

A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, on Monday, January 30, 1967, at 3:00 o'clock p.m., with Mayor Stan R. Brookshire presiding, and Councilmen Claude L. Albea, Fred D. Alexander, Milton Short, Jerry Tuttle and James B. Whittington present.

ABSENT: Councilmen Sandy R. Jordan and John H. Thrower.

INVOCATION.

The invocation was given by Councilman Jerry Tuttle.

MINUTES APPROVED:

Upon motion of Councilman Albea, seconded by Councilman Whittington, and unanimously carried, the Minutes of the last Council Meeting on Monday, January 23, were approved as submitted.

RESOLUTION DECLARING THAT PUBLIC CONVENIENCE AND NECESSITY REQUIRE THE TAXICAB SERVICE PROPOSED BY THE APPLICATION OF CHARLOTTE CAB COMPANY, INC. AND AUTHORIZING THE ISSUANCE OF TWENTY (20) CERTIFICATES TO CHARLOTTE CAB COMPANY, INC., IN ACCORDANCE WITH THE CODE OF THE CITY OF CHARLOTTE.

The scheduled hearing was held on the application by Charlotte Cab Company, Inc. for the issuance of twenty certificates of public convenience and necessity for the operation of taxicabs in the City of Charlotte.

Mr. Myles Haynes, Attorney for the Petitioners Mr. William Joe King and Mr. Troy L. Brown, who operate as the Charlotte Cab Company, Inc., stated the petition is asking for 20 additional certificates to operate 20 additional cabs in the City.

The reasons for the application are as follows:

- (1) The applicants desire to comply with the request of City Manager Veeder in a letter which was written by him to all cab companies in May, 1966, asking for better service. In the letter he pointed out that Council had been receiving numerous complaints about delays in taxicabs, not only from restaurants, but hotels and convention centers, and some of the delays had been as long as one hour. He asked the companies to do what they could within their power to increase the service. That his clients want the cabs to help comply with that request.

(2) His clients have had a great deal of difficulty with the 14 cabs that it is now authorized to operate in covering the 65 square mile area of the City. They have twelve cabs operating around the clock with no more than two out at a time for minor repairs. They have had no difficulty in getting drivers for their cabs - they were the first company to employ Negro drivers, they also employ women drivers, during the daylight hours. They envision no difficulty in getting operators for the 20 cabs if Council grants the petition. They find they receive many more calls than they can answer because they do not have the cabs to put on the street to take care of the calls.

(3) This is the youngest taxicab company operating in the City of Charlotte. They were chartered in the Spring of 1964 and began operations in July. At the end of the first year, they had a net loss of \$6,132, but at the end of the next fiscal year, which was the end of 1965, they had a profit of approximately \$5,061. This profit was made without any income being taken out of the business by the two men. They have taken no income out of the business; they have applied their savings back into the business and their incomes. They have lived off their savings and the income their wives earn working outside the home. The only profit they show is the \$5,000, and that profit was primarily due to the fact that the City gave all cab companies a rate increase in April of 1966, and the fact that these people operate a gas station at their office on West Trade Street.

Mr. Haynes stated they feel that the allowance of the 20 additional cabs, because of the increased operating efficiencies that they will gain, will allow them to make a net profit with the 34 taxicabs they would then have of about \$250 or \$300 per year per cab, and this would allow them to operate at a profit and also to take a reasonable income from the business for each of them.

(4) Perhaps the most important reason for the petition is the fact that the City of Charlotte needs more taxicabs. The square mile area inside the City has increased from 30 square miles in 1950 to 72.4 square miles in 1966. The population of the City has increased from 134,000 in 1950 to 258,000 estimated in 1967. The population of Mecklenburg County has gone from 197,000 in 1950 to 330,000 estimated for this year. Breaking these figures down would mean that each cab company operating in the City must support 1,654 people, and if you add to that the 66,907 visitors which the Chamber of Commerce estimates came here last year to conventions and other public gatherings, that would mean that each taxicab authorized to operate would be handling 2,050 people per cab. That this per capita perhaps is less taxicabs than any other major city in this general area, and with Charlotte's population growing and with Charlotte becoming the important convention center it is, it is essential to the City that the Council provide sufficient public transportation to take care of these people.

Mr. Haynes advised the petition has been reviewed by the Taxicab Inspector who has recommended that the petition be allowed. Upon his recommendation, the Chief of Police has recommended that the petition be allowed. The Inspector points out that the petitioners have been completely cooperative with his department during the life of the company and they have followed all the rules and regulations. Based on that recommendation, and the other reasons as presented, he asked Council for favorable consideration for the Petition.

Mayor Brookshire remarked that Police Chief Ingersoll has reported there are three companies holding 30 certificates that are inactive and have been for more than six months and his recommendation is that those 30 certificates be revoked.

Mr. Veeder advised when this hearing was scheduled Council asked for additional information on two points - (1) what inactive certificates there are, and (2) information that relates to the financial condition of the existing cab companies. Following the setting of the date of this hearing, Mr. Fennell, Finance Director, sent out a request for each of the cab companies of detailed information on their fiscal situation. The cab companies in general have asked for a little more time to complete this information and are in the process of doing so now. Council may wish to wait until it gets this information in before taking any action.

