

A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, on Monday, February 14, 1966, at 3 o'clock p.m., with Mayor Stan R. Brookshire presiding, and Councilmen Claude L. Albea, Fred D. Alexander, Sandy R. Jordan, Milton Short, Jerry C. Tuttle and James B. Whittington present.

ABSENT: Councilman John H. Thrower.

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INVOCATION.

The invocation was given by the Reverend J. Paul Byron, Pastor of St. Gabriel's Catholic Church.

MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Whittington and unanimously carried, the Minutes of the last meeting of the City Council on February 7, 1966, were approved as submitted to the Council.

CERTIFICATES OF RECOGNITION AND APPRECIATION FOR SERVICE TO THE CITY PRESENTED TO RETIRING FIRE DEPARTMENT PERSONNEL.

In presenting the City's Certificates of Recognition and Appreciation to the following retiring members of the Charlotte Fire Department, Mayor Brookshire expressed the sincere thanks of the City Council and himself for the long service they have rendered the City and wished them much happiness in their retirement.

Captain Lloyd L. Thomas	Employed April 1, 1926	Retired Feb. 19, 1966
Captain William L. Wofford	Employed May 19, 1928	Retired Feb. 1, 1966
Firefighter Homer A. Holtzclaw	Employed Aug. 1, 1930	Retired Feb. 1, 1966

Fire Chief Walter J. Black introduced Mrs. Helen Wofford, the wife of Captain Wofford, and the Mayor welcomed her to the ceremonies.

ACTION ON WITHDRAWAL OF PETITION NO. 65-117 BY MELVIN T. GRAHAM ET. AL. FOR CHANGE IN ZONING FROM O-15 TO B-1 AND O-6 OF PROPERTY ON EAST SIDE OF PARK ROAD DEFERRED FOR ONE WEEK.

Mr. Charles J. Henderson, Attorney, presented a letter advising that Mr. Melvin T. Graham, et. al., Petitioners for a change in zoning from O-15 to B-1 and O-6 of property on the east side of Park Road extending from near Montford Drive to near Seneca Place and from Park Road to Sugar Creek have withdrawn the petition; he also presented a copy of their withdrawal letter to the Charlotte-Mecklenburg Planning Commission. That the petition was withdrawn in order to avoid any complications which might arise from certain protests which have been filed and certain amendments which the petitioners have made. That the petitioners intend to file a separate petition in respect to the property they desire to have zoned as B-1. If the petitioners wish to submit for amendment a change to O-6 as to the remainder of the property, this will be dealt with separately.

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Mr. Henderson stated they are withdrawing the entire petition; that it seems they originally had a very sizable package, and there have been amendments filed to the petition and protests filed that do not seem to be addressed to some of the issue; it is so complicated that, frankly, they all might wind up in the Court House for months if the petitioners do not simplify the petition.

Mayor Brookshire commented that, of course, they have the right to withdraw the petition, and he asked the Acting City Attorney if it is not correct that no action is required on the part of the Council? Mr. Kiser advised that he believes that we followed the policy before on withdrawals that permission to withdraw a petition is within the discretion of the City Council and that action by Council should be taken on the date set for the public hearing.

Councilman Tuttle moved the acceptance of the withdrawal, which was seconded by Councilman Whittington.

Councilman Albea asked if it would not still have to go back to the Planning Commission, that he did not intend voting on any revision in a petition that is brought into the Council before it has been to the Planning Commission. Mr. Henderson stated that the entire petition is being taken from the consideration of anybody at this time; they will go back, as the law requires, for a planning conference with the Staff of the Planning Commission following their advice, and then resubmit that portion of it they wish rezoned. That in filing the original petition they thought that filing the property as a big package made a simple, overall program, and they now believe they made a mistake and bit off too big a proposition. Now they will come back and simplify it which will make it easier to consider by everybody involved. As it is at present, it has presented many problems, particularly legal problems - the question of when may you amend, how do you amend, how do you correct, how do you improve a situation so as not to do an injustice to anybody. And so, they will come back with it broken down, just as if they had never been here before. Mr. Kiser, Acting City Attorney, remarked that he believes that the practice has been, and he thinks it to be a good one, that Council should not act upon a request to withdraw a petition except on the date of public hearing, which, in this case, would be next Monday. Mayor Brookshire asked if this is under an ordinance or is it a practice? Mr. Kiser replied that it has been as a matter of practice under the legal interpretation on opinions rendered by the City Attorney's office with respect to the timing on the action by Council.

Councilman Jordan asked if Mr. Henderson cannot leave the letters he has presented with the City Clerk to read at next Monday's meeting, and Mr. Kiser replied that he certainly may.

Mr. Henderson stated that the problem that arises is they are dealing with some neighbors who are unhappy. They do not want them to have to attend the Council Meeting in order to find out that the Petition has been withdrawn; they did not want to do anything under the table about this, something that might be misconstrued, and that they should appear at this public meeting today, furnishing copies of their letter of withdrawal to the press and to the Attorneys who represent these people protesting the petition. He stated they would like very much for the City Council to act on the withdrawal today. He stated further that he does not understand the law to say anything other than the Petitioner may withdraw a petition at any time before the public hearing, but he is not going to debate that, of course. Councilman Whittington asked if Mr. Henderson has notified the objectors, as well as their Attorneys, and Mr. Henderson replied they

intend giving the Attorneys copies of the letters. Councilman Whittington stated he thinks he will have accomplished the thing, that the Press knows what they are going to do and Council should wait until the next meeting as the City Attorney says to do.

Councilman Short offered a substitute motion that the matter be deferred for one week and the City Manager be asked to put this on the Agenda. The motion was seconded by Councilman Albea and unanimously carried.

MAYOR'S REPLY TO WBT EDITORIAL DISCUSSED RELATIVE TO CITY SEEKING FUNDS FROM FEDERAL ASSISTANCE PROGRAM.

