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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, on Wednesday, February 18, 1953, at 4 o'clock p.m., with Mayor Shaw presiding, and Councilman Albea, Baxter, Boyd, Coddington, Dellinger and Van Every present.

INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Baxter, seconded by Councilman Van Every, and unanimously carried, the minutes of the last meeting on February 11th were approved as submitted.

RESOLUTION ENDORSING PROPOSED AMENDMENTS TO THE URBAN REDEVELOPMENT LAW OF NORTH CAROLINA, ADOPTED.

Councilman Baxter introduced the following resolution, and following the reading thereof moved it's adoption, which motion was seconded by Councilman Van Every:

**RESOLUTION ENDORSING PROPOSED AMENDMENTS
 TO THE URBAN REDEVELOPMENT LAW OF NORTH
 CAROLINA.**

BE IT RESOLVED that the City Council of the City of Charlotte is of the opinion that amendments to the Urban Redevelopment Law are necessary and that the amendments suggested by the Redevelopment Commission of the City of Charlotte are to the best interest of the City of Charlotte, and that said suggested amendments are hereby approved in principle.

BE IT FURTHER RESOLVED that the Mecklenburg County delegation to the General Assembly be advised of this resolution and requested to promote and support the suggested amendments, or other amendments which would accomplish substantially the same purpose.

Mr. Robert E. Perry, Attorney stated he represented some of the property owners in the area where the first redevelopment project will be undertaken in case the Legislature adopts the amendments as presented here. That his clients, the Wiggins family who own rental property on South College Street, do not of necessity oppose the amendments but the Council is requested to remember that their recommendation of the amendments to the Legislature is bound to carry weight and is supposed to represent the opinion of the majority of the Council, and that the minority will be deprived of their rights in that their property will be subject to the powers of eminent domain provided two-thirds of an area is classified as blighted, and they will be given no alternative. That it is a question of balancing the public's welfare against the rights of the individual.

Councilman Boyd stated that in his opinion there is virtue in what Mr. Perry says; however, before anything is done by the Redevelopment Commission, there will be two public hearings, one before the Commission and another before the City Council, at which all persons interested may be heard.

Mr. William P. Allen requested that the matter of deciding on which areas are to be redeveloped as blighted areas be taken from the hands of the Redevelopment Commission and put under the Building Inspection Department of the City. He stated that he was formerly employed in the City's Slum Clearance Office and noted a great deal of variance in the figures of the Redevelopment Commission and those of the City. That the report of the Commission shows that 80 to 90% of the dwellings within the areas they term "blighted" are sub-standard, whereas the City's figures show that 75% of the dwellings meet the city's standards.

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Mr. C. A. McKnight, member of the Redevelopment Commission, stated that the Commission uses the standards provided for in the State Enabling Act.

Councilman Van Every stated that the Planning Board will suggest to the Redevelopment Commission the areas to be considered for redevelopment, and the Commission will then bring the matter to the Council for consideration.

The vote was then taken on the motion for the adoption of the resolution, and the resolution was unanimously adopted by the Council.

PLAN FOR DEVELOPMENT OF PROPERTY ON VERNON DRIVE BY M. LEE HEATH APPROVED.

A communication to the Mayor and City Councilman from Mr. John H. Small, Attorney representing property owners in the area of Vernon Drive, was read, in which Mr. Small stated in part that he had reviewed the matter of the request of Mr. Lee Heath for approval of his plan for the development of residential property on Vernon Drive, as presented to the Council on February 11th and deferred until today at request of Mr. Small, and that his conclusion as expressed at that time has been strengthened that there is not now anything before the City Council requiring a decision; that the method and plans for developing Mr. Heath's property can be approached from only two angles, either the issuance of a building permit or consideration on any zoning question involved; that no action which the Council might take now would in any wise affect the rights or property of Mr. Heath or of the adjoining property owners; that a vote by the Council would express no more than the personal opinion of individuals and such a vote would make a plan neither legal nor illegal; that he feels sure that the Council has no desire to prejudge the rights of the adjoining property owners or Mr. Heath, and he requests that no action be taken until the procedures are followed as established by the City Code.

