

June 17, 1963
Minute Book 43 - Page 143

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, June 17, 1963, at 2 o'clock p.m., with Mayor Brookshire presiding, and Councilmen Albea, Bryant, Dellinger, Smith, Thrower and Whittington present.

ABSENT: Councilman Sandy R. Jordan.

Sitting as a joint Body with the City Council during the Hearings on Petitions for changes in the Zoning Ordinance were the following members of the Charlotte-Mecklenburg Planning Commission: Mr. George L. Sibley, Chairman, Mr. Hanks, Mr. Jones, Mr. Lakey, Mr. Stone, Mr. Suddreth, Mr. Toy and Mr. Turner.

ABSENT: Mr. Ervin and Mr. Ward.

* * * * *

INVOCATION.

The invocation was given by the Reverend H. W. Givens, Pastor of Biddleville Presbyterian Church.

MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Thrower, and un-animously carried, the Minutes of the last meeting on June 10th were approved as submitted.

HEARING ON PETITION NO. 63-32 FOR CHANGE IN ZONING OF TWO LOTS AT 1408-1414 PARKWOOD AVENUE.

The public hearing was held on Petition No. 63-32 by G. P. Covington and L. E. Frazer for a change in zoning from R-6MF to B-1 of two lots at 1408-1414 Parkwood Avenue.

The Planning Director advised the property is located at the intersection of Parkwood Avenue and Hawthorne Lane, and includes two lots, one is occupied by a duplex and the other by a single-family house. The development along Parkwood Avenue on the same side of the street is generally residential with single family houses and duplexes. Diagonally behind the property across Hawthorne Lane there is a Beauty Parlor and behind the property coming down Hawthorne Lane the development is single-family and duplexes; directly across Parkwood Avenue there is a church and diagonally across Parkwood the area is developed with single family homes. About two blocks away there is a small business section at the intersection of Parkwood and Pegram Streets.

Mr. G. P. Covington, petitioner, advised he owns the property next to Parkwood Avenue and Hawthorne Lane, and it is so noisy from traffic he cannot keep people in the house, and he would like to put up a business establishment which would help the community.

Mr. Frazer, Petition, stated his biggest objection is that he is right on the street and it is hard getting in and out of the driveway because of the heavy traffic. He stated further he has a 66 foot lot and Mr. Covington's lot is 49 feet across the front. That the neighbors do not object to the change in zoning as far as he knows, and it should help them.

Councilman Smith stated this would be spot zoning and he asked the Planning Director what would be the objections to changing the zoning to B-1 all the way to The Plaza. Mr. McIntyre stated the business zoning towards The Plaza is two blocks away and the property is similar to this requested rezoned today. Councilman Smith asked the City Attorney if Council could ask the Planning Commission to consider the rezoning to The Plaza, and Mr. Morrissey replied the Council could do so and it could be considered after it was properly advertised. Mayor Brookshire stated Council can only consider today the petition before them, but if the petitioners want to delay the request and the owners of the other property get in their petition, then after proper notice it could all be considered at the same time. Councilman Dellinger asked if the Council cannot initiate the rezoning of the property to The Plaza, and the City Attorney advised they can. Mr. Covington and Mr. Frazer stated they have no definite plans for building on the property requested rezoned.

Councilman Smith moved that the Planning Commission take under consideration the rezoning of the area to The Plaza, including these two lots, rather than considering the rezoning of just these two lots. The motion was seconded by Councilman Whittington, and unanimously carried.

No objections were expressed to the petition before Council.

HEARING ON PETITION NO. 63-34 FOR CONDITIONAL APPROVAL FOR THE STORAGE OF PETROLEUM PRODUCTS ON PROPERTY PRESENTLY ZONED I-2 LOCATED ON THE SOUTH SIDE OF OLD MOUNT HOLLY ROAD, EAST OF THRIFT ROAD.

The scheduled hearing was held on Petition No. 63-34 by The Pure Oil Company for Conditional Approval for the Storage of Petroleum Products on property presently zoned I-2, located on the south side of old Mount Holly Road, east of Thrift Road.

