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

ABSENT: None.

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INVOCATION.

The invocation was given by the Reverend H. C. White, Pastor of First A. R. P. Church.

MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Thrower, and unanimously carried, the Minutes of the last meeting on February 25, 1963 were approved as submitted.

COMPLAINT AGAINST POLICE DEPARTMENT REGISTERED BY H. C. WHITAKER.

Mr. H. C. Whitaker, 226 West 11th Street, appeared before Council and stated he wished to file a complaint against the Police Department with regard to an incident that happened on the 19th of January around 3:30 in the morning, and which started at Sears Roebuck Parking Lot, and wound up at the City Jail. That he was arrested coming across 10th Street by the officer on the corner - in other words, he was stopped by the officer who asked him where he was going, and he told him he was going home but as late as it was in the morning he guessed he really could be going to work. That the officer didn't take the remark so well and said, "Oh you are a wise so and so, trying to get smart" and the officer asked him to step over in the Sears Parking Lot that he wanted to talk to him. So he obliged him and there was a police car parked there with three policemen in the car who got out of the car and asked the officer "what you got there Joe" and the officer said "a guy that says he is going home" and the officers said "do you think he is going home" and the officer said "well he is going to one home I know of". Then they asked where he had been at that hour and he told them he had just come from Memorial Hospital and it might sound a little funny but he was there about 5 hours in the dental chair on Friday night and went to sleep in the dental chair and they woke him up at 5:15 and they had given him some shots in the jaw and some pain pills for his jaws, which had been broken and were beginning to knit. That the officer said "that don't sound so good, you will have to tell that to the Judge Monday morning", and Mr. Whitaker said "I can't afford to be locked up all that time as I am under the doctor's care". That was the last word that was said, all of the officers grabbed him and threw him in the paddy wagon. Councilman Dellinger asked how Mr. Whitaker got his jaw broken, and he replied he fell down the steps at the hotel. That he asked to see the Captain at the Police Station as he couldn't afford to be locked up as he was under the care of three doctors, a dentist, a surgeon and another doctor, Dr. Gallant. The officers locked him up any way and he stayed in Jail over the week-end. Mr. Whitaker asked the Council to bear with him as every word he says is true and he would like his statements recorded. Mayor Brookshire told him his statement was being recorded. Mr. Whitaker stated further the officers took his

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property from his person and he had a pack of Viceroy's in his pocket and they pitched it over on the desk and one slipped out of the pack and he said he would have time to smoke one while they were writing him up and the officer said go ahead and when he reached for it the officer came down on his hand with a slap-jack and split his hand open and broke the knuckle, which of course he didn't like and he cursed the officer, then the officers started shoving him from one to the other and each time an officer would kick him in the shin and broke the bone in this leg and broke the skin on the other - that he was not resisting at all until he got tired of that, then they grabbed him and twisted his arm up over his head until he could see his arm or hand over his head and they almost broke his shoulder, and his hat fell off and they started kicking that and every time they would kick it they would say "pick it up", and when he would start to do so another one would kick it, and finally he got his hat after they had kicked a hole in it. They locked him up and kept him until Monday morning and he kept telling them he would like to call his doctor, Dr. Abraham or Dr. Enphanus, but they paid no attention. Then when they would bring the food, he didn't eat the first time but the second time he was hungry and so he ate and being on a bland diet, it came back up; then another Guard came on and he asked him to get him/^{one} out of the refrigerator that was cold and he did but it came up anyway, it resulted in his stomach being torn up so bad it set him back about a month and a half on his rehabilitation, not mentioning his shins and busted hand, which bothers him now in cold weather.

Councilman Smith asked if it was 5 o'clock in the morning when he was picked up? Mr. Whitaker said the officers had it 3:30 but he had it 4:15. Councilman Smith asked if he had left the hospital at that time in the morning to go home? Mr. Whitaker said "No, I will explain that". "I had went home from the hospital previously and they had given me some pain pills to take every six hours and I got up about 1 o'clock at night and looked around for my pills and couldn't find them, and got to thinking that I had gone to the dentist and had on a jacket and a coat and a little white jacket, and had put my pills in the white jacket and it was hanging on the clothes tree in the dental clinic.

