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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber in the City Hall, on Monday, December 11, 1961 at 3 o'clock p.m., with Mayor Brookshire presiding, and Councilmen Albea, Bryant, Dellinger, Jordan, Smith, Thrower and Whittington present.

ABSENT: None.

Charlotte-Mecklenburg Planning Board members, Mr. Sibley, Chairman, Mr. Delaney, Mr. Ervin, Mr. Hanks, Mr. Jones and Mr. Toy were present during the hearing on the petition for a change in zoning.

ABSENT: Mr. Craig, Mr. Lakey, Mr. Turner and Mr. Ward.

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#### INVOCATION.

The invocation was given by Councilman Don G. Bryant.

#### MINUTES APPROVED WITH CORRECTION.

Upon motion of Councilman Albea, seconded by Councilman Thrower, and un-animously carried, the Minutes of the last meeting on December 4th were approved with a correction on Page 185, relative to the purchase of a Helicopter for Charlotte, by changing the last phrase in the paragraph to read "and he would like Mr. Veeder to investigate it thinking towards the next budget".

#### FORMER MAYOR JAMES S. SMITH PRESENT FOR THE HANGING OF HIS PICTURE IN THE COUNCIL CHAMBER.

Mayor Brookshire welcomed former Mayor James Saxon Smith back to the Council Chamber and to Charlotte for the hanging of his picture in the Council Chamber. He stated that first he wanted to present him an official key to the City of Charlotte which unlocks everything it fits. He told Mr. Smith he thinks the Council should enact an ordinance prohibiting former Mayors from moving out of town and hoped he and Mrs Smith were enjoying living in Gastonia. Mayor Brookshire gave Mr. Smith the opportunity to hang his own picture, and Mr. Smith remarked he expected this was the first time a Mayor hung himself, and referring to his picture, which is in color, he remarked that integration has now been completed in Charlotte and this is the first time we have had a colored Mayor.

Mr. Smith stated further it was his pleasure to serve Charlotte for eight years at City Hall, and if he contributed anything at all to the progress and good will of the City, it was small payment for the pleasure he received. That after living in Charlotte for half a century the least he could do was try to repay the City for some of the things that were done for his family and all the wonderful things that have come to them over the years. That he feels he owes Charlotte a great deal more than he ever contributed. He congratulated the Mayor and Council on the good job they are doing. Mayor Brookshire invited him to come back to see us often.

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LONGEVITY CHECK PRESENTED MISS ALICE GRIER, PUBLIC HEALTH NURSE, WHO WAS UNABLE TO ATTEND THE EMPLOYEE RECOGNITION PROGRAM ON DECEMBER 6, 1961.

Mayor Brookshire introduced Miss Alice Grier, Public Health Nurse, and congratulated and commended her on her forty-one years service as public health nurse for the City of Charlotte and stated she has set a wonderful example of loyal devoted service to our city and presented her with her longevity check. Miss Grier stated she has in fact served forty-two years and has enjoyed public health work with the city very, very much.

ORDINANCE NO. 56-Z AMENDING CHAPTER 23, ARTICLE I, SECTION 23-8 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF CHARLOTTE CHANGING ZONING FROM B-1 TO B-2 ON PROPERTY AT THE NORTHWEST CORNER OF EAST MOREHEAD STREET AND SOUTH BOULEVARD, ON PETITION OF B. S. R. CORPORATION, ADOPTED.

The public hearing was held on Ordinance No. 56-Z Amending Chapter 23, Article I, Section 23-8 of the City Code to change the zoning from B-1 to B-2 on property at the northwest corner of East Morehead Street and South Boulevard on petition of B. S. R. Corporation.

Mr. McIntyre, Planning Director, stated the property fronts 102 feet on Morehead Street and 161 feet on South Boulevard. That an office building is in the process of being constructed on the property. That the YMCA is across South Boulevard from the property in question. That the development of East Morehead Street here is generally commercial and some industrial. That the present zoning of the property is B-1 and it is surrounded by B-1 zoning, with both Industrial and Business-2 zoning in near proximity of the property.

