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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, on Monday, January 23, 1967, at 3:00 o'clock p.m., with Mayor Stan R. Brookshire presiding, and Councilmen Claude L. Albea, Fred D. Alexander, Milton Short, Jerry Tuttle and James B. Whittington present.

ABSENT: Councilmen Sandy R. Jordan and John H. Thrower.

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#### INVOCATION.

The invocation was given by Reverend J. Clyde Yates, Pastor of Eastway Baptist Church.

#### MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Short, and un-animously carried, the minutes of the last meeting on January 16 were approved as submitted.

#### CITY EMPLOYEE AWARD FOR SERVICE PRESENTED TO CARL J. DIXON, POLICE DETECTIVE, RETIRING JANUARY 24, 1967.

Mayor Brookshire presented the City employee award to Mr. Carl J. Dixon, Police Detective, who was employed by the City on March 7, 1935 and who retired January 24, 1967. Mayor Brookshire stated the plaque is to serve as a constant reminder of his service to the City, and wished for him the best of health and happiness in his retirement.

Mr. Dixon replied he appreciates the plaque deeply and is also thankful to the City for being nice to him through the years and for the security he has had with the City; that he has enjoyed all of them.

#### CONSIDERATION OF CONDEMNATION OF PROPERTY AT 615 WESTBURY ROAD FOR PERMANENT DRAINAGE EASEMENT DEFERRED FOR ONE WEEK.

Mr. R. C. Carmichael, Attorney representing Mrs. Sara Houser, stated he wishes to bring before Council some points which he thinks is worthy of consideration concerning a drainage ditch that runs along the side of Mrs. Houser's property which is located on Westbury Road. That Mrs. Houser lives on Westbury and owns a vacant lot immediately adjacent to her home. That Westbury Road was paved when the property was brought into the City in 1961 and gutters were put down. When this was done, the natural drainage was changed. That they are not concerned with that now. What they are concerned with now is that the City proposes to widen the ditch and make it deeper. The ditch at present is about 2 feet deep and approximately 3 feet wide. The proposal is to widen it to an area of 5 feet and deepen it to a depth of 3-1/2 feet. There is a pipe which comes off and bears the water underneath the street and drops it into the present ditch; it runs back along side Mrs. Houser's property, turns the corner and goes between her back line and Trinity Presbyterian Church property, and there is picked up in a larger pipe and carried off.

Mr. Carmichael stated the new pipe underneath the street is 24" in diameter, the level of the ditch is such that the level is above the

bottom of the pipe so that the pipe is not carrying out its function, and the water is being partially dammed. Something has to be done to lower the ditch to carry the water off.

The proposition would include taking a drainage easement of about an additional 1-1/2 feet all the way down Mrs. Houser's property, a distance of 150 feet; then it would come 89 feet back up to where the pipe is that runs under the church. That the part after the bend which comes along the church would all be taken from the church property. That the church joined with Mrs. Houser in asking Council to consider several points. If the ditch is widened and if the water is carried off better, then certain benefits accrue to Mrs. Houser's property and to the church property. If a sudden flash storm comes along, her property is benefited if the danger of flood is reduced. On the other hand, there are some problems.

The first problem would be erosion. The city proposes a ditch 3-1/2 feet by 5 feet with no concrete and nothing along the wall; it will be graded down into a point. That it is designed to carry water which drains from about an area of 2 and 2-1/2 blocks and there will be a great deal of erosion caused by water coming out of a pipe, spilling into a ditch which is graded to carry it as fast as it can to another pipe. That once before, Mrs. Houser's sister was in the back part of the property working on some trees and there was a landslide. The bank of the ditch that runs along the church property just collapsed; they assume it collapsed because of erosion. If the property is condemned by the City for the purpose of drainage, an element of Mrs. Houser's damage is the very real and present danger of erosion of her property.

The second point is the decrease in the value of property. They realize when property is condemned a person is awarded compensation for whatever is taken. That something else is connected with this point. That he does not think many people with families would be interested in buying a lot that has a open ditch designed to carry a lot of water and carry it fast on two sides of a four-sided lot. That the value of her property is diminished. That Trinity Presbyterian Church operates a kindergarten; there is also a playground there and is used by anybody who wants to use it; there are children in the neighborhood. There are going to be children there because this is a residential area, it is one of the growing areas and there is a large church there and a playground there and there is a kindergarten. There are going to be children playing all around there from now on.

Mr. Carmichael stated he suggested to the City a solution. To put a pipe in the ground and cover it up. If the City did this then Mrs. Houser, and he is sure the church, would be willing to do whatever is necessary to get the work under way, and would not ask for any money damages for the taking of the property.

That the church has a private road that runs from Providence down along side the property 8 or 10 feet in width. The road has a shoulder now; if the ditch is widened as proposed, then their shoulder will be reduced to a width of 6" to a foot. They are concerned with the threat of erosion undermining their road and the danger presented to a man using the road.

Mr. Carmichael stated he asked the City if they would put a pipe down there and take the easement free of charge. They said no, it was City policy, that it would create a precedent. He stated, we are not

fighting every battle, we are just concerned with this one. The City has recently spent a great deal of money improving the street, and it seems "pennywise" and "pound foolish" to spend money to improve a street and then come along and dig out an open ditch and leave it there. That he thinks this case warrants a pipe. That he has been told that the City has put pipe underneath the property of Mr. Oliver Rowe on Providence Road and also Mr. Robert Osborne, who lives on Ferncliff Road, and this was done when Sharon-Amity Road was widened.

