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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, June 5, 1967, at 3:00 o'clock p.m., with Mayor Stan R. Brookshire presiding and Councilmen Fred D. Alexander, Sandy R. Jordan, Milton Short, Gibson L. Smith, James B. Stegall, Jerry Tuttle and James B. Whittington present.

ABSENT: None.

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#### INVOCATION.

The invocation was given by Councilman Gibson L. Smith.

#### MINUTES APPROVED.

Upon motion of Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, the Minutes of the last meeting on May 29th were approved as submitted.

#### PETITIONS PRESENTED TO COUNCIL REQUESTING A HOSPITAL TO BE LOCATED ON EDGEWOOD ROAD AT END OF TUCKASEEGEE ROAD.

Mrs. R. B. Oswalt stated she is present today with a delegation with petitions containing many, many names asking that a hospital be placed on the west side of town. That they are desperately in need of a hospital in that area - for the Westchester, Ashley Park, Westerly Hills and Enderly Park areas.

Mayor Brookshire advised Council will be glad to receive the petition; however, it is not Council's prerogative to place hospitals. That the petitions should be given to the Charlotte-Mecklenburg Hospital Authority or, if they wish, Council will forward it to them.

Mrs. Oswalt stated they are asking Council to use its influence over the Authority in this. That they have a piece of ground on the west side that is available now, and property is getting higher all the time. It is Dr. Mill's property at the end of Edgewood Road on Tuckaseegee Road; that it is about 33 to 35 acres; Mrs. Mills is in Washington and the property has no one living on it; the home was wrecked by a storm not long ago.

Mrs. Oswalt stated this Council has never turned down any request they have ever made; that their organization has been operating 35 years; they have a wonderful community center, playgrounds and parks, lovely churches.

Mrs. Oswalt presented the petitions to the City Clerk and stated there are additional petitions to come in and they will mail them in.

Mr. Charles W. Smith stated Mrs. Oswalt has been behind this program along with a lot of the ladies for a long, long time. That they on the west side have a lot of things they are interested in but they would like to see this particular thing come about. Whatever the Mayor and City Council can do regarding a hospital for the convenience and health and safety of the people of this area will be appreciated. That they hope to be able to do something for themselves along that line too.

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PETITION PROTESTING CHANGE IN ZONING ON INDEPENDENCE BOULEVARD, FROM ROCKWAY DRIVE TO BRIAR CREEK ROAD PRESENTED BY CITIZENS OF CHANTILLY COMMUNITY.

Mr. George Midgett stated they have a group from the Chantilly Community made up of school officers of Chantilly Elementary School, interested parents and citizens of the community and they would like to speak to the Petition for a change in zoning of the block on the southwest side of Independence Boulevard, from Rockway Drive to Briar Creek Road which is on the Agenda for this afternoon.

Mayor Brookshire advised the public hearing as advertised was held on last Monday and that was the time to speak and a number of representatives of the community, including the school people, did speak. That the public hearing cannot be reopened, but Mr. Midgett's presence does indicate their interest. That the public hearing cannot be continued beyond the advertised date.

Mr. Midgett replied it is not their idea to continue the public hearing but to point out some factors in behalf of the school and the community as it relates to this particular property without trying to expand on the technicalities of the procedure.

Mayor Brookshire advised what he suggests would have been both fit and proper last Monday, but it would be out of order today.

Mr. Midgett then presented a petition stating it is signed by some 500 members of the Chantilly Community who oppose the zoning.

ORDINANCE NO. 629-Z AMENDING CHAPTER 23, SECTION 23-8 CHANGING ZONING OF TRACT OF LAND NORTHEAST OF MONROE ROAD, NORTHWEST OF SEABOARD AIRLINE RAILROAD, ADOPTED.

Councilman Tuttle moved the adoption of the subject ordinance changing the zoning from R-12 to I-1 as recommended by the Planning Commission. The motion was seconded by Councilman Whittington, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 15, at Page 29.

PETITION NO. 67-26 BY RICHARD B. LINTON FOR CHANGE IN ZONING FROM R-6MF TO O-6 OF A LOT AT 2420 EAST SEVENTH STREET, DENIED.

Upon motion of Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, the subject petition for a change in zoning from R-6MF to O-6 was denied, as recommended by the Planning Commission.

PETITION NO. 67-27 BY SOUTHERN APPLIANCES, INC., ET AL FOR CHANGE IN ZONING FROM O-6 TO B-1 OF THE ENTIRE BLOCK ON THE SOUTHWEST SIDE OF INDEPENDENCE BOULEVARD, FROM ROCKWAY DRIVE TO BRIAR CREEK ROAD, DEFERRED FOR 30 DAYS.

Councilman Whittington moved that decision on the subject petition be delayed for 30 days from this date. The motion was seconded by Councilman Stegall, and carried unanimously.

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ORDINANCE NO. 630-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING ZONING OF PROPERTY AT 304 TUCKASEEGEE ROAD, ADOPTED.

Upon motion of Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, the subject ordinance changing the zoning from R-6MF to B-2 as recommended by the Planning Commission was adopted.

The ordinance is recorded in full in Ordinance Book 15, at Page 30.

ORDINANCE NO. 631-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING ZONING OF PROPERTY ON SOUTHWEST SIDE OF WEST TRADE STREET, BETWEEN JUDSON AVENUE AND BELLHAVEN BOULEVARD, ADOPTED.

Motion was made by Councilman Smith, seconded by Councilman Alexander, and unanimously carried, adopting the subject ordinance changing the zoning from I-1 to I-2 as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 15, at Page 31.

ORDINANCE NO. 632-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING THE ZONING OF PROPERTY ON THE EAST SIDE OF TODDVILLE ROAD, BEGINNING NORTH OF THRIFT ROAD.

Councilman Tuttle moved the adoption of the subject ordinance changing the zoning from I-1 to I-2 and from R-9MF to I-1 as recommended by the Planning Commission. The motion was seconded by Councilman Alexander, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 15, at Page 32.

