

May 2, 1960
Minute Book 39 - Page 358

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, May 2, 1960, at 3 o'clock p.m., with Mayor Smith presiding, and Councilmen Albea, Babcock, Dellinger, Hitch, Myers, Smith and Whittington being present.

ABSENT: None.

* * * * *

INVOCATION.

The invocation was given by the Reverend James W. Hitch of Valdosta, Georgia, father of Councilman Hitch.

MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Dellinger, and unanimously carried, the Minutes of the last meeting on April 25th were approved as submitted.

ORDINANCE NO. 672 AMENDING THE PET DEPARTMENT ORDINANCE ADOPTED.

Mr. Veeder, City Manager, presented an ordinance entitled: "Ordinance No. 672 Amending the Pet Department Ordinance with Respect to Issuing City Dog License Tags, Age of Dog Requiring Inoculation, Fees to be Charged, and Handling of Dogs at the Pet Shelter and Costs and Charges in Connection with Dogs", and advised the amendment is proposed by the Veterinarians, endorsed by Mecklenburg Humane Society and recommended by the Supt. of the Pet Department and himself. He advised further that Dr. Corkey, Acting Health Director, advises the Health Advisory Board in meeting on April 21st expressed its support of the policy of appointing veterinarians as rabies inspectors, and she also advises the State Law states the Health Director shall appoint the rabies inspectors with preference given to veterinarians.

Mr. Veeder advised that one of the major features of the proposed ordinance is the convenience that will be provided citizens in allowing them to purchase the dog license from the veterinarian at the time the animal is inoculated. He stated further that from a revenue point of view, the proposed changes will make the Pet Department at least 85 % self-supporting while during the last five years, departmental revenue averaged approximately 65% of expenditures.

Dr. G. R. Armstrong, speaking for the Veterinarians, stated he and Dr. McKee have been endeavoring for several years to have the street-corner dog clinics handled by the veterinarians, and for the past four years, they have done so for Mecklenburg County, handling approximately 7,000 animals a year; that there is a sufficient number of veterinarians in Charlotte now to include the City's work. Councilman Whittington expressed objections to the loss of revenue from the inoculation fees and Dr. Armstrong stated any loss to the City from fees will be more than realized by the sale of additional license tags, as it is a well established fact that at present many people who have their animals inoculated at the Dog Hospitals do not bother to come to City Hall and purchase a tag. He stated the Veterinarians are presently charging \$2.00 per inoculation at their offices and they will lose money on the \$1.00 fee at the street-

corner clinics; however, it is a matter of professional pride to them that the inoculations be given by a veterinarian.

At the question of Councilman Dellinger as to whether the personnel of the Pet Department will have to assist with the clinics, Dr. Armstrong replied they will ask that one person from the department attend each clinic mainly because of the effect his police powers have on many people; also, they will sell the license tags as the inoculations are given by the veterinarian and in some cases they will have to hold the dog while the inoculation is given, altho as a rule this will be done by the dog owner.

Councilman Hitch moved the adoption of the ordinance, which was seconded by Councilman Babcock, and carried, with the following votes cast:

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

The ordinance is recorded in full in Ordinance Book 12, beginning at Page 485.

ORDINANCE NO. 673 AMENDING THE REVENUE ORDINANCE WITH RESPECT TO DOG LICENSE TAGS.

An ordinance entitled: "Ordinance No. 673 Amending the Revenue Ordinance with Respect to Dog License Tags" was introduced and upon motion of Councilman Whittington, seconded by Councilman Babcock, was adopted on the following vote:

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

The ordinance is recorded in full in Ordinance Book 12, at Page 487.

REQUEST FOR PERMISSION TO PLACE TRAILER ON PROPERTY BETWEEN STEWART AVENUE AND STEWART CREEK REFERRED TO CITY MANAGER FOR RECOMMENDATION.

Mr. W. I. Love, 1119 Providence Road, stated he owns property between Stewart Avenue and Stewart Creek, which is zoned Industrial, and in which a new sewer line has been laid and as he has no present plans for developing his property, he would like to place his Trailer on the property but is advised by Mr. Ritch of the Building Inspection Department that it is not permissible under the existing Trailer Ordinance. Mr. Love advised that he will comply with all health regulations regarding the use of trailers in Charlotte and asked that the Trailer Ordinance be amended to permit him to legally place his trailer on his property. Councilman Dellinger moved that the request be referred to the City Manager for a recommendation. The motion was seconded by Councilman Hitch, and unanimously carried.

