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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, in the City Hall, on Monday, June 15, 1964, at 2 o'clock p.m., with Mayor pro tempore Whittington presiding, and Councilmen Albea, Bryant, Smith and Thrower present.

ABSENT: Mayor Brookshire and Councilmen Dellinger and Jordan.

Sitting as a Joint Body with the City Council to hear petitions for changes in Zoning Classifications were the following members of the Charlotte-Mecklenburg Planning Commission: Mr. Sibley, Chairman, Mr. Jones, Mr. Lakey, Mr. Stone, Mr. Suddreth, Mr. Toy and Mr. Turner.

ABSENT: Mr. Ervin, Mr. Hanks and Mr. Ward.

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#### INVOCATION.

The invocation was given by the Reverend William M. Bowers, Assistant Minister, Westminster Presbyterian Church.

#### MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Thrower, and unanimously carried, the Minutes of the last meeting on June 8th were approved as submitted.

#### HEARING ON PETITION NO. 64-40 FOR CHANGE IN ZONING OF THREE LOTS AT 608, 614 AND 618 EAST 36TH STREET.

The scheduled hearing was held on Petition No. 64-40 by C. H., W. J. and Ada E. Lowder, for change in zoning from O-6 to B-1 of 3 lots at 608, 614 and 618 East 36th Street.

The Planning Director advised that the property lies just south of Yadkin Avenue, and is developed residentially; it is adjoined on the north by property bordering on Yadkin Avenue used for a parking lot; the property also joins the North Charlotte Business section in the area of 36th Street and Davidson Street; south of the property down East 36th Street towards the Plaza the property is developed residentially. The property is zoned O-6 and is adjoined on the north by Business Zoning and O-6 zoning across East 36th Street, otherwise the adjoining zoning is residential.

Mr. Irving Boyle, Attorney representing the petitioners, Mrs Ada E. Lowder and her two sons, pointed out that the adjoining lot, referred to by Mr. McIntyre as zoned for Business, belongs to the Lowders. Secondly, the residential area is multi-family and rental property and none of it individually owned and occupied. He advised they wish to develop on the property a small Shopping Center for which the plans have been drawn and to use the remainder of the property for other retail establishments and doctors offices and a small medical building. According to the tentative plans that have been developed this, of course, allows the 90 feet setback to provide adequate parking. Mr. Boyle stated they contacted a number of the business property owners in the area and they have letters from Mr. Copus, Mr. Boyd and Mr. Herrin saying in their opinion the rezoning to permit the construction

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of the Shopping Center would be in the right direction for the neighborhood. He stated there has been very, very little new construction in this area, and no new residential construction in the adjacent or general area, that is why these men say it is a step in the right direction to develop other residential portions of it.

No opposition to the proposed rezoning was expressed.

Council decision was deferred one week for the recommendation of the Planning Commission.

HEARING ON PETITION NO. 64-41 FOR CHANGE IN ZONING OF 2.628 ACRES OF PROPERTY ON THE SOUTHEAST SIDE OF I-85, EXTENDING FROM REID STREET TO GLENWOOD DRIVE.

The public hearing was held on Petition No. 64-41 by Mrs Odessa B. Hartsell for change in zoning from R-6 to B-1 of a 2.628 acre tract of land on the southeast side of I-85, extending from Reid Street to Glenwood Drive, fronting 119 feet on Glenwood Drive and 114 ft. on Reid Street.

Mr. McIntyre, Planning Director, presented a map of the property and surrounding area and stated the property is irregularly shaped and has one house on it, otherwise it is vacant. That across Glenwood Avenue there are several homes; south of the property on Glenwood Avenue it is developed residentially down to Plainview Road and beyond the intersection of Plainview Road and Glenwood Avenue there are industrial developments on both sides. That the property is zoned R-6 and is adjoined on all sides by R-6 zoning but there is Business zoning adjacent to I-85.

Mrs Hartsell, the petitioner, stated she lives alone on the property which is located at 4121 Glenwood Drive, and the noise is so great from the Bypass and on the Ramp you cannot sleep at night nor keep your doors and windows open during the day. Also, there is an Airline Route over her house, which adds to the noise. She stated she would like to sell the property, which cannot be done for residential purposes.

No objections were expressed to the proposed change in zoning of the property.

Council decision was deferred one week for the recommendation of the Planning Commission.

HEARING ON PETITION NO. 64-42 FOR CHANGE IN ZONING OF THREE LOTS AT 1300, 1304, 1306-08 NORTH PEGRAM STREET AND ONE LOT AT 1244 NORTH PEGRAM STREET.

The scheduled hearing was held on Petition No. 64-41 by G. L. Russell, Jr. and Evelyn R. White, for change in zoning from R-6MF to I-1 of three lots at 1300, 1304, 1306-08 North Pegram Street and one lot at 1244 North Pegram Street.

The Planning Director advised the Petition is in two parts since it covers property that is divided by an intersecting street. One lot is on the southerly side of Pegram and Louise Avenue and is used for two purposes, on the front there is a house and on the rear a metal storage building. He stated the other part of the Petition is used for the office building of Russell Transfer Company. Across Pegram Street the property is used residentially; on the north it is adjoined by a Residential Zone and a High School is nearby. At the rear the property is developed residentially. The zoning of the property in question is R-6MF and all adjoining property is for R-6MF uses.

Mr. W. C. House, Jr., Vice-President of Russell Transfer Company, stated this Company has been in business in Charlotte for 39 years, rendering service to the people, and at present all of the owners of the Company are native Charlotteans and grew up in the area where their business is located. He stated they have a Metal Warehouse on the property, which is very old and they cannot use it for furniture storage, and their present small office building is on the property at the corner of 16th and Pegram Streets, and they park their four trucks at the back of this building and use the back of the lot for storage of overseas containers. That they are in a community which the Mayor's Committee on Beautification is asking cleaned up and they would like very much to cooperate with the program but they cannot do it until they can get a larger Warehouse. That their business has grown so much, they must expand to meet their needs. That they feel the new Warehouse will make a great change in the appearance of their property and the area.

