

A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, on Monday, April 5, 1965, at 3 o'clock p.m., with Mayor Brookshire presiding, and Councilmen Albea, Dellinger, Jordan, Smith, Thrower and Whittington present.

ABSENT: Councilman Bryant.

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INVOCATION.

The invocation was given by the Reverend A. Corbin Kiser, Pastor of First Advent Christian Church.

MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Whittington, and unanimously carried, the Minutes of the last meeting on March 29, 1965, were approved as submitted.

RESOLUTION AUTHORIZING THE CLOSING OF THAT PORTION OF CRISMAN STREET EXTENDING FROM FREEDOM DRIVE TO PACIFIC STREET, AND THAT PORTION OF PACIFIC STREET, EXTENDING FROM CRISMAN STREET SOUTHWESTERLY TO THE PROPERTY OF THE ALEXANDER ESTATE, ADOPTED.

The public hearing was held on the petition of Coca Cola Bottling Company and Freedom Drive Investment Company to close that portion of Crisman Street extending from Freedom Drive to Pacific Street, and that portion of Pacific Street extending from Crisman Street southwesterly to the property of the Alexander Estate.

Mr. Ray Bradley, Attorney for the petitioners, advised he will be glad to answer any questions the Council has; that he has discussed with the Engineering Department the matter of the sewer lines involved, and the petitioners are prepared to meet any requirements the City has in regard to the sewer lines. Mr. Veeder, City Manager, advised he discussed the matter with Mr. Bradley briefly this morning and he suggested at that time that Council action be deferred today; but now based on Mr. Bradley's statement that the City's requirements with regard to the sewer lines will be worked out to the satisfaction of the City, he is sure that it can be worked out.

Councilman Albea stated in that case, he moved the adoption of the Resolution Authorizing the closing of the portions of Crisman Street and Pacific Street petitioned to be closed. The motion was seconded by Councilman Jordan, and unanimously carried.

The resolution is recorded in full in Resolutions Book 5, beginning at Page 17.

ROLAND SMITH MAKES SUGGESTIONS FOR REVITALIZING DOWNTOWN CHARLOTTE AND PREDICTS THE OUTCOME OF THE MUNICIPAL ELECTION.

Mr. Roland Smith stated that he is an announced candidate for the City Council, and he is interested in the revitalization of Downtown Charlotte.

That women do 80% of all retail buying; therefore it is well to compare a trip of a housewife to the downtown area with such trip elsewhere. Going downtown she will dress better, dress the children better, which is an inconvenience to her, she must drive a longer distance through heavy traffic, this too is an inconvenience to her, she must search for a parking place and then pay for it, another inconvenience. In short, it is inconvenient for her to go downtown, therefore she must be given something to offset it.

What has been done to attract her? The neon signs were taken down in the name of beauty, and he does not say that was wrong, but if it is right, then New York, Miami, and Myrtle Beach and many other cities are wrong, and they are not complaining about the lack of business in their downtown area. The off-street parking fines for extremely short periods and on downtown meters may serve some kind of purpose yet testimonials are to the contrary. Goodwill created among our citizens and visitors is as rare as three dollar bills; our ordinances and codes are in direct contrast to what should be done to revitalize downtown Charlotte. To bring customers into the downtown area will require many things, yet the simple solution is to create a population adjacent to the downtown area so that it will be more convenient for them to shop downtown than elsewhere. To do this, high-rise apartments motor inns, motels and multi-level parking areas are musts. This will take money and business men with money will arise to the occasion if you make it possible for them to do so. That it was pointed out recently in The Charlotte News that a man with five million dollars to invest could not do in Charlotte what could be done in Washington. He stated large sums of money are being spent in hopes of finding an easy solution. That a good start could be made by updating the code and ordinances with no cost to the taxpayer.

Mr. Smith stated that within the last few months he has talked with many people and heard the Council members referred to as the "do nothing Council", and "all talk and no action Council", "foot-draggers" and even "government on-the-job trainees", just how true these are, the Council members can search their own minds. That a very important thing is about to take place in the progress of Charlotte, the people are angry and when the votes are cast on election day, the Council members and the Mayor will know that the honeymoon is over and men with imagination, who will act instead of delay, and have the fortitude to stand up under pressure will fill those eight chairs.

Mayor Brookshire told Mr. Smith they appreciate his concern for Charlotte, but he would suggest that Mr. Smith's suggestions might more appropriately be made to A. G. Odell and Associates, who are conducting a downtown study.