Mr. W. J. Elvin told the Mayor that he was delighted to see his reply to WBT's editorial regarding the City seeking Federal assistance for various projects. That the editorials are becoming, in his opinion, altogether too frequent, particularly in the foot notes about the individuals pretty well up in our Government, to answer. That he does not know what is behind it all, he thinks it is cheap advertising, with apologies to WBT. That he thinks it is an excellent thing when our City Father can sit down and confront an article like this, and he is delighted that he did so.

Mayor Brookshire thanked Mr. Elvin for his remarks and said that he will add this to what he said to the Editorial - intergovernmental cooperation is nothing new; in fact, it must have started back in President Jackson's term because they labeled the vote battle back then when money collected by the Federal Government was doled out to communities across the country either on the basis of need or on the basis of political pull. We, of course, are trying to justify ours on the basis of need and these programs have been developed by governmental cooperation between State Government, Local Government and the Federal Government; and so long as they are available and so long as we contribute taxes to them, he thinks that Charlotte would want to use whatever it needs and can get out of the program.

Mr. Albert Pierson stated that he heard both the WBT Editorial on the subject and Mayor Brookshire's reply, and it seemed to him that the point that was missing in the reply was the fact that WBT had taken the stand that we, as a City, are not doing what we should with the resources we already have. That it seemed to him that what WBT was trying to get at was that we seem to have a City Council that was very weak in doing such things as Downtown Parking with the people who were involved in it. That if the Mayor remembers back a few years, the Mayor of Norfolk referred to Charlotte as "the rich city." That he does not know what has happened to our rich city - that we would like our city to be a model city, but there are a great many people in Charlotte who do not want our city to become a model. That he has said before, intergovernmental cooperation is one thing, but let's not carry it to the extreme of putting ourselves in the position of trying to get more through our political pull, which he is very well aware of. That he thinks the Editorials on WBT and in the Charlotte newspapers serve a very useful purpose and he hopes they will continue and hopes that the City Council will look upon all sources as to how we can make Charlotte a really model city - not just on Federal money but doing things ourselves, which, up until now, we are not very strong in.

Mayor Brookshire asked Mr. Pierson not to overlook the fact that in pursuing these programs, the local community is required to do a good deal on its own, and any community not willing to do it on the basis of careful long range planning, will not participate in the program. Mr. Pierson replied that he certainly has not overlooked that. That some months ago he did not criticize intergovernmental cooperation; he did mention the

fact that if you read magazines like U. S. News & World Report, you will find out that some sixty to sixty-five businesses had tremendous resources from income and some of those are banks like the Wachovia Bank, North Carolina Bank & Trust Company and places like that which, in Charlotte, have not, other than to take care of themselves, done the job of cooperating with the City Council, which could have been done by the biggest people in Charlotte.

Mayor Brookshire remarked that on the whole he thinks the business and civic leaders of Charlotte have cooperated very well with the city and he hopes the situation will continue.

Mr. Pierson remarked that he was referring to Mr. Tuttle's statement just a few weeks ago in discussing planning in Downtwon Charlotte, he said that "Belk's and Ivey's knew about the plans and they were satisfied to wait." He stated he does not mention that to show that the power structure itself does not know what is going on; in fact, it has been about four years since it was first started to determine what we wanted to do with downtown Charlotte - so this is nothing new. He stated that he still differs with the Mayor that the power structure in Charlotte has done their share taking care of the City of Charlotte.

Councilman Tuttle commented that, in the statement made about Belk's and Ivey's, he was not referring to them as part of any power structure or that they had had any dealing with a power structure, but simply because Mr. George Ivey, Jr. and Mr. Tom Belk happened to be members of the Executive Committee of the Downtown Association, and this is how they became aware of it.

ORDINANCE NO. 424-X ORDERING THE DEMOLITION AND REMOVAL OF DWELLING LOCATED AT 708 EAST 11TH STREET, OWNED BY C. E. FRALEY, ADOPTED.

Upon motion of Councilman Whittington, seconded by Councilman Tuttle and unanimously carried, the subject ordinance was introduced, read and unanimously adopted. The ordinance is recorded in full in Ordinance Book 14, at Page 268.

ORDINANCE NO. 425-X ORDERING THE DEMOLITION AND REMOVAL OF DWELLING LOCATED AT 710 EAST 11TH STREET, OWNED BY C. E. FRALEY, ADOPTED.

Upon motion of Councilman Whittington, seconded by Councilman Tuttle and unanimously carried, the subject ordinance was introduced, read and unanimously adopted. The ordinance is recorded in full in Ordinance Book 14, at Page 269.

ORDINANCE NO. 426-X ORDERING THE DEMOLITION AND REMOVAL OF DWELLING LOCATED AT 712 EAST 11TH STREET, OWNED BY C. E. FRALEY, ADOPTED.

Upon motion of Councilman Whittington, seconded by Councilman Tuttle and unanimously carried, the subject ordinance was introduced, read and unanimously adopted. The ordinance is recorded in full in Ordinance Book 14, at Page 270.

ORDINANCE NO. 427-X ORDERING THE DEMOLITION AND REMOVAL OF DWELLING LOCATED AT 714 EAST 11TH STREET, OWNED BY C. E. FRALEY, ADOPTED.

Upon motion of Councilman Whittington, seconded by Councilman Tuttle and unanimously carried, the subject ordinance was introduced, read and unanimously adopted. The ordinance is recorded in full in Ordinance Book 14, at Page 271.

ORDINANCE NO. 428-X ORDERING THE DEMOLITION AND REMOVAL OF DWELLING LOCATED AT 909 NORTH DAVIDSON STREET, OWNED BY C. E. FRALEY, ADOPTED.