No objections were expressed to the proposed change in zoning.

Council decision was deferred one week for the recommendation of the Planning Commission.

HEARING ON PETITION NO. 64-43 FOR CHANGE IN ZONING OF AN AREA APPROXIMATELY 207' x 256' ON THE SOUTHWEST SIDE OF EAST END STREET EXTENDED AND ON PETITION NO. 64-44 FOR A CHANGE IN ZONING OF AN AREA 80' X 356' AND TO GRANT CONDITIONAL APPROVAL FOR PARKING OF MOTOR VEHICLES FOR AN AREA 122' X 356' FEET.

The public hearing was held on Petition No. 64-43 by White Motor Company for change in zoning from R-6MF to I-2 of an area approximately 207' x 256' on the southwest side of East End Street Extended, beginning approximately 368' northwest of I-85.

Also, on Petition No. 64-44 requesting an alternate type of zoning, in case Petition No. 64-43 is not approved, requesting a change in zoning from R-6MF to I-2 of an area 80' x 356' and granting conditional approval for parking of motor vehicles for an area 122' x 356' on the southwest side of East End Street.

Mr. McIntyre, Planning Director, advised the petition covers a piece of property at the end of East End Street, from a street parallel with Glenwood Drive. If the street were opened all the way through it would intersect with I-85, although, the street is not open all the way through at present and deadends at the northerly side of the property. The land at present is vacant; the property immediately across from East End Street is vacant also being the rear portion of the property fronting on Glenwood Drive which is zoned residential; immediately to the south of the property towards I-85, the land is also vacant; west and diagonally southwest of the corner of the property, there is an existing industrial establishment. At the present time, the adjacent property is zoned industrial out to the southerly line of the petition, then from that point up there is an area zoned residential but approved recently by the Council for conditional parking. The property immediately beyond the conditional parking area is zoned R-6MF. This request is for industrial zoning of property that is presently zoned R-6MF, also, the property that is zoned R-6MF but is available for conditional parking.

Mr. McIntyre called attention that Petition 64-44 proposes an alternate type of zoning in the event that Petition 64-43 for industrial zoning of the entire tract does not meet Council approval.

Mayor pro tem Whittington asked where the property is located in relation to Glenwood Drive, and Mr. McIntyre stated the property is a block removed from Glenwood Drive and East End Street and runs parallel to Glenwood Drive and runs along to the west.

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Mr. Hugh Lobdell, Attorney representing White Motor Company, passed around a map and photographs of the area for viewing and stated they have two petitions involving the same property, and this is due to the opinion of Mr. Morrisey, the City Attorney, that you cannot grant a part of a petition. That under the 1st petition they are asking that the entire area be zoned Industrial; the second petition incorporates the request for a smaller portion of the property to be zoned Industrial. He stated the property fronts on I-85 and to the left there is Mason-Dixon Lines. On the easterly side it is vacant and runs through the Texaco Filling Station to the right. That behind is one dwelling in the corner of East End Street, being lot 66, and fronts on East End Street. The only other structure near at hand is what appears to be a little workshop which is on lot 70 and 69. The dwellings in this area front on Key Street so that the back yards back up against this area. The critical area as far as any possible objections is to the north of the property which would be the rear line. There is a 12 foot alley starting at the Minnie Hoover property line; then in the deed to White Motor Company there is reserved a 28 foot right-of-way with the idea that eventually an alley would be wide enough for a street of some kind. Then White Motor Company proposes to make a cut so there will be a substantial hill there. That their topography map shows the front elevation down to I-85 is 732 feet and the rear is 762 feet in elevation. The plan is to make about a 28-foot cut so as to have an elevation of about 738 feet at the rear. Then above the cut there would be the usual wire fence. He discussed the photographs which he had distributed and called attention that the cut made by Mason-Dixon Lines on their adjoining property is the type of cut White Motor Company proposed to make, which shows to some extent how you can keep the people on the back yards of these residential areas from being disturbed.

Mr. Lobdell stated further the second petition (Petition No. 64-44) is for what White Motor Company says is their minimum requirements. That the background of that is a comedy of errors. He advised that a petition was filed with the City to get additional parking for industrial use on property near I-85 and the petition was granted. He presented Council with copies of the Ordinance granting the petition and advised that the description of the property in the ordinance underscored in red is the part of the ordinance he looked at when he platted out and sent to the White Motor Company in Cleveland, Ohio, what they were getting. He stated he did not get in on the case until it was substantially under way, and he platted on the survey the industrial area as indicated by that ordinance, which indicates that the Industrial area is located 450 feet from I-85, while, in fact, the description given the Planning Board was in error and the Industrial area instead of beginning 450 ft. back, actually terminates 80 feet back towards I-85. And relying on that Ordinance he presented the survey to the Company in Cleveland and drew a line on it that here was the Industrial area with a parking area of 150 feet. Then when they came over to ask that the parking be made industrial they found that parking does not mean "parking company owned vehicles", but it means "parking for customers and employees". That what White Motor Company wants to do is to park vehicles they own which are for sale, and they thought they were buying property zoned Industrial back 450 feet and parking 150 feet. Therefore, the second petition is simply to ask for what they thought they were getting. He stated he relied on the Ordinance instead of checking the map himself. He stated as it now stands there is a 68 foot strip that the Company thought was Industrial which, in fact, is Residential with parking permitted. That the Company is in quite a mess as to this strip and unless the Council will zone this 68 foot strip Industrial - and by 68-ft. he means at right angle, 80 ft. on the bias - the property is not usable for the Company's Branch, which they propose to build. This with the 122 ft for parking will take it back to the 28-ft. right of way.

