

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 27, 1961, at 3 o'clock p.m., with Mayor pro tem Hitch presiding, and Councilmen Albea, Babcock, Dellinger, Myers, Smith and Whittington present.

ABSENT: Mayor Smith.

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INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Dellinger, seconded by Councilman Whittington, and unanimously carried, the Minutes of the last meeting on March 20th were approved as submitted.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE APPROVING THE REDEVELOPMENT AREA PLAN AND THE FEASIBILITY OF RELOCATION FOR REDEVELOPMENT SECTION NO. I, PROJECT NO. N.C. R-14, ADOPTED.

The public hearing was held on the Redevelopment Area Plan for Redevelopment Section No. 1, Brooklyn Urban Renewal Area, notice of the hearing having been published in The Charlotte News on March 3, 10 and 17, 1961.

Mr. Otis M. Johnson, owner of property in the area, expressed objections to the project in that it is contrary to one of democracy's first concepts of a man's right to own and use his property as he deems best; that in approving the project, the Council will be forcing the property owners to go into court to fight for their rights. He termed urban renewal as one step from socialism. That the cause for so-called slums lies in the laps of the Council and their predecessors in not providing proper streets and lighting, and if these were provided today, the slums of Charlotte would be cleared.

Mrs. Walter Craven stated she is utterly opposed to the City buying her property within this area and selling it to individuals, as it is an encroachment of Americanism and everything this country stands for.

Mr. C. P. Freeman, Jr., stated the Urban Renewal Plan, like any other problem based on money has two questions: Who pays and how much, and Who gets and how much. He stated that the brochure issued by the Urban Renewal Commission shows that the project will be financed 2/3 by the Federal Government and 1/3 by the City of Charlotte - that federal aid is simply a myth - it means that this 2/3 will come from North Carolina through federal taxes. That the only people to profit will be the real estate promoters and speculators. Mr. Freeman stated further that the belief of the Urban Renewal Commission that a lot of people want to locate business in the Brooklyn Area is in error - if this were so they would have tried to buy or lease the property from the owners - or, if the Commission is correct, then these people are not willing to pay the right prices to the property owners. Mr. Freeman quoted from a number of articles and publications criticizing similar projects under the federal governments slum clearance program. Mr. Freeman stated a vote for the Charlotte project will be a vote to favor the few who will benefit, and not the citizens as a whole.

Mr. C. B. Rhyne expressed opposition to the project because of the resulting effect on the displaced persons presently residing in the Brooklyn area, in that they will be moved to low-cost housing where they cannot pay the rent and will then be forced to move. That the home owners in the area are mostly elderly people and widows who wish the security of their homes for the remainder of their lives, and it is unjust to force them to move and probably be homeless.

Councilman Whittington asked Mr. Sawyer, Director of Urban Renewal, how many home owners in this Phase of the project, and Mr. Sawyer stated they checked 96% of the residents and found eleven who own their homes.

Councilman Dellinger asked if the Commission is trying to find or have found living quarters for these people? Mr. Sawyer stated they have not specified the exact house in which anyone may move, but they have determined there is adequate housing for them. Councilman Dellinger then asked if the Council is not responsible for housing these people and if the Commission is in position to guarantee the Council that this will be done? Mr. Elmer Rouzer, Chairman of the Commission, stated that is correct, and the Commission does guarantee that housing will be available. That they cannot ask these people to move until they have housing to offer at comparable rents.

Mrs. C. T. Wanzer, representing the League of Women Voters, stated her sentiments on the subject are expressed by the cartoon which she presented, showing three mountain-climbers at the foot of a mountain, with the caption, "Let's camp here overnight in hopes a blinding snowstorm appears which will make ascent impossible."

The Reverend E. J. Moore, Pastor of Brooklyn Presbyterian Church, stated his church is included in Phase #2 of the Urban Renewal Project, and if Phase #1 being considered today is approved, it is then inevitable that Phase #2 will also be adopted. He stated he believes the Council is concerned with eliminating slums wherever they are found, and, in his opinion, if the City will open up its resources and establish a rehabilitation program to help people in these undesirable areas, it will be of untold worth. Too, he thinks more people should be consulted in connection with such betterment programs, so they can lend their efforts to help eliminate these bad conditions, and do much to elevate the standards of living among these people who are at the lower end of the economic scale. At the question of Councilman Whittington if he does not think the removal of these people from a slum area is one form of rehabilitation, Mr. Moore stated that he does think so but the mere fact of moving to another area could create another slum unless something is done to educate them to better living. Councilman Myers stated that, in other words, Mr. Moore is saying that housing is a symptom instead of a cause, to which Mr. Moore agreed.