Councilman Dellinger stated he does not think the Council should be trying this case, that it seems to him Mr. Whitaker should make the complaint and let the City Manager and Chief of Police get together on it. Mr. Whitaker stated he has already been to the City Manager and he passed him up and he went to Senator Belk and he sent him to the City Manager and told him if he didn't get any satisfaction there to come to the City Council. Councilman Dellinger stated he is willing to hear Mr. Whitaker all afternoon, but it would be better to make his complaint and then work out the details with the City Manager and Chief of Police. Mr. Whitaker stated he has been to both of them, and they won't listen. Councilman Smith stated he doesn't want it cut off at this point, as the meetings are sometimes broadcast on the Radio - he then asked Mr. Whitaker if this was the first time he has been in jail? Mr. Whitaker replied "No, I have been away from Charlotte for three years, that they had me down for being in Jail many times back 10 or 12 years ago but if everybody was checked back 10 or 12 years, a lot would be in prison instead of sitting in an office". Councilman Dellinger stated there was one point he wanted to clear up - did Mr. Whitaker not say he went to sleep in the dental chair and slept for four or five hours? Mr. Whitaker said he wouldn't say he slept that long, but he was there five hours but he knows they woke him up at 5:15 and said they were closing the Clinic. Mayor Brookshire stated the Council is not trying the case, but the gentleman is being given an opportunity to be heard as we do anyone who comes to Council Meeting to make a statement to Council, and we will examine any facts he wants to give Council. That he would suggest that Mr. Whitaker make his remarks a bit more to the point and shorter because there is other business to be handled.

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Councilman Smith stated there is a Radio Station that broadcasts the proceedings and he does not think it should be left at this point but that it should be covered. Mayor Brookshire asked Mr. Veeder, City Manager, to comment on the facts when Mr. Whitaker has completed his remarks. Mr. Whitaker advised he went to Mr. Veeder and he said he couldn't find any cause or complaint that should be against the police - well, he did leave out one thing, the dentist had already straighten his teeth and jaws and had them knitting, but when the officers threw him in the police wagon at Sears, there was no traffic on the streets and they were having a good time among themselves switching the car from one side of the street to the other, throwing him back and forth across the paddy wagon and in doing so between the Parking Lot and the Police Station his head and jaws were slammed against the wagon and his jaws broke loose again from where they had been knitting and the dentist said there was no way he could ever fit his teeth back in and he would have to buy a whole set of dentures, which he did and is now wearing, but he cannot use them except to talk. Councilman Dellinger asked what he was charged with? Mr. Whitaker stated he was charged with being drunk, and he has not had a drop of alcohol in him since October 15, 1962, because he had just gotten out of the hospital from having his stomach removed and he can prove it through dental and medical examinations, as they have some kind of way to show how long it has been since you have had alcohol in your system.

Councilman Smith stated he will go along with hearing citizens before the Council but he thinks this is an insult to their intelligence, frankly, and he thinks it should be turned over to Mr. Veeder to work out. Mr. Whitaker said then a private citizen does not have any recourse at all, and must just go out and be kicked around like a dog.

Mayor Brookshire told Mr. Whitaker if he has any additional facts to give Council they will listen - and Mr. Whitaker said that is what he has been giving them - facts. Mayor Brookshire said then they have about head his story and if he does not get satisfaction from the City Manager and City Attorney he, of course, has recourse to the courts themselves, as the Council does not try anything. Mr. Whitaker stated he has doctor's certificates to prove his situation, while those fellows were having a good time at his expense and misery, that one of the fellows must have weighed about 260 pounds and he was in the Reserve and he wasn't so bad as the other two. Mayor Brookshire asked if that concluded his statement and Mr. Whitaker replied "yes sir, and I hope it rings a bell".

Mayor Brookshire asked Mr. Veeder for his comments as he has looked into the matter. Mr. Veeder advised the complaints of Mr. Whitaker have been reviewed in detail by the Chief of Police and subsequent to that Mr. Whitaker talked with Mr. Bobo in his office on two occasions and Mr. Bobo has checked into the matter. That Mr. Whitaker has been treated very courteously by all parties involved and he has spent quite a bit of time listening to him, and checked the veracity of his statements and today they can find no basis for any further action.

Mayor Brookshire stated for the benefit of the audience and for those who may listen to this session of Council being broadcast on Radio, this is a very unusual complaint but, again, Council will listen to any citizen who comes down to be heard.