Mr. Lobdell stated that is an escape clause; that they feel they should have the 1st Petition, which is the entire thing, zoned Industrial. He stated he thinks it is worthy of consideration for Council to ask who is making the request for rezoning; that White Motor Company, who manufactures truck-trailers, has had a branch in Mecklenburg County for 40 years, and had a Branch on Morehead Street for many years. They have a Charlotte Region and an Atlantic Region and they want to combine those and make Charlotte the Regional Headquarters; that Charlotte is now Regional Headquarters for North and South Carolina, Tennessee, Georgia and Florida, and that involves bringing new equipment in and storing it temporarily and then sending it out to various places in the Region.

Mr. Lobdell introduced White Motor Company Regional Manager, Mr. Lucas, the Charlotte Branch Manager, Mr. Thompson, and Mr. Justice of Cleveland, Ohio who is Director of all of the Company's construction, who is here because this second petition for the rezoning of the 68 ft. strip is vitally important to us, otherwise the entire deal will be out.

Mayor pro tem Whittington asked Mr. Lobdell if he understands aright that the 28 ft. plus the alley would give them 38 ft. from the Hoover property? Mr. Lobdell stated it is 40 ft. instead of 38 ft. and it is a 12 ft. alley, and then there is the cut, which would involve a slope of some 24 ft.

In reply to the question by Mayor pro tem Whittington if he had any comments on the matter, Mr. Morrissey stated that he did not have.

No objections were expressed to the requested rezoning.

Council action was deferred for one week for the recommendation of the Planning Commission.

#### TEMPORARY SIDEWALKS AUTHORIZED CONSTRUCTED ON RAMA ROAD AND FUNDS TRANSFERRED FROM CONTINGENCY ACCOUNT THEREFOR.

A number of residents of Rama Road were present with regard to their request for temporary sidewalks and other traffic controls prior to the opening of the new school in the fall.

Councilman Thrower moved that temporary sidewalks be constructed on Rama Road and that \$4,700.00 be transferred from the Contingency Account for this purpose. The motion was seconded by Councilman Albea.

Councilman Smith asked if the School Board has agreed to do their part of the sidewalk, and if that is not part of the arrangement? Mr. Veeder advised that it has not been discussed with them yet, and he did not receive the report until Friday, and presented it to Council for consideration. Councilman Smith asked if Mr. Veeder feels reasonably sure the School Board will cooperate and Mr. Veeder stated he knows of no reason why they should not, as it is on their property.

Mrs Don Mallins stated at the meeting of the School Board she asked them what arrangements had been made in regard to getting sidewalks for this new school and they said the City Council would have to approve the walks along Rama Road, but when it came to the School property, they would work with the residents and make any arrangements necessary to secure the safety of the children. Councilman Smith asked her if the School Board implied they would do their part, and Mrs Mallins stated they did because she really questioned them and they did assure them they would cooperate as far as the remainder of the sidewalks were concerned.

The vote was taken on the motion, and carried unanimously.

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CHAMBER OF COMMERCE SUBMITS RECOMMENDATION FOR UNBOTTLING THE DOWNTOWN AREA AND PROVIDING A NEW, SAFE ARTERY FOR EAST-WEST TRAFFIC ON THE NORTHSIDE.

Mr. John Belk, President of the Chamber of Commerce, appeared before Council, and presented the following report and recommendations of their Traffic & Transportation Committee endorsed by the Board of Directors:

"On Friday, June 12, 1964, the entire Traffic and Transportation Committee, pursuant to suggestion of the Executive Committee, met with the President of the Chamber and members of the Downtown Charlotte Association, the District Commissioner of the Highway Department, the City Manager and City Engineer. The purpose was to determine a fully agreed upon plan which might be recommended to the City Council and receive the support of the Chamber and the Downtown Association. Such agreement was reached and is hereby conveyed to you as one having unanimous support of the combined membership of our Committee and those present representing the Downtown Association.

As offered this plan represents a major step toward unbottling Charlotte's core area and provides a new, safe artery for East-West traffic on the northside.

It has been determined that the recommendations here offered tie in suitably and satisfactorily with the freeway system now authorized on the north and south sides of the city and, if promptly begun and carried out, we may well anticipate simultaneous accomplishment at the time the new freeways are ready to handle the traffic.

This Committee believes the size and importance of the objective justify financing through means of a bond issue and that is a part of our recommendation and motion.

The Board of Directors of the Charlotte Chamber of Commerce respectfully urge the Charlotte City Council to support through early action the substance of the 1961 Charlotte Street improvement plan of Wilbur Smith and Associates to the extent outlined below:

Street	From	To	Prelim. Cost Estimate
5th Street	Brevard	Westside R.R. Underpass	\$ 2,000,000
6th Street	Myers Street	Graham Street	2,037,930
3rd Street	N.W. Expressway	Independence Boulevard	453,590
Brevard	10th Street	3rd Street	858,490
Caldwell	3rd Street	11th Street	1,219,500
4th Street	Cedar Street	Tuckaseegee Road	426,193
Pine	11th Street	Trade Street	449,820
Cedar	West Fifth Street	R.R. Tracks	296,030
7th Street	Independence	McDowell	1,097,020
Connector	4th St. Underpass	3rd St. at Graham	302,800
28th Street	Plaza	North Tryon Street	1,831,860
			\$10,973,233"

Mr. Belk stated this is Wilbur Smith and Associates plan as to the engineering and not that of the Chamber; while their's is the priority of streets as listed in the report, and the cost estimates were furnished by the City Engineering Department.

