

A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, on Monday, March 7, 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, John H. Thrower, Jerry C. Tuttle and James B. Whittington present.

ABSENT: None.

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INVOCATION.

The invocation was given by the Reverend Leland K. Stephens, Pastor of Grace Baptist Church.

MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Whittington and unanimously carried, the Minutes of the last meeting on February 28th were approved as submitted to the City Council.

ORDINANCE NO. 437-X EXTENDING THE CORPORATE LIMITS OF CHARLOTTE, NORTH CAROLINA, BY ANNEXING 108.46 ACRES OF PROPERTY WEST OF BEATTIES FORD ROAD, ABUTTING ON GRIERS GROVE ROAD IN PAW CREEK TOWNSHIP.

The public hearing was held on the Petition by Nance-Trotter, Builders, and Mr. McDaniel Jackson, for the annexation of 108.46 acres of property west of Beatties Ford Road, abutting on Griers Grove Road in Paw Creek Township.

Mr. William H. Trotter, one of the petitioners, in answering questions by the Mayor and Councilmen stated this is a sizable area of land and is located where there is a need for new houses; the area is entirely Rural in nature and lies to the north of Northwood Estates; most of the area is zoned single-family, and the remainder multi-family; it includes both sides of Griers Grove Road, and Mr. McDaniel Jackson, who joins in the petition, owns the area involved north of Griers Grove Road; they will start the development this week and only one-third of the entire area will be developed this calendar year, and the development of the entire property will take some two to three years. Development will be single-family houses and eight-unit apartments or multi-family houses - no duplexes are planned.

Councilman Short remarked that the initial responsibility for financing the sanitary sewer installation is listed at \$60,000 and would fall on the Developer, subject to the City's arrangement to repay when it becomes sustaining; and he asked Mr. Trotter if he is prepared to invest this amount? Mr. Trotter replied that he and Mr. Jackson are not prepared to do so all at one time; that the development of the entire project will take several years, and they are prepared to finance the initial portion of the cost for sewer service, some \$15,000 to \$20,000. That they have coordinated with the various City departments involved, who were very cautious about the money involved, and he thinks they have assured themselves that the money will be available.

The City Manager commented that based on the policy the City has been following, and especially making note of the fact that the property will be developed over about a three-year period, they think it is within the framework of previous Council policy, and he would recommend that the annexation be approved.

No objections were expressed by the public to the proposed annexation.

Councilman Whittington moved the adoption of an ORDINANCE EXTENDING THE CITY LIMITS OF THE CITY OF CHARLOTTE, ANNEXING 108.48 ACRES OF PROPERTY IN PAW CREEK TOWNSHIP. The motion was seconded by Councilman Jordan and unanimously carried. The ordinance is recorded in full in Ordinance Book 14, beginning at Page 281.

ORDINANCE NO. 436 AMENDING CHAPTER 19, ARTICLE I, DIVISION 3, OF THE CODE OF THE CITY OF CHARLOTTE, WITH RESPECT TO RATES OF FARE TO BE CHARGED BY TAXICABS.

The Petition of Baker Cab Company, Charlotte Cab Company, Inc., Checker Cab Company, Victory Cab Company, Inc., and Yellow Cab Company for an increase in cab fares to fifty cents for the first 2/5 mile and ten cents for each additional 2/5 mile, on which the public hearing was held on February 28th, was presented for consideration.

The City Manager gave the following information previously requested by the Council:

|   | <u>In 1959</u> | <u>In 1966</u> |
|---|----------------|----------------|
| Total number of Certificates for Taxicabs | 178            | 188            |
| Number of Active Cabs                     | 142            | 154            |
| Number of Inactive Cabs                   | 36             | 34             |

Councilman Short asked if this means that in the seven-year interim the number of cabs has increased by only ten? Councilman Jordan replied that ten Certificates were approved during this period. Councilman Thrower asked Mr. Baker, President of Baker Cab Company, how many of the six Certificates given him were utilized, and Mr. Baker replied that he has them all ready to be put on.

Councilman Jordan moved that the request of the Cab Companies be granted for an increase in cab fares to fifty cents for the first 2/5 mile and ten cents for each additional 2/5 mile. That he feels this will give them an opportunity to employ drivers that are badly needed, and by having these additional drivers on the streets, the Cab Companies can give better service. The motion was seconded by Councilman Thrower.

A substitute motion was offered by Councilman Tuttle that the Cab Companies be granted an increase in cab fares, effective April 1, 1966, of 45 cents for the first 2/5 mile and 10 cents for each succeeding 2/5 mile, as recommended by Mr. Fennell, Director of Finance, in his Alternate Plan No. 1, and that an Ordinance to that effect be adopted. That the Council is granting this increase with the understanding that the Cab Companies will do their best to improve the service. That Council is granting this increase, not because we think the Cab Companies are really suffering, but because we understand with this increase the present service can be alleviated to some extent. The motion was seconded by Councilman Whittington.

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

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

The ordinance is recorded in full in Ordinance Book 14, beginning at Page 283.

PETITION NO. 66-17 BY NEAL C. HUNTER AND JAMES H. ROGERS FOR CHANGE IN ZONING OF PROPERTY FRONTING ON THE SOUTH SIDE OF I-85, FROM R-9MF TO I-2, DENIED.