ORDINANCE NO. 633-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING THE ZONING OF PROPERTY ON THE EAST SIDE OF TODDVILLE ROAD, BETWEEN THRIFT ROAD AND PIEDMONT & NORTHERN RAILROAD.

Upon motion of Councilman Short, seconded by Councilman Whittington, and unanimously carried, the subject ordinance changing the zoning from R-9MF to I-2 as recommended by the Planning Commission, was adopted, and is recorded in Ordinance Book 15, at Page 33.

CONTRACT WITH W. I. HENDERSON FOR APPRAISAL OF LAND IN CONNECTION WITH THE SIXTH STREET IMPROVEMENT PROJECT, AUTHORIZED.

Motion was made by Councilman Whittington authorizing a contract with W. I. Henderson for appraisal of one parcel of land in connection with the Sixth Street Improvement Project. The motion was seconded by Councilman Tuttle and carried unanimously.

APPLICATION OF WESTCHESTER PARK & SWIM CLUB TO CONNECT PRIVATE SANITARY SEWER LATERAL TO CITY'S SYSTEM, APPROVED.

Councilman Jordan moved approval of the application of Westchester Park and Swim Club to connect private sanitary sewer lateral in Wabash Avenue, outside the city limits, to the city's sanitary sewerage system. The motion was seconded by Councilman Short.

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Councilman Tuttle asked if this means they will pay double for their water? Mr. Veeder, City Manager, replied this is just for sewage; there is no connection with their pool; it is just for their bath house. That he does not know if they are using city water now, but if they are, they would meet the rate.

The vote was taken on the motion and carried unanimously.

#### CONSTRUCTION OF SANITARY SEWER IN EASTWAY DRIVE, AUTHORIZED.

Motion was made by Councilman Whittington, and seconded by Councilman Jordan, to approve the construction of 136 feet of sanitary sewer main in Eastway Drive, inside the city limits, at the request of Humble Oil & Refining Company, at an estimated cost of \$1,350.00, with all cost of construction to be borne by the applicant, whose deposit has been received and will be refunded as per terms of the agreement.

Councilman Short asked if this is a replacement or enlargement at the request of the Oil Company? The City Manager replied there is not one there that will serve this particular property.

The vote was taken on the motion and carried unanimously.

#### CLAIM OF MRS. JOHANNA BOBBA AUTHORIZED PAID.

Upon motion of Councilman Short, seconded by Councilman Tuttle, and unanimous carried, claim of Mrs. Johanna Bobba for damages caused by sewer overflow in the amount of \$22.50 was authorized paid as recommended by the City Attorney.

#### CITY ATTORNEY REQUESTED TO BRING RECOMMENDATION TO COUNCIL ON SETTLEMENT OF SMALL CLAIMS BY LEGAL DEPARTMENT AND CITY MANAGER.

Councilman Smith stated several years ago, Council discussed setting up small claims where the Legal Department and the City Manager could approve claims without going through all the red tape. That he thinks they should have at least up to \$50.00.

Councilman Short asked if the Council has this legal authority, and Mr. Kiser, City Attorney, replied Council has the authority to authorize settlement for small claims; it just has not been exercised.

Councilman Tuttle asked if he is recommending they pay up to \$50 and any they deny will be brought to Council? Councilman Smith replied he would leave it to them either way, and then the property owner could deal with Council if necessary on the denial.

Councilman Short asked what the legal limit is and Mr. Kiser replied he does not recall the specific amount but he will check this out.

Mr. Veeder stated they could more than offset the cost of this claim by the paper work that is involved in getting it through.

Councilman Smith requested the City Attorney to bring Council a recommendation next week.

CONSIDERATION OF LEASE AGREEMENT WITH G & M CORPORATION OF CHARLOTTE FOR SPACE TO RELOCATE POLICE GARAGE DEFERRED FOR ONE WEEK.

Councilman Whittington moved approval of a lease agreement with G & M Corporation of Charlotte for space at 210 South Davidson Street to relocate the police garage and the adoption of an ordinance appropriating \$5,980 from unappropriated funds and \$5,000 from the contingency account for the purchase of garage machinery. The motion was seconded by Councilman Short.

Councilman Smith asked the City Manager if the lessee is now paying the owners \$350 per month rent with an option for an additional five years at \$450 per month? Mr. Veeder replied that is correct; if we could deal with the owners we would be happy to do so, but we are not in a position where we can.

Councilman Smith stated the G. M. Corporation is a company that is located in New York and they lease this property from the owner, and the owners are represented by a real estate firm. That information was volunteered to him that G. M. wants out of this and they are making overtures to rent the Rayco Building on the corner of Fourth and Independence. That they would be making a good bit off the city - they would get \$150 a month on a sub-lease and another \$150 on the option when it goes to \$600 a month, plus the fact the hydro-lifts and air compressors and that type of thing have to be installed in the building to operate can be bought for much less than \$10,000.00.

Councilman Smith stated we could lose this building by negotiating, but it was the opinion of the real estate man that the City could probably sub-lease this for \$400 and \$500 and offer \$5,000 or \$6,000 for this equipment. He stated this is the information he has and he has put it on the table for whatever discussion Council would like.

Councilman Stegall stated he called the owners of the building where the present police garage is located. One of the owners of the building said they had not told the Police Department that they wanted this building on any specific date; they only intimated they had some plans for the building in the future and he could, by next week, give Council some specific date of when they would like the police garage moved out, or if they would like the police garage to move out.

Mr. Veeder stated he talked with the owners also and the owners told him they wanted the police garage out. That this was within the last six weeks. Councilman Stegall stated he talked to him on Saturday.

Councilman Tuttle stated he questions the \$5,980 capital investment - an investment that apparently cannot be moved - on a two and half year lease.

Councilman Stegall made a substitute motion to table decision for one week until contact can be made by Mr. Veeder or some of his staff to Mr. Miller to get a definite commitment of when he wants the police garage to move, or if he actually wants it to move. The motion was seconded by Councilman Jordan.

Councilman Jordan asked if he would add in his motion that the information given by Mr. Smith would be investigated? Councilman Smith stated with the information on the table he would assume the administrative would go back and make a counter proposition.