Mr. Robert Perry, Attorney for the petitioner, stated they are much concerned with the urgency of the matter. That his client tried to anticipate the new zoning ordinance and went ahead and secured a building permit to build a 3-story building and they have gotten so far along they are now at the place where they want to add the fourth story, which was their original intent. They had figured with the 3-story building permit by the time they reached the place for adding the fourth story the new zoning ordinance would be in effect, which proposed to zone this particular piece of property Industrial-2, which has no restriction as to height. That it was an error in judgment on their part but an honest one, and they have done nothing in violation of the law. They are now at the place in the construction of the building they can go no further without adding the fourth story, and unless their petition is approved, it will cost the workmen on the job, depending on who bears the brunt of this financial lost, about \$1,500.00 a week to wait until the new ordinance is adopted. Therefore, under their petition they are asking for a minimum classification and not Industrial; that they will comply in all respect with the present zoning ordinance; that it is the hardship angle he is here to present, for if the workmen are laid off at this point they will suffer a hardship. Mr. Perry asked if it is not too much of a variance from the usual manner of handling zoning cases, they will appreciate a decision by Council today.

Mayor Brookshire advised Mr. Perry that the Chairman of the Planning Board has confirmed that the petitioner's request is compatible with the recommendation of the zoning of the property in the new ordinance. He asked the City Attorney if the Council may make an exception in the routine handling and pass the petition today, should the Council see fit to do so? Mr. Morrissey, City Attorney, advised that he finds nothing in the zoning ordinance which would prohibit the Council from modifying its usual procedure.

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Mayor Brookshire asked if the Planning Board members would retire, as this is the only request for a change in zoning, and if Mr. Sibley, Chairman, would bring back their report and recommendation today.

Later in the meeting Mr. Sibley returned to the Council Chamber and advised that the Planning Board unanimously agreed to change the zoning from B-1 to B-2 as requested.

Councilman Bryant moved the adoption of Ordinance No. 56-Z changing the zoning of the property from B-1 to B-2, as recommended by the Planning Board, which was seconded by Councilman Jordan, and unanimously carried. The ordinance is recorded in full in Ordinance Book 13, at Page 126.

CHARLOTTE BOARD OF REALTORS SUBMITS RECOMMENDATIONS FOR PROVIDING ADEQUATE, STANDARD HOUSING FOR THE CITIZENS OF CHARLOTTE.

Mr. Harry G. Brown, President of Charlotte Board of Realtors, appeared before Council and stated the Board of Realtors, along with the Council, and other interested citizens, has for sometime been deeply concerned with the problem of providing adequate standard housing in Charlotte. That after much consideration their Board has come up with recommendations which they wish to present.

"The Charlotte Board of Realtors, with the cooperation of the Charlotte Property Management Association, propose to take the initiative in coordinating a positive approach to the problem of adequate, standard housing for the citizens of Charlotte, to the end that there will be a diminishing evidence of blighted areas.

We fully realize that this effort is a complicated one and will require the support of our organizations, of this City Council, and all other local governmental and business agencies concerned with housing and its occupants. We also feel any successful rehabilitation program is dependent upon the full support of local press, radio and television media. The support and participation of all local civic groups is vital.

We therefore respectfully propose the following recommendations to this City Council for their endorsement:

1. We recommend that a General Planning Committee be organized and composed of a sub-committee on Rehabilitation from an enlarged Citizens Committee for Urban Renewal:

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|---|-------------------------------------|
| Association of Civic Clubs                | Fire Department                     |
| Chamber of Commerce                       | Health Department                   |
| Charlotte Board of Realtors               | Inspection Department               |
| Charlotte Central Labor Union             | League of Women Voters              |
| Charlotte Council of Architects           | Mecklenburg Bar Association         |
| Charlotte News                            | N.A.A.C.P.                          |
| Charlotte Observer                        | Planning Commission                 |
| Charlotte Property Management Association | Redevelopment Commission            |
| City Attorney                             | Savings & Loan and Mortgage Bankers |
| City Council                              | Welfare Department                  |
| Downtown Charlotte Association            | Zoning Commission                   |

The above committee would consider the issues in connection with a rehabilitation program and endeavor to secure an executive director such as the Urban Redevelopment Director. It is the intent of the Charlotte Board of Realtors to offer the many and varied services of the Board and its members in this collective endeavor, and we further pledge our active participation in the activities of this committee and its program.

