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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, on Monday, March 8, 1965, at 3 o'clock p.m., with Mayor Brookshire presiding, and Councilmen Albea, Bryant, Dellinger, Jordan, Smith, Thrower and Whittington present.

ABSENT: None.

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INVOCATION.

The invocation was given by the Reverend Calvin Leonard, Pastor of Grace Methodist Church.

MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Whittington, and unanimously carried, the Minutes of the last meeting on March 1st were approved as submitted.

RESOLUTIONS COMMENDING POLICE OFFICER J. G. BRUCE AND POLICE SERGEANT T. W. WILLIAMS IN CONNECTION WITH THE ARMED ROBBERY OF THE COTSWOLD BRANCH OF THE FIRST CITIZENS BANK AND TRUST COMPANY, ADOPTED.

Resolutions Commending Police Officer Jack Grover Bruce and Police Sergeant Thomas Walter Williams for their outstanding and meritorious performance of duty in connection with the armed robbery of the Cotswold Branch of the First Citizens Bank and Trust Company, on March 1, 1965 by William H. Coble, one of the nation's most wanted criminals, were introduced, and upon motion of Councilman Thrower, seconded by Councilman Albea, were unanimously adopted.

Mayor Brookshire presented the Resolutions to Officer Bruce and Sergeant Williams and expressed his appreciation to them for this outstanding service to the Police Department and to the City of Charlotte.

The resolutions are recorded in full in Resolutions Book 5, at Pages 1 and 4.

Police Chief John S. Hord thanked the Mayor and Council for recognizing these Officers, who richly deserve it for their performance of duty at the time of this robbery. He said others probably deserve it also, but he would not call names as he might overlook some one.

Mayor Brookshire remarked that these Officers certainly reflect credit upon the Department and the City.

RESOLUTIONS COMMENDING MISS CAROLYN TROUBLEFIELD, MR JOHN DEMUS AND MR DUANE M. BRUCH IN CONNECTION WITH THE ARMED ROBBERY OF THE COTSWOLD BRANCH OF THE FIRST CITIZENS BANK AND TRUST COMPANY, ADOPTED.

Resolutions Commending Miss Carolyn Troublefield, Mr. John Demus and Mr. Duane M. Bruch, for their meritorious actions and display of responsible citizenship in connection with the armed robbery of the Cotswold Branch

of the First Citizens Bank and Trust Company, on March 1, 1965, by William H. Coble, one of the nation's most wanted criminals, were introduced and upon motion of Councilman Smith, seconded by Councilman Bryant, were unanimously adopted.

The resolutions are recorded in full in Resolutions Book 5, at Pages 5 through 7.

RESOLUTION COMMENDING MRS ELEANOR SMITH VOSBURGH IN CONNECTION WITH THE ARMED ROBBERY OF THE COTSWOLD BRANCH OF THE FIRST CITIZENS BANK AND TRUST COMPANY, ADOPTED.

A Resolution Commending Mrs Eleanor Smith Vosburgh for the courage displayed in protecting the small children in her care in connection with the armed robbery of the Cotswold Branch of the First Citizens Bank and Trust Company on March 1, 1965, expressing sympathy for her discomfort from the gunshot wounds inflicted by William H. Coble, one of the nation's most wanted criminals, was introduced by Councilman Whittington, who moved its adoption. The motion was seconded by Councilman Albea, and unanimously carried. The resolution is recorded in full in Resolutions Book 5, at Page 8.

RESOLUTION EXTENDING SYMPATHY TO KENNARD EWING IN CONNECTION WITH THE ARMED ROBBERY OF THE COTSWOLD BRANCH OF THE FIRST CITIZENS BANK AND TRUST COMPANY, ADOPTED.

A Resolution Extending Sympathy and Best Wishes to Kennard Ewing, age 7, for his discomfort from the gunshot wound he suffered in connection with the armed robbery of the Cotswold Branch of the First Citizens Bank and Trust Company, on March 1, 1965, was introduced by Councilman Whittington, who moved its adoption. The motion was seconded by Councilman Albea, and unanimously carried. The resolution is recorded in full in Resolutions Book 5, at Page 9.