Councilman Boyd stated that based upon what was said at the Council Meeting on February 11th and the plan of the property to be developed as submitted by Mr. Heath which comprises ten 37-foot lots, and assuming that he complies with the Building Code and all other laws of the City, he moved that the Council approve the plan as submitted, being designated as Plan #1, a copy of which has been filed with the City Clerk. The motion was seconded by Councilman Baxter. Councilman Van Every expressed the opinion that he saw no reason for the Plan being presented to the Council until Mr. Heath has taken out a permit for the buildings, then if there are objections to their construction, he could bring the matter to the Council. Councilman Coddington stated that Mr. Heath does not want to begin the initial work on the tract of land until he knows, as a fact, that the Council approves his plan for construction, as even one man on the Council can block the development. The vote was then taken on the motion for approval of the plan, and the motion carried, with the votes cast as follows:

AYE: Councilmen Baxter, Boyd, Coddington and Dellinger.

NAY: None.

Councilmen Albea and Van Every not voting.

Councilman Albea stated he was not voting as he did not know enough about the matter, as he was absent from the meeting on February 11th because of illness and did not hear the detailed explanation of the matter.

SUPPLEMENTAL AGREEMENT TO INSTRUMENT LANDING SYSTEM LEASE WITH CIVIL AERONAUTICS ADMINISTRATION, AUTHORIZED.

Upon motion of Councilman Coddington, seconded by Councilman Dellinger, and unanimously carried, the Mayor and City Clerk were authorized to execute a supplemental agreement to Lease for Instrument Landing System at Douglas Municipal Airport with Civil Aeronautics Administration, covering change in sites of the glide path and localizer element due to change in runway location.

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SETTLEMENT OF CLAIM OF ROBERT C. HOWIE FOR DAMAGES TO CAR.

Councilman Boyd moved that the claim of Mr. Robert C. Howie for damages to his car by a City wrecker in removing it from an excavation made by the Water Department at Selwyn Avenue and Colony Road on November 1, 1952, be settled in the sum of \$168.56, as recommended by the City Attorney. The motion was seconded by Councilman Van Every, and unanimously carried.

TRANSFER OF FUNDS FROM EMERGENCY FUND TO TRAFFIC SIGNAL DIVISION.

Motion was made by Councilman Van Every, seconded by Councilman Dellinger, and unanimously carried, authorizing the transfer from the Emergency Fund (Code 110) of \$1,648.70 to the Traffic Signal Division, Capital Outlay Account (Code 1518) and \$485.00 to Traffic Signal Division, Maintenance Account (Code 518 B-57) for signs and signals for one-way streets.

CONSTRUCTION OF SANITARY SEWER MAIN AND OUTFALL LINE TO SERVE PORTION OF NORTH CHARLOTTE AUTHORIZED.

Councilman Boyd moved that the construction of 143 feet of sanitary sewer main and 7,145 feet of outfall line be authorized to serve a portion of North Charlotte, at an estimated cost of \$124,080.00, to be borne by the City, to replace an old line that is too small to carry the load. The motion was seconded by Councilman Dellinger, and unanimously carried.

CONTRACTS FOR CONSTRUCTION OF WATER MAINS AUTHORIZED.

Upon motion of Councilman Boyd, seconded by Councilman Coddington and unanimously carried, the following contracts were authorized for the construction of water mains:

- (a) Contract with Providence Equipment Company, for the construction of 1,300 ft. of main in Monroe Road and McAlway Road, outside the city limits, at an estimated cost of \$3,700.00, to serve industrial property abutting on Monroe Road. All cost to be borne by the Applicant, who will own mains until territory is taken into the city.
- (b) Contract with N. G. Spier, for the construction of 1,420 ft. of main and one fire hydrant, in Cedar Park Subdivision, inside the city limits, at an estimated cost of \$2,934.00, to serve residential property. All cost to be borne by the City, and Applicant will guarantee a gross annual water revenue equal to 10% of the cost.