Mr. Albert Pierson, stated the human element must receive full consideration, and these slum areas are a disgrace, and although urban renewal may not be perfect, it is the best answer to date and he thinks it is well worth a trial.

Mr. Rouzer, Chairman of the Commission, stated they have spent two years planning the program and giving it their best thoughts and efforts, and they hope the Council will give it a trial. Mayor pro tem Hitch expressed the appreciation of the Council for the fine work of the Commission.

Councilman Dellinger moved the adoption of the "Resolution Approving the Redevelopment Area Plan and the Feasibility of Relocation for Redevelopment Section No. I, Project No. NC R-14", which was seconded by Councilman Whittington, and carried by the following recorded vote:

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

Mr. Shaw, City Attorney, stated that any funds used will have to come from non-tax funds. The Source of non-tax funds was discussed, and with the City Manager stating one of the largest sources is ABC funds. Councilman Myers asked the City Attorney if ABC funds source was curtailed, what the City would do if other non-tax funds were not sufficient? Mr. Shaw stated if the Supreme Court ruled tax funds could not be used when non-tax funds from all sources are not available, then it would appear that the City has an illegal contract. Councilman Babcock asked the City Attorney if the Council is not kidding itself when it says non-tax funds will be used, when in fact these funds could be used in the reduction of taxes et cetera. The City Attorney stated this is one of the myths of government. That funds raised other than by taxes are non-tax funds - that it affects the tax rate it is true, but is not from that source.

Councilman Dellinger amended his previous motion and restated it, moving the adoption of the Resolution Approving the Redevelopment Area Plan and the Feasibility of Relocation for Redevelopment Section No. I, Project No. NC R-14, it being understood that funds to be used in this connection are to come from non-tax funds. The motion was seconded by Councilman Whittington, and carried by the following recorded vote:

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

AGREEMENT AUTHORIZED BETWEEN CITY AND REDEVELOPMENT COMMISSION COVERING THE CITY'S GRANTS-IN-AID FOR THE REDEVELOPMENT SECTION NO. I, BROOKLYN URBAN RENEWAL AREA, PROJECT NO. NC R-14, ADOPTED.

Councilman Smith moved approval of the execution of an Agreement between the City of Charlotte and the Redevelopment Commission covering the City's Grants-In-Aid for the project known as Redevelopment Section No. I, Brooklyn Urban Renewal Area, Project No. NC. R-14, with funds other than tax funds. The motion was seconded by Councilman Dellinger, and carried by the following recorded vote:

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

ORDINANCE NO. 727 AMENDING THE ZONING ORDINANCE BY CHANGING ZONING ON PROPERTY ON THE SOUTH SIDE OF INTERSTATE 85, AT STARITA ROAD, FROM RURAL TO INDUSTRIAL, ON PETITION OF SARA, AGNES AND THOMAS W. HAWKINS, ADOPTED.

Upon motion of Councilman Babcock, seconded by Councilman Whittington, and unanimously carried, Ordinance No. 727 Amending the Zoning Ordinance by changing zoning on property on the south side of Interstate 85, at Starita Road, from Rural to Industrial, on petition of Sara, Agnes and Thomas W. Hawkins, was adopted as recommended by the Planning Board. The ordinance is recorded in full in Ordinance Book 13, at Page 46.

ORDINANCE NO. 728 AMENDING THE ZONING ORDINANCE BY CHANGING ZONING ON PROPERTY ON BOTH SIDES OF EASTWAY DRIVE, FROM R-2 TO B-1 AND FROM R-2 AND B-1 TO O-I ON PETITION OF HOUSTON PROPERTIES, INC AND MORRIS INVESTMENT COMPANY, ADOPTED.

