

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, October 23, 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.

* * * * *

INVOCATION.

The invocation was given by Reverend Horace H. Hilton, Jr., Minister of Sugar Creek Presbyterian Church.

MINUTES APPROVED.

Upon motion of Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, the minutes of the last meeting on October 16 were approved as submitted.

DISCUSSION OF ONE CENT SALES TAX.

Mr. Albert Pearson stated an article appeared in the paper recently about education in reference to a committee in which various people and their titles were mentioned. He stated he could not understand why the people with the titles were mentioned unless it was to use their title to influence the people's thinking. One is the Director of the Charlotte Area Fund. He asked if it is wise for this group through the city's spokesman to involve the area fund by name? To use the Charlotte Area Fund title after what it has just gone through, is it wise, or is it the intention of this group to use the Charlotte Area Fund to promote the passage of the one cent sales tax referendum?

He stated the same could be said of the other members who are more or less in private enterprise. That the letter asked Dwight Phillips and Mr. Barnhardt to have a meeting of about 50 of the largest taxpayers to start raising funds for educational purposes. He asked who are these 50 men? How large a taxpayer are they in Mecklenburg County? If taxes are rolled back as the Council has promised to do, how much will they save, and how does it compare with the \$15,000 to be raised to educate the less educated? He stated it is not a case of educating people; but you are on grounds where you are committed to possibly a hopeless war like Viet Nam. That we can be assured that the Committee will go all out in this particular area. That he thinks these questions should be answered.

Councilman Smith stated we are now paying \$1,400,000 for Urban Renewal; this is called pay-as-you-go; this is committed for five years, and this is as far as you can go under the present tax structure. Unless additional taxes are available, these slums cannot be cleaned up. This is one area that it will serve. The Council has committed to put 11 cents off the real estate tax, which leaves a good backlog to develop urban renewal

and downtown and other things that should be done. The only way Council can do anything is to get more revenue; this is the only source at this point.

Mr. Pearson stated Mr. Smith has said the only way these things can be done is by increased revenue; around his house, if they cannot increase the revenue - they cut expenses. He was one of the first who spoke for urban renewal when it was first brought up. That the real estate people who are in favor of switching the burden of taxes have a great interest in urban renewal through appraisals, through buying and selling; if they want to help Charlotte, they could donate some services as the Bar Association does to help out so we can get more for our money. What are we getting for the urban renewal money other than vacant lots? We are not getting more out of it in taxes. With a three and half million dollar investment, you could put the money in a bank and get something back.

Councilman Smith stated the name of the game is money, and Council has done all it can up to this point. We have Greenville, Dilworth and other places to go with no money. He stated he is sure Mr. Pearson is in favor of these things, and he asked him to tell Council how to get the money other than this. Mr. Pearson replied the Councils in the past have not gone into developing places for the people who are to be moved out of the areas. Where do you get the money? That he would rather taxes be left as is than to put this on people who cannot afford it at all; this particular law will put an additional burden on people's food habits of approximately two billion dollars in Mecklenburg County; there is such a thing as equality in taxes.

Councilman Smith stated the municipalities have been without taxes because the state and federal government have taken over. The main tax of the city is the general tax which is on real estate. You can go so far and cannot go any further; it is not that Council is favoring the property owners; it is looking for additional taxes; if we could get it on liquor we would rather have it; if we could get it on other taxes - tobacco - we would rather have it. But we have been told we can take this tax and this tax only. If we do not take this tax, in two or three years, the State will raise it to four cents.

Mr. Pearson stated he would not put the tax on the poor people. That he thinks you have to educate the people to knowing if you save them a dollar, what you are saving the Union National Bank or NCNB Bank or any of the others and give them a choice.

Councilman Smith stated we cannot build a convention hall or a boulevard or anything unless we get more revenue; you have to have more revenue.

Mr. Pearson stated New York, Chicago and Philadelphia developed on private enterprise and it can be done; that he is not against the cooperation of federal government in any way. He stated he is trying to promote something that would be a healthy approach not a negative approach. Do not saddle the poor people; do not saddle the middle income with more taxes. That if he had his choice, he would say put it on him in the property tax rather than the people making \$40 or \$50 a week.

Mayor Brookshire stated the Committee which was asked to raise funds was not to educate but to inform the general public and is not restricted entirely to the larger taxpayers; some of the largest are involved and some of those who pay in the middle area and some who pay very little taxes are included in the committee. It is a representative committee.

Mr. Pearson stated it is not only a case of putting this tax across, it is educating the people to both sides to give them a choice. Mayor Brookshire replied what we want to do is to give them the facts on an "either or" proposition, it is either pass the referendum, or reduce the level of services, or increase property taxes to a higher level.

ORDINANCE NO. 713-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING THE ZONING OF A LOT ON THE EAST SIDE OF HICKORY GROVE-NEWELL ROAD BEGINNING NORTH OF HICKORY GROVE ROAD.

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

The ordinance is recorded in full in Ordinance Book 15, at Page 125.

PETITION NO. 67-63 BY G. E. RYAN FOR A CHANGE IN ZONING OF A LOT ON THE NORTH SIDE OF DREXEL PLACE BEGINNING WEST OF PARK ROAD, DENIED.