SUGGESTION BY ALBERT PEARSON THAT COUNCIL REQUEST GENERAL PAUL R. YOUNTS TO RESIGN FROM THE STATE HIGHWAY COMMISSION.

Mr. Albert Pearson read a resolution which he suggested the City Council adopt requesting General Paul R. Younts to resign as State Highway Commissioner from the 10th District, at a time subject to the wishes of the Governor. Mr. Pearson stated that Mr. Younts' resignation could be very beneficial in continuing the excellent close cooperation that has existed in the past between the 10th District and our State organization and it would give the Governor the opportunity of reappointing Mr. Younts or appointing a new Commissioner from the 10th District.

Councilman Dellinger commented that he thought it would be out of order for the Council to send anything like that to General Younts; that Mr. Pearson could sent it personally, if he wished to do so. Mr. Pearson stated it is not a criticism of anyone, it is just a matter if the Governor did have someone appointed at this time, whoever it be, he could have time to get his feet on the ground before June 30th, the date on which Mr. Younts' term will expire. He stated further he thinks this would be very beneficial to the 10th District to have someone go to State Highway Commission meetings who would not be considered a lame duck, so to speak. However, it is just a suggestion and if Council feels it should turn it down, it is alright with him.

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ORDINANCE NO. 325-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE, CHANGING ZONING OF TRACT OF LAND ON THE NORTH SIDE OF CENTRAL AVENUE, BEGINNING 500 FT. EAST OF LANSDALE DRIVE, ADOPTED.

Councilman Thrower moved the adoption of Ordinance No. 325-Z Amending Chapter 23, Section 23-8 of the City Code, changing the zoning from R-9MF to B-1 of a tract of land 300' x 811' on the north side of Central Avenue, beginning 500' east of Lansdale Drive, requested by Ed Griffin Development Company. The motion was seconded by Councilman Dellinger, and carried by the following recorded vote:

YEAS: Councilmen Dellinger, Jordan, Smith and Thrower.
NAYS: Councilmen Albea, Bryant and Whittington.

The ordinance is recorded in full in Ordinance Book 14, at Page 152.

CONTRACT AUTHORIZED WITH T. R. LAWING FOR APPRAISAL OF LAND IN CONNECTION WITH SHARON-AMITY REALIGNMENT PROJECT.

Councilman Whittington moved approval of a contract with Mr. T. R. Lawing for the appraisal of one parcel of land on Sharon-Amity Road, in connection with the Sharon-Amity Realignment Project. The motion was seconded by Councilman Thrower, and unanimously carried.

RESOLUTION FIXING DATE OF PUBLIC HEARING ON APRIL 5TH ON PETITION OF CHARLOTTE COCA COLA BOTTLING COMPANY AND FREEDOM DRIVE INVESTMENT COMPANY FOR CLOSING OF PORTIONS OF CRISMAN STREET AND PACIFIC STREET.

Upon motion of Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, a Resolution was adopted Fixing the Date of Public Hearing on April 5th on the Petition of Charlotte Coca Cola Bottling Company and Freedom Drive Investment Company, for closing portions of Crisman Street and Pacific Street.

The resolution is recorded in full in Resolutions Book 5, at Page 10.

STREETS TAKEN OVER FOR MAINTENANCE.

Upon motion of Councilman Jordan, seconded by Councilman Albea, and unanimously carried, the following streets were taken over for continuous maintenance:

STREET	FROM	TO
Winterfield Place	250' West of Rosehaven Dr.	End of cul-de-sac
Asphalt Place	McAlway Road	190' West
Thera Drive	Softley Drive	310' North
Dare Drive	Hyde Drive	385' North
Erskine Drive	Shamrock Drive	145' E. of Herrin Ave.
Ibis Court	Erskine Drive	End of cul-de-sac 170'
Patio Court	Erskine Drive	End of street 155' East
Clarendon Road	Merrifield Road	150' East
Merrifield Road	Wickersham Road	200' S. of Ferncliff Rd.
Wickersham Road	Ayscough Road	110' E. of Merrifield Rd.
Ayscough Road	250' S. of Wickersham Rd.	150' S. of Ferncliff Rd.

