

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 Wednesday, June 28, 1961, at 3 o'clock p.m., with Mayor Brookshire presiding, and Councilmen Albea, Dellinger, Jordan, Thrower and Whittington present.

ABSENT: Councilmen Bryant and Smith.

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INVOCATION.

The invocation was given by Dr. Embree H. Blackard, Superintendent of the Charlotte District of Methodist Churches.

MINUTES APPROVED.

Upon motion of Councilman Jordan, seconded by Councilman Albea, and un-animously carried, the Minutes of the last meeting on June 19th were approved as submitted.

DOWNTOWN CHARLOTTE ASSOCIATION REQUESTS 10 CENTS REDUCTION IN 1961-62 TAX RATE.

Mr. H. H. Baxter, Chairman of the Government Liaison Committee of the Downtown Charlotte Association, filed a resolution adopted by the Association recommending that the Council make every effort to reduce the tax rate for 1961-62 as much as ten cents to provide relief for the tax payers during the period of evaluation, saving the tax payers some money and serving as an incentive to business and industry to continue expansion in Charlotte, and, further, to apply as much as possible to the established pay-as-you-go policy.

Mr. Baxter stated that the Committee, representing some of the largest tax payers in the City, is much concerned with the increased cost of government, as well as the tax re-valuation now being carried on by the County, and they feel that every effort should be made to reduce expenses to the minimum, thereby easing the tax burden through a reduction of the tax rate, and suggested a 10 cents reduction. He stated further they are in accord with the pay-as-you-go method of permanent improvements but question the amount of \$2,098,650.00 in the budget without outlining when and where the money will be spent, and, also, question the increased amount for operating expenses. That our population has increased almost 50% in the last 10 years but our operating budget has increased 288%. Mr. Baxter stated that while serving as Mayor, with the help of an economy minded administration and City Manager, they cut the tax rate in 1953, 1954 and 1957 when they had some extra money through increased valuation. That a few years ago the City was run on approximately an 8 million dollar budget and the Coliseum, Independence Boulevard, Hoskins Filter Plant and Cross-line Railroad was built and Park Road widened, together with many other necessities, but now with a budget of 18 million, taxpayers are looking to the Council to make some adjustment or do something with so much money, and they believe "where there's a will, there's a way", and they earnestly hope the Council will find the way.

Mayor Brookshire thanked Mr. Baxter for coming down and stated the recommendation of the Downtown Association will be given full consideration during budget discussion sessions.

CHARLOTTE BOARD OF REALTORS REQUESTS THAT EVERY MEANS BE TAKEN BY COUNCIL TO AT LEAST MAINTAIN THE CURRENT CITY TAX RATE OF \$1.50 FOR THE FISCAL YEAR 1961-62.

Mr. Harry G. Brown, President of the Charlotte Board of Realtors, stated that the Officers and Directors of the Charlotte Board of Realtors ask and strongly urge the Council to exploit every feasible means to at least maintain the current city tax rate of \$1.50 for the fiscal year beginning July 1, 1961. That they make this petition in light of the ever-continuing tax demands on the property owners both large and small. That they feel that an increase in the tax rate would serve as a deterrent in securing new industries for this thriving hub of the Piedmont. That more particularly they feel that once the enormous job of revaluation is completed, there will be evident sources of greatly increased revenue that will make monies available for continued growth and progress without the need for any increase in the tax rate structure. At the same time, they contend that the taxes imposed on real estate have reached maximum proportions and they strongly urge that studies for additional sources of revenue be continued.

Mayor Brookshire thanked Mr. Brown for coming down and stated that the Council would give serious consideration to the petition.

LOWEST TAX RATE POSSIBLE WILL BE RESOLVED BY COUNCIL.

Councilman Dellinger stated he is sure that Mr. Baxter realizes the job the Council has in holding or cutting the tax rate. That he, for one, believes the City should have a pay-as-you-go program, and he believes that Council will finally come up with the lowest tax rate possible for the benefit of the taxpayers, and he and all of the Council members will work towards that end.

