

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, March 13, 1961, at 3 o'clock p.m., with Mayor Smith presiding, and Councilmen Albea, Babcock, Dellinger, Hitch, Myers, Smith and Whittington present.

ABSENT: None.

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INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Hitch, seconded by Councilman Whittington, and unanimously carried, the Minutes of the last meeting on March 6th were approved as submitted.

ORDINANCE NO. 721 AMENDING ZONING ORDINANCE TO CHANGE ZONING ON PROPERTY AT SE CORNER OF SUGAW CREEK ROAD AND DINGLEWOOD AVENUE FROM R-2 TO B-1 REFERRED BACK TO PLANNING BOARD FOR FURTHER STUDY AND RECOMMENDATION.

Councilman Albea moved that Ordinance No. 721 Amending the Zoning Ordinance to change zoning on property at the SE corner of Sugaw Creek Road and Dinglewood Avenue be changed from R-2 to O-I, as recommended by the Planning Board. The motion did not receive a second.

Councilman Whittington offered a substitute motion that the zoning be changed from R-2 to B 1-A, which the petitioners have indicated would be acceptable in lieu of B-1. The motion was seconded by Councilman Smith.

A second substitute motion was made by Councilman Babcock that in view of information which has apparently been received since the recommendation was made, the petition for the zoning change be referred back to the Planning Board for further study and recommendation. The motion was seconded by Councilman Dellinger, and unanimously adopted.

ORDINANCE NO. 724 AMENDING ZONING ORDINANCE TO CHANGE PROPERTY ON THE SOUTH SIDE OF FAIRVIEW ROAD, WEST OF SHARON ROAD FROM RURAL TO B-1, ADOPTED.

At the request of Mayor Smith, the Planning Director explained the plat of the property on the south side of Fairview Road, west of Sharon Road petitioned by Alta Enterprises to be changed from Rural to B-1, to the large delegation of residents of the area present. He stated the petitioner proposes to establish a shopping center on the property, which extends along Sharon Road 393 feet, with 115 foot frontage on Fairview Road, which is irregular in shape and extends back from Sharon Road 343 feet. That Service Stations occupy three corners at the intersection and one piece of property is already zoned for business on the easterly side of Sharon Road. That the property lies across from residential property and from Sharon School and the property to the south is vacant and is to be developed. That the shopping center is part of the overall

development proposed by the petitioner, their plan being to construct immediately to the south of the center a new residential development.

Councilman Babcock moved the adoption of Ordinance No. 724 to amend the Zoning Ordinance by changing the property from Rural to B-1, as recommended by the Planning Board. The motion was seconded by Councilman Whittington.

Councilman Hitch stated he is going to vote against the motion as he thinks there is a real possibility of creating a traffic hazard and because of this he is inclined to vote against the change in zoning.

Mr. Ben Huntley, member of the Mecklenburg County Board of Education and Chairman of their Sites Committee, called attention there are 70 residential lots shown on the plat, representing so many homes and families, which Sharon School will be expected to accommodate. That this is a top-flight school with 600 pupils and the Shopping Center will be directly across from the school. That experience has taught them that business and schools are not compatible, and he thinks the Council will be doing the school a great injustice by permitting the center to be built. He requested that the matter be referred back to the Planning Board to give the school patrons and residents an opportunity for a full hearing.

Councilman Myers stated he wishes to make a statement with reference to the circumstances that have taken place over the week-end in connection with this zoning, which he knows will not be politically popular but his interest is in good government rather than otherwise. First, telephone campaigns such as were directed at the Council over the week-end are the kind of thing that deters good men from being attracted to serving on the City Council, and secondly, he believes hearings should be conducted in the Council Chamber where representatives both for and against a proposal are present; that the Council is really acting as Judge and Jury on zoning matters and evidence presented over the phone is similar to tampering with the Jury. He stated he for one is going to base his decisions solely on evidence presented in the Council Chamber on the date of hearing.