SUPPLEMENTARY CONTRACT WITH JOHN CROSLAND COMPANY FOR INSTALLATION OF WATER MAINS IN SHARON COLONY II.

Motion was made by Councilman Albea, seconded by Councilman Thrower, and unanimously carried, authorizing a Supplementary Contract, to contract dated August 28, 1961, with John Crosland Company for the installation of 1,830 feet of water mains and 3 hydrants in Sharon Colony II, outside the city limits, at an estimated cost of \$6,000.00. The Applicant will pay the entire cost of the mains and hydrants and own same until the area is incorporated into the city limits, at which time they will become the property of the City without further agreement.

CONSTRUCTION OF SANITARY SEWER TRUNK AND MAIN IN CENTRAL PARK SUBDIVISION.

Councilman Jordan moved approval of the construction of 350' of sanitary sewer trunk and 1,875' of sewer main, in Central Park Subdivision, inside the city limits, at an estimated cost of \$7,920.00, requested by Ed Griffin Development Company. All costs to be borne by the applicant, whose deposit of the entire amount of the cost will be refunded as per terms of the contract. The motion was seconded by Councilman Thrower, and unanimously carried.

TRANSFER OF CEMETERY LOT.

Councilman Jordan moved that the Mayor and City Clerk be authorized to execute a deed with Mrs Cynthia P. Whiting, for Lot 494, Section 6, Evergreen Cemetery, at \$240.00. The motion was seconded by Councilman Dellinger, and unanimously carried.

ACQUISITION OF LAND IN THE NORTHWEST EXPRESSWAY AND EASEMENT FOR SANITARY SEWER KENTWOOD TRUNK.

Upon motion of Councilman Albea, seconded by Councilman Thrower, and unanimously carried, the acquisition of eight tracts of land and an easment for the Kentwood Sanitary Sewer Trunk were authorized as follows:

- (a) Acquisition of 9,801 square feet of property, located at 809 North Caldwell Street, from the First Baptist Church, at a purchase price of \$17,314.00, for right of way for the Northwest Expressway.
- (b) Acquisition of 39,650 sq. ft. of property at 705-13 Hershall Lane, 823-27 North Myers Street, 706-712 E. 12th Street and 816-830 North Alexander Street, from M. A. Hogewood at a purchase price of \$48,000.00, for right of way for the Northwest Expressway.
- (c) Acquisition of 5,150 sq. ft. of property located at 832 E. 10th Street, from Mary A Scruggs, Widow, at a purchase price of \$14,400.00, for right of way for the Northwest Expressway.
- (d) Acquisition of 4,875 sq. ft. of property, located on East 8th Street, from Nancy Kistler, Trustee at a purchase price of \$925.00, for right of way for the Northwest Expressway.
- (e) Acquisition of 391 sq. ft. of property located at 615 Seigle Avenue, from Garland Eugene Lutz and Julia Cornelius Lutz, at a purchase price of \$700.00 for right of way for the Northwest Expressway.

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- (f) Acquisition of 6,614 sq. ft. of property, located at 500-510 Seigle Avenue, from Appliquence Service Corp., at a purchase price of \$15,000.00, for right of way for the Northwest Expressway.
- (g) Acquisition of 6,645 sq. ft. of property located at 1004 East Trade Street, from Ralph and Mary J. Cox, at a purchase price of \$10,825.00, for right of way for the Northwest Expressway.
- (h) Acquisition of right of way 16' wide x 167.53' long, at the end of Burroughs Street, from Kiplin Stevens, Sr. and Letha B. Stevens, at a price of \$382.53, for easement for Kentwood Sanitary Sewer Trunk.

APPOINTMENT OF HAROLD M. MORROW TO THE INSURANCE ADVISORY COMMITTEE.