Councilman Short asked the terms of the city's arrangements with the present building - is it month to month? Mr. Veeder replied it is. Councilman Short stated then if he wants the City out he just serves the proper notice and unless the city wants to fight it in the court in some delaying tactics that the city would ethically and legally be due to get out rather quickly; that the City might wind up without anything.

Mr. Veeder advised the equipment referred to has been appraised by an individual who is competent and the depreciated value he put on the equipment coincides with the value called for in the proposed lease. He stated we would like very much to deal with the owners of the property, and if we could deal with the owners there is no question but that we could get a more favorable lease. But we cannot deal with the owners and have to deal with the lessee as he does have a lease at the moment. That he can go further and make a counter offer on this. That the value attached to the suggested terms is not too far from the going rate based on value they have been able to determine. That they would like to get any property at the rock bottom figure and he will take another look at reducing this further. That he does not think anything can be lost by holding out another week, but he does not want to hold out the hope too strong that a more lenient lease can be worked out.

Councilman Short asked if the substitute motion is to hold off on this matter until we hear from George Miller when he wants us to move out. That someone mentioned a week's delay but he does not think this is the way the motion reads. Councilman Stegall replied his motion is to table the decision for one week until contact can be made by Mr. Veeder's staff to Mr. Miller to get a definite commitment of when he wants the police garage to move, or if he actually wants it to move. He has indicated to him that he had plans for the property, but perhaps his plans may be stayed for a while due to certain commitments. If this is the case, then we do not necessarily need to move the garage. He asked if there is any allocation of funds to build a garage or anything to go with the new police building. Mr. Veeder replied there are no plans for facilities to maintain automobiles on the part of the law enforcement structure itself.

Councilman Alexander stated what the City Manager is saying is they do not want to be caught short on this whole deal. That he does not think we should set up anything that would keep from moving in that direction as long as he is going to discuss both of the ideas and discuss them for what was submitted, he is in favor of it; but not if it means to lose an opportunity for us to acquire some other place when it is possible that we may have to move out of what we have now.

Councilman Smith asked if the hydro-lifts and air compressors are in the present premises? Mr. Veeder replied there is one adequate lift and one less than adequate; they could remove them from the present building. Councilman Smith asked if they are not having to buy these in order to get the building? Mr. Veeder replied if we had any alternative we would not be acquiring all of this.

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

TRANSFER OF CEMETERY LOTS.

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

- (a) Duplicate deed with Dr. J. T. Williams for Lot No. 45, Section H, 9th Street Pinewood Cemetery, at no charge as the original deed was made out in error for Lot No. 55;
- (b) Deed with Miss A. H. Williams for perpetual care on Lot No. 45, Section H, 9th Street Pinewood Cemetery, at \$201.60;
- (c) Deed with W. O. Sullivan, Sr. and wife, for Graves No. 1, 2, and 3, in Lot No. 181, Section 2, Evergreen Cemetery, at \$180.00.

CONTRACT WITH GEORGE G. SCOTT AND COMPANY TO AUDIT ACCOUNTS OF CITY FOR FISCAL YEAR 1966-67 DEFERRED ONE WEEK.

Councilman Jordan moved approval of a contract with George G. Scott and Company to audit the accounts of the City for the fiscal year 1966-67 at a fee of \$10.00 per hour, not to exceed \$21,000. The motion was seconded by Councilman Tuttle.

Mr. Veeder advised the City last year paid on a flat rate basis and this year the company has said they want to switch to an hourly rate not to exceed \$21,000; last year the flat rate was \$14,500.

Mayor Brookshire asked if there is any merit in finding out what other auditing firms would charge? Mr. Veeder replied at this point for this year it is to the City's advantage to continue the use of this company for this year.

Councilman Smith stated assuming they use up the \$21,000, this would be \$21,000 opposed to \$14,500. Mr. Veeder stated in Mr. Fennell's judgment it would not come close to that amount. Councilman Smith asked why a limitation of \$18,000 cannot be put on it. Mr. Veeder stated this is the best figure available to work from at the moment.

Councilman Short asked if he is saying for this year because of the amount of time required for a new auditing firm to orient itself to the operation, and if so, would we not have the same problem next year? The City Manager replied if we had a new company it would be appropriate to consider it more in advance of the end of the fiscal year than it is today; if you are going to have another company, the appropriate time to make the change is around January and not June.

Mayor Brookshire asked if the figure of \$21,000 is subject to negotiation on the basis of Mr. Fennell's thinking that it should not run that much? Mr. Veeder replied this is the figure Mr. Fennell was able to negotiate.

Councilman Whittington asked when George G. Scott would begin the audit if the contract is approved, and Mr. Veeder replied they begin some work in advance of the close of the fiscal year so it would be within a matter of a few days.

Councilman Short asked the fee two years ago and later in the meeting he was advised it was \$15,715.71.

Councilman Stegall stated what Mr. Veeder has said is they had no knowledge of this increase in price until a short time ago and due to the fact they have been here for all these years, it would be impractical at this point to try to change this late in the game, but next year it could be looked at at an earlier date with some ideas of shopping around and that way it will be a competitive situation.

Councilman Smith stated he can understand this but an audit is an audit and when they come in they are supposed to start from scratch and are not suppose to take anything for granted. They are supposed to get in and dig, so what is one audit different from another. Mr. Veeder replied there is quite a bit of difference in terms of the time it would take for a new firm to come in and become orientated and get the report when the City needs it and it is needed as soon after the end of the fiscal year as it can be proposed. Councilman Tuttle stated it would take a new firm 50% more in time as this firm has checked many angles of this through the years. Councilman Smith stated he thinks it is very good to run in a new firm of auditors on any set of books.

The City Manager stated he has seen circumstances where this situation was duplicated elsewhere and the unit of government involved made a change for the auditor and the situation became so confused by virtue of the quick change they had a mess to straighten out, because of the inexperience of the auditor with their particular situation on no notice and no background. Based on this experience of having seen it happen that it is to the City's best interest to continue this year with the auditors who have done the City's work for an extended period of time. If a change is to be made, early in the next fiscal year gives time to consider the selection of a different firm if the Council desires. That he would hesitate to recommend to Council to consider on June 5th the subject of an auditor when the fiscal year ends on June 30th.