Councilman Thrower asked if the Chamber took into consideration the Urban Redevelopment program and Mr. Belk stated they did.

Mayor pro tem Whittington commented that last week Mr. Fennell, Finance Director, and Mr. Veeder presented to Council a report on the Bond requirements for the Northwest Expressway and the Downtown streets, as well as for Water and Sewer requirements. That the Council has some members absent on account of illness and being out of the country, and tomorrow night they will meet with the Press to go over the bond requirements as recommended and, also, review the Downtown streets. That the Council's problem is there are many requirements and there is a limitation on what can be done as far as bonds are concerned. The Council hopes the Pace and Progress Committee will soon give their recommendations on how and what can be done about securing new revenue, and that report is awaited anxiously. He told Mr. Belk if he can help the Council get the report it would be much appreciated.

Mr. Belk stated they think if this program is accomplished it will be one of the greatest innovations not only for Charlotte and Mecklenburg, but for the whole area.

Councilman Smith observed that when the final decision is made on the bonds, the Council may necessarily have to cut down this \$10,000,000 and if they call the Chamber Representatives back down here and tell them just the situation, perhaps they could help review just what money the City has available to be allotted. That there will be a lot of mechanics and mathematics in this before a decision can be made.

The Mayor pro tem stated the Council will be happy to keep Mr. Belk posted on what we are able to do.

CHAMBER OF COMMERCE LAW ENFORCEMENT COMMISSION PRESENTS REQUEST THAT TWENTY-SIX ADDITIONAL OFFICERS BE ADDED TO THE POLICE FORCE.

Mr. Stanhope Lineberry, representing the Chamber of Commerce Law Enforcement Committee, advised that this Committee recently met with the Tourism Committee, Mr. Randolph Norton, Chairman, the Industrial Committee, Mr. B. L. Ray, Chairman, the Publicity Committee with Mr. Bob Alander, Chairman, and the Convention Committee, represented by the Vice-Chairman, Mr. Homer Kirkman, Jr. and they came up with one recommendation that could be handled immediately that would strengthen law enforcement in connection with our crime situation. That in going over the problem they discovered that our racial peace officers in relation to the population is about like it was 20 years ago and not up to the present total. So, after they had passed on their recommendation and it was approved by the Executive Committee of the Chamber of Commerce, they got it to the Board of Directors who unanimously endorsed it.

Mr. Lineberry then presented the following recommendation:

"The Board of Directors of the Charlotte Chamber of Commerce, acting on the recommendation of the Law Enforcement Committee and the Chairman of the Chamber committees on Tourism, Publicity, Conventions and Industrial Development, does hereby strongly urge the Charlotte City Council to approve a Police Department budget of size sufficient to provide twenty-six additional police officers and supporting equipment which, in the best judgment of our law enforcement professionals, are desperately needed to enable the Police Department to do an adequate job of carrying out its basic mission: the prevention of crime, repression of crime, apprehension of offenders, and other related law enforcement duties.

The Chamber of Commerce acknowledges the fact that the prevention of crime is an extremely complicated and perhaps unsolvable problem the

roots of which are deeply imbedded in the sociological, economic, moral and spiritual realms of society; and it is quickly admitted that the strengthening of the Charlotte Police Department by twenty-six men does not begin to get at the roots of the problem. But it is also acknowledged that the crime situation in our community has become increasingly serious, and as the frequency of crime increases, the desirability of Charlotte as a place to live and work, as an attraction for tourists and a site for conventions, suffers a corresponding decrease.

According to national standards of 1.9 police officers per 1000 population, the Charlotte Police Department with a 1.5 rate is currently understrength by more than one hundred men. Twenty-six additional police officers will not eliminate crime, but they will help to suppress it; and if Charlotte is to continue to grow and continue to be a good place to live and to have appeal for tourists, conventions, and new industry, crime must be suppressed.

We, as responsible citizens, must be willing to face the problem squarely, make the necessary sacrifices and pay the necessary bills to equip our law enforcement agencies to adequately carry out the assignments we have given them."

Mr. Lineberry stated that we have a fine Police Department and he does not think another city of our size can say they have as honest Police Force as we have, hard workers, well trained and the Council is well aware of the fact that we have no organized crime in the City of Charlotte, and we should do everything possible to assist our Police to keep this standard.

He presented to the Mayor a copy of the Uniform Crime Report published by the F.B.I. for 1962, as the 1963 report is not yet out. He distributed copies of Page 109 of the Report to the Council, showing a comparison of Police Departments by Areas, of 3,441 cities with a population of 101,000,000, showing the average of the total country as 1.9 officers per 1,000 population and again the Charlotte area is 1.5. He called attention to the South Atlantic Section on the Report, which encompasses eight states, Delaware, Maryland, Virginia, North and South Carolina, Georgia and Florida, of which the population of the 328 cities chosen is 10,130,000; the average for the South Atlantic group being 2.1 and again Charlotte has 1.5, and the average for cities with a population of 250,000 is 2.9, and Charlotte is now a little over that population. Therefore, the small number of 26 additional Officers is merely a drop in the bucket as to our actual needs.

Councilman Smith asked if Mr. Lineberry has checked the cost to add these men to the Police Force, and Mr. Lineberry stated he has, and it is in the neighborhood of \$220,000.00.

Mayor pro tem Whittington thanked Mr. Lineberry for bringing the Council this report and stated he thinks this type of communication between other agencies in the City and the Council is very, very good, and working together they can help with the problems shared mutually. That as was pointed out previously in the meeting, the Council's big problem is finances to do all the things people want them to do and they know need to be done, and he hopes in the near future the Chamber can come down and show the Council where the funds can be found.