CHARLES W. SMITH SUPPORTS BAKER CAB COMPANY'S APPLICATION PERMIT TO OPERATE TEN ADDITIONAL TAXICABS, AND SUGGESTS CAUSES OF CITY COUNCIL PROBLEMS.

Mr. Charles W. Smith stated at the Council Meeting on last Monday, he was concerned when he heard the Council deny Mr. Baker his application for ten taxicab permits. The statement was made that 144 out of 178 permits available were used at this time, leaving 34 permits that could be issued. Your decision was to put off for a week something before you for eleven months. The same thing again. Mr. Baker now holds 9 permits, and it seems a shame to deny the people of Charlotte the additional service, especially when there was no one to object to this petition and no statement was made relative to Mr. Baker being undesirable. He stated he does not know Mr. Baker, and saw him for the first time in this room last week. That there is a need for more taxicabs, people in the restaurant business know this from experience, customers waiting and waiting for cabs. He asked the Council members if they can in good conscience continue to deny Mr. Baker this privilege? He asked if Council thinks Mr. Baker is a poor business man - do they think

him undesirable - do they want the people of Charlotte to wait in cold and inclement weather for a cab? He asked, why not grant his petition for the ten permits, why not be fair to the City of Charlotte?

He stated many people have asked him why the Council can never make up their minds? He remarked that he would like to list some of the things he thinks has caused the Council problems: Lack of a sustained will; Lack of managerial experience to provide a competent action on important problems; Poor planning making decision in haste, with no forethought for the results; Lack of feeling responsible to the whole community; Failure to attend Council Meetings; Unwillingness to make a definite commitment; Refusing to pay the price of total involvement - that is learn to work together to help your associates; and Not asking yourself before filing for election if you had the knowledge and competence and the willingness to serve and the wisdom to be of service to all of Charlotte; and to be honest with yourselves.

Mr. Smith stated in the last election he voted for the present Councilmen and now he would like to ask any of them who are not candidates for re-election to support his candidacy for election to the City Council.

Mayor Brookshire commented to Mr. Smith that he confuses him a little, and he is not sure whether his presence here is in the interest of Baker Cab Company or making a political speech.

MRS CLARE H. WHITAKER FILES COMPLAINT AGAINST POLICE SERGEANT JORDAN.

Mrs Clare H. Whitaker, 1421 East 7th Street, stated she and her husband, Charles H. Whitaker entered the Police Department to ask that a warrant be issued for assault on Mr. Whitaker, according to the advice of the City Manager's office. They approached the Desk, which was occupied by Sergeant Jordan who said, "What you want, state your case". Mr. Whitaker said, "under the circumstances and according to your attitude I guess I had better state nothing", and the Sergeant said, "what you want", and Mr. Whitaker said "I want a warrant against Captain William Swyera", for assault against my person. The Sergeant said, "G-d - you'll get no warrant from me, you are a trouble maker and people like you should be run out of town, always making trouble for others", and Mr. Whitaker said, "Well if I do not get a warrant issued, someone else may get into trouble", and the Sergeant said "you'll get me into trouble". I told him that I talked with SBI Chief Anderson for five minutes last night on the phone and I told him I was going before the City Council and request the warrant, and the Sergeant shouted "G-d- you and the City Council and the SBI Chief Anderson. I would not issue a warrant for you for anything, get out of here". So they left without the warrant, which is her legal right as a citizen and a taxpayer. That she and her husband insist that such an officer is incompetent and unfit to serve the public and is a menace to the peace and order of our city.

Mayor Brookshire commented that if Mrs Whitaker thinks her legal rights have been denied her or violated, he would suggest that she employ an Attorney to protect her rights. Mrs Whitaker replied that she has an Attorney.

EDWARD STOKES FILES APPEAL FOR WRECKER ZONE.

Mr. Edward Stokes who owns and operates S & R Auto and Truck Service, 1529 Cliffwood Place, stated for the last several years he has been requesting a city Wrecker Zone, for some reason he is being denied this privilege by the Police Department, they not only do not give him any encouragement but will not even discuss it. He stated in 1958-59 there were five or six Wrecker

Zones in the city, with a population of some 150,000, in 1960 the city limits were extended, and today there are some 230,000 people in Charlotte, and it is only natural that the three or four wrecker companies cannot handle this population. That after the annexation Woodland Wrecker Service was granted a zone, altho he had his application in long before theirs, and they went broke but still he was not granted a zone. Mr. Stokes stated he would venture to say that his Shop covers a larger area of service than any other one. That he will have to close his shop, where he employes ten men, unless he can be granted a Wrecker Zone and participate in that business.