Councilman Short made a substitute motion to defer this for one week and ask Mr. Fennell during this week to bring up this matter of the \$21,000 limitation - which is a potential 50% increase - and ask Mr. Coffin and the others of George G. Scott Company if they cannot agree to a top figure or total that would be more attractive to the city. The motion was seconded by Councilman Smith.

Councilman Tuttle stated at the annual meeting of the large corporation - Ford, General Motors and Texaco - one of the prime subjects is the selection of their auditors, and rarely if ever, has he seen cost involved; it is who they are and their qualifications. That he thinks here, the City has a firm that is thoroughly and totally qualified. If Mr. Veeder wants to go out and get some feelers during the next 12 months, that is one thing, but to even think about changing auditors at this time, it is beyond his conception. Councilman Smith stated if General Motors or any other big corporation received a bill for 50% more than their previous bill, they would do something about it.

Councilman Short stated his motion does not invision that we are trying to escape from George G. Scott; we can simply say we are not trying to bid you off to someone else, but would appreciate your re-negotiating this one figure.

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



CONTRACT-AWARDED HUTTON-SCOTT COMPANY FOR TWO 3/4 TON TRUCKS.

Councilman Short moved award of contract to the only bidder, Hutton-Scott Company, in the amount of \$4,974.38 on a unit price basis for two 3/4 ton close van type trucks. The motion was seconded by Councilman Whittington.

Councilman Stegall asked if this is a special built unit to transfer meter readers to and from routes? Mr. Veeder replied up to a point; it is the standard 3/4 van but it will be used to transport the meter readers. He stated the station wagon cost on this was \$2495, the carryall \$2378 and the van cost is \$2449.

The vote was taken on the motion and carried unanimously.

ORDINANCE NO. 634 AMENDING CHAPTER 23, ARTICLE VI, DIVISION 2, SECTION 23-83(c) RELATING TO SIGNS, ADOPTED.

Council considered Petition No. 67-24 to Amend Article VI, Division 2, Section 23-83(c) by adding between the word "established" and the word "Such" a new sentence to read as follows:

"In addition advertising signs shall be permitted on premises where other businesses or permitted uses are established provided such signs are located at least 100 feet from any part of property occupied by any portion of the established use including off-street parking areas."

Councilman Short moved the adoption of an ordinance amending Chapter 23, Article VI, Division II, Section 23-83(c) as recommended by the Planning Commission with the exception that the distance of 100 feet as stated in the fourth line be changed to read 75 feet. The motion was seconded by Councilman Tuttle.

Councilman Smith made a substitute motion to adopt the ordinance by deleting from Mr. Short's motion the words "including off-street parking areas." The motion was seconded by Councilman Alexander.

Councilman Smith stated off-street parking areas are rather general and you cannot define whether it is 1/2 acre or 50 by 150 feet or a whole shopping center parking lot, so he thinks it makes this ordinance a little difficult and maybe work a hardship on some people where it would not work a hardship on other people.

Councilman Short asked would it not in effect allow advertising signs in parking lots; you could put one in the middle of an asphalt parking lot or any kind of parking lot? Councilman Smith replied you would have to be 75 feet from the building.

The vote was taken on the substitute motion and failed to carry on the following vote:

YEAS: Councilmen Smith, Alexander and Stegall.

NAYS: Councilmen Jordan, Short, Tuttle and Whittington.

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

The ordinance is recorded in full in Ordinance Book 15, at Page 34.

DISCUSSION OF INSTALLATION OF TRAFFIC LIGHT AT EMERYWOOD AND SOUTH BOULEVARD.

Councilman Whittington stated at the last meeting in April he made a request that a traffic light be installed at Emerywood and South Boulevard and it was passed. Since then he has had a communication from the Traffic Engineer talking about Archdale and South Boulevard, saying they want to wait until the road is widened. That Archdale is below Emerywood where the road is widened so he wants to make sure we are still on center for the traffic light at Emerywood and not waiting on anyone.

Mr. Veeder stated what could be causing the confusion is that Mr. Hoose has completed another study on the intersection of Archdale and South Boulevard and recommended the installation of a signal there, but that would not take the place or in lieu of the other. Councilman Whittington stated that Mr. Hoose said the installation at Archdale would not be done until the road is widened and the highway department completes their schedule.

DISCUSSION OF BILLS SENT TO LEGISLATURE REGARDING INCREASE IN RECORDER'S COURT COST AND AMENDMENT TO BOXING AND WRESTLING COMMISSION CHARTER.

Councilman Whittington stated relative to communications received from Mr. Kiser, City Attorney, on Bills that have been sent to the legislature that have been considered and are now under consideration, there are two he would like to discuss that he was not aware of.

One is a Bill to increase the Recorder's Court Cost. That he would think Council would want to consider this particular item at budget time. That one of the things advocated by Chief Jesse James and by other Chiefs since is that policemen should not be issuing warrants, making the arrest and collecting money. That the City did not do anything about this and the Supreme Court came along and said we had to do something. That before we start talking about getting a bill to increase the court costs that we should be discussing this with the Recorder's Court Clerk, and the Judges and Solicitors to see what the cost is going to be and how we can handle it within our own system, rather than going out and hiring these part-time people we are doing now.

The City Manager replied the possibility of such a Bill was received by Council before it was sent to the delegation. That the activities of police personnel as relates to court personnel activities was mentioned by Mr. Stegall last Monday and since he has had a review of this started by both the Court and the Police Department following the course just mentioned. That they have some good suggestions by both the Court Clerk and the Chief of Police and they hope to have a plan to put before Council in the very near future.

Councilman Whittington stated if we receive permissive legislation we would not necessarily have to use it until these suggestions by the Recorder's Court Clerk and police Chief were put into effect. Mr. Veeder stated the Bill the delegation is considering is not in the form of permissive legislation.