Mr. Veeder asked Mr. Fennell if any of the completed forms have been returned, and Mr. Fennell replied he has received forms from two companies.

Councilman Alexander asked Mr. Haynes if his company has filed the requested information? Mr. Haynes replied his Clients have returned forms that have been requested to Mr. Fennell.

Councilman Tuttle asked Mr. Fennell if all the forms and statements have been completed by Charlotte Cab Company? That this organization has asked for twenty certificates and the certificates are available and the judgment of the other firms not using all the certificates they have and whether or not their financial statements are in, is relevant, but he does not think it is necessarily relevant to this particular case.

Mr. Fennell advised he has received replies from two companies - the Yellow Cab Company and Charlotte Cab Company, and they are substantially complete.

Councilman Tuttle moved approval of a resolution entitled: "Resolution Declaring that Public Convenience and Necessity Require the Taxicab Service Proposed by the Application of Charlotte Cab Company, Inc., and Authorizing the Issuance of Twenty (20) Certificates To Charlotte Cab Company, Inc., in Accordance with the Code of the City of Charlotte". The motion was seconded by Councilman Whittington.

Councilman Albea stated he is not opposed to this but he thinks more than five members of Council should be present.

The vote was taken on the motion and carried unanimously.

The resolution is recorded in full in Resolutions Book 5, at Page 399.

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ORDINANCE NO. 585-X AMENDING ORDINANCE NO. 498-X, THE 1966-67 BUDGET ORDINANCE, AUTHORIZING THE TRANSFER OF FUNDS FROM THE GENERAL FUND CONTINGENCY APPROPRIATION.

Councilman Alexander moved the adoption of the subject ordinance authorizing the transfer of \$3,415 from the General Fund Contingency Appropriation to cover the cost for the demolition of nine (9) structures previously approved by Council on November 28 and December 19, 1966 under the provisions of the Housing Code. The motion was seconded by Councilman Albea, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 14, at Page 482.

AGREEMENT BETWEEN THE CITY OF CHARLOTTE AND SEABOARD AIR LINE RAILROAD COMPANY PROVIDING FOR CONSTRUCTION AND MAINTENANCE OF PEDESTRIAN WALKWAY ON OLD MONROE ROAD, CANCELLED.

Motion was made by Councilman Whittington, seconded by Councilman Tuttle, and unanimously carried, authorizing the cancellation of an agreement dated December 17, 1962 between the City of Charlotte and Seaboard Air Line Railroad Company providing for the construction and maintenance of a pedestrian walkway under the then existing wooden underpass structure on Old Monroe Road.

ENCROACHMENT CONTRACT WITH THE NORTH CAROLINA STATE HIGHWAY COMMISSION FOR INSTALLATION OF SANITARY SEWER MAIN IN NORTH TRYON STREET AT CRAIGHEAD ROAD, AUTHORIZED.

Upon motion of Councilman Tuttle, seconded by Councilman Whittington, and unanimously carried, the Mayor and City Clerk were authorized to execute an encroachment contract with the North Carolina State Highway Commission in connection with the installation of a sanitary sewer main in North Tryon Street at Craighead Road.

SUPPLEMENTARY CONTRACT WITH JACKSON ENGINEERING CORPORATION FOR INSTALLATION OF WATER MAIN IN BARCLAY DOWNS SUBDIVISION NO. 11, APPROVED.

Councilman Whittington moved approved of a supplementary contract to contract dated August 10, 1964, with Jackson Engineering Corporation for the construction of 6,350 feet of water main and three (3) fire hydrants to serve Barclay Downs Subdivision No. 11, inside city limits, at an estimated cost of \$27,000 with the City to finance all construction 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 Albea, and carried unanimously.

APPRAISAL CONTRACTS FOR SIXTH STREET PROJECT APPROVED.

Upon motion of Councilman Tuttle, and seconded by Councilman Albea and unanimously carried, the following appraisal contracts were approved in connection with the Sixth Street Project:

- (a) Contract with Harry G. Brown for appraisal of twelve (12) parcels of land;
- (b) Contract with Charles M. Carson for appraisal of three (3) parcels of land;
- (c) Contract with William E. Etchison for appraisal of two (2) parcels of land.

DECISION ON PETITION NO. 67-2 BY DOLPH M. YOUNG FOR CHANGE IN ZONING OF LOT LOCATED ON THE SOUTH SIDE OF EAST PARK AVENUE, BEGINNING 100 FEET WEST OF CLEVELAND AVENUE, DEFERRED.

Councilman Whittington moved that decision on the subject petition be deferred as there are not enough Council members present. The motion was seconded by Councilman Short.

Councilman Albea stated there are enough today to vote on the petition as it only takes four votes and five Councilmen are present.

Councilman Albea made a substitute motion that the petition be voted on today. The motion did not receive a second.

The vote was taken on the original motion to defer decision and carried by the following vote:

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

REAPPOINTMENT OF W. T. COVINGTON TO THE FIREMEN'S RELIEF FUND BOARD OF TRUSTEES.