Councilman Hitch stated he made his decision before the telephoning started and it was based on the very strong feeling of the School Board; however, he agrees that the week-end was a little hard on the Council members.

Mr. Richard Brown, member of the Board of Education, offered his apologies to any member of Council who was disturbed by the telephone and stated he is sure the phoning was predicated on the strong interest of the school patrons. That he feels the School Board would be derelict in their duty if they did not take a position in things that affect the value of schools, and all they are asking is for deferment one week and they be given an opportunity for a full hearing.

Councilman Hitch stated he feels this is of sufficient importance to delay the decision one week and he offered a substitute motion that it be postponed one week to allow the School Board to explain their position to the Planning Board. The motion was seconded by Councilman Albea.

Councilman Dellinger stated when he ran for Council the first time he stated he would be available to the people at his office or home and he is glad to receive calls from anyone at any time about any matter they wish to discuss.

Councilman Albea stated he feels the same way and is glad to talk with anyone who calls him.

Mr. Lex Marsh, Planning Board member, stated the position of the School Board has been pretty thoroughly aired and he asked if anything new can be added if the matter is returned to the Planning Board? Mr. Brown stated in the interim nothing new has developed; however, they feel there is a danger involved and they would feel better if they could bring it before the Planning Board again.

At the question of Councilman Dellinger if this is a request from the entire School Board, Dr. Garinger, Supt. of Schools, stated all the members of the Board are concerned with those things affecting the schools.

The vote was then taken on the substitute motion to postpone decision one week, and lost on the following recorded vote:

YEAS: Councilmen Hitch, Albea and Dellinger.
NAYS: Councilmen Babcock, Myers, Smith and Whittington.

The vote was then taken on the original motion for the adoption of the ordinance changing the zoning from Rural to B-1, and passed on the following recorded vote:

YEAS: Councilmen Babcock, Whittington, Albea, Dellinger, Myers and Smith.
NAYS: Councilman Hitch.

The ordinance is recorded in full in Ordinance Book 13, at Page 45.

CHANGE ORDERS IN CONTRACTS FOR SECOND FLOOR ADDITION TO WEST AIRPORT TERMINAL BUILDING APPROVED FOR PAYMENT.

Upon motion of Councilman Babcock, seconded by Councilman Whittington, and unanimously carried, the following Change Orders in contracts for the 2nd floor addition to west Airport Terminal Building were approved for payment:

- (a) Change Order No. C-1 in General Construction Contract, with Rea Construction Company, in the amount of \$6,503.00, reducing the total net contract from \$89,800 to \$83,297.00.
- (b) Change Order No. E-1 in the Electrical Contract with Robinson Electric Company, Inc., in the amount of \$7.55, increasing the total net contract from \$20,590.00 to \$20,597.55.
- (c) Change Order No. V-1 in the Heating & Ventilating Contract, with Tompkins-Johnston Company, in the amount of \$4,086.00, reducing the total net contract from \$30,958.00 to \$26,872.00.

EXTENSION OF SICK LEAVE AUTHORIZED TO OFFICER H.C. HAGER, POLICE DEPARTMENT.

Councilman Whittington moved approval of the extension of sick leave from March 11th through March 31st to Officer H. C. Hager, Charlotte Police Department, as recommended by the City Manager. The motion was seconded by Councilman Albea, and unanimously carried.

CONSTRUCTION OF SANITARY SEWER LINE IN ROLLING HILLS DRIVE AUTHORIZED.

Motion was made by Councilman Hitch, seconded by Councilman Dellinger, and

unanimously carried, authorizing the construction of 250-feet of sanitary sewer line in Rolling Hills Drive, at an estimated cost of \$1,075.00, with all costs to be borne by the applicant, whose deposit of the entire amount will be refunded as per terms of the contract.

SUPPLEMENTARY CONTRACT TO CONTRACT WITH ERVIN CONSTRUCTION COMPANY FOR ADDITIONAL WATER MAINS IN DALEBROOK SUBDIVISION, AUTHORIZED.