Upon motion of Councilman Whittington, seconded by Councilman Tuttle and unanimously carried, the subject ordinance was introduced, read and unanimously adopted. The ordinance is recorded in full in Ordinance Book 14, at Page 272.

ORDINANCE NO. 429-X ORDERING THE DEMOLITION AND REMOVAL OF DWELLING LOCATED AT 4040 PLATO CIRCLE, OWNED BY CHARLIE ALEXANDER, ADOPTED.

Upon motion of Councilman Whittington, seconded by Councilman Tuttle and unanimously carried, the subject ordinance was introduced, read and unanimously adopted. The ordinance is recorded in full in Ordinance Book 14, at Page 273.

RESOLUTION ACCEPTING AMENDMENT NO. 1 TO GRANT AGREEMENT NO. FA-65-SO-4172, DATED JULY 9, 1965, BY THE FEDERAL AVIATION AGENCY ON BEHALF OF THE U. S. GOVERNMENT TO THE CITY OF CHARLOTTE AS AN AID IN THE DEVELOPMENT OF DOUGLAS MUNICIPAL AIRPORT.

The City Manager explained that the Amendment presented for Council consideration is to permit the Federal Aviation Agency to give us a partial payment of \$150,000 on the Funds they have agreed to provide as their share of the improvements to the Airport; otherwise, we would have to wait until all of the items are taken care of, and we need their money now.

A resolution entitled: Resolution Accepting Amendment No. 1 to Grant Agreement No. FA-65-SO-4172, Dated July 9, 1965, by the Federal Aviation Agency on Behalf of the U. S. Government to the City of Charlotte as an Aid in the Development of Douglas Municipal Airport, was introduced and read, and upon motion of Councilman Jordan, seconded by Councilman Whittington, was unanimously adopted. The resolution is recorded in full in Resolutions Book 5, at Page 211.

CLAIM OF MRS. ALLENE E. SMITH FOR INJURIES RESULTING FROM FALLING INTO AN OPEN METER BOX DENIED.

Upon motion of Councilman Whittington, seconded by Councilman Jordan and unanimously carried, the claim of Mrs. Allene E. Smith for injuries resulting from falling into an open meter box at 129 State Street on September 22, 1965, was denied as recommended by the City Attorney as the City had no knowledge of the alleged defect, and there is no evidence that the City committed a breach of its duty to the claimant and is, therefore, not liable.

CONSTRUCTION OF SANITARY SEWER MAINS IN HOPE VALLEY SUBDIVISION APPROVED.

Councilman Alba moved approval of the construction of 2,533 feet of sanitary sewer mains in Hope Valley Subdivision, inside the city limits, at the request of Ed Griffin Development Corporation, at an estimated cost of \$10,355.00. All costs to be borne by the applicant whose deposit of the \$10,355.00 will be refunded as per terms of the contract. The motion was seconded by Councilman Jordan and unanimously carried.

CONTRACT AUTHORIZED FOR APPRAISAL OF RIGHTS OF WAY.

Upon motion of Councilman Jordan, seconded by Councilman Albea and unani-
mously carried, the following contracts were authorized for the appraisal
of rights of way:

- (a) Contract with L. D. Bass, Sr. for the appraisal of two parcels of land on Eastway Drive in connection with the Eastway Drive Widening Project.
- (b) Contract with James L. Varnadore for the appraisal of four parcels of land on Eastway Drive in connection with the Eastway Drive Widening project.
- (c) Contract with W. B. Gammage for the appraisal of two parcels of land on Eastway Drive in Connection with the Eastway Drive Widening Project.
- (d) Contract with Henry E. Bryant for the appraisal of two parcels of land on Eastway Drive in connection with the Eastway Drive Project and two parcels on Plaza Road in connection with the Plaza Road Project.
- (e) Contract with G. A. Hutchinson for the appraisal of two parcels of land on Plaza Road in connection with the Plaza Road Widening Project.
- (f) Contract with Stuart Elliott for the appraisal of two parcels of land on Eastway Drive in connection with the Eastway Drive Project and two parcels on Plaza Road in connection with the Plaza Road Project.
- (g) Contract with T. R. Lawing for the appraisal of three parcels of land on Eastway Drive in connection with the Eastway Drive Project and two parcels on Plaza Road in connection with the Plaza Road Project.
- (h) Contract with Harry G. Brown for the appraisal of five parcels of land on Eastway Drive in connection with the Eastway Drive Project.
- (i) Contract with Wallace D. Gibbs for the appraisal of three parcels of land on Eastway Drive in connection with the Eastway Drive Project and two parcels of land on Plaza Road in connection with Plaza Road Project.

RENEWAL OF SPECIAL OFFICER PERMIT TO ROBERT CALVIN GALE FOR USE ON THE PREMISES OF JOHNSON C. SMITH UNIVERSITY.

Councilman Albea moved approval of the renewal of the Special Officer Permit to Robert Calvin Gale, 300 Mattoon Street, for use on the premises of Johnson C. Smith University for a period of one year. The motion was seconded by Councilman Whittington and unanimously carried.

REAPPOINTMENT OF ARTHUR S. SAMS, JR. TO THE INSURANCE ADVISORY COMMITTEE.

Councilman Tuttle moved the appointment of Mr. Arthur S. Sams, Jr. to the Insurance Advisory Committee for a term of three years. The motion was seconded by Councilman Jordan and unanimously carried.

TRANSFER OF CEMETERY LOT.

Upon motion of Councilman Albea, seconded by Councilman Alexander and unanimously carried, the Mayor and City Clerk were authorized to execute a deed with Mrs. Sarah Belk Gambrell for the north half of Lot 13, Section L-Annex, Elmwood Cemetery, at \$3.00 for the transfer from Mrs. W. H. Belk.

CONTRACT AWARDED SHERRILL CONSTRUCTION COMPANY FOR CONSTRUCTION OF IMPROVEMENTS ON SHENANDOAH AVENUE.