RESOLUTION AUTHORIZING PERMANENT IMPROVEMENTS ON TUCKASEEGEE ROAD, FROM NEAR WESTBROOK DRIVE TO THRIFT ROAD, PASSED ON FIRST READING, AND REPORT AS TO BENEFITS TO ABUTTING PROPERTY OWNERS REQUESTED SUBMITTED BY CITY MANAGER, PLANNING DIRECTOR AND TRAFFIC ENGINEER AT NEXT MEETING.

Upon motion of Councilman Dellinger, seconded by Councilman Whittington, and unanimously carried, a resolution entitled: "Resolution Authorizing Permanent Improvements on Tuckaseege Road, from near Westbrook Drive to Thrift Road", passed on its first reading.

Councilman Myers stated he would like a review made of the several methods of providing permanent street improvements, and the assessments of benefits against the property owners be considered, and he requested that a report as to the benefits to abutting property owners on Tuckaseegee Road be made by the City Manager, Planning Director and Traffic Engineer at the next Council Meeting prior to final action on the resolution.

RESOLUTION AUTHORIZING EXECUTION OF ABANDONMENT OF SEWER EASEMENT OFF EAST 8TH STREET, ADOPTED.

A resolution entitled: "Resolution Authorizing Execution of Abandonment of Sewer Easement off East 8th Street" was introduced and upon motion of Councilman Hitch, seconded by Councilman Smith, was unanimously adopted. The resolution is recorded in full in Resolutions Book 4, at Page 2.

PAYMENT OF \$600.00 AUTHORIZED TO GRIER, PARKER, POE & THOMPSON, ATTORNEYS FOR LEGAL SERVICES IN CONNECTION WITH SANITARY SEWER RIGHT-OF-WAY TO PINEVILLE ROAD, SUGAW CREEK, ELMIN ROAD AND MYRTLE AVENUE.

Upon motion of Councilman Hitch, seconded by Councilman Albea, and unanimously carried, payment of \$600.00 was authorized to Grier, Parker, Poe & Thompson, Attorneys, for legal services in connection with the sanitary sewer right-of-way to Pineville Road, Sugaw Creek, Elmin Road and Myrtle Avenue.

Councilman Whittington again stated he thinks this work should be done by the City's attorneys. It was pointed out by the City Attorney that the legal work involved in a project as large as the present one to provide sewer lines to the perimeter area takes the full time of an attorney and he does not have the time, and he wished to again state that the City definitely needs a legal department with sufficient personnel to take care of all City business. He also stated he has been unable to find a single attorney interested in the vacant position of Tax Attorney for the City at the present salary.

PAYMENT OF \$390.00 AUTHORIZED TO HENRY G. NEWSON FOR SERVICES IN OBTAINING RIGHT-OF-WAY IN CONNECTION WITH SANITARY SEWER EXTENSIONS TO SHERWOOD FOREST, RACEMONT, SUGAW CREEK AND OAKHURST.

Councilman Smith moved that payment of \$390.00 be authorized to Mr. Henry G. Newson for services in obtaining right-of-way in connection with sanitary sewer extensions to Sherwood Forest, Racemont, Sugaw Creek and Oakhurst. The motion was seconded by Councilman Albea, and unanimously carried.

NAME OF BEECHWOOD AVENUE CHANGED TO THRIFTWOOD DRIVE.

Motion was made by Councilman Albea that the name of Beechwood Avenue be changed to Thriftwood Drive as requested by the majority of the property owners and recommended by the Planning Board. The motion was seconded by Councilman Hitch, and unanimously carried.

LEASE AUTHORIZED WITH DUKE POWER COMPANY FOR SUBSTATION AT CITY HALL.

Upon motion of Councilman Dellinger, seconded by Councilman Hitch, and

unanimously carried, a Lease was authorized with Duke Power Company for the installation and maintenance of a Substation at the City Hall.

CONTRACT AUTHORIZED WITH DUKE POWER COMPANY FOR ELECTRICAL SERVICE TO BUILDINGS IN CITY HALL SQUARE.

