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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber in the City Hall, on Monday, February 27, 1967, at 3:00 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 Tuttle and James B. Whittington present.

ABSENT: None.

INVOCATION.

The invocation was given by Councilman Sandy R. Jordan.

MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Tuttle, and unanimously carried, the minutes of the last meeting on February 20th were approved as submitted.

RESOLUTION CONFIRMING THE ASSESSMENT ROLL FOR LOCAL IMPROVEMENTS ON WESTBURY ROAD AND ON CLOVER ROAD.

The public hearing was held on the confirmation of the assessment roll for improvements completed on Westbury Road, from Providence Road to Robin Road, and on Clover Road, from Sharon-Amity Road to Westbury Road; the total project cost being \$50,033.01, of which the City's share is \$30,964.25 plus \$400.00 for the two corner lots exemptions, and the share to be assessed against the owners of the property abutting the improvement \$19,068.76 at an assessment rate of \$4.00 per front foot.

Mr. Clyde Pittman, 432 Westbury Road, stated it struck him as unusual that the assessment rate was exactly even. If they had the total number of people involved then they could check the rate themselves.

Mr. Josh Birmingham, Assistant City Engineer, advised the total actual cost for the property owners came out to \$19,068.76 and they divided the total front footage and it actually came out some odd dollars and the city picked up the odd dollars and rounded it off to an even \$4.00.

Upon motion of Councilman Tuttle, seconded by Councilman Albea, and unanimously carried, the resolution confirming the assessment roll was adopted at 3:04 o'clock p.m.

The resolution is recorded in full in Resolutions Book-5, at Page 411.

MEMBERS OF SCORE PRESENT AT COUNCIL'S INVITATION TO EXPLAIN THEIR WORK IN CHARLOTTE.

Mayor Brookshire stated it is a real pleasure to have present members of Charlotte's retired businessmen who have been organized as a volunteer group known as Score - Service Corp of Retired Executives. The volunteer group makes its managerial skills and experiences available to small businesses, and he believes without charge or cost, and stated this is a very fine community service.

Mayor Brookshire introduced Mr. Howard McKinsey who stated it is an honor to visit with the Charlotte City Council. That time would not permit him to go into all the services available to the citizens of Charlotte, and he extended an invitation to the Mayor, Council members and its administration and the citizens of Charlotte to call upon SBA anytime it might be of assistance.

Mr. McKinsey stated he could tell Council a lot about what SBA has done for Charlotte and Mecklenburg County but would prefer they visit them to find out what is available from SBA and how they can assist the growth of the community. That we are living in a dynamic age; an age of scientific and technological advancement; an age when change is challenged; an age with what is modern today is obsolete tomorrow. He stated he makes these comments to highlight the extremely important and indispensable services that the Service Corp of Retired Executives of Charlotte is rendering to the growth of this community. That he is pleased to publicly express to the members the appreciation of SBA, and he feels he can speak in behalf of the Council to these men who are so unselfishly and untiringly contributing many, many years of valuable knowledge and talent to underprivileged small businessmen in our community. That these people in the urban renewal programs need assistance, and the small businessman needs more advice than he needs money, and the facilities are available in SCORE. The members are citizens who are working quietly behind the scene to improve the way of life of the small businessman in Charlotte - not only in Charlotte but throughout the County. They are so unselfish they travel to Cabarrus County, Union County, Burke County and to the adjacent counties in an effort to help the small businessman improve his status.

Mr. McKinsey expressed his appreciation to the Mayor and Council and especially to Councilman Whittington for the invitation to be Council's guest today. He then introduced Mr. Forrest Gunn, who is in charge of the management assistance program of the Charlotte Regional office of SBA.

Mr. Gunn introduced the following nine members of the Charlotte Chapter of the Service Corp of Retired Executives: John Pennington, Gordon Buckey, Frank DeArmon, Rex Hoffman, John Wynn, Perrin Oliver, Walter Smith, Charles Long, and L. L. Ledbetter.

Mayor Brookshire assured the group that the community appreciates the efforts it is making to improve the quality of small businesses in Charlotte, and stated as they help the small business man, they also help the City. He thanked them for their presence and for the contributions they are making to the City.

Councilman Thrower called Council's attention to the article in the current issue of Reader's Digest which has a highly enlightening article about Score. That it sets forth some examples and case histories of things this group has accomplished.

MR. MILTON SHORT, JR. REQUESTS COUNCIL TO LEND POLITICAL SUPPORT TO REQUEST OF EASTERN CAROLINA COLLEGE FOR UNIVERSITY STATUS.

Councilman Short introduced his son, Milton Short, Jr., who is visiting Council today.

Mr. Milton Short, Jr. stated it is a pleasure to be present to observe the local government of his great city, Charlotte. That his school, East Carolina College, is petitioning the State Legislature for university status, and he requested Council to consider their proposition, and if they are so inclined to lend the school their political support.

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DECISION ON PETITION NO. 66-92 BY J. A. JONES COMPANY ET AL FOR CHANGE IN ZONING OF THE BLOCK BOUNDED BY ROYAL COURT, EUCLID AVENUE, MOREHEAD STREET AND CALDWELL STREET; BLOCK BOUNDED BY LIBERTY STREET, CALDWELL STREET, MOREHEAD STREET AND INDEPENDENCE BOULEVARD, PROPERTY FRONTING ON MOREHEAD STREET, EXTENDING FROM INDEPENDENCE BOULEVARD TO COLLEGE STREET AND THREE LOTS ON THE NORTHWEST CORNER OF COLLEGE STREET AND MOREHEAD STREET, DEFERRED.

Councilman Whittington moved that decision on the subject petition be postponed until the Planning Commission reports back on the request of Council for the new office classification. The motion was seconded by Councilman Jordan, and carried unanimously.