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2. We also recommend the enactment of a new Existing Housing Code, which we realize is now being prepared. This code must be enforceable, workable and at the same time reasonable. We are of the opinion that the prime prerequisite for bringing all housing in Charlotte up to a desirable standard and maintaining this standard, is the enactment of the new Existing Housing Code. We further recommend that the new code be applied on a city wide basis rather than a spot check or area basis.
3. To efficiently enforce the new Housing Code, we further recommend an increase of Inspectors in the City Inspection Department, to the end that the very best results might be obtained.
4. We recommend the continued activity of Mayor Brookshire's committee on 'Operation Uplift' as it is vital for a successful upgrading of housing and its occupants. We are of the opinion that rehabilitation involves more than standard housing and that it requires the education and cooperation of the occupants.
5. We further recommend that the City Council appoint a committee composed of the City Manager, the Chief Housing Inspector, and a representative from other governmental and business agencies concerned with housing codes. This committee would review annually, the codes applying to existing housing, and would make recommendations to the City Council of any changes that seem advisable. In this way, the code could be made to keep pace with the changing social and economic factors in our City, thus preventing existing housing laws from becoming outmoded as they are at the present time.

We realize these recommendations do not provide a complete solution to the vast problem of adequate housing in Charlotte, nor do they contain all that is necessary to accomplish this goal. We are confident that Charlotte can provide adequate, privately owned standard housing for its citizens and that the recommendations outlined above are a progressive step in this direction.

The Charlotte Board of Realtors pledge their support to this program of revitalizing the existing housing in Charlotte, and we offer our specialized professional services to this end."

Mayor Brookshire thanked Mr. Brown for presenting the recommendations, and stated the Council will take these matters under consideration and discuss them, and will, no doubt, advise Mr. Brown of any actions which Council finds that it can take to support the Board in the matter.

#### CITY ATTORNEY REPORTS ON STATUS OF NEW HOUSING CODE.

Mr. John Morrissey, City Attorney, reported on the status of the present draft of the proposed Housing Code. He advised the proposed draft was last week reviewed at several administrative meetings, resulting in agreement and it now awaits only the task of rewriting or drafting it in accordance with those meetings, so that he can guarantee that it will be ready for the Council next week.

#### AGREEMENT AUTHORIZED WITH J.N. PEASE & COMPANY FOR SERVICES AS CONSULTING ENGINEERS FOR IMPROVEMENTS AND ADDITIONS TO AIRPORT FACILITIES.

Councilman Jordan moved approval of an agreement with J. N. Pease & Company for services as Consulting Engineers in connection with the improvements and additions to Douglas Municipal Airport Facilities with regards to the aprons and taxiways. The motion was seconded by Councilman Bryant, and unanimously carried.

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Recorders Courts be received for study by the Council, and that the Committee be thanked for the work they have done in connection with the report, and a copy of the report be filed with the Minutes of this meeting. The motion was seconded by Councilman Whittington, and unanimously carried.

APPOINTMENT OF CITY SOLICITOR TO BE INCLUDED IN CONFERENCE AGENDA FOR NEXT WEEK'S MEETING.

The appointment of a Solicitor was discussed, with several Council members stating they had nominees in mind but wished to contact them before placing their names in nomination. Following the discussion, Mayor Brookshire stated that without objection the matter will be held over and placed on the Conference Agenda for next week for discussion prior to the formal Council Meeting. Councilman Whittington suggested if the matter is to be deferred until next week, the appointment should certainly be made at the next meeting as the present Solicitor has resigned effective December 31st.

COUNCIL MEETINGS TO BE TAPE RECORDED AND PERMANENTLY FILED IN OFFICE OF CITY CLERK.

The City Manager advised that in line with the interest expressed by Council in tape recording Council Meetings, today's meeting is being recorded on two different devices to assist in selecting the one best suited to our need. So from now on, Council Meetings will be recorded and permanently filed in the office of the City Clerk.

REPORT ON CHANGES IN SOME ASPECTS OF PURCHASES OR CONTRACTS TO BE MADE BY CITY MANAGER AT NEXT WEEK'S MEETING.