Upon motion of Councilman Whittington, seconded by Councilman Babcock, and unanimously carried, a Supplementary Contract to contract with Ervin Construction Company dated August 22, 1960, was authorized for the installation of 3,345 feet of additional water mains and two hydrants in Dalebrook Subdivision, inside the city limits, at an estimated cost of \$9,300.00. The city to finance all costs and applicant to guarantee an annual gross water revenue equal to 10% of the total cost.

WINDINGWOOD LANE TAKEN OVER FOR CITY MAINTENANCE.

Councilman Dellinger moved that Windingwood Lane, from Arcadia Avenue to the end, be taken over for city maintenance. The motion was seconded by Councilman Whittington, and unanimously carried.

RESOLUTION FIXING DATE OF HEARING ON APRIL 17TH ON ORDINANCE NO. 736 TO AMEND THE ZONING ORDINANCE TO CHANGE ZONING FROM R-2 TO O-I ON PROPERTY AT 909 KENILWORTH AVENUE, ON PETITION OF J. H. CORNELIUS, ADOPTED.

Upon motion of Councilman Albea, seconded by Councilman Babcock, and unanimously carried, a Resolution Fixing Date of Hearing on April 17th on Ordinance No. 736 to Amend the Zoning Ordinance to change zoning from R-2 to O-I on property at 909 Kenilworth Avenue, on petition of J. H. Cornelius, was adopted. The resolution is recorded in full in Resolutions Book 4, at Page 103.

RESOLUTION FIXING DATE OF HEARING ON APRIL 17TH ON ORDINANCE NO. 737 TO AMEND THE ZONING ORDINANCE TO CHANGE ZONING FROM RURAL TO INDUSTRIAL ON PROPERTY ON DAWN CIRCLE, ON PETITION OF BLUMENTHAL PROPERTIES, INC. ADOPTED.

Motion was made by Councilman Albea, seconded by Councilman Babcock, and unanimously carried, adopting a Resolution Fixing Date of Hearing on April 17th on Ordinance No. 737 to Amend the Zoning Ordinance to change zoning from Rural to Industrial on property on east side of Dawn Circle, between Eloise Avenue and Pounds Avenue, from Rural to Industrial, on petition of Blumenthal Properties, Inc. The resolution is recorded in full in Resolutions Book 4, at Page 104.

RESOLUTION FIXING DATE OF HEARING ON APRIL 17TH ON ORDINANCE NO. 738 TO AMEND THE ZONING ORDINANCE TO CHANGE ZONING FROM RURAL TO B-1 ON PROPERTY AT 4432 STATESVILLE ROAD, ON PETITION OF JOHN G. HOWELL, ADOPTED.

Motion was made by Councilman Albea, seconded by Councilman Babcock, and unanimously carried, adopting a Resolution Fixing Date of Hearing on April 17th on Ordinance No. 738 to Amend the Zoning Ordinance to change zoning from Rural to B-1 on property at 4432 Statesville Road, on petition of John G. Howell. The resolution is recorded in full in Resolutions Book 4, at Page 105.

RENEWAL OF SPECIAL OFFICER PERMIT TO ARTHUR L. McHAM AUTHORIZED.

Councilman Dellinger moved approval of the renewal of Special Officer Permit to Mr. Arthur L. McHam, for use on the premises of Mecklenburg Hotel. The motion was seconded by Councilman Smith, and unanimously carried.

TRANSFER OF CEMETERY LOTS.

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

- (a) Deed with Mrs Mary Grace Miller, for Graves #6 and #7, in Lot 104, Section 3, Evergreen Cemetery, at \$80.00.
- (b) Deed with Mrs Estelle Simpson, for Grave #2, Lot 105, Section 3, Evergreen Cemetery, at \$40.00.

CONTRACT AWARDED DONALD S. LAVIGNE, INC. FOR POLICE UNIFORMS.