Councilman Bryant moved the appointment of Mr. Harold M. Morrow to the Insurance Advisory Committee, to fill the vacancy for a 3 year term. The motion was seconded by Councilman Dellinger, and unanimously carried.

EXPLANATION AND DISCUSSION OF CHARTER REVIEW COMMISSION'S REPORT.

Mr. Morrissey, City Attorney, was requested to continue the explanation of the Report of the Charter Review Commission from the Conference Session prior to this meeting.

Councilman Bryant commented that he thinks Council should take a little time to study it and make sure just how they feel about it.

Councilman Jordan stated he would like Council to continue to study the Report and make a decision on it at next week's meeting.

Councilman Smith remarked that Council was advised by the Attorney for better procedure if they want to put other employees under the grievance arrangement under Civil Service, that they do it by separate ordinance, which would be done after July 1st, the effective date of the Charter. Council would then adopt the ordinance to set up the procedures of the personnel.

Mr. Morrissey stated that Mr. Smith raised a question about the conflict of interest sections, and in their studies they cannot recommend a change in the language, and he does not believe they conflict with each other - the one in Chapter 3 says the Councilmen shall vote on every matter coming before it, except that involving its own official conduct and his financial interest; then in Chapter 9 is the provision that has been in the Charter for many years on conflict of interest. That the question that was posed was with respect to a Councilman owning stock in a large corporation, such as General Motors, voting on the award of bids for its products - the Courts have considered cases like that, and have a rule called de minimis, meaning that a transaction of that nature would not violate the conflict of interest provision. That it is impossible to devise any language to cover this, even if we had no language on it in the Charter. That there is a general statute to the same effect, and even if there were no general statute provision, as a matter of public policy the Courts would always enforce conflict of interest. Councilman Smith stated the point that he was concerned with was if a Councilman does have an interest in some contract the City is awarding, if he announces at the meeting he has such an interest and does not vote, he is protected. Mr. Morrissey stated the answer, on a general basis, is you have to consider the facts in each case; the nature of the interest and the nature of the business; whether he has a controlling interest or whether he is an active partner; for example, the extent of any benefit that he may derive.

Councilman Smith stated it is very technical but they have another provision that when a Councilman is in a meeting and leaves the meeting, his vote is considered in the affirmative unless he is excused by the Council. That all a Councilman has to do is leave the room, walk down the hall and his vote is recorded as affirmative and he could deny any knowledge of it, and that is the loop hole in the way it is written. Mr. Morrissey remarked that there is no language they can devise to prevent such situation. Mr. Morrissey referred to the section in Chapter 9, where the Councilman can be excused from voting where his financial interest is involved; for example, where the City has to acquire property which is owned by a Councilman, he would not be expected to, nor would it be right, to vote on the question.

Councilman Jordan asked Mr. Morrissey if the Civil Service Board and the Chief of Police and Chief of the Fire Department, who made suggested changes in the Charter have been provided with copies or will they be sent them, so that the Charter can be passed on by the Council next Monday? Mr. Morrissey stated he was waiting until Council had considered it before giving copies to anybody else, and he will give copies to both the Chiefs and to the Civil Service Board members and to anybody else Council would like him to send copies to.

Councilman Whittington asked about Section 461, Civil Service, paragraph 1, that it is so worded now that the members of the Board could hold no other office, either elective or appointive, pertaining to the City, which was in the recommendation of the Charter Review Commission. That it makes no difference to him, he is just raising the point. He asked if that is not generally true with the rest of the Boards? Mr. Morrissey stated it is entirely a matter of policy. Councilman Albea remarked that this has been the policy all the way through.

A BILL TO BE ENTITLED: AN ACT TO AMEND SECTION 165-36 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO VETERAN'S RECREATION AUTHORITIES.

The City Attorney explained the provisions of a proposed Bill, entitled: An Act to Amend Section 165-36 of the General Statutes of North Carolina Relating to Veteran's Recreation Authorities. Following the discussion, Councilman Whittington moved approval of the Bill and that the City Attorney be requested to discuss it with our Legislative Delegation, for passage by the General Assembly.