Councilman Whittington stated that Mr. Fred Bryant, of the Planning Staff, has advised him that they hope to have a preliminary report ready for the Planning Commission on Wednesday on this request.

DECISION ON PETITION NO. 67-5 BY V. R. WILLIAMS FOR A CHANGE IN ZONING OF PROPERTY AT 1200 QUEENS ROAD, DEFERRED FOR TWO WEEKS.

Mr. Benjamin Horack, Attorney for the Petitioner, requested that decision on the subject petition be postponed from today for several reasons. The most unusual one is the fact that the Planning Commission recommendations which were forwarded to the City Council indicated that the recommendation of the Planning Commission was unanimous in its recommendation that the petition be denied. In the recital of those who voted unanimously in favor of denial, Mr. Olive's name was included. That he is satisfied this was an error, but out of consideration of both Mr. Olive and this Council, the typographical error should be clarified, and he would suggest that it not be voted on until it is clarified.

Councilman Thrower stated he understands Mr. Olive was not in the room when the vote was taken, and Mr. Horack replied he would presume that to be so, but the recommendation forwarded to the City Council indicates his vote on the matter.

Councilman Tuttle asked the City Attorney if this should not be cleared, and Mr. Kiser replied it should and Mr. Fred Bryant is in the audience and can clear it up now.

Mr. Bryant stated this is a typographical error; that Mr. Olive very definitely was not present for either the discussion or the vote, and if Council would prefer to have something in writing to this effect, he will get it, but Mr. Olive was out of the room completely all the time the matter was being discussed.

Councilman Whittington moved that Council delay this for two weeks and that it be presented back to Council with Mr. Olive's name not on the report from the Planning Commission as voting either way. The motion was seconded by Councilman Tuttle.

Councilman Short asked if the minutes of this particular meeting have been approved, and Mr. Bryant replied they have and he believes they are correct.

Councilman Albea stated he is not opposed to deferring decision but he does not see the feasibility of it when Mr. Bryant has stated Mr. Olive was not in the room.

The vote was taken on the motion and carried unanimously.

ORDINANCE NO. 591-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING THE ZONING FROM R-6MF TO B-1 OF A STRIP OF LAND FRONTING 80 FEET ON THE EAST SIDE OF EASTWAY DRIVE BEGINNING 340 FEET SOUTH OF KILBORNE DRIVE AND HAVING A DEPTH OF APPROXIMATELY 395 FEET.

Councilman Short moved the adoption of the subject ordinance changing the zoning from R-6MF to B-1 as recommended by the Planning Commission. The motion was seconded by Councilman Albea.

Councilman Thrower stated the Planning Commission's reasoning for the rezoning is the fact that it would be a slight adjustment in the property line. As he understands it this is being rezoned purely for speculative reasons. That the land is a portion of the belt road and Council will be continually faced with the same problem over and over. That he cannot support this particular zoning change because in many cases all through the city, we have run imaginary lines which did not follow property lines, and these imaginary lines were run for good zoning.

Councilman Tuttle stated from time to time Council has said that it would never allow the same thing to happen to Eastway that happened to Independence Boulevard, and he asked Mr. Fred Bryant, Assistant Planning Director, if in his opinion this in any way would begin anything that might tend to break down Eastway? Mr. Bryant replied personally he does not. That in this case it is exactly what was stated in the recommendation itself; that it is a minor adjustment, an adjustment that was based originally on a property line which the Planning Staff thought was there at the time, and which was not. That it was the full intent at the time the ordinance was adopted in 1962 to break the line on a property line. Sometime prior to 1962 the property line which showed on their map had been changed and was no longer in existence, so in effect they placed a zoning line in "mid air", and they do consider this as a minor adjustment on that basis and would not want it construed in the slightest manner to be anything connected with an extension of business zoning along Eastway Drive.

Councilman Short stated he has examined this property and he does want to endorse with undying promises that we would not convert the belt road into a continuous business strip. But he does not know of any street that is set up more correctly with reference to the business in the sense that it is clustered in every instance and perfectly at the major intersections - Plaza, Shamrock, Kilborne, Central and Independence. That he does not see that the little adjustment of this line would disturb that in the slightest.

Councilman Whittington stated a Pure Oil Service Station and a 7-11 Store is located there now, with the rear of 7-11 facing Kilborne and the Pure Oil facing Eastway. He asked Mr. Bryant how much property is left, if the B-1 strip is allowed, between the property line and the high bank where the house is located, and what will it be zoned? Mr. Bryant replied the bank itself is the dividing line. If this change is made the B-1 line would be on the property line of the first house; that line is right at the top of the bank; the property line dividing the present house and the vacant land is at the top of the embankment and is R-6MF. That they are recommending that the B-1 be carried to the top of the bank which is the property line. That the excavation was done by the owners of the property and as such they had to slope the bank on their property.

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Councilman Whittington asked the depth of the lot running up Kilborne, and if all the lot is B-1 except what they are petitioning? Mr. Bryant replied it is all B-1 except for the 80 feet which they are petitioning changed.

Councilman Thrower stated anyone could consider 80 feet on Eastway Drive a minor adjustment, and if that was the case he would hate to take cash dollars out there and try to buy it. If this was a hardship on anyone he would say well and good, but this is for purely speculative reasons. This is not for a purpose nor is the land needed. Once you go 80 feet, then what is another lot and another lot; this never stops, and once this Council establishes this precedent, we might just as well give up.

Councilman Short stated there is a bank there approximately 15 feet high, and he does not think that it could ever or would ever be changed, and this 80 feet would just go into limbo down there in the valley.