Councilman Whittington asked if this extra money is needed to operate the court? He asked if Mr. Stegall has any records to substantiate the court cost? Councilman Stegall replied the only thing he can say is that the court cost increased by virtue of the fact that the city is

doing this so called "jaypee" work. That it is now costing the city \$25,000 a year in additional payroll for what they are doing. If this can be eliminated or eliminate the work in the police department, two things can be done - cut out the cost of these people and bring these police officers out on the street to do the work of the police officer and decrease the time spent by each arrest being made. That the study they are now making will resolve all this.

Councilman Whittington stated if this will make the Department more efficient and policemen can be relieved to do police work on the streets, then this is the right direction. That he would hold any reservations about okaying the increase in Recorder's Court until he has more figures.

Councilman Stegall stated the increase in Recorder's Court cost would mean if a person was given a citation for a red light or any other traffic violation and the judge ordered him to pay the cost of court, this means the cost is going up to them/in any other court action, and this is where he disagrees with it. That he feels the court costs are high enough in certain offenses.

Councilman Whittington stated second is the Bill to amend the Charter of Charlotte Boxing and Wrestling Commission for Park and Recreation Commission. He asked what this one means? Mr. Kiser replied this is part of the requirement to implement the plans for a Park and Recreation Commission on countywide basis. As the Charter now reads, it specifies that the money collected from the Boxing and Wrestling Commission be turned over to the Charlotte Park and Recreation Commission; the amendment would say Charlotte Park and Recreation Commission or The Charlotte-Mecklenburg Park and Recreation Commission.

Mayor Brookshire stated this only anticipates the expansion of the Charlotte Park and Recreation Commission to a countywide system, and allows the same thing to be done with respect to income from Boxing and Wrestling Commission.

#### REPORT ON PROGRESS OF WORK ON FIFTH STREET FROM BREVARD TO COLLEGE STREETS.

Councilman Whittington stated in the Mayor's Progress Report to Council on May 15th, Mr. Veeder reported that the contracts had been let for Fifth Street, from Brevard to College Streets and parts of Sixth Street. He asked why the contractor has not begun the work? Mr. Veeder replied demolition work would be the first work required and the contract gets started with things other than actual moving of dirt. Councilman Whittington stated Council wants some dirt moved and until you see bulldozers down there, it looks as though nothing is being done. That he would hope the Manager would get with these people and try to do this.

#### PROPERTY TRANSACTIONS AUTHORIZED.

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

- (a) Acquisition of right-of-way 25' x 503.78' south of West Boulevard at Taggart Creek, from Tom Mattox at \$1,500.00 for easement to Taggart Creek Sanitary Sewer Outfall;
- (b) Acquisition of 36 square feet of property at the southwest corner of East Third Street and Independence Boulevard, from Dave Spear Enterprises, Inc., at \$150.00, for East Third Street Connector;

cont.

- (c) Construction easement of 500 square feet at 208 Victoria Avenue, from J. L. Courtney at \$1,000 for West Fourth Street Extension;
- (d) Acquisition of air rights from Tom Mattox and wife, Azalea S. Mattox, at \$3,000 for Northeast-Southwest Runway Clear Zone at the Airport;
- (e) Condemnation of property of Mrs. Lucille T. Olive (widow), 50' x 1,237.91' in Sharon Township for McAlpine Creek Sewer Outfall;
- (f) Condemnation of property of George D. Heaton and wife, Emily W. Heaton, 50' x 659.44', in Sharon Township for McAlpine Creek Sewer Outfall.

CITY MANAGER REQUESTED TO INVESTIGATE THE COMPLAINTS OF RESIDENTS OF STARMOUNT AREA.

Councilman Tuttle stated he was called on by a group of ladies in the Starmount Area who say they were taken into the city some two years ago and they have no public parks, no tennis courts and no public swimming pool; vandalism is bad in the neighborhood and particularly at the swim club; they have poor, if any, bus service and generally poor police protection. They feel they have been taken in but forgotten.

He requested the City Manager to investigate the area and to take a particular look at the bus service to see if a bus might be in order.

RESOLUTION URGING MEMBERS OF NORTH CAROLINA GENERAL ASSEMBLY TO SUPPORT INCREASE IN MUNICIPAL SHARE OF STATE COLLECTED UTILITY FRANCHISE TAXES.

Councilman Short stated there was a letter in the Sound-Off section of the Charlotte News last Saturday and it was obvious the citizen writing the letter thought Council had the power to levy an income tax on the Citizens of Charlotte. He stated it is obvious from the letter that this citizen does not realize the Council has no alternative but the property tax and to set a tax rate on property each year when the budget is presented. This matter has harassed all members of Council and it has been discussed publicly and in individual conversations. Recently quite a prominent local citizen had a file on this and was under the same misimpression; he thought Council had power to levy any kind of tax and he gave him a list of them and thought Council should get into them. Councilman Short stated, of course, Council does not have this power, and only has the property tax; and the only effective option Council has empowered by the Legislature is to use the property tax which is a personal and real estate tax; that Council does not have the power to enact an income tax and various other types that are sometime urged upon them.

Mayor Brookshire stated this is the City's only major source of taxes; that Council has vigorously sought relief from the State Legislature for a broader base of revenue and is still working on it.

Councilman Stegall remarked from reading the Charlotte News and Observer in the letters to the editors and some of the questions in Quest, it is his conclusion that the populace does not realize this Council does not

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have this power and authority. He asked if the Mayor and Mayor pro tem and some of the other Councilmen could make a television appearance on both stations regarding this before budget time; that it might alleviate the questions in the minds of the people. Some do not understand that Council's powers are very limited in this situation, and this is where the people are prone to criticize Councilmembers for raising tax rates, and yet Council sits here with its hands bound and tied.

Councilman Whittington stated the City Attorney has prepared a Resolution urging members of the North Carolina General Assembly to support increase in municipal share of state collected utility franchise taxes, copies of which he passed to the Councilmembers and which was discussed in the conference session.