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COMPLAINT REGARDING ERECTION OF "RIGHT TURN ONLY" TRAFFIC SIGN AT SHOPPING CENTER IN 3000 BLOCK OF THE PLAZA REFERRED TO CITY MANAGER AND TRAFFIC ENGINEER.

Mr. Stanley Slesinger, who operates a Drug Store at 3029 The Plaza, advised this is the location where Shamrock Drive comes in from the east; that last week the City put up some signs saying "Right turn only" and they said it was to alleviate a traffic problem, but in the meantime it is creating a traffic problem because you cannot get into The Plaza, if you go out and make a right turn wanting to go back north you have to go around the block and you can't get into The Plaza on 34th Street or Matheson Avenue because the light from Shamrock deadends, so you are blocked out. He advised he called the Traffic Department and they said at the Shopping Center these things would straighten out. He advised further that this particular piece of property was in a zoning battle for two or three years and the Traffic Department had plenty of time to tell them how to fix it. That the way it stands now, the stop light is facing Shamrock Drive but it is not on their side, and the people cannot get out during the rush hours. He advised the reason they do not want to wait any longer to get something done about the light is that there are Policemen parked across the street giving tickets - people look at the sign saying "Right turn only" and one thinks that means do not turn left but you can go straight across. That several people who came into his store have been given tickets to appear in Court March 12th. He stated he thinks if the Police Department wanted to help them solve the traffic problem they could stay out on the street and help instead of hiding across the street, because after three years without the signs, no one looks for a sign in the first place and then the signs are misleading. If the City wants to put up a Stop Sign that is alright, but not what is there now.

At the request of Councilman Jordan, Mr. Hoose, Traffic Engineer, stated this is the case of a signalized intersection with a driveway entrance and is what is known as T-type, where the driveway comes into the intersection and no signal is visible from the private drive or shopping center. He stated they have run numerous surveys in connection with Winn-Dixie to bring about some solution to the problem and their recent sign "Right Turn only" was installed at the driveway entrance to The Plaza due to the high accident rate of this corner, after an investigation that was requested by the Police Department. He stated they did not prohibit entrance to this drive from The Plaza but you can only leave the drive and turn right. That one can also enter the drive from each end of the Shopping Center, one at 34th Street and one at Mathison Drive. In other words we are regulating the movement out of the Shopping Center.

Mayor Brookshire asked Mr. Hoose if there is anything at all that he can do to alleviate the complaints that Mr. Slesinger has made? Mr. Hoose stated he thinks what has been done is for the best where accidents are concerned. That before the people using the street were put to the disadvantage over the driveway. Mr. Slesinger stated he does not agree with Mr. Hoose and if his records are right of 10 accidents over a period of 3-years, they have over 2,000 cars coming out of the Shopping Center a day and he thinks this is a good record, and he is certainly opposed to the Policemen sitting across the street giving out tickets to innocent people.

Mayor Brookshire asked the City Manager to discuss the matter further with Mr. Hoose and see if there is anything that can be done.

Mr. Jim McDuffie stated the sign "Right Turn Only" is most confusing and it should say "You Must Turn Right" otherwise one would think you could go straight ahead or turn right. That he certainly feels badly about the tickets because he got one and did not feel it was right. He stated further he believes the Council gave a Traffic Light to Mr. Ervin at the Amity-Gardens Shopping Center, and he believes Mr. Slesinger is entitled to one also; there should be a Traffic Light at Mathison Avenue.

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MECKLENBURG JUNIOR CHAMBER OF COMMERCE PRESENTS RESOLUTION EXPRESSING
OPPOSITION TO THE RICHMOND PLAN OF GOVERNMENTAL INSURANCE ADOPTED BY
THE CITY COUNCIL.

Mr. John Christie, President of Mecklenburg Jaycees, introduced Mr. Royce Brown, Vice President, who stated in the interest of civic affairs their organization has drawn a short resolution, stating they deem it in the interest of the citizens and taxpayers of Mecklenburg County and the City of Charlotte, to voice its views with reference to the proposal known as the Richmond Plan of Governmental Insurance, adopted by the City Council of Charlotte and now pending before the Board of Commissioners of Mecklenburg County, whereby the City and County would appoint three members each to an Insurance Advisory Committee, which members would be independent insurance agents, who in turn would appoint an Advisor to advise the City and County Managers on the purchase of insurance from insurance companies who would be represented by insurance agents serving on the Insurance Advisory Committee; therefore, the Mecklenburg Junior Chamber of Commerce hereby states its opposition to the so-called Richmond Plan of governmental insurance which has been proposed to the Council and Board of Commissioners for the following reasons:

1. The proposed Advisory Committee would be made up of Insurance Agents whose allegiance is to the insurance companies they represent, and not necessarily the City of Charlotte or County of Mecklenburg.
2. The proposed Advisory Committee would have the power to appoint one of its own as the Executive Secretary who would act as Advisor to the City and County Managers on the purchase of insurance.
3. The Executive Secretary's salary would be paid from commissions.
4. The Executive Secretary would have no incentive to reduce rates and thereby reduce premiums and thereby reduce commissions which might ultimately lower his income since he would be paid from commissions.
5. The Advisory Committee being composed of independent local agents would constitute any incentive on their part to close out competition from direct writing insurance companies which frequently sell insurance at lower prices than companies writing through independent agents.

It is hereby resolved by the Mecklenburg Junior Chamber of Commerce that the City Council of Charlotte and the Mecklenburg County Board of Commissioners should and are hereby urged to adopt an insurance plan whereby the two governmental agencies employ a professional and impartial insurance Advisor who would be free to contact all available insurance market for bid purposes.

Councilman Bryant asked Mr. Brown who is on his Committee for Governmental Affairs? Mr. Brown stated the resolution is signed by James Marion Milliken, Chairman of Governmental Affairs and Bobby Fesperman, Director of External Affairs. Councilman Bryant asked if they have any direct writers in the insurance business in their Club? Mr. Brown stated there are insurance agents as members of their club but he would not say they constitute a majority of their club. Councilman Bryant asked if they have any independent agents in the Club? Mr. Brown stated they do and Councilman Bryant asked if they are aware of the resolution that has been presented? Mr. Brown stated they do have independent agents in the club who are aware of the resolution and are in favor of it. Mayor Brookshire asked if the resolution was adopted by the club or just by these two Committees? Mr. Brown stated the club authorized the Committee to draw the resolution and the club has heard the resolution read and approved it.

Mr. Christie stated that Mr. Bobby Fesperman, Governmental Affairs Chairman, is present, and he contacted six members of the group presently writing the City's insurance and the members said they have nothing to defend; that they invited them to their club to present the other side of the story as they wanted to know, as citizens, what the other side was and they were told they had nothing to discuss with the Club nor anyone else. That they do not believe that this is in the best interest of our community. The City and County are spending \$305,000.00 a year on insurance and he is not taking his figures but those of a professional, \$90,000 to \$100,000 could be saved from this \$305,000 annually if the insurance was put out to all the markets and they see no reason why it should not be done. That he understood one of the County Commissioners said they have over 100 policies written on their insurance, and he says it is outrageous and it should be written in four policies and a company would take 1/4th and would pay its proportionate share of a loss. Mr. Christie said they would like to see something done right away on this because they think it is in the best interest of the city and county. That he, personally, has no interest in it and neither he nor his company would in any way bid on the insurance, they are only asking for an outside market of local people, who are licensed in Charlotte and have practiced here a long time.

Mr. Fesperman stated he would like very much if the Council would get the members of the Advisory Committee, or any of the Council to come out and discuss it with the Club membership because they are interested in it, and think \$100,000 is a lot of taxpayers money and would like to have it explained to them as young men of the community.

Councilman Bryant asked Mr. Fesperman if he has gone to the City Manager and asked for an explanation, and if he got no satisfaction? Mr. Fesperman stated he talked with Mr. Bobo but did not talk with Mr. Veeder, and Mr. Bobo stated he has no explanation of why the gentlemen will not come out and talk with them. Councilman Bryant then asked if Mr. Bobo explained the plan satisfactorily and if he explained the thinking of the Council in voting for it? Mr. Fesperman replied that he got a copy of the proposal from Mr. Bobo and he explained the Plan but did not go into why the Council voted for it. Councilman Bryant stated he thinks that Mr. Veeder could explain to Mr. Fesperman the Council's thinking on the matter and he does not think there has been anything withheld by the Council or the City Manager to make it look like they are afraid to defend what they have done.

