

A regular meeting of the City Council of the City of Charlotte, North Carolina was held in the Council Chamber, City Hall, on Monday, February 7, 1966, at 3 o'clock p.m., with Mayor Pro tempore James B. Whittington presiding, and Councilmen Claude L. Albea, Fred D. Alexander, Sandy R. Jordan, Milton Short, John H. Thrower and Jerry Tuttle present.

ABSENT: Mayor Stan R. Brookshire.

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#### INVOCATION.

The invocation was given by the Reverend Lester L. Dattler, Pastor of Glenwood A. R. P. Church.

#### MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Short and unanimously carried, the Minutes of the last meeting on January 31st were approved as submitted.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA, APPROVING THE REDEVELOPMENT PLAN AND THE FEASIBILITY OF RELOCATION FOR PROJECT NO. N. C. R-43, ADOPTED.

The public hearing was held on The Redevelopment Plan for Redevelopment Section No. 4, Brooklyn Urban Renewal Area, Project No. N. C. R-43.

Mr. Sawyer, Director of the Redevelopment Commission, stated they have prepared the Redevelopment Plan for this project in accordance with the North Carolina Redevelopment law, and, also, to meet the requirements of the Federal law to qualify for federal aid. The Plan has been on display in the office of the City Clerk, as well as in the office of the Redevelopment Commission, for the required period of fifteen days, and this is the same Plan with the exception of a few of the minor changes in the cost figures that have developed over the last few weeks. With that exception, they would recommend approval of this Plan. He stated that he is here to answer any questions and to go into any further explanation of the Plan itself, and of the Agreement which provides for the City's one-third net project cost, and of the Memorandum of Understanding, which has no cost figure included in it, it merely sets forth the method by which they would turn over to the City the right of way they acquire that later will be used as right of way that receives federal assistance.

Mayor pro tem Whittington asked if Mr. Sawyer is referring to the Northwest Expressway, and Mr. Sawyer replied that he is; that a portion of this Expressway falls within the boundary of this property, and even though it is a minor portion, they still have to have the Memorandum of Understanding to meet the Federal Urban Renewal Administration's requirements.

No objections were expressed to the Plan.

Councilman Thrower moved the adoption of a resolution entitled: Resolution Approving the Redevelopment Plan and the Feasibility of Relocation for Project No. N. C. R-43. The motion was seconded by Councilman Albea.

Councilman Jordan asked if the cost sharing figures listed for McDowell Street are in keeping with similar cost sharing on other streets in the redevelopment area, and the City Manager advised that they are.

Mr. Sawyer, referring to the Map, stated that we had the same situation between Projects No. 1 and No. 2 where the boundary is down a street - Alexander Street and Second Street. They had planned the improvement of these streets to be done within the cost structure of Project No. 1; however, some of it was not picked up until they got into Project No. 2. That McDowell Street is the boundary street between Project No. 4 and No. 5, and it is anticipated that the improvement will be made on McDowell Street at one time, not half on this Project and the other half on Project No. 5, and they will be picked up later when they get into Project No. 5.

At the request of Councilman Tuttle, Mr. Sawyer pointed out on the map the portion that will be required for the Expressway. Councilman Tuttle then asked if this will change the shape of the project area, and Mr. Sawyer replied that it will not, and he remarked that there is a Study being made that may alter it - but they are merely taking care of the situation as it exists up to this point.

The City Manager advised that he thinks the Study that Mr. Sawyer is referring to is the planning contract that we have with Wilbur Smith & Associates towards the end of locating alternate routes for the Expressway through this area. As these planning studies are completed and a single route is approved, this can have a marked effect on where some of these facilities will be in here, but we are proceeding on the basis of what we know at this time.

Councilman Short asked if it is correct to say that a vote for Mr. Thrower's motion would obligate the City to the expenditure of \$900,000.00 which is budgeted? The City Manager replied that is correct, this is called for in our Capital Improvement Program.

The vote was taken on the motion and carried unanimously.

The resolution is recorded in full in Resolutions Book 5, at Page 204.

AGREEMENT BETWEEN THE CITY OF CHARLOTTE, NORTH CAROLINA AND REDEVELOPMENT COMMISSION OF THE CITY OF CHARLOTTE, NORTH CAROLINA RELATIVE TO REDEVELOPMENT OF SECTION NO. 4, BROOKLYN URBAN RENEWAL AREA, PROJECT NO. N. C. B-43.

The subject Agreement was presented for consideration, Mr. Sawyer, Director of the Redevelopment Commission having explained its provisions in his discussion of the preceding item, Redevelopment Plan of the Project.

No objections were expressed to the Agreement.

Councilman Jordan moved approval of the Agreement which was seconded by Councilman Alexander and unanimously carried.

MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF CHARLOTTE, NORTH CAROLINA AND REDEVELOPMENT COMMISSION OF THE CITY OF CHARLOTTE FOR THE ACQUISITION OF FEDERALLY-AIDED HIGHWAY RIGHTS-OF-WAY IN AN URBAN RENEWAL AREA.

The subject Memorandum of Understanding was presented for consideration, Mr. Sawyer, Director of the Redevelopment Commission having explained its provisions in his discussion of the preceding item, Redevelopment Plan of the Project.

No objections were expressed to the Memorandum of Understanding between the City and the Commission.

Upon motion of Councilman Alexander, seconded by Councilman Tuttle and unanimously carried, the Memorandum of Understanding was approved.

APPRECIATION EXPRESSED TO MILTON P. SEMER, FORMER DEPUTY ADMINISTRATOR AND GENERAL COUNSEL OF THE HOUSING & HOME FINANCE AGENCY, NOW A PART OF THE DEPARTMENT OF HOUSING & URBAN DEVELOPMENT, FOR HIS ASSISTANCE TO THE CITY AND ITS AGENCIES IN VARIOUS GOVERNMENTAL PROJECTS.