#### DISCUSSION OF PROPOSALS BY CHARTER REVIEW COMMITTEE, BY ALBERT PEARSON.

Mr. Albert Pearson commented that it is a little disturbing to sit here and feel it is necessary for a Group to come down here in order to get what they

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consider proper police protection for the City. That it points up what he has been trying to say for some time, that the City itself needs to take over the real initiative on programs such as this. That it has been known for sometime that our Police Department is not over burdened with officers. That it is nice to have cooperation between the Council and other groups but he does not feel that Groups should have to appeal for things of this type.

He stated he really came down to speak about the Charter Revision Committee's proposal, which is commented on editorially in today's Charlotte Observer. That it has to do with the Police Department - and the rumor is going around that the City Police and Fire Departments' moral is possibly at the lowest ebb it has been in several years. That he believes the Council would do well to pass a Resolution that the Charter Committee is an advisory group and nothing will be done except by them. That he has talked with several of these employees and they feel that certain of the things proposed would set the City back 35 years and put it back into real politics; that he will not argue about who should hire department heads; that he thinks the thing wrong with the City Charter today is the fact that certain administrative heads failed to do what they could do under the Charter to improve the Police Department. That the Charlotte Observer takes the position that if the paper wants something it is just alright.

He remarked further that the Council is speaking of spending a million dollars on one life line, that runs from a traffic point of view according to the Wilbur Smith Report, which he thinks is overly exaggerated, from 4,000 to 18,000, and yet the same road is for the whole area. That he cannot help but feel there is a possibility the Council could save money if the budgets were increased in the City Departments that would give the proper figures so you could act intelligently on these things.

1964-65 REVENUE ORDINANCE ADOPTED AND CITY ATTORNEY REQUESTED TO SECURE RULING FROM ATTORNEY GENERAL IF THE TAX ON MOTELS AND HOTELS CAN BE MADE ON A PROPORTIONATE BASIS.

The 1964-65 Revenue Ordinance, including an amendment taxing motels on the same basis as hotels, was presented for consideration.

Mr. Al London, Attorney representing clients of the Motel and Hotel Association, commented that he appeared before Council last week with regard to the proposed increase in privilege license tax for motels and asked that action be deferred as he was not prepared to state whether the equality which the Tax Department was recommending should go up or down, and in the period of time since the last meeting he has attempted to get up some figures but has not been able to get together all of the figures, but he thinks he has sufficient to give Council some indication that will help them in acting upon the matter.

Mr. London stated that in regard to the inequities, the motels are paying between 4 and 5% of their gross receipts City and County ad valorem taxes; that the ad valorem taxes on the motels approximates \$150.00 to \$200.00 per room. He stated he tried to get a true comparison of ad valorem taxes between the hotels and motels and he has compared the Barringer Hotel with 320 rooms and the Manger Motor Inn which has 158 rooms. That the comparison shows that the Manger pays \$33,000.00 ad valorem taxes for 158 rooms, while the Barringer which has 320 rooms - a little over double - pays \$34,720.00,

which runs about \$109.00 per room on a room basis. Another thing the Council will be interested in is the Sheraton-Barringer lost last year \$8,800.00; the net profit for the Manger was 1/2 of 1% of gross sales; while the ad valorem taxes, not including the other taxes, were eight times as much, or 3.8% of gross sales. He stated this is just for an indication. Mr. London stated there are other figures which he has in part but they are very much limited - but he says this, if anything should be done with regard to equalizing the privilege taxes on a room basis, the hotels should be reduced to what the motels are at present paying, as the motels themselves are contributing toward the City not only their fair share but in excess. That when you operate and invest as much money as the Sheraton-Barringer has invested and come up at the end of the year with a net profit of less than 1/2 of 1% as net profit, by the same token you are paying 3.8% or 4% of your gross revenue on ad valorem taxes, and it seems to him that in itself is inequitable.

So, he requests the Council to give due consideration to equalizing the taxes to reduce, if anything, the per room tax on hotels instead of increasing the other, realizing that the hotels and motels must make money to stay in business and also that they are an asset to the City.

Councilman Bryant asked how many motel rooms there are in the city? Mr. London replied there are approximately 2,300 rooms, and as near as they could estimate there are from 800 to 900 hotel rooms. Councilman Bryant then asked the City Attorney what rate the hotels are now paying, and Mr. Morrissey replied that it is on a graduated scale according to the charges made for the rooms; it is in accordance to the schedule of taxes fixed by the State Revenue Act. Cities can levy up to 1/2 of that amount. Mr. London stated that most of the motels will come within the highest classification, which would cost them \$3.25 per room under the schedule proposed by the City.

Councilman Thrower commented that he would like to postpone action on this today and look at it at Budget-making time. Councilman Bryant remarked that something should be done before then as certain considerations have to be made before Budget time. He asked if it is not correct that it does not amount to a great deal as far as our total income is concerned in equalizing these rates, and the City Manager replied that is correct, making some assumptions on the average rate per room, the Tax Department says it might be around \$4,700.00 revenue. Councilman Bryant asked if we could not work out a formula on the schedule we are able to take advantage of so these rates would be equalized but the hotel rate moved downward and the motel rate moved upward to meet half way and still be a very little difference, at the same time equalize them? The City Attorney replied that the only complication is that which is inherent in the schedule fixed by the State Revenue Act, which says that cities may not levy more than 1/2 of the amount levied by the State, so when you start trying to work out some balance you are faced with the limitation on the rate per room, and you would probably come out violating the State Act. Councilman Bryant asked if he means there is no alternative, and Mr. Morrissey replied he cannot say positively that it can be so worked out because of the way the State law is written.

Councilman Bryant asked if action can be postponed a week and the City Manager replied that he would suggest that Council postpone the specific issue, but consider action on the Revenue Ordinance as a whole, so the Tax Department may go ahead with the preparation of the Ordinance to be ready by July 1st. That the specific issue can be handled as an Amendment to the Ordinance later, if Council so wishes.