Mr. Christie stated they would be happy to have Mr. Veeder come to a club meeting and he would like to know now why the City accepted this Plan, what is the good of the Plan without an outside market? Councilman Bryant replied that virtually this same argument took the better part of four or five meetings last spring, as Mr. Christie probably recalls, and with the many things that were discussed, he, personally, would have to refer to his notes he has in order to give his reasons in detail. That he is not an insurance man and he suspects he could study several months and not know what Mr. Christie does, however, the information that was presented and the information he was able to get convinced him that the Council was on the right track then, and he would suspect someone could do a better job explaining it, but he is willing to stand on what he thought was best; however, he thinks there is sufficient information that is available to him that made up his mind to vote the way he did and apparently the majority of the Council felt the same way.

Mr. Christie stated that the six men on the Committee who were called refused to come to the Junior Chamber of Commerce Meeting, and they have 170 members, they feel they should come and defend their Plan if they thought enough of it to bring it to the Council.

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Mr. Jim McDuffie stated he would like to tell Councilman Bryant that he is not a member of the Mecklenburg Jaycees but he does work for a direct writer and his company is not interested in this business, and he feels very strongly about it as Mr. Christie does, that as taxpayers we are not getting a dollars worth for our money in insurance. That he has talked with a member of the Charlotte Board of Fire and Casualty Agents, who write the City's business, and he told him that he did not feel they should get all the business. The fact is that direct writing companies were not at the meeting when you adopted the Plan, and he feels there should have been some notification that you were going to discuss the Richmond Plan and then, Councilman Bryant, if you could have given the reasons as you say they are now that we are going to adopt this Plan over another plan, the reasons could have been listed.

RESOLUTION PROVIDING FOR THE ISSUANCE OF \$220,000 AIRPORT BOND ANTICIPATION NOTES AND \$40,000 SANITARY SEWER BOND ANTICIPATION NOTES, AND RESOLUTION FIXING THE FORM AND MANNER OF EXECUTION OF THE NOTES TO BE ISSUED UNDER DATE OF MARCH 14, 1963 AND RATIFYING THE APPLICATION TO THE LOCAL GOVERNMENT COMMISSION FOR THE APPROVAL, ADVERTISEMENT AND SALE OF SAID NOTES.

Councilman Dellinger introduced a resolution entitled: Resolution Providing for the Issuance of \$220,000 Airport Bond Anticipation Notes, which was read. Thereupon, upon motion of Councilman Dellinger, seconded by Councilman Whittington, and unanimously carried, the foregoing resolution was passed by the following vote:

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

NAYS: None.

Thereupon Councilman Dellinger introduced a resolution entitled: Resolution Providing for the Issuance of \$40,000 Sanitary Sewer Bond Anticipation Notes, which was read. Thereupon, upon motion of Councilman Dellinger, seconded by Councilman Whittington, and unanimously carried, the foregoing resolution was passed by the following vote:

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

NAYS: None.

Thereupon Councilman Dellinger introduced a resolution entitled: Resolution Fixing the Form and Manner of Execution of \$260,000 Bond Anticipation Notes to be Issued under date of March 14, 1963, and Ratifying Application to Local Government Commission for the Approval, Advertisement and Sale of Said Notes, which was read. Thereupon, upon motion of Councilman Dellinger, seconded by Councilman Whittington, and unanimously carried, the foregoing resolution was passed by the following vote:

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

NAYS: None.

The resolutions are recorded in full in Resolutions Book 4, beginning at Page 265.

ORDINANCE NO. 166-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING ZONING OF TRACT OF LAND AT THE SOUTHWEST CORNER OF BEATTIES FORD ROAD AND KELLER AVENUE FROM B-1 TO B-2.

Councilman Albea moved that Petition No. 63-9 by C. D. Spangler Construction

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Company for change in zoning from B-1 to B-2 of a tract of land at the southwest corner of Beatties Ford Road and Keller Avenue, be denied as recommended by the Planning Commission. The motion was seconded by Councilman Thrower.

Councilman Smith offered a substitute motion that Ordinance No.166-Z Amending Chapter 23, Section 23-8 of the City Code changing zoning from B-1 to B-2 as petitioned for by C. D. Spangler Construction Company be adopted. The motion was seconded by Councilman Dellinger.