Councilman Jordan moved the award of contract to the low bidder, Sherrill Construction Company, for the construction of street improvements on Shenandoah Avenue, as specified, in the amount of \$7,644.00, on a unit price basis. The motion was seconded by Councilman Short and unanimously carried.

The following bids were received:

T. A. Sherrill Construction Co.	\$7,644.00
Crowder Construction Co.	7,865.50
A. V. Blankenship Company	8,896.00

CONTRACT AWARDED SUMTER MACHINERY COMPANY FOR CATCH BASIN FRAMES AND GRATES.

The following bids for 200 Cast Iron Catch Basin Frames and Grates were submitted Council for consideration with the recommendation that the second low bid by Sumter Machinery Company, in the amount of \$6,359.22, be accepted for the award of the contract on a unit price basis. That due to the unsatisfactory performance of contracts in the past with the low bidder, Knoxville Foundry Company, concerning poor deliveries, return of some items not meeting specifications and the manner in which records were kept, the using department did not feel it would be in the best interest of the city to recommend the award of the contract to this company.

Knoxville Foundry Company	\$6,241.80
Sumter Machinery Company	6,359.22
Dewey Brothers, Inc.	6,711.60
Southern Foundry Company	7,272.00

Councilman Jordan asked the City Manager if the reason we are not purchasing the material from Knoxville Foundry Company is because their services have not been satisfactory? The City Manager advised that is correct; at the same time, we are told by representatives of the Foundry that the conditions that we found unsatisfactory in the past have been remedied, and because of this statement we would like to give them some smaller orders and see how they produce now. When a yearly contract like this one is awarded we like to place it with a Company whose services have been satisfactory in the past.

Councilman Jordan moved the award of contract to the second low bidder, Sumter Machinery Company, in the amount of \$6,359.22, on a unit price basis. The motion was seconded by Councilman Albea and unanimously carried.

CONTRACT AWARDED SUMTER MACHINERY COMPANY FOR MANHOLE RINGS AND COVERS.

The following bids for 420 Cast Iron Manhole Rings and Covers were submitted to Council for consideration with the recommendation of the award of contract to the second low bidder, Sumter Machinery Company, in the amount of \$12,592.99, on a unit price basis. Because of the unsatisfactory performance of contracts

in the past with the low bidder, Knoxville Foundry Company, involving poor deliveries, return of items not on specifications and improper invoicing, the using department felt it would not be in the best interest of the city to award the contract to them.

Knoxville Foundry Company	\$11,939.76
Sumter Machinery Company	12,592.99
Dewey Brothers, Inc.	12,766.32

Alternate bid not meeting specifications:

Dewey Brothers, Inc.	\$11,909.52
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Councilman Jordan moved the award of contract to the second low bidder, Sumter Machinery Company, in the amount of \$12,592.99, on a unit price basis. The motion was seconded by Councilman Whittington.

Councilman Short asked if the objections apply to the quality of the product? Mr. Veeder replied in part they do, because in our last contract with this company, we had to return a lot of the material as not meeting our specifications.

Mayor Brookshire said he is wondering why or in what respect Dewey Brothers' alternate bid of \$11,909.52 was unacceptable, in addition to the fact that alternate bids were not called for? That he is wondering if the City could save a little money by throwing out all the bids and calling for new bids on the basis of that alternate bid if it furnished acceptable goods. It could be that equipment offered on the alternate bid would do the job and not meet those particular specifications.

Councilman Short asked if this is a product which if it were not proper could be very dangerous, and a car could collapse one? Mr. Veeder replied he presumes if it were defective enough, this could happen.

Mayor Brookshire remarked that there is nearly \$700 difference between the second bid and the low bid and the alternate bid offered by Dewey Brothers - and, incidentally, they are a very reliable and reputable firm - and he is just wondering if it would be wise to reject all these bids and issue new revised specifications? Mr. Veeder replied he thinks we should first find out specifically why they did not meet specifications.

Mayor Brookshire asked Mr. Queen, Assistant Purchasing Agent, to tell Council the difference in the equipment offered by Dewey Brothers on their alternate bid and if the alternate equipment offered would serve our purposes satisfactorily? Mr. Queen replied that it would not serve our needs as it is a lighter piece of material, and this design is not the design for the City. That the City Engineer stated in his specifications that we have announced the redesign of one of the more popular manhole rings, and this design differs from the old design principally in the fact that the vertical bearing walls have been slightly altered. This is to divert the load to apply it from the cover to the frame at 90°; that this has been proved to be a better load acceptions design, and at the same time lends itself to the admission of more light in the manhole structure. That we have to have a larger opening for this manhole ring on the redesign. This slightly larger opening makes an appreciable difference when it is necessary for maintenance personnel to enter and leave the exit.

Mr. Veeder asked if he is not commenting from something that perhaps the Engineering Department has told him why they do not want the alternate? Mr. Queen replied no, this came from Dewey Brothers themselves. Mr. Veeder stated he presumes that Mr. Queen reviewed this with the Engineering Department, and Mr. Queen advised that between them they concluded that this new design was not in our best interest because of thickness, and we would have

to enlarge the manhole. Councilman Whittington asked if it would not cost more money in the long run if we had to change all the manholes? Mr. Queen stated this has come up before. They had the same design last year and would not use it last year. And the design we are using now is completely to our satisfaction, and the Engineering Department does not want to alter the situation at the present time. Mayor Brookshire asked if this requirement is for replacements rather than new manholes to fit our present rings? Mr. Queen replied these are for replacements. Councilman Tuttle asked if in that case they would take this type into consideration when they are ordering new ones, and Mr. Queen replied he would think so.

Mayor Brookshire remarked we would not want to discourage any manufacturer to change a design that would make a more economical product that would serve the same purpose.