Councilman Tuttle moved that the subject petition be denied, as recommended by the Planning Commission. The motion was seconded by Councilman Whittington and carried by the following recorded vote:

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

PETITION NO. 66-18 BY KATHERINE D. DULIN AND MRS. EMELYN L. PERSON FOR CHANGE IN ZONING OF 95.68 ACRES OF PROPERTY FRONTING ON THE SOUTH SIDE OF I-85, FROM R-9MF AND B-2 TO I-2, DENIED.

Upon motion of Councilman Thrower, seconded by Councilman Short and unanimously carried, the subject petition was denied, as recommended by the Planning Commission.

ACTION ON PETITION NO. 66-22 BY GUS PAPAMIHEIL FOR CHANGE IN ZONING FROM R-9 TO B-2 OF PROPERTY ON THE NE SIDE OF US 74, BEGINNING AT MCALPINE CREEK AND EXTENDING IN A SE DIRECTION TO A POINT 355 FEET SE OF TARLETON DRIVE, DEFERRED UNTIL THE PETITIONER APPEALS TO THE ZONING BOARD OF ADJUSTMENT FOR RELIEF FROM THE HARDSHIP CAUSED BY THE EXISTING ZONING OF THE PROPERTY.

Councilman Whittington stated that the subject petition involves a hardship case, and he thinks that the petitioner, Mr. Gus Papamiheil should be helped with his problem and that the proper place to take it is before the Zoning Board of Adjustment. The City Manager advised that the next meeting of the Zoning Board of Adjustment will be held on March 29th, and a person wishing to be heard should make it known to the Board two weeks prior to the meeting.

Councilman Tuttle stated he thinks this property is directly involved in the development of McAlpine Creek Park, and if Council grants the rezoning all the way to the Creek, it would be involved in those plans. Councilman Thrower remarked that he understands that the petitioner and his family have planned to donate a portion of this land for that purpose. Councilman Tuttle commented that he does not doubt their intentions nor their integrity, but planning to donate and seeing it on paper are two different things. Councilman Thrower stated he agrees, but he feels inclined to see if we cannot do something for these people, probably limiting the change in zoning to some 200 feet of the Creek for the express purpose of picking up that particular property.

Councilman Tuttle remarked that Council would have to decline and refer the petitioner to the Zoning Board of Adjustment to grant them enough land to remove the hardship.

Councilman Whittington stated that he thinks if the matter can be handled this way, then we would be doing what the Planning Commission is attempting to do and that is stop the rezoning at McAlpine Creek. However, if Mr. Papamiheil cannot do it this way, then in view of the Health Department having told them that they must enlarge the kitchen area and reduce the dining room facilities for storage to maintain a Grade A Restaurant, or close up, he thinks it is a hardship case and, in his opinion, the Council should give them the minimum rezoning to allow them to stay in business, staying away from the single-family homes on Tarleton Drive, and he would vote for that.

Councilman Tuttle moved that action be deferred until after the Zoning Board of Adjustment has heard the appeal of the Petitioners. The motion was seconded by Councilman Whittington and unanimously carried.

RESOLUTION APPROVING THE FILING OF AN APPLICATION FOR CODE ENFORCEMENT GRANT FOR REID PARK CONCENTRATED CODE ENFORCEMENT AREA.

Councilman Thrower moved the adoption of a RESOLUTION APPROVING THE FILING OF AN APPLICATION FOR CODE ENFORCEMENT GRANT FOR REID PARK CONCENTRATED CODE ENFORCEMENT AREA PROGRAM. The motion was seconded by Councilman Alexander and unanimously carried.

The resolution is recorded in full in Resolutions Book 5, beginning at Page 220.

Mayor Brookshire commended the Council on its constructive effort and its intergovernmental cooperation to fight blight and reduce slums. He remarked that this is another effort on the part of Charlotte to take advantage of the 1965 Housing and Urban Development Act. Our efforts were initiated at the time of the passage of the Act to secure Water and Sewer Extension assistance from the Federal Government under the same Act, and it will be right interesting to see which of these benefits we will be able to take advantage of first.

Councilman Tuttle commended the City Manager for bringing this to Council with his Staff. He remarked that this is the sort of thing that he likes to see come to Council, well studied and well proposed and well presented, and he thinks Mr. Veeder has done a very fine job.

The City Manager remarked that he thinks this Program offers some real possibilities, that it is not without problems of course, but he thinks we all see something fresh and new here and are anxious to proceed with it with much enthusiasm from the Staff side towards the end of accomplishing something most worthwhile.

CHANGE ORDER NO. G-2 AUTHORIZED IN CONTRACT WITH LEE CONSTRUCTION COMPANY FOR GENERAL CONSTRUCTION OF ADDITIONS TO THE HOSKINS FILTER PLANT, FOR STABILIZING THE SOIL UNDER THE EXISTING SEDIMENTATION BASIN WALL.

A Change Order in the contract with Lee Construction Company for the general construction of additions to Hoskins Filter Plant, was presented for consideration, providing for the stabilizing of the soil beneath the existing sedimentation basin wall by pumping cement grout into the soil to prevent further damage to the wall, in the amount of \$10,347.50 increase in the total contract price.