Mr. Stokes stated the present Wrecker Zones are too large and should be revised and he should be given one. He advised that he has been begging for this since he was 19 years old and he is now 24. That it is a must for them to operate a 24-hour service and his customers demand it, and if he had a wrecker zone he could afford to do so.

The City Manager advised he has talked with Mr. Stokes and advised him on last Friday to file a new application for the service with the Police Department, and he told the Police Department to review the application and make their recommendations to him for Council action.

Mayor Brookshire told Mr Stokes Council would consider the matter as soon as the recommendations are made to them.

ORDINANCE NO. 330-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING ZONING OF LOT AT 119 BRANDYWINE AVENUE, ADOPTED.

Petition No. 65-13 by R. H. Moeller for change in zoning from R-6 to O-6 of a lot at 119 Brandywine Avenue was considered, a protest petition having been filed which was sufficient to invoke the rule requiring a 3/4 majority vote of the Council to approve the change.

The Clerk presented a letter from Mr. Kenneth a Griffin, Attorney for the opposition, in which he advised that the Group protesting the change in zoning wished to withdraw their protest and place the matter for vote of a simple majority.

Councilman Smith moved approval of the petition and the adoption of Ordinance No. 330-Z Amending Chapter 23, Section 23-8 of the City Code changing the zoning from R-6 to O-6. The motion was seconded by Councilman Thrower, and unanimously carried. The ordinance is recorded in full in Ordinance Book 14, at Page 154.

RESOLUTION FIXING DATE OF HEARING ON MAY 3, 1965 ON REQUEST OF CHARLOTTE HOUSING AUTHORITY FOR CLOSING OF NORLINA STREET, SIXTH STREET COURT (SUMMERVILLE ROW) AND PORTION OF ALEXANDER STREET, BETWEEN EAST SIXTH AND EAST SEVENTH STREETS, ADOPTED.

Upon motion of Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, a resolution entitled: Resolution Fixing Date of Hearing on May 3, 1965 on Request of Charlotte Housing Authority for Closing of Norlina Street, Sixth Street Court (Summerville Row) and Portion of Alexander Street, between East Sixth and East Seventh Streets, was unanimously adopted.

The resolution is recorded in full in Resolutions Book 5, at Page 19.

CONTRACT AUTHORIZED WITH DR. JULIAN S. ALBERGOTTI, JR. FOR INSTALLATION OF WATER MAINS IN LIVINGSTON DRIVE.

Councilman Albea moved approval of a contract with Dr. Julian S. Albergotti, Jr., for the installation of 550 feet of water mains in Livingston Drive, inside the city limits, at an estimated cost of \$880.00. The City to finance all costs and the Applicant to guarantee an annual gross water revenue equal to 10% of the total construction cost. The motion was seconded by Councilman Whittington, and unanimously carried.

CONTRACTS AUTHORIZED FOR APPRAISAL OF PROPERTY FOR RIGHT OF WAY FOR NORTHWEST EXPRESSWAY.

Upon motion of Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, the following contracts were authorized for the appraisal of property for right of way for the Northwest Expressway:

- (a) Contract with Stuart Elliott for the appraisal of one parcel of land at 512-14 North Stevens Street and 1000-02 East 9th Street.
- (b) Contract with L. D. Bass for the appraisal of one parcel of land at 421-25 North Long Street.
- (c) Contract with C. W. Todd for the appraisal of one parcel of land at 9th Street and McDowell Street, and one parcel of land at 906-08 North Pine Street.

CONSTRUCTION OF SANITARY SEWER MAINS AUTHORIZED.

Motion was made by Councilman Thrower, seconded by Councilman Albea, and unanimously carried, authorizing the construction of sanitary sewer mains, as follows:

- (a) Construction of 712-ft of sewer trunk from Derita Branch Trunk to Amble Drive, and 2,965 ft. of sewer main in Amble Drive and North Graham Street, inside the city limits, at the request of Ford Motor Company, at an estimated cost of \$16,880.00. All costs to be borne by the Applicant, whose deposit of the full amount of the cost will be refunded as per terms of the contract.
- (b) Construction of 1,135 ft. of sewer main in Kentwood II-C, inside the city limits, at the request of Nance-Trotter Builders, at an estimated cost of \$4,145.00. All costs to be borne by the Applicant, whose deposit of the full amount of the cost will be refunded as per terms of the contract.
- (c) Construction of 580-ft. of sewer main in Oak Forest Drive, inside the city limits, at the request of Nance-Trotter Builders, at an estimated cost of \$2,290.00. All costs to be borne by the Applicant, whose deposit of the full amount of the cost will be refunded as per terms of the contract.
- (d) Construction of 320-ft. of sewer trunk and 510-ft. of sewer main in Oak Forest Drive, inside the city limits, at the request of Nance-Trotter Builders, at an estimated cost of \$3,790.00. All costs to be borne by the Applicant, whose deposit of the full amount of the cost will be refunded as per terms of the contract.