Councilman Albea moved the reappointment of Mr. W. T. Covington to succeed himself on the Firemen's Relief Fund Board of Trustees for a two year term from the expiration of his present term on January 18, 1967. The motion was seconded by Councilman Whittington, and carried unanimously.

REAPPOINTMENT OF LOUIS ASBURY, JR. TO THE ZONING BOARD OF ADJUSTMENT.

Motion was made by Councilman Albea to reappoint Mr. Louis Asbury, Jr. to succeed himself on the Zoning Board of Adjustment for a three year term from the expiration of his present term on January 30, 1967. The motion was seconded by Councilman Whittington, and carried unanimously.

TRANSFER OF CEMETERY LOTS.

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

- (a) Deed with Agnes W. Binder and Norma Van L. Binder for Lot No. 420, Section 6, Evergreen Cemetery, at \$240.00;
- (b) Deed with Mrs. Clara H. Carswell for Lot No. 356, Section 3, Evergreen Cemetery, at \$472.50;
- (c) Deed with Mrs. Annie Snipes Williams for Graves No. 7 and 8, in Lot No. 155, Section 2, Evergreen Cemetery, at \$120.00;
- (d) Deed with Mr. and Mrs. Hollis F. Cobb, for Graves No. 1 and 2, in Lot No. 390, Section 6, Evergreen Cemetery, at \$120.00;
- (e) Deed with Mr. and Mrs. A. F. Beane, for Graves No. 3 and 4, in Lot No. 390, Section 6, Evergreen Cemetery, at \$120.00.

CONTRACT AWARDED SOUTHERN STATES CHEMICALS COMPANY FOR ALUMINUM SULPHATE.

Councilman Alba moved award of contract to the low bidder, Southern States Chemicals Company, in the amount of \$20,857.50 on a unit price basis for 405 tons of aluminum sulphate. The motion was seconded by Councilman Whittington, and carried unanimously.

The following bids were received:

Southern States Chemical Co.	\$ 20,857.50
American Cyanamid Company	21,733.52
Industrial Chemical Div.,	
Allied Chemical Corp.	24,737.00

CONTRACT AWARDED ASHER-MOORE COMPANY FOR HYDRATED LIME.

Motion was made by Councilman Alexander, seconded by Councilman Alba, and unanimously carried, awarding contract to the low bidder, Asher-Moore Company in the amount of \$12,257 on a unit price basis for 560 tons of hydrated lime.

The following bids were received:

Asher-Moore Company	\$ 12,257.00
Moreland Chemical Co.	12,406.97
Tucker-Kirby Company	13,272.17
Williams Lime Mfg. Co.	13,272.17
Longview Lime Corp.	13,272.17
Cheney Lime & Cement Co.	13,272.17

CONTRACT AWARDED SOUTHERN STATES CHEMICAL COMPANY FOR ACTIVATED CARBON.

Councilman Albea moved award of contract to the only bidder, Southern States Chemical Company, in the amount of \$7,219.06 on a unit price basis for 40 tons of activated carbon. The motion was seconded by Councilman Short.

The City Manager advised Council there are only two manufacturers of activated carbon and Southern States Chemical is the one that has been bidding alone for the City's requirements on this commodity for an extended period of years. They represent the West Virginia Pulp and Paper Company which is one of the two suppliers in the United States.

Mayor Brookshire asked how this bid compares with the last purchase by the City? Mr. Veeder advised in 1965 the City paid \$155.22 a ton, paid the same in 1966, and this year the price has gone up \$20 a ton to \$175.22 a ton.

Mayor Brookshire asked Mr. Brown, Purchasing Agent, if he thinks he could negotiate a better price from Southern States on the basis that they are charging more than ten per cent above the last purchase? Mr. Brown replied he has checked this and there is nothing that can be done this year at all. According to the present supplier, the manufacturer - West Virginia Pulp - just passed its increase straight to them and they gave the City the same increase. There was no increase as far as the supplier is concerned. That he has also checked with other chemical suppliers and they say theirs would have been the same coming from the same source of supply and they chose not to bid.

The vote was taken on the motion and carried unanimously.

CONTRACT AWARDED JONES CHEMICAL COMPANY FOR ANHYDROUS AMMONIA.

Upon motion of Councilman Tuttle, seconded by Councilman Whittington, and unanimously carried, contract was awarded Jones Chemical Company, the low tie bidder, in the amount of \$3,625.60 on a unit price basis for 16 tons of anhydrous ammonia.

The following bids were received:

Jones Chemical Company	\$ 3,625.60
Moreland Chemical Co.	3,625.60
Taylor Salt & Chemical Co.	3,948.61
Southern States Chemical Co.	5,273.60
Henry Bower Chemical Mfg. Co.	7,251.20

CONTRACT AWARDED SOUTHERN STATES CHEMICAL COMPANY FOR LIQUID CHLORINE.

Motion was made by Councilman Alexander to award contract to the low bidder, Southern States Chemical Company, in the amount of \$12,360.00 on a unit price basis for 120 tons of liquid chlorine. The motion was seconded by Councilman Whittington, and carried unanimously.