Mr. McIntyre, Planning Director, advised this property is properly zoned for its intended use, however, the Zoning Ordinance requires approval of the Council. That the property is owned by the petitioner and already has some oil tanks on it and is located in an area which is generally devoted to this purpose; that Sinclair Oil Company has tanks on both sides of the property and across Old Mount Holly Road there is a residential development.

No objections were expressed to the proposal.

Council decision was deferred one week.

DISCUSSION OF GOOD SAMARITAN HOSPITAL PROJECT WITH RESPECT TO THEIR REQUEST FOR ADDITIONAL FUNDS AND THE CONVEYANCE OF THE DEED TO THE PROPERTY.

Mayor Brookshire welcomed Mr. James J. Harris, Chairman of Charlotte-Mecklenburg Hospital Authority and other members of the Authority and Mr. Charles B. Rich, Chairman of the Board of Managers of Good Samaritan Hospital, and asked them to speak if they desired to, that the detail report on the Good Samaritan Hospital requested by Councilman Whittington, which Mr. Rich has filed, satisfies Mr. Whittington in every respect and he has no further questions at this time, but the Council may have questions to ask during the time we are preparing the new budget.

Mr. Rich stated under these circumstances, since each member of the Council has a copy of the report, unless the Council has some questions, he has no further statement to make.

June 17, 1963
Minute Book 43 - Page 145

Councilman Whittington stated to Mr. Rich that he called the City Manager this morning and he failed to get the the information to Mr. Rich, that he personally was satisfied with the answers in the report. That he did not know Mr. Rich and the others were coming down this afternoon, and if he has personally inconvenienced them he is sorry.

Councilman Smith stated he has been appointed to a Committee to work with Mr. Lawing, the City Manager and the County Manager on the last request made by Mr. Rich for \$222,000.00 and he would like to ask if Mr. Rich can tell the Council now if this is the final request on this project in his opinion? Mr. Rich replied that he cannot say definitely that it will be the final request, that he can say that it will take care of the completion of the building program, and all the equipment they feel is essential; there are other matters for which the City could be asked for funds. That they have a parking lot which they hope to have graded and paved and that, of course, is not in the original cost, and it will probably take \$14,000.00 and another \$25,000.00 for the renovation of the old administration building, but they hope they have another source from which these funds can be obtained, and they are trying to get someone to take the building down for the building itself.

Councilman Smith asked if the equipment they have requested does not amount to about \$100,000 in addition to what the Council had anticipated, and Mr. Rich replied that is correct. Councilman Smith asked if there is any chance that some old equipment could be used for a year or so, so that only \$75,000.00 could be appropriated this year? Mr. Rich stated they have screened the equipment carefully and cannot use any of the old equipment, that it would be most unwise to do so. He stated this equipment is solely for hospital rooms and not office equipment.

Councilman Smith stated he would like to assure Council that the \$222,000.00 will see them through this project and the City can then turn over the deed to the property as contemplated. Mr. Rich stated he cannot say that they will not have to come back for more funds, but at this stage the \$222,000 will complete the project as far as they can see.

Councilman Thrower asked Mr. Rich if he will take the deed to the property when the \$222,000 is received by them? Councilman Smith stated they agreed to take the deed after the bond money was spent, so that takes care of that. Mr. Rich stated they, quite frankly, do not want the deed unless they are assured of the completion of the project as they would have no funds to complete it with, but they can go ahead and complete it with the \$222,000.00. Councilman Smith stated he was going to be more specific than that, he was going to say when the City gave them the money requested that they would accept the deed simultaneously with the funds. Mr. Rich stated he is not in position to answer that, as there could be legal complications that he would know nothing about; however, he can say that this money will, according to all their estimates, complete the project as far as the building and equipment is concerned; that they would like to be assured of the \$25,000 for the renovation and \$14,000 for the parking lot, but they are not asking for that, as they hope to secure these funds from another source.