Councilman Short stated it strikes him as a little perverse to refuse office zoning to this man who runs back 200 feet from Park Road, when he needs it for a community purpose when the next lot runs back 250 feet and has the zoning he wants, and they are not even using it. We will not give it to Mr. Ryan who does not run back as far and who does have a use for this kind of zoning. The most remote part of his lot is within 200 feet of Park Road; there are five adjoining lots which run back 250 feet from Park Road which are already zoned for O-6 zoning that Mr. Ryan is seeking. The next street up is Heather Lane and it has the office zoning running down 250 feet; that it does not seem to hurt Heather Lane and he does not see how it would hurt Drexel Place. The 50-foot lot does front on Drexel Place; that he understands what the Planning Commission says is important but in balance the other point of view should prevail.

Councilman Short moved that the subject petition changing the zoning from R-9 to O-6 be approved. The motion was seconded by Councilman Stegall, and lost by the following vote:

YEAS: Councilmen Short, Smith and Stegall.

NAYS: Councilmen Alexander, Jordan, Tuttle and Whittington.

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

YEAS: Councilmen Whittington, Jordan, Alexander, Smith and Tuttle.

NAYS: Councilmen Short and Stegall.

Councilman Smith stated in support of the motion to approve the petition it would straighten out the line. Councilman Short stated it would not quite straighten them out as Mr. Ryan would still be closer to Park Road than some of the others.

Councilman Short asked if this is still open for Council's consideration so that he can move that Mr. Ryan's property be zoned R-6? That it is now zoned R-9 but it would help him in the operation of his kindergarten if Council could vote for an R-6 zone. This would set the zoning at a higher

classification than that petitioned for unless the vote that just occurred washed this whole thing out.

Mr. Kiser, City Attorney, replied if prior to the time the motion was held someone had moved to rezone it to a higher classification than that which is asked for here, Council could have rezoned it to that classification. Now there has been a final vote on the petition to rezone from R-9 to O-6 and that vote was in the negative, the matter is no longer before Council. If a motion to reconsider at this meeting were approved by the majority members of Council, then Council can take further action.

Councilman Smith moved that Council reconsider the vote just taken. The motion was seconded by Councilman Short.

Councilman Short stated this is to allow a little relief to Mr. Ryan by changing his zoning from R-9 to R-6 which would help considerably but not as much as otherwise.

Councilman Tuttle stated this would not give the people out there an opportunity to voice themselves as far as R-6 is concerned. Councilman Smith stated Council originally had the alternative to vote for the R-6 rather than O-6 because the people did not have any vested rights to vote on it; Council has this right. Councilman Tuttle stated he thinks the people have a vested right at any time and it is a question of whether they are properly notified, and in this case, they would not be notified. While the move may be in order, he cannot vote for it without the people's knowledge.

Mr. Kiser advised that Council has the authority under the provisions of the ordinance, and the advertisement for this specific piece of property includes a statement that Council may rezone all or a portion of the property listed to the classification requested, or to a higher classification.

The vote was taken on the motion to reconsider the vote and lost by the following vote:

YEAS: Councilmen Short, Smith and Stegall.

NAYS: Councilmen Alexander, Jordan, Tuttle and Whittington.

Mayor Brookshire asked if it will be two years before Mr. Ryan can apply for another change, and Mr. Kiser replied the rule states the petitioner cannot within a two year period request rezoning of the same property for the same rezoning, he can come back with a request for a higher classification.

ORDINANCE NO. 714-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING THE ZONING OF A TRACT OF LAND ON THE NORTH SIDE OF ONEIDA STREET BEGINNING EAST OF DERITA ROAD.

Upon motion of Councilman Tuttle, seconded by Councilman Stegall, and unanimously carried, the subject ordinance was adopted changing zoning from R-9 to I-2 as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 15, at Page 126.

DECISION ON PETITION NO. 67-65 BY R. P. AND MARTHA G. WILSON FOR A CHANGE IN ZONING FROM R-9MF TO B-2 OF A LOT ON THE WEST SIDE OF MULBERRY CHURCH ROAD BEGINNING NORTH OF SLOAN DRIVE DEFERRED FOR FURTHER STUDY.

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

ORDINANCE NO. 715-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING THE ZONING OF ALL PROPERTY ON THE WEST SIDE OF CHERRY STREET, FROM ARTHURS LANE TO BAXTER STREET.

Motion was made by Councilman Whittington adopting the subject ordinance changing the zoning 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 15, at Page 127.

ORDINANCE NO. 716-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING ZONING OF PROPERTY ON THE SOUTHEAST CORNER OF CLANTON ROAD AND GENERAL YOUNTS EXPRESSWAY.

Upon motion of Councilman Jordan, seconded by Councilman Alexander, and unanimously carried, the subject ordinance was adopted changing the zoning from R-6MF to B-1 as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 15, at Page 128.

ORDINANCE NO. 717-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING ZONING OF PROPERTY OF A TRACT OF LAND ON THE SOUTH SIDE OF REMOUNT ROAD EXTENDING FROM GENERAL YOUNTS EXPRESSWAY EASTWARD TO SOUTHSIDE PARK AND A TRACT ALONG FAIRWOOD AVENUE AND GRIFFITH STREET IN THE SOUTHSIDE HOMES PUBLIC HOUSING AREA.

Councilman Short moved adoption of the subject ordinance changing the zoning from I-1 to R-6MF as recommended by the Planning Commission. Motion was seconded by Councilman Smith, and carried by the following vote:

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

NAYS: Councilman Whittington.

The ordinance is recorded in full in Ordinance Book 15, at Page 129.

ENCROACHMENT CONTRACT WITH NORTH CAROLINA STATE HIGHWAY COMMISSION FOR INSTALLATION OF SANITARY SEWER OUTFALL WEST OF CENTER LINE OF EASTWAY DRIVE.