A BILL TO BE ENTITLED: AN ACT TO AMEND CHAPTER 837 OF THE 1947 SESSION LAWS OF NORTH CAROLINA PERTAINING TO THE FIREMEN'S RELIEF FUND OF THE CITY OF CHARLOTTE IN MECKLENBURG COUNTY.

A Bill to be entitled: An Act to Amend Chapter 837 of the 1947 Session Laws of North Carolina Pertaining to the Firemen's Relief Fund of the City of Charlotte in Mecklenburg County, was explained in detail by the City Attorney, who stated it is recommended by the Charlotte Fire Department and Firemen's Relief Fund Board. Following the discussion, Councilman Thrower moved its approval for presenting to our Legislative Delegation. The motion was seconded by Councilman Albea, and unanimously carried.

AN ACT AMENDING CHAPTER 926 OF THE 1947 SESSION LAWS OF NORTH CAROLINA ESTABLISHING THE CHARLOTTE FIREMEN'S RETIREMENT SYSTEM, AS AMENDED, TO PROVIDE AUTHORITY TO INVEST IN COMMON AND PREFERRED STOCKS.

The City Attorney explained the provisions of the proposed Act recommended

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by the Charlotte Fire Department and Firemen's Retirement System, Board of Trustees, entitled: An Act Amending Chapter 926 of the 1947 Session Laws of North Carolina Establishing the Charlotte Firemen's Retirement System, as Amended, to Provide Authority to Invest in Common and Preferred Stocks, which was discussed by the Council. Councilman Smith moved its approval for presenting to our Legislative Delegation, for passage by the General Assembly. The motion was seconded by Councilman Thrower, and unanimously carried.

ESTABLISHMENT OF A COMMITTEE TO ADMINISTER A CITY PROPERTY BEAUTIFICATION PROGRAM, WITH FUNDS APPROPRIATED FROM THE CONTINGENCY FUND TO IMPLEMENT THE PROGRAM FOR THE REMAINDER OF THE FISCAL YEAR.

Councilman Bryant moved the establishment of a Committee, composed of four members, to administer a City Property Beautification program and further to appropriate \$6,500.00 from the Contingency Fund in order to implement the program for the remainder of the fiscal year. The motion was seconded by Councilman Dellinger, and unanimously carried.

Mayor Brookshire commended Mr. Bryant for his willingness and his efforts to help beautify the city and told him that his personal slogan for the city is, "Beauty in Government for Growth in Greatness".

CITY MANAGER REQUESTED TO HAVE PROPER DEPARTMENTS TO SEE THAT WATER VALVE COVERS ARE KEPT IN PLACE.

Councilman Dellinger asked the City Manager to instruct the proper departments to keep covers on water valves in the streets as they have several prongs on them and there are a great number of them around the city and they are dangerous for the average person to handle.

CITY MANAGER REQUESTED TO HAVE CONDITION OF STREET IN 4900 BLOCK OF CURTISWOOD DRIVE CHECKED INTO.

Councilman Jordan requested the City Manager to have someone check on the 4900 block of Curtiswood Drive, which is a dirt road and, he understands has been a problem of maybe the city doing some work for residents in the next block without payment, and nothing done in this block. He stated he was contacted by Mrs C. C. Dover, 4930 Curtiswood Drive.

CITY MANAGER REQUESTED TO KEEP BEHIND STATE HIGHWAY DEPARTMENT REGARDING THE WIDENING OUT OF THE INTERSECTION OF COMMONWEALTH AVENUE AND OLD MONROE ROAD AND THE INSTALLATION OF THE TRAFFIC SIGNAL.

Councilman Whittington asked the City Manager for a progress report on the traffic signal at Commonwealth and Old Monroe Road, authorized by Council. Mr. Veeder advised they are waiting for the State Highway Department to widen out the intersection so the traffic signal can be installed; that he has been, and will continue to be in contact with them until the work is completed. Councilman Whittington asked that he keep right behind it, as the people out there are concerned about it, and rightly so, and the trees have been removed and new water line has passed the corner and the residents will greatly appreciate our getting the Signal installed.