Councilman Dellinger asked the City Attorney if the City did not have an agreement with these gentlemen that when the bond money was expended they would accept the deed to the hospital? Mr. Veeder replied quoting from a letter from the Hospital Authority with reference to the deed: "It is contemplated that the contract for the Good Samaritan Hospital project will be let and paid for as set forth in the resolution adopted by the City Council on October 3, 1961. Pending the completion of and the payment for the Good Samaritan Project by the City of Charlotte, the Charlotte-Mecklenburg

June 17, 1963
Minute Book 43 - Page 146

Hospital Authority will continue to act as agents for the City in accordance with the resolution of the City Council herein referred to, and will hold the deed forwarded in your letter of May 11, 1962 as agent for the City under the aforesaid resolution, subject to your instructions. As soon as the project has been completed and paid for by the City in accordance with the resolution of the City Council above referred to we will immediately record the deed forwarded in your letter of May 11, 1962."

Councilman Smith stated he just wanted to lay the matter on the table so that everyone could understand the situation.

Mr. Rich stated this project calls for the \$222,000 as completing the project. The methods and mechanics of turning the deed over he does not know about, they are still agents of the City but he does urge that the Council give them an answer by July 1st so that they can get the equipment.

Mayor Brookshire stated the Council will have the answer by the time they are ready to adopt the new budget.

Mr. Morrissey, City Attorney, stated with respect to the conveyance of the deed to the Hospital Authority, that the City will be in position to convey the hospital property when the bond proceeds have been expended and the contract which the City has signed as principal has been completed. With respect to any additional funds which may be requested and added for equipment, he thinks that is a separate question from the item of conveyance.

Mayor Brookshire expressed his appreciation to Mr. Harris and the members of the Board for the voluntary and sacrificial service they are rendering to the City of Charlotte.

PETITION NO. 63-7 FOR CHANGE IN ZONING OF LOT AT 4100 PARK ROAD, DENIED.

Councilman Bryant moved that Petition No. 63-7 by Mr. Andrew A. Watts, for change in zoning from R-6MF to O-6 of a lot at 4100 Park Road, be denied as recommended by the Planning Commission. The motion was seconded by Councilman Whittington, and carried by the following recorded vote:

YEAS: Councilmen Bryant, Albea, Thrower and Whittington.
NAYS: Councilmen Dellinger and Smith.

DECISION ON PETITION NO. 63-24 BY E. T. HANEY FOR CHANGE IN ZONING OF PROPERTY ON THE NORTHEAST SIDE OF ALBEMARLE ROAD, DEFERRED UNTIL FIRST MEETING AFTER THE PUBLIC HEARINGS ON ZONING PETITIONS IN JULY.

Councilman Bryant moved that decision on Petition No. 63-24 by Mr. E. T. Haney for change in zoning from R-9 to B-1 of property on the northeast side of Albemarle Road, be deferred until the first meeting after the public hearing on zoning petitions in July. The motion was seconded by Councilman Albea, and unanimously carried.

PUBLIC HEARING AUTHORIZED HELD ON JULY 15, 1963 ON COUNCIL'S PROPOSAL TO REZONE PROPERTY ON WEST SIDE OF PARK ROAD, BETWEEN HEATHER LANE AND HOLMES DRIVE.

Councilman Whittington referred to Petition No. 63-7 by Mr. Andrew A. Watts for change in zoning from R-6MF to O-6 of a lot at 4100 Park Road, on which action has been taken in this meeting. He stated the history of the two

June 17, 1963
Minute Book 43 - Page 147

blocks on the west side of Park Road, between Holmes Drive and Heather Lane, is that in the overall zoning hearings and the new Zoning Ordinance, Park Road from Woodlawn Road to Heather Lane, was changed to O-6 and this one block was left zoned R-6MF. That two or three years ago he voted against changing the zoning of this block because he thought the property in the block backed up to the rear areas of the lots on Holmes Drive, which it does, but he does not now think the people in this one block can be denied sewers, when their septic tanks are overflowing and have been for over a year.