Mr. Bryant stated he considers it as a minor adjustment as it is all under one ownership. If this were a separate parcel of land, he would not consider it a minor adjustment.

Councilman Thrower asked if this property was not purchased after the other B-1 property and purchased under the R-6MF zoning?

Mr. Bob Blythe, attorney for the petitioner, stated the property was all purchased at one time by City Ice Delivery Company and it was all zoned business at the time of the purchase, including this 80 feet strip; the property on Kilborne was zoned business. There is an additional lot they bought in Markham Village which may have been zoned for a residential purpose. That was not brought to Council because it has deed restrictions on it, and was not even considered.

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

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

The ordinance is recorded in full in Ordinance Book 14, at Page 488.

PETITION NO. 67-7 BY AMERICAN REALTY CORPORATION FOR A CHANGE IN ZONING ON A 8.96 ACRE TRACT OF LAND AT THE DEAD-END OF MCDONALD ROAD, DEFERRED.

Motion was made by Councilman Tuttle, seconded by Councilman Whittington, and unanimously carried, deferring decision on the subject petition pending further study by the Planning Commission.

ORDINANCE NO. 592-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING THE ZONING OF PROPERTY AT THE SOUTHWEST CORNER OF OLD PINEVILLE ROAD AND MINUET LANE.

Upon motion of Councilman Thrower, seconded by Councilman Jordan, and unanimously carried, the subject ordinance was adopted changing the zoning from I-1 to I-2 as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 14, at Page 489.

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RIGHT OF WAY AGREEMENT WITH N. C. STATE HIGHWAY COMMISSION FOR INSTALLATION OF WATER MAIN IN HIGHWAY 21 SOUTH AND HIGHWAY 49, AUTHORIZED.

Councilman Alexander moved that Mayor and City Clerk be authorized to execute a right of way agreement with the North Carolina State Highway Commission for the installation of a 20" diameter water main between Owen Boulevard and the University of North Carolina at Charlotte in Highway 21, South, and Highway 49. The motion was seconded by Councilman Short, and carried unanimously.

SUPPLEMENTARY CONTRACT WITH JACKSON ENGINEERING CORPORATION FOR THE CONSTRUCTION OF WATER MAINS TO SERVE BARCLAY DOWNS SUBDIVISION NO. 11, AUTHORIZED.

Upon motion of Councilman Short, seconded by Councilman Tuttle, and unanimously carried, a supplementary contract was authorized to contract dated August 10, 1964, with Jackson Engineering Corporation, for the construction of 4,670 feet of water main and three fire hydrants, to serve Barclay Downs Subdivision No. 11, inside the city, at an estimated cost of \$20,000 with the City to finance all construction costs and the applicant to guarantee and annual gross water revenue equal to 10% of the total construction cost.

CHANGE ORDER NO. E-2 IN CONTRACT WITH INDUSTRIAL ELECTRIC COMPANY AT CATAWBA RIVER PUMPING STATION, APPROVED.

Motion was made by Councilman Jordan, seconded by Councilman Whittington, and unanimously carried approving Change Order No. E-2 in contract with the Industrial Electric Company for the electrical work at Catawba River Pumping Station, increasing the contract price by \$141.00 for furnishing and installing two new magnetic starters for the sump pumps in Cell No. 1.

VILLA COURT FROM MARVIN ROAD EAST OF MARVIN ROAD TAKEN OVER FOR CONTINUOUS MAINTENANCE BY CITY.

Councilman Alba moved that Villa Court, from Marvin Road to 350' east of Marvin Road, be taken over for continuous maintenance by the City. The motion was seconded by Councilman Jordan, and carried unanimously.

RENEWAL OF SPECIAL OFFICER PERMIT TO EDWIN T. LEWIS.

Upon motion of Councilman Whittington, seconded by Councilman Tuttle, and unanimously carried, special officer permit to Mr. Edwin T. Lewis to be used on the premises of Southern Knitwear Mills, 622 East 28th Street, was renewed for one year.

FRED MCPHAIL REAPPOINTED TO INSURANCE ADVISORY COMMITTEE.

Councilman Alba moved the reappointment of Mr. Fred McPhail to succeed himself for a term of three years on the Insurance Advisory Committee. The motion was seconded by Councilman Tuttle, and carried unanimously.

ENCROACHMENT CONTRACT WITH DUKE POWER COMPANY FOR INSTALLATION OF ELECTRICAL UNDERGROUND CONCRETE VAULTS WITHIN THE CITY, AUTHORIZED.

Motion was made by Councilman Alexander, seconded by Councilman Tuttle, and unanimously carried, authorizing the Mayor and City Clerk to execute an encroachment contract with Duke Power Company for the installation of various electrical underground concrete vaults within the City of Charlotte.

APPLICATION OF RALPH HOWEY DEVELOPMENT CORPORATION FOR SEWAGE LIFT STATION AND SANITARY SEWER CONNECTION APPROVED.

Councilman Tuttle moved approval of the application of Ralph Howey Development Corporation to construct and maintain a sewage lift station with the line from his property to city's line on Glen Fall Avenue. The motion was seconded by Councilman Whittington, and carried unanimously.

APPRAISAL CONTRACTS APPROVED.

Motion was made by Councilman Jordan, seconded by Councilman Alexander, and unanimously carried, approving the following appraisal contracts:

- (a) Contract with Lionel D. Bass, Sr. for appraisal of twelve (12) parcels of land in connection with the West Fourth Street Extension;
- (b) Contract with William L. Frickhoeffer for appraisal of six (6) parcels of land in connection with the West Fourth Street Extension;
- (c) Contract with L. H. Griffith for appraisal of nine (9) parcels of land in connection with the West Fourth Street Extension; and two (2) parcels in connection with the Sixth Street Project.