Upon motion of Councilman Babcock, seconded by Councilman Albae, and unanimously carried, contract was awarded the low bidder, Donald S. Lavigne, Inc., for 385 Blouse Coats, 1,068 Trousers, 50 Breeches, 58 Overcoats, 500 Caps for Policemen and 10 Overcoats, 5 Blouse Coats and 30 Skirts for Policewomen, on a unit price basis for a period of 5 years, at a total price of \$36,932.12 for the first year.

The following net delivered bids were received:

| | <u>2 Year</u> | <u>5 Year</u> |
|--------------------------|---------------|---------------|
| Donald S. Lavigne, Inc. | \$38,278.72 | \$36,932.12 |
| The Fechheimer Bros. Co. | \$38,545.36 | \$40,181.46 |
| Hirsch Tyler Company | \$39,427.55 | \$42,237.73 |
| Belk Bros Company | \$40,435.20 | - - - |

CONTRACT AWARDED DONALD S. LAVIGNE, INC. FOR FIREMEN UNIFORMS.

Motion was made by Councilman Smith, seconded by Councilman Babcock, and unanimously carried, awarding contract to the low bidder, Donald S. Lavigne, Inc., for 90 Blouse Coats, 800 Trousers, 150 Caps and 4 Overcoats for Firemen, on a unit price basis for a period of 5 years, at a total price of \$13,792.57 for the first year.

The following net delivered bids were received:

| | <u>2 Year</u> | <u>5 Year</u> |
|--------------------------|---------------|---------------|
| Donald S. Lavigne, Inc. | \$14,360.07 | \$13,792.57 |
| The Fechheimer Bros. Co. | 15,474.31 | 16,113.41 |
| Belk Bros. Company | 15,546.65 | No bid |
| Hirsch Tyler Company | 16,028.04 | 17,118.05 |

CONTRACT AWARDED A. L. MATLOCK FOR DRILLING WELL AND INSTALLING PUMP AT GARBAGE LANDFILL SITE.

Councilman Dellinger stated that Mr. W. A. Kirkley, who submitted the lowest local bid, has advised that he met the specifications and if the equipment he offered is considered, his will be the low bid. Mr. Bobo, Administrative Assistant, stated the difference in his and the low bid submitted by

A. L. Matlock appears to be that Mr. Kirkley offered only the one type pump, whereas the low bidder offered a choice of several well known pumps.

Councilman Dellinger moved that action be deferred one week for study of the bids. The motion did not receive a second.

Councilman Whittington moved the award of contract to the low bidder, A. L. Matlock, for drilling well and installing pump at the Garbage Landfill Site on Griffith Lane, in the total amount of \$2,226.00. The motion was seconded by Councilman Hitch, and unanimously carried.

The following net bids were received:

| | |
|---|-------------|
| A. L. Matlock | \$ 2,226.00 |
| W. A. Kirkley | \$ 2,369.04 |
| McCall Bros. Pump & Well Company | \$ 2,442.98 |
| Lassiter & Harkey Well Drilling Company | \$ 2,768.00 |

CONTRACT AWARDED MERSON UNIFORM COMPANY, INC FOR POLICE AND FIREMEN SUMMER SHIRTS.

Upon motion of Councilman Babcock, seconded by Councilman Dellinger, and unanimously carried, contract was awarded the low bidder, Merson Uniform Company, Inc. for 1,081 Police and Firemen Summer Shirts, as specified, at a net delivered price of \$2,759.85.

The following net delivered bids were received:

| | |
|--------------------------|-------------|
| Merson Uniform Co., Inc. | \$ 2,759.85 |
| The Hub Uniform Company | \$ 2,794.70 |

CONTRACT AWARDED MINNESOTA MINING & MFG. COMPANY FOR SCOTCHLITE MATERIAL FOR SIGNS.

Motion was made by Councilman Dellinger, seconded by Councilman Hitch, and unanimously carried, awarding contract to the low bidder, Minnesota Mining & Mfg. Company for 5 rolls of 36" x 50 yards of Silver Scotchlite Material for the Traffic Engineering Department, at a net delivered price of \$1,923.75.