Councilman Bryant moved the adoption of the 1964-65 Revenue Ordinance and that the City Manager and City Attorney be requested to see if this might be charged on a proportionate basis so we would meet half way, or thereabouts between what is now charged for hotels and that for motels.

The City Attorney stated he does not think this can be worked out because of the State Schedule. Councilman Bryant asked if it is then either leave it as it is or change to the rate for hotels? Mr. Morrissey stated that is his opinion.

Councilman Bryant stated if that is the legal opinion of our City Attorney, he withdraws the motion, and moves the adoption of the 1964-65 Revenue Ordinance. The motion was seconded by Councilman Smith.

Mr. London stated he thinks Mr. Morrissey is in error, and he thinks the way this tax is set up in the present ordinance is on a graduated scale according to the State Act of 50%, the maximum allowed, and he thinks you can take 25% or 10% or 15% and you would not be out. That if you changed to a flat fee he thinks Mr. Morrissey is correct on a per room basis, but the way he understands it is set up in the proposed ordinance is the maximum on a graduated scale. He stated that most of the motels he has been speaking of were built in the last 5 years and the room charges will be in the higher classification, which is true now of our two main hotels.

Councilman Smith asked Mr. London if he said the maximum rate on this is \$3.25 per room per year - less than a cent a day? Mr. London stated this is CORRECT, and it may appear as a matter of small concern but on the other hand, when the Manger Hotel had less than 1/2 of 1% gross you are talking about taking from them another \$300.00 a year. Councilman Smith commented that as he has said before, he thinks the whole privilege tax structure should be reviewed and he thinks there are inequities, but all they are trying to do here is to make this tax equitable and if a hotel is different from a motel, then that will have to be discussed in reviewing the whole Ordinance, but as for the dollars and cents to try to reduce the tax, he cannot see how we could get any more ridiculous than trying to give less than 1¢ a day on a room; that if you are going to have a tax at all you could not go any less than this. Mr. London stated then he thinks perhaps there shouldn't be a tax at all. That the State does not tax the motels at all except under the Tourist Home provisions of \$1.00. That what someone in the Tax Office has said is this - "we think it is inequitable", of course they do not go to see about the ad valorem and the number of rooms. That they are not taxed under the hotels; they are going to make a new section on Hotels. He asked the Council if honestly and sincerely this is their tax policy? A cent today is not much, but there is tomorrow and tomorrow.

Councilman Bryant remarked to Mr. London that we have our City Attorney to advise us, and he has advised us there is no alternative, but he will ask further that he request a ruling from the Attorney General to see if there is any way to make this a proportionate up and down proposition - up for one and down for the other - and if so, then Council can consider it as an Amendment. He asked Mr. Morrissey if that is a fair request?

Mr. Morrissey replied that it is more a matter of arithmetic than a matter of law.

The vote was taken on the motion to adopt the 1964-65 Revenue Ordinance, and unanimously carried.

The ordinance is recorded in full in Ordinance Book 14, at Page 21.

DECISION DEFERRED ON PETITION NO. 64-22 FOR CHANGE IN ZONING OF TRACT OF LAND ON THE NORTH SIDE OF FAIRVIEW ROAD AT PARK ROAD INTERSECTION, AND ON PETITION NO. 64-35 FOR CHANGE IN ZONING OF TRACT OF LAND ON THE NORTH SIDE OF PARK ROAD, WEST OF FAIRVIEW ROAD.

Councilman Bryant moved that action be deferred on Petition No. 64-22 by

Mr. R. L. Barnett for change in zoning of tract of land on the north side of Fairview Road at Park Road intersection, and on Petition No. 64-35 by Mr. Charles K. Price for change in zoning of tract of land on the north side of Park Road, west of Fairview Road, until there are six members of the Council present. The motion was seconded by Councilman Albea, and unanimously carried.

PETITION NO. 64-34 FOR CHANGE IN ZONING OF PROPERTY EXTENDING FROM SHAMROCK DRIVE TO EASTWAY DRIVE, BEGINNING 200' NORTHWEST OF SHAMROCK-EASTWAY DRIVE INTERSECTION TO BE PRESENTED FOR CONSIDERATION AT NEXT COUNCIL MEETING.

Councilman Albea moved that Petition No. 64-34 by Mr. H. H. Baucom for change in zoning from O-6 and B-1 to B-2 of property extending from Shamrock Drive to Eastway Drive, beginning 250' northwest from Shamrock-Eastway Drive intersection, be denied as recommended by the Planning Commission. The motion was seconded by Councilman Bryant.

Councilman Thrower offered a substitute motion that the Petition be approved. The motion did not receive a second.

The vote was taken on the main motion, with the following votes recorded:

YEAS: Councilmen Albea and Bryant.  
NAYS: Councilmen Thrower and Smith.

The Mayor pro tem broke the tie and voted against the motion.

Due to the lack of the required four affirmative votes to complete a motion, the action was disregarded and the Petition will be presented at the next Council meeting for Council consideration.

AGREEMENT AUTHORIZED WITH STATE HIGHWAY COMMISSION FOR ENCROACHMENT ON RIGHT-OF-WAY FOR THE CONSTRUCTION OF A WATER DISTRIBUTION SYSTEM MAIN ON SOUTH SIDE OF HOSKINS ROAD.

Upon motion of Councilman Bryant, seconded by Councilman Albea, and unanimously carried, an Agreement was authorized with the State Highway Commission for the City's encroachment in their right of way for the construction of a 12" Water Distribution System main in the south side of Hoskins Road, from Beatties Ford Road westerly approximately 820 ft. to serve the Northwood Subdivision.