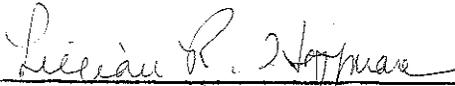
The City Manager advised that he is working on the request of Council for recommendations as to the need for increasing the staff in the Purchasing Department and changing some of the aspects of certain purchases or contracts, and he will have a report at next week's meeting.

CONFERENCE RELATIVE TO PETITIONS FOR CHANGES IN THE PROPOSED NEW ZONING MAPS AND ORDINANCE TO BE REVIEWED AND RECORDED ON TUESDAY, DECEMBER 12TH.

Mayor Brookshire advised that Council would meet tomorrow morning to review the petitions for changes in zoning from those proposed by the Planning Board; that if the Council agrees on part or all of the petitions, the Planning Board staff will be asked to proceed with drawing new maps, revising the proposed ordinance if necessary, for adoption by the Council. He asked the City Attorney if the meeting should be recorded? Mr. Morrisey advised that some record should be made so that the Planning Staff will have a record of the Council's decisions. The City Clerk stated she would be glad to record the proceedings. Mayor Brookshire advised the Council that the meeting will also be tape recorded.

ADJOURNMENT.

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

  
Lillian R. Hoffman, City Clerk

REPORT OF SPECIAL COMMITTEE OF THE DISTRICT  
BAR OF THE 26TH JUDICIAL DISTRICT ON  
CONSOLIDATION OF THE CITY AND COUNTY RECORDERS  
COURTS

TO THE MAYOR AND THE CITY COUNCIL OF CHARLOTTE:

In accordance with a written request dated October 19, 1961, from Fred H. Hasty, President of the District Bar of the 26th Judicial District for the State of North Carolina, the undersigned Committee held several meetings to consider the question whether in its opinion one countwide Recorders Court to try misdemeanors other than traffic violations and one such court to try traffic violations only are ample to meet the inferior court needs for the City and County. Because the City Council has manifested an interest in a Traffic Court some of its members wonder if we really need to maintain two other courts to try cases other than traffic. Perhaps also there exists a feeling that some measure of cooperation between the two present courts would be a step in the direction of consolidating other functions of the City and County government.

To effectuate what is referred to as "consolidation", one court would take over the work of the other and the other one would simply cease to function. There is some doubt whether either of the courts can be discontinued during the present terms of the Judges and Solicitors unless some provision is made for their compensation. However, we here confine ourselves to the activities of the courts rather than the legal processes of accomplishing the desired arrangement. We feel confident that proper legal procedure can be provided to permit the end we might choose to seek.

The Committee is extremely grateful for the appearances before and the thoughts given to this Committee by Judge Winfred R. Ervin of the Mecklenburg County Recorders Court and Judge P. B. Beachum of the City Recorders Court.

In his eulogy of Justice Joseph Storey, Daniel Webster said: "Justice is the great interest of man on earth." That great ideal as expressed by Mr. Webster still holds true today. We on the Committee are gratified and pleased that the governing body of Charlotte is expressing an intense zeal in considering this objective.

It has often been rightfully said by many distinguished lawyers, judges and educators that the most important courts in our judicial system are the courts of small causes. Here are the places where in great numbers the rank and file of our people get their only impression of what the administration of justice consists. While most of the cases heard in these courts are not of great consequence and to some extent trivial, they loom large in the experience of those involved. More people, as defendants and otherwise, by far attend these court sessions than any other. Consequently, in these courts a splendid opportunity is provided to create a respect for law and order. Does it not follow, therefore, that we should endeavor to staff these courts with the best judges and solicitors obtainable.

The Mecklenburg County Recorders Court was established by Chapter VII of the General Statutes of North Carolina. Either the State of North Carolina or the defendant in that Court is permitted to request a jury trial which operates to transfer the cases automatically to the Superior Court without the necessity of a hearing being conducted in the

lower court. The present County Court has county-wide jurisdiction. We have been advised that approximately eighty per cent of the cases handled by that court involve some element of a traffic situation. The basic court costs charged in that court is lower than the court costs in the City Recorders Court. We have been advised that the average session of the County Recorders Court is completed at least by noon each weekday, with no court being held on Saturday.