The vote was taken on the motion and carried unanimously.

PRESENT OPENING IN MEDIAN AT HICKORY NUT STREET ON INDEPENDENCE BOULEVARD CLOSED AND LEFT-TURN LANE CONSTRUCTED ON INDEPENDENCE BOULEVARD AT THE INTERSECTION OF FUGATE AVENUE.

Councilman Tuttle moved that the present opening in the median at Hickory Nut Street on Independence Boulevard be closed and a left-turn lane constructed on Independence Boulevard at the intersection of Fugate Avenue as recommended by the Traffic Engineer. And that the people in Echo Hill will be notified either in person, by carrier or by letter that this median is to be closed. The motion was seconded by Councilman Short and unanimously carried.

ACQUISITION OF EASEMENTS FOR WOODLAWN ROAD WIDENING PROJECT AND SANITARY SEWER EASEMENT TO SERVE BROOK FOREST LANE.

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

- (a) Acquisition of construction Easement over 450 square feet of property at 615 Woodlawn Road, from Sylvia I. Eagle, at \$110.00 for right of way for Woodlawn Road Widening.
- (b) Acquisition Easement 10 feet wide by 24.83 feet long over property at 5020 Murryhill Road, from G. Ronald Ledbetter and wife Mary Alice, at \$25.00 for sanitary sewer line to serve Brook Forest Lane.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY OF ROMEO ALEXANDER AND WIFE, FRANCES G. ALEXANDER, LOCATED AT 926 EAST TENTH STREET FOR THE NORTHWEST EXPRESSWAY ADOPTED.

Upon motion of Councilman Albaea, seconded by Councilman Short and unanimously carried, the subject resolution was introduced, read and adopted. The resolution is recorded in full in Resolutions Book 5, at Page 212.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY OF MARY Y. KEESLER LOCATED AT 604-24 NORTH MYERS STREET FOR THE NORTHWEST EXPRESSWAY ADOPTED.

Upon motion of Councilman Albaea, seconded by Councilman Short and unanimously carried, the subject resolution was introduced, read and adopted. The resolution is recorded in full in Resolutions Book 5, at Page 213.

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CITY MANAGER REQUESTED TO DISCUSS WITH CHARLOTTE CITY COACH COMPANY EXTENSION OF BUS SERVICE TO BARCLAY DOWNS.

Councilman Tuttle stated he has had a number of calls about Bus service in Barclay Downs, particularly from people on Closeburn Road. It seems that the bus runs out there from 7 to 9 a.m. and he imagines this is for school children and maids, and from 3 to 6 p.m., and one lady in particular says she has a daughter who gets out of Queens College around 2 o'clock, and there is no bus and she has to pick her up; and since this service was established out there, she is of the opinion that there is enough demand to warrant extension of the service, and she believes they should be put on full time. He asked the City Manager to take this up with the Bus Company.

FUTURE PLANS FOR ANIMAL SHELTER REQUESTED DISCUSSED AT BUDGET MEETING.

Councilman Jordan called attention to the letter from Mrs. Rawlins relative to the Animal Shelter received by each Councilman and stated he would like her requests considered at budget time. He asked the City Manager if we cannot work something out with regard to the Shelters with the County? Mr. Veeder replied that Council has been patient in getting a report on the consolidation of the Shelters, and it is being reworked, and he will get it to them as quick as he can. That he thinks within the context of the request of Mrs. Rawlins that it will not change the need for a new facility. That we will need this facility regardless of what organization change is made.

DISCUSSION OF AND SUGGESTIONS FOR CURBING NUMEROUS ROBBERIES.

Councilman Whittington stated he would like to continue his discussion with respect to the Police Department where they left off in the Conference Room. Two things that he would like to mention. Number one, he does not think Mr. Tuttle intended to imply that the Police Department was now up to strength; that would lead you to believe that perhaps if we reach, say 300 men or 350 men, we would stop there. That he personally thinks we should make it perfectly clear to the Civil Service Commission that they are requested to continue as progressively as they can to recruit and find new men and if 50 or 100 more men can be found by budget time, and the need is proved, that we will hire those men and put them to work. That he does not think Mr. Tuttle meant it any other way, but he would want to make it perfectly clear so that it be understood by Council and the public in general.

Councilman Whittington advised that since we came into this meeting, there has been another robbery downtown in the 500 block of South Tryon Street and that problem is becoming worse all the time. He thinks every effort should be made for the Police Department to carry out the Mayor's suggestion and point out to the shopping public, the people who are going back and forth depositing money, people who are using parking lots downtown that they must not leave things in their cars, that should be left in the trunk and not in the back seat exposed to anyone who might want to break a window out and see what is in there. This could be a tremendous public relations service to the Police Department and he thinks very effective.

Councilman Tuttle commented that along the lines suggested by the Mayor, he has a booklet put out by one of the Police Department in the Country and sponsored by a building firm in Raleigh that is excellent, and he is getting prices on this book and has a source that has promised him they would purchase them for the Civil Service Commission. That the Mayor's idea is good and this could change some of the things he was talking about.

Councilman Whittington remarked that in line with Mr. Jordan's suggestion in Conference Session, we should realize that we have these three-wheelers that are not in service by the Police Department at night, and so there is no reason why they cannot be put to work at night right now and not wait until we have to order it done if Chief Hord and his staff think they are worthwhile.

Councilman Jordan remarked that he thinks the suggestion that he made in the Conference Room to put more policemen uptown should be put into effect if we can possibly find them anywhere. That he certainly thinks if these officers were standing in every block up there, he believes it would be a little deterrent to some of these robbers. As it is now, about the only Policeman you can see is on the Square or perhaps one at the corner of Fourth Street, the only two policemen in the whole uptown area. If we could put two in every block for three or four blocks each way of the Square, it would be a deterrent to these people who are hitting the loan offices.