RESOLUTION ADOPTED PROVIDING FOR PUBLIC HEARING ON JULY 17TH ON PETITION OF T. F. BLACK FOR THE REZONING FROM RURAL TO O-I OF TWO SMALL TRACTS OF LAND ON FAIRVIEW ROAD, BEING PARTS OF A LARGER TRACT PREVIOUSLY REZONED.

Mr. Paul Younts, stated he represents Mr. T. F. Black who has agreed to sell and give an option of 22.73 acres of property on Fairview Road to Eastern Airlines who contemplate bringing to Charlotte their Computer and Reservation Service, which will mean much to Charlotte. That two small tracts, consisting of 2.061 acres and 1.624 acres, were left out when the zoning was changed from Rural to O-I on the remainder of the property last year, and they ask that Council rezone the two small tracts to conform with the overall zoning. He advised the proper petition has been filed with the Planning Board and requested the usual hearing on the petition be held on July 17th. Councilman Dellinger moved the adoption of a Resolution Providing for a Public Hearing on July 17th on the petition for the rezoning of the two tracts from Rural to O-I. The motion was seconded by Councilman Whittington, and unanimously carried.

The resolution is recorded in full in Resolutions Book 4, at Page 127.

EXTENSION OF SEWER LINE ALONG MCALWAY ROAD REQUESTED TO PERMIT PROPERTY AT 1043 MCALWAY ROAD, AND OTHERS, TO TAP ONTO, IN VIEW OF INSTRUCTIONS BY HEALTH DEPARTMENT THAT CONDITION OF SEPTIC TANK ON PROPERTY BE CORRECTED BY JULY 15TH.

Mr. Ray Rankin, Attorney representing Mrs W. N. Stokes, Sr. stated she

is the owner of property at 1043 McAlway Road and a short time ago the septic tank system on the property became unsatisfactory, although it has been approved when inspected by the proper officials when installed. That an inspection was made by the Health Department last week which disclosed a problem due to overflow and Mr. Moose, Health Department Sanitarian has written Mrs Stokes it is necessary to correct the condition by July 15 as it is in violation of the City Code. He stated they do not believe Mrs Stokes will be allowed to install another septic tank, and she will be glad to clear up the situation by tapping onto a sewer line if the City will extend the sewer line along McAlway Road to permit her to do so. Councilman Whittington stated this particular property is below the location where the sewer line was stopped and located in the opposite direction; that he has talked twice with the City Engineer about the situation and it is necessary that something be done to provide sewer service to these residents.

The matter was checked into with the Engineering Department by Mr. Bobo, Administrative Assistant, who reported that the cost of extending the service will be \$10,595.00 and there are only twenty houses to be served. That the reason the line was not extended previously was that the area was not 50% developed. That under our regulations the property owners deposit the estimated cost of the line and when the revenue from the sewer service reaches 10% of the construction cost, their money is refunded.

Councilman Dellinger stated he thinks the 50% development rule is discriminatory and it should certainly be reviewed.

Mayor Brookshire asked the City Manager to give Mr Rankin the information.

DECISION ON ORDINANCE NO. 27-Z AMENDING ZONING ORDINANCE TO CHANGE THE ZONING FROM R-2 TO B-1 ON PROPERTY ON SW SIDE OF EASTWAY DRIVE ON PETITION OF JOHN W. TULLOSS, DEFERRED UNTIL JULY 10TH.

Councilman Alba moved the adoption of Ordinance No. 27-Z Amending the Zoning Ordinance to change the zoning from R-2 to O-I on property on the southwest side of Eastway Drive as recommended by the Planning Board, in lieu of to B-1 as petitioned for by Mr. John Tulloss. The motion was seconded by Councilman Jordan.

Councilman Dellinger stated he would like to know if Mr Tulloss has been advised of the recommendation and if he wishes the property zoned O-I. Councilman Whittington stated he would like to know more about the recommendation and offered a substitute motion that a decision be deferred until July 10th for a discussion with the Planning Board. The motion was seconded by Councilman Dellinger, and unanimously carried.

