AT SCALEYBARK AND SOUTH BOULEVARD AND ALSO REGARDING LEFT HAND TURNS INTO SCALEYBARK, AND MAKE REPORT TO COUNCIL.

Councilman Dellinger advised that the residents have been complaining for several years about the signal changes of the Traffic Signal at Scaleybark Road and South Boulevard; that Mr. Hoose, Traffic Engineer, told them it was a State Highway problem and would be rectified. That they called him today stating that traffic counts have been made at times when the traffic is lightest and they want counts made at peak hours in the morning and afternoon. They are also asking that traffic be allowed to turn left from South Boulevard on Scaleybark Road. Councilman Dellinger asked the City Manager to have the Traffic Engineer check this and see what can be done and make a report to Council.

CITY ATTORNEY REQUESTED TO SECURE AND STUDY BILL PROMOTING UNIFORM REGULATIONS FOR AIR POLLUTION CONTROL BETWEEN STATES.

Councilman Smith called attention to an article in this week's issue of United States Municipal News, which brought to his mind when residents in the eastern section of Charlotte go in the yard in the evening their first reaction is "Bowater is with us again"; he stated the article is relative to a Mr. Roberts of Alabama, Chairman of a Sub-Committee on Health and Safety, who is sponsoring a Bill, known as the Roberts Clean Air Act, which promotes uniform regulations on the pollution of air between States. He advised that the great industrial development going on all over the country has an impact on situations of this kind; that this Bill proposes about a \$30,000,000 program over a 5 year period and gives the Federal Government the right to institute legal action to enforce action on serious interstate air pollution.

Councilman Smith suggested that the City Attorney secure a copy of the Roberts Bill and see if it is germane to our situation here and if we think it is

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worth while we may promote the adoption of it through our State government. He stated further that he thinks as time goes on this is going to be a serious defect in our law if we are not able to protect ourselves against someone who wants to put a plant right across the State line, as Charlotte is particularly vulnerable being situated on the State line. That we have beauty and progress in Charlotte and we cannot allow something like this to blight us; that 300,000 people should not be subjected to such from one industry, and this Bill may be the very vehicle we can use.

CITY MANAGER REQUESTED TO HAVE MCALWAY ROAD SPRINKLED MORE FREQUENTLY TO ALLAY THE DUST, AND TO CHECK HUNTER LANE FOR HOLES IN THE STREET.

Councilman Jordan advised that the residents of McAlway Road are happy with the improvements to their street but would like to have it sprinkled more frequently to allay the dust.

He also asked the City Manager to have the Engineering Department check Hunter Lane for bad holes in the street.

CITY MANAGER REQUESTED TO ASK RAILROADS TO USE SCOTCH RAILS IN STREET RAILROAD CROSSINGS TO PROVIDE SMOOTHER AND MORE DURABLE CROSSINGS.

Councilman Jordan called attention to the condition of railroad crossings in the city that are rough; and he advised that the logs they use in repairing the crossings rot so quickly he was wondering if the railroads could not be persuaded to use regular railroad ties or scotch rails which would provide smoother crossings and ones that would not deteriorate so quickly. He asked the City Manager to take this up with the Railroad Companies.

AGREEMENT WITH HAMMER COMPANY & ASSOCIATES, INC. AUTHORIZED FOR ECONOMIC STUDY OF THE CHARLOTTE-METROPOLITAN AREA.

Upon motion of Councilman Dellinger, seconded by Councilman Bryant, and unanimously carried, the execution of an Agreement with Hammer Company & Associates, Inc., was authorized for the economic study of the Charlotte Metropolitan Area, and this portion of the cost to be paid from the \$11,000 received today.

PAYMENT AUTHORIZED TO CLERK OF SUPERIOR COURT IN CONDEMNATION CASES OF C.L. KISER AND W. G. CORNELIUS.

Councilman Albea moved approval of the payment to Mr. J. Edward Stukes, Clerk of Superior Court, of \$2,531.00 as a deposit in the condemnation cases of C. L. Kiser, in the amount of \$843.00, and W. G. Cornelius, in the amount of \$1,688.00, for right of way for Kenilworth Avenue Extension Project. The motion was seconded by Councilman Bryant, and unanimously carried.

ADJOURNMENT.

Upon motion of Councilman Albea, seconded by Councilman Jordan, and unanimously carried, the meeting was adjourned.

  
Lillian R. Hoffman, City Clerk