SPECIAL OFFICER PERMIT AUTHORIZED ISSUED TO E. W. ANDERSON.

Councilman Whittington moved approval of the issuance of a Special Officer Permit to Edward W. Anderson, 110 Elm Street, Gastonia, for use on the premises of the Y.W.C.A. The motion was seconded by Councilman Jordan, and unanimously carried.

RESOLUTION GRANTING BAKER CAB COMPANY 10 CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY FOR OPERATION OF TEN ADDITIONAL TAXICABS.

The application of Baker Cab Company for Ten Certificates of Public Convenience and Necessity for the operation of ten additional taxicabs in Charlotte, was considered, and Councilman Smith stated at the Conference Session today the City Manager recommended two courses of action; (1) defer action and have a hearing at which all Cab Companies in the City would be heard with regard to the 32 certificates that are inactive and see what action could be taken on them, and at the same time give consideration to Baker Cab Company's request. (2) Grant the ten certificates to Baker Cab Company and then possibly have the hearing with regard to the inactive certificates.

Councilman Smith stated further that some of the Council thought Baker Cab Company has presented a strong case for the ten certificates, and where they came from was another question. There was no opposition at the Hearing at the last meeting; some other cab companies have indicated they will protest Baker receiving the ten additional certificates. Informally in the Conference Session, a vote was taken and some Council members voted in favor of granting the certificates; one member saying he thought it would open the flood-gates and we should move very cautiously. That it is true we have not issued any new certificates since the 1940s and Charlotte has almost doubled its population since that time. That he holds no brief for any of the Cab Companies and he is trying to look at it objectively, but the fact that Mr. Baker needs ten more cabs in order to make a financially adequate business out of what he has makes sense to him and he does not believe that Mr. Baker can do so with the number of cabs he now has. That he thinks the question boils down to where we are going to get the ten certificates if we agree that Baker needs ten more cabs; are we going to pick them up from the present Cab Companies inactive certificates or issue ten new ones.

Councilman Thrower commented that he thinks these are two separate issues, and we cannot deal with the overall cab situation in Charlotte; but we should deal with each individual company. The hearing last week was on the petition of Baker Cab Company for ten certificates and not on the overall question. If Council wants to have a hearing on the inactive certificates, that is something else, but the question now is Baker Cab Company and we should confine ourselves to that. Therefore, he moved that we grant Baker Cab Company ten additional certificates of public convenience and necessity. The motion was seconded by Councilman Smith.

Councilman Jordan stated he is not against Baker Cab Company receiving the ten additional certificates to stay in business. That he believes the City Attorney has made a good recommendation, which he will read, so the audience will know what Baker Cab Company is asking for:

"At the hearing it was brought out that of the 178 certificates outstanding only 144 were active. (Attached is a listing of all active and inactive certificates to date showing 146 active certificates, 2 having been activated since the hearing.) It appears then that Council in effect is being requested to issue new certificates while 32 existing certificates remain inactive.

With this in mind, Council may wish to inquire into the reasons why these inactive certificates should not be revoked. This could be done by scheduling a hearing in accordance with the procedure set forth in Section 19-21 of the code, and the hearing called for could be scheduled as early as Monday, April 12."

Councilman Jordan commented further that he does not know but maybe there are some of these certificates that are not needed, or maybe the companies would be willing to give some of them up. That he feels since we have gone this far and one of the Smith Brothers remarked that this has been down here under fire for 11 months, however, if it has he cannot recall it having been before the Council at any other time, therefore, he offered a substitute motion that a Hearing be held on April 12th with regard to the inactive certificates, and then Council will know whether they are willing to give them up, or want to use them; then we can take action either way, and can take action on Mr. Baker's request. The motion was seconded by Councilman Dellinger.

Councilman Whittington asked the City Attorney if, based on the recommendation the City Manager has made, Council after a hearing decided to revoke the inactive certificates, which were obviously paid for, could they be taken away from the companies without reimbursing them? Mr. Morrissey replied that Council could according to the Taxicab Ordinance. Councilman Whittington asked then if the Cab Companies do not put the certificates into operation within 30 days after issuance, Council has the right to revoke them without reimbursing them? Mr. Morrissey stated that is correct, the reimbursement is not part of the Ordinance, that is simply a result of something of value being created by the issuance of the franchise.