The City Manager stated that in order for the Council to better understand the problem, Mr. Franklin, Superintendent of the Water Department, will present a schematic depiction of what has happened. Mr. Franklin indicated how the wall has tilted from its original position and stated that in order to keep it from tilting further, they need to build a stronger support under the soil which has been determined by Law Testing Laboratories to be compressible - he explained that compressible soil under footing tends to go down under action of water on the walls, and when the water is removed, the soil expands about the full extent. That both the soil engineers and our engineers have determined that the only solution that tends to be feasible is to pump cement grout under this part of the wall in such manner that it will stabilize the soil so that it will no longer be compressible. That this is a common wall between the existing sedimentation basin and the new basin under construction so that, at some time, they will have to empty one or the other and, therefore, this section of the wall must be able to take care of itself with water from either side. He advised that this is a condition that no one can anticipate; that water can trap around it for a long period of time, and no one knows what is going on. He stated that the cement grout will be pumped in there by a specialist with special equipment and see how far it goes in, and then they will take a look at it. That it might be they would change the type of material, depending on how it sets up. That when the operation is completed, they will ask the engineers to be careful with the design of the next wall and be sure that we have it licked even if we have to widen the base.

Following Mr. Franklin's explanation of the situation, Councilman Tuttle moved approval of the Change Order in the contract of Lee Construction Company, in the amount of \$10,347.50. The motion was seconded by Councilman Albea and unanimously carried.

RESOLUTION AUTHORIZING THE EXECUTION OF AN APPLICATION ON BEHALF OF THE CITY WITH THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR A GRANT TO AID IN FINANCING THE CONSTRUCTION OF A RAW WATER SUPPLY LINE, EXTENDING FROM THE CATAWBA RIVER TO THE HOSKINS RAW WATER STORAGE RESERVOIR.

Councilman Short moved the adoption of the subject petition, which was seconded by Councilman Alexander.

Mayor Brookshire stated this work will be done with the assistance of the 1965 Housing Act for the extension of water and sewer. That we cannot extend water and sewer beyond our city limits to accommodate new users until we enlarge the capacity of the raw water treatment plants.

Councilman Short stated this is an effort that has been forwarded by the Mayor and the Task Force to obtain matching Federal funds to a portion of the Water and Sewer Capital Funds that were raised in the bond election last January.

The vote was taken on the motion and unanimously carried.

The resolution is recorded in full in Resolutions Book 5, at Page 222.

QUIT CLAIM DEED AUTHORIZED TO THE REDEVELOPMENT COMMISSION, CONVEYING CITY'S INTEREST IN THE ABANDONED AND CLOSED PORTION OF SOUTH DAVIDSON STREET, LOCATED WITHIN THE URBAN RENEWAL BROOKLYN AREA.

Councilman Albea moved approval of a Quit-claim deed to the Redevelopment Commission, conveying whatever interest the City may have in the portion of South Davidson Street, within the Brooklyn Urban Renewal Project, that

recently has been closed and abandoned. The motion was seconded by Councilman Whittington and carried unanimously.

CHARMAPEG AVENUE, FROM LYTTLETON DRIVE TO 1,000 FEET NORTHWEST OF LYTTLETON DRIVE, AUTHORIZED TAKEN OVER FOR CONTINUOUS MAINTENANCE.

Councilman Whittington moved that Charmapag Avenue, from Lyttleton Drive to 1,000 feet northwest of Lyttleton Drive, be taken over for continuous maintenance by the City. The motion was seconded by Councilman Albea and carried unanimously.

CONSTRUCTION OF SANITARY SEWER MAINS IN WASHINGTON AVENUE, DR. CARVER ROAD AND KINGSPARK DRIVE, AUTHORIZED.

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

- (a) Construction of 121 feet of main in Washington Avenue, inside the city limits, at the request of W. R. Coleman, 1601 Washington Avenue, at an estimated cost of \$750.00, to be paid by the Applicant, whose deposit in this amount has been received and is to be refunded as per terms of the contract.
- (b) Construction of 143 feet of main in Dr. Carver Road, inside the city limits, at the request of Nance-Trotter Realty, Inc., at an estimated cost of \$480.00, to be paid by the Applicant, whose deposit in this amount has been received and is to be refunded as per terms of the contract.
- (c) Construction of 1,021 feet of main in Kingspark Drive, inside the city limits, at the request of Nance-Trotter Realty, Inc., at an estimated cost of \$4,700.00, to be paid by the Applicant, whose deposit in this amount has been received and is to be refunded as per terms of the contract.

RIGHT-OF-WAY AGREEMENT AUTHORIZED WITH SOUTHERN RAILWAY COMPANY FOR INSTALLATION OF WATER MAINS BENEATH ITS TRACTS TO SERVE THE WAREHOUSE AREA OF J. B. IVEY AND COMPANY ON GRIFFITH ROAD.