ORDINANCE NO. 28-Z AMENDING THE ZONING ORDINANCE AMENDING THE BUILDING ZONE MAP BY CHANGING ZONING FROM R-1 TO R-2 ON PROPERTY SOUTH OF BILLINGSLEY ROAD, ADOPTED.

Upon motion of Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, Ordinance No. 28-Z Amending the Zoning Ordinance amending the Building Zone Map of Charlotte, changing zoning from R-1 to R-2 on property south of Billingsley Road, on petition of Mr W. M. Whisnant was adopted.

The ordinance is recorded in full in Ordinance Book 13, at Page 78.

RESOLUTION AUTHORIZING THE ISSUANCE OF \$100,000 REVENUE ANTICIPATION NOTES.

A resolution entitled: "Resolution Authorizing the Issuance of \$100,000 Revenue Anticipation Notes" was introduced and read, and upon motion of Councilman Dellinger, seconded by Councilman Jordan, was unanimously adopted. The resolution is recorded in full in Resolutions Book 4, at Page 128.

APPOINTMENT OF THOMAS G. LANE, JR. AS VICE-RECORDER.

Councilman Thrower nominated and moved the appointment of Mr. Thomas G. Lane, Jr., as Vice-Recorder of the City Recorder's Court. The motion was seconded by Councilman Dellinger, and unanimously carried.

RELOCATION OF CLANTON ROAD GRADE CROSSING BY SOUTHERN RAILWAY COMPANY AUTHORIZED.

Upon motion of Councilman Whittington, seconded by Councilman Thrower, and unanimously carried, the relocation of the Clanton Road Grade Crossing by the Southern Railway Company, at an estimated cost of \$840.00 to be charged against the Clanton Road Project, was approved.

RIGHT OF WAY AGREEMENT AUTHORIZED WITH STATE HIGHWAY COMMISSION FOR INSTALLATION OF WATER MAIN FROM JUNCTION OF OLD CONCORD ROAD TO ELEVATED WATER TANK SITE ON NC 29-NORTH.

Councilman Dellinger moved approval of an agreement with the State Highway Commission for the installation of a 24-inch water main from the junction of Old Concord Road to the proposed elevated water tank site on NC-29 North under their right of way for a distance of 4,000 feet. The motion was seconded by Councilman Jordan, and unanimously carried.

PAYMENT AUTHORIZED TO CLERK OF MECKLENBURG COUNTY SUPERIOR COURT FOR PROPERTY OF PIEDMONT KENNEL CLUB FOR STREET RIGHT OF WAY.

Motion was made by Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, approving the payment of \$750.00 to the Clerk of Mecklenburg County Superior Court for property of Piedmont Kennel Club for street right of way from Nations Ford Road to the new Landfill Site.

CONSTRUCTION OF DRIVEWAY ENTRANCES AUTHORIZED.

Upon motion of Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, the construction of driveway entrances was authorized at the following locations:

- (a) One 30-ft. entrance at 704 Mint Street.
- (b) One 24-ft. and One 35-ft. entrance at 3631 South Boulevard.
- (c) One 35-ft. entrance at 4730 Monroe Road.
- (d) One 20-ft. entrance at 317 N. Caldwell Street.
- (e) Two 35-ft. entrances at 5205 Hovis Road.
- (f) One 30-ft. entrance on Atmore Street and Two 35-ft. entrances on Anderson Street, all for 3600 Atmore Street.
- (g) One 30-ft. entrance on Park Road and One 20-ft. entrance on Ordermore Avenue, both for 2401 Park Road.
- (h) One 15-ft. entrance at 2712 Baltimore Street.
- (i) One 20-ft. entrance on Queens Road East and Two 15-ft. entrances on Roswell Avenue, all for 2327 Roswell Avenue.

CONSTRUCTION OF SANITARY SEWER LINES AUTHORIZED.