Motion was made by Councilman Whittington, seconded by Councilman Babcock, and carried, adopting Ordinance No. 728 Amending the Zoning Ordinance by changing zoning on property on both sides of Eastway Drive from R-2 to B-1, and from R-2 and B-1 to O-I, on petition of Houston Properties, Inc. and

Morris Investment Company, as recommended by the Planning Board, upon the following recorded vote:

YEAS: Councilmen Whittington, Babcock, Albea, Dellinger and Smith.

NAYS: None.

Councilman Myers abstaining from voting.

The ordinance is recorded in full in Ordinance Book 13, at Page 47.

ORDINANCE NO. 729 AMENDING THE ZONING ORDINANCE BY CHANGING ZONING ON PROPERTY ON THE SOUTH SIDE OF HERRIN AVENUE, NEAR TAPPAN PLACE, FROM R-2 TO B-1, ON PETITION OF FARMERS DAIRY CO-OP, INC AND MR AND MRS E. A. MULL, ADOPTED.

Councilman Dellinger moved the adoption of Ordinance No. 729 Amending the Zoning Ordinance by changing zoning on property on the south side of Herrin Avenue, near Tappan Place, from R-2 to B-1, on petition of Farmers Dairy Co-op, Inc. and Mr and Mrs E. A. Mull, as recommended by the Planning Board. The motion was seconded by Councilman Babcock, and unanimously carried.

The ordinance is recorded in full in Ordinance Book 13, at Page 48.

ORDINANCE NO. 721 AMENDING THE ZONING ORDINANCE BY CHANGING ZONING ON PROPERTY AT THE SOUTHEAST CORNER OF SUGAW CREEK ROAD AND DINGLEWOOD AVENUE, FROM R-2 TO B-1, ON PETITION OF J. L. GIBBS AND G. F. RICE, ADOPTED.

Upon motion of Councilman Whittington, seconded by Councilman Myers, and unanimously carried, Ordinance No. 721 Amending the Zoning Ordinance by changing zoning on property at the southeast corner of Sugaw Creek Road and Dinglewood Avenue, from R-2 to B-1, on petition of Messrs. J. L. Gibbs and G. F. Rice, was adopted, as recommended by the Planning Board. The ordinance is recorded in full in Ordinance Book 13, at Page 49.

ORDINANCE NO. 740 AMENDING CHAPTER 7 OF THE CITY CODE WITH RESPECT TO ADDITIONAL CHARGES FOR OPENING GRAVES ON SATURDAYS, SUNDAYS AND HOLIDAYS, ADOPTED.

Councilman Whittington moved the adoption of an ordinance entitled: "Ordinance No. 740 Amending Chapter 7 of the City Code with Respect to Additional Charges for Opening Graves on Saturdays, Sundays and Holidays". The motion was seconded by Councilman Babcock, and unanimously carried. The ordinance is recorded in full in Ordinance Book 13, at Page 52.

CHANGE ORDER AUTHORIZED IN CONTRACT WITH CROWDER CONSTRUCTION COMPANY FOR STREET IMPROVEMENTS ON TUCKASEEGEE ROAD - P & N RAILROAD GRADE SEPARATION, SECTION II, BRIDGE CONSTRUCTION.

Councilman Albea moved approval of Change Order in Contract with Crowder Construction Company for street improvements on Tuckaseegee Road - P & N Railroad Grade Separation, Section II, Bridge Construction, to include the extension of two 10-ft. lengths of retaining wall, as specified, for the lump sum price of \$450.00. The motion was seconded by Councilman Dellinger, and unanimously carried.

CONSTRUCTION OF SANITARY SEWERS AUTHORIZED.

Upon motion of Councilman Dellinger, seconded by Councilman Albea, and unanimously carried, the construction of sanitary sewers was authorized at the following locations:

- (a) 250 feet of 10-inch trunk line in Melbourne Court, inside the city, at an estimated cost of \$2,220.00, as requested by the City Engineer. All cost to be borne by the City and charged to 622 B-14.
- (b) 130-ft. of 8-inch trunk line in Walker Avenue, inside the City, at an estimated cost of \$475.00, as requested by Mr. C. S. Warriax. All costs to be borne by the Applicant with deposit to be refunded as per terms of the agreement.

AGREEMENT AUTHORIZED WITH SOUTHERN RAILWAY COMPANY FOR RIGHT-OF-WAY FOR INSTALLATION OF WATER MAIN BENEATH SPUR TRACKS CROSSING INDEPENDENCE BOULEVARD.