Mayor Brookshire stated he wishes it were possible to make some effective appeal to the perpetrators of these crimes, and he does not think that is possible. That he does think, however, that we can ask the Police Department and the public in general and particularly that part of the public that is so often the target for these robberies to cooperate to the fullest possible extent. He has suggested, and Council seems to endorse, that Mr. Veeder contact Chief Hord and ask him to prepare a set of guidelines or suggestions to the public which might in some way lessen the amount of such crimes in our City. Too often it is the fault of some folks who are burglarized or victimized because they do not take the proper precautions against such unlawful acts, and perhaps they could be partially guilty of neglect in the matter. He is sure that all of us want to do everything possible to reduce the incident of crime in our City which has reached an alarming rate to a point where it is not only a danger being on the streets at times; it is particularly dangerous to carry money around on the street, and especially so for those citizens who operate banks with a single individual in charge, which is practically an open invitation to robbers. He thinks, frankly, the cooperation of the public with the Police Department can be effective in curbing some of the crime. That he would like to see the Police Department come up with a real good set of recommendations to the general public or with an appeal for their cooperation.

Councilman Alexander stated he would like to come back with his suggestion that, while we are finding these men, some consideration be given to increased patrolling of that area bounded by Beatties Ford Road, Oaklawn Avenue and Statesville Avenue. Mayor Brookshire replied he thinks this is a good suggestion, and he thinks the Police Department should be giving careful study to the frequency of crimes in various parts of the City. That too many of these things are falling into a fixed pattern and they should do something about those fixed patterns.

EXPLANATION BY MAYOR BROOKSHIRE OF THE FEDERAL DEMONSTRATION CITIES PROGRAM.

Mayor Brookshire stated that two weeks ago he discussed with Council some of the guidelines established for those cities that qualify under the President's proposal for demonstration cities, and he mentioned the fact that there would be fifty or possibly as many as seventy cities selected throughout the Country.

That when he returned to City Hall this morning after having been out of the City a few days, he had a copy of the President's Message and the Act to Congress which was submitted by the President on January 26th. This Bill would give the Secretary of the Housing and Urban Development authority to make grants to enable cities to plan and carry out comprehensive city

demonstration programs. The Bill would require yearly appropriations of funds to carry out its provisions and the authority under the bill would end on June 30, 1971. That he, also, has something of a digest on it in the way of questions and answers which he thinks might be of interest to Council.

"WHAT IS REQUIRED TO HAVE A DEMONSTRATION PROGRAM?"

There are eight requirements to obtain this Federal Assistance.

1. The local program must be large in scope, both physically and socially. It should aim at wiping out or arresting blight and decay in entire sections or neighborhoods. It should increase the supply of decent housing at low and moderate cost. It should make marked progress toward improving the education and reducing disease and idleness of those who live in slums and blighted areas. And it should have a sound impact on the entire city.
2. The program must contribute to a well-balanced city. One result must be adequate city-wide facilities. This would include better schools, transportation and recreation, good access to centers of employment, and housing for all income levels.
3. The program must call for widespread citizen participation in all its phases. It should provide jobs and training for those living in the area, as well as offer social and educational services to the poor and disadvantaged living there.
4. The program must be assured of enough local resources to reach completion on schedule.
5. The program must be supported by all local government units concerned. Local agencies to be involved must show their intent to cooperate with the city government so that the program will be carried out with complete coordination.
6. The program must assure that those displaced by renewal efforts will be satisfactorily relocated.
7. The program will assure full opportunity in choice of housing for all citizens.
8. The program will meet such other requirements as the Secretary shall call for to carry out the purposes of the Act.

WHAT OTHER FACTORS MUST BE CONSIDERED?

The Secretary must make five added judgments in determining whether the program should be approved for a city. They are:

1. He must make sure that local laws and other local requirements are consistent with program goals.
2. He must be certain that the program will apply high standards of design and not destroy existing natural, historical or cultural characteristics.
3. He must decide that costs are held down by use of the best building methods, materials and design.
4. He must make sure that the program will reduce housing segregation by race and income levels.
5. He must see to it that the program fits in well with comprehensive planning for the entire metropolitan or urban area.

WHAT AMOUNT OF FEDERAL AID CAN THE CITY GET FOR PLANNING THE PROGRAM?

Mayor Brookshire stated he believes there are \$12,000,000 proposed for planning.

The Secretary can pay the city's demonstration agency 90 per cent of the costs of planning and developing the program.

AFTER PROGRAM APPROVAL, WHAT AMOUNT OF FEDERAL AID CAN BE OBTAINED?

Grants will be available to meet 80 per cent of the costs of administering the program. In addition, a grant up to 80 per cent of the required local share of the cost of projects or activities assisted by Federal grants-in-aid will be available to help carry out all the projects or activities included as part of the program. There are safeguards to assure that a city cannot take advantage of this Federal aid program by cutting down on its level of expenditures on activities similar to those assisted in the demonstration program.

WILL THE FEDERAL GOVERNMENT HELP WITH PROGRAM DIRECTION?

Yes, by establishing an Office of the Federal Coordinator. The Director of this office will make every effort to achieve the most effective coordination of Federal grant-in-aid programs undertaken in connection with the demonstration programs. Also, the Secretary will provide technical assistance to help cities plan, develop and administer the demonstration programs.

WILL OTHER FEDERAL AGENCIES COOPERATE?

Yes. The Act requires the Secretary to consult with other Federal departments and agencies on all aspects involving Federal grant-in-aid programs. He will do this before making a commitment for grants for city demonstration programs."

Mayor Brookshire stated he has read this to Council in toto because he knows of their interest and he thought they would like this additional information about the program itself. That he asked Mr. Veeder a couple of weeks ago if he would proceed with some proper study as to how we might better prepare our formal proposal since there is no application to be made and no application form. A city interested simply prepares a proposal based on its total needs of comprehensive planning and its ability to meet these guideline requirements which have just been read and which was also discussed two weeks ago.