CONSTRUCTION OF DRIVEWAY ENTRANCE AT 228 NORTH POPLAR STREET APPROVED.

Councilman Dellinger moved that the construction of a 30-foot driveway entrance at 228 North Poplar Street be approved. The motion was seconded by Councilman Coddington, and unanimously carried.

SPECIAL OFFICER PERMIT RENEWED TO HARRY FOGG ON PREMISES OF CHARLOTTE TANK COMPANY.

Motion was made by Councilman Boyd, seconded by Councilman Coddington, and unanimously carried, authorizing the renewal of the Special Officer Permit held by Mr. Harry Fogg for use on the premises of Charlotte Tank Company.

LEASE OF AIRPORT PROPERTY RENEWED TO CAROLINA METAL PRODUCTS, INC.

The City Manager reported that the Lease of Airport Building No. 49 had been renewed to Carolina Metal Products, Inc., for a period of one year from March 1, 1953, at a monthly rental of \$25.80.

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TRANSFER OF CEMETERY LOTS.

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

- (a) Deed with Mrs. Myrtle H. Sullivan, for south half of Lot 91, in Section 2, Evergreen Cemetery, at \$52.00.
- (b) Deed with Mrs. Lula M. Sullivan, for north half of Lot 91, in Section 2, Evergreen Cemetery, at \$52.00.

RESIGNATION OF FRANK E. HARLAN FROM ZONING BOARD OF ADJUSTMENT ACCEPTED WITH REGRET.

Mayor Shaw presented a communication from Mr. Frank E. Harlan stating that because of the weight of too many responsibilities he was submitting his resignation from the Zoning Board of Adjustment. Upon motion of Councilman Albea, seconded by Councilman Van Every, and unanimously carried, the resignation was accepted with regret.

APPOINTMENT OF THOS. C. RUFF TO ZONING BOARD OF ADJUSTMENT.

Councilman Van Every moved the appointment of Mr. Thomas C. Ruff to the Zoning Board of Adjustment for the unexpired term of Mr. Frank E. Harlan ending on January 28, 1956. The motion was seconded by Councilman Coddington, and unanimously carried.

REQUEST FOR INSTALLATION OF TRAFFIC SIGNAL AT WENDOVER AND PROVIDENCE ROADS.

Councilman Baxter recommended that the Council request the City Manager to investigate the advisability of installing a traffic signal at Wendover and Providence Road. The Council concurred in the recommendation.

RESOLUTION AUTHORIZING PERMANENT IMPROVEMENTS ON EAST BOULEVARD.

A resolution entitled, "Resolution Authorizing Permanent Improvements on East Boulevard", was introduced and read, and upon motion of Councilman Albea, seconded by Councilman Baxter, unanimously passed on its first reading. The resolution is recorded in full in Resolutions Book 2, at Page 59.

RESOLUTION AUTHORIZING THE ADVERTISEMENT OF NOTICE OF RESOLUTION AUTHORIZING PERMANENT IMPROVEMENTS ON EAST BOULEVARD.

A resolution entitled, "Resolution Authorizing the Advertisement of Notice of Resolution Authorizing Permanent Improvements on East Boulevard", was introduced and read. Councilman Albea moved the adoption of the resolution, which was seconded by Councilman Baxter, and unanimously carried. The resolution is recorded in full in Resolutions Book 2, at Page 60.

PURCHASE OF RIGHTS-OF-WAY FOR OPENING OF WEST FIFTH STREET AUTHORIZED.