That it seems to him the creating of a precedent is not the problem but what happens if it is not done. If the ditch is just opened up, designed to carry a great amount of water, then a precedent is being created in the other way. We are creating a precedent of the City going out and building a hazard for children. That it would be a great deal of cost to put down the pipe but it might also be that the City would be protecting itself from possible law suits in the future which might arise out of a child being injured as a result of something taking place in the street.

Mr. Carmichael stated the City's policy of not putting pipes down or you will have to put them all over town, is avoiding the question. The question is do you want to keep this area up that you spent this money on recently or just spend it and stop short of carrying it out, and then let it all go back down.

Mayor Brookshire asked the City Manager if there is any other alternative under the existing city policies that would take care of this situation? Mr. Veeder replied there is and he is sure it has been discussed with them, and that is if the owners would be willing to purchase the pipe, the City would be willing to install it as a matter of policy.

Mr. Carmichael replied this was mentioned to them but Mrs. Houser has recently been hit with assessments on street improvements and this coming right on top of it is right much of a load for one citizen to bear. It is not just her property to be improved, she does not have little children so she is not arguing the little children's point of view from her own family. They think the church has an interest in it, and they have talked to the church but they say they are not able financially to do it or to contribute toward it. The owner on the other side has no interest in it either, so the cost of piping for one person to have to undertake is prohibitive.

Councilman Whittington stated he would like to have an opportunity to go there with the Engineering Department and see this before he votes either way and he would move that this be postponed for one week and suggest that Council look at the property. The motion was seconded by Councilman Albea.

Councilman Tuttle stated he has seen this property and is familiar with it, and is also familiar with the fact that Mrs. Houser originally, when the question of the curb and gutter came out, was very reluctant to do into it because she is a widow and living on a fixed income. But she did because she thought it was going to improve her property, her street and help her neighbors. She went along, not having any idea that this particular ditch was going to come up and that it would cost her additional money. That he has been out there with Mr. Veeder and has been out there with Mr. Cheek, and he does not think that Mr. Whittington will find anything when he gets there except what Mr. Carmichael has described as a ditch which is going to be widened and a little of her property will be

taken away. The ditch is going to be made deeper and is going to be a ditch that in the springtime, in the flood time, is really going to be a dangerous situation involving the children. That if we are willing to do the work, as a matter of principle, that would simply mean that we are willing to offer relief, and he does not think the pipe amounts to a great deal more. That he would like to hear from Mr. Kiser, City Attorney, as to how we stand legally insofar as if this Council did see fit to go ahead and do the whole job?

Mr. Kiser replied the area of natural drainage courses comes up when this problem is talked about. Responsibility for maintaining the ditch, which is a natural drainage course, is that of the property owner over whose property the natural drainage course flows. The policy of the City has been that the responsibility for maintaining natural drainage course is that of the property owner. This is a responsibility which legally - that he thinks there is strong question as to whether the City can assume. From the standpoint of piping, this is an additional cost which the City would assume and it would also mean that the City assumes another responsibility for the maintenance of it, and this approaches the area in which the City legally cannot go.

Councilman Short asked the City Attorney if this would be a misuse of public funds? Mr. Kiser replied that is the provision which he is adverting to as the reason for which the City cannot legally assume the responsibility of the property owner.

Councilman Tuttle stated he does not see any difference between furnishing labor and furnishing pipe. Mr. Kiser replied this is a question of the expenditure of funds for the purchase of pipe and perhaps a question of labor, doing the work in an attempt to solve the problem without the expenditure of specific public funds for the purchase of pipe.

Mr. Josh Birmingham, Assistant City Engineer, advised the pipe would cost \$3.21 a foot and 245 feet would be necessary. That the City's part would be six feet to the property and it would be 150 feet between the Coon and Houser property and 89 feet at the back of the church. That Mrs. Houser's part would run about \$480.00.

Mr. Veeder, City Manager, stated that anything that relates to the Church, he will not comment on as he is a member of that church.

Councilman Albea asked Mr. Carmichael if he said someone had changed the flow of the water? Mr. Carmichael replied that is what the residents of the area have said; that the City showed him a map and argued him that the drainage is the same as it always has been. That some of the residents said when the street was paved some of the drainage was changed. To comment on the use of public money, it seems to him that if the money were used for this purpose, the primary beneficiaries would be children of the area; if a property owner is incidentally benefited by the use of public funds, if the primary purpose is the benefit of the public, it seems to him that an incidental benefit would not be such to make it an illegal use.

Councilman Tuttle asked if the level of the street was raised any at all when it was paved? Mr. Birmingham replied maybe a couple of inches for the top course. Councilman Tuttle asked if this is an out; we have changed the flow of water; that some of that water did manage to run down the streets. Mr. Kiser replied he is told that

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the water flows the same way that it always did, that we are not turning any more into the drainage ditch than was turned into the ditch prior to this.

Mr. Birmingham stated there has been no diversion of water. The same area that drained into this pipe before is what is going in at the present time. Due to the improvements of the street, there may have been some acceleration of water and gets to this point quicker but there has been no additional area put into this pipe. Mayor Brookshire asked what would happen if the ditch is left as it is? Mr. Birmingham replied the water is impounding at the street and is creating a problem with stagnant water and mosquitos. The existing pipe was a 15" pipe that carried the water across the street which was inadequate in size. When the city performed the street improvements, an adequate size pipe was put in which necessitated going down deeper because of the difference in the circular pipe. They have not changed or diverted any water.