The following bids were received:

Southern States Chemical Co.	\$ 12,360.00
Industrial Chemical Div.,	
Allied Chemical Corp.	12,570.12
Moreland Chemical Co.	12,730.80
Jones Chemical Company	12,730.80
Burris Chemicals, Inc.	12,730.80

BIDS FOR SODIUM SILICOFLOURIDE REJECTED AND AUTHORIZED READVERTISED.

Upon motion of Councilman Whittington, seconded by Councilman Albea, and unanimously carried, all bids received on sodium silicofluride were rejected and authorized readvertised as none of the bids received met specifications.

The following bids not meeting specifications were received:

Asher-Moore Company	\$ 16,778.00
Alternate Bid	17,650.08
Moreland Chemical Company	17,242.00

ACTION OF DECEMBER 12 AWARING CONTRACT TO WORLD ELECTRONICS COMPANY RESCINDED.

Councilman Whittington moved that action of December 12 awarding contract to World Electronics Company in the amount of \$1,122.70 for two tape recorders for the Police Department be rescinded as the equipment is no longer available. The motion was seconded by Councilman Albea.

Mayor Brookshire asked why this is recommended by both the Purchasing Agent and Police Chief? Mr. Veeder, City Manager, replied between the time the bids came in and the award was made, the Company discontinued this line of equipment and it is not available.

Councilman Short asked if this man does not have the obligation to go find the equipment and provide it to the City at this price? Mr. Kiser, City Attorney, replied there is some circumstances around this that militate against that position. No. 1, the bids were received in October and at that time the product was available; the award was made in December and during the interval the product was taken off the market and is not available. No. 2, there seems to be no comparable product to this particular one available in the country. The impossibility of performance is to some extent precipitated by the delay in the award of bids. It is his recommendation that the City not attempt to hold the contractor to any liability for the increase in cost that the City may have to pay because of the difficulty in getting a product which is comparable to the one ordered.

Mr. Veeder stated because of the unusual knowledge and ability of Mr. Clegg Helms, he was able to work out something which would serve the City's purpose and serve it well, and otherwise we would not have known about it, but for some reason the equipment was withdrawn. That we rely heavily on Mr. Helms and he knows what he is doing when it comes to equipment such as this; he was looking for something that would have been the lowest dollar to serve the City's purpose.

Councilman Alexander asked what caused the delay in recommending the approval of the bid? Mr. Veeder replied in part it was the transfer of funds; that it should have been done more expeditiously than it was.

Mayor Brookshire stated he does not see why they could not supply this if they wanted. They might have to build them on a custom basis rather than on a production line. We could have Mr. Brown tell them that the City insists on them filling the contract.

Mr. Brown advised that World Electronics is just the distributor in Charlotte. That this is Roberts Equipment and they are well known in the recording industry. They brought out this line for this particular use, and in the meantime, they found they could not sell it and due to that fact, they pulled it off the market. That Roberts Company went completely across the country looking for some of these units which they had manufactured but had no luck.

Mr. Veeder stated the City's case would have been stronger if the bids had been received on October 7 and the Council had acted on the bids immediately thereafter, and through no fault of World Electronics, the bids were not acted upon until December.

Councilman Alexander stated he thinks the record should show where we are dealing with money that just an answer to a question like this, that we should have been more expeditious in our activities as far as handling this matter, would not be enough.

Councilman Short stated he is still a little concerned about the fact that what we are calling an impossibility is like in so many other manufacturer's situations that his firm deals with. It is not impossible, someone just sat down and said let's not make this anymore. This is the way that a provider or supplier could get out of anything.

Mayor Brookshire replied it is not unusual for manufacturers to discontinue models and lines in furniture and equipment.

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

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

CONTRACT AWARDED ROCKWELL MANUFACTURING COMPANY FOR STEEL SEWER RODS.

Motion was made by Councilman Albea, seconded by Councilman Tuttle, and unanimously carried, awarding contract to the low bidder, Rockwell Manufacturing Company, Flexible Pipe Tool Division, in the amount of \$1,648.00 on a unit price basis for 500 steel rods with couplings and 500 without couplings, as specified.

The following bids were received:

Rockwell Mfg. Co.	
Flexible Pipe Tool Div.	\$ 1,648.00
W. H. Stewart Company	1,677.00
Champion Corporation	1,994.75
O'Brien Mfg. Co., Inc.	2,626.50

AN ACT TO AMEND CHAPTER 713 OF THE SESSION LAWS OF 1965, BEING THE CHARTER OF THE CITY OF CHARLOTTE IN MECKLENBURG COUNTY.

Councilman Tuttle moved approval of the subject Bill, amending Section 7.81 of the Charter of the City to allow the use of State Highway Commission condemnation procedure in the City of Charlotte, and Section 9.22 of the Charter to authorize the City to transfer title to other governmental units without having to go through the procedure of advertising and sale to the highest bidder. The motion was seconded by Councilman Whittington, and carried unanimously.

AN ACT TO AMEND G.S. 143-129 RELATING TO THE LETTING OF PUBLIC CONTRACTS BY THE CITY OF CHARLOTTE.