Motion was made by Councilman Whittington, seconded by Councilman Albea, and unanimously carried, authorizing an agreement with the Southern Railway Company for right-of-way for the installation of a 6-inch water main beneath their spur tracks crossing Independence Boulevard to serve new business areas on Independence Boulevard at Irwin Creek.

CONTRACT AWARDED ANCHOR FENCE COMPANY, DIVISION OF ANCHOR POST PRODUCTS, FOR CHAIN LINK FENCE FOR NEW LANDFILL SITE OFF PINEVILLE ROAD.

Councilman Smith moved the award of contract to the low bidder, Anchor Fence Company, Division of Anchor Post Products, for chain link fence for the new Landfill Site off Pineville Road, as specified, in the amount of \$1,147.00. The motion was seconded by Councilman Myers, and unanimously carried.

The following bids were received:

Anchor Fence Company	
Division, Anchor Post Products	\$ 1,147.00
Allison Fence Company	\$ 1,190.00
Cyclone Fence, Department of U.S. Steel	\$ 1,212.00
Allied Chain Link Fence Co., Inc.	\$ 1,226.00

CONTRACT AWARDED TRAFFIC ENGINEERS SUPPLY CORPORATION FOR U-POSTS FOR TRAFFIC SIGNS.

Upon motion of Councilman Whittington, seconded by Councilman Babcock, and unanimously carried, contract was awarded the low bidder, Traffic Engineers Supply Corporation, for 400, 10-ft. U-Posts and 200, 12-ft. U-Posts, as specified, for Traffic Signs, in the amount of \$1,504.00.

The following bids were received:

Traffic Engineers Supply Corp.	\$ 1,504.00
Dominion Signal Company, Inc.	\$ 1,714.00
Hall Sign and Post Company	\$ 1,794.00

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CONTRACT AWARDED DILLON SUPPLY COMPANY FOR A STATIONARY STEAM CLEANER FOR MOTOR TRANSPORT DEPARTMENT.

The recommendation of the award of contract for a stationary Steam Cleaner for cleaning rolling equipment to the low bidder, Dillon Supply Company, was objected to by Mr. Allen White, representing a competitive bidder, Industrial Steam Cleaning Company, Inc. of Charlotte, on the grounds that as the local dealer for Malsbury Steam Cleaning equipment, another company cannot sell this equipment in Charlotte; that Malsbury does not allow a deviation in price such as bid by Dillon Supply Company; that neither can they furnish parts; and that Dillon Supply Company has submitted a bid that they cannot deliver and the Malsbury Company has told Mr. White's company that Dillon Supply Company will not be able to deliver at the price bid.

Councilman Dellinger asked that the matter be postponed and checked into further.

Mr. Beatty, Purchasing Agent, stated this appears to be a discussion of price between competitive bidders. That Dillon Supply Company submitted a lower bid than Industrial Steam Cleaning, Inc. and the City buys from the lowest responsible bidder. That Dillon Supply Company meets the specifications exactly as the other bidders, and they state they definitely can deliver the equipment.

Councilman Smith moved the award of contract to the low bidder, Dillon Supply Company, for a Malsbury Model #250 Stationary Steam Cleaner, at their bid price of \$1,457.00. The motion was seconded by Councilman Myers, and unanimously carried.

The following bids were received:

Dillon Supply Company	\$ 1,457.00
Piedmont Auto Exchange, Inc.	\$ 1,522.80
Industrial Steam Cleaning, Inc.	\$ 1,697.85
Jim Paera	\$ 1,796.00

CLARIFICATION OF INTENT RELATIVE TO CHANGE IN ZONING OF PROPERTY ON INDEPENDENCE BOULEVARD, EAST OF IDLEWILD ROAD AND DION DRIVE, ORDINANCE NO. 723.

Councilman Smith called attention that the resolution with respect to the petition of J. Mason Wallace and others for the rezoning of property on Independence Boulevard, on which the Council took action on February 27, 1961, seems to be a bit inaccurate, in that on the northeast side the 350-foot referred to in the resolution extends beyond the depths requested rezoned by the petitioners. Therefore, he moved that the 350-foot depth, referred to on the northeast side of the property involved, beginning at a point in the center line of Idlewild Road, which point is 325-feet at right angles from Independence Boulevard, be clarified as extending in a line running south 34-24 east 2741.95 feet to a point in Dion Drive, which point is 300-feet at right angles from Independence Boulevard, this being the northeast of the boundary line, as requested by the petitioners. The motion was seconded by Councilman Dellinger, and carried by the following recorded vote:

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

CONFERENCE ARRANGED WITH PLANNING BOARD TO PRESENT PROPOSED ZONING ORDINANCE TO COUNCIL ON APRIL 5TH AT 7:30 P.M.