CITY MANAGER REQUESTED TO INVESTIGATE THE OPENING OF LYNVILLE AVENUE TO PROVIDE A SECOND STREET TO HANDLE TRAFFIC FROM HOUSING PROJECT ON EATON ROAD.

Councilman Whittington advised that on Eaton Road, which runs off of Old Monroe Road at Oakhurst Baptist Church, there are 183 apartments to be built with only one street that will be opened to get the traffic in and out of the housing project. That it has been brought to his attention by the Oakhurst Baptist Church people, and while they are glad the apartments are there, the City should think about the problem of the traffic getting in and out. That they suggested that the City consider opening up Lynville, between Lanier Avenue and Sharon-Amity Road, to handle the additional traffic, which cannot be handled by Eaton Road.

MEETING WITH ARCHITECTS RELATIVE TO PROPOSED LAW ENFORCEMENT BUILDING ON THURSDAY, MARCH 11TH, BEGINNING AT 9 O'CLOCK A.M.

Mr. Veeder, City Manager, advised Council that on Thursday morning, starting at 9 o'clock, architects will be in on 20-minute intervals to discuss their interest in the law enforcement building. He stated he would remind the Council of this before Thursday.

CONTRACT AWARDED AMERICAN BANK NOTE COMPANY FOR PRINTING \$10,800,000 CITY OF CHARLOTTE BONDS.

Upon motion of Councilman Jordan, seconded by Councilman Albea, and un-animously carried, contract was awarded the low bidder, American Bank Note Company for printing \$10,800,000 City of Charlotte Bonds, at a cost of \$1,940.00 if the successful bidder wishes the bonds in \$5,000 denomination, or at a cost of \$3,267.00 if he wishes the bonds in \$1,000 denomination.

The following bids were received:

	\$5,000 <u>Denomination</u>	\$1,000 <u>Denomination</u>
American Bank Note Company	\$1,940.00	\$3,267.00
Northern Bank Note Company	2,172.00	4,791.00
Security-Columbian Bank Note Company	2,376.00	3,996.00

COUNCIL REQUESTED TO CONSIDER THE APPLICATION OF OUR INSIDE-THE-CITY UTILITY POLICY AT THIS TIME, TO THE AREA TO BE ANNEXED IN DECEMBER.

The City Manager advised that a developer, Mr. John Crosland, suggests that in view of the fact that we are annexing an area later this year, perhaps we should consider now the application of our inside-the-city utility policy to this area about to be annexed. When Mr. Crosland made this suggestion he reviewed it carefully with those concerned with sewer and water installation and the City Attorney's office, and after reviewing it carefully we think it has a degree of merit. What the City would be doing would be permitting developers to, in effect, save time. We know they are going to have the privilege of inside-the-city policies come December, and possibly if this were made available to those few, and there might be only this one instance. Mr. Crosland has this specific piece of property in mind, come about summer if he does not do this perhaps he would be developing further out, skipping over some of the area that will be in the city. Mr. Veeder stated he thinks the suggestion has merit and he would like to come back to Council with some specific language effecting the policies that would permit this. That is permitting developers to proceed, perhaps in May,

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while otherwise they would have to wait until December, when the privilege will be available to them anyway.

Councilman Thrower commented that he would be agreeable to this, and Councilman Bryant remarked this is the kind of move we need to make annexation easier, in the future. Councilman Smith asked Mr. Veeder in line with this what is the present policy on the new outfall going to Pineville, if people outside the city limits want to tap onto it. Mr. Veeder replied that once that line gets in service and a valuation made of the load they want to put in it and the type of waste it is, so long as we can accomodate with by virtue of the facilities at the plant, he thinks it should be encouraged.

ADJOURNMENT.

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



Lillian R. Hoffman, City Clerk