Motion was made by Councilman Whittington, seconded by Councilman Tuttle, and unanimously carried, approving the subject Bill to authorize the use of informal bid procedure for the purchase of apparatus, supplies, materials and equipment, costing up to \$3,000.00.

AN ACT TO AUTHORIZE THE CITY OF CHARLOTTE TO ACQUIRE AN ENTIRE STRUCTURE WHEN IT IS SEVERED BY STREET RIGHT OF WAY.

Councilman Alba moved approval of the subject Bill which would authorize the City to acquire an entire structure when it is severed by the acquisition of a right of way for a proposed street or highway. The motion was seconded by Councilman Whittington, and carried unanimously.

AN ACT TO AMEND G.S. 143-135 RELATING TO THE LETTING OF PUBLIC CONTRACTS BY THE CITY OF CHARLOTTE.

Upon motion of Councilman Tuttle, seconded by Councilman Whittington, and unanimously carried, the subject Bill was approved which will increase the total costs of projects which the City can do with its own forces at a limit of \$50,000.

AN ACT AUTHORIZING THE CITY OF CHARLOTTE TO PRESERVE THE INTEGRITY OF MUNICIPAL PLANS BY THE REGULATION OF BUILDINGS IN MAPPED STREETS.

The City Attorney advised the proposed piece of legislation would authorize the Council to establish an official map showing existing street lines and from time to time to modify that official map to show proposed new street lines. This is for the purpose of achieving right of way protection. Any addition to the map would be made only after a public hearing in which property owners

in the area would be given an opportunity to appear and to be made aware of the plans to incorporate the proposed lines on the map and to voice their objections. This would also permit the Building Inspection Department to withhold the granting of building permits for any structure to be located on any of the land within the proposed street line. A property owner who requested a building permit and was denied one would have the right to appeal to the Board of Adjustment, which could, under certain circumstances, grant the building permit. They would take into consideration the reasonable return which the property owner could expect from the land without the building or structure, and also, take into consideration the interest of the City and the preservation and protection of the right of way and the interest of the property owner to use his property. It would also mean that municipal improvements would not be permitted except when a street appeared on the official map.

Mr. Kiser stated the City now has an official map but it simply incorporates the proposed streets and does not give the right of way protection that will be afforded by the proposed maps.

Councilman Whittington moved the approval of the Bill. The motion was seconded by Councilman Short.

Councilman Short suggested that a copy of the proposed act be sent to all attorneys in the City as it will affect title letters, also, he believes the official map should be recorded in the Register of Deeds Office because attorneys will find it necessary to include a certification about this in title letters. Mr. Kiser advised the Act would provide that it be certified to the Register of Deeds Office. Councilman Short stated further he thinks Council should let the attorneys know that this map is being contemplated; that he thinks it is needed but lawyers who are examining titles should know about this.

Councilman Tuttle asked if we also send copies of ordinances to all others who are involved in them; that it would be a costly procedure and a precedent that he questions? Councilman Short replied this does not bear comparison to most other situations. Councilman Tuttle stated the glue sniffing ordinance involved the druggists who were embarrassed with the sale of glue; we did not send to every drug store in town a copy of the new ordinance, and one man was not aware of it; that he thinks this is parallel and if we attempt to send those involved copies of ordinances, then we are in trouble in the future.

Councilman Short stated he is suggesting that this be sent to the attorneys in connection with their remarks. They might want to discuss it before it is enacted, and the glue sniffing situation was a question of whether we were letting a man know about an ordinance that created a misdemeanor which there are a thousand misdemeanors on the books, and this was another one and it was already an accomplished thing. Councilman Tuttle stated this affected their sale of glue.

Councilman Alexander stated this seems to be helping the attorneys; the streets will be designated by actual lots and figures.

Councilman Whittington stated Council is going to have a hearing with the legislative delegation on this and suggested at that time it would be alright to write the President of the Bar Association and inform him that it will be discussed with the legislators and let them come.

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Mayor Brookshire stated the President of the Association can be furnished with a copy of the Act and, if he sees fit, he can supply copies to the other attorneys.

The vote was taken on the motion and carried unanimously.

CITY MANAGER AND FINANCE DIRECTOR REQUESTED TO STUDY LEGISLATION TO RESERVE OR HOLD SURPLUS MONEY IN ESCROW ACCOUNT ON YEAR TO YEAR BASIS FOR PROJECTS.

Councilman Whittington stated that the City should have legislation where money could be reserved or surplus money held in escrow account from year to year. That if we had such an act we would be able to do many projects over the years that we cannot do now. For example - we have one particular straightening out of the alignment of a street and the straightening out of a "T" intersection, where we have an option on the land but do not have the money to do it. He asked Mr. Fennell, Finance Director, to speak to this idea.

Mr. Fennell stated the City now has two types of appropriations - one is the annual budget appropriation which must be closed out at the end of the year, and the other is the capital improvements, and is a continuing appropriation until the project has been completed.

That he can envision some circumstances where Mr. Whittington's suggestion would be desirable. That an equipment replacement fund might lead to more efficient equipment management and could result in the replacement of equipment on the basis of need rather than on the immediate budget situation.