The vote was taken on the substitute motion and lost by the following recorded vote:

YEAS: Councilmen Dellinger and Jordan.
NAYS: Councilmen Albea, Smith, Thrower and Whittington.

The vote was then taken on the main motion to adopt a Resolution granting the certificates of public convenience and necessity for operation of 10 additional taxicabs, and carried unanimously.

The resolution is recorded in full in Resolutions Book 5, beginning at Page 19.

CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY GRANTED BAKER CAB COMPANY FOR THE ADDITIONAL TAXICAES AUTHORIZED ISSUED AS CABS PUT IN SERVICE WITH A LIMITATION OF SIX MONTHS FROM TODAY.

The City Attorney stated as he understands it, Council is authorizing the issuance of ten additional certificates to be issued as the vehicles are put on the lot, rather than just giving any applicant ten certificates. Councilman Smith stated this is his understanding; that he would not want to give a few more just to be inactive. Councilman Albea stated as Mr. Baker is ready to put a cab on the line he will be given one certificate. Councilman Smith remarked there should be a limitation in the time that they authorize it, and that he thinks a six months limitation would be right so that Council would not be committed indefinitely. Councilman Thrower stated he would go along with 12 months, for the reason, they have an investment of approximately \$5,000 per unit. Councilman Smith commented that Mr. Baker can come back; that he said he needed them today and this is the basis on which he was voting. That he thinks it should be six months

and then let him come back if he hasn't got them and tell why. Councilman Albea remarked that Mr. Baker stated last week he was ready to put them on now if he could get the certificates, but he is willing to vote for six months but not twelve.

Councilman Smith moved that the ten certificates be issued Baker Cab Company as the cabs are put in service, and a limitation of this authorization be six months from this date. The motion was seconded by Councilman Thrower, and carried by the following recorded vote:

YEAS: Councilmen Albea, Jordan, Smith, Thrower and Whittington.
NAYS: Councilman Dellinger.

ACQUISITION OF PROPERTY FOR THE NORTHWEST EXPRESSWAY RIGHT OF WAY.

Upon motion of Councilman Jordan, seconded by Councilman Albea, and un-animously carried, acquisition of the following properties was authorized for the Northwest Expressway right of way:

- (a) 5,348 sq. ft. of property at 1005 Elizabeth Avenue, from Robert J. Covington and wife, Aldonia, at a purchase price of \$13,350.00.
- (b) 3,628 sq. ft. of property at 300 North Long Street, from John H. and Mildred Tate and John H. Tate, Administrator for Amanda Biggers, at a purchase price of \$5,300.00.
- (c) 7,100 sq. ft. of property at 425 Seigle Avenue, from Southern Appliance Inc., at a purchase price of \$6,750.00.
- (d) 7,500 sq. ft. of property at corner of Independence Boulevard and Beaumont Avenue, from Industrial and Commercial Inc., at a purchase price of \$13,500.00.
- (e) 2,800 sq. ft. of property at 613-17 Central Avenue, from Maurice Wayne Hooks and wife Sue, at a purchase price of \$17,400.00.
- (f) 2,736 sq. ft. of property at 811 North Graham Street, from Lee and Lorraine Kinney, at a purchase price of \$7,500.00.
- (g) 3,623 sq. ft. of property at West 11th Street, from Harts Cleaners, Inc., at a purchase price of \$4,300.00.
- (h) 4,125 sq. ft. of property at 831 Caton Street, from John Brown, Jr., and wife, Eunice, at a purchase price of \$3,725.00.

ADJOURNMENT.

Upon motion of Councilman Thrower, seconded by Councilman Albea, and un-animously carried, the meeting was adjourned.

Lillian R. Hoffman
Lillian R. Hoffman, City Clerk

- (a) 7,100 sq. ft. of property at 425 Seigle Avenue, from Southern Appliance Inc., at a purchase price of \$6,750.00.
- (b) 7,500 sq. ft. of property at corner of Independence Boulevard and Beaumont Avenue, from Industrial and Commercial Inc., at a purchase price of \$13,500.00.
- (c) 2,800 sq. ft. of property at 613-17 Central Avenue, from Maurice Wayne Hooks and wife Sue, at a purchase price of \$17,400.00.
- (d) 2,736 sq. ft. of property at 811 North Graham Street, from Lee and Lorraine Kinney, at a purchase price of \$7,500.00.
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