Councilman Short asked if we have any local laws that are inconsistent with the goals of the program? Mayor Brookshire replied he did not think so. That he has been over these goals or guidelines several times and so has Mr. Veeder. The Mayor ask if there is anything in our ordinances or in our total program that would be in conflict? Mr. Veeder replied not that he is aware of; that he thinks it is completely compatible with a number of things.

DISCUSSION OF NEED FOR FILING APPLICATION IMMEDIATELY FOR ADDITIONAL PUBLIC HOUSING UNITS.

Referring to the discussion in the Conference Session and the letter from Mr. Martin Handrick of the Public Housing Administration giving the results of the recent study of the public housing needs in Charlotte, Councilman Whittington commented that the Mayor suggested that Council study the letter, which he thinks most have already done; and secondly, he suggested that Council not take any action on it until we have decided what other phases, if any, we would want to undertake with Urban Renewal.

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Mayor Brookshire stated he did this because he thinks our total needs for additional housing, low rent housing particularly, will hinge directly on additional urban renewal programs.

Councilman Whittington remarked that he wants to make this point - if we applied today for an additional 600 units or 1,000 units, it would be three years before it got to the people in Atlanta and the local Housing Authority and the first family could move in; so, anything that we put off as far as making some decision is concerned, we are just making our situation worse now, and even more so at a later date, and he thinks we should make some decision on this perhaps while we wait on the Planning Commission to come in with the report on Downtwon and Dilworth as far as more additional housing is concerned; and at the same time, make another approach to private enterprise to initiate there contirbution in this field in the form of low rent housing. And he thinks this should be done.

Mayor Brookshire remarked that he thinks that private enterprise can furnish, at least, 97 per cent of the total housing needs in Charlotte on the basis of the ability of citizens being able to pay for it, but it is the other three or four per cent he was talking about. That the only reason he suggested delaying it for a little while, at least, is the fact that he believes the Planning Director told us a couple of weeks ago that he would have the remaining studies completed and delivered to us within six weeks or two months.

The City Manager advised that he believes that Morehead and Dilworth are going to the Planning Commission tomorrow; and if so, he was thinking of getting the report to Council Monday.

Mayor Brookshire stated he thinks within two months we will have the benefit of the studies that Council requested of Mr. McIntyre, and we can then analyze them and weigh the needs of the various areas of the city and try to set up some priorities and, perhaps, launch new projects. He stated he does think it is important to correlate the housing needs to the programs, and he is in favor of our having all of the housing that we need but not more than we need at any given time.

CITY MANAGER DIRECTED TO HAVE POLICE DEPARTMENT ENFORCE ORDINANCE PROHIBITING TRUCKS HAULING DEBRIS OVER CITY STREETS WITHOUT TALIGATE CLOSED.

Councilman Whittington called attention to the Ordinance adopted by Council about three months ago prohibiting trucks hauling debris across our city streets without a tailgate, and he remarked that from his own obeservation, this is the most grossly violated ordinance by truckers of anything that we have on the books today. That you can ride on any street from the time truckers start operating till dark, and they are hauling building material all over town, littering streets, causing people to have tire punctures, cutting their tires and endangering the street. Last week at North Graham and Eleventh Streets, a piece of tin fell off of a truck and caused a man \$150 to fix his truck. That he saw three Saturday, hauling debris, doing the same thing and obviously our Police Department is not doing anything about it, and he would like it stopped if there is anyway that it can be stopped. You take a demolished house and load it on an old truck without a tailgate and you can have a hundred punctures before he gets to the land-fill. He asked the City Manager to take this up with the Police Department and see if the practice cannot be stopped immediately.

POLICE DEPARTMENT DIRECTED TO BEGIN NEXT MONDAY ENFORCEMENT OF REQUIREMENT FOR DISPLAY OF CHARLOTTE LICENSE TAG ON CARS OF PERSONS RESIDING IN CHARLOTTE.

Councilman Alexander stated that last year about the end of the year we became concerned about the lack of the purchase of city tags. That if we start now with the State tag purchase period ending tomorrow, we should have good results. He asked could we not now serve notice on the public that beginning next week we are going to start cracking down on city tags?

Councilman Tuttle remarked that last year the Police Department very effectively got the residents to purchase tags by Mr. Veeder simply asking them to enforce the law.

Councilman Alexander stated the only thing he wants is whatever it takes to begin it now and benefit from doing it now rather than waiting until the last of the year and come up with only a few dollars when it could be more beneficial.

Mayor Brookshire stated the public could be so advised that enforcement would be stepped up as of the beginning of next week if there is a motion to that effect.

Councilman Albea remarked that he thinks we should set a date.

Mr. Veeder said that he has one word of caution on setting a date. That generally the State sees wisdom in pushing back the effective date for one reason or other, and they may or may not do that this year, and he thinks the City should wait until we are sure of the final date.

Mayor Brookshire stated the radio was saying this morning that the Police would begin arresting those with old licenses tomorrow. Mr. Veeder replied that on occasion the State has extended their deadline.

Councilman Alexander moved that beginning next Monday the requirement that, all persons residing in Charlotte display a City License Tag on their cars, be enforced by the Police Department. The motion was seconded by Councilman Albea and carried by the following recorded vote:

YEAS: Councilmen Albea, Alexander, Jordan Short and Whittington.
NAYS: Councilman Tuttle.

Mayor Brookshire remarked that last year we sold 10,000 additional tags because of the special efforts. Councilman Tuttle stated the special effort was made by asking the Police Chief to enforce the law. Mayor Brookshire remarked the residents of Charlotte know that they are required to have this license tag by ordinance, and they know they are in violation, and they should not be surprised by the efforts of Council to enforce the law.