Councilman Dellinger stated that is his position and the reason he voted against denying the petition of Mr. Watts, and he moved that Petition No. 63-7 by Mr. Watts be reconsidered. The motion was seconded by Councilman Smith.

Councilman Whittington stated he feels that as populated as Park Road is we should not have one block out there inside the city without sewer service. He asked the City Attorney if the zoning would have anything to do with the sewers? Mr. Morrissey stated he does not think so.

Mr. Morrissey suggested that with respect to the rezoning of the entire block, which has previously been denied because it did not carry by the required majority vote, if Council wishes to again consider the zoning of the whole block, the Zoning Ordinance says that the City Council may from time to time on its own motion, or on petition, after notice and hearing, initiate the amendment. The fact that the property owners may have petitioned for a change and not been successful in getting it, does not mean that the City Council itself, on its own motion, could not again entertain that proposition.

The vote was taken on the motion to reconsider the petition of Mr. Watts for a change in zoning from R-6MF to O-6, and failed by the following recorded vote:

YEAS: Councilmen Dellinger and Smith.

NAYS: Councilmen Albea, Bryant, Thrower and Whittington.

Mr. Morrissey stated a motion to reconsider may be made only by one who has voted on the prevailing side of the motion, and the motion is, therefore, out of order.

Councilman Dellinger then moved that Council initiate an amendment to the Zoning Ordinance to rezone the entire block on the west side of Park Road, from Holmes Drive to Heather Lane, and the matter be referred to the Planning Commission for its study and recommendation to the Council. The motion was seconded by Councilman Whittington.

Councilman Smith stated he sees no point in initiating the change and sending it to the Planning Commission unless either Mr. Bryant or Mr. Thrower will change his vote, as the protest petition placed it under the 20% rule previously and they both voted against the change. Mr. Bryant stated he would personally vote against it again. That he thinks it would be unreasonable to subject these people, to this again, who have fought the change hard for two and a quarter years, so quickly after the last time; that he has talked with them all and told them this is about as far as he can go and he will do it again, but after a reasonable length of time he would be willing to reconsider it but not now after such a short period of time.

Councilman Thrower stated in the interest of the people out there, he has no objections to it coming back for reconsideration, and something is going to

June 17, 1963
Minute Book 43 - Page 148

have to give one way or the other, and if it can be worked out with these people and get a reasonable decision as far as property owners are concerned, he certainly does not object to it.

Mr. Morrissey stated he wants Council to understand that the effect of Mr. Dellinger's motion is to have a public hearing on the matter on July 15th to be advertised together with the others that were set today.

The vote was taken on the motion and carried by the following recorded vote:

YEAS: Councilmen Dellinger, Whittington, Albea, Smith and Thrower.
NAYS: Councilman Bryant.

RESOLUTION PROVIDING FOR PUBLIC HEARINGS ON JULY 15TH ON PETITIONS NO. 63-35 THROUGH 63-42 FOR CHANGES IN THE ZONING ORDINANCE.

Upon motion of Councilman Albea, seconded by Councilman Thrower, and un-animously carried, a Resolution Providing for Public Hearings on July 15th on Petitions No. 63-35 through 63-42 for changes in the Zoning Ordinance, was adopted. The resolution is recorded in full in Resolutions Book 4, at Page 295.

STREETS TAKEN OVER FOR CONTINUOUS CITY MAINTENANCE.

Motion was made by Councilman Whittington, seconded by Councilman Albea, and un-animously carried, taking over the following city streets for continuous maintenance:

STREET	FROM	TO
Bridgeport Drive	Plaza Road	200 ft. northeast
Bridgeport Drive	200 ft. NE of Plaza Road	250-ft. NE of Plainfield Dr.
Plainfield Drive	Bridgeport Drive	the end
Allentown Drive	Bridgeport Drive	Piermont Court
Piermont Court	Rupert Lane	Cul-de-sac
Rupert Lane	430-ft. W. of Piermont Ct.	120-ft. east of Piermont Ct.

CONSTRUCTION OF SANITARY SEWER AUTHORIZED IN CRESTBROOK DRIVE.