Mayor pro tem Whittington recognized Mr. Milton P. Semer in the audience, whom he advised until recently was the Deputy Administrator and General Counsel of the Housing and Home Finance Agency, which now is a part of the Department of Housing and Urban Development. He stated that he wants the City Council and audience to know that Mr. Semer has been very helpful to the City and to the various Agencies of the City Government, as well as to our County Government, in programs that we have initiated locally, some now in the planning stage and some further along than that, and we have a long way to go and Mr. Semer has been very helpful. That it was his good fortune, along with Councilman Short and the Members of the Task Force, to meet Mr. Semer at lunch today.

He expressed his pleasure at having him in Charlotte and here with us. He presented him a Key to the City of Charlotte, introduced him to all of the members of the Council, and invited him to speak.

Mr. Semer remarked that it is reassuring to know, after having worked for many, many years on legislation, the basis for some of the actions the City Council has just taken actions on the local level. It is easy as a Federal bureaucrat to be working with billions and billions of dollars; but he does know, and this is the humbling thought that he has tried to keep with him over the years, that for every billion dollars that the Federal Government appropriates, there are literally hundreds of City Councils - and he believes in just the urban renewal area which now has some 800 cities going through such deliberations as this thinking it through. And he hopes the day will never come when the center of gravity moves away from City Hall and the City Council - because it is the secret to this program, which was conceived in 1949, and they try to keep it in mind every time they amend it, and it certainly has been amended quite often, as your City Attorneys and Redevelopment people well know - and they try to remind themselves that the power of decision and the locality of the decision has got to be among the locally elected people, and he hopes it will always be that way.

COMPLAINT BY JIM MCDUFFIE RELATIVE TO STATE HIGHWAY DEPARTMENT NOT PROVIDING MEDIAN STRIP AND TURN LANES IN THE EASTWAY DRIVE WIDENING PROJECT.

Mr. Jim McDuffie, resident of Eastway Drive, stated he was in City Hall checking on the plans for sidewalks on Eastway Drive in the widening project, which they are much lacking in, and he found they are going to give him two feet more front yard which means they are going to narrow the road where he lives instead of widening it, putting in a sidewalk and adding two feet to his yard. He stated the reason he has not checked into this before was that he was under the impression that the plans called for a median strip with turn lanes, especially where the road is already wide enough, but now it is going to be 52 feet where the road is already 40 feet; they are going to widen 26 feet the other way. That the State Highway Department was supposed to let bids this week, and Mr. Broadrick tells him that was done last Friday.

Mr. McDuffie stated further that according to the Plans in the Engineering Department, Garinger High School does not have a turn lane into its parking lot off Eastway Drive. That they are going to start tapering out at Highway Place and Purser Drive, but they do not start soon enough for a turn lane into the School parking lot. That turning onto Highway Place, there will be a turn lane, but that is the parking lot only for the Gym and not the main School parking lot.

He stated he thinks there should also be a turn lane at Hillard Drive which is right at the Park, but there is going to be a culvert and the road 52 feet with no lane at Hillard, which means it is going to be just a four lane road with no turns and a Park on the other side. Where the road is already wide, they are going to dig it up and move it out into the street, no turn lanes at all along where the road is already wide. He stated he cannot see why they are not giving them a center strip, landscaping, a few street lights - that where the Church is there should be a turn lane - that what they are going to have is a Park Road narrow kind of street like it is in front of Catholic High School, when they should be getting plenty of road and plenty of right-of-way.

The City Manager advised that of course the City's Traffic Engineer has been planning this along with the State Highway Department Engineers, and it has been reviewed every step of the way. That to comment on the specific points that Mr. McDuffie brings up, he would want to talk to some of our people first.

Mayor pro tem Whittington remarked that he believes Mr. McDuffie knows the history of this road as well as anyone in this room, as he was in on all of the sessions and hearings with regard to it. And at that time, we were told very specifically that it would be a four-lane road, without dividers, and there are some turn lanes in parts of it - he knows at Eastway and Woodland there is one. That we told the people at all the hearings that this would be a four-lane road, without median but with sidewalks, and would be used for automobiles only and that is the reason for it, he thinks. Mr. McDuffie stated he understood that would be the case where the right-of-way had to be acquired, but where there was already plenty of right-of-way and a wide street, he cannot imagine narrowing it down. That Wilkinson Boulevard and Providence Road are wonderful streets, because they have turn lanes. The Mayor pro tem commented that this was done in this particular instance by the developer.

CLAIM SUBMITTED BY MRS. WILLIAM T. CASTON FOR PERSONAL INJURIES DENIED.

Upon motion of Councilman Short, seconded by Councilman Thrower and unanimously carried, the claim submitted by Mrs. William T. Caston in the amount of \$566.71 for personal injuries she sustained from falling over an alleged opened water meter box, was denied as recommended by the City Attorney, who advised there is no evidence that the City committed a breach of duty to the claimant, and the City is, therefore, not liable.

CLAIM SUBMITTED BY MRS. KLARA DURHAM FOR PROPERTY DAMAGES DENIED.

Councilman Albea moved that the claim submitted by Mrs. Klara Durham in the amount of \$34.63 for damages to her car by striking a broken drain pipe while driving through a detour area of Sharon Road be denied as recommended by the City Attorney, who advises that the City exercised reasonable and ordinary care in maintaining the detour area, and the City has not committed a breach of its duty to the claimant and is, therefore, not liable. The motion was seconded by Councilman Tuttle and unanimously carried.

## JULIAN PRICE PLACE TAKEN OVER FOR CITY MAINTENANCE.

Councilman Tuttle moved that Julian Price Place be taken over for continuous maintenance which was seconded by Councilman Jordan and unanimously carried.

## RELOCATION OF SANITARY SEWER TRUNK AND OUTFALL ALONG A BRANCH AND BRIAR CREEK AUTHORIZED.

Upon motion of Councilman Jordan, seconded by Councilman Thrower and unanimously carried, the request of Duke Power Company was approved to relocate 29 feet of 24-inch and 308 feet of 10-inch sanitary sewer trunk and an Outfall along a Branch and Briar Creek, inside the city limits, at an estimated cost of \$3,275.00. All Cost to be borne by the Applicant, whose deposit in the amount of \$3,275.00 has been received and is not refundable.