Motion was made by Councilman Whittington approving an encroachment contract with North Carolina State Highway Commission for the installation of a sanitary sewer outfall 285 feet west of the center line of Eastway Drive. The motion was seconded by Councilman Jordan, and carried unanimously.

APPRAISAL CONTRACTS AUTHORIZED.

Upon motion of Councilman Alexander, seconded by Councilman Whittington, and unanimously carried, appraisal contracts were authorized as follows:

- (a) Contract with Henry E. Bryant for appraisal of four parcels of property in connection with Airport Clear Zone;
- (b) Contract with Wallace D. Gibbs, Jr. for appraisal of four parcels of property in connection with Airport Clear Zone;
- (c) Contract with B. Brevard Brookshire for appraisal of one parcel of land for Sixth Street Improvement.

WATER MAIN CONTRACTS AUTHORIZED.

Upon motion of Councilman Whittington, seconded by Councilman Stegall, and unanimously carried, contracts for the installation of water mains were authorized as follows:

- (a) Contract with N. M. Craig and Son for the installation of 2,170 feet of water mains and one fire hydrant to serve Fernbrook Subdivision, inside the city, at an estimated cost of \$6,900.00. The City will finance all construction costs and the applicant will guarantee an annual gross water revenue equal to 10% of the total construction cost;
- (b) Contract with Pargo Realty Company for the installation of 400 feet of water main in Raleigh Street, inside the city, at an estimated cost of \$2,000.00. The City will finance all construction costs and the applicant will guarantee an annual gross water revenue equal to 10% of the total construction cost.

ORDINANCE NO. 718 ORDERING THE REMOVAL OF AN ABANDONED MOTOR VEHICLE LOCATED AT THRIFT AND FREEDOM DRIVE PURSUANT TO ARTICLE 13-1.2 OF THE CODE OF CHARLOTTE AND CHAPTER 160-200(43) OF THE GENERAL STATUTES OF NORTH CAROLINA.

Councilman Whittington moved adoption of the subject ordinance, which was seconded by Councilman Jordan, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 15, at Page 130.

ORDINANCE NO. 719-X AMENDING ORDINANCE NO. 655-X, THE 1967-68 BUDGET ORDINANCE AUTHORIZING THE TRANSFER OF A PORTION OF THE GENERAL FUND CONTINGENCY APPROPRIATION.

Motion was made by Councilman Whittington to adopt the subject ordinance transferring \$1,415 to the General Fund-Building Inspection to be used for miscellaneous contractual services. The motion was seconded by Councilman Stegall.

Mr. Veeder advised this will pay the cost of the demolition of four structures which were approved for demolition in September - 1815 Campus Street, 337 Goff Street, 616 Condon Street and 624 N. Caldwell Street. The cost of the demolition ends up as a lien against the property and eventually the City expects to get it back.

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

The ordinance is recorded in full in Ordinance Book 15, at Page 130.

TRANSFER OF CEMETERY LOTS.

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

- (a) Deed with Herbert Dennis McCoy for Lot No. 384, Section 6, Evergreen Cemetery, at \$240.00;
- (b) Deed with Charles M. Hassell, Sr., for Lot No. 410, Section 6, Evergreen Cemetery, at \$240.00;
- (c) Deed with Mrs. Wise T. Gum, for Graves 2 and 3, in Lot 176, Section 2, Evergreen Cemetery, at \$120.00;
- (d) Deed with Mrs. Violette D. Perry, for Perpetual Care for west half of Lot No. 24, Elmwood Cemetery, at \$100.80.

ORDINANCE NO. 720-X AMENDING ORDINANCE NO. 655-X, THE 1967-68 BUDGET ORDINANCE AUTHORIZING THE TRANSFER OF A PORTION OF THE GENERAL FUND UNAPPROPRIATED ACCOUNT.

Mr. Wesley York, Clerk of City Recorder's Court, stated last April the North Carolina Supreme Court passed a ruling that it was unconstitutional for desk sergeants and policemen to handle warrants and made it necessary to set up a temporary and eventually a permanent Justice of the Peace office to handle warrants. City Council approved five (5) Justices of the Peace and four clerk typists. This office was set up to serve the City of Charlotte, Mecklenburg County and the State Highway Patrol Office. It was on the basis of 1/3 of the cost to be paid by the County and 2/3 of the cost by the City. This office was put into effect on September 5. With the five JPs and the four clerks, they anticipated operating with one man and one clerk on duty at all times. Within a few days they found the schedule would not work because of the heavy work load on weekends. They changed the schedule with two JPs and two clerks on duty. That relieved some of the burden but then they found they were in trouble for help during the week; they did not have any relief for vacations, sick leave or even for lunch and dinner hour.

He stated the manner in which the warrants are issued and handle will determine if they are held up in court. The JPs are doing a fairly good job; they were men who had never had experience; they were put into this office and trained by the former desk sergeants and by Mr. Marshall Haywood and other solicitors with the judges of both the City and County Recorder's Court.

He stated they cannot continue to handle the volume of work with the personnel they have; week before last they had 1,388 warrants, last week they had 1,590 warrants; that does not include the additional work they have - they have the evidence for the courtroom, evidence for personal property, people who are booked and arrested, ect.

Then when you talk to people for hours - especially the domestic cases where the people are in no condition to discuss anything, it is time consuming; these men are spending hours on these domestic problems. It is their responsibility to listen to the complaint before they can decide whether or not to issue the warrant.