Councilman Smith moved approval of the construction of 675-feet of sanitary sewer main in Crestbrook Drive, inside the city limits, at the request of R. B. Pharr, 824½ East Trade Street, at an estimated cost of \$2,000.00. All costs to be borne by the applicant, whose deposit of the entire amount will be refunded as per terms of the contract. The motion was seconded by Councilman Whittington, and un-animously carried.

CONSIDERATION OF APPOINTMENTS TO CHARLOTTE MECKLENEBURG PLANNING COMMISSION POSTPONED ONE WEEK.

Councilman Dellinger moved that consideration of the appointment of two members to the Charlotte-Mecklenburg Planning Commission be postponed one week. The motion was seconded by Councilman Albea, and un-animously carried.

June 17, 1963
Minute Book 43 - Page 149

TRANSFER OF CEMETERY LOTS.

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

- (a) Deed with Mrs Fred D. Mabry, for Lot 489, Section 6, Evergreen Cemetery, at \$240.00.
- (b) Deed with Mrs Worth W. Faulkner, for Lot 174, Section 7, Oaklawn Cemetery, transferred by Mrs Eula Bickett McDowell, at \$3.00 for transfer deed.

CONTRACT AWARDED BALTIMORE BUSINESS FORMS, INC. FOR MOVING VIOLATION TRAFFIC TICKETS.

Councilman Thrower moved the award of contract to the low bidder, Baltimore Business Forms, Inc., for 40,000 Moving Violation Tickets, as specified, at their bid price of \$1,022.79. The motion was seconded by Councilman Whittington, and unanimously carried.

The following bids were received:

Baltimore Business Forms, Inc.	\$ 1,022.79
Litho Web, Inc.	1,167.61
Jordan Systems & Forms, Inc.	1,388.03
Moore Business Forms, Inc.	1,444.06

CONTRACT AWARDED GLOBE TICKET COMPANY FOR DATA PROCESSING CARDS.

Upon motion of Councilman Smith, seconded by Councilman Whittington, and unanimously carried, contract was awarded the low bidder, Globe Ticket Company, for 3,910,000 Data Processing Cards, as specified, on a unit price basis, at their bid price of \$4,723.58.

The following bids were received:

Globe Ticket Company	\$ 4,723.58
Business Supply Corp. of American Tabulating Division	4,774.01
Electronic Accounting Card Co.	5,347.97
International Business Machines	5,353.84

MAYOR BROOKSHIRE LEFT THE MEETING AT THIS TIME.

Mayor Brookshire left the meeting at this time and Mayor pro tem Whittington presided until his return later in the meeting.

ACQUISITION OF RIGHT OF WAY FROM L. A. LINEBERGER AND WIFE FOR CONSTRUCTION OF WILKINSON BOULEVARD TRUNK LINE.

Motion was made by Councilman Bryant, seconded by Councilman Thrower, and unanimously carried, authorizing the acquisition of right of way 25 feet wide by 242.95 feet long in Wilkinson Boulevard, from Mr. L. A. Lineberger and wife Georgia, at \$2.00 per linear foot, at a total price of \$486.00, for the construction of the Wilkinson Boulevard Sewer Trunk Line.

June 17, 1963
Minute Book 43 - Page 150

PETITION SIGNED BY DOWNTOWN BUSINESS FIRMS REQUESTING MEETING WITH COUNCIL REGARDING PLANS FOR OFF STREET PARKING AND LOADING ZONED.

Mr. P. B. Kleckley, with Farris Bros Furniture Company, presented a petition signed by persons representing 70 business firms, stating as merchants, property owners and citizens of the City, they are disturbed by newspaper and other media reports regarding plans for downtown parking, and request a meeting with the City Council and traffic authorities for the purpose of understanding the problem in order to make a better downtown Charlotte. Mr. Kleckley stated since the petition was gotten up, they understand the plans referred to have been pretty well shelved for the time being. That what they really want is to be heard and fully informed before any major changes are made in off-street parking and in the loading zones in the downtown area.