COOPERATIVE AGREEMENT WITH THE U.S. GEOLOGICAL SURVEY FOR LOCAL STREAM GAGING PROJECTS, FOR THE FISCAL YEAR 1964-65.

Councilman Thrower moved approval of entering into a Cooperative Agreement with the U. S. Geological Survey for surface water resources survey in the Charlotte Metropolitan area for the fiscal year 1964-65, at a cost of \$7,500. This to cover the fourth year of the 5 year contract entered into in 1961 for this project. The motion was seconded by Councilman Smith, and unanimously carried.

RESOLUTION PROVIDING FOR PUBLIC HEARINGS ON PETITIONS NO. 64-45 THROUGH 64-48 FOR CHANGE IN ZONING CLASSIFICATIONS.

Upon motion of Councilman Albea, seconded by Councilman Thrower, and unanimously carried, a Resolution Providing for Public Hearings on Petitions No. 64-45

through 64-48 for changes in Zoning Classifications, on July 20th, was unanimously adopted. The resolution is recorded in full in Resolutions Book 4, at Page 392.

CONTRACTS AUTHORIZED FOR APPRAISAL OF RIGHTS-OF-WAY FOR THE NORTHWEST EXPRESSWAY.

Motion was made by Councilman Bryant, seconded by Councilman Albea, and unanimously carried, approving contracts for the appraisal of rights-of-way for the Northwest Expressway, as follows:

- (a) Contract with Leo H. Phelan, Jr. to appraise two tracts of land on College Street and West 12th Street.
- (b) Contract with Lionel D. Bass, Sr. to appraise two tracts of land on Tryon Street and 5th Street.

RESOLUTION ACCEPTING AMENDMENT NO. 1 TO GRANT AGREEMENT NO. FA-SO-2441 DATED JUNE 5, 1963, MADE BY THE DIRECTOR, SOUTHERN REGION, FEDERAL AVIATION AGENCY ON BEHALF OF THE UNITED STATES OF AMERICA TO THE CITY OF CHARLOTTE, NORTH CAROLINA IN THE DEVELOPMENT OF DOUGLAS MUNICIPAL AIRPORT, NO CHANGE IN FUNDS, AUTHORIZING HIGH-INTENSITY LIGHTS ON NORTH-SOUTH RUNWAY.

Councilman Bryant moved the adoption of the following resolution, and that the Mayor and City Clerk be authorized to execute Amendment No. 1 to the Grant Agreement, which was seconded by Councilman Thrower, and unanimously carried:

RESOLUTION ACCEPTING AMENDMENT NO. 1  
TO GRANT AGREEMENT NO. FA-SO-2441 DATED  
JUNE 5, 1963, MADE BY THE DIRECTOR,  
SOUTHERN REGION, FAA, ON BEHALF OF THE  
UNITED STATES OF AMERICA TO THE CITY OF  
CHARLOTTE, NORTH CAROLINA IN THE DEVELOP-  
MENT OF DOUGLAS MUNICIPAL AIRPORT, NO  
CHANGE IN FUNDS.

Be it Resolved by the City Council of Charlotte, North Carolina.

Section 1. That the City of Charlotte hereby accepts, on its own behalf, the said Amendment No. 1 executed by the Director, Southern Region, Federal Aviation Agency dated June 15, 1964 to the City of Charlotte, North Carolina.

Section 2. That Stanford R. Brookshire the Mayor is hereby authorized and directed to execute the acceptance of the Amendment No. 1 to Grant Agreement No. FA-SO-2441 in quintuple on behalf of the City of Charlotte, North Carolina, and Lillian R. Hoffman, the Clerk is hereby authorized and directed to impress the official seal of the City of Charlotte, North Carolina and to attest said execution.

Section 3. That the Amendment No. 1 to Grant Agreement No. FA-SO-2441 referred to herein above is accepted and shall constitute the Agreement.

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LEON OLIVE APPOINTED AS MEMBER OF THE CHARLOTTE-MECKLENBURG PLANNING COMMISSION.

Councilman Albea seconded the nomination of Mr. Leon Olive to fill the vacancy on the Charlotte-Mecklenburg Planning Commission made by Councilman Smith at the last meeting on June 8th. Councilman Smith stated he has spoken to Mr. Olive again and he will serve and he thinks he would do a very commendable job on the Commission.

Councilman Smith then moved the appointment of Mr. Olive to the Charlotte-Mecklenburg Planning Commission for a term of three years beginning June 30, 1964. The motion was seconded by Councilman Albea, and unanimously carried.

Councilman Albea stated he appreciates the services of Mr. Wallace Hanks on the Commission and he thinks he has made one of the best members who has served on the Commission, and he is sorry he did not stand for reappointment but he is leaving at his own request.

TRANSFER OF CEMETERY LOTS.

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

- (a) Deed with Henry H. Orr and Marianna D. Orr, for Graves 5, 6 and 7, in Lot 122, Section 2, Evergreen Cemetery, at \$180.00.
- (b) Deed with Mr or Mrs Oliver F. Roddey, for Lot 274, Section 3, Evergreen Cemetery, at \$283.50.
- (c) Deed with Mr and Mrs H. C. Williams, for Lot 482, Section 6, Evergreen Cemetery, at \$240.00.
- (d) Deed with Mrs Colleen Hendrix Furr and husband, W. M. Furr, for Lot 30, Section 2, Oaklawn Cemetery, transferred from Mrs Adele L. Hendrix, at \$3.00 for transfer deed.
- (e) Deed with Mrs Adele L. Hendrix, for Lot No. 16, 29 and 101, Section 2, Oaklawn Cemetery, at \$3.00 for new deed.

CONTRACT AWARDED A. V. BLANKENSHIP AND C. D. SPANGLER CONSTRUCTION COMPANY FOR THE CONSTRUCTION OF STREET IMPROVEMENTS ON OLINDA STREET, KILDARE DRIVE AND WINTERFIELD PLACE.