## CONTRACTS AUTHORIZED FOR APPRAISAL OF RIGHTS-OF-WAY.

Motion was made by Councilman Short, seconded by Councilman Albea, and unanimously carried, authorizing contracts for the appraisal of rights-of-way as follows:

- (a) Contract with L. D. Bass for the appraisal of two parcels of land on Eastway Drive, in connection with the Eastway Drive Widening Project.
- (b) Contract with B. Brevard Brookshire for the appraisal of eight parcels of land on Eastway Drive, in connection with the Eastway Drive Widening Project, two parcels of land on The Plaza, in connection with The Plaza Road Widening Project.
- (c) Contract with D. A. Stout for the appraisal of four parcels of land on Eastway Drive, in connection with the Eastway Drive Widening Project.
- (d) Contract with Leo H. Phelen, Jr., for the appraisal of one parcel of land on East 10th Street, in connection with the Northwest Expressway.
- (e) Contract with L. H. Griffith, for the appraisal of four parcels of land on Eastway Drive, in connection with the Eastway Drive Widening Project.

## CONTRACT AWARDED BLYTHE BROS. COMPANY FOR PLANT MIX ASPHALT.

Upon motion of Councilman Jordan, seconded by Councilman Short and unanimously carried, contract was awarded Blythe Bros. Company for 3,000 tons of Plant Mix Asphalt, as specified, in the amount of \$20,085.00, on a unit price basis.

The following bids were received:

Blythe Bros. Company	\$20,085.00
Asphalt Div. Rea Construction Co.	20,085.00

## CONTRACT AWARDED ASPHALT DIVISION OF REA CONSTRUCTION COMPANY FOR PLANT MIX ASPHALT.

Councilman Jordan moved the award of contract to Asphalt Division, Rea Construction Company, for 1,600 tons of Plant Mix Asphalt, as specified,

in the amount of \$10,712.00, on a unit price basis. The motion was seconded by Councilman Short and unanimously carried.

The following bids were received:

Asphalt Div. Rea Construction Co.	\$10,712.00
Blythe Bros. Company	10,712.00

CONTRACT AWARDED ASPHALTE DIVISION OF REA CONSTRUCTION COMPANY FOR PLANT MIX ASPHALT.

Upon motion of Councilman Jordan, seconded by Councilman Short and unanimously carried, contract was awarded Asphalt Division, Rea Construction Company, for 3,000 tons of Plant Mix Asphalt, as specified, in the amount of \$20,085.00, on a unit price basis.

The following bids were received:

Asphalt Div. Rea Construction Co.	\$20,085.00
Blythe Bros. Company	20,085.00

REAPPOINTMENT OF JOHN S. SPURRIER TO ZONING BOARD OF ADJUSTMENT.

Councilman Ablea moved the appointment of Mr. John S. Spurrier to succeed himself on the Zoning Board Adjustment for a three year term. The motion was seconded by Councilman Thrower and unanimously carried.

TRANSFER OF CEMETERY LOTS.

Upon motion of Councilman Tuttle, seconded by Councilman Jordan 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. Mildren Blackwell, for Grave No. 3, Lot 158, Section 2, Evergreen Cemetery, at \$60.00.
- (b) Deed with Mrs. Carlyn Alger Smith for Lot 376, Section 6, Evergreen Cemetery, at \$240.00.

CONTRACT AWARDED ST. REGIS ENVELOPE DIVISION FOR WATER BILL ENVELOPES.

Councilman Albea moved the award of contract to the low bidder, St. Regis Envelope Division for 1,143,000 Water Bill Envelopes, as specified, in the amount of \$3,362.32, on a unit price basis. The motion was seconded by Councilman Alexander and unanimously carried.

The following bids were received:

St. Regis Envelope Division	\$3,362.32
Dillard Paper Company	3,857.06
Atlantic Envelope Company	3,986.56
Double Envelope Corp.	4,015.31
Jordan Business Forms Co., Inc.	5,172.10

CONTRACT AWARDED FISCHER & PORTER COMPANY FOR ONE RESIDUAL ANALYZER-RECORDER WITH SAMPLE PUMP.

Upon motion of Councilman Thrower, seconded by Councilman Albea and unanimously carried, contract was awarded the low bidder, Fischer & Porter Company, for One Residual Analyzer-Recorder with Sample Pump, as specified in the amount of \$2,190.81.

The following bids were received:

Fischer & Porter Company	\$2,190.81
Wallace & Tiernan, Inc.	2,801.60

Bid received not meeting specifications:

Beckman Instruments, Inc.	\$6,119.23
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SUGGESTION MADE THAT EDITORIAL OVER WBT AND WBTW, RELATIVE TO CITY'S REQUESTS FOR FEDERAL AID, BE ANSWERED.

Councilman Short stated he thinks the Mayor pro tem would be in order to designate someone on the City Council to answer the Editorial with regard to Federal Aid that was given over WBT and WBTW, February 1st, with a comment that was somewhat critical, perhaps, of the Council. He assured the Council that he is not seeking this duty at all, but he thinks it would be in order for this to be answered.

Councilman Jordan remarked that he would suggest that you leave it alone.

ENGINEERING AND AIRPORT DEPARTMENTS THANKED FOR SERVICES RENDERED DURING RECENT SNOW AND SLEET.

Councilman Jordan expressed his personal appreciation and commendation to the Engineering Department for the splendid job they did on our streets during the recent snow and sleet, and to Mr. Raffety for keeping the planes moving at the Airport. He stated he has heard a number of complimentary remarks by people who use our planes and who use air mail a great deal. He suggested that the Council give a vote of thanks to these departments. Councilman Tuttle stated he heartily endorses Mr. Jordan's remarks and moved that the Minutes show that the Council appreciates this fine service to the public. The motion was seconded by Councilman Albea and unanimously carried.

REPORT ON CONFERENCE OF TASK FORCE WITH OFFICIALS OF HOUSING URBAN DEVELOPMENT REGIONAL OFFICE IN ATLANTA RELATIVE TO CHARLOTTE'S APPLICATIONS FOR FEDERAL FUNDS.