Mr. York stated they are asking for one Justice of the Peace and one clerk typist; at a cost of approximately \$7,400.00; they also need more space. They are now working in a little area near the entrance to the jail and there is no provision for the evidence or the men to do the work.

Councilman Smith asked if the \$7400 includes more space, and Mr. York replied no, this is only for the additional personnel. Mr. Veeder stated space is a problem; they hope to improve the condition that exists but cannot stretch the walls in the area; if they can find a way to provide additional space, they can do so within the frame work of existing building.

Councilman Smith moved the adoption of the subject ordinance transferring \$7400 to the General Fund-Recorder's Court to provide two additional employees and necessary office equipment for the criminal warrant and booking operation in the City Recorder's Court. The motion was seconded by Councilman Tuttle.

Councilman Short asked about the County's 1/3 share? Are they being approached on the matter? What happens when court reform is implemented in about one year? Mr. York replied the County has been approached; at the time the court reforms are implemented it comes under the supervision of the Clerk of Superior Court, and he will recommend that all the JPs and personnel be appointed. Councilman Short asked if under the arrangements that then exist, we would provide the office space and the State will pay the individual doing the work? Mr. Veeder replied it remains to be seen what they will do statewide; this relates to the county preceeding with the jail operation.

Councilman Whittington asked what happens to the fines and monies coming from the courts when the reforms come in, will the City realize any of the funds? Mr. York replied that has not been determined. Councilman Whittington asked how much the City now realizes annually? Mr. York replied approximately \$300,000; in the beginning of the new office, the City Attorney and others went to the general assembly and the courts costs were increased from \$13.00 to \$17.00; out of that the City gets \$14.00. Councilman Whittington stated it is important that the City know where the funds will go before it is eliminated. Mr. Veeder stated when next year's budget is prepared adjustments will be made in the anticipated transfer of all the court related activities. Mr. York stated they are working with the Institute of Government and information will be available soon; but it has not been published yet. Councilman Whittington stated the court reforms will eliminate the justice of the peace, but we do not know where the money that we have been getting - which is about \$300,000 a year - is going; does the legislation say that the State gets this all back or does the County get it or does the City get it 50-50? Mr. Kiser replied the new legislation by virtue of the constitutional amendment will do away with the city courts; they will be State courts and the City will have no further responsibility with respect to providing Recorder's Court. That at the moment, he does not know what the provisions are with respect to disposition of funds; that he can inquire.

Councilman Whittington stated he would like to know if we are going to get a portion of the funds back from the state when court reforms go in or what? That he thinks Council should know this before talking about budget next year.

Mr. Veeder stated by appropriating \$7400, it puts it in the City's budget, but we will get an off-setting one third of this back from the County in terms of the revenue.

Councilman Stegall asked if what has been asked for will alleviate the work load to a point that they will now be able to spend the time now required with the people. That sometime back he asked the County Commissioner about having a person from Domestic Relations Court on duty on weekends; and this was discussed at some length; it was tabled at the time. He asked if the funds for additional personnel will alleviate his problems so the JPs can counsel with these people? Mr. York replied they will have more time; that it is up to the JP to determine when to end these conversations, and this is important; if they issued a warrant for every case that came in, they would be running a 24-hour court, seven days a week. Councilman Stegall asked if he has any suggestions to make in relation to the domestic case? Mr. York replied at some time it will be necessary to have a counseling service available because we are now carrying the load into court at the expense of taxpayers; that could be eliminated by a person on duty to counsel with these people.

Councilman Stegall stated he was told by a member of the County Commissioners if Council would ask them to provide someone from Domestic Relations Court that they probably would do it if the need is there. That we still have fourteen months in which to operate the JP and Clerk of Court operations.

The vote was taken on the motion to adopt the subject ordinance, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 15, at Page 132.

CITY MANAGER REQUESTED TO INVITE JUDGE GATLIN TO CONFERENCE SESSION TO DISCUSS THE NEED FOR COUNSELING SERVICE IN RECORDER'S COURT OPERATION.

Councilman Stegall moved that Council request the County Commissioners to provide through the Domestic Relations Court a person to be on duty at the City Police Department where the Clerk of Court operates to handle the domestic cases. The motion was seconded by Councilman Jordan.

Councilman Short stated out of courtesy he feels Judge Gatlin should comment on this matter before Council adopts a policy of asking the County to do it. Councilman Stegall stated this is going as a suggestion to them to try to alleviate the problem; that he is not saying we actually request them to set it up as such. Councilman Alexander stated he thinks this should be discussed and see how it can best work and see what the real problem is.

Councilman Short made a substitute motion that the City Manager be asked to request Judge Gatlin to come as quickly as he find it convenient and possible and discuss with Council at a conference session or at the formal session whether he feels this should be done. The motion was seconded by Councilman Tuttle, and carried by the following vote:

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

PRELIMINARY ANNEXATION FEASIBILITY REPORT OF AN AREA ADJACENT TO CITY LIMITS
ALONG EAST INDEPENDENCE BOULEVARD.

Mr. McIntyre, Planning Director, stated Council members were sent copies of the study; that it studies two areas. One of the areas is essentially the commercial area which extends along Independence Boulevard East from the City limits several hundred feet in an easterly direction. That is Study Area No. 1 in the report.

They then studied a larger area which includes the Independence Boulevard property in Area No. 1 and includes three residential streets that run from Independence Boulevard down to Monroe Road.