CLAIM OF AUTHORIZED APPLIANCE SERVICENTER DENIED.

Upon motion of Councilman Thrower, seconded by Councilman Whittington, and unanimously carried, claim of Authorized Appliance Servicer, 1020 Tuckaseegee Road, in the amount of \$275 for loss of a "Fresh-O-Matic" food container which was picked up by the City's refuse collection crew and placed into packer truck and crushed on December 20, 1966, was denied as recommended by the City Attorney.

TRANSFER OF CEMETERY LOTS.

Motion was made by Councilman Short, seconded by Councilman Tuttle, and unanimously carried, authorizing the Mayor and City Clerk to execute deeds for the transfer of the following cemetery lots:

- (a) Deed with Ralph T. Allen, Sr. for Grave No. 1, in Lot No. 179, Section 2, Evergreen Cemetery, at \$60.00;
- (b) Deed with Mrs. Ethel H. Brown for Lot No. 389, Section 6, Evergreen Cemetery, at \$240.00;

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(c) Deed with T. J. Wisecarver for Graves 3 and 4, in Lot No. 184, Section 2, Evergreen Cemetery, at \$120.00.

ORDINANCE NO. 593-X AMENDING ORDINANCE NO. 498-X THE 1966-67 BUDGET ORDINANCE, AUTHORIZING THE TRANSFER OF FUNDS WITHIN THE GENERAL FUND.

Councilman Jordan moved adoption of the subject ordinance, which was seconded by Councilman Tuttle, authorizing the transfer of \$9,011 from unappropriated general funds, and \$2,400 from Pet Department operating funds to the Capital Improvement Budget to supplement budgeted funds for the construction of the animal shelter.

Councilman Short stated a good job has been done in working out this within this minimum budget. Mr. Veeder, City Manager, advised that Mr. Gene Williamson and Mr. Paul Bobo did a very fine job on this project.

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

The ordinance is recorded in full in Ordinance Book 14, at Page 490.

CONTRACT AWARDED LAXTON CONSTRUCTION COMPANY, INC. FOR CONSTRUCTION OF ANIMAL SHELTER.

Councilman Whittington moved award of contract to the low bidder meeting specifications, Laxton Construction Company, Inc., at a negotiated price of \$55,543.00, for the construction of the animal shelter. The motion was seconded by Councilman Alexander, and carried unanimously.

The following bids were received:

Laxton Construction Co., Inc.	\$ 64,700.00
Boyd-Goforth, Inc.	66,600.00
Rodgers Builders, Inc.	66,980.00
Cabarrus Construction Co., Inc.	70,500.00
Lawson Construction Co.	71,300.00
Juno Construction Co.	75,160.00

Bid received not on specifications:

Frank H. Conner Company	\$ 62,300.00
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CONTRACT AWARDED AIR MASTERS, INC. FOR MECHANICAL CONTRACT FOR ANIMAL SHELTER.

Upon motion of Councilman Tuttle, seconded by Councilman Thrower, and unanimously carried, contract was awarded the low bidder, Air Masters, Inc. in the amount of \$8,669.00 for the mechanical contract for the animal shelter.

The following bids were received:

Air Masters, Inc.	\$ 8,669.00
Southern Piping & Engr. Co.	9,952.00
A. Z. Price & Associates	12,985.00

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CONTRACT AWARDED HOWARD ELECTRIC COMPANY, INC. FOR ELECTRICAL
CONTRACT FOR ANIMAL SHELTER.

Motion was made by Councilman Jordan awarding contract to Howard Electric Company, Inc., the low bidder, at a negotiated price of \$5,949.00, for the electrical contract for the animal shelter. The motion was seconded by Councilman Albea, and carried unanimously.

The following bids were received:

Howard Electric Co., Inc.	\$ 6,589.00
Reid Electric Co., Inc.	6,949.00
Austin Electric Company	7,131.00
Long Electric Company	8,128.00

CONTRACT AWARDED SULLIVAN PLUMBING & HEATING COMPANY FOR PLUMBING
CONTRACT FOR ANIMAL SHELTER.

Councilman Whittington moved award of contract to the low bidder, Sullivan Plumbing & Heating Company, Inc. in the amount of \$6,250.00 for plumbing contract for animal shelter. The motion was seconded by Councilman Tuttle, and carried unanimously.

The following bids were received:

Sullivan Plumbing & Heating Co.	\$ 6,250.00
Acme Plumbing & Supply	7,375.00
Mecklenburg Plumbing	7,557.00
J. V. Andrews Company	7,600.00
City Plumbing Company	9,888.00
A. Z. Price & Associates, Inc.	12,185.00

CONTRACT AWARDED LIQUID ASPHALT COMPANY FOR SIDEWALK CONSTRUCTION
TO ENCOMPASS EDWIN TOWERS.

Upon motion of Councilman Thrower, seconded by Councilman Jordan, and unanimously carried, contract was awarded the low bidder, Liquid Asphalt Company, in the amount of \$3,015.30 on a unit price basis for the construction of sidewalks to encompass Edwin Towers.

The following bids were received:

Liquid Asphalt Company	\$ 3,015.30
Crowder Construction Co.	3,465.00
A. V. Blankenship Co.	4,938.75

CONTRACT AWARDED GRAYBAR ELECTRIC COMPANY, INC. FOR CABLE.

Motion was made by Councilman Albea, seconded by Council Whittington, and unanimously carried, awarding contract to the low bidder, Graybar Electric Company, Inc. in the amount of \$1,541.05 on a unit price basis for 30,000 feet of 14/2 U.F. Cable without ground.