Councilman Smith stated that he has been out twice to look at the property and Mr. Spangler has a shopping center in this block and the shopping center includes this corner, and he has built across the shopping center practically two-thirds of the width with shops, drug stores and various stores, and this is part of his plan complex for the center; he plans to put a Frosty Ice Cream and a Drive-in Restaurant, according to what he told him, and he wants to obtain the best tenant possible where they will have the privilege of serving from the Restaurant to the automobile, similar to Shoney's. That he was dubious about this last week but from his assurance, and it makes a lot of sense to him, that he has so much money invested in this area and in this particular block that he would be very foolish to put up something that would be detrimental to the neighborhood or to his Center, and based on that and since he controls the entire block and has a plan development, he is reluctant to deny him this privilege. That he thinks Mr. Spangler has done a great deal for that section of town and has invested capital to improve the conditions with doctors buildings and various other things that he has done, and this is the reason he is supporting his petition.

Councilman Albea asked what about the neighbors in the community? Councilman Smith stated he is not impressed too much by certain petitions because there are other drive-in restaurants in that vicinity who would not benefit from this restaurant.

Councilman Bryant stated he would like to answer Councilman Albea, as that was one thing that disturbed him, he thought this would be the only drive-in restaurant in the area, and the petition opposing this meant a great deal to him because of the fact there are not too many areas where people such as they can build well, however, after riding out there he realized there are two drive-ins virtually in front of the shopping center, so he does not think it will get any different kind of traffic with the approval of this petition than it would have otherwise; however, he was all set to vote against it until he realized that.

Councilman Thrower stated this was all presented to the Planning Commission and they went over it and still thought it should be disapproved the second time, so that is why he is voting against it.

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

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

The ordinance is recorded in full in Ordinance Book 13, at Page 402.

CONSTRUCTION OF SEWER TRUNKS AND MAINS.

Upon motion of Councilman Whittington, seconded by Councilman Smith, and unanimously carried, the construction of sanitary sewer trunks and mains

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was authorized as follows:

- (a) Construction of 539-feet of sewer trunk in Baxter Street, at request of 400 Queens Road, Inc., at an estimated cost of \$2,905.00. All costs to be borne by the applicant, whose deposit of the entire amount of the cost will be refunded as per terms of the contract.
- (b) Construction of 910 feet of sewer trunks and mains in Hampshire Hills, at request of John Crosland Company, at an estimated cost of \$9,215.00. All cost to be borne by the applicant, whose deposit of the entire amount of the cost will be refunded as per terms of the contract.

CONTRACT AWARDED MORRIS FARM EQUIPMENT COMPANY FOR TRACTOR WITH BACKHOE AND LOADER ATTACHMENT.

Councilman Albea moved the award of contract to the low bidder, Morris Farm Equipment Company, for One Tractor with Backhoe and Loader Attachment, as specified, at their bid price of \$5,620.59. The motion was seconded by Councilman Thrower, and unanimously carried.

The following bids were received:

Morris Farm Equipment Company	\$5,620.59
Farm & Industrial Equipment Co.	5,720.07
International Harvester Sales & Service (Did not meet specifications)	5,316.70

NOMINATION OF FRED G. SEVERS AND R. P. STEFFEY TO FILL VACANCY ON PARK AND RECREATION COMMISSION.

Councilman Whittington placed in nomination Mr. Fred G. Severs at 4143 Tillman Road to fill the vacancy on the Park and Recreation Commission.

Councilman Albea nominated Mr. R. P. Steffey to succeed himself on the Commission.

Mayor Brookshire stated the nominations would be left open for one week, as is the usual practice.

SETTLEMENT AUTHORIZED FOR RIGHTS OF WAY FOR KENILWORTH EXTENSION PROJECT.

Motion was made by Councilman Dellinger, seconded by Councilman Jordan, and unanimously carried, authorizing the settlement for the following parcels of land for right of way for the Kenilworth Avenue Extension Project:

- (a) Payment of \$4,884.00 to George D. Moody, Trustee, 1500 East Morehead Street, for 752 square feet of property.
- (b) Payment of \$400.00 to F. E. Alexander and wife Ruth, 2015 Fernwood Drive, for 252 square feet of property.
- (c) Payment of \$800.00 to Earl B. Muse, 2101 Fernwood Drive, for 252 square feet of property.
- (d) Payment of \$3,000.00 to C. F. Cameron and wife, Ellen, 1030 Kenilworth Avenue, for 880 square feet of property.
- (e) Payment of \$1,800.00 to Dewitt D. Phillips and wife Lena, 1034 Kenilworth Avenue, for 384 square feet of property.
- (f) Payment of \$1,500.00 to Mrs Margaret Green Smith, 1026 Kenilworth Avenue, for 432 square feet of property.