Councilman Tuttle asked if it would not add emphasis to the Resolution to add to paragraph four "that Mecklenburg County, whose taxes we also must pay, is faced with the same problem"? Mayor Brookshire replied it would emphasize the problem that city taxpayers face it as much as they live in the city and must pay both Charlotte and Mecklenburg taxes. Councilman Tuttle stated further that while the county budget has not come out, he believes they have talked about as much as 20 cents, so it might be apropos to say a "like amount".

Councilman Whittington requested that the Resolution be made a part of the minutes and is as follows:

**RESOLUTION URGING MEMBERS OF NORTH CAROLINA GENERAL ASSEMBLY TO SUPPORT INCREASE IN MUNICIPAL SHARE OF STATE COLLECTED UTILITY FRANCHISE TAXES.**

WHEREAS, the City of Charlotte, a municipal corporation, is faced with a proposed minimum budget of \$29.5 million for fiscal year 1967-68, which amount is deemed essential to maintain a minimum level of municipal services to its citizens and to provide much needed and long delayed capital improvements; and

WHEREAS, this amount represents an increase of approximately \$3.7 million over the previous budget for the City of Charlotte; and

WHEREAS, in recent years the need for municipal services has greatly increased within the City of Charlotte while the primary source of revenue has remained the ad valorem tax levied by the City; and

WHEREAS, the City Council of the City of Charlotte is faced with the prospect of raising the City ad valorem tax rate approximately 20 cents in order to meet the minimum budgetary demands and to provide much needed municipal services which its citizens expect and require; and

WHEREAS, this increase will approach the legal limits of taxation; and

WHEREAS, the City of Charlotte now receives 3/4 of 1% of the 6% state tax collected on utility sales made within the municipal corporate limits; and

WHEREAS, Senate Bill No. 384 proposes to increase the municipal share of the state-collected utility franchise taxes to 3%; and

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WHEREAS, such additional utility franchise taxes are a proper source of revenue for municipal governments, and such division of taxes would be fair and equitable; and

WHEREAS, the additional revenues gained thereby would provide vitally needed revenue for the proper administration of municipal government services within the City of Charlotte and other municipalities throughout the State;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina, that the members of the North Carolina General Assembly of North Carolina be solicited and urged to vote with favor upon Senate Bill No. 384.

Councilman Whittington moved that copies of the resolution be sent to the Speaker of the House, Speaker of the Senate, Finance Committee, Appropriations Committee, and our own Delegation, so that everyone will get the message and that it will be read in both sessions, and that it include the addition suggested by Mr. Tuttle. The motion was seconded by Councilman Alexander, and carried unanimously.

#### CITY MANAGER REQUESTED TO INVESTIGATE REQUEST FOR PEDESTRIAN LANES AT OAKLAWN ROAD AND DOUBLE OAKS ROAD.

Councilman Alexander stated a group of citizens from the Oaklawn Avenue and Double Oaks Road Sections approached him about traffic conditions at Oaklawn Road and Double Oaks Road, where Double Oaks dead-ends into Oaklawn Avenue. They have submitted a petition of some 580 names to Traffic Engineering asking for a traffic light at that intersection and they have not gotten a definite answer on whether or not a traffic light could be put there. He stated if it is determined that one should not be put there, then he asks if they could get some pedestrian lanes marked off at that corner? That right and left turn lanes have been marked off and it is an improvement, but he thinks some pedestrian traffic lanes would help.

Mr. Veeder reported a traffic light would pose some problems. The representatives have met with the Traffic Engineering Department. That because this intersection is so close to the other signalized intersection, it would cause problems more than solve them.

Councilman Alexander requested the City Manager to investigate the request for pedestrian lanes at the intersection.

#### REPORT BY COUNCILMAN ALEXANDER ON SEMINAR IN CHAPEL HILL ON PUBLIC HOUSING SPONSORED BY STATE HOUSING AUTHORITY.

Councilman Alexander stated he attended a seminar in Chapel Hill at the Institute of Government on public housing which was sponsored by the State Housing Commission.

He stated the City has a tentative approval of its application for 1,000 additional public housing units. That as much as it requires to get this underway, Council would not be amiss if it paid attention to the housing on this level and call upon the assistance of the State Public Housing Commission to talk with the City's Housing Authority so they

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could discuss land use in light of present trends in public housing and new designs in public housing and many new approaches that the city could benefit from and should be working on now if we hope to be ahead of the game.

If the Charlotte Housing Authority is the one who should be the initiators of this movement he thinks Council would be in the province of its authority to suggest to them the needs to make these necessary contacts and all begin to look into it. Councilman Alexander stated he offers this as comment growing out of what he learned from the seminar. He feels it would be worthwhile and would like to do whatever can be done under the City's housing setup to see that some steps are made to begin discussing these matters to gain headway.

Councilman Alexander stated he reads in the paper where tentative approval has been given for various housing development plans, but none of the plans are ever consummated and it may be with a little more planning from the City, and having a part to play and determining the housing needs and knowing which way to go, some of the plan can be consummated.

He stated he is not talking about public housing; he is talking about other programs like the 221D-3. These are the things we read about and steps are made toward them but they are never consummated.

Councilman Short stated he would like to be the first one to back Mr. Alexander up on this. Councilman Tuttle stated he concurs 100%; that there is another problem. A real estate man told him he had one ready to go and it hinged on whether or not Mr. Phillips went forward with his because Raleigh told him they were just about out of money at the moment. If Phillips' 221D-3 goes through, which it has, then for the moment they are stymied.

Councilman Alexander stated he is not talking about any individual project; he is talking about the overall housing format, out of which many other things can develop. With all the resources available to help in developing housing programs - public and private - we do not need to let them go by and not take advantage of it. That we should begin using it now.

Mayor Brookshire stated with respect to the 1,000 additional public housing units authorized last year by this City Council, that matter now rests with the Charlotte Public Housing Authority and he knows they are making plans as far as the preliminaries such as site selection, architect's drawings and that sort of thing.

Councilman Alexander replied this is his point - do we know which direction we are going in design and site locations. These are things we should give consideration to and give some assistance and direction to the Housing Authority. Mayor Brookshire stated we can make suggestions to the Authority, but they do have the authority.