He stated that Study Area No. 1 is not eligible for annexation at the present time because it does not meet the statutory requirements for concentration and density of development. Study Area No. 2 does meet the statutory requirements for annexation. In Area No. 1, it is anticipated that within the very near future that area itself will qualify because they know that certain new developments are coming into the area, and this will tip the balance of the scales so there will be sufficient concentration in the area to make it eligible for annexation under the statutory requirements. The study indicates the responsibilities the City would have in providing facilities in Study Area No. 2 and also indicates the assessment valuation in that area so a determination can be made of costs.

Councilman Short asked why this area was specifically singled out for this study? It proved to have a population of seven people, and runs about a block out Independence Boulevard. He stated he has been able to list 20 areas going out the major highways from Charlotte at the city limits which could be studied just as readily and quickly to find out if they are not in the same situation. That he realizes you have to have 1/8 of the boundary in common with the city limits. He stated there are places such as the shopping center at Yorkmont Road and South Tryon Street, the area beyond Mulberry Road on Wilkinson Boulevard, a big area on Mt. Holly Road, between Bellhaven Boulevard and Mt. Holly Road, across the street from Northbrook on Beatties Ford Road, and Highway 29 North at the city limits which has tremendous developments right on the city limits. Then, there is Amity Place and you cannot tell why the city limits is just where it is because those houses go right on. There is the Stonehaven Area and part of Huntington Park and many others.

Mr. McIntyre replied the Planning Commission staff did not single the area out; it was at the request from Council. Councilman Tuttle stated during one of the longest zoning hearings Council has had, impassioned pleas were made for the zoning based on the benefit to the City and the millions of dollars in tax value that would go out there; that he has to assume in view of the fact we wrecked a lovely neighborhood, Council weighed the value to the City heavily as to the value of the citizens themselves. It has been there for nearly two years and we still have no tax money, so he assumes the people and the one particular large business area out there with perhaps the largest value would be willing to pay these taxes because the plea was made when they went out there. That as to the seven people, he thinks there are 195 people in the feasible area which is Area No. 2.

Councilman Tuttle moved that the Planning Commission staff be requested to prepare as early as convenient the report and plans for annexation of an area designated in the October 16, 1967 annexation as Study Area

No. 2 as required under Section 160-453.15. The motion was seconded by Councilman Whittington.

Councilman Short stated this was a zoning matter that he believes Mr. Tuttle voted against; that he takes exception that this wrecked any neighborhood; and would not agree that it wrecked any neighborhood. Councilman Tuttle stated he takes exception to the comment that he voted against it as he voted for it. Councilman Short replied he expressed himself considerably against it at the time. Councilman Short stated he believes that zoning is one authority given to Council and annexation is another entirely separate and different authority. That he does not believe it was the intent of the legislature that these be used together in this kind of fashion; and he does not believe that it was the intent of the legislature in giving Council this very great annexation authority which City Councils in almost all the other 49 states do not have. That he does not believe it was their intention that Council would exercise this authority in any capricious way by running one isolated spoke out from the wheel in this fashion. That he thinks it was their intent that we would generally consider all areas that might be eligible and not just bird-dog one area that we might have some reason why we want to get at and bring in that one area and bring in 19 others that might be considered.

Councilman Tuttle stated before he made the motion asking for this study he had several calls from people in the area who wanted and asked about annexation. That the area from which these calls came were not included in this study because they were not feasible. As/for the State and what it allowed us to do, Mr. McIntyre has made it very plain that what we are doing is in total and thorough compliance with State Law. It is not a retaliatory situation; if you have been out there at night and seen the traffic and the myriad of peoples that the large automobile dealers have taken out there, they will concede it will be a part of the City; it should be policed by the city; the county is not in a position to police this area; it is now a large commercial area and should be a part of the City.

Councilman Short stated he agrees that it should be a part of the city and Mr. McIntyre has so certified; but he does not think we should vote on this until consideration has been given to approximately any other areas that would appear to be likely for this same kind of annexation; this is a different thing from annexing at the request of those in the area. Here we are putting it on the people on Council's motion rather than theirs and Council must consider all areas that are eligible for this or none at all.

Councilman Short made a substitute motion that Council withhold action on the matter until it hears further from the Planning Commission and Staff as to the various areas of the city that might be eligible or feasible and practical for the same kind of study. The motion was seconded by Councilman Stegall.

Councilman Smith stated he has heard a lot of talk about how much taxes Westinghouse is going to bring into the City, but he has not heard any motion to bring them into the city limits; that he does not think we should call for any study about what should be brought into the city limits unless there is something specific and logical behind it.

Councilman Short stated his motion does not say when the Planning Commission would make this tremendous study, and he is not going to say. Councilman Smith stated the Planning Staff must have spent a month on this report. How much money did that cost?

Mr. McIntyre stated these studies should not be undertaken lightly because they do consume a great deal of time. Here they were given a fairly specific area and it did take quite a bit of time to make the study. If they were to just cast their eyes all over the whole city and its boundary and try to come to some preliminary conclusions about the feasibility of annexation of other areas, it would be very time consuming to get the general feel of the subject; to reduce a good many areas to these kind of specifics would be very time consuming.

Councilman Whittington asked Mr. McIntyre if the subject area would come nearer to complying to the annexation laws, being contiguous to the present city limits and with the commercial development, better and quicker than the areas Mr. Short has mentioned? Mr. McIntyre replied there is a possibility of the case because one of the principle deterrents of annexation is to have available city water and sewer facilities. As an example on sewage, you go out Monroe Road and you cannot go beyond a certain point because it is in a different drainage basin, and you have a major sewer problem.