The following net delivered bids were received:

| | |
|-----------------------------|-------------|
| Minnesota Mining & Mfg. Co. | \$ 1,923.75 |
| McGee Displays, Inc. | \$ 1,960.00 |
| The Farrar Company | \$ 1,984.50 |

CONTRACT AWARDED SUMTER MACHINERY COMPANY, INC. FOR CAST IRON CATCH BASINS AND GRATES.

Upon motion of Councilman Whittington, seconded by Councilman Babcock, and unanimously carried, contract was awarded the low bidder, Sumter Machinery Company, Inc., for 56 new style Grates 36" x 24" and 35 new style Frames, and 20 old style Catch Basin Grates, as specified, at a net delivered price of \$1,692.25.

The following net delivered bids were received:

| | |
|--------------------------------|-------------|
| Sumter Machinery Company, Inc. | \$ 1,692.25 |
| Knoxville Foundry Company | \$ 1,704.00 |
| Dewey Bros., Inc. | \$ 1,769.80 |
| Queen City Foundry, Inc. | \$ 2,053.50 |
| Griffin Foundry & Mfg. Co. | \$ 2,577.20 |

CONTRACT AWARDED CHICAGO PUMP COMPANY FOR PUMP FOR WATER DEPARTMENT.

Councilman Hitch moved the award of contract to the only bidder, Chicago Pump Company, for One Scru-Peller Pump, to replace existing pump at Irwin Creek Disposal Plant, which is a specialty item available only from the manufacturer of the original equipment, at a total net delivered price of \$1,438.80. The motion was seconded by Councilman Whittington, and unanimously carried.

REAPPOINTMENT OF ERNEST J. SIFFORD AND DANIEL E. MARTIN TO PARK AND RECREATION COMMISSION.

Councilman Smith moved the reappointment of Mr. Ernest J. Sifford to the Park and Recreation Commission for a term of 5 years from the expiration of his present term on March 21st. The motion was seconded by Councilman Dellinger.

Councilman Whittington moved the reappointment of Mr. Daniel E. Martin to the Park and Recreation Commission for a term of 5 years from the expiration of his present term on March 21st. The motion was seconded by Councilman Albea.

Councilmen Smith and Whittington each stated he has contacted his appointee, as well as the Chairman of the Commission, who stated they would be glad to serve another term.

At the suggestion of Councilman Babcock, the usual waiting period of one week to close nominations was waived.

The vote was taken on the two motions, separately, and each carried unanimously.

CITY MANAGER AUTHORIZED TO NEGOTIATE POSSIBILITY OF ACQUIRING TITLE TO PROPERTY AT NW CORNER OF INTERSECTION OF WALNUT AVENUE AND INDEPENDENCE BOULEVARD FOR RIGHT-OF-WAY FOR NORTH-SOUTH AND INDEPENDENCE BOULEVARD EXPRESSWAYS.

The City Manager stated a building permit has been requested for a service station at the northwest corner of the intersection of Walnut Avenue and Independence Boulevard, with the value of the structure estimated at \$19,900.00, and additional improvements not included in the permit may be anticipated, the total value of all improvements may be \$35,000.00. He advised this property is located in the projected interchange of the North-South and Independence Boulevard Expressways, and the Thoroughfare Plan contemplates construction of this segment of the Independence Boulevard Expressway in 1970-75 and of the North-South Expressway during the period 1965-70. He stated the parcel is approximately 182-ft. by 150-ft. and its value is not known but assumed to be considerable. That funds are not available at this time to acquire the property, but in view of the value of the improvements plus the value of any leasehold, it is suggested that consideration be given the possibility of acquiring title to the property during the next fiscal year. He requested that authorization be given to negotiate this possibility.

Councilman Babcock moved that the City Manager be authorized to negotiate for the acquisition of title to the property. The motion was seconded by Councilman Albea.

Councilman Smith suggested it might be well to study this as it involves a great deal of money and discuss it and the whole question of these rights-of-way involving Expressways under the Thoroughfare Plan with the State Highway Department, as it is necessary that some policy be formulated so that people's property will not be tied up without giving them an answer.