Upon motion of Councilman Dellinger, seconded by Councilman Coddington, and unanimously carried, the City Manager was authorized to purchase the following property for rights-of-way for the opening of West Fifth Street from street bond funds now on hand:

Lee Kinney & Loraine Kinney	300-02 Frazier Ave.	\$5,250.00
Mrs. Julia S. Arey	304-06 Frazier Ave.	\$3,250.00
Guy M. Beaty	1724-26 and 1728-30 West Trade Street	\$3,000.00

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BOARD OF TRUSTEES OF FIREMEN'S RETIREMENT SYSTEM REQUESTED BY COUNCIL TO CALL UPON MEMBERS OF MECKLENBURG COUNTY DELEGATION TO N.C. LEGISLATURE TO PASS LEGISLATION TO MAKE FIREMEN'S RETIREMENT SYSTEM SOLVENT, ET CETERA.

Councilman Boyd stated that it appears to him that something should be done immediately to dispose of the matter of the Firemen's Retirement System. That he had today read the Legislative Act setting up the Fund, together with the amendments. That as he views it, the question is a matter for the Board of Trustees administering the Act, and for the State Legislature setting up the Act. That in the Act and amendments neither the City of Charlotte nor City Council is mentioned, except where directed to pay certain money into the Fund. That the Council had nothing to do with the System. The Legislature set it up and the Act itself, which is Chapter 926 of the 1947 Legislature, designated who the Trustees shall be and provides that the Chairman of the Board of Trustees shall be appointed by the Judge of Superior Court. That the Council does not even have the authority to name the Trustees, and the Trustees are charged with the sole duty and responsibility of administering the provisions of the Act, and the City Council has no authority to change the Act in any manner. He read the Act of 1947 creating the System.

He stated further, that the Board of Trustees questioned the soundness of the System and being advised by the City Attorney that they had the authority to have an actuarial investigation made of the System, employed a firm of Actuaries, who rendered a report stating that the System was unsound. That the Board should now take the report to the State Legislature. Further, that the City Manager made the following report to the Council, in accordance with a resolution adopted by the Council in November 1952:

"January 26, 1953

To The Mayor and Members of the City Council
City of Charlotte, North Carolina

Gentlemen:

An informal meeting of the City Council was held in the Mayor's Office at 7:00 p.m. on November 25, 1952, for the purpose of discussing the report submitted by the Chairman and Board of Trustees of The Charlotte Firemen's Retirement System, with the Trustees and members of a Committee from the Fire Department.

Exhibit "A" of this report, consisting of a report of Bowles, Andrews and Towne, Actuaries, indicated that the Retirement System was actuarially unsound, and the discussions of the meeting centered mainly upon this allegation.

There was a wide divergence of opinion expressed during the meeting and near the conclusion, it was suggested that the City Manager confer with the interested employees in the hope of effecting some compromise between the extreme opinions expressed with the view of strengthening the financial position of the system.

Spokesmen for the Firemen expressed their satisfaction of such a procedure, together with the opinion that it would produce mutually satisfactory results.

At the regular meeting of the Council on the next day, Wednesday, November 26, the following motion was passed:

"Councilman Baxter moved that the report of the Council Committee appointed to make a study of the Firemen's Retirement System be accepted as information and that the City Manager be requested to confer with representatives of the Fire, Police and General City Employees relative to ways and means by which the retirement system of the Fire Department may be strengthened. The motion was seconded by Councilman Boyd and unanimously carried."

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Pursuant to this resolution, the following named City employees were instructed to confer with the Manager upon this subject:

Representing the General Government:

Mr. L. L. Ledbetter, City Treasurer
 Mr. Tom Bivens, Senior Sanitary Engineer,
 Health Department.
 Mr. Joe Greenlee, Asst. Supt., Water Dept.
 Mr. Ernest G. Davis, Asst. Engr., Engineering Dept.

Representing the Fire Department:

Mr. J. D. Green, Capt., Fire Department
 Mr. B. C. Gibson, Capt., Fire Department
 Mr. G. H. Beckham, Capt., Fire Department
 Mr. H. E. Blackman, Fireman, Fire Dept.