Councilman Albea moved approval of a right-of-way agreement with the Southern Railway Company for the installation of 12-inch water mains beneath its spur track at NC #1301 and Old Pineville Road, and beneath the main line track of the Railway Company's crossline at the existing city limits on Old Pineville Road, inside the city limits, to serve the Warehouse Area of J. B. Ivey and Company on Griffith Road. The motion was seconded by Councilman Jordan and unanimously carried.

RIGHT-OF-WAY AGREEMENT AUTHORIZED BETWEEN THE CITY OF CHARLOTTE AND J. B. IVEY & COMPANY AND THE STATE HIGHWAY COMMISSION FOR INSTALLATION OF WATER MAIN IN OLD PINEVILLE ROAD AND IN GRIFFITH ROAD TO SERVE THE WAREHOUSE AREA OF J. B. IVEY & COMPANY ON GRIFFITH ROAD.

Motion was made by Councilman Tuttle, seconded by Councilman Jordan and unanimously carried approving a joint right-of-way agreement between the City, J. B. Ivey & Company and the State Highway Commission for the installation of a 12-inch water main in Old Pineville Road and a 12-inch main in Griffith Road, outside the city limits, to serve the J. B. Ivey & Company Warehouse Area on Griffith Road.

CONTRACT WITH J. B. IVEY & COMPANY FOR THE INSTALLATION OF WATER MAINS IN GRIFFITH ROAD AND OLD PINEVILLE ROAD, INSIDE THE CITY LIMITS, AUTHORIZED.

Councilman Alexander moved approval of a contract with J. B. Ivey & Company for the installation of 1,010 feet of water mains in Griffith Road and Old Pineville Road, inside the city limits, at an estimated cost of \$12,740.00, all costs to be paid by J. B. Ivey & Company, with the City furnishing all materials, labor and supervision necessary to install the mains, and maintain and operate same, retaining all revenue until the mains produce a revenue equal to 5 per cent of the cost during any 12 months continuous period, when the City will reimburse the applicant the said cost. The motion was seconded by Councilman Thrower and carried unanimously.

CONTRACT WITH J. B. IVEY & COMPANY FOR THE INSTALLATION OF WATER MAINS IN GRIFFITH ROAD, OUTSIDE THE CITY LIMITS, AUTHORIZED.

Upon motion of Councilman Jordan, seconded by Councilman Tuttle and unanimously carried a contract was authorized with J. B. Ivey & Company for the installation of 1,032 feet of water mains and two hydrants in Griffith Road, in a Warehouse Area outside the city limits, at an estimated cost of \$9,300.00 which will be paid by J. B. Ivey & Company who will own the mains and hydrants until such time as the area is incorporated into the city limits, when the mains will become the property of the City.

CONTRACTS FOR THE APPRAISAL OF PROPERTY FOR NORTHWEST EXPRESSWAY AND EASTWAY DRIVE WIDENING PROJECT, AUTHORIZED.

Upon motion of Councilman Short, seconded by Councilman Albea and unanimously carried, the following contracts were authorized in connection with the appraisal of property:

- (a) Contract with B. Brevard Brookshire, for appraisal of two parcels of land on Louise Avenue and Independence Boulevard, for Northwest Expressway.
- (b) Contract with Wallace D. Gibbs, Jr. for the appraisal of one parcel of land on Louise Avenue, for the Northwest Expressway.
- (c) Contract with O. D. Baxter, Jr. for appraisal of one parcel of land on Eastway Drive, for the Eastway Drive Widening Project.
- (d) Contract with D. A. Stout, for the appraisal of one parcel of land on Eastway Drive, for the Eastway Drive Widening Project.

RESOLUTION PROVIDING FOR A PUBLIC HEARING ON MARCH 21, 1966, ON PETITION OF S & T DEVELOPMENT COMPANY FOR THE ANNEXATION OF 7.02 ACRES OF PROPERTY IN SHARON TOWNSHIP.

Councilman Thrower moved the adoption of the subject Resolution which was seconded by Councilman Albea.

Councilman Whittington asked the City Manager if, before the hearing on this petition for annexation, he would give Council a report of what the budget figures amounts to for reimbursing developers for utilities installations in developments over a fixed period of time for the next five years. That he thinks it would be interesting to Council, as it was to him when he saw

for the first time the amount of money that has to be budgeted every fiscal year to take care of this sort of thing. That he thinks it should be stated in the Manager's recommendation to Council on annexation petitions, what the advantages and the disadvantages, if any, of the area are before it is taken into the city limits. That he does not believe that this has been done before, and it would certainly be helpful to the Council in making a decision on the annexation of property.

Mr. Veeder advised that he had a meeting with some of the Staff last week towards the end of taking a fresh look at some of these policies; that certainly the dollars and tax, our utilities policies and our annexation policies are of major consideration; that from the developers point of view, there is a basic economic advantage in being annexed before the utilities are put in. He advised further that Mr. Fennell, Finance Director, is in the process of not only updating but reviewing some of these things to bring them to Council's attention, so that we can take a fresh look and be satisfied with what we are doing.

Councilman Short remarked that he would like to underscore what Mr. Whittington has said, and he would suggest that the recommendation to Council include a letter signed by the developer that he has made some arrangement towards assuming the financial burden which he has to bear. That he agrees this is interim money, but, in the case of the annexation approved by Council today, this interim money was \$60,000 and that is quite a financial transaction within itself. That we have the word of the property owner, but he would hope before the political boundaries are extended that we would actually have something in writing.