Councilman Smith asked if it is not true that the Planning Department tries to stay on top of this and any area such as Starmount that they initiate this from this Department? Mr. McIntyre replied they did initiate Starmount and they also did a study trying to anticipate areas that would become eligible for annexation in certain future periods of time. He stated he would get Council copies of the study his department made several years ago, which would give them a cross the board look at feasibility of annexation and prospects of annexation.

Councilman Stegall asked if he would have recommended the subject area for annexation if the request had not been made by Council? Mr. McIntyre replied they would not have studied it if the request had not been made.

Councilman Tuttle stated in view of the fact that we have water out the Boulevard already and in view of the fact it is a small area, and no additional personnel will be needed or no equipment on the part of the city and in view of the large use of this area, he asked Mr. McIntyre if he thinks it is logical that it be annexed? Mr. McIntyre replied the city can annex it very favorably but this is a general departure from the city's past custom. The City's past custom has been in response to specific petitions for annexation from property owners for the annexation of small areas; on annexations initiated by the city itself to keep up with the city's growth and development, generally the annexation policy has been to annex large areas.

Councilman Short asked if he would consider it logical to annex this area without giving consideration to some other area which might possibly be also eligible and approximately the same size? Mr. McIntyre replied he thinks this is a question of policy for Council.

Councilman Short stated there is a real estate subdivision along Glendora Drive in which almost every lot is occupied by a home and they were put into this Area No. 2 thereby making the business area across the street also eligible, which it would not have been otherwise. The houses that abut on Area No. 2's boundary line, the lots which back up to this but front on Amity Place, he is of the belief that there is no vacant lot whatsoever; this is also true of the area across the street on the north side of Amity Place. If the people on Glendora Drive ask him why they were included in order to make No. 1 annexable, but the other people on Amity Place were not included and had their taxes cut by not being included, how will he answer?

Mr. McIntyre replied one answer would be to point out that the areas are within a drainage basin served by a city sewage system, where the other area is in McAlpine Creek basin and is served by Idlewild facilities; and the other area is not served with any public utilities as they have septic tanks and wells.

Councilman Short asked if the ridge line between the two basins runs along the rear line of the lots that front on Amity Place? That the vast majority of Area No. 1 is not included in the basin that we have a sewer outfall for. Mr. McIntyre replied Area No. 1 included the property on the south side of the Boulevard; that the vast majority of Area No. 1 is not included in the basin.

Councilman Alexander stated at this point he does not think it is Mr. McIntyre's responsibility to tell Council what to do. That the past procedure has been that annexation takes place on petition. Mr. McIntyre replied traditionally we have annexed large areas as they develop on the initiative of the city. Councilman Alexander asked if some of this area can be adequately supplied with services and some cannot? Mr. McIntyre replied we can adequately supply all this area with service; that a portion of it is in the Campbell Creek drainage basin but the City can reach over for a certain distance and pull the sewage into the drainage basin.

Councilman Alexander asked Mr. Veeder, City Manager, if he thinks it is wise to annex this area at this time? Councilman Tuttle stated his motion is to request the Planning Staff to prepare a report for annexation - this is not voting on annexation today, it is for the Planning Staff to complete the report at which time the opportunity will be given to vote on whether or not to annex the area.

Mr. Veeder stated the study that the Planning Commission has done to date has been to determine the preliminary study and was not done in the context of the study that would be required as a part of the process if it were actually to go further. The additional study has some rather definite criteria that it would have to address itself to in order to take into account all the requirements that are called for.

Councilman Short asked if the more logical approach would not be to annex this area that is filled in and which is in the right drainage basin where we do have sewerage facilities? Mr. McIntyre replied the area would qualify by itself, and the other would not by itself.

Councilman Jordan made a privilege motion to postpone action and give Council more time to discuss this and think about it. The motion was seconded by Councilman Smith, and carried by the following vote:

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

PROPERTY TRANSACTIONS AUTHORIZED.

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

- (a) Acquisition of 182 sq. ft. of property on East Fifth Street next to the NE corner of College Street, from W. W. Hagood, Jr. and wife, Adele D. Hagood, at \$900.00 for the East Fifth Street Widening;
- (b) Acquisition of 3,140 sq. ft. of property on the corner of Eastway Drive and Central Avenue, from estate of Martin Taft Morgan, et al, at \$16,100, for Eastway Drive Widening Project.

- (c) Acquisition of 914 sq. ft. plus construction easement at 3408 Eastway Drive, from Lawrence H. Maye and wife, Alice L. Maye, at \$1,400 for Eastway Drive Project;
- (d) Acquisition of construction easement 4.0' x 55.0' at 402 North McDowell Street, from B. J. Faulkner, at \$25.00 for McDowell Street Widening;
- (e) Acquisition of construction easement 360 sq. ft. at 419 North McDowell Street, from Mrs. W. M. McCain, widow, at \$100.00, from McDowell Street Widening;
- (f) Acquisition of 380.51 sq. ft. of property on South Boulevard next to the NE corner of Ideal Way, from Ashe Brick Company, at \$1.00 for South Boulevard Intersections;
- (g) Acquisition of 58.33 sq. ft. of property at 2500 South Boulevard from Greene Brothers Lumber Company, Inc., at \$1.00, for the South Boulevard Intersections;
- (h) Acquisition of right-of-way 10' x 87' off Jeremiah Avenue, from Bessie G. Blankenship, at \$1,000 for easement to relocate sanitary sewer line for North-South Expressway.

ABANDONED VEHICLE REQUESTED REMOVED FROM PARK ON REMOUNT ROAD.