Mayor pro tem Whittington stated as the liaison man between the City Council and Task Force that he would like to report to Council briefly on the trip the Task Force made to Atlanta last Wednesday. That he thinks Council would be interested to know that all of the Chairman of the five Subcommittees made the trip, which indicates the interest that these men have in the assignment given to them by the Mayor and Council. That they went to Atlanta and there were chartered limousines reserved for them at the Airport, and they went straight to the Housing Urban Development Regional office and met with Mr. Baxter, the Regional Administrator of HUD. All of that morning was spent with him and all of his staff he could get into the conference room; these people represented urban renewal, housing, open land, water and sewer and about anything else the Task Force wanted to talk about.

The morning was spent going over what Charlotte is trying to do with our Task Force and on programs that are available; after lunch the members of the Task Force met again in the same room and had further discussions and then broke up into individual groups. He stated that he thinks he can report to Council that this meeting was successful in three or four areas; No. 1, they created good relations with the HUD personnel and that was one of the purposes for their going to Atlanta, No. 2, the Task Force attorney, Mr. Sydnor Thompson and Mr. Joe Grier, had a very informative and very helpful meeting with the attorneys representing HUD in Atlanta, and No. 3, our application for water and sewer that we have talked about was made, and he will ask Mr. Short, who is on the Water and Sewer Committee, to comment on his conference with the HUD people and what was accomplished, and then we will hear comments by Mr. Veeder on the three applications that were made.

Councilman Short advised that the HUD officials screened the Task Force on the Water and Sewer Application with reference to a number of matters which have stymied some other municipalities that are seeking this aid under the HHFA Act, and he thinks it is correct to say that on all of the matters about which they were screened, it was possible for Charlotte to give them the right answers. They wanted to know whether we had the money, and we did; they wanted to know whether we had done the engineering, and we had done this and we showed them; they wanted to know that this was a metropolitan effort with an area-wide approach, rather than just an attitude of our own little city limits, and the approach was completely that way and he is sure they were satisfied on that matter. That the Chairman of the County Commissioners was with them to back up that situation; they wanted to know whether or not we had a workable program and a plan for all aspects of community development with which the government should be concerned, rather than merely trying to treat this one need without parallel planning as needed, and he is sure we showed them that long ago this sort of a program was adopted and implemented in Charlotte, and they wanted to know whether we were covered by any of the other Federal Acts; there are about four others, and it turned out that we are not covered by any of the others so they advised us. Councilman Short stated that only a few cities have apparently been able to answer "Yes" to these various points about which they screened us, and so even though there is \$100,000,000 funded for this particular program for the fifty states - which, as Mr. Milton Semer has said, is just a drop in the bucket - he is still optimistic about Charlotte's chances for getting some portion of the amount we have applied for, and he thinks the others are optimistic also.

Mr. Veeder stated that we have made no application, as the application forms are not available yet, but we have completed some preliminary inquiry forms. We hope the application forms will be available from Washington soon.

Mayor pro tem Whittington advised that in the area of Federal Housing, as Council knows, Miss Barrett has made a survey in Charlotte for the last several months, and in talking with her and the people in that Department in Atlanta, he thinks that additional federal housing will be available for Charlotte when her report is completed and sent back to us and Council has an opportunity to request additional housing. That he thinks he can say that if we wanted, for example, 2,000 units right now, they would not give them to us, but if we requested, for example, 600 units when we receive the report, they would be made available and additional housing would be available as the need arose here in the particular area of housing. He asked the City Manager if he would not say this is correct, and Mr. Veeder concurred in the statement. The Mayor pro tem pointed out that it would take two to three years from the date that the Atlanta office received the application for additional housing before the first family could move in, and this is something that Council will want to think about in the future. That all and all in those five areas he thinks the meeting was very fruitful and very helpful to all of them there, and he thinks that Mr. Milton Semer's visit here today will also prove very beneficial.

COMPLAINT OF RESIDENT OF 2900 BLOCK OF SPRING VALLEY ROAD RELATIVE TO GARBAGE COLLECTION.

Mayor pro tem Whittington advised the City Manager that he had a letter this week, which he will give him, from the 2900 block of Spring Valley Road, in the area we have just annexed, complaining about garbage collection, and this particular person is very unhappy about the situation. He stated he has had many complaints from, not only this annexed area, but other areas of town; and, in some way, we are going to have to do a better job.

The City Manager stated that during the period of the storm for several days we did not move the trucks, and he hopes that people will bear with us on this point. That certainly he wants to check into this and see if we cannot satisfy everybody who is entitled to this service. If we cannot, we will have to do the necessary to make it possible to do so.

CITY MANAGER REQUESTED TO HAVE TRAFFIC REGULATION SIGNS SO ERECTED THAT THEY CAN BE EASILY SEEN AND THAT NEWSPAPER PUBLICITY BE GIVEN TO SUCH SIGNS PRIOR TO ERECTION.

The Mayor pro tem advised that the older members in service on the City Council will recall that we had a lively discussion last year with the people in the 400 block of Seigle Avenue and the Traffic Engineering Department regarding parking; the Traffic Engineering Department took the Signs down and allowed no parking, and the Council told them to put them back up, and now they have taken them down again. He advised that he has a Traffic Citation that he does not think the person should pay. That another area is at the corner of South Boulevard and Scaleybark and Free-land, where the No Left Turn Sign is hanging up so high that you cannot see it, and they had eight or ten cars lined up there giving them all citations for making an improper turn. And the same situation exists at five points at Rozzells Ferry Road and West Trade Street, and at Beatties Ford Road and West Fifth Street. He stated he thinks we create very bad public relations when we put in these restrictions and do not give the public an opportunity to know they are there and give fifteen or twenty people citations - we not only make them mad, but he does not think we are playing fair with them. If the sign is where it can be easily seen and people made aware of it, that is a different thing; but, for example, we closed off one side of the Underpass on East Seventh Street and made half of the people mad on that side of town for a 24-hour period, and it just does not make sense to him and he thinks these are some of the areas that we are operating in again at these three locations, and he would like the City Manager to talk to the Judges about it and to the Traffic Engineer and the Police Department.