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

- (a) Construction of 1,590-ft. of 8-inch sewer main in Crestview Sub-division, inside the city limits, at the request of Ervin Development Corp at an estimated cost of \$5,465.00. All cost to be borne by the applicant, whose deposit of the entire cost will be refunded as per terms of the contract.
- (b) Construction of 2,934-ft. of 8-inch sewer main in Dalebrook Sub-division, inside the city limits, at the request of Ervin Construction Company, at an estimated cost of \$9,905.00. All cost to be borne by the applicant, whose deposit of the entire cost will be refunded as per terms of the contract.
- (c) Construction of 2,311-ft. of 8-inch sewer main in Green Gardens Subdivision, inside the city limits, at the request of Green Gardens, Inc., at an estimated cost of \$6,505.00. All cost to be borne by the applicant, whose deposit of the entire cost will be refunded as per terms of the contract.
- (d) Construction of 2,455-ft. of 8-inch sewer main in Oak Forest Sub-division, inside the city limits, at the request of Triece Construction Company, at an estimated cost of \$9,105.00. All cost to be borne by the applicant, whose deposit of the entire cost will be refunded as per terms of the contract.
- (e) Construction of 513-ft. of 8-inch sewer main in Jennings Street and Kennesaw Drive, inside the city limits, at the request of Mr Horace H. Pittman, Ferncliff Road, at an estimated cost of \$1,475.00. All cost to be borne by the applicant, whose deposit of the entire cost will be refunded as per terms of the contract.

TRANSFER OF CEMETERY LOT.

Councilman Albea moved that the Mayor and City Clerk be authorized to execute a deed with Mr R. H. Atkinson and wife, for Lot 8, Section L-Annex, Elmwood Cemetery, transferred from Mr L. N. Atkinson, at \$1.00 for the transfer deed. The motion was seconded by Councilman Jordan, and unanimously carried.

CONTRACT AWARDED N.C. LEAGUE OF MUNICIPALITIES FOR AUTO AND MOTORCYCLE LICENSE PLATES.

Upon motion of Councilman Thrower, seconded by Councilman Whittington, and unanimously carried, contract was awarded the only bidder, North Carolina League of Municipalities for 67,000 Auto License Plates and 400 Motorcycle License Plates, at the total amount of \$6,066.00.

CONTRACT AWARDED KNOXVILLE FOUNDRY COMPANY FOR VALVE BOXES.

Councilman Albea moved the award of contract to the low bidder, Knoxville Foundry Company for 250 #1, 250 #2 Cast Iron Valve Boxes complete as specified, 100 #1 Valve Boxes Top Section Only and 100 #2 Valve Boxes,

Top Sections only with Lids, at the total price of \$4,475.00. The motion was seconded by Councilman Jordan, and unanimously carried.

The following bids were received:

Knoxville Foundry Company	\$ 4,475.00
Dewey Brothers, Inc.	\$ 4,589.50

CONTRACT AWARDED KENDRICK BRICK & TILE COMPANY FOR 300,000 CLAY BRICK.

Motion was made by Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, awarding contract to the low bidder, Kendrick Brick & Tile Company for 300,000 Clay Brick, at a total amount of \$7,650.00.

The following bids were received:

Kendrick Brick & Tile Company	\$ 7,650.00
Tucker-Kirby Company	\$ 7,950.00

REPORT TO THE UNITED STATES HOUSING AND HOME FINANCE AGENCY ON THE CHARLOTTE WORKABLE PROGRAM APPROVED.

Upon motion of Councilman Dellinger, seconded by Councilman Jordan, and unanimously carried, the Report of the Redevelopment Commission to the United States Housing and Home Finance Agency required for the annual certification of the Workable Program was approved as submitted.

MECKLENBURG HISTORICAL SOCIETY ALLOWED 30 DAYS IN WHICH TO RELOCATE POLK HOUSE ON CASWELL ROAD.