Mr. Veeder advised that each time we put in the utilities, it is done on a contract basis with the money on the line before any work is started. Councilman Short remarked that he realizes this, but if nothing were ever done by the Developer, we would have extended the political boundaries and put ourselves in position of having to give fire protection, et cetera, over what came to nothing, and we would have no way to show that there ever had been a genuine intent.

The vote was taken on the motion and carried unanimously.

The resolution is recorded in full in Resolutions Book 5, beginning at Page 223.

#### APPOINTMENTS TO THE PARK & RECREATION COMMISSION DEFERRED FOR ONE WEEK.

Councilman Alexander moved that consideration of appointments to the Park and Recreation Commission be deferred for one week. The motion was seconded by Councilman Short and carried unanimously.

#### COUNCILMAN JORDAN ABSENT FOR THE REMAINDER OF THE MEETING.

Councilman Jordan left the meeting at this time and was absent for the remainder of the meeting.

#### RENEWAL OF SPECIAL OFFICER PERMIT TO MR. EDWIN T. LEWIS.

Upon motion of Councilman Tuttle, seconded by Councilman Alexander and unanimously carried, the renewal of the Special Officer Permit issued to Mr. Edwin T. Lewis for use on the premises of Southern Knitwear Mills, 622 East 28th Street, was authorized.



## TRANSFER OF CEMETERY LOTS.

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

- (a) Deed with Mrs. Carolyn S. Jones, for Lot 359, Section 4-A, Evergreen Cemetery, at \$189.00.
- (b) Deed with Robert S. Higgins or Elizabeth V. Higgins, for Graves Nos. 5 and 6, Lot 169, Section 2, Evergreen Cemetery, at \$120.00.
- (c) Deed with Mrs. Shirley B. Bridges, for Lot 305, Section 4-A, Evergreen Cemetery, at \$189.00.

## CONTRACT AWARDED JONES CHEMICALS, INC., FOR LIQUID CHLORINE.

The following bids for 105 tons of Liquid Chlorine were submitted for consideration, with the recommendation that the contract be awarded to Jones Chemicals, Inc., the low bidder meeting the specifications:

|   |             |
|---|-------------|
| Jones Chemicals, Inc.                           | \$10,815.00 |
| Solvay Process Div. of<br>Allied Chemical Corp. | 10,815.00   |
| Burris Chemical Co.                             | 10,815.00   |
| Southern States Chemical Co.                    | 10,815.00   |
| Tesco Chemicals, Inc.                           | 11,896.50   |

## Other Bid Received Not Meeting Specifications:

|                      |             |
|----------------------|-------------|
| Worth Chemical Corp. | \$ 8,781.78 |
|----------------------|-------------|

Councilman Whittington moved the award of contract to Jones Chemicals, Inc., in the amount of \$10,815.00, on a unit price basis, as recommended. The motion was seconded by Councilman Albea.

Councilman Albea asked about the three bids being identical, and the City Manager stated that we have a history of identical bids on Chlorine over the last several years. And as this has happened, we have continued to report it to the Attorney General's office as they requested on items of identical bidding. That the reasons Jones Chemical Company is recommended as the successful bidder are several; first, they are the present supplier, and we have had good experience with their service; they are also the supplier where Solvay Process Division of Allied Chemical is the manufacturer - they are the manufacturer and jobber bidding both in this case. Jones Chemicals has been satisfactory in terms of their service to us, and we think it is in the City's interest to stay with the present supplier under the bidding situation. As far as the identical bids are concerned, he cannot answer that; we know this is not a condition that is limited to bidding on this commodity in Charlotte. The best comment we can make is that we have reported in the past the instances of identical bidding on chemicals to the Justice Department, and we plan to do so again on this particular instance.

Councilman Thrower remarked that he is in disagreement to just keep giving this business to the same company over and over again when we have other Charlotte firms bidding the same price. That we should get on the Great Society band wagon and spread the good will around a little here.

Councilman Short asked if, other than the Sherman Act or whatever Federal regulations and Acts apply here, there is some State act or any other act involved that we should take into consideration in this reporting? Mr. Kiser, Acting City Attorney, replied he is not aware of it if there is. The regulations under the Anit-Trust Act is the one under which we report to the Department of Justice.

Councilman Albea stated he does not know a single one of these businesses, and he is voting for this on the recommendation of the City Manager who has had experience with this, and he says the people who work with it are satisfied and that is the only reason he has.

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

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

Councilman Alexander remarked that this is the same thing we discussed a few weeks ago when we had identical bids and deferred it to see if we could break the collusion. This did not happen, and he got the impression that on situations like this, there is nothing much we can do about it unless we just want to change the award of contracts. He asked if he has the proper impression? Mr. Veeder replied that is correct in part, but in this particular case, we have not given serious consideration to suggesting rebidding because, among other reasons, we do not have time; we need some of this material now as our present contract has or is running out.