FORMAL OPENING OF NEW FIRE STATION ON FRONTENAC STREET TO BE HELD FEBRUARY 28TH AT 12 NOON.

The City Manager advised that a date should be set for the formal opening of the new Fire Station on Frontenac Street, and it was unanimously agreed by Council to have the opening on Monday, February 28th, at 12 noon.

AGREEMENT AUTHORIZED WITH INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE FOR RECRUITMENT OF CHIEF OF POLICE.

Upon motion of Councilman Whittington, seconded by Councilman Tuttle and unanimously carried, an Agreement was authorized with International Association of Chiefs of Police for the recruitment selection of the next Chief of Police of Charlotte, at a fee of \$4,060.00.

REPORT BY CITY MANAGER ON STATUS OF ESTABLISHING THE CENTRAL RECORDS SYSTEM.

Councilman Whittington asked the City Manager to comment on the arrangements he has made with Mr. Ingersoll for the beginning of the Central Records System.

Mr. Veeder advised that they have discussed basically three things - first, the role the IACP will play in the recruitment selection of the next Chief of Police; secondly, in connection with the joint action taken by the Council and County Commissioners towards the possible consolidation of City and County Police records. That he talked with Mr. Ingersoll towards the end of his organization analyzing and designing this consolidation of records, and Mr. Ingersoll is to prepare a program on this and bring it back to us for the consideration of the Council and County Commissioners. Third, the next proposal will be for the overall study of the departments. He advised they expect to have these two formal agreements available for Council for consideration.

ACTION ON REQUEST FOR PAYMENT OF NOTE MADE BY VETERANS RECREATION AUTHORITY DEFERRED FOR EXPLANATION OF HOW FUNDS WERE SPENT.

The City Manager suggested that Council might want to give some additional consideration to the Veteran's Center problem, perhaps in the form of rescinding action taken last Monday and give some consideration toward helping the Authority get out of debt in terms of it's Note to the bank in the amount of \$2,600.00, and hold any other action in abeyance until a future date.

Councilman Alexander asked the Acting City Attorney if he is ready to give his opinion on the legal status of the City in the operation of the Veterans Center, which was requested at the last meeting? Mr. Kiser, Acting City Attorney replied that it is his opinion that the City would not be liable for obligations incurred by the Veterans Recreation Authority on a contractual basis. Councilman Short asked if the Council is not entitled to support the Authority - that it is permissive but not mandatory? Mr. Kiser replied that is correct. Mayor Brookshire remarked then you would have the legal versus the practical consideration involved.

Councilman Albea remarked that a lot of people, including himself, goofed on the Veteran's Authority matter last week but the information handed him was all he had to go on. He moved that Council action last week approving the payment of the outstanding bills of the Authority that were given Council for expenses at the Veterans Center be rescinded. The motion was seconded by Councilman Whittington and unanimously carried.

Councilman Albea moved the payment of the \$2,600.00 for the Note of the Veterans Authority as recommended by the City Manager, which the City Attorney says the City is not liable for. He stated that is taking all the beer, beer cans, steaks, can openers and beer containers out, which the Authority notified him should not have been listed among their indebtedness last week. He commented further that he made the statement last week that they could throw all the beer and the containers and the cartons out of the widow as far as he was personally concerned. The motion was seconded by Councilman Whittington.

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Councilman Short asked the City Manager what the proceeds of the \$2,600.00 Note were spent for by the Authority, and Mr. Veeder replied that he does not know.

Councilman Alexander asked if the \$2,600.00 included in Council action were funds approved to rehabilitate the Center and to repair it? Mr. Veeder replied that it was not, this is a different situation. Councilman Alexander asked if this was before or after Council action, and the City Manager stated he believes the Authority borrowed the money at least a year ago when it became clear that the Council was without authority to provide the money for them, and this was part of Council's consideration of the Amendment to the Statutes that gave Council the authority to spend some money there.

Councilman Alexander stated if we pay this Note, what will stand between us and another Note like this, and Mr. Veeder replied Council's discretionary judgment. Councilman Jordan remarked that at the time the Note was made, Council had no authority to allocate funds to the Authority. Since that time, the Legislature has authorized spending money for the Veterans Center, the City Manager remarked that this is correct.

Councilman Short offered a substitute motion that the matter be deferred and Council ask the Authority or Mr. Fowler to advise us how the \$2,600.00 was spent. The motion was seconded by Councilman Jordan.

Mayor Brookshire remarked that he was not present at the meeting last week when the question of funds for the Veterans Authority was discussed, but he would like to suggest that Council give thorough consideration of the future of the Veterans Center in view of the past difficulties they have had in keeping its head above the water. That it may be that it could be added to the Park and Recreation Commission with the understanding that Veterans, as well as other groups, might make use of it.

Councilman Albea remarked that if Council does not want to support the Veterans Center, then let's just kill it; that he is not in favor of delegating authority. Mayor Brookshire said to Councilman Albea that if he were not so diametrically opposed to Committees he would suggest that we have a Committee of the Council look into it very carefully and report back.

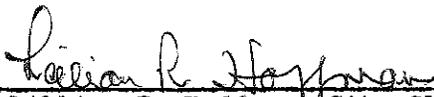
Councilman Albea remarked if Council is going to put off helping them out today, then the thing to do is to have the Authority come before Council and with the City Manager explain it.

Councilman Jordan remarked that it is his understanding that it was the \$2,600.00 that the Authority wished Council to take care of last week, and how the bills for expenses of the Center got to Council he does not know. Councilman Albea remarked that he will support this, provided the Authority furnishes the information, and Councilman Jordan commented that he certainly would expect the Authority to furnish the information, as that would be the only way of getting it.

The vote was taken on the motion and carried unanimously.

ADJOURNMENT.

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



Lillian R. Hoffman, City Clerk