Heretofore, the City Recorders Court had jurisdiction only within the City of Charlotte. In 1961 by an Act of the Legislature, an attempt has now been made to extend the jurisdiction of the City Recorders Court to the entire county with the interesting provision that the judge or judges provided shall be electors of the City of Charlotte. We are advised that the usual court session extends on many days to late in the afternoon. The City Recorders Court does not operate on Saturday, so that each Monday there is an accumulation of cases from Friday morning through Sunday evening. Approximately thirty per cent of the cases heard in that court involve traffic, whereas the remaining seventy per cent involve general misdemeanors, probably cause hearings and other related matters. The present structure of the City Recorders Court does not permit the request for a jury trial now in existence in the Mecklenburg County Recorders Court.

From the City Recorders Court records during the month of July, 1961, there were bond forfeitures in 1901 cases and in August, 1961, there were 1872 such cases. There is some strong indication that a portion of the bond forfeitures cases involve varying degrees and types of traffic violations. We have been unable to obtain an estimate as

to the number of bond forfeitures cases which result in situations where defendants actually should be brought into court. Some say only those involving parking violations, improper tags and the non-moving violations should be permitted to forfeit bonds. Others say that unless some damage to property or person results from the violation or the act endangered life or property forfeitures should be permitted. We rather think this is a matter for the solicitor to decide - he is the moving party in forfeitures.

Because about eighty per cent of the County Recorder's Court cases involve traffic violations and about thirty per cent of the City, it is obvious that the traffic court, when and if established, could very well be busier or more time-consuming than either or perhaps both of the other two courts. Trying defendants charged with driving under the influence of some intoxicant and reckless driving cases are usually time consuming, more than the general run of other cases. Moreover, if we are to resort to the so-called educational lecture system, etc., there is no way of fairly estimating the time it would take to dispatch the business of the court. Aside from these activities, you must consider the possibility of adding a substantial number of the heretofore traffic bond forfeiture cases.

The traffic experts suggest that the defendants should be lectured and imply, in addition thereto, that the judge should make many grave pronouncements from the bench, then to all of that is added many types of wrist-slapping techniques, including compulsory attendance at schools and the viewing of driver education films. Thus, agree the traffic experts, shall the driving public be alerted to the dangers of committing moving traffic violations. It is the

duty of the solicitor to prosecute the case and it is the duty of the judge to determine the facts and to render his judgment. With the existence of the point system now in effect in North Carolina, many of the moving traffic violations presently contained among the bond forfeiture cases will result in the assessment of points and the appropriate notification from Raleigh. The education of the driving public and the seriousness of traffic violations should rest primarily in the lap of the appropriate administrative agency for the State of North Carolina.

The Mecklenburg County Recorders Court has its own staff of personnel and maintains its own records. At the same time, we find the City Recorders Court operating for long hours with many types of checks and balances in operation in order to accurately report the court procedures. If all the traffic cases were removed from the City Court, it would in effect divide the work between this Court and the Traffic Court. From the time angle, the Traffic Court, in our opinion, will consume more time than the regular court. In fact, the regular court should take no more time than is presently being consumed by the County Court. If you take the cases involving traffic situations from the County Court, there would be very little business left. The ideal situation would be to equalize the case load between the two existing courts so that the maximum efficiency could be obtained with no additional costs to the taxpayer of the city and county. And we feel this can be done. Consequently, it is our opinion that our present courts are ample to meet our present inferior court needs, but we do need to equalize the work between them. Should the Council feel we should have a court to try traffic cases only, one of the present

courts could simply be designated as a traffic court and the other could be designated to try all other cases.

In view of the probability that within the next two years our two recorders courts will be superseded by courts under the proposed statewide Uniform Court System, we particularly think it unwise to set up additional courts at this time.

It is our further opinion that the prior criminal records of defendants now being held by each of the two inferior courts should be combined; that court costs should be adjusted on an equal basis.

The Committee feels that the two present courts working closely together and carrying an equal case load wherever feasible can accomplish the desired results.

Respectfully submitted this the 11th day of December, 1961.

Warren C. Stack, Chairman

Charles W. Bundy

James E. Walker

W. H. Scarborough

William H. Bobbitt, Jr.