Mayor pro tem Whittington stated as far as the Council is concerned they have received this report from the Traffic Engineer, Mr. Hoose, but have taken no action on the recommendations and it would be his thought that before Council passed the ordinance pertaining to downtown parking the people affected would be heard.

Mr. Kleckley filed the petition with the City Clerk, and Mayor pro tem Whittington advised him that he would be notified if and when such meeting is held.

REQUEST OF JOHN D. SHAW RELATIVE TO IMPROVING HIS PROPERTY AT THE INTERSECTION OF SOUTH MYERS AND EAST 3RD STREET REFERRED TO THE CITY MANAGER FOR STUDY.

Mr. John D. Shaw appeared before Council and stated he owns property at South Myers and East 3rd Street which is in the next Urban Renewal Project, and it is subject to about an 18-foot setback, which gets into two housing units. Some 2 years ago Council said it was alright for him to paint his 5-room rental house at the corner of Myers and 3rd Street, which is in bad shape. That he is advised by his Real Estate Agent it will cost him a minimum of \$1,500.00 to renovate the inside of the house. That if he is advised correctly, the Second Phase of Urban Renewal will come off and if he improves this house, he will get his money back under the Program if not make a profit on it. That somebody stands to loose money - that he assumes the setback is somewhere between 5 and 8 feet. That he feels that he should be permitted to save his investment in the house, at the same time he feels that the City should not throw away its \$500 and the Federal Government its \$1,000, for if he pays the money out, he will get his back. That the only thing he knows to do is to ask the City for a building permit to fix his house and when he does that, under the setback law, the City either grants it or takes it.

Mr. Veeder advised that Mr. Shaw brought the situation to his attention this morning. He would like to have a little time to study it.

Councilman Albea moved that the matter be referred to the City Manager to look into it with Mr. Shaw. The motion was seconded by Councilman Bryant, and unanimously carried.

Councilman Smith requested that the City Manager check and see if there is any provision for having Appraisers appraise the property as it is now and that would stand until the land is purchased and give him credit for whatever the appraisal is. That it is not feasible to spend a thousand or two dollars on a house one knows will be torn down in a year or two, and if we had a program within the redevelopment to have the appraisals immediately on request, and give him credit on the books for that amount, and let him take the house off the land, that would be an excellent approach.

June 17, 1963
Minute Book 43 - Page 151

Councilman Bryant pointed out that this is just one illustration of many situations that is involved in urban redevelopment that shows some of the waste that takes place in urban redevelopment.

MAYOR RETURNS TO MEETING.

Mayor Brookshire returned to the meeting at this time and presided for the remainder of the session.

F. R. SPRATT ADDED TO LIST OF APPRAISERS.

Upon motion of Councilman Dellinger, seconded by Councilman Thrower, and unanimously carried, Mr. F.R. Spratt was added to the list of approved appraisers.

COUNCIL MEETINGS TO BE HELD EVERY TWO WEEKS FROM JULY 1ST UNTIL LABOR DAY.

Councilman Dellinger moved that beginning July 1st the City Council meetings be held every other week until Labor Day. The motion was seconded by Councilman Bryant, and unanimously carried.

CITY MANAGER REQUESTED TO COMPILE LIST OF APPRAISERS AND SUBMIT TO COUNCIL AT NEXT MEETING, SO THAT LIST MAY BE CLOSED IN AN ORDERLY FASHION.

Councilman Smith suggested that the list of appraisers be closed, as too many on the list will be burdensome.

The City Manager advised that since this was last discussed by Council, there have been several persons suggested by Council members to be added to the list, and these should, no doubt, be included in the list.

Councilman Smith then suggested that the City Manager compile the list as of now and present it to the Council at the next meeting showing those approved to date and those since suggested, and the list can then be closed in an orderly fashion.

BUDGET MEETINGS SCHEDULED FOR WEDNESDAY AND FRIDAY NIGHTS OF THIS WEEK AT 7 O'CLOCK P.M.