Representing the Police Department:

Mr. John S. Hord, Asst. Chief, Police Dept.
 Mr. William A. McCall, Lieutenant Detectives,
 Police Dept.
 Mr. Charles E. Adams, Sgt., Police Dept.
 Mr. H. M. Thompson, Officer, Police Dept.

This Committee conferred at considerable length on Tuesday, January 13, and again on Monday, January 19.

The following facts seemed to be agreed upon by a majority of the Committee:

- A. The present system is actuarially unsound.
- B. If present experience and operation is continued, benefit payments will exceed income within approximately seven years.
- C. There appears to be little, if any, possibility that the system can or will be placed on an actuarially sound basis at this time, since there are no available funds and authority is lacking.
- D. Amendment to the existing law by the North Carolina Legislature is essential before any action can be taken by the City leading to a change in the system.

Based upon these facts and in accordance with the resolution of the City Council, the following specific recommendations for strengthening the system are submitted:

1. Change present retirement age from 25 years of service only to Retirement at age 55 and 25 years of service, or retirement after 30 years of service.
2. a. Increase the City's contribution to the fund by 5.21% as of July 1, 1953, making a total of 10.21% (this being the highest amount now being contributed to Police Officers who are in the North Carolina Governmental Employees Retirement System).
- b. Provide that the additional sum contributed by the City be set aside and earmarked for the Unfunded Accrued Liability of members already retired as of that date.
3. Such additional measures for strengthening the system as the Council may deem to be appropriate.

Respectfully submitted,

(signed) H. A. Yancey
 City Manager"

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The City Attorney, Mr. John D. Shaw, stated that everything that Councilman Boyd has said is true, but there is in existence an audit made by the Actuaries that says taxpayers money is being poured down a rat-hole, and the Council being the guardian of that money cannot ignore the situation. Further, that the Council has the responsibility of three retirement systems, the Fire System, Police and Local Governmental Employees System; that, in his opinion, the Council should consider the report of the Employees Committee appointed to study the matter. Councilman Boyd stated he desires to do whatever is incumbent upon him to do under the Act. The City Attorney then suggested that the matter be taken to the Legislature, tell them the Council does not know where they are headed, that we have a plan and would like to have a law passed that would put the Firemen under the Local Governmental Employees System and their present system liquidated. Also, request the Legislature to set it up in order to protect the City with respect to its employees and so that the Firemen can pay it up.

Councilman Coddington suggested that the Council officially ask the Board of Trustees to request the Legislature to do something about the matter since under the provisions of the Act it is out of the hands of the Council; that if the Legislature sees fit to discard the system, or ask for an increase in contributions, or whatever they ask, it is up to them to decide.

Councilman Boyd then stated that in view of the fact that the Board of Trustees of the Firemen's Retirement System of the City of Charlotte, which Board of Trustees was set up by the North Carolina Legislature of 1947, has employed an Actuary to evaluate the soundness of this system, and in view of the fact that the Actuary's report indicates that the system is unsound and the matter has been brought to the attention of the City Council by the Board of Trustees of the Firemen's Retirement System, and in view of the fact that the City Council is directed to appropriate certain funds to this system as authorized under this Act, he moved that the City Council call upon the Board of Trustees of the Firemen's Retirement System to call upon the Mecklenburg County representatives to the North Carolina Legislature to pass the necessary legislation to make this Fund solvent and keep it in line with the contributions made by the City of Charlotte to the Police Department employees and General City Employees and to furnish the Mecklenburg delegation to the Legislature with a copy of the Actuary's report. That a copy of this motion be sent to the Chairman and each member of the Board of Trustees of the Firemen's Retirement System and of the Mecklenburg County delegation to the Legislature. He further stated that this motion is made because of the fact that the Act of the Legislature setting up the Charlotte Firemen's Retirement System, gives the City Council no discretion in the matter whatsoever. The motion was seconded by Councilman Baxter, and unanimously carried.

ADJOURNMENT.

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


City Clerk