Councilman Short stated that the ditch has been made deeper regardless of how much water flows through it which is a hazard and a depreciation in the value of this property. That it is being changed a little from the way nature put it there, and is being made deeper to accommodate the pipe. He asked if there is a way to avoid legal liability and help Mrs. Houser a little with a consent judgment, or some such arrangement? Mr. Carmichael replied that would depend upon the consent judgment; that they are willing to negotiate the thing as long as there is hope for successful negotiation. What they want is to have it piped and just give the City the easement and not have any legal proceedings at all. In between that and what the City wants, if they could agree on something, it could be done by consent.

Mr. Kiser stated that normally a consent judgment comes after legal proceedings have been instituted by which he would assume the City would institute condemnation proceedings and Council would ask for a consent judgment to be approved by the Court that the City pay for the piping. Councilman Short replied he does not know the exact basis but instead of just an agreement for so much money, that we would have a contract in the form of a consent judgment resulting from legal action. Mayor Brookshire stated he thinks Mr. Short is not talking as much about a consent judgment as he is a compromise.

Councilman Alexander asked if it would be possible to defer this and ask Mr. Kiser to study the situation and see if there is any legal way to offer relief. That he is afraid we will open up a Pandora Box of problems which could not be stopped. This is a situation in many cases in town and if there is any way we can help he is willing to help, but if we are legally bound and if we can sit here and solve this problem today, then we can solve a gang of others. The thing that disturbs him is what are we going to do tomorrow when another citizen comes up with the same problem.

Mayor Brookshire advised Mr. Carmichael that Council would like to help Mrs. Houser if it could be done legally, so any action that is taken will have to hinge on the City Attorney's interpretation of the City's authority in such matters, and the motion is before Council to defer action for a week and ask the City Attorney to look into the matter further.

Mr. Kiser advised he would be delighted to look into the matter further and asked Mr. Carmichael if he would join him in that attempt.

Councilman Tuttle stated he is going to vote for the motion, but he is not a lawyer nor an engineer, but here is a case of a street being paved with the consent of the owner who had no idea that the additional expense would come along; and we improved the street greatly for all the neighbors and then all of a sudden one particular owner of property is told that the street is improved but now you have to pay us \$481.50 to get the water across your property. It does not seem right and it seems that some relief should be had.

The vote was taken on the motion and carried unanimously.

PETITION NO. 67-1 BY D. L. PHILLIPS INVESTMENT FOR CHANGE IN ZONING FROM O-6 AND I-2 TO R-9MF OF A 25-ACRE TRACT OF LAND LOCATED AT THE DEAD-END OF SCOTTSDALE ROAD, SOUTH OF BROADVIEW ROAD, DEFERRED.

Upon motion of Councilman Whittington, seconded by Councilman Albea, and unanimously carried, the subject petition was deferred pending the further study of the Planning Commission.

PETITION NO. 67-2 BY DOLPH M. YOUNG FOR CHANGE IN ZONING FROM O-6 TO B-2 OF A LOT LOCATED ON THE SOUTH SIDE OF EAST PARK AVENUE, BEGINNING WEST OF CLEVELAND AVENUE, DEFERRED.

Councilman Whittington moved that decision on the subject petition be deferred. The motion was seconded by Councilman Tuttle, and carried unanimously.

ORDINANCE NO. 582-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING THE ZONING FROM R-6MF TO B-2 OF A LOT 60' x 160' LOCATED AT 1029 SUGAR CREEK ROAD (NOW ATMORE STREET) APPROVED.

Motion was made by Councilman Albea to adopt the subject ordinance changing the zoning of the property from R-6MF to B-2 as recommended by the Planning Commission. The motion was seconded by Councilman Tuttle, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 14, at Page 479.

PETITION NO. 67-4 BY D. M. CREECH FOR A CHANGE IN ZONING FROM B-1 TO B-2 OF A LOT 100' x 200' AT 724 EAST MOREHEAD STREET, AND A LOT APPROXIMATELY 41' x 200' AT 1116 MYRTLE AVENUE, DENIED.

Upon motion of Councilman Whittington, seconded by Councilman Tuttle, and unanimously carried, the subject petition for a change in zoning was denied as recommended by the Planning Commission.

PETITION NO. 67-5 BY V. R. WILLIAMS FOR A CHANGE IN ZONING FROM R-6MF TO R-6MF-H OF PROPERTY AT 1200 QUEENS ROAD, DEFERRED UNTIL ALL MEMBERS OF COUNCIL ARE PRESENT.

Councilman Short moved that decision on the subject petition be deferred until a full Council is available. The motion was seconded by Councilman Tuttle, and carried unanimously.

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ORDINANCE NO. 583-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING THE ZONING FROM R-6 TO R-6MF OF APPROXIMATELY 15 ACRES OF LAND FRONTING 680 FEET ON THE NORTH SIDE OF GRIERS GROVE ROAD, BEGINNING APPROXIMATELY 400 FEET WEST OF BEATTIES FORD ROAD, ADOPTED.

Councilman Alexander advised that decision on Petition No. 66-96 by McDaniel Jackson for a change in zoning from R-6 to R-6MF of approximately 15 acres of land fronting 680 feet on the north side of Griers Grove Road, beginning 400 feet west of Beatties Ford Road was postponed for two weeks on January 9. That the Planning Commission recommended approval of approximately 700 feet of the eastern portion of the property and recommended disapproval of the remaining portion.

Council Alexander stated he feels these apartments are needed now and denying the lower portion of the property is the thing that should be given consideration. The property will not be on the front of Griers Grove Road; it will be behind some church property, and the owners have expressed their willingness to extend a line of trees behind their property to act as an additional buffer. That no single family homes exist at present on the lower end of Griers Grove Road. For these reasons he moved that the request of the petitioner be granted and the entire acreage as submitted be approved as requested. The motion was seconded by Councilman Whittington, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 14, at Page 480.