Councilman Stegall stated a car is sitting in the Park on Remount Road next to the old Incinerator Building that should be removed. He requested the City Manager to have someone investigate it.

BOARD OF DIRECTORS OF HOME BUILDERS ASSOCIATION GO ON RECORD SUPPORTING ONE CENT SALES TAX.

Councilman Stegall stated the Board of Directors of the Home Builders Association at their last annual meeting has gone on record unanimously endorsing the proposed one cent sales tax in Mecklenburg County.

CITY MANAGER REQUESTED TO GIVE REPORT ON NUMBER OF CITY CARS BEING USED FOR PERSONAL USE.

Councilman Smith asked how many automobiles are being used in the Police Department by different officers for personal use - by that he means to go home in and keep overnight? Mr. Veeder replied it is reduced over what it was at one time but he cannot give a precise number now; that he will get the number and give it to him. Councilman Smith stated he has been told a number take them home and keep them at home when they are only a phone call away from transportation. That about 35 new vehicles were purchased and in the interest of economy he thinks this should be looked into. If an official or one of the planners or someone else is taking a car home that he thinks it should be taken care of other ways.

REPORT REQUESTED ON REQUEST FOR REDUCING SPEED LIMIT ON BURTON STREET.

Councilman Alexander stated several weeks ago he asked that the Traffic Engineering Department set a 25 MPH speed limit for the entire length of

Burton Street, between Seaboard and Oaklawn Avenue, instead of just in the block in front of Fairview School. He asked the City Manager to find out how soon this can be done. Mr. Veeder replied he has received a report from Mr. Hoose but there is some element of it that he does not understand and wants to discuss it further with Mr. Hoose.

SUGGESTION THAT CHAPEL ON THOMPSON ORPHANAGE PROPERTY BE PRESERVED AS A PARK.

Councilman Alexander stated he wonders if it could be determined whether or not we could preserve the Chapel on the Thompson Orphanage property around the expressway as somewhat of a "shrine" and a park. That it would add much value to the city if this could be done and it would preserve some of Charlotte's original history to enshrine the Chapel in a park and perhaps offer much relief to a lot of people at some time. That he hands this out for exploration to see if such a thing is feasible.

SUGGESTION THAT PARK AND RECREATION COMMISSION BE REQUESTED TO CONSIDER BUILDING ON REMOUNT ROAD AS TEENAGE CENTER.

Councilman Alexander stated he would like for Council to consider asking the Park and Recreation Commission to turn over the building which has been talked about on Remount Road, and developing it as a city-wide teenage center. That we read much in the papers about teenage centers and problems growing out of lack of teenage centers and things of that nature. That this building could be used in that capacity. This is just an idea, and if some discussion was held, perhaps something could come from it.

RESOLUTION ACCEPTING THE CONCEPT OF CONVENTION BOULEVARD, ADOPTED.

The following resolution was presented for Council's consideration:

That Council accept the concept of Convention Boulevard as presented by the Southern Railway System on October 9, 1967, this acceptance to be construed as an amendment to the Greater Charlotte Central Area Plan, and

Further, that Council agrees that the City of Charlotte will move towards the end of constructing Convention Boulevard as an integral element of the Central Area Redevelopment Program, and

Further, that Council direct that the general right-of-way requirements for Convention Boulevard be determined as soon as possible and that the City staff prepare an appropriate display of such requirements, and

Further, that the Mayor and other representatives of city government, as well as representatives of the business community schedule a meeting with officials of Southern Railway System to review requirements for Convention Boulevard towards the end of obtaining further cooperation from Southern Railway.

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

Councilman Smith asked if the Committee will go to the Southern Railway? Mayor Brookshire replied at an appropriate time, or perhaps Southern Railway officials might be invited to come to Charlotte. Councilman Smith asked if this is being left in the Mayor's hands to proceed? Mayor Brookshire replied as far as this resolution is concerned it would.

The vote was taken on the motion and carried unanimously.

APPOINTMENT OF COMMITTEE AUTHORIZED TO DISCUSS WITH SOUTHERN RAILWAY OFFICIALS PUTTING CONVENTION BOULEVARD DOWN A STREET.

Councilman Tuttle moved that the following men be appointed to a committee authorized to go to Southern Railway's offices in Washington to discuss with Southern officials the feasibility of putting a convention boulevard down a street:

Mr. Patrick M. Calhoun, President of Chamber of Commerce
Mr. John Scott Cramer, President of Central Charlotte Association
Mr. John A. Tate, Jr., Chairman of the Master Plan
Mayor Stanford Brookshire
Councilman Jerry Tuttle
Councilman James B. Whittington
Councilman Sandy R. Jordan

Further, that the Mayor have the authority to expand the Committee to not more than 12 as he may see fit. The motion was seconded by Councilman Whittington.

Councilman Alexander requested that the City Manager be included on this Committee. Councilman Tuttle stated that is taken care of as the Mayor has the authority to expand the Committee and he is sure that he and Mr. Veeder will get together on that.

Councilman Smith stated he is opposed to this on the basis that it is taking the prerogative away from the Mayor; that the Mayor has handled these negotiations for four years and he thinks the Council is stepping in and telling him how to do it; and he thinks there are some politics involved and he does not think he can vote for it.

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

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

CITY ATTORNEY AUTHORIZED TO FILE APPEAL TO SUPREME COURT REGARDING THE HOUSE BEING MOVED TO HOWIE CIRCLE.