Councilman Jordan asked the City Manager if on such things as this he could not publicize the changes to be made in the newspaper and, also, at the time, give the people a Warning Citation, instead of a Violation Citation to be paid, for fifteen to thirty days, instead of making people mad?

The City Manager stated he will take a look at this and its possibilities and bring it back to Council.

Mayor pro tem Whittington remarked that sometimes he thinks we all forget that we are dealing with people and where we can make better relations by preventing these things from happening he thinks it is our responsibility to do so.

CITY MANAGER ADVISED THAT CARS TIED UP AT 16TH STREET BY TRAIN BLOCKING THE RAILROAD CROSSING.

Mayor pro tem Whittington advised the City Manager that he had several telephone calls last Friday and Saturday relative to the 16th Street Crossing; a trucking Company was complaining that they were held up from 25 to 32 minutes both at 7:30 and 8 o'clock in the morning and at 2:40, 3:05 and 3:30 o'clock in the afternoon, not by a train but by one box car that they could not get around.

PUBLIC HEARING TO BE HELD ON FEBRUARY 28TH ON REQUEST OF FIVE CAB COMPANIES OPERATING IN CHARLOTTE FOR INCREASE IN TAXI FARES.

Councilman Jordan moved that a Public Hearing be held on February 28th at 3 o'clock p.m., on the request of Five Taxicab Companies operating in Charlotte for an increase in taxicab fares. The motion was seconded by Councilman Short and unanimously carried.

OFF-DUTY TRAINING FOR POLICE DEPARTMENT SPECIAL ENFORCEMENT DETAIL AND EXPENDITURE OF \$780.00 PER MONTH THEREFOR FROM POLICE DEPARTMENT BUDGETED FUNDS, AUTHORIZED.

Upon motion of Councilman Short, seconded by Councilman Jordan and unanimously carried, off-duty training of the Special Enforcement Detail in the Police Department was approved and the expenditure of \$780.00 per month therefor from Police Department budgeted funds, was authorized.

ACQUISITION OF EASEMENT FOR CONSTRUCTION OF SANITARY SEWER TO SERVE PEERLESS STREET.

Upon motion of Councilman Thrower, seconded by Councilman Albea and unanimously carried, the acquisition of an easement 10' wide x 156.87' long over the property of ABC Associates, Inc., located at the deadend of Peerless Street, for the construction of a sanitary sewer to serve Peerless Street, was authorized.

CONFIRMATION OF SALE OF PROPERTY AT 1400, 1508 and 1600 SEIGLE AVENUE AND AT 723 EAST 18TH STREET TO HASKELL J. CRATER, THE HIGH BIDDER.

Upon motion of Councilman Thrower, seconded by Councilman Albea, and unanimously carried, the sale at public auction on January 10, 1966, of property located at 1400, 1508 and 1600 Seigle Avenue and at 723 East 18th Street, was confirmed to the high bidder, Mr. Haskell J. Crater, at \$7,000.00.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY OF ANN HOWARD BUMGARDNER AND HUSBAND, AMOS S. BUMGARDNER, LOCATED AT 908 EAST NINTH STREET FOR THE NORTHWEST EXPRESSWAY.

Upon motion of Councilman Thrower, seconded by Councilman Albea and unanimously carried, a resolution entitled: Resolution Authorizing Condemnation Proceedings for the Acquisition of Property of Ann Howard Bumgardner and Husband, Amos S. Bumgardner, Located at 908 East Ninth Street for the Northwest Expressway, was adopted. The resolution is recorded in full in Resolutions Book 5, at Page 208.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR ACQUISITION OF PROPERTY OF MARGARET E. BRYAN AND FRANCES BRYAN PATTON AND SPOUSE, JOHN R. PATTON, LOCATED AT 1012-14 HALEY PLACE FOR THE NORTHWEST EXPRESSWAY.

Upon motion of Councilman Thrower, seconded by Councilman Albea and unanimously carried, a resolution entitled: Resolution Authorizing Condemnation Proceedings for Acquisition of Property of Margaret E. Bryan and Frances Bryan Patton and Spouse, John R. Patton, Located at 1012-14 Haley Place for the Northwest Expressway, was adopted. The resolution is recorded in full in Resolutions Book 5, at Page 209.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY OF W. D. HYLAND, LOCATED AT 512 INDEPENDENCE BOULEVARD FOR THE NORTHWEST EXPRESSWAY.

Upon motion of Councilman Thrower, seconded by Councilman Albea and unanimously carried, a resolution entitled: Resolution Authorizing Condemnation Proceedings for the Acquisition of Property of W. D. Hyland, Located at 512 Independence Boulevard for the Northwest Expressway, was adopted. The resolution is recorded in full in Resolutions Book 5, at Page 210.

APPOINTMENT OF DELMAS C. BROWN, JR., AS PURCHASING AGENT ANNOUNCED BY CITY MANAGER.

The City Manager advised that Mr. Delmas C. Brown, Jr., has been selected as our new Purchasing Agent, effective March 1st. He stated that Mr. Brown has been with Mill-Power Supply Company since 1947, in the capacity of Assistant Purchasing Agent, and he believes that he will be a fine addition to City Hall.

OUTSTANDING BILLS SUBMITTED BY VETERANS RECREATION AUTHORITY FOR OPERATIONAL EXPENSES OF VETERANS CENTER AUTHORIZED PAID FROM NON-TAX FUNDS WITH UNDERSTANDING THAT AUTHORITY WILL FURNISH THE CITY COUNCIL A QUARTERLY FINANCIAL REPORT.

The City Manager advised Council he has recently had occasion to look at the financial situation of the Veterans Recreation Authority, and he would like to review some of the situation with Council and, perhaps, recommend a course of action they might consider.