ORDINANCE NO. 584-X AMENDING ORDINANCE NO. 498-X, THE 1966-67 BUDGET ORDINANCE, AUTHORIZING THE TRANSFER OF GENERAL FUND CONTINGENCY APPROPRIATION.

Councilman Whittington moved the adoption of the subject ordinance, transferring \$2,500 of the General Fund Contingency Appropriation to be used to cover the cost of repairing the Gold Star Mothers' World War II Memorial located at the entrance to Evergreen Cemetery. The motion was seconded by Councilman Tuttle.

Councilman Whittington remarked that the Memorial was built by the Gold Star Mothers out of funds they solicited.

The vote was taken on the motion and carried unanimously.

The ordinance is recorded in full in Ordinance Book 14, at Page 481.

RESOLUTION PRESCRIBING THE POLICY TO BE FOLLOWED IN CONNECTION WITH LAND ACQUISITION FOR WATER DISTRIBUTION SYSTEM TRUNK MAINS AND ELEVATED STORAGE TANKS TO SERVE THE NORTHEASTERN SECTIONS OF THE CITY AND ADJACENT AREAS.

Councilman Alba moved the adoption of the subject resolution, which was seconded by Councilman Short.

Mr. Veeder, City Manager, advised this is a requirement of the Federal Government and is not anything that relates to our own activities. One of the requirements when the City received a grant for the raw water line coming in from the river was to adopt a policy that relates to how the City would treat people if their property had to be acquired. At that time, the City did not have to acquire any property on that particular project but rather than to explain this to the Government,

it was easier to adopt the resolution. Now, the federal government is suggesting that the City do something similar as relates to the second application - this is the application that would provide money for a network of service in the area relating to the University. The substance of this policy is only that which the City in any case would do as a City. It just says the City will negotiate rather than condemn, if possible. It tells us if the City has to take the land through court proceedings, it would be willing to put some of it up in Court. It suggests that if anyone has to surrender their property and they live on it, the City will give ninety days notice. This requirement is similar to the earlier one if we did everything that was called for us to do in this particular project, we would not be using the first bit of right of way. This is a case where it is easier to agree with them on a policy here that we would do in any advent when in fact we will not have to use the policy.

Councilman Short asked if this would indicate that our second application has some good prospects? Mr. Veeder replied the federal government has been expressing some increasing interest in this application and he thinks it indicates an increased interest in the application.

The vote was taken on the motion and carried unanimously.

The resolution is recorded in full in Resolutions Book 5, at Page 397.

#### CONSTRUCTION OF SANITARY SEWER MAINS IN PORTION OF UNIVERSITY PARK NORTH AND HAWTHORNE LANE.

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

- (a) Construction of 570 feet of main to serve a portion of University Park North, inside the city, at the request of C. D. Spangler Construction Company, at an estimated cost of \$4,560.00, with all cost of construction to be borne by the Applicant, whose deposit of the full amount has been received and will be refunded as per terms of the agreement.
- (b) Relocation of 320 feet of main in Hawthorne Lane, inside the city, at the request of Eckerds Drugs, Inc., at an estimated cost of \$1,700.00, with all cost of construction to be borne by the applicant whose deposit of the full amount has been received and is not refundable.

#### STREETS TAKEN OVER FOR CONTINUOUS MAINTENANCE BY THE CITY.

Motion was made by Councilman Whittington, and seconded by Councilman Albaea that the following streets be taken over for continuous maintenance by the City:



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STREET	FROM	TO
Carriage Dr.	Lot Line 5 & 6, Block 3	Carriage Drive W
Malibu Drive	Plaza Road	Lot Line 20 & 21, Block C
Highlake Drive	Plaza Road	Lot Line 1 & 2, Block C
Americana Avenue	Highlake Drive	140' W. of Malibu Drive
Toal Street	Asbury Avenue	Service Street
Service Street	Toal Street	730' SW of Toal Street
Service Street	730' SW of Toal St.	Atando Avenue
Atando Avenue	Asbury Avenue	30' W. of Service St.
Asbury Avenue	Atando Avenue	50' W. of Simplicity St.
Shade Valley Road	Monroe Road	260' S. of Erickson Rd.
Shade Valley Road	260' S. of Erickson Rd.	Erickson Road

Councilman Tuttle asked what the rule of thumb is on the city taking a street over? Mr. Veeder replied if the street is constructed to the City's standard and with the right of way width required and built to the standard of the subdivision ordinance.

The vote was taken on the motion and carried unanimously.

RESOLUTION FIXING DATE OF PUBLIC HEARING ON FEBRUARY 6 ON APPLICATION OF EDRIE KING SEIGLER, FOR ISSUANCE OF TWO (2) CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY FOR THE OPERATION OF TAXICABS IN THE CITY OF CHARLOTTE.

Councilman Tuttle moved the adoption of the subject resolution, which was seconded by Councilman Whittington.

Councilman Whittington asked if a similar petition has been received from Mrs. Willis L. Robinson. That it is pending and if there is any way that the City Attorney can get this and both the applications could be expedited at the same time. That both of these ladies are dependent upon the privilege of operating these cabs in their names for their livelihood, and if Mrs. Robinson's could be speeded up in any way, he would appreciate it.

Mr. Kiser, City Attorney, replied he doubted if Mrs. Robinson's could be ready for the 6th because ten days notice is required.