At the suggestion of Councilman Thrower, the schedule of meetings for reviewing the 1963-64 City Budget was discussed. The City Manager suggested that perhaps Council would like to take a week to study and digest the budget proposals presented them today.

Following the discussion, Councilman Whittington moved that budget meetings be held on Wednesday and Friday nights of this week at 7 o'clock with adjournment time at 10 p.m., and further meetings be scheduled later. The motion was seconded by Councilman Bryant, and unanimously carried.

BUDGET ESTIMATE FOR FISCAL YEAR 1963-64 SUBMITTED TO COUNCIL AND FILED WITH CITY CLERK.

The City Manager submitted the Budget Estimate for the fiscal year 1963-64 to the City Council and filed it with the City Clerk to remain open for public inspection for a period of twenty days.

June 17, 1963
Minute Book 43 - Page 152

ALL LOCAL BILLS REQUESTED BY CITY COUNCIL RATIFIED BY GENERAL ASSEMBLY.

Mr. Morrissey, City Attorney, reported to Council that all local bills requested by them have been ratified by the General Assembly and that our Legislative Delegation cooperated very nicely with Council's requests.

HB #1152 "MANUFACTURERS' INVENTORY TAX EXEMPTION" BILL BEFORE GENERAL ASSEMBLY
OPPOSED BY CITY COUNCIL.

The City Manager called attention to a Bulletin received from the League of Municipalities today, and read the following item in the Bulletin regarding HB #1152, "Manufacturers' Inventory Tax Exemption":

"To exempt manufacturers and processors from listing for ad valorem taxation inventories on hand as of January 1, 1965 and subsequent years, and to refund local governments this loss of revenue, was yesterday given a favorable report by the House Finance Committee. (Mr Veeder advised the Bulletin is dated June 14th, so it must be referring to last Wednesday.) This was introduced by Representative Harris. Even though the League does NOT have a policy on this proposed tax exemption, and even though only a handful of municipal officials notified this office of their opinions on this Bill, your League Staff felt impelled to speak against it before the Committee, making clear that this was just a Staff statement. League Counsel Ernest Ball made the presentation. Your staff is greatly concerned over the ultimate effect of this type of legislation, particularly since its passage could force North Carolina into a battle gimmicks with other States, and could open the way to other tax exemption measures. Also, the League Staff is not convinced by any means there is a great demand for this type of legislation from the kind of industry that we should be attracting to this State. From here on out, however, any action to oppose or support this legislation must come from you. We call this to your particular attention now so that you may be fully informed of the situation. If there are any questions as to the opposition of the League Staff to this Bill, we refer you to Bulletin #15, of May 29th."

Mr. Veeder advised the League Director goes on to point out that "action on this Bill will no doubt be taken when the Legislature convenes Monday night. Your viewpoint on it should be expressed this weekend to your Representatives and Senators." He advised that the Monday night referred to is tonight, and the Bulletin was only received this morning, so if Council does have a point of view it would seem appropriate that it be expressed to our Delegation before tonight's session of Legislature.

Mayor Brookshire stated as he understands it the impact of the Bill as far as the City is concerned is the City would be reimbursed from the State's General Fund for the loss of that particular tax.

Mr. Veeder stated he thinks he is correct in saying this tax does not affect warehouse stocks but manufacturers process stock. Councilman Dellinger stated his terminology of that is processing of warehousing is the man who has merchandise here that does not belong to us but to the manufacturer; the tax would not affect his Company's inventory nor that of Belk's etc, so for that reason he thinks the Council should oppose it. Councilman Thrower remarked that this tax has been termed a nuisance tax. He is of the opinion that the City of Charlotte gets back about \$87,000 a year. Mr. Morrissey stated the City gets \$308,000.00, the total of the City and County together is \$752,000.00 but this money would be reimbursed to the City.

June 17, 1963
Minute Book 43 - Page 153

Councilman Dellinger moved that the City Manager or City Attorney contact our Legislative Delegation in Raleigh and advise them that this Council opposes this Bill. The motion was seconded by Councilman Smith.