The following bids were received:

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Graybar Electric Co., Inc.	\$ 1,541.05
Westinghouse Electric Co.	1,757.40
Union Supply & Elec. Co.	1,801.34
General Elec. Supply Co.	1,936.17
Mill-Power Supply C.	1,969.50
Shelby Supply Company	1,984.94

CONTRACT AWARDED SOUTHERN ELECTRIC SERVICE COMPANY FOR MOTOR IN AIR CONDITIONING SYSTEM AT AIRPORT.

Councilman Thrower moved award of contract to Southern Electric Service Company, in the amount of \$3,178.00 on an emergency basis for replacement of burned out motor in air conditioning system at airport. The motion was seconded by Councilman Albea.

Councilman Whittington asked if Trane is standard equipment with the City's air conditioning? Mr. Veeder replied the city has different equipment; that he does not know that we have any one particular brand, and this was a failure and we had to move quickly to get the motor rebuilt.

The vote was taken on the motion and carried unanimously.

The following bids were received:

Southern Electric Service Co.	\$ 3,178.00
Trane Company - Alternate Bid	3,822.00

TENTATIVE PLANS FOR DEVELOPMENT OF RECREATIONAL FACILITIES ON PORTION OF SUGAR CREEK DISPOSAL PLANT PROPERTY APPROVED BY COUNCIL.

Upon motion of Councilman Thrower, seconded by Councilman Short, and unanimously carried, Council approved tentative plans advanced by the Park and Recreation Commission which would transfer approximately 12 acres of the Sugar Creek Disposal Plan property near Park Road to the Commission for development of a recreation center, and would lease a tract of land between the Sugar Creek Plant and the proposed relocated Park Road for recreational purposes with the Commission to erect a chain link fence along the Park and the Sugar Creek Plant boundary for the protection of children playing in the area.

PROPERTY TRANSACTIONS AUTHORIZED.

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

- (a) Acquisition of 7,512 sq. ft. of property at 1001 Grove Street, from Augustus Greene, at \$9,250.00 for the West Fourth Street Extension;
- (b) Acquisition of 7,511.98 sq. ft. of property at 1007 Grove Street, from William L. Roberts and wife, Goldean, at \$9,250.00, for the West Fourth Street Extension;

- (c) Acquisition of 7,500 sq. ft. of property at 1021 Grove Street, from George Wylie Champion, at \$7,400.00, for the West Fourth Street Extension;
- (d) Construction easement of 350 sq. ft. of property at 408 West Sixth Street, from Singleton Body Works, at \$1.00, for the Sixth Street Widening.

LEAGUE OF MUNICIPALITIES TAX PROPOSALS APPROVED TO THE LEGISLATURE.

Councilman Thrower moved that Council approve by letter the League of Municipalities entire tax proposals to the Legislature. The motion was seconded by Councilman Alba.

Councilman Short stated included in the League's proposal is a local referendum on a 1% additional sales tax. If Council votes in favor of Mr. Thrower's motion in effect it will be endorsing this part of their proposal. Mayor Brookshire replied this has been done previously. Councilman Short stated it was done at a meeting of countywide cities and at that time he withheld any action and did not participate in that, although everyone else did.

Councilman Thrower stated the reason he broadened the motion to the entire League's tax proposal was in the event that any member of the Council wanted to not necessarily support each and every issue that, in principle, we support the entire program.

Councilman Short stated this calls for a local referendum. That it appears to him this would put it to the public to decide whether we are going to get money that we obviously have to get, and this might amount to something like thirty-two cents or more on our tax rate, and maybe forty cents on the county tax rate. On the other hand, if we get it from the additional penny tax, the tax would fall upon spenders and merchants as against the property owner. Whether or not we would let the public decide or we would endorse the idea that the public decides between getting the money from the spenders or from the property owners, he will go along with Mr. Thrower's motion as he is glad for the public to decide this question. In voting for the motion, he wants it clear he is not personally endorsing outright the idea of getting this money from the merchants and spenders.

Mayor Brookshire stated the question involved is whether we would support the league's program which would call for a local referendum, giving the citizens of the city and county the opportunity to say whether they would favor this tax on a local basis or not.

Councilman Alba stated the only reason he would vote for the one cent sales tax is that it be left to the voters of Mecklenburg County.

Councilman Short stated he reserves the opportunity to speak further as to how he is going to vote on the referendum itself. That we are here endorsing the idea only that the public will determine which of these groups the tax burden will fall upon.

The vote was taken on the motion and carried unanimously.

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PROPOSED NEW WATER AND SEWER POLICY APPROVED WITH PUBLIC HEARING TO BE HELD ON PLAN MONDAY, MARCH 6.

Mayor Brookshire stated because negotiations with the County Commissioners on water and sewer apparently were halted when the County Board adopted the Potter Report, he feels the City has to take a new approach to the problem. We all fully agree with Mr. Potter's conclusion that there should be one central water-sewer operating authority; but for reasons already explained to the public, we do not think this municipal type service belongs logically to the County. So he is proposing today a new uniform and broader city water-sewer policy. This proposed new policy is an open invitation to the county or other units of government, or to private enterprise, to invest in the extension of the city's lines into areas where economically feasible on a reimbursable basis.

Mayor Brookshire thanked Mr. Milton Short who worked tirelessly throughout the negotiations with the County, and Mr. Veeder and other members of the staff for developing and defining the terms of this new proposed policy. If the City adopts this new policy, it will demonstrate a continuing interest in working cooperatively with the county to supply these municipal type services into the developing areas of the community.

The preface to the proposal is as follows:

"The Charlotte water and sewer systems are basic municipal services, developed for the benefit and at the expense of Charlotte citizens. Designated by the State as required municipal functions, their proper development, operation and maintenance have been and are the responsibility of the city's elected officials, who do not have the legal right to give away these assets.