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CITY ATTORNEY ADVISES DECISION AS TO OPERATING OF ICE CREAM TRUCKS OPERATING ON CITY STREETS NOT YET HANDED DOWN BY COURT.

Councilman Albea again asked the City Attorney if he has anything on the Ice Cream Truck question operating on our streets, as spring is coming and the children will be running out to the Trucks and somebody is going to get killed. Mr. Morrissey, City Attorney, advised the Court has not yet handed down a decision in the Raleigh case.

CITY MANAGER REQUESTED TO LOOK INTO PROBLEM AT DOUBLE OAKS SCHOOL OF CARS BEING UNABLE TO GET OUT OF CIRCULAR DRIVEWAY.

Councilman Whittington advised that he has a complaint that cars going into Double Oaks School cannot get out because they have a circular driveway. That his first thought was that it is school property and perhaps their problem, but he would like the City Manager to look into it and see if there is anything we can do to help them.

CITY MANAGER REPORTS THAT WORK HAS STARTED AROUND SCHOOL ON MONROE ROAD AND STATE HIGHWAY WILL PROBABLY EXTEND PAVING CLOSER TO SIDEWALK AREA.

Councilman Jordan asked the City Manager if work has started around the school on Monroe Road? Mr. Veeder advised that it has started and he discussed it further with the State Highway people as to the maintenance and he believes they will extend the paving over closer to the sidewalk areas than in the past, which would make it much better than initially hoped.

WIDENING OF MCALWAY ROAD TO WIDTH OF FROM 24 TO 26 FEET STARTED.

Councilman Smith asked what is being done on McAlway Road? Mr. Veeder advised they are staking it out and getting ready to start the widening on either side; it is now 16 to 18 feet and when completed will be 24 to 26 feet, the width of a normal residential street. That they staked it last week and are starting the work on the sides now. That the residents will be getting letters about the work probably in tomorrow's mail, which are normally sent before the work starts, but the street department was able to get on the job earlier than had been anticipated.

CITY MANAGER REQUESTED TO CHECK INTO MATTER OF ESTABLISHING SETBACK LINES ALONG OLD SOUTHERN FREIGHT STATION PROPERTY BETWEEN 3RD AND 4TH STREETS BORDERING COLLEGE STREET AND POSSIBLY WIDENING OF AREA.

Councilman Smith stated he has read in the paper that the old Southern Freight Station between 3rd and 4th Streets bordering College Street would be torn down, which will leave the entire block from 3rd to 4th Street open, and the City could very well widen it, at a minimum expense; that he thinks there should be a setback established, while there are no buildings to contend with and it would be a step in the direction of eventually widening College Street. He asked the City Manager to have the Engineering Department check this.

CITY MANAGER REQUESTED TO CHECK INTO REPORTED FLOODING CONDITION IN THE 3500 BLOCK OF EASTWOOD DRIVE AT THE END OF ANDERSON STREET.

Councilman Smith asked the City Manager to check into a report to him that on Eastwood Drive at the end of Anderson Street, in the 3500 block, there

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has been a flooding condition for years and the City says it is the State's responsibility and the State says it is the City's. He suggested that it be checked to see if there is anything wrong with the storm drainage or what the trouble is.

CITY MANAGER REQUESTED TO OBTAIN OFFICIAL INFORMATION AS TO WHETHER A DEADLINE WILL BE SET FOR FILING AN ADJUSTMENT IN TAX ASSESSMENTS.

Councilman Smith stated he presumes about everyone has received his Tax Assessment Notice and he noticed in the newspaper unofficial about them wanting to enforce a deadline and he is wondering if Mr. Veeder has heard anything about it in conversation with the County Manager? Mr. Veeder stated if there has been a deadline established he has heard nothing about it. Councilman Smith stated they have said they will not enforce the law about this and he does not want our citizens to be caught off base about it, and he suggested that the City Manager get something official from the County, so the citizens can be told if there is a deadline to file a request for an adjustment.

Councilman Dellinger stated he talked with Mr. Alexander and he said they could fix a deadline by law, but he had no idea they would enforce it.

CITY MANAGER REQUESTED TO HAVE TRAFFIC COUNT MADE AT PROVIDENCE ROAD AND COLONIAL AVENUE.

Councilman Albea requested the City Manager to make a traffic survey at Providence Road and Colonial Avenue.