Councilman Dellinger moved that a contract be authorized with Duke Power Company for additional electrical service to buildings in City Hall Square, in accordance with their contract submitted. The motion was seconded by Councilman Hitch, and unanimously carried.

CLAIM OF HORACE J. HONEYCUTT IN BEHALF OF HIS SON REFERRED TO THE CITY ATTORNEY FOR RECOMMENDATION.

Upon motion of Councilman Hitch, seconded by Councilman Whittington, and unanimously carried, the claim of Mr. Horace J. Honeycutt in behalf of his son for personal injuries sustained on March 4th in the Coliseum Parking Lot was referred to the City Attorney for recommendation.

CONTRACT AWARDED BROWN-SHOEMAKER TIRE COMPANY FOR RECAPPING TIRES.

Councilman Dellinger moved the award of a contract to the low bidder, Brown-Shoemaker Tire Company, for labor and material to recap tires for the City in accordance with the schedule submitted, on a unit price basis, representing a total price of \$9,970.99, subject to 2% cash discount, or a net delivered price of \$9,771.57. The motion was seconded by Councilman Whittington, and unanimously carried.

The following net delivered bids were received:

| | |
|------------------------------|--------------|
| Brown-Shoemaker Tire Company | \$ 9,771.57 |
| Firestone Stores | \$10,132.40 |
| Dayton Tire Sales Company | \$10,295.14 |
| Compton Tire Company | \$10,308.15. |

CONTRACT AWARDED ATLANTIC ALUMINUM & METAL DISTRIBUTORS, INC. FOR 100 SHEETS OF ALUMINUM.

Upon motion of Councilman Hitch, seconded by Councilman Albea, and unanimously carried, contract was awarded the low bidder, Atlantic Aluminum & Metal Distributors, Inc. for 100 sheets of Aluminum material as specified, at a total price of \$2,737.64, subject to cash discount of 1/8 of 1%, representing a net delivered price of \$2,734.22.

The following net delivered bids were received:

| | |
|--|-------------|
| Atlantic Aluminum & Metal Distributors, Inc. | \$ 2,734.22 |
| Southern Aluminum & Steel Corp. | \$ 2,818.40 |
| Metals Division, Olin Mathieson Chemical Corp. | \$ 3,107.95 |
| Hubbell Metals, Inc. | \$ 3,107.95 |
| Joseph T. Ryerson & Son, Inc. | \$ 3,124.51 |

ACTION OF COUNCIL ON APRIL 11, 1960 UPHELD CHANGING NAME OF PARSON STREET (FROM PARKWOOD AVENUE TO DRUMMOND AVENUE) TO VILLA HEIGHTS DRIVE.

Councilman Dellinger moved that Council action on April 11, 1960 be rescinded changing the name of Parson Street (from Parkwood Avenue to

Drummond Street) to Villa Heights Drive in view of the subsequent petition from property owners objecting to the change. The motion was seconded by Councilman Whittington.

The Planning Board's review of the two petitions involved in the street name change was presented, showing that the original petition requesting the name change in a portion of the street was signed by 42 of the 59 property owners, and the second petition objecting to the change in name contained the names of residents of those portions of the street not involved in the change, together with 17 of the signers of the original petition, with the net result of the two petitions showing 25 property owners in favor of the name change and 25 opposing it, and the recommendation of the Planning Board that the action of Council on April 11th approving the change be upheld. A map of the street was also reviewed, showing three off-sets in the street.

Councilman Smith offered a substitute motion that the recommendation of the Planning Board be accepted and the original motion on April 11th changing the name of a portion of the street remain in effect. The motion was seconded by Councilman Myers, and carried by the following vote:

YEAS: Councilmen Smith, Albea, Babcock and Myers.

NAYS: Councilmen Dellinger, Hitch and Whittington.

SPECIAL OFFICER PERMIT AUTHORIZED ISSUED TO HARRY R. FOGG FOR USE ON PREMISES OF CHARLOTTE TANK CORPORATION.

Motion was made by Councilman Babcock, seconded by Councilman Albea, and unanimously carried, authorizing the issuance of a Special Officer Permit to Mr. Harry R. Fogg for use on the premises of Charlotte Tank Corporation.