Councilman Dellinger moved that the Mecklenburg Historical Society be allowed 30 days from today in which to remove the Polk House from the Caswell Road site, the City Manager having advised the State Highway Department will ask for new bids on the construction of the street involving the site on which the house is located. The motion was seconded by Councilman Albea, and unanimously carried.

PROPOSAL THAT EAST 3RD STREET EXTENSION BE REROUTED TO ELIMINATE USE OF SITE OF POLK HOUSE ON CASWELL ROAD, REFERRED TO CITY MANAGER.

Mr. Jerry Hendricks, who stated he is just an interested citizen in the preservation of the Old Polk House on Caswell Road, requested consideration of rerouting East 3rd Street Extension to the north to eliminate the use of the site of the House. He stated he will investigate the possibility further and bring in the results of his study if he may do so. The City Manager advised that his possibility was considered both by the City Engineers and State Highway Department Engineers when the street was planned but because of the 'dog-leg' it would cause in the roadway, the idea was discarded. Mayor Brookshire requested Mr Hendricks to discuss the matter with the City Manager.

CERTIFICATE OF APPRECIATION FOR SERVICE AUTHORIZED ISSUED M.M. HARRIS UPON RETIREMENT.

Councilman Albea advised that Mr M. M. Harris, Building Maintenance Supervisor, will retire on June 30th after 22 1/2 years of service with the City, and he suggests that a Certificate of Appreciation for Service be issued him, which was concurred in by the Council.

CITY MANAGER REQUESTED TO MAKE REPORT ON ADVISABILITY OF AMENDING OR LIFTING PARKING BAN ON TUCKASEEGEE ROAD, BETWEEN TRADE AND THRIFT ROAD.

Councilman Jordan asked if the No Parking Signs on Tuckaseege Road at Garr Tabernacle cannot be worded so as to allow parking at night as at present persons attending the Tabernacle must park on narrow side streets and walk several blocks. The City Manager advised he has discussed this with the Traffic Engineer, who will experiment with a different type sign, which will prohibit parking during day hours and allow it from 6 p.m. to 7 a.m. Councilman Dellinger stated this is not what the business houses on Tuckaseege Road want, and he raises the question as to whether the parking ban should not be removed at all hours, as this is a wide street, from Trade Street to Thrift Road, with few trucks traveling the street as it is not a truck route. That he thinks the Traffic Engineer is too restrictive at times, and the change contemplated will not help the business houses on the street. He asked that the Traffic Engineer be instructed to lift the ban on parking until it can be studied and decided what is best to do, as they need immediate relief. The City Manager suggested that rather than lift the ban temporarily, that he discuss it with the Traffic Engineer and give the Council a report prior to next Council Meeting on July 10th.

APPOINTMENT OF JOHN T. MORRISEY AS CITY ATTORNEY.

Councilman Whittington, Chairman of the Committee to recommend an attorney for appointment as City Attorney, advised he has talked with all members of the Council today regarding the appointment of Mr John T. Morrissey, and they have unanimously agreed that he be employed to serve on a full-time basis to handle all of the City's legal work as long as he can physically do so. Councilman Whittington moved the employment of Mr. Morrissey on a full time basis, at a salary of \$14,000.00. The motion was seconded by Councilman Thrower.

Councilman Dellinger stated he understands that Mr Morrissey will do all of the City's work as far as is physically possible.

Councilman Jordan stated he understands the Committee has thoroughly investigated the employment of a local attorney on a full time basis and is unable to secure anyone.

Councilman Dellinger stated there are attorneys interested in the position but the Committee was not able to agree on the manner in which they would render services and none of them would take the job.

The vote was taken on the motion and unanimously carried.

JOHN D. SHAW, CITY ATTORNEY, THANKED FOR HIS LONG AND FAITHFUL SERVICE TO THE CITY.

Councilman Whittington expressed his appreciation to Mr. John D. Shaw for his long and faithful service to the City, stating he has been a great help to him during his term as Councilman, and stating further that he hopes the Council will go ahead and discuss with him the retention of his services in an advisory capacity.