The City Manager stated it will not be an easy problem to find an answer to; that more must be done towards acquiring title to these rights-of-way which will depend on the amount of money that can be spent. That it will no doubt involve spending current revenues and also bond funds. He stated this particular location will probably evolve as one of the busiest intersections in the North-South and East-West Expressways and handle more traffic than any other in the State.

Councilman Smith expressed the opinion it would be well to emphasis our dilemma and ask the State Highway to study the Wilbur Smith proposal so as to know if the State will go along with them; Mr. Veeder expressed some doubt whether the busy Highway Commission would concern themselves to that extend with something projected 15 years hence. He advised further that Winston Salem has been spending about one million dollars a year on this.

The vote was taken on the motion and carried, with Councilman Myers abstaining from voting.

COMMITTEE APPOINTED TO STUDY AND RECOMMEND RELATIVE TO EFFECTING AN EQUITABLE DIVISION OF CITY DEPOSITS AMONG BANKS.

The City Manager advised that he and the City Accountant have for sometime been considering the question of effecting an equitable division of city deposits among banks, with primary attention directed to the city's active accounts. That from the outset it has been apparent there is no obvious method of dividing these accounts that would be satisfactory to all concerned, each of the three banks that service active accounts would like a greater share of the business, and collectively they cannot agree on what would constitute equitable proration. That in the absence of any worthwhile criteria that might serve as guide lines, they have evolved the following approach on prorating our active accounts, which they would like Council to consider: Approximately 90% of the dollar value of active accounts would be split equally among the N.C. National Bank, the First Union National Bank and Wachovia Bank & Trust Company. The accounts represented in this approximate 90% would be rotated annually among the three banks, the remaining approximate 10% value of our active accounts would remain permanently with the N. C. National Bank. That in essence, this approach would result in the banks sharing the business on the basis of - North Carolina National Bank 40%, First Union National Bank 30% and Wachovia Bank & Trust Company 30%. He submitted two charts which he stated may be helpful in reviewing this suggestion, one showing the average monthly balance and the dollar percentage of each account, the other showing the suggested method of allocating these active accounts on an approximate 40-30-30 basis. Mr. Veeder stated further they have no suggestion at this time as relates to the placement of the City's time deposits. It is this phase of the City's business in which four banks in the City participate, and participation by these four banks should, of course, continue. That one further aspect of our banking business should be considered. The First Citizens Bank & Trust Company has recently opened an office in Charlotte; to date this bank has not participate in the City's business, and he thinks they should. That as a start, he and the City Accountant suggest that this bank receive as a time deposit a portion of the money to be received this month from the sale of bonds.

Mayor Smith stated the question of the division of bank deposits has come up for the past three or four years and what procedure should be followed. He stated he would like to appoint a Council Committee to study the matter, either with the banks or not, as the Committee sees fit, and bring back a recommendation.

Councilman Hitch moved the Mayor's suggestion be accepted. The motion was seconded by Councilman Dellinger.

Councilman Babcock stated it seems to him this has been discussed ever since he has been on the Council and he believes there is no need to study it further as there seems to be no solution acceptable to everyone concerned. He offered a substitute motion that the recommendation of the City Manager be accepted. The motion was seconded by Councilman Albea, and lost by the following recorded vote:

YEAS: Councilmen Babcock, Albea and Myers.

NAYS: Councilmen Dellinger, Hitch, Smith and Whittington.

Mr. Veeder stated he thinks either course of action will be desirable, that it has been a thorn for 15 years and will continue to be so.

The vote was then taken on the original motion, which carried by the following recorded vote:

YEAS: Councilmen Hitch, Whittington, Dellinger and Smith.

NAYS: Councilmen Albea, Babcock and Myers.

Mayor Smith then appointed the Committee composed of Councilman Whittington, Chairman, and Councilmen Smith and Dellinger.

Mr. Veeder stated he would suggest that it would be in the best interest of the City that the question be resolved as quickly as possible.