Councilman Dellinger asked that the Council be reminded of the meeting with the Planning Board on next Wednesday April 5th at 7:30 p.m., when the new zoning ordinance and map will be presented by the Board after which copies will be available for the public.

STREET LIGHTING IN FORMER PERIMETER AREA.

Councilman Smith stated the Council has authorized street lighting in the former perimeter area, and any delay in the installation will be with the contractor and no fault of the Council.

PROGRESS REPORT REQUESTED ON PREPARATION OF NEW BUILDING CODE.

Councilman Whittington requested the City Manager to give Council a progress report on the preparation of the new Building Code, so they will know when it may be received.

INVESTIGATION OF USE OF STREETS ON SIDE AND REAR OF PARK & SHOP ON WILKINSON BOULEVARD BY SHOPPERS, REQUESTED.

Councilman Whittington asked the City Manager to have a survey made by the Traffic Engineer on next Friday or Saturday of the use of residential streets on sides and rear of Park & Shop on Wilkinson Boulevard, by shoppers to such extent the residents are unable to park near their homes.

CITY MANAGER REQUESTED TO MAKE CHECK RELATIVE TO INSPECTION SYSTEM OF CONDEMNED HOUSES IN EFFORT TO PREVENT FURTHER BLIGHTED AREAS.

Councilman Whittington requested the City Manager to check with the two departments relative to an inspection system of houses that have been condemned, in an effort to endeavor to prevent further blighted area.

FUNDS AUTHORIZED TRANSFERRED FROM CONTINGENCY FUND FOR CONSTRUCTION OF TEMPORARY SIDEWALKS IN SHAMROCK AND COTSWOLD AREAS.

Councilman Albea moved approval of the construction of temporary sidewalks in the Shamrock and Cotswold Areas, and that \$1,087.00, estimated cost, be transferred from the Contingency Fund for the construction. The motion was seconded by Councilman Whittington, and unanimously carried.

ORDINANCE NO. 741 AMENDING CHAPTER 5 OF THE CITY CODE TO ESTABLISH FIRE LIMITS, ADOPTED.

Upon motion of Councilman Smith, seconded by Councilman Whittington, and unanimously carried, Ordinance No. 741 Amending Chapter 5 of the City Code to establish Fire Limits, was unanimously adopted. The ordinance is recorded in full in Ordinance Book 13, beginning at Page 50.

MECKLENBURG LEGISLATORS REQUESTED TO SUPPORT THE REBUDGETING OF CERTAIN FUNDS FOR PUBLIC AND MENTAL HEALTH ACTIVITIES IN CHARLOTTE, WHICH HAVE BEEN DELETED BY STATE ADVISORY BUDGET COMMISSION.

The City Manager stated that Dr. Corkey, Acting Health Director, and Dr. Fisher, Director, Mental Health Clinic, have advised the State Advisory Budget Commission has deleted certain funds that would have gone for public and mental health use; that at a meeting of the Health Directors and Mental Health Clinic Directors in Raleigh, it was agreed on a state-wide basis to bring this fact to the attention of governing bodies, and ask them to go on record with the proper people in the Legislature asking that these funds be put back in the State Budget so that the programs could go forward. He advised if the funds are not made available, the cost to the City of Charlotte will be increased in providing these services.

Councilman Albea moved that the Mecklenburg Legislators be requested to support the budgeting of these funds for the Charlotte health activities as requested. The motion was seconded by Councilman Smith.

The matter was discussed, and Councilman Myers questioned whether the Council has sufficient information to protest the deletion of the funds to the State Budget Commission.

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

YEAS: Councilmen Albea, Smith, Babcock, Dellinger and Whittington.
NAYS: None

Councilman Myers abstained from voting because of lack of information on the question.

ADJOURNMENT.

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



Lillian R. Hoffman, City Clerk