Mr Shaw asked when Mr Morrissey will come to Charlotte, and the Mayor replied about August 15th and the City will appreciate Mr Shaw serving until his arrival.

CITY MANAGER AND CITY ATTORNEY DIRECTED TO GIVE COUNCIL AND CITY CLERK COPIES OF ALL BILLS RELATING TO CHARLOTTE ENACTED BY THE 1961 LEGISLATURE.

Councilman Whittington requested the City Manager and City Attorney to give the Council the changes in the Charter and Code made by the Legislature, which the City Clerk must have in order to secure copies of the Bills and he would also like them for his records. The City Attorney stated he has been unable to learn if an Omnibus Bill of Charter Amendments was passed and will persue it further with members of the Mecklenburg Delegation.

STATE WIDE SUNDAY BLUE LAW REQUESTED FOR COUNCIL STUDY.

Councilman Whittington stated if the Sunday blue law enacted by the General Assembly is coming before Council, he would like a copy of the law to study prior to its effective date on October 1, 1961.

QUESTION OF FOURTH STREET RAILROAD OVERPASS TO BE DISCUSSED WITH SOUTHERN RAILWAY COMPANY.

Councilman Dellinger stated he has noticed in the newspaper that Southern Railway Officials state they can not dispense with using the 4th Street Overpass. He asked the City Manager to discuss it with the proper officials and give Council a report.

CITY ATTORNEY REQUESTED TO CLARIFY CHARTER PROVISIONS WITH REGARD TO THE ERECTION OF AN APARTMENT HOUSE ON PROVIDENCE ROAD.

Councilman Dellinger requested the City Attorney to clarify the provisions of the Charter relative to the erection of the apartment house on Providence Road, which is presently before the Building Inspection Department.

TRANSFER OF FUNDS IN WATER & SEWER FUND CONTINGENCY ACCOUNT TO APPROPRIATE ACCOUNT IN THE WATER DEPT. BUDGET WITH WHICH TO REVAMP THE FREIGHT ELEVATOR AT VEST PURIFICATION STATION.

Councilman Albea moved that \$4,600.00 be transferred from the Water & Sewer Fund, Contingency Account, to the appropriate account in the Water Department Budget with which to revamp the freight elevator at Vest Purification Station, as recommended by the City Manager. The motion was seconded by Councilman Whittington, and unanimously carried.

BIDS AUTHORIZED RECEIVED ON CABLE FOR SECOND HALF OF REVAMPED TRAFFIC SYSTEM FOR WHICH FUNDS WILL BE APPROPRIATED IN THE 1961-62 BUDGET.

The City Manager advised that one-half the funds for the traffic signal system being revamped in the downtown area are included in the current budget and one-half to be in the 1961-62 budget; that he would like permission to receive bids now on the cable necessary for the second half of the system so as not to delay the work, and it may not be necessary to act on the bids until the new budget appropriation is adopted. Councilman Thrower moved that bids be authorized received on the cable as requested, which was seconded by Councilman Dellinger, and unanimously carried.

BIDS ON BOTH ONE AND TWO FIRE TRUCKS AUTHORIZED RECEIVED FOR WHICH FUNDS MUST BE PROVIDED IN THE 1961-62 BUDGET.

The City Manager advised the Inwood Drive Fire Station will be completed and put in service within three months and it is necessary to have the fire equipment delivered by that date. He stated the purchase of two trucks is recommended in the new budget, one for the Inwood Station and the other for a new station to be erected during the year; therefore, he would like to receive bids on the two trucks immediately, which will not be acted on prior to the adoption of the budget.

In the discussion it was suggested that bids be taken on both one and on two trucks in case sufficient funds cannot be appropriated for both.

Councilman Albea moved that bids be authorized received on both one and two fire trucks. The motion was seconded by Councilman Whittington, and unanimously carried.

ADJOURNMENT.

Upon motion of Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, the meeting was adjourned until 3 p.m., on July 10, 1961.

Lillian R. Hoffman
Lillian R. Hoffman, City Clerk