Councilman Whittington asked that Mr. Veeder and Mr. Fennell give the idea some thought and then come back to Council before it meets with the legislature. That this seems a good idea and a good way to take care of some projects that might come up on an emergency basis.

DISCUSSION OF LEGISLATION RELATING TO RAILROAD LAND LOCATED IN URBAN RENEWAL PROJECT.

Councilman Short stated the taking of railroad land by condemnation has been exhaustively studied recently and was brought up in the 1965 Legislature but the outcome was not successful. That such a law was passed recently in Massachusetts. That the land of a railroad is now placed in urban renewal, and has been voted on by the citizens. That he believes it needs further attention and he requests that someone implement whatever is necessary.

Councilman Tuttle advised that within the next 60 to 90 days, there will be a very comprehensive report made on railroad land and the possibility of acquisition and the possibility of the railroad doing something with their land. That the land Mr. Short refers to has been studied very carefully and is land not used for railroad purposes. That the Courts have established under our present law that we cannot condemn the railroad but can condemn land that any railroad owns that is used for a purpose other than a railroad - for instance, parking areas and this is what is in the urban bond package. That there is no question

about the legality of what we have done insofar as the bonds are concerned. As to railroad land in general, he would suggest and ask that we not discuss it further at this time in view of the fact that the Master Plan Committee is working on it and will have a comprehensive report.

Mayor Brookshire stated the downtown railroad property is under feasibility and economic studies at this time, and are studies that we would encourage and hopefully be able to cooperate with the ownership in the development of their own land.

LEASE WITH WELCO, INC. FOR SPACE IN BUILDING LOCATED AT 623 EAST TRADE STREET AUTHORIZED, AND ORDINANCE NO. 586-X AMENDING ORDINANCE NO. 498-X, THE 1966-67 BUDGET ORDINANCE AUTHORIZING THE TRANSFER OF FUNDS FROM THE GENERAL FUND CONTINGENCY APPROPRIATION.

The City Manager advised that it is proposed to move the City's Accounting and Data Processing activities across the street to the building at 623 East Trade Street. These activities are crowded to a point where we are losing something because of the crowded nature. That it is their opinion that other operations can be improved by virtue of making better use of the space now occupied by the activities that will be moved out.

That they think the per square foot cost of the building is in line; that it is a reasonable price. That the space is one half of the fourth floor. That it would be money very well spent and they can expect to gain dividends by virtue of the move. If we do not move and continue to expand, we are out of space. That everything that was not office space in the building has been converted into office space. That the owner of the building will put in the partitions as needed for our purpose. That this is a year to year lease with option for renewal.

Mayor Brookshire asked if the suggested \$6,800 from the Contingency Fund is for a year's lease or for the balance of the year? Mr. Veeder replied it is for the balance of the fiscal year; the annual rent will be \$15,235.

Councilman Albea moved approval of the subject lease with Welco, Inc. and the adoption of the ordinance authorizing the transfer of \$6,800.00 from the General Fund Contingency Appropriation to Finance-Accounting Account for this purpose. The motion was seconded by Councilman Tuttle.

Councilman Whittington asked what use will be made of the space now used by Accounting and Data Processing, and Mr. Veeder replied they plan to consolidate some of the collection activities that are now scattered and set them up in a better shape to provide more meaningful service.

Councilman Short asked if there is a time limit, or would this be permanent? Mr. Veeder replied it depends upon what space is provided otherwise in city-owned facilities; that it will be until some additional space is available in city-owned buildings.

The vote was taken on the motion and carried unanimously.

The Ordinance is recorded in full in Ordinance Book 14, at Page 483.

ACQUISITION OF PROPERTY ON WEST FOURTH STREET FOR WEST FOURTH STREET EXTENSION.

Motion was made by Councilman Albaea, seconded by Councilman Alexander, and unanimously carried, authorizing the acquisition of 5,000 square feet of property at 821-23 West Fourth Street, from Eunice Orr-Oden, at \$8,000, in connection with the West Fourth Street Extension.

CITY MANAGER REQUESTED TO INVESTIGATE CONDITION OF SIDEWALK ON PARKWOOD AVENUE.

Councilman Tuttle stated he has received a letter from a man who says the sidewalk on Parkwood Avenue is in terrible condition and has been that way for fifteen years, and is hardly passable. He requested the City Manager to have someone to investigate it.

FIGURES ON VALUE AND COST OF PROJECT FOUR REQUESTED FROM THE REDEVELOPMENT COMMISSION.

Councilman Tuttle requested the City Manager to get some sort of figures that can be understood on the value and cost of Project 4, on these two things:

- (1) If the City keeps or purchases the land to hold for future use, future sale or as a gift for public or state facility, what will it cost the City?
- (2) If the City buys the land, borrowing the money, with the federal government paying the interest for five years under the Plan Use Program as provided under PL 89-117 of the Housing and Urban Development Program, what will it cost the City?

MAYOR REQUESTED TO CONTACT GOVERNOR OF NORTH CAROLINA AND REQUEST HIM TO APPOINT A STATE COORDINATOR IN CONNECTION WITH THE HIGHWAY SAFETY ACT.