The city has demonstrated over many years a capability of keeping abreast of the current needs for these services and through careful long range planning and management has been able to provide for the growth needs in the city and in the developing suburbs. Indeed, this capability has contributed greatly to Charlotte's orderly growth and progress.

With the challenge of Charlotte's rapid development as a regional city, we have for the past two years been searching diligently and intensively for a method of providing these utility services to meet wider areas of needs through enlistment of cooperation of the county government.

As an alternative to the county's proposal to either take over the city's systems or build separate and duplicating systems outside the city, I propose that the city adopt a new and broader policy which will permit and encourage the extension and expansion of the Charlotte systems throughout the metropolitan area on a uniform and equitable basis.

This new proposed policy would enable public or private agencies, corporations or individuals, through contractual relations with the city, to supply necessary capital funds for extensions deemed economically feasible anywhere in the city or county, on a reimbursable basis.

The comments and recommendations set forth herein represent a consensus of the thinking and conclusions of Milton Short, who has represented the Council in negotiations with the county, the City Manager, Water Superintendent, City Engineer and Finance Director, as well as my own.

If Council approves this policy plan as outlined in general, I further propose that we set a public hearing so all interested persons may endorse the proposal, criticize it or make suggestions for our further consideration and guidance in this highly important matter."

Mr. Veeder, City Manager stated it is recommended that the city revise its policies governing the extension of water and sewer lines and that a new uniform policy be adopted which would embody the following conditions:

That the policy will be uniform and available to all governmental units, communities, developers, property owners, corporations (profit and non-profit) and individuals throughout the Charlotte Metropolitan area.

That through this policy, the City is prepared and proposes to provide service to properties wherever the extension of service is feasible within the context of the policy.

That all water and sewer customers, regardless of location, under the proposed policy will pay a basic service charge or rate based upon metered consumption. This basic rate will be used to defray the cost of operation, maintenance and debt service and future debt service used to provide central facilities used by all customers, making it possible to provide a non-profit, self-sustaining utility operation.

That the cost of primary capital facilities, which are defined as all lines over eight (8) inches in size, will be financed by the original applicants for service and the cost will be refundable from the revenue generated by the lines.

That applicants desiring an extension should proceed as follows:

- (1) Request a preliminary cost estimate.
- (2) If they want to proceed further after the preliminary cost estimates, they would deposit 10% of the preliminary cost estimated which will secure a contract with the city to prepare construction plans.
- (3) If, after the construction bids are received and the developer still wants to proceed, he will be required to deposit the balance of the deposit equal to 100% of the construction cost.

If the applicant does not proceed after the bids are taken, the 10% deposit will be forfeited as payment for engineering costs.

The applicant who proceeded on this basis would be refunded 35% of the revenue generated by that line until such time as he is fully repaid for the primary capital facilities that were called for - everything over 8 inches in size; or until a period of 15 years had elapsed, whichever came sooner.

In addition to realizing 35% of the revenue off the lines, an applicant would also receive privilege connection fees that would be charged to other properties who could be served by the facilities for which the original applicant had advanced the money. The original applicant would get 35% of the revenue from the lines plus privilege connection fees - which are fees over and above the actual lateral connection cost.

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Under another procedure, depending upon the location of the required extension, the City Council, if it deemed it appropriate to partially finance extensions, could fall in the category of the applicant. The City could finance the primary capital facilities itself. This is intended to be used inside the city and in areas contiguous to the city. If this were done the applicant would deposit with the City monies to guarantee the cost of the construction plan and then would deposit with the City 30% of the total construction cost or the construction cost minus the primary capital facilities whichever would be greater. This is another way of saying that the applicant would be required to finance everything eight (8) inches in size and smaller. In addition, if this procedure is utilized the applicant would be required to guarantee revenue from the line equal to 1% of the actual construction cost. Properties that did not participate originally would pay a privilege connection fee over and above the actual lateral construction cost.

Under certain circumstances, recognizing the City Council's responsibility where public health is a factor inside the city limits, the way would be clear for Council to utilize its authority outside the framework of the first two approaches to the extension.

All extensions must be economically feasible and must be constructed in accordance with the city's engineering standards and specifications, and must be in conformity with the county and the city's long range development plans.

Mr. Veeder stated this plan offers uniform methods of extending and expanding water and sewer utilities to properties in the urbanizing area in a manner which is equitable to both urban and suburban citizens. That it provides a fiscally sound approach with sufficient flexibility to meet long term needs and to adequately support the extension of water and sewer services in the areas. It requires minimum capital cost participation by the customer, whether public or private, consistent with the benefits received; it guarantees production of revenue sufficient to finance construction and even affords the customer an opportunity to recover a portion or all of his equity in the capital cost.

That inquiries made throughout the State would indicate that none of the larger cities in North Carolina offer more favorable arrangement to potential users of water and sewer facilities than are provided in this basic plan.

Councilman Short stated he does not think the Mayor included himself in listing names of those who had some involvement in the formulation of this new policy, and he thinks the Mayor's name should have been listed first.

Councilman Short stated the City's previous extension policies have made a sharp distinction between inside and outside extenders of lines, in that inside extenders either receive their money back or the city made the extension for them outright after guaranteeing the feasibility. Outside extenders were given nothing by the city in the way of a refund and in addition they were faced with the double water rates. Under the new policy all extenders, whether inside or outside, who are putting in lines larger than eight (8) inches are treated the same. They all equally get their money back if the financial success of the line allows and they all have the same rates. These new policies are possible because of the recent

completion of our raw water transmission line, the pumping station and the Hoskins Plant extension and the Pineville Treatment Plant at a cost of some \$12 million. We now have an opportunity for a large volume operation that we did not have, and this will make these new county wide rates and refund policies feasible.