Councilman Whittington requested the City Attorney to make a note of Mrs. Robinson's and get it to Council as soon as possible.

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

The resolution is recorded in full in Resolutions Book 5, at Page 398.

Councilman Alexander asked if a report will be ready for Council on the number of unused certificates which are outstanding? Mr. Veeder replied this should be ready for the hearing scheduled for January 30 and will provide information on two points - (1) the financial situation of the cab companies and (2) the general situation of permits being "inactive".

APPRAISAL CONTRACTS APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Alexander, and unanimously carried, the following appraisal contracts were approved:

- (a) Contract with Lionel D. Bass, Sr. for appraisal of ten (10) parcels of land in connection with the East Third Street Connector and West Fourth Extension.
- (b) Contract with Zollie A. Collins for appraisal of four (4) parcels of land in connection with the Sixth Street Project.
- (c) Contract with John M. Gallagher for appraisal of six (6) parcels of land in connection with the West Fourth Street Extension.
- (d) Contract with Leo H. Phelan, Jr. for the appraisal of eleven (11) parcels of land in connection with the East Third Street Connector and West Fourth Extension.
- (e) Contract with Robert R. Rhyne, Sr. for the appraisal of eleven (11) parcels of land in connection with the Sixth Street Widening Project.
- (f) Contract with Alfred E. Smith for the appraisal of eleven (11) parcels of land in connection with the Sixth Street Widening Project.

SPECIAL OFFICER PERMIT ISSUED TO JAMES A. TAYLOR FOR USE ON THE PREMISES OF ROYAL ORLEANS APARTMENTS FOR ONE YEAR.

Councilman Albea moved approval of the issuance of a Special Officer Permit for one year to Mr. James A. Taylor for use on the premises of Royal Orleans Apartment, 3400 Beatties Ford Road. The motion was seconded by Councilman Whittington, and carried unanimously.

TRANSFER OF CEMETERY LOTS.

Motion was made by Councilman Tuttle, seconded by Councilman Alexander, and unanimously carried, authorizing the Mayor and City Clerk to execute a deed with Mrs. Lelia A. Jones, for the south half of Lot No. 21, Section T, Elmwood Cemetery, at \$100.80.

CONTRACT AWARDED KNOXVILLE FOUNDRY COMPANY FOR CAST IRON VALVE BOXES.

Upon motion of Councilman Albea, seconded by Councilman Short, and unanimously carried, contract was awarded the low bidder, Knoxville Foundry Company, in the amount of \$9,682.00 on a unit price basis for 1,800 valve box castings.

The following bids were received:

Knoxville Foundry Company	\$ 9,682.00
Dewey Bros., Inc.	10,016.40
Russell Pipe & Foundry	11,051.90

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CONTRACT AWARDED BLISS GAMEWELL DIVISION OF E. W. BLISS COMPANY FOR  
FIRE ALARM SUB-STATION AND FIRE ALARM BOXES.

Council was advised that the Chief of the Fire Department and the Purchasing Agent recommended the award of contract to the only bidder, Bliss-Gamewell, Division of E. W. Bliss Company in the amount of \$18,238.06 for a fire alarm substation and fire alarm boxes.

Councilman Whittington asked why the City is in this position? The City Manager replied, we have been on this commodity since the City committed itself to this particular fire alarm system. That Gamewell is the leading name in the fire alarm system and has been since the turn of the century. That this is extending service into the area that was annexed, including a substation for the area. The last time we bought a substation was in 1965.

Mayor Brookshire asked how the prices compare on a unit basis with what was paid the last time. Mr. Veeder replied the last time boxes were bought was 1963, and at that time we paid \$1.64 and it is now \$1.74.

Councilman Tuttle asked if the City is taking a look at the possibility of switching systems or services or pipes, or whatever the case might be to a situation where there might be more than one supplier? Mr. Veeder replied yes, this is a standing process that the City goes through on each commodity such as this to determine what might be done to do something differently to the City's advantage. That both he and the Purchasing Department would like to get competition on everything that is bought as this is healthy.

Councilman Whittington asked in this sort of thing, as the City moves out into these areas like Pineville Road and Sharon Road, if there is anyway that systems can be developed that would be competitive with Gamewell that would tie in with the present system? Mr. Veeder replied not that he is familiar with on this particular situation; the last time this was bid, another bid was received but it ran \$4,000 more than this company.

Councilman Whittington moved award of contract to the only bidder, Bliss-Gamewell Division of E. W. Bliss Company, in the amount of \$18,238.06 for one fire alarm substation, 51-three fold fire alarm boxes, 55 flexamount brackets and 55 ground rod assemblies. The motion was seconded by Councilman Albea, and carried unanimously.

CONTRACT AWARDED RIKE WRECKING COMPANY, INC. FOR DEMOLITION OF 29  
STRUCTURES.

Councilman Short moved award of contract to the low bidder, Rike Wrecking Company, Inc., in the amount of \$9,600.00 on a unit price basis for demolition of 29 structures within the Northwest Expressway, Eastway Drive and Urban Redevelopment Areas NC R-24, NC R-37, and NC R-43. The motion was seconded by Councilman Tuttle.

The City Manager stated this is an example relating back to the previous discussion. When the City started out asking for bids to have structures demolished, there was not much in the way of competitive bids. The City actively went out seeking bids inside and outside of Charlotte and encouraged people to come in and bid on this work. It seems now each time bids are requested on demolition work an increasing number of bidders participate.

The vote was taken on the motion and carried unanimously.