Councilman Tuttle remarked that he thinks we very definitely need the legal right to accept bids other than the lowest bid where those bids are not more or less than \$100,00, or a certain percentage. That he would very definitely vote to give this contract to Tesco Chemicals, and we could break this combine up right quick. Councilman Whittington remarked that Council in the past has not always purchased from the low bidder, and Councilman Tuttle replied but it had a reason as to quality or something like that; but in a case like this where both can deliver and both have the quality, he would doubt we would have the right to change the bid. Councilman Alexander remarked if this continues as it is, it can get to a point where all of our suppliers, feeling that we will take no action to the contrary, will begin to stack prices on us. Councilman Tuttle commented that it is ridiculous to him to assume that Jones Chemical in Charlotte, North Carolina, can have the identical price of Southern States Chemical in Atlanta, Georgia.

Councilman Short stated there is certainly every opportunity for collusion on bids that are \$5.00 different, and he would imagine that some of this does occur. That it seems to him if we have intention of doing anything about this other than reporting it to the federal authorities, we would, ourselves, have to have some sort of municipal F.B.I., and this would just be impossible.

Mayor Brookshire suggested to Mr. Veeder that he take particular case-in-point here and write the Attorney General regarding this one and mention some of the others that we have reported on and ask him for a reply and advise Council what he hears. That three years ago he was quite active in an effort to break up collusion in governmental purchasing, but he has not heard anything about it in the last couple or three years. Mr. Veeder stated they put out a periodic report on the subject, and we get them very often.

Councilman Thrower commented that a Councilman who is not on the Council at this time made a motion that we reject some bulldozer bids for the same reason, and the next week the same bulldozer cost us \$1,000 more; but he assures Council these are good prices; they are as competitive practically as you can get. Councilman Tuttle replied that he does not question whether they are good prices or not, he simply knows that it cannot be possible, unless they got together, for somebody in Atlanta, Georgia and Charlotte, North Carolina to bid \$10,815.00 on something - they all have a formula and a way of figuring their profits, and it will not work this way.

CONTRACT AWARDED CONTINENTAL OIL COMPANY FOR SODIUM SILICOFLUORIDE.

Upon motion of Councilman Alexander, seconded by Councilman Whittington and unanimously carried, contract was awarded the only bidder meeting specifications, Continental Oil Company, for 75 tons of Sodium Silicoflouride, in the amount of \$14,198.55 on a unit price basis.

The following bid was received:

|                         |             |
|-------------------------|-------------|
| Continental Oil Company | \$14,198.55 |
|-------------------------|-------------|

Other Bid Received Not Meeting Specifications:

|                     |             |
|---------------------|-------------|
| Asher-Moore Company | \$13,874.10 |
|---------------------|-------------|

CONTRACT AWARDED ALLISON FENCE COMPANY FOR CHAIN LINK FENCE FOR CEMETERIES DEPARTMENT.

Councilman Tuttle moved award of contract to the low bidder, Allison Fence Company, in the amount of \$2,345.00 for 1,755 linear feet of Chain Link Fence, as specified, to be installed on the Evergreen Cemetery property. The motion was seconded by Councilman Whittington and carried unanimously.

The following bids were received:

|                                   |             |
|-----------------------------------|-------------|
| Allison Fence Company             | \$ 2,345.00 |
| Bagwell Fence Company             | 2,388.00    |
| Fence Builders, Inc.              | 2,473.23    |
| Allied Chain Link Fence Co., Inc. | 2,512.14    |
| Anchor Post Products, Inc.        | 2,680.00    |

ACQUISITION OF PROPERTY FOR NORTHWEST EXPRESSWAY AND ALEXANDER STREET WIDENING PROJECT, AND EASEMENTS FOR FOOTPATH AND FOOTBRIDGE ACROSS STEWART CREEK, SANITARY SEWER CONSTRUCTION AND RELOCATION AND CONSTRUCTION AND DRAINAGE EASEMENTS FOR WOODLAWN ROAD WIDENING PROJECT.

Upon motion of Councilman Albea, seconded by Councilman Thrower and unanimously carried, the following property transactions were approved:

- (a) Acquisition of 5,969 sq. ft. of property, located at 1006-10 East 6th Street, from J. B. Fraley Estate, at \$3,500.00, for Northwest Expressway.
- (b) Acquisition of 19,800 sq. ft. of property, located at 512-16 Jackson Avenue, from Hoyt M. Herring and wife Emma, at \$18,650.00, for the Northwest Expressway.