Councilman Short stated it is a pleasure to move that Council adopt the resolution approving this plan, stating Council's intention to put these policies into effect, subject to a public hearing on this plan to be held on Monday, March 6, one week from today. The motion was seconded by Councilman Albea, and carried unanimously.

CITY MANAGER REQUESTED TO INVESTIGATE MATTER OF NUMBER OF PEOPLE OCCUPYING A HOUSE.

Councilman Tuttle stated it seems there are quite a few cases where houses that normally could accommodate four, five or six people are being occupied by two and three families and twelve, fifteen and twenty people. All of this is to the detriment of the occupants, the owners of the property, the health of the occupants due to inadequate sanitary facilities. He requested that Mr. Veeder look into the possibility - that he does not know whether it is legal, he does not know how it would be based, whether it would be based on sanitary facilities or what - limiting the number of people occupying a house.

Mayor Brookshire stated he would like to endorse the request; this is a real urgent and important matter and a problem that has been constantly called to Council's attention in many sections of the city.

Councilman Whittington asked if Mr. Tuttle is advocating an ordinance that would stop this? Mr. Tuttle replied if it is legal and feasible. That it will require study and if it is possible and there is some legal way to limit the number, then he thinks very necessarily we should do so.

Mr. Veeder stated one of the main problems seems to center on how to determine when a structure is overcrowded in terms of assuming that we could develop some standards for numbers of people in a given residential unit; how we would determine the fact that the numbers were exceeded. There is the problem of actually getting in a structure to count people and a problem of determining how many people do live in a given residence; what constitutes living there and under what conditions.

Councilman Jordan stated within the next couple of weeks he hopes to give Council some good pictures of conditions where there are ten, fifteen and twenty living in one and two rooms and what they are trying to do in those parts of the world to eliminate it.

Councilman Whittington stated many times we sit here and say this is so involved that we cannot do anything about it. Four or five months ago, and probably twenty-five different times since he has been on the Council, he has brought up things that are directly related to this kind of problem - overcrowding, sanitary conditions and the minimum housing code. That it seems to him Council could adopt a set of rules and make it an ordinance and enforce it. That a good examples of this is the Dilworth area; as far as minimum housing is concerned he has brought this up twice and to his

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knowledge nothing has been done about the situations that are so prevalent there now in a neighborhood that is fighting for its very life to keep from going under. That it seems to him we get too technical in a lot of things instead of just sitting down and writing something and saying this is it and we are going to enforce it and do something about it.

Councilman Alexander asked how you tell a family living in small quarters, with six or seven children, to get out when they have no place to go? How do you evict a family when they have no place to go? Until you have some place for them to go, he thinks any attempt to try to set up regulations that will force somebody in this position to move out when you know they have no place to go is not worth it.

Councilman Tuttle replied he would think that anything Council did would have a grandfather clause to it; that he is talking about preventing it henceforth, and then time should and may gradually take care of those situations that we now have.

Mayor Brookshire stated a large part of the problem is finding ways and means for providing adequate housing for large families at rentals or rates of occupancy which the families can afford to pay.

RESIGNATION OF E. E. WADDELL FROM REDEVELOPMENT COMMISSION ACCEPTED WITH REGRET.

Councilman Alexander stated he has a letter from a member of the Redevelopment Commission stating his resignation due to the fact that his brother is being considered for appointment with the Redevelopment program. That he understands the employment took place some three weeks ago. That he does not know to what extent Council has any authority to consider action or talk about one or two of the items. If anything that he says is found to be erroneous in judgment, it is because he speaks only from the facts he has.

Councilman Alexander stated it strikes him as strange that this particular job is a job that has been given to anybody where there was so little knowledge of the job even existing. These are the type of jobs where he feels the public should know something about what is offered because he knows of many people who would like an opportunity to apply for such jobs. It is seldom this community affords jobs where a person can earn \$9,000 a year. He feels this type of public job should be advertised to the extent that the full community has knowledge of its existence so they can have an opportunity to apply for it. It strikes him as rather strange that an individual can be brought on a job - as he understands this job is in the relocation department of urban redevelopment - with no prior knowledge of the job or not too much knowledge of the community in which he will work over an individual who has been the relocation director since the beginning of the program, and who has had to develop much of the relocation program and has had to train everybody who has been put into the office working in this program, and who has had nobody in the office that could give him professional assistance to an extent in developing the office program, and not be given any consideration for a job that would be an advancement. All of these things may have no material bearing on jobs of this sort. If a person who has worked

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for seven years in developing a program and has done it sincerely is not eligible for advancement or consideration for advancement first, he questions anything that would say this person is incompetent for that type of consideration. If incompetence is a part of why this consideration was not given in this case, then he is at a loss to understand why he has been kept in that position for seven long years.

Councilman Alexander stated that the gentleman has asked that his resignation be accepted and he moved that Mr. E. E. Waddell's resignation from the Redevelopment Commission be accepted.

The motion was seconded by Councilman Whittington.

Councilman Short stated he thinks Council should accept Mr. Waddell's resignation, and he requests that the letter be read into the records as Mr. Alexander's remarks were not intended to cast any aspersions on the individual who is resigning.

Councilman Alexander stated he has no objections to the letter being read but he would like to include in his motion Council's thanks for the service Mr. Waddell has rendered.

Councilman Tuttle asked if it is legally possible, and if Mr. Alexander would accept, that the letter simply be read and his resignation be accepted. That this would involve Mr. Alexander accepting it and would involve whether Council can legally do so. Henceforth we simply read the letter which was received from Mr. Waddell and accept his resignation after having heard the reading of the letter and that be all the record show. Not that there be any denouncement of Mr. Alexander's statement but that it simply be deleted from the record. Councilman Alexander stated he does not accept the suggestion as he would like the statement he made to show in the record.