Councilman Short stated at the Citizens Safety Association Meeting, they were advised by Mr. Ricco, an official of the Department of Commerce, that North Carolina is due to receive \$1.2 million under the Highway Safety Act - 40 per cent of which would be given to localities. That Charlotte would be due to get, on a population basis, about \$30,000 to \$35,000 out of this Act. He thinks Council should know of this and make every effort to get this money. That he is particularly interested in this federal assistance program because it is said to be the first one in which the federal government is turning money over to the States with no strings attached. As it was explained, any local program at all for the use of this money is okay with the federal government provided the Governor of the State approves the program of use for the money.

Councilman Short stated this is an excellent trend in federal programs and he can see a lot of good that would come from such a system. For this reason, Council should do whatever it can to make this program successful in the hopes that it will encourage federal government to adopt this sort of approach. He asked if

Council would want the Mayor to write the Governor and tell him of our interest and ask him to appoint the State Coordinator, who is supposed to be appointed, so that our program can be presented to him.

Councilman Whittington stated at the luncheon he asked Mr. Ricco for a copy of the two acts. One is the National Traffic Act and the other is the Motor Vehicle Safety Act. That as Mr. Short said there are no strings attached but it is \$1.2 million over a two year period that the State can apply for and we would get our part as a division of state government. He presented the Mayor and City Attorney with copies of the Act.

MAYOR'S REPORT ON CONTACT WITH HUD IN CONNECTION WITH CHARLOTTE BECOMING MODEL CITY, AND ASSISTANT SECRETARY OF URBAN RENEWAL REGARDING URBAN RENEWAL PROGRAMS.

Mayor Brookshire stated he was in Washington last week to attend a Meeting of the U. S. Conference of Mayors and while there he did all that he could to promote our interest in becoming a model city. That he talked to the top echelon of the HUD as well as some of the top administrators in Washington. That he thinks we will have a good change, providing Congress votes the money. That he also asked the Assistant Secretary in charge of Urban Renewal to see what he could do to expedite the addendum of Phase 3 of the Brooklyn Project which has to do with the one block on which the law enforcement center is to be built; and also to tell us when we could expect some action or approval on Phase 5, the last phase of Brooklyn, and he said he would let him know something at a later date.

Mayor Brookshire advised that he talked with Mr. Weaver about our Project City Water-Sewer Program on which we received \$1.0 million last year and it appears now there will be \$177,000 left over because the project did not amount to what the federal government was willing to pay on that. That he explained to Mr. Weaver that Charlotte did not want to lose the \$177,000 that had been allocated to us and we would either have that added to Phase Two or horse trade a little and get the approval of Phase Two.

COUNCIL ADVISED THAT WATER LINE TO COLLEGE SHOULD BE COMPLETED BY EARLY SUMMER.

Councilman Whittington asked when the City and County jointly will let the contract for the water line to Charlotte College? Mr. Veeder, City Manager, advised the City will let the contract, and as soon as Mr. Franklin has completed the design and the right of way problems are disposed of, the contract can be let immediately. That the target date for completion is by early summer.

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CITY MANAGER REQUESTED TO SET UP MEETING WITH PLANNING DIRECTOR, J. N. PEASE, JR., CITY MANAGER, MAYOR AND CHAIRMAN OF COUNTY COMMISSIONERS TO MAKE RECOMMENDATIONS ON AN ADVISORY BOARD FOR THE GOVERNMENTAL PLAZA.

Councilman Whittington stated he would like to discuss the status of the Pease Plan for the Governmental Plaza. That he was under the impression when this was presented jointly to the County Commissioners and Council, that it was approved, but he has been told since that it was not approved, it was accepted as information.

The City Manager stated his recollection is that both the Board of County Commissioners and the City Council more or less accepted the premise in principle that it was the desirable thing to do. Since then Mr. Elmer Rouser mentioned the fact that nothing has been done toward the end of taking this idea in principle and converting it to something more than that. That the acceptance of the idea was accomplished by both Boards but there has been no further refinement of the idea.

Councilman Whittington stated he recalls Mr. Rouser's suggestion and he assumes the Mayor has appointed a Committee to study this plan and supervise it in the future. That to him this is something that we should discuss with the County Commissioners along with the interest rate on the prepayment of taxes and really see if the plan has been approved by both Bodies. If it has not, then it should be because they now have four new members on the County Board and probably the new ones have not seen it. After both Bodies accept it, is it necessary to have a public hearing on this particular plan of the Governmental Plaza? That it is his understanding that we do have to have one. Whatever the procedure is it should be gotten in the proper prospective, because the educational building and other things have to be settled.

Mayor Brookshire advised that Mr. J. N. Pease, Jr. recommended that the City and County agree to set up a commission that could be a continuing commission or committee for many, many years. That he, Mr. Veeder and others have discussed the mechanics or format for such a commission or committee without yet arriving at any conclusion in the matter which they could bring to Council as recommendations. That he thinks there was formal agreement between members of Council and the Board of County Commissioners last year on certain developments of the expanded government plaza with particular reference to exact locations of the law enforcement center and the jail. That much is pinned down.