- (c) Acquisition of 900.27 sq. ft. of property, located at 408 East Alexander Street, from Estate of Lucille Lindsay, James H. Lindsay, et al, at \$5,000.00, for Alexander Street Widening Project.
- (d) Easement over property adjoining Stewart Creek, located between Prince and Celia Streets, from Green Lucky, Jr. and wife Audria Mae, at \$1.00, for Footpath and Footbridge across Stewart Creek.
- (e) Easement over property adjoining Stewart Creek, located between Prince and Celia Streets, from Henderson Belk, at \$1.00, for Footpath and Footbridge over Stewart Creek.
- (f) Easement over 10' x 120' of property located on unopened Duberry Street, from Raymond Smith and wife Brodie, at \$1.00, for sanitary sewer line to serve Duberry Street.
- (g) Easement over 10' x 1,116.96' of property located at Amy James School, from Charlotte-Mecklenburg School Board, at \$1,116.96, for Sanitary Sewer to serve Wilmont Road Area.
- (h) Easement over 30' x 1822.11' of property, located from Horne Court to Newland Road, from Charlotte Park & Recreation Commission, at \$1.00, for Sanitary Sewer line to serve Irvin Creek Outfall.
- (i) Easement over 30' x 60' of property, located at 1330 Dean Street, from C. W. McClure and wife Johnetta, at \$246.50, for Irwin Creek Outfall relocation.
- (j) Easement over 30' x 44.30' of property, located at 1320 Dean Street, from H. W. Taylor and wife Versie, at \$400.00, for Irwin Creek Outfall relocation.
- (k) Easement over 30' x 65.04' of property, located at 1300 Dixon Street, from Carl M. Dixon and wife Lucille, at \$110.00, for Irwin Creek Outfall relocation.
- (l) Construction and Drainage Easement over 1420 sq. ft. of property, located at 1230 Woodlawn Road, from J. G. Townsend, at \$150.00, for Woodlawn Road Widening Project.

CITY MANAGER REQUESTED TO ASCERTAIN FROM HOUSING AUTHORITY IF POWER LINES IN EARLE VILLAGE PROJECT ARE SCHEDULED TO BE PUT UNDERGROUND.

Councilman Whittington stated that the Earle Village project, which is a Housing Authority project, is under way in the First Ward, and he thinks it is imperative if we are going to have a uniform utility situation, as we will have in the Brooklyn area, that we require the utilities in the Earle Village Project to be put underground. That this seems to him to be another area to start in. That whether or not the power lines there now go underground, he does not know, but they ought to.

Mayor Brookshire asked the City Manager if he knows if the Housing Authority has included this in the project, and Mr. Veeder replied that he does not know, and the Mayor asked that he please find out and let the Council know.

CITY MANAGER REQUESTED TO CHECK INTO MATTER OF UNPAVED PORTION OF SIDEWALK ON CURVE IN THE 3300 BLOCK OF WINTERFIELD ROAD.

Councilman Whittington advised that in the 3300 block of Winterfield Road at Winterfield School, there is a blind curve, and for about fifty feet around the curve, there is no sidewalk; the rest of the street has a permanent sidewalk, and it means that children going back and forth to School on this blind curve must get in the street or walk out in the mud. That he believes there has been one child struck there. That he does not know who owns the property, but it seems to him we should try and correct this situation. He asked the City Manager to check into the matter and advise Council.

ACTING CITY ATTORNEY REQUESTED TO DRAW LITTER ORDINANCE AND SUBMIT IT FOR COUNCIL CONSIDERATION AT EARLIEST POSSIBLE DATE.

Councilman Whittington stated The Charlotte News had an article in the paper last week relative to the Council considering a Litter Ordinance. That for the last two years he has been urging the City Council, through the City Manager and the various Department Heads - primarily the Health Department, Building Inspection, Fire and Police Departments - to meet with Property Management people and attempt to get an ordinance worked out, dealing with litter and destruction of rental property by the tenants, and some chain of command where this situation could be corrected. That the Property Management people had a meeting in October or November last year, this coming from other meetings that Mr. Veeder and his folks had had with them; they had asked him to come and tell them what he had been talking about and had on his mind about litter and destruction of property. There were some fifty people there, and Mr. Veeder took with him a copy of the ordinance that they had been studying - he believes the ordinance came from Chicago, the one that Mr. Kiser is now working with. Councilman Whittington stated that he is not advocating this ordinance in its entirety, because there would be some duplication of ordinances that we now have in effect. That he thinks the Council should urge the City Attorney to come forth with an ordinance as soon as possible. That this is a mutual effort on behalf of property management and they are the ones who instigated this, and they need help and want help, and it is a tool which we in Government and Property Management can work together to prevent and, perhaps, eradicate the destruction of rental property and tenants littering the property and not using garbage cans, throwing things like a tire up on top of the building, knocking out all the window panes and putting refrigerators and abandoned cars on the private property, and we do nothing about it. That the important thing is that all of us are trying to approach this matter of blight and to upgrade our housing from many directions - through the Mayor's Committee, headed by Mr. McNeil, and Property Management wants to help and the Government is trying to help, and this is another area that we can do something. He urged Council to join him in urging Mr. Kiser to come forth with an ordinance as quickly as possible so that we can adopt it and have it effective when the Mayor's Committee begins their Cleanup, Fixup and Paintup Campaign in April.

Mr. Kiser, Acting City Attorney, stated he hopes to have the recommendations or comments for Council consideration this month. Hopefully, if there is an ordinance enacted, it would be enacted in time for the Spring Cleanup Project which, he assumes, would be around April 1st.