That the analysis made of the finances of the Authority from the available records the Authority has, brings them to the conclusion that the Authority at the moment is a little over \$4,500.00 in the red. That the improvements to the building that were authorized by Council in the present budget are about finished. The \$4,500.00 he is talking about now relates to their operating expenses in outstanding bills. He has discussed the situation with Mr. James Fowler, Chairman of the Authority, at some length, and Mr. Fowler is of the opinion that if these bills were paid and the Authority put on a fresh start basis, they could realize enough revenue from current operations to operate on a break-even basis. That this is something, of course, that remains to be seen. Mr. Veeder suggested if Council wished to consider putting them on an even basis, which would take some \$4,556.00, perhaps it should be done with the understanding that the Authority would be asked to report to Council at frequent intervals on the state of their financial situation so that Council could judge whether or not they are able to keep their head above water. And if it appears often a reasonably short period that they are not able to be self-sustaining, then Council could reconsider the whole question of what proper action should be taken. Councilman Albea asked when Mr. Veeder thinks they should report - ninety days or six months

or perhaps semi-annually? Mr. Veeder replied that he would suggest within six months and no longer, as they should then be able to judge whether or not they are going to break even on their operations; and, perhaps they could submit interval information on a monthly basis, so Council can be kept abreast of what is going on, and at the same time, have an understanding with the Authority that a judgment would be made no later than at the end of six months as to what would happen in the future.

Councilman Jordan remarked that the money Council extended to them for the improvements has certainly made a difference in the building, and if the money requested will take them out of debt and give them a fresh start, he sees no reason why Council should not do so with the understanding that they give Council a little report no longer than six months from now and let us know what their status is before Council does any more.

Councilman Short asked Mr. Kiser, Acting City Attorney, whether it is legal and the Council whether it is advisable and in good judgment to commit the taxpayer's money for \$300.00 worth of draft beer or \$26.00 worth of bar supplies which are included in the list of their outstanding bills. And he would like to say that he is a Veteran himself and spent three hard years acquiring that status, but he wonders if this is legal and, also, to compound the question, wonders if Council would not want to ask Mr. Fowler first what the change is going to be in their procedures, which might give Council some indication as to whether they really might do better if they were put on a fresh start basis?

Mr. Kiser replied that it is legal to appropriate money for the maintenance and operation of the Veterans Authority Club from non-tax money.

Councilman Short stated he does not know how many taxpayers would want Council to spend \$300.00 for a draft beer dispenser for Veterans. Councilman Jordan stated they have dinner meetings and things of that nature, and this is dining room and bar equipment, and he can see no reason why it should not be approved.

Councilman Short stated further that he thinks the second part of his question is pertinent. That Mr. Fowler has mentioned, without giving a bill of specifics, some planning which might allow them to remain in the black, and perhaps the Council needs a bill of specifics before committing public money for a beer dispenser or anything else. He urged Council to keep in mind that he is a Veteran and also drinks beer. Councilman Jordan stated he is a Veteran and does not drink beer.

Councilman Albea stated he also is a Veteran and does not drink beer. That based on the statement the City Manger has just made and the City Attorney's ruling, he moves that the recommendation of the City Manager be approved. The motion was seconded by Councilman Jordan.

Councilman Short offered a substitute motion that Council ask Mr. Fowler to come in and tell Council specifically what he has in mind and then we proceed to dispose of this matter. The motion did not receive a second.

Mayor pro tem Whittington asked the City Manager if he knows what specifics Mr. Fowler is referring to that would be helpful to Council? Mr. Veeder stated that Mr. Fowler indicated they have plans to hold square dances on the premises; and based on the experience of some other Veterans organizations, he believes this will bring in sufficient income to put them on a break-even basis. Councilman Albea stated the City owns the building, and we will have to either equip it or close it up.

Mayor pro tem Whittington remarked that he thinks Council and the people in general understand that the Veterans Center building was built under the administration of former Mayor Herbert Baxter and the Veterans Authority was appointed by the Mayor, and special legislation was passed setting up an Authority to operate this building for the use of Veterans. That he thinks over the years it has been a good investment; in the past two or three years it, perhaps, has not been a good investment, but nevertheless it is a city building, and he thinks Council should bail these people out and require them to give a financial statement in the next six months; and then if it is not on a sound financial statement in six months, then the City would have to take another look and use this building for perhaps Park & Recreation purposes or for some function of the administration out of City Hall; that they could move a department into the building or use it for some other purpose.

Councilman Alexander stated it was established when the Council legislated that the Veterans Authority exists, which was some years ago; and in the light of the Enabling Act that was established, and in view of the fact that we have never done anything about it, and it was established for the Authority to operate a Veterans Center, is Council not obligated as long as that exists, unless Council closes it, to put up the money to keep it going? Councilman Albea stated that is the reason he made the motion, and Councilman Alexander stated that is the reason he is going to vote for it, because as long as it exists, you have something before you that you have to handle. He asked Mr. Kiser if he is right? Mr. Kiser replied that he is right to the extent that the Enabling Act authorized the City to set up the Veterans Authority and the Club; and if the City is going to continue to operate it, then we have to do what is necessary to keep it in operation by means of financing. That he thinks perhaps there was some reverter clause in the deed that the City granted to the Authority that in the event it was no longer operated for this purpose, it might revert back.

Councilman Short asked the City Attorney if the claimants and creditors - such as Henderson-Gilmore Paper Company and Mecklenburg Textile Specialties - have a legal claim against the City for these accounts that are in arrears? Mr. Kiser replied he would have to check the Enabling Act to be able to answer. Councilman Short remarked that if they have a legal claim against the City, then it would be obvious. That he would at least like to know this much before he is forced to vote against the Veterans, which he certainly does not want to do, or appear to do. He asked if the City's obligation is a moral one or legal one? Mr. Veeder replied it, at least, is a moral one.

Mr. Kiser replied the Veterans Authority is a body politic, created by an incorporating charter, and is authorized to sue and be sued in its own name. To what extent the City has any liability to that, he cannot answer at the moment, but he would like to bring that back to Council at the next meeting.