Councilman Whittington stated the motion has been made to accept Mr. Waddell's resignation and he seconded the motion with regrets as Mr. Waddell, in his opinion, has rendered a real service to the community and he asked for this and he does not think Council has any other choice.

Without objection, the following letter from Mr. Waddell was read into the record:

"Second Ward High School
Charlotte, North Carolina
February 25, 1967

Mayor and The City Council
of the City of Charlotte
North Carolina

Gentlemen:

Due to the fact that my brother, E. W. Waddell, is being considered for employment with the redevelopment program, I am tendering my resignation as a member of the Urban Renewal Commission to be accepted at your discretion, if in your opinion, you feel that it is necessary for me to do so.

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It is a privilege for me to serve as member of the Commission, and I believe my serving has been in the best interest of all the citizens of Charlotte. I have missed only one regular meeting of the Board and have attended all call meetings. I attended the annual Urban Renewal meeting in New Haven, Connecticut last November and the knowledge gained there place me in a better position to serve the city of Charlotte.

Since I have been on the Board, I believe I have had excellent communications with people who have problems connected with urban renewal.

I regret submitting my resignation at this time because of my strong faith in the future of the program as it relates to revitalizing the downtown area, the improvement of all aspects of life in the First Ward and Greenville areas, particularly education and family life, and the part that urban renewal can play in making Charlotte a demonstration city.

I am confident that the urban renewal program will continue to function for the greater development of the people of Charlotte under the leadership of its director, Mr. Vernon Sawyer. Whether I am a member of the commission or not, it will have my continued support.

Very truly yours,

E. E. Waddell"

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

CITY MANAGER REQUESTED TO GIVE PROGRESS REPORT ON THE ESCALATION OF RETIREMENT PAY.

Councilman Thrower requested the City Manager to give Council a progress report on the escalation of retirement pay at the next Council meeting.

REPORT ON CONDITIONS OF FIRE DEPARTMENT EQUIPMENT.

Councilman Albea stated he has read in the paper about the conditions of our Fire Department. That he was under the impression that we had an A No. 1 fire department. What he has read in the past few days has caused a great deal of doubt in his mind, and he asked the City Manager if the conditions in the Fire Department are like he has read in the past few days? That he knows we have not bought a new truck each year, but we have bought them when they were asked for. That the story he read did not sit well with him because it is the first he has heard that conditions of the fire equipment are bad. If it is, we should make some changes and include in the next budget and do something about it.

Mr. Veeder stated without commenting on the stories in the news media, and his comments should not be interpreted to have any relevancy to the story, he thinks we do need to spend more money on equipment for the Fire Department as we have lots of needs. That he would not deny the need in this department any more than he would deny the need in

a number of areas of service that the City provides for the residents of Charlotte. It is a question of balance and ability to pay. This Council, as it does each year, will have to make some judgments in the budget process.

Councilman Tuttle stated the City is not in serious danger but is getting very close to a question of retaining our Class 3 rating which would affect our fire insurance rate very much. That this question came up and was submitted to him by the Chamber Committee prior to the budget last time, and it was very obvious that we could not do anything. That there is no question but what we are beginning to show some shortcomings in our fire equipment.

Councilman Albea stated he thinks that shortage should be brought to the attention of the City Council and the City Manager.

Mayor Brookshire stated that Mr. Veeder has said all the departments of the city to render a higher level of service could use more equipment than Council has the resources to cover at budget time each year. That the needs of any one department have to weighed against the total needs of the City, and equated as best Council can in its own judgment at budget time.

PROGRESS REPORT ON DOWNTOWN STREET PRIORITIES.

Councilman Whittington stated the contracts for appraisal today were all on Sixth Street and the 1200 block of West Fourth Street. That it has been about six weeks since Council adopted a set of priorities for these downtown streets and Council was told they would get the rest of them in about six weeks. He asked where we are and when we are going to get this report and when a contract can be let on East 5th Street? The City Manager replied he cannot say when a contract can be let on East Fifth Street. This depends on negotiations with the property owners. That good progress is being made but he cannot give a construction date because we cannot tell how well we will be able to negotiate the property.

Councilman Whittington asked if our engineering staff is devoting almost full time to the project? Mr. Veeder replied this is not an engineering question at the moment, it is the right-of-way acquisition.

The engineering has been completed and we are in the acquisition stage now. The minute we have the right of entry we can proceed with the construction.

REPORT ON PLANS FOR THE NEW POLICE BUILDING.

Councilman Whittington asked the City Manager when the final plans on the police building will be presented to Council, and if the property is being negotiated for? Mr. Veeder replied as of today the Redevelopment Commission has the green light to proceed with the acquisition of the property. As to the plans, Mr. Toy is going to be ready to meet the schedule as relates to the acquisition of property. Originally the Redevelopment Commission was hopeful they could have this property by April 1; that he presumes they are now back thirty days and instead of having the property by April 1, it will probably be around May 1.

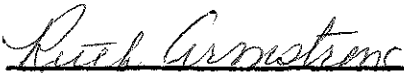
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COUNCILMAN JORDAN TO GIVE REPORT ON MEETING IN THAILAND IN NEAR FUTURE.

Councilman Jordan stated he is certainly glad to be back home again. That the meeting in Thailand was most interesting and informative. It seems that cities in the nations throughout the world have the same problems we have here, he hopes to give a complete report on the meeting in the very near future.

ADJOURNMENT.

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



Ruth Armstrong, City Clerk