Councilman Whittington stated in the interviews the Charlotte Observer had with the Council candidates, both oral and written, that most members of Council that were successful in being elected, have stated an area that they would recommend for some of this type of apartment dwellings to be located and it is the area just north and east of the Northwest Expressway because it was contiguous to a park and the Northwest Expressway, and the feeder streets. It is the area of Belmont up to Parkwood Avenue. That this particular area is under study and we have

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asked for funds for a study similar to what was done in Reid Park. That this would tie in with what Mr. Alexander is talking about, and he thinks it should be put together in the request or in the consideration.

Councilman Alexander stated we should rely on the services of the architects from the State Commission in public housing to assist with suggestions. Mayor Brookshire replied our Housing Authority gets their recommendation. They received it on the 600 units being completed now.

Mayor Brookshire asked the City Manager to contact the Chairman of the Housing Authority, or Mr. Harold Dillehay, Director, and request them to come in and give Council a report on the progress they are making on the 1,000 units.

Councilman Smith stated he wrote to Mr. Dillehay after seeing in Time Magazine an article on the Levitt Homes being built on a townhouse idea for people in the \$6 and \$7 thousand income bracket. In the letter he said he did not think that people who are less fortunate than others should be grouped in the downtown area or congested area. He stated he received the following reply:

June 1, 1967

Mr. Gibson L. Smith  
Gibson Smith Realty Co.  
4037 E. Independence Blvd.  
Charlotte, N. C. 28205

Dear Gib:

Thanks for your letter of the 30th and also your clipping. It's most interesting and one that I think Charlotte architects should certainly study. As you know, Earle Village was designed by Charles W. Connelly and Louis H. Asbury, Jr. You state in your second paragraph that "the next public housing should be removed from the downtown area so as not to concentrate the under-privileged in any one particular location".

It's hard sometimes for one to remember back to when things happened. This is the first public housing that the Housing Authority has built in the downtown section. If you remember, you were on the City Council at that time. You will also remember that there was considerable interest for the building of the next housing project in the downtown area. This interest and desire was by the Downtown Association as well as by members of the City Council and the Mayor. The Committee on Site Selection, which Mr. Earle J. Gluck chaired, on which Mr. W. E. McIntyre, of the Planning Commission was an active participant, were seriously considering two other locations.

The Housing Authority's objection to the downtown site was the fact that the blocks would have to remain, and that little planning could be accomplished in the development if one had to confine it to the existing site pattern. After it was agreed that the development would be built in this particular area, then the Engineering Department decided that was a good time for it to widen all of the streets, thereby reducing the size of the blocks even more. This really placed us in an almost impossible position because it just about eliminated all front yards. So I concur with you, and I hope that we are not faced with the problem of having to design another project where the street pattern has to remain, and all streets are going to be widening.



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However, I want to assure you that when all of the trees and all the planting and lawns are established, it is going to be a nice development and one that I think we will all be proud of. The greatest thing is the establishment of a Downtown Community Center, which will be operated by the Park and Recreation Commission. This as you know, was developed after considerable study and conferring with different agencies in the city and the churches in the neighborhood. The Park and Recreation Commission is most excited about this facility, and I believe it can go a long way in improving our neighborhood if it is properly programmed and operated.

Thanking you for your continued interest in your Housing Authority, and if we can at any time provide you with any information, we are pleased to do so.

Yours very truly,

H. J. Dillehay  
Executive Director

Councilman Smith stated this shows the thinking and that sometimes they get caught in these things. That street widening was not planned but it just came about and they are cognizant of the fact that they need more open space and more greenery. That he is sure they will accept any suggestions that any member of Council, or anyone else, has to offer.

Councilman Alexander stated the letter backs up what he is saying. That assistance could help a lot and that the programs of architects connected with public housing tie in with the knowledge of what will be accepted on federal levels.

**CITY MANAGER REQUESTED TO CHECK WITH WATER DEPARTMENT ON INSTALLATION OF WATER LINE ON PRIVATE PROPERTY OFF NATIONS FORD ROAD.**

Councilman Smith stated Mr. Griffin, a contractor who is building out in the county on Nations Ford Road, approached him about a water line. Mr. Griffin is 300 feet from the line that goes to Arrowood. In order to get water to his proposed subdivision, he will have to cross about 300 feet of private property, but the Water Department tells him he will have to go down a street. Councilman Smith asked if he cannot obtain a 20-foot right-of-way or a 30-foot permanent easement right-of-way to put in a line across the property, rather than going down a street? The City Manager replied normally the City likes to take water lines down a street rather than across country. If it can be done, it is much preferred. If you put the line down the street, then you are in a position to serve customers off both sides of the line. If you put it across country, you could end up with problems. If Mr. Griffin is going to put in a subdivision that requires the installation of streets, the City would want to put the line down the street. Mr. Veeder stated not knowing any of the facts, he would like to talk it over with Mr. Franklin, Water Superintendent.

Councilman Smith stated in these areas where we are trying to put water in the county, the City should be as flexible as possible to accommodate them especially when they are paying for it.

REPORT ON FIRE DEPARTMENT INVESTIGATION TO BE MADE AS SOON AS POSSIBLE.

Councilman Stegall asked the City Manager if there is any progress being made on the request for an investigation and report by June 15th on the Fire Department? Mr. Veeder replied they hope progress will be reflected in the budget which has been submitted. Progress is being made and he is now able to spend more time towards getting a report in as soon as possible.

SETTLEMENT WITH GEORGE P. HOUSTON AUTHORIZED AS RECOMMENDED BY THE CITY ATTORNEY.

Mr. Kiser, City Attorney, stated the George Phifer Houston property was in court last week. That the appraisals the city had were in the neighborhood of \$44,000; the appraisals Mr. Houston had were \$56,000 and \$62,000. The City had deposited \$42,300 in court and had a Commissioner's report of \$47,486.25. At the coming on of the case for trial, Judge Riddle called the parties in and rather insistently asked them to consider a settlement in the neighborhood of \$51,500.00. Mr. Kiser stated this they agreed to submit to Council with the recommendation that it be paid in the amount of \$51,500 with no interest.