The following bids were received:

Rike Wrecking Company, Inc.	\$ 9,600.00
Cochran & Ross Const. Co.	11,395.00
Almond Grading Company	14,165.00
Berrier Wrecking Company	14,485.00
Branch & Associates, Inc.	16,475.00
Griffin Wrecking Company	20,000.00
Suggs Wrecking Company	21,790.00
Ludlum & Sons Wrecking Co.	23,325.00

#### PROPERTY TRANSACTIONS.

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

- (a) Acquisition of easement 10' x 10' lying along I-85 from Ervin Construction Company, at \$1.00 for sanitary sewer to serve I-85 Trunk.
- (b) Acquisition of easement 10' x 1019.41' lying along I-85, from Thomas Clayton Thompson, at \$1,019.41 for sanitary sewer trunk to I-85.
- (c) Acquisition of easement 10' x 179.36' lying along I-85, from Realty Development Company, at \$179.36 for sanitary sewer trunk to I-85.
- (d) Acquisition of easement 10' x 388.53' at 4616 Denver Avenue, from Thomas L. Helms, at \$388.53 for sanitary sewer trunk to I-85.
- (e) Acquisition of 5,416 sq. ft. of property at 2723 Eastway Drive, from Eastway Baptist Church, at \$3,600.00 in connection with the Eastway Widening Project.
- (f) Acquisition of 7,088 sq. ft. of property on East 4th Street, 2nd lot east of Cherry Street, from Lou A. Harrill, at \$8,250.00 in connection with the East Third Street Connector.

W. T. COVINGTON NOMINATED TO SUCCEED HIMSELF ON THE FIREMEN'S RELIEF FUND BOARD OF TRUSTEES AND LOUIS H. ASBURY, JR., NOMINATED TO SUCCEED HIMSELF ON THE ZONING BOARD OF ADJUSTMENT.

Councilman Alba nominated Mr. W. T. Covington to succeed himself for a two year term on the Firemen's Relief Fund Board of Trustees to remain open for one week.

Councilman Alba nominated Mr. Louis Asbury, Jr. to succeed himself on the Zoning Board of Adjustment for a term of three years to remain open for one week.

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DISCUSSION OF AVENUES OF RELIEF FOR PERSONS LOCATED IN LINE OF NEW STREETS WHOSE PROPERTY MAY BE TAKEN AT FUTURE DATE BY THE CITY.

Councilman Tuttle stated that a man whose property is located in the line of one of the new streets is losing a tenant because the lease is expiring. That it will be about 18 months before the City will take this property but, in the meantime, this man says he cannot rent the property, and to his knowledge no adjustment is made in the value of the property. Councilman Tuttle asked if it is reasonable, plausible, or is it legal - that it does not seem fair to line up a street or a highway going through a man's property whose building then, because the lease expires, becomes unrentable without an adjustment, assuming that the value of the building amounts to anything, in his taxes. Suppose the man's property is on the books with the land valued at \$15,000 and the building at \$10,000, the minute he loses his present tenant and the fact that his building is now earmarked for demolition, he cannot rent it any more. What value does this building have?

The City Manager asked if he is suggesting as a possible remedy that the man should be afforded some tax relief under these circumstances? Councilman Tuttle replied he is asking the question. That we are taxing the man on the basis of \$10,000 value for something that has no value because he cannot rent it any more.

Councilman Alexander asked if he does not have the right to go before the appraisal board? Councilman Tuttle replied this is the question he is asking; that the man seems to think he does not have any relief.

Mr. Kiser, City Attorney, stated the man could approach the appraisal board or the revaluation board of assessment for a reassessment on the value of his property. That he does not know that the board could take that into consideration in lowering the value of his property for tax purposes any more than the man would be willing to accept that as a condition which lowers the value of his property at the time the City is ready to purchase it. Councilman Tuttle stated he still has the value but the value is based on rental income. His contention is that his land is now worth \$15,000 and his building \$10,000, and the minute the City makes known that the property will be condemned, his value is still \$15,000 and \$10,000 but he has lost his rental that he would normally be getting on the \$10,000 building and he has a capital investment. If eighteen months from now the City is going to pay him \$25,000 for this property, and the city knows that it will take his building over, and he can no longer rent it, if the City paid him \$10,000 now, he could put it in something else or put it in the bank at interest and he would be realizing an interest on his investment. The way it is worked now, we are killing his capital investment. We are letting him wait eighteen months and his money sits idle.

Mr. Kiser stated he cannot answer whatever items the board of appraisal or assessment board would take into consideration; but if he would appear before them and present the situation, perhaps they could consider it.

Councilman Tuttle stated he would like for Mr. Kiser and Mr. Veeder to look into the matter as he is sure we have other cases like this, and if we do not have others, we are going to have more and he would like to know, and would like to be able to tell this man, if there is an avenue of relief for him. If there is an avenue, it should be

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made known to anyone else who is caught in this same dilemma.

Mr. Veeder stated it seems to him there may be some other avenues open to people who are situated such as Mr. Tuttle described. That it is hazardous to generalize because you never know what is involved. Under certain circumstances, the State will participate in early acquisition of property in a State Project. It depends upon the type of project and their ability to program dollars on it and whether or not the federal aid project has some relevancy to it. As far as City projects are concerned, this has been done on some occasions where it could be to the advantage of the City and the property owner. One of the problems Council has had over the years is that it has been very difficult to budget dollars to be used for this purpose. The point being that Councils have discussed on a number of occasions the desirability of setting up annually some dollars to be used just for property acquisition when it is to the City's interest and the property owner's interest. The revenue situation has been such that Council has found it extremely difficult to do this although the principle has been accepted by Councils for at least seven or eight years. Depending on specifics, there may be some opportunities available.