Councilman Short asked where the original money came from? Mr. Veeder replied two sources - some of it was from public solicitation and the balance was from the City Government. Councilman Tuttle stated he is going to vote this because he feels the city has an obligation to appropriate this money, but he also thinks they have an obligation to us. He asked if Mr. Albea will incorporate into his motion it will be expected henceforth that the Council will be furnished regular quarterly statements? Councilman Albea replied he mentioned semi-annually, but if Mr. Tuttle wants it quarterly, it is all right.

Councilman Short offered a substitute motion that Council schedule this matter for consideration at next week's meeting, which will give Mr. Kiser an opportunity to look into this further, and he would genuinely like to know about this - it is not an effort to be an obstructionist - and he believes it is a valid claim for consideration.

Councilman Thrower replied that this is clearly Council's responsibility. If we are going to get rid of our responsibility by turning our backs, that is one thing, but these people have valid bills and the people sold them stuff in good faith, and here the Council is refusing to recognize its responsibility. Councilman Short stated that perhaps we have a moral obligation and perhaps we have a legal obligation, and he would like to know which to these eight or ten merchants and suppliers, and he is certainly not in favor of avoiding responsibilities to merchants, because he is in that business himself. But we also have some obligation to reckon with the feeling and desires of all the people who are our stockholders - the citizens, the taxpayers. The only thing he has in mind is if Council's obligation is only a moral one, he is going to suggest they not pay \$300.00 for the beer dispenser, but that Council let them fight that out themselves and handle the rest of these accounts. If the obligation is a legal obligation, then he thinks there is no alternative, and Council should handle all of it. Councilman Thrower suggested that he then make a substitute motion and delete it; it's that simple.

Councilman Jordan remarked that he does not think Council should go along with something like that, if Mr. Short wants to postpone the matter for a week to see if it is legal and so forth, and he does not think he will find anymore than he has now; he thinks Council should vote for what has been requested or turn it down.

Mayor pro tem Whittington stated he thinks Mr. Short is sincere in his belief, and since he has been on the Council he has tried to consider the other fellow's thinking; however, Mr. Short has no second to his substitute motion, and it is up to the Councilman who made the motion whether he will consider the recommendation or not. Councilman Albea stated there is no one on the Council who doubts Mr. Short's sincerity, it's just a matter of opinion what Council wants to do. That he agrees with Mr. Jordan, they either have to do this or turn it down.

Councilman Short stated this is not a small sum. What if they had bought a pipe organ for \$50,000.00? Councilman Thrower stated he would just have to assume that the people the Mayor appoints to these Committees are reasonable thinkers. Councilman Short replied he thinks we should at least know whether or not we are legally liable against just being morally liable on these expenditures. Councilman Thrower stated we can find out if we are legally responsible, and he is convinced now that he is morally responsible.

Mr. Veeder stated that up until the 1965 General Assembly, Council did not have authority to put money in this operation, and the legislation that authorized putting money into it did not have any reference to past debts, so he does not know if this tells Council something. That he is doubtful they will find any clear cut situation in terms of legal authority or no legal authority, and he thinks Council's decision will be based on what we know now.

Mr. Kiser stated there is legal authority to make appropriations for the maintenance and operation of these facilities, and whether or not we can find that this is a legal obligation which would make the City liable for claims by these merchants, will have to wait until he has a chance to look into the matter a little further.

Mayor pro tem Whittington remarked he believes the moral obligation of this Council is to take care of these expenditures with the exception of these items that have been mentioned here - like the draft beer dispenser and bar supplies and food - those things have no business being in the budget at all, in his opinion.

Councilman Tuttle remarked he concurs, and he is going to vote for this because he believes Council has a moral obligation, but there are two things that should be made very clear. First of all, we should know our legal obligation; and based on Mr. Short's example of a particular expenditure, this is possible, and Council should certainly know where it stands. Furthermore, he thinks that henceforth Council should have some understanding in so far as what they will pay for.

The vote was taken on the motion that, based on the explanation of the matter by the City Manager and the ruling of the City Attorney, payment be authorized from non-tax funds of \$4,556.42 for outstanding bills of the Veterans Recreation Authority for operational expenses of the Veterans Center with the understanding that quarterly financial statements be furnished the City Council by the Authority and carried by the following recorded vote:

YEAS: Councilmen Albea, Jordan, Alexander, Thrower and Tuttle.  
NAYS: Councilman Short.

Councilman Alexander asked if a motion would be in order that would prevent any further payment of bills of this type until we have a complete legal clarification as to the City's legal position in connection with the operation of the Center? Mayor pro tem Whittington replied that he thinks the point is well taken, and he will ask the City Attorney if such motion would be in order. Mr. Kiser stated if Council would like an opinion from the City Attorney's office as to the legal responsibility of the City in this matter, it would be appropriate to request it by motion. Councilmen Alexander commented that he sees no other way for Council to do justice to the matter. That one of these days Council will run into the problem of the taxpayers against the Veterans, and we do not want anything like that, and the legal responsibility of the Council must be determined. Therefore, he so moves. The motion was seconded by Councilman Thrower.

Councilman Jordan remarked that he thinks the motion is in order and certainly Council has asked this in the quarterly statements which will give them six months time; and if the Center continues to be a losing proposition, Council will have to take another look at abandoning it and turning the Building over to the Park and Recreation or somebody else, so he thinks they have pretty much pinned this point down.

The vote was taken on the motion and carried unanimously.

Councilman Short stated he would like to say again, as this point is important to him as it has all kinds of implications, that he is a Veteran and is in favor of Veterans' programs, and he is in favor of the Veteran's Center; he believes it was established in 1951, and Mayor Baxter called on him personally for some help and he gave into them, and he believes contributed some of the furnishings for the building. That he is not difficult to deal with at all on the subject of beer or alcoholic beverages, as he has already said, he drinks beer himself, and he certainly is very, very much in favor of anyone paying their legal obligations or even moral obligations to merchants, but he feels this is matter which went off all legal considerations.

CITY MANAGER AUTHORIZED TO HAVE PICTURES OF CHARLOTTE'S FORMER MAYORS REFRAMED AND TO MAKE RECOMMENDATION TO COUNCIL RELATIVE TO WHERE THE PICTURES SHOULD BE PERMANENTLY HUNG.