Councilman Whittington stated he was under the impression that both Boards had approved the plan. Mayor Brookshire stated he thinks that is right and by the same action approved what J. N. Pease & Company had submitted.

Mr. Veeder remarked that the Plan itself was approved by both Boards, but the thing left hanging was the thought there should be a group charged with the responsibility to continue the guidance and implementation of the plan in an orderly fashion. That it is his impression the Plan itself has been fully accepted by both governing boards.

Mayor Brookshire advised that he and Mr. Veeder agreed this morning, this by necessity must be an advisory board or commission because further development of the governmental plaza and community center will have to have approval of both the county commissioners and city council.

Councilman Tuttle stated this advisory committee should be gotten together and should be rolling soon because apparently there is some breakdown of communications between the City, the County, and the School Board with particular regard to the location of the educational building. That we have nothing to do with the location of the education building, but through an advisory committee we might - that he thinks the location of the building is important at this time to the overall plan of the governmental center and the downtown master plan. That he would urge Council or Mayor to get together with the County Commissioners soon and get the advisory committee established as it is very important.

Mayor Brookshire replied he agrees but in his opinion there has been no breakdown in communications. What has happened is that the School Board finds itself in a difficult financial position to build what they want to build and also provide the underground parking.

Councilman Alexander stated several months ago he brought up the possibilities of a stalemate between the School Board and the Urban Redevelopment Commission over the parking problem, and suggested that Council immediately take steps to talk with the Redevelopment Commission to prevent such a stalemate if possible, and see what could be done to be certain that everything on our side was done to speed up the situation and not get into a problem over this. That he does not know what steps have been taken but that is a situation that is altogether different from the other side of the program we are taking about by getting together with all three bodies involved for the adoption of the Master Plan Program. That he does not know the position of the Redevelopment Commission in answer to that suggestion. Mr. Veeder replied there have been some meaningful discussions because he has participated in some of them with the School Board and he is under the impression they have made some real progress. Councilman Alexander stated from the papers he was lead to believe that someone is at a stalemate now.

Councilman Whittington stated the Urban Redevelopment Commission is a Commission of the City Council, and the School Board is another one elected by the people but under the County Commissioners and this is why we need to pull together so that we can get this particular problem worked out.

Councilman Alexander stated he raised the point from our side of it - that we use our influence here to let the Redevelopment Commission know our intentions and that we wanted them to try not to get into a stalemate over the parking situation.

Councilman Whittington stated in his opinion, the Urban Redevelopment Commission would be going under the assumption that the Council wants to develop the Governmental Plaza according to the Please Plan. Mayor Brookshire stated he thinks we indicated

that approval of the plan when it was presented jointly with the County Commissioners, and obviously the problem we are talking about is a money problem and that will have to be resolved by the School Board and the County Commissioners.

Councilman Tuttle stated he voted to approve the Pease Plans but when the plans were approved, the educational building was not any more than a recommendation for a particular area, but at the time the point was made of the new government office building. It was going to be right across the street - this government office building is no longer a reality - the post office is going to be rejuvenated and this has changed things. That he still insists we need a committee to get together and coordinate this with the City, the County, the School Board and the Master Plan altogether. That things have changed since the Pease Plan was approved. That he thinks the changes probably involve primarily the educational building.

Mayor Brookshire requested Mr. Veeder to set up an engagement with Mr. McIntyre, Mr. J. N. Pease, Jr., the City Manager and himself with the Chairman of the County Board of Commissioners at a very early date and see what recommendations can be made to the Council and the Commissioners on an advisory board to take into account the particular problems being discussed at the moment and also long range planning for further development of the Plaza.

INFORMATION ON SUPREME COURT DECISIONS RELATING TO CATV IN ASHEVILLE AND RALEIGH.

Mr. Kiser, City Attorney, advised that since Council passed the ordinance on CATV, our Supreme Court has handed down two decisions. One involving Asheville and one involving Raleigh. In Raleigh and Asheville, the City Charters required that the grant of a franchise be approved by the vote of the people. This was not done, and the Court held that the document by which CATV rights were granted was in the nature of a franchise and was therefore void. In Charlotte, we have no such charter requirements and, in his opinion, the case has no effect at all on the action which the Charlotte Council took.

CITY ATTORNEY TO BE ON ACTIVE DUTY FOR TWO WEEKS MILITARY TRAINING.

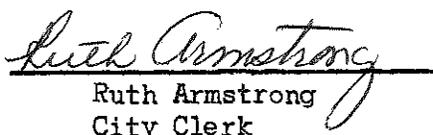
Mr. Kiser, City Attorney, advised beginning next Monday for two weeks, he will be away on active duty for military training.

OFFICIAL OPENING OF FIRE STATION AT PARK ROAD AND SULKIRK ROAD SET FOR MONDAY, FEBRUARY 27.

At the request of the City Manager, Council selected Monday, February 27, at 12:00 Noon for the official opening of the new fire station which is located at Park Road and Sulkirk Drive.

ADJOURNMENT.

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


Ruth Armstrong
City Clerk