TRANSFER OF CEMETERY LOTS.

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

- (a) Deed with Z. A. Cooper, for Lot 293, Section 4-A, Evergreen Cemetery, at \$126.00.
- (b) Deed with Mrs. J. M. Steinacher, for Grave #5, Lot 104, Section 3, Evergreen Cemetery, at \$40.00.
- (c) Deed with Mr & Mrs Walter P. Savage, for Graves 4, 5 and 6, Section 4-A, Evergreen Cemetery, at \$94.50.
- (d) Deed with Mr & Mrs W. H. Hanna, for Graves 1, 2 and 3, Section 4-A, Evergreen Cemetery, at \$94.50.
- (e) Deed with Mrs Winnie Jane Thompson, for Lot 283, Section 4-A, Evergreen Cemetery, at \$126.00.

COUNCIL ATTENTION CALLED TO UNPAID LOAN TO STATE OF NORTH CAROLINA ON AIR NATIONAL GUARD BUILDING ON THE CHARLOTTE AIRPORT PROPERTY.

Councilman Dellinger called attention that in 1955 or 1956 the City made a loan of around \$67,000 to the State of North Carolina on the N. C. Air National Guard Building located on airport property; that last year they were contacted relative to repaying the loan and replied that Charlotte is a big city and should absorb the amount. He

stated he does not think the State should ask the City of Charlotte to give them this money.

Councilman Myers stated our representatives in Raleigh say they are aware of this loan, and he would like it referred back to them before taking action; that he has discussed it with the Mecklenburg Delegation within the past few weeks and they say it has not been forgotten.

PROPER REPAIR OF PERIMETER AREA STREETS URGED.

Councilman Dellinger asked the City Manager what the State Highway Department has done about the streets in the perimeter area? Mr. Veeder stated he has met with Mr. Finlayson of the Department who is in charge of the work and who assures him that under no circumstances will they shirk their obligation to the City and will spend every cent of the appropriation before July 1st; that he is of the opinion they now have three or four patching crews and four other crews working on the shoulders in the perimeter area.

Councilman Smith stated he has had many complaints regarding the poor patching jobs done by sewer, water and gas contractors in the perimeter area, and thinks better supervision of the contractors should be done by the City. Councilman Dellinger stated the City owes it to the residents of the perimeter area to have the streets put in good condition, whether by the State or with City funds.

INFLUENCE OF FOUR COUNCILMEN BY CITIZENS FOR BETTER GOVERNMENT REFUTED.

Councilman Smith called attention to recent articles in the newspapers regarding the so-called Big Four members of the Council being controlled by the downtown group or Better Government Committee and he thinks the publicity should be refuted now; that he and the other three Councilmen are trying to do a good job for the City and he resents the implication that his vote is controlled as a unit. He stated he was asked to run for the City Council by the Committee and he told them if he did it must be clearly understood he would be obligated to no one and they replied all they wanted was good government for Charlotte.

Councilman Dellinger stated he believes that Councilman Smith is sincere in what he says but the Better Government Group was instrumental in selecting the Big Four Councilmen, and after the election there was an article in the newspaper by Mr. R. S. Dickson saying "the Committee has now released the four Councilmen to vote as they wish and do as they see fit". He stated further that the Big Four will have to learn to be thickskinned down here and to take criticism along with the others.

Councilman Hitch reiterated the statement of Councilman Smith and stated he has never had anyone from the Citizens for Better Government Group come to him about city affairs and on occasions he has voted ⁱⁿ opposition to the other three members. That he, too, stated to the Group when approached about running for the Council, that he would assume no obligation to anyone.

Councilman Babcock stated it appears the newspapers cannot understand that a group of public spirited citizens can be interested solely in better government; that never at any time has anyone tried to seek his favor and anyone who contends otherwise is guilty of a gross misstatement; that the publicity is an obvious attempt to discredit the Group in backing a slate for County Commissioners. He stated further that he has no recollection of such a statement by Mr. Dickson as

referred to by Councilman Dellinger and would like to see the newspaper article, which Councilman Dellinger promised to produce.

Councilman Myers stated one of the conditions on which he ran for the Council was there would be no strings attached and he would come to City Hall as an independent individual.

COUNCILMAN WHITTINGTON INQUIRES