Councilman Smith asked for clarification and asked if the manufacturer is relieved of this inventory tax on his raw materials? And would the State guarantee the City whatever tax is coming from that? Mayor Brookshire stated that is correct, the City would be reimbursed from the State's General Fund.

Councilman Bryant stated he does not believe he can adequately vote on the question as there is a lot he does not know about it. That he is willing to stay and discuss it as long as it is necessary and he prefers not to vote until he gets a few more opinions on it.

Councilman Smith stated the reason he would be opposed to it is that the manufacturer is relieved of the tax he has been paying and the State is picking up the tab which means that you and I are picking up his tab and paying for his raw material inventory. If the tax were to be erased altogether that would be one thing, but when it will be taken from another source he does not think much of that.

Mr. Morrisey, City Attorney, stated he would say that is a concise explanation of the Bill. That the Bill provides the County Tax Supervisors may require that inventories and records be submitted to them for determination as to whether the tax payers and the inventories qualify for exemption under the Act. That it further provides that it is the duty of the Tax Supervisors to determine whether the tax payer is a manufacturer or processor within the meaning of the Act and whether the particular items of personal property composing the inventories qualify as inventories within the meaning of the Act.

Councilman Bryant asked the City Attorney if he knows the purpose of the people who introduced the Bill as to what it was supposed to accomplish? Mr. Morrisey replied yes, it is supposed to facilitate the job of attracting industry to the State by offering this inducement. That the principal sponsor is the Commerce Division of the C & D.

Councilman Thrower stated he probably should abstain from voting as he is the only member of Council that the Bill will directly affect.

Mr. Morrisey stated that Mr. Thrower is in a unique position since there are very few others directly affected who have not expressed their opinion on this Bill, at least in Raleigh.

The vote was taken on the motion, and carried by the following recorded vote:

YEAS: Councilmen Dellinger, Smith, Albea, Bryant and Whittington.
NAYS: Councilman Thrower.

CONTRACTS AUTHORIZED WITH C. W. TODD, J. HENRY CROMARTIE AND ROBERT R. RHYNE, SR. FOR APPRAISAL OF PROPERTY WITHIN THE RIGHT OF WAY OF THE NORTHWEST EXPRESSWAY.

The City Manager advised he has contracts with Mr. C. W. Todd, J. Henry Cromartie and Mr. Robert R. Rhyne, Sr., for 29 appraisals of property within the right of way for the Northwest Expressway, that he would like approved so as to get the appraisals started.

June 17, 1963
Minute Book 43 - Page 154

Councilman Whittington moved approval of Contract with Mr. C. W. Todd for the appraisal of ten parcels of land on West 11th Street, N. Poplar Street and West 12th Street, between North Graham St. and Poplar Street; and contract with Mr. J. Henry Cromartie for appraisal of ten parcels on West 11th Street, North Poplar Street, West 12th Street, between N. Graham Street and Poplar Street, and contract with Mr. Robert R. Rhyne, Sr., for the appraisal of nine parcels on West 11th Street, N. Poplar Street, N. Pine Street, between Poplar Street and N. Pine Street and West 11th Street and West 12th Street. The motion was seconded by Councilman Smith, and unanimously carried.

Mr. Veeder advised further that Council last week asked regarding the schedule and when the work will be completed. That he has some information on this now, but it is strictly tentative, as we have never done a project of this dimension before. That they hope to have all appraisals finished in February and as soon as all appraisals are in to start negotiations and acquisitions; it is hoped this will be in August or sooner depending on the completion of the appraisals. That he hopes the acquisitions might be half or better completed by July 1, 1964 and by July 1, 1965 hope to have all the acquisitions completed. This is the schedule we will be working towards and hope it can be met.

ADJOURNMENT.

Upon motion of Councilman Albea, seconded by Councilman Thrower, and unanimously carried, the meeting was adjourned until 4 o'clock p.m., on Wednesday, July 19th, in the Council Chamber, to meet jointly with the Board of County Commissioners relative to appropriations for 1963-64 for joint activities.


Lillian R. Hoffman, City Clerk