Councilman Thrower moved the award of contract to the low bidder, A. V. Blankenship and C. D. Spangler Construction Company, for the construction of street improvements on Olinda Street, Kildare Drive and Winterfield Place, as specified, in the amount of \$51,342.00, on a unit price basis. The motion was seconded by Councilman Albea, and unanimously carried.

The following bids were received:

A. V. Blankenship & C. D. Spangler Construction Company	\$ 51,342.00
T. A. Sherrill Construction Co.	57,065.50
Crowder Construction Company	60,075.50
Blythe Brothers Company	60,596.50
D. W. Flowe & Son, Inc.	62,412.50

CONTRACT AWARDED SUPERIOR STONE COMPANY, DIVISION OF MARTIN-MARIETTA CORP.  
FOR CRUSHED STONE.

Upon motion of Councilman Albea, seconded by Councilman Bryant, and unanimously carried, contract was awarded the low bidder, Superior Stone Company, Division of Martin-Marietta Corporation, for 146,000 tons of Crushed Stone, as specified, in the amount of \$302,820.00, on a unit price basis.

Councilman Thrower asked if the price per ton is about what was paid for this stone last year? The City Manager advised it is  $4\frac{1}{2}\%$  more than we paid last year.

The following bids were received:

Superior Stone Company	\$302,820.00
Div. of Martin-Marietta Corp.	
Nello-L. Teer Company	345,565.00
Campbell Limestone Company	424,720.50

CONTRACT WITH PROVIDENCE UTILITIES RELATIVE TO WATER SERVICES TO THEIR  
PARTICULAR AREA.

Councilman Bryant moved that contract be authorized with Providence Utilities, Inc. providing that the City furnish them a monthly statement as to the water charges for services to the people in that particular area, and they pay the City for the cost of furnishing said statement, plus an option for the City to purchase all or any part of the sewage system when annexed. The motion was seconded by Councilman Albea, and unanimously carried.

ACQUISITION OF RIGHT-OF-WAY FOR SANITARY SEWER EXTENSION IN SEYMORE DRIVE.

Councilman Albea moved approval of the acquisition of a right-of-way 5 ft. wide by 230 ft. long between Belamy Street and Humphrey Street, from Mr. Joseph N. Hartman, at a price of \$115.00, for right-of-way for the extension of a sanitary sewer line in Seymore Drive. The motion was seconded by Councilman Thrower, and unanimously carried.

REQUEST THAT PROPER BASE BE LAID ON VERNON DRIVE IN RESURFACING OF STREET.

Councilman Smith remarked that last year he commented on the way that Vernon Drive was resurfaced, with pot-holes in it several weeks after the work was completed, and the Engineering Department stated there was not a proper base laid; that they are now tearing up the entire street and they have a good opportunity now to get a solid base. He asked if they are redoing the street? The City Manager stated he is not familiar with the particular job but will check into it; that they are probably adding to it, and that which was laid last year will end up as base this year; that this is done on certain categories of streets. Councilman Smith stated that everyone admitted it was a sorry job last year, and he hopes the same mistake will not be made again, as there are lots of people watching it to see what kind of Engineering Department we have.

CITY MANAGER REQUESTED TO CHECK ON PROCEDURE RELATIVE TO SUBSTANDARD HOUSES.

Councilman Smith stated that a person came to see him and said he had a house he wanted to bring up to standard under our Housing Inspection law and the

Inspector showed up with a contractor and when they finished going over the house the contractor gave him a bid on what it would cost to bring it up to standard and the Inspector recommended that the contractor was reliable. Councilman Smith commented that this does not seem a very good procedure to him. Mr. Veeder, City Manager, agreed with him and said he would like to have the details after the meeting from Mr. Smith.

Councilman Bryant advised that along the same lines he has heard one or two comments where the Inspector finds a house substandard and requires it to be brought up to standard, while there might be other substandard houses adjacent or close by. He said he thinks we should be able to do them all, as it makes it difficult to rent so long as the others are substandard. He asked the City Manager to check on the procedure regarding this. Mr. Veeder remarked that this could happen if there is a complaint about one particular house.

COUNCIL MEETINGS TO BE HELD EVERY-OTHER-WEEK FROM JULY 1 THROUGH LABOR DAY, AND PRIOR COUNCIL ACTION FIXING DATES OF HEARING ON JULY 20TH ON THE REZONING OF PROPERTY IN THE VICINITY OF THE AIRPORT AND ON PETITIONS NO. 64-45 THROUGH 64-48 AMENDED BY RESCHEDULING THE HEARINGS ON JULY 27TH.

Mayor pro tem Whittington called attention that last year Council Meetings were held every-other-week from July 1 through Labor Day, and if we are going to do that this year we should do so today so that the Hearings on the Zoning Petitions can be fixed and properly advertised.

He stated further this would omit the meeting on the first Monday in July, and hold meetings on July 13th and 27th and on August 10th and 24th. He asked the City Manager if this would in any way interfere with the adoption of the Budget and Mr. Veeder stated it would not, however by action earlier we have scheduled zoning hearings for July 20th, and that action should be amended rescheduling the hearings.

Councilman Bryant moved that the regular Council meetings be held every-other-week, beginning July 1 through Labor Day, omitting the meeting on July 6th, and that Council action on May 18th fixing the date of hearing on the rezoning of property in the vicinity of the Airport on July 20th, and action today fixing the date of hearing on Petitions No. 64-45 through 48 for changes in zoning classifications be amended by rescheduling these hearings on July 27th. The motion was seconded by Councilman Thrower, and unanimously carried.

ADJOURNMENT.

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

  
Lillian R. Hoffman, City Clerk