REVISIONS IN ORDINANCE GOVERNING CEMETERY FEES AND HOURS APPROVED.

In connection with the discussion at last week's Council Meeting regarding proposed changes in the schedule of fees for the City's cemeteries, the City Manager advised the changes call for raising the weekday fee to \$40 and the fee for interments after 4 p.m. on weekdays and after 11 a.m. on Saturday to \$60, which based on the number of interments in 1960 would bring in \$5,800 additional revenue. That the discussion last week seemed to conclude there should be no extra charge after 4 p.m. on weekdays, and perhaps the extra charge on Saturday and Sunday should apply after 1 p.m. on Saturday instead of after 11 a.m. That if the change is made the effect on revenue will be negligible, as the Cemetery Superintendent estimates that last year there were only about 15 interments before 1 p.m. on Saturday. He referred also to the discussion on the need for additional charges after normal working hours, which was considered desirable because of the overtime required by cemetery personnel. He explained the method of work done at burials after normal working hours, and that personnel are compensated for overtime work by compensable time off.

Councilman Whittington stated he has discussed the question with funeral directors and others concerned, and thinks the recommendations made are good with the exception of three things, and he moved to eliminate the hour of 4 p.m. on weekdays and change the hour on Saturday from 11 a.m. to 1 p.m. and that the extra charge on Saturday be \$10.00 instead of \$20.00 recommended. The motion was seconded by Councilman Smith, and unanimously carried.

The City Attorney was requested to prepare the proper amendment to the Cemetery Code for adoption at the next Council Meeting.

REPORT REQUESTED COVERING FIRST SIX MONTHS OPERATION OF PET DEPARTMENT
AFTER INOCULATION OF ANIMALS TAKEN OVER BY VETERINARIANS.

The City Manager submitted a report of the operations of the Pet Department for the month of February. Councilman Whittington asked for a report covering the first six months operation of the department after the inoculation of animals was taken over by the Veterinarians.

JAMES MALCOLM AUTHORIZED RETAINED AS ARCHITECT FOR REMODELING PORTIONS
OF OLD HEALTH BUILDING AS A SECOND RECORDER'S COURT ROOM.

The City Manager stated that in anticipation of the passage of the new court bill, it seems appropriate to consider at this time quarters for a second Recorder's Court Room. He suggested that portions of the old Health Building be remodeled for this purpose, and that in view of Mr. James Malcolm having been the architect for renovations to the Police Building and his familiarity with the Health Building, he be retained as Architect and his initial work be directed towards evolving the cost of any necessary changes, so that it may be included in the budget now under preparation.

Councilman Smith moved that Mr. Malcolm be employed as recommended on the same basis that he was retained for the renovations to the Police Building. The motion was seconded by Councilman Whittington, and unanimously carried.

Councilman Myers expressed his appreciation to Mr. Malcolm for his diligence, patience and interest in the alterations made to the Police Building.

COUNCIL GOES ON RECORD OPPOSING THE PROPOSAL OF GOVERNOR SANFORD TO REMOVE
MUNICIPALITIES FROM THE EXEMPT STATUS GROUP OF THE RETAIL SALES TAX.

Mr. Veeder, City Manager, advised that he has today received a bulletin from the N. C. League of Municipalities calling attention to the proposal of the Governor to remove from the exempt status group of the retail sales tax the State of North Carolina and its political subdivisions, and its effect on municipalities. That the League is asking for the reaction of the Council to the proposal. He advised a rough estimate as to what the retail sales tax would mean on the current retail purchases has been prepared by Mr. Beatty, Purchasing Agent, showing it would be about \$150,000 per year in taxes predicated on \$5,000,000 purchases.

Councilman Smith moved that the Council go on record as opposed to this taxation, which was seconded by Councilman Babcock, and unanimously carried.

The City Clerk was directed to advise the Mecklenburg Legislators of this action of the Council.

DISCUSSION AS TO CONDITION OF ROBIN ROAD.