Councilman Tuttle remarked that he is very pleased but was very surprised when he learned that the City Attorney is working on a Litter Law. That he was surprised because shortly after he came on the Council, Mr. Jamison, Supt. of Building Inspection, showed some pictures with the tires and rocks and brick and so forth on the roofs of houses, and he very quickly asked the question why we did not have an ordinance to prevent this and was very quickly told by two Councilmen and by Mr. Morrissey, then City Attorney, that we had every law on the books that we could get by with until we had legislative action. That the only law we had related to health, and no litter law was going to be available until we had legislative action; and at that time, he asked the City Manager to put it on the calendar. That he hopes they are right and that we can come forward with a Litter Law.

Councilman Thrower replied what they were referring to was the Housing Code, and what we had was the strongest the Legislature would allow us to use.

Councilman Tuttle stated he only brought this up because he question it at that time, and he is very much in favor of it and would have been harping on it long since had he thought it legally possible.

COUNCIL ADVISED THAT DIRECTOR OF THE CHARLOTTE AREA FUNDS IS NEGOTIATING WITH FEDERAL AND STATE PERSONNEL RELATIVE TO THE EXTENSION OF HOME DEMONSTRATION SERVICE TO INCLUDE CHARLOTTE.

Councilman Alexander asked the City Manager if any progress is being made with the County on the possibility of expanding the Home Demonstration Service? Mayor Brookshire replied that the Director of the Charlotte Area Funds has the matter in the mill. That he talked with him about it only a week or two ago, and he is negotiating with the Federal and State people whose approval he had to have.

COUNCIL ADVISED THAT THE REPORT OF THE COMMITTEE ON A CONVENTION CENTER WILL PROBABLY NOT BE AVAILABLE UNTIL RECOMMENDATIONS MADE BY THE DOWNTOWN CENTRAL AREA STUDY AND RECOMMENDATIONS ARE MADE IN MAY.

Councilman Alexander asked if there is anything moving in regards to the Convention Center or is it still in an exploration stage or just where do we stand? Mayor Brookshire replied the matter is still under study by the Committee, and he suspects they will not come in with their recommendations until the Downtown Central study and recommendations are available in May.

COUNCIL INSTRUCTS THE MAYOR TO REQUEST THE CHAIRMAN OF BOARD OF COUNTY COMMISSIONERS TO OFFICIALLY ADOPT THE TASK FORCE AND BECOME EQUAL COSPONSOR WITH THE CITY, MAKING IT THE CHARLOTTE-MECKLENBURG TASK FORCE.

Councilman Short stated we have had a very active Task Force operating these many months and it would appear to him a very good idea that this be a joint Charlotte-Mecklenburg Task Force; that it has been that way informally because the County Commissioners and other County personnel have participated in the work and activities of the Task Force. That the leadership of the Task Force desires that it be set up on a County and City basis.

He then moved that the Council instruct the Mayor to request the Chairman of the County Commissioners to officially adopt the Task Force and become an equal cosponsor with the City, making it the Charlotte-Mecklenburg Task Force. The motion was seconded by Councilman Whittington and carried unanimously.

EXPLANATION BY CITY MANAGER OF REASONS FOR DIFFERENCE IN CERTAIN ITEMS IN THE POLICE ACTIVITY REPORT FOR JANUARY, 1966.

Councilman Tuttle asked, in connection with the Monthly Activity Report of the Police Department for January, if the City Manager has found out the reason for the big discrepancy in the report on the Offenses Cleared? Mr. Veeder replied that Chief Hord has pointed out two things- that an unusually large number of detectives and other personnel have been assigned to robbery stake-outs and that the Superior Court now requires that by subpoena Detectives and others be present for Superior Court cases to testify. That these two conditions have had a relationship to the number of officers assigned to field work.

ORDINANCE NO. 438-X TO AMEND ORDINANCE NO. 360-X, THE 1965-66 BUDGET ORDINANCE, AUTHORIZING THE TRANSFER OF A PORTION OF THE GENERAL FUND UNAPPROPRIATED SURPLUS ACCOUNT, ADOPTED.

Mr. Veeder, City Manager stated for some time he has been exploring the possibility of adding staff to his office, and he has been encouraged to see if there were any possibilities that would be available, and he has been doing so. And if Council so wishes, he is ready to do so and would certainly like to. He asked Council to consider approving the transfer of \$1,880.00 into the budget for the operation of the office for the balance of the fiscal year in order to add staff; and to buy a desk and chair, and assuming they could have someone on the job sometime next month.

Councilman Whittington moved the adoption of ORDINANCE NO. 438-X TO AMEND ORDINANCE NO. 360-X, THE 1965-66 BUDGET ORDINANCE, AUTHORIZING THE TRANSFER OF \$1,880.00 OF THE GENERAL FUND UNAPPROPRIATED SURPLUS ACCOUNT TO THE CITY MANAGER BUDGET. The motion was seconded by Councilman Short.

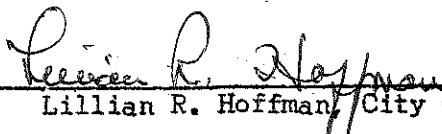
Mayor Brookshire stated that since Mr. Veeder was appointed Coordinator of the Inner-Governmental Task Force, he has had additional work and responsibility placed on him.

The vote was taken on the motion and carried unanimously.

The ordinance is recorded in full in Ordinance Book 14, at Page 284.

ADJOURNMENT.

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

  
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Lillian R. Hoffman, City Clerk