Councilman Tuttle stated he appreciates the problems on both sides but here is a man that is very much disgruntled and a man who is talking about taking his money and investing it in South Carolina if and when he gets it. If there is a policy, or if a policy could be made available, then the fact should be made known. When a project is lined up and the City knows it is going through a man's building, this man should be told his alternatives, if he has any. This is what he wants to know, does he have any? Mr. Veeder replied he would have to know much more about the specifics of the case. In general, he agrees as he thinks there is a continuing obligation to make all facts known on road projects as quickly as we can so that the property owners affected can make what plans are in their best interest at an early date.

Mayor Brookshire stated there could always be other reasons why a person vacates a piece of property. Councilman Tuttle replied he is familiar with this particular one and it is not here say. The man's lease expired and he is moving. That he is involved in both cases as he insures the man who owns the building and the tenant in the building, so he knows the circumstances involved. This is a city project and we know where the road is going. This man is simply sitting back fussing.

Councilman Tuttle stated it is not just a case of this piece of property, that he thinks we should know whether or not there is any relief on any of the projects.

Councilman Short stated there was an article in the magazine "Nation's Cities" about two months ago which detailed some things that some cities do with the device of tax credits. That he clipped the article and has it filed at home if anyone would like to read it.

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INFORMATION ON BOND ISSUES FOR THE PAST TWENTY YEARS GIVEN TO COUNCIL AND COUNCILMAN SHORT ADVISES THAT HE WILL SUGGEST SOMETIME IN THE FUTURE AN INITIATION OF ACTION SETTING UP A COMMITTEE TO STUDY AND REPORT ON THE NEED FOR SIDEWALKS.

Councilman Short stated recently he had the opportunity to talk with a small group about bond issues, and Mr. Fennell, Finance Director, got together for him data on all of the City's bond issues for the past 20 years, showing what the money was used for, and he found this to be very interesting.

That in street improvements, not including the North-South and Northwest Expressway, we will have had eleven issues in the twenty year period totaling \$10,495,000, and this was used on about ten different streets - Remount Road, Eleventh Street, Freedom Drive, Independence Boulevard, Gold Street, Plaza Road, Selwyn Avenue, Queens Road, Mecklenburg Avenue, Clayton Drive and for the downtown streets.

Our share for the two expressways was bond issues totaling \$8,710,000. For sidewalks around schools and uptown we had an issue in 1947 totaling \$50,000; for the old health clinic behind City Hall, we had one issue of \$50,000 in 1948 and for the new Rankin Center \$600,000 in the late 50's. We issued \$5,500,000 in bonds for Memorial Hospital, \$190,000 for the Spastic Hospital, and \$800,000 for the chronic diseased hospitals. On Urban Renewal, we will issue \$5,500,000 in Bonds. For nine fire stations and various firefighting equipment in twenty years, we have had bonds totaling \$1,304,000; for the library \$800,000, for the coliseum and auditorium \$4,698,000; for three grade crossing projects - Westside and Stonewall Street Tunnel and 28th Street - a total of \$5,000,000; for the Airport \$4,400,000; for the new police headquarters \$3,000,000 and a \$200,000 issue in 1950 for renovating the present police building; for parks and recreation, one issue in 1950 for \$1.0 million.

Councilman Short stated the most bond money in the past twenty years has been spent for streets and expressways - a total of \$19,205,000 and is 36-3/4 per cent of all the bond money that has been spent. For hospitals and clinic \$7,140,000 and is 13-3/4 per cent of all the bond money expenditures. Urban renewal is in third place at \$5,500,000 and is 10-1/2 per cent. Grade crossing elimination is 9-1/2 per cent at \$5,000,000; for the auditorium-coliseum \$4,698,000 and is 9 per cent. In sixth place is the airport at 8-1/2 per cent at \$4,400,000. Next is police stations at \$3,200,000 and is 6 per cent. Fire is next with \$1,304,000 and is 2-1/2 per cent. Next is park and recreation at \$1.0 million - 2 per cent; next is library \$800,000, 1-1/2 per cent and in last place is sidewalks at \$50,000 in 1947 1/10th of 1 per cent. These figures do not include \$49,600,000 worth of water and sewer bonds which is not paid off out of tax money.

Councilman Short stated in the entire history of bond issues in Charlotte, going back to 1888, no bond issue has ever been defeated except the one last month for the civic center.

That he has gone into this because he thought the Council would be interested and he thinks these figures show that the time has come for Council to think about further capital funds for parks and recreation and also for sidewalks. That he knows that parks and recreation get the maximum allowable amount out of current taxes,

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and sidewalks have gotten some pay as you go money such as in the case of the belt road.

He stated he has felt all along that our handling of sidewalks leaves some room for improvement. Mostly we have reacted to the demands of the parents of school children and actions taken have been mostly for gravel sidewalks. From the fact that the last bond issue for sidewalks was 1947 for \$50,000 - just 1/10th of 1 per cent of all that was issued - it seems that Council should give its attention to permanent sidewalks in two situations. One is around schools and the other is in areas of special pedestrian dangers.

Councilman Short stated he has no motion to make on this matter today but plans shortly to make a motion calling for initiation of action in this direction which he presumes would be some sort of committee that could be set up among our own forces, with professional help, or citizen help, to study and report on this matter for sidewalks, looking forward to what we might do in another bond issue in another year.