Councilman Dellinger asked the City Manager if he has looked at Robin Road, which he recommended at the last meeting be investigated as to the possibility of it being improved. The City Manager advised he has looked at the street and is not impressed with it as a road.

CITY ATTORNEY REQUESTED TO GIVE PRIOR RULING OF ATTORNEY GENERAL AS TO THE
CITY DOING WORK ON DIRT STREETS ON LIMITED BASIS.

Councilman Dellinger stated that about six years ago the City Attorney

contacted the Attorney General about the City doing work on dirt streets and he was advised that such work can be done. That he is wondering if the City cannot do this work on a limited basis? The City Attorney stated he will look into the matter, and Councilman Dellinger asked him to give the Council a report next week.

CITY MANAGER REQUESTED TO WRITE ATTORNEY GENERAL RELATIVE TO RECORDER'S COURT BILL.

Councilman Whittington urged that something be done to expedite the Recorder's Court Bill which has been in the hands of the Attorney General to put into proper form for consideration of the General Assembly since January. At the end of the discussion at the suggestion of the City Attorney, Councilman Whittington moved that the City Manager write the Attorney General for a report on the present status of the Bill. The motion was seconded by Councilman Babcock, and unanimously carried.

LEASE AUTHORIZED WITH DOUGLAS MODELEERS FOR USE OF PORTION OF IRWIN CREEK DISPOSAL PLANT PROPERTY AS MODEL AIRPLANE FLYING FIELD.

The City Manager reported he has discussed with Mr. Diehl, Supt. of the Park & Recreation Commission, the question of their including the supervision of the proposed Model Airplane Flying Field in their recreation program, and he is advised they are not interested at this time; that Mr. Diehl reviewed the proposed lease for the field and stated were they interested in such activity the lease would be satisfactory to them. Upon motion of Councilman Hitch, seconded by Councilman Albea, and unanimously carried, the lease of a portion of Irwin Creek Disposal Plant property with Douglas Modeleers for use as a model airplane flying field was authorized.

CITY MANAGER REQUESTED TO CHECK POSSIBILITIES OF HEALTH AND SANITARY DEPARTMENTS INSPECTORS MAKING REGULAR INSPECTIONS OF AREAS TO PREVENT BLIGHTED AREAS FROM DEVELOPING.

Councilman Whittington stated he is interested in the prevention of blighted areas and slums developing and he is of the opinion if a squad of inspectors were placed under the Health and Sanitary Departments to keep close check on affected areas on a full time basis, urban renewal programs would become unnecessary because of the diligence of the City. The question was discussed and the matter of whether the responsibility would be placed on the property owner or tenant was considered. Councilman Whittington told of seeing an old mattress lying in a vacant lot for days and furniture damaged by fire stacked on a lot for weeks. Councilman Babcock referred to a condition at Scaleybark and Pineville Road where trash was blowing on residential lawns from store buildings; the question of trash being placed at the curb, not in containers was discussed, and Councilman Dellinger suggested that circulars be distributed in the residential areas as to the days trash would be collected and trash should be placed at the curb only on these days.

The City Attorney pointed out that any legislation that might be passed must be for health, safety and/or welfare purposes, and not for beauty sake alone.

It was stated by Councilman Myers that the proposed housing code contains provisions as to the responsibility of tenants regarding house sanitation, which the property owners would welcome.

The City Manager was requested by Councilman Whittington to look into the possibilities of using Health and Sanitary Department Inspectors services as a means of preventing the development of such areas and conditions.

MAYOR REQUESTS PRESIDENT TO SUPPLY FEDERAL FUNDS TO GET GRADE CROSSING ELIMINATION PROGRAM STARTED.

Mayor Smith advised he has received several letters from various agencies in Washington urging that local government public construction projects be started to help boost the economy. That he has written the President that Charlotte has a \$3.5 million grade crossing elimination program, and needs \$800,000 to get it started. That he will be glad to come to Washington and discuss the details if it is desired that he do so.

ADJOURNMENT.

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



Lillian R. Hoffman, City Clerk