Mr. Kiser, City Attorney, stated he has a report on one of the houses moved into a neighborhood on Howie Circle. Today the Superior Court Judge ruled that the property owner should be allowed to complete the construction of the existing house according to specifications established in the court order. These specifications are above and beyond the minimum code requirements. This case reached the Superior Court after the Building Inspection Department had ordered the building removed and demolished; according to the procedures outlined in the ordinance, the property owner took an appeal to the Superior Court. He stated unless Council desire to have an appeal, the matter made to the Supreme Court, the ruling will sta

Mr. Kiser stated they will file notice of intent to appeal and protect it if Council so desires.

Councilman Short moved that the City Attorney file a notice of appeal. The motion was seconded by Councilman Whittington, and carried unanimously.

RESOLUTION AUTHORIZING PERMANENT IMPROVEMENTS ON BARCLAY DOWNS DRIVE.

The following resolution was presented for Council's consideration:

"WHEREAS, Barclay Downs Drive connects two major traffic arteries, namely Fairview Road and Runnymede Lane, and

WHEREAS, the volumes of traffic using Fairview Road and Runnymede continues to increase, and

~~WHEREAS, portions of Runnymede Lane are to be improved by the State Highway Commission as part of another project, and~~

WHEREAS, institutional, commercial and residential development continues to accelerate in the vicinity of this section of Barclay Downs Drive.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte that:

Section 1. It is necessary and in the public interest to designate Barclay Downs Drive between Runnymede Lane and Fairview Road as a major arterial street.

Section 2. The City Engineer is authorized to prepare preliminary plans and cost estimates, as well as construction plans and specifications required to widen and improve Barclay Downs Drive between Fairview Road and Runnymede Lane.

Section 3. Depending upon the costs involved, the required improvements will be constructed at one time or by phases with initial financing to be provided as a part of the 1968-69 Capital Improvement Budget."

Councilman Smith asked if there are any preliminary costs? Mr. Veeder replied this would have to be determined. Councilman Smith asked if this will be brought back to Council for final approval after the costs are determined or will it be put in the budget? Mr. Veeder replied everything has to end up with Council approval one way or the other; without knowing the cost involved at this time, it may be that Council will wish to make the improvements during more than one fiscal year.

Mr. Veeder stated the terminal point of a project such as this one at the Runnymede end would depend in some measure on the design of the project that includes Runnymede which the State Highway is involved with - the configuration of Runnymede as it would be in the vicinity would determine the terminal point of this road.

Councilman Smith asked if the City Manager will bring a price to Council, or if Council is voting cart blanc? Mr. Veeder replied no money is spent for any project without Council's approval. Councilman Smith asked ..

if this is approving the project or approving the study? Mr. Veeder replied this is up to Council. Councilman Smith stated if it was going to cost \$500,000, he would vote one way and if it was going to cost \$150,000, he would vote another way; and he is not going to vote for cart blanc approval all the way to Runnymede unless it is some kind of financial situation.

Mr. Veeder stated no money is spent for any project without Council approval of the dollars involved; and no money is spent even with the dollars involved in terms of the project being bid until Council has approved the bid; that this is entirely up to Council.

Councilman Smith moved that a preliminary study be made and brought back to Council with the cost estimates. The motion was seconded by Councilman Whittington.

Councilman Tuttle made a substitute motion to adopt the resolution as presented. The motion was seconded by Councilman Short.

Councilman Whittington stated the resolution which was read, in part says what Mr. Smith has indicated; Council cannot act on this in any light until the information is gathered as to cost and engineering studies; that must be the first step in any case. Mr. Veeder replied that is right.

Councilman Short stated the resolution reads "depending on the cost involved".

Councilman Smith stated if you vote for the substitute motion rather than his, he understands they are voting to go ahead with the project.

Councilman Alexander stated the last paragraph of the resolution covers the whole thing being discussed.

Councilman Smith stated the effect of the resolution is this - Council will vote for the resolution today and then it will appear in the budget along with about 500 other items and that will be it; what he was trying to do is to bring it back to Council for approval; and then put it in the budget. If you want to throw it in the budget, then approve the resolution, but this is not the procedure he would like to see.

Mr. Veeder stated without any further action of Council, he is going to make a point to see that cost estimates come to Council the minute they are ready, independent of the budget. Councilman Smith stated this is all he is asking.

The vote was taken on the substitute motion to adopt the resolution, and carried by the following vote:

YEAS: Councilmen Tuttle, Short, Alexander, Jordan, Smith and Stegall, and Whittington
NAYS: ~~Councilman Whittington~~ As corrected in Minutes of Meeting on October 30, 1967 on Page 279.

CITY MANAGER AUTHORIZED TO ATTEND MEETING AT WHARTON SCHOOL AT UNIVERSITY OF PENNSYLVANIA IN NOVEMBER.

The City Manager stated he has been invited to participate as a representative of Charlotte along with representatives of 15 cities to the Wharton School


at the University of Pennsylvania in a project relating to developing a recording and management system making use of systems analysis. This is something that the Department of Industrial Enterprise is using more and more; this invitation in some ways reflects the fact that Charlotte has been moving ahead in the use of computers.

The meeting will be held in November and he thinks it is in the city's interest that he attend the meeting; it will be at no cost to the city.

Councilman Smith moved approval of the City Manager attending the meeting, which was seconded by Councilman Alexander, and carried unanimously.

ADJOURNMENT.

Upon motion of Councilman Stegall, seconded by Councilman Alexander, and unanimously carried, the meeting was adjourned.



Ruth Armstrong, City Clerk