Mayor Brookshire stated the study suggested on sidewalks in the area of capital improvements could be given some thought and study and he would hope it would not result in another bond issue so soon. He would like to discourage promoting any additional city bond issue for capital improvements for park and recreation programs at this time because we have a joint city-county study committee now looking towards ways and means of implementing the Graves Report, and it meets tomorrow morning. At that time he is going to propose to that group that the City, if Council is willing, contribute its assets and staff to the expanded county-wide system provided the County Commissioners will submit to the voters of Mecklenburg County a referendum for at least ten cents on the tax dollar, and at the same time would drop the eight cents from the City budget. Then the County Commissioners would have to go to the next legislature for approval of such a referendum because at present they have statutory limits of \$10,000 that they can contribute to parks and recreation in any one annual budget. That he is hopeful that we can expand the Charlotte Park & Recreation system and program countywide with countywide support. As to the suggestion about sidewalks, he would go along one hundred per cent.

Councilman Short stated when he said in another year, referring to a bond issue, he meant in some other year.

Mayor Brookshire stated all the needs in the community, whether county-wide or urban needs, have to be related one to another, and in the future he hopes we can more carefully relate them and set some priorities. Perhaps through the cooperation of the county, we would be able to put the tax burden where it belongs in the support of services which people enjoy. So that those who get services on an expanded basis will support them, and parks and recreation countywide is just one of them.



COUNCILMAN ALEXANDER SUGGESTS THAT COUNCIL CONFER FURTHER WITH PLANNING COMMISSION ON REZONING CASES WHERE BUSINESS IS MOVING BECAUSE OF THE CITY'S PROGRESS.

Councilman Alexander stated he thinks Council is going to have to rethink its whole position regarding zoning in some instances. When Council sat with the representatives to the Legislature, he listened attentively and caught the inference that perhaps we are not doing what we can do to improve our own tax base. That he refers to past activities where we have in many instances denied opportunities to increase our tax base through permitted new developments, buildings and so forth that could bring in a new type of revenue. That it is because of our consideration for our zoning regulations - which he knows we have to conform with if we want orderly development, but at the same time, he does not see how we can always deny ourselves the opportunity of revenue when it is needed as much as we need it. In many instances, our methods of denying it would not destroy the face of the city's future. That he thinks we are giving consideration to some of these things just a little too lightly. That he would like at times for Council to have some discussion of these petitions with the Planning Commission to see if there are some avenues that we could approach whereby we could provide for some of the things that would help to permit us to get chances for additional revenue from some permissive action that we have denied in the past.

Councilman Alexander referred to Council's action today regarding Zoning Petition 67-4 for a change in zoning from B-1 to B-2 at 724 East Morehead Street and 1116 Myrtle Avenue, where it voted with the Planning Commission in denying a change in zoning. Here we are faced with instances where business is going to have to be relocated because of our urban renewal program. That he thinks we owe a certain type of responsibility to these people and to the community, and he thinks we have to give it a new type of consideration. In the future, in his consideration of them, he will begin to look at them from this angle and in this particular case the Planning Commission says this is spot zoning, which it is under our regulations, but certainly new business as this would improve the looks of that corner against what is there now, be it spot zoning or not. At the same time, it would offer an opportunity for some relief for business that is moving through no fault of its own, but through the fault of progressive action here in the City, which is also desirable. In this case, a business of this type could be located there and would not detract or take anything away from the area as much as what is there - when you have Shoney's there with all types of dirt and everything else. This is the type of things we are going to have to consider, and in the future he will be giving it this type of thinking, and he thinks a way should be found that it can be done orderly.

Mayor Brookshire replied he would agree entirely with Mr. Alexander as long as the purposes are kept within the framework of good zoning. That we have to rely heavily on our own Zoning Commission and its very fine staff for recommendations and guidance in these matters.

Councilman Albea stated he thinks Mr. Alexander should take his case to the Planning Commission. Councilman Alexander replied that Council has a responsibility as the Planning Board submits its recommendations to us.

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DISCUSSION OF SIDEWALK REQUIREMENTS IN SUBDIVISION ORDINANCE.

Councilman Whittington stated the subdivision ordinance that we have now pertains to sidewalks on one side of the street, and it is mandatory that the developers put in these sidewalks. It might be Council could require sidewalks on both sides of the street. That he knows Mr. Short was talking about the older areas, in his previous discussion, and his point is very well taken. That having talked to developers in the past when he brought up the idea of sidewalks in subdivisions about four years ago, they said if they had been required at that time, they would have put them in and also said they wished in some instances they had.

Councilman Short stated he was suggesting something in combination with the ordinance which he is aware of, but he thinks the supplement is needed. That a study would show that it is needed as a supplement to the ordinance.

PLANNING COMMISSION REQUESTED TO STUDY NEED FOR MORE B-2 PROPERTY IN THE CITY.


Councilman Whittington stated it has been brought to his attention by some of the people who are in the areas of the Northwest Expressway and urban renewal projects that the City needs more B-2 property where we are really putting a hardship on some of the people whose firms have to move, and he would suggest that this be brought to the Planning Commission's attention for their thoughts on it.

COUNCIL ADVISED NEXT CONFERENCE SESSION WILL BE SCHEDULED EXCLUSIVELY ON SUBJECT OF LOCAL LEGISLATION.

Mr. Veeder, City Manager, advised if it meets with Council's approval, he would like to schedule the conference session for next Monday exclusively on the subject of local legislation, and put before Council some of the possible Bills it might want to refer to the local Delegation. After the session next Monday they would then attempt to schedule a meeting with the Delegation.

ADJOURNMENT.

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

  
Ruth Armstrong, City Clerk