The City Manager advised that in the process of renovating the Council Chamber thought was given the reframing of the pictures of the City's former Mayors. He called attention to the contrast between the old frame and the one picture that has been reframed for Council consideration.

He stated further there are two problems regarding these pictures hanging on the walls of the Council Chamber; one is the effect on the acoustics and other is the difficulty of anyone reading the inscription on the plate on each picture, giving the name of the Mayor and dates he served. That his thought is they should be hung at eye level, but where they might be so hung is the question. That he plans to ask the advice of the Mint Museum people, who knows more about how to appropriately hang pictures.

He asked if Council is agreeable to having the forty pictures reframed at a cost of approximately \$600.00? He advised that informal bids on the reframing have been submitted by Leon Stack and Coffey & Thompson.

Councilman Jordan expressed the opinion that the point is well taken; certainly no one could read the inscription on the pictures at the height they have been hanging, and it would be fine if they could be placed on the walls in the corridor where they can be seen by persons coming to City Hall.

Councilman Tuttle moved that the City Manager be authorized to spend the approximate \$600.00 for the reframing of the pictures. And that he make a study along with the Committee from the Mint Museum as to the proper location in which they should be hung and bring his recommendation back to Council. The motion was seconded by Councilman Albea, who remarked that he thinks, if possible, the pictures should be rehung in the Council Chamber, as this is where the Mayors presided and served their City.

The vote was taken on the motion and carried unanimously.

#### INSURANCE ADVISORY COMMITTEE'S PROGRAM APPROVED.

Councilman Jordan moved approval of the Insurance Advisory Committee's Program and Regulations which were approved by Council in the Conference Meeting in July, 1963, and that a copy of the Program and Regulations be filed in the office of the City Clerk. The motion was seconded by Councilman Albea and unanimously carried.

#### MR. ARTHUR R. SAMS, JR. NOMINATED TO SUCCEED HIMSELF FOR THREE YEAR TERM ON INSURANCE ADVISORY COMMITTEE.

Councilman Tuttle placed in nomination Mr. Arthur R. Sams, Jr. for reappointment to the Insurance Advisory Committee for a three year term to remain open for one week.

#### CITY MANAGER DIRECTED TO ARRANGE MEETING WITH RECORDER'S COURT JUDGES AND SOLICITORS AND THE CLERK AND ADVISE COUNCIL THE DATE.

Mayor pro tem Whittington called attention to the lengthy memorandum Council received from Judge Beachum last week, which was not discussed at that time. That it was his understanding that Mr. Veeder was going to have Judge Beachum here today, and for some reason, he is not here. That he wished to suggest that at the very earliest time possible, Council have a

meeting with Judge Beachum and Mr. York and the Associate Judges and the Solicitors and have an over-the-table discussion of their problems and let them ask Council questions and Council ask them any questions they desire.

Mr. Veeder replied this was an oversight on his part. That Mr. York and Judge Beachum agreed that they would stand by this afternoon and come over any time they were wanted. One point that Judge Beachum directed to Council in his letter was the designating of an additional Assistant Clerk of Court. That he has looked into this as Council has suggested and conclude there is a need for a relief Clerk of Court in case of extra long sessions and during vacation periods. This need can be met if Council will designate Mrs. Byrum as an Assistant Clerk of Court on a relief basis. She can be sworn in as Clerk but would, in fact, still be Clerk-Stenographer II. That it does not involve any change in her present status in order to have this designation. That he does not think it is the intent of the Court to affect a promotion, in the strict sense of the work, by so designating Mrs. Byrum. There are no funds available for this purpose, nor do the Court people believe that any salary increase is involved. This is, in a sense, like designating someone as a Notary Public; it is just an added aspect to the position she presently occupies.

Mayor pro tem Whittington asked Mr. Veeder if he has seen the memorandum the Judge sent Council? Mr. Veeder replied he has. Mayor pro tem Whittington stated one of the things the Judge talked about was the adjustment in salaries. Mr. Veeder stated he does not think it was in connection with the designation under discussion. Mayor pro tem Whittington replied he knows that, but he wants Mr. Veeder and Council to know that Judge Beachum not overlook that point in his memorandum; that he used a paragraph to discuss positions and salaries and increase in salaries. Mr. Veeder replied that "this will cause no change in salary" is Judge Beachum's language. Councilman Tuttle stated the paragraph Mr. Whittington refers to refers specifically to Judges and Solicitors.

Councilman Tuttle moved that Council appoint Mrs. Byrum in accordance with Judge Beachum's suggestion. Councilman Thrower asked Mr. Tuttle if he would withhold his motion until Council has had a chance to meet with the Judges and talk to them personally. Councilman Tuttle replied he would be glad to if it is Council's wish to talk to the Judges, and he withdrew the motion.

Mr. Veeder stated in keeping with the conversation he will arrange to have both Judges, Solicitors and the Clerk attend the Conference Session one week from today.

Councilman Alexander asked if there will be sufficient time to discuss things with them along with whatever other business there is to be discussed? That these matters as he sees them are so involved and important enough that we should have time to discuss all of the ramifications of the problems that exist in the City Court.

Mayor pro tem Whittington stated he would suggest if Council agrees that the conference with these people not be held at the Conference Session next Monday, but that a special meeting be set up for this purpose, and then it could be arranged so that it would not conflict with court hours and they would have ample time for discussion and to have questions and answers. That this cannot be done at the regular conference session. Councilman Alexander stated that somebody just walks out of the jail and goes free and you do not know why, and lots of similar things should be discussed, but it cannot be done in thirty minutes and get the answers. This thing is big enough for Council to go into details and give special time to it.

Mayor pro tem Whittington stated then if Council agrees, the City Manager will attempt to set a meeting preferably in the afternoon about 3 o'clock, so we can have the rest of the afternoon to go into this, and he can notify Council as to the date.

ADJOURNMENT.

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

  
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Lillian R. Hoffman City Clerk