APPOINTMENT OF ROBERT WEBB AND ALFRED SMITH AS APPRAISERS ON PROPERTY OWNED BY CLARENCE DEESE, WEST 11TH STREET.

Councilman Dellinger moved the appointment of Mr. Robert Webb and Mr. Alfred Smith as appraisers of the property of Mr. Clarence Deese, West 11th Street. The motion was seconded by Councilman Albea, and unanimously carried.

CONDEMNATION PROCEEDINGS AUTHORIZED STARTED FOR ACQUISITION OF PROPERTY FOR RIGHT OF WAY FOR KENILWORTH AVENUE EXTENSION PROJECT.

Upon motion of Councilman Thrower, seconded by Councilman Whittington, and unanimously carried, condemnation proceedings were authorized started for the acquisition of 20,701.5 square feet of property owned by Scholtz Greenhouse, Inc., at 1900 Floral Avenue, for right of way for the Kenilworth Avenue Extension Project.

JUNIOR CHAMBER OF COMMERCE EXPLAINS THEIR CITY BEAUTIFICATION PROGRAM.

Mr. Royce Angel, Director of Mecklenburg Junior Chamber of Commerce, advised their organization has undertaken a vast city beautification project which they think will be a fine contribution to the City of Charlotte for now and years to come. Phases of it consists of the renovation of the Downtown area, and they already have some commitments for beautifying various areas in front of stores; they have a Committee working with small businesses and encouraging renovation and beautifications; they will be running contests in the residential area, taking it by different price range areas and awarding awards to the area that has done the most work in this field. He advised they will follow this part of the program with their Clean-up Fix-up Campaign, which is part of their overall campaign,

and it will take place in April. That at the end of their project they will have a garden tour, and they are selling dog-wood trees, which has been done in Greensboro by the Jaycees for years and has meant much to the city. As the dogwood is our State flower, this part of the program is being undertaken. He stated they wanted to bring their project to the attention of Council and hope to have the approval of the Mayor and Council members.

Mayor Brookshire advised they certainly do have the approval of the Council and himself, and their commendation also, and suggested that they continue to coordinate their efforts with the Chamber of Commerce Beautification Committee and with Mr. M.F. McNeil's Committee.

Mr. McNeil stated he has been serving as the Council's Chairman for Community Development and there is more interest being generated in the City of Charlotte in the past few months than any time in our history; that it was his privilege to have talked with the Charlotte Ministers Association meeting a short time ago, and he tried to portray in some manner the conditions that exist, and the result has been that he has received four invitations to repeat a portion of what he said to men's clubs and churches. He stated he met with the Junior Chamber of Commerce the other evening and learned these young men do not know that things cannot be done, so they tackle it and do it, and they deserve full cooperation and he is hopeful in the next few years many things will have happened to have cleaned up our city in many ways.

COMPLAINT AS TO WIDENING OF MCALWAY ROAD AND SHARON ROAD IN LIEU OF EASTWAY DRIVE.

Mr. Jim McDuffie stated it is something new to him that McAlway Road is being widened -this all ties in, and he is wondering if there is any politics in the widening of Sharon Road? That Eastway Drive has 9,000 traffic counts and Sharon Road has 1,000 if you widen McAlway Road what will happen to the extension of Eastway Drive, which he really doesn't care if it is ever widened or not, but they have 9,000 traffic Count and a Road that only has 1,000 is being widened makes him wonder if it would not be better if they didn't have any traffic so they could get their street widened now instead of 5 years from now?

Mayor Brookshire stated if there is any politics in it he is unaware of it.


Mr. Veeder stated that McAlway Road needs to be widened as there is only 16' of pavement on the street and if you will look at the requirement of the subdivision ordinance, a residential street must be 26' wide. That Mr. McDuffie inferred something that is absolutely incorrect, the street needs to be widened and is going to be widened. That there is something in the mill for the widening of Eastway Drive.

Mr. McDuffie stated he is just wondering how long it will take, that Sharon Road is particularly irritating to him, that there is a mile and half of farm land to build the road that goes no where except to Fairview that is already widened and Providence Road on the other side that is already widened and he would just like the Council to know the people who look at this kind of thing do not take it lightly.

Mayor Brookshire advised that the widening is being done largely with State money, which was made available to the City.

ADJOURNMENT.

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


Lillian R. Hoffman, City Clerk