He advised there are several reasons they decided to come to Council with this. One is because of the influence of the Judge and second is because there are certain costs involved which add to the \$47,486.25. If we went to court and jury, and the jury came back with an award, anything in excess of \$42,300 would bear interest from November 8, 1965, and they estimated at a split of the difference it would be around \$51,000.

Councilman Tuttle moved that the City settle for the \$51,500 as recommended by the City Attorney. The motion was seconded by Councilman Alexander.

Councilman Smith stated because he was one of the Commissioners, he will not vote on the motion.

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

YEAS: Councilmen Tuttle, Alexander, Jordan, Short, Stegall and Whittington.

NAYS: None.

Councilman Smith abstained from voting.

NOTICE OF PRESENTATION OF BUDGET ESTIMATE AUTHORIZED PUBLISHED IN NEWSPAPER.

Mr. Veeder, City Manager, advised that copies of the preliminary budget have been given to Council Members and that a copy has been filed in the Office of the City Clerk for public inspection, and he requested Council to authorize a notice of the submission to be advertised in a newspaper.

Councilman Jordan moved that the notice be published as requested, which was seconded by Councilman Whittington, and carried unanimously.

Mayor Brookshire stated he has discussed with members of Council the dates for budget sessions, and with the exception of Mr. Jordan, the last week in June - beginning Monday, June 26th - suits everyone and this will give ample time to individually get into the budget and to study it thoroughly.

REPORT ON HOUSE BILL NO. 1096 DEALING WITH ESTABLISHMENT OF WATER AND SEWER DISTRICTS PENDING BEFORE GENERAL ASSEMBLY.

The City Manager stated in a telephone conversation with Mr. Leigh Wilson, Assistant Director of the North Carolina League of Municipalities, he gave some reservations the League has with a Bill pending before the General Assembly - House Bill No. 1096 dealing with the subject of water and sewer districts. This is a Bill that was prepared by Forsyth County.

Mr. Wilson feels the Bill has some problems attached to it that need to be worked out, and he suggests that the City should be aware of this toward the end of suggesting amendments if it is felt desirable. That he is concerned because the Bill would permit a county government to establish a water and sewer district which could partly be inside a city. He thinks there should be some definition where this type of activity could go on. From the point of view of cities, he thinks there should be some provisions in the Bill saying what happens upon annexation of any area that might be served by the water and sewer district.

Mr. Veeder stated Mr. Wilson has drafted such amendments and intends to review them with the Forsyth County delegation. He suggests that it would be appropriate if the City of Charlotte indicated to its Delegation that it has an interest in the Bill, and would also suggest that the committee to which it has been assigned be told that Charlotte has an interest. He also suggests that the City let the Delegation and others know that there is a potential interest.

Mr. Veeder stated he does not have the specifics of the amendments but one of the things of concern is that these districts could be formed with a part of it inside the city and then you could apply a tax rate to that community as such.

Councilman Smith stated he would have to know a lot more about the differences and what is being done to solve them before he would want Mr. Veeder to be authorized to tell them we are backing up the City. Mayor Brookshire stated he would only advise our own Delegation that the League of Cities is looking after the municipal interest.

Mr. Veeder stated the way the Bill reads now would not be in the City's best interest. That the amendments Mr. Wilson is working on would protect it. He stated this is a little parallel to what happened two years ago when the so-called electric cities in the state were at odds with the electric utilities.

Mr. Veeder stated the cities should not have any objections to the counties throughout the State wanting to do something in this area as long as it is done in such a fashion recognizing the interest of city government. No one is suggesting that there not be a way to form water and sewer districts if anyone wishes to do so. In a lot of situations this could be good and very helpful. The only thing anyone is expressing reservations about is in so doing not to overlook the interest and responsibility of municipal governments.

Councilman Short asked if this is an effort to allow counties to impose water and sewer districts without the consent of the people involved? That he thinks all the legislations we now have along this line involves the consent of those involved in the formation of a water and sewer district. Is this legislation that would allow a county commission by its own act to impose a water and sewer district in the county, including a part of a city?

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If this is the case it would pay this Council to officially communicate to the Legislature and to Mr. Leigh Wilson and to anyone we can think of, our objections to this.

Councilman Alexander asked if he did not suggest that the city submit some amendments? Mr. Veeder replied no, he is looking out for the interest in preparing amendments that would apply statewide.

Mr. Veeder stated he is not suggesting that this is bad legislature, but only if it is to be enacted it should include provisions that relate to city government. That the City could express the view that it has some reservations about this, and while it has not seen any amendments, we would hope some amendments would represent some advantages that relate the position of municipal government.

Councilman Short stated one of the assets that we have in North Carolina is freedom from conflicting layers of government, conflicting districts and overlapping jurisdictions. If this is a step toward arranging this sort of thing and removing the advantage we have it would pay all citizens to oppose it. He stated he appreciates this information and expects to find out more about it from Mr. Wilson.

ORDINANCE NO. 635-X AMENDING ORDINANCE NO. 498-X, THE 1966-67 BUDGET ORDINANCE AUTHORIZING THE TRANSFER OF A PORTION OF THE GENERAL FUND UNAPPROPRIATED SURPLUS ACCOUNT.

Upon motion of Councilman Smith, seconded by Councilman Stegall and unanimously carried, the subject ordinance was adopted authorizing the transfer of \$17,000 to Capital Improvements Refuse Collection and Disposal to be used in the acquisition of a new landfill site.


The ordinance is recorded in full in Ordinance Book 15, at Page 35.

LEW BROWN, SUMMER INTERN, INTRODUCED TO COUNCIL.

Mr. Veeder introduced Mr. Lew Brown, a Charlotte boy who will be with the City as an intern this summer. That he attends the University of North Carolina at Chapel Hill and will be working much in the same way as the two young men did last summer. Others will be working this summer, in the Police Department, Planning Office and another one in his office.

ADJOURNMENT.

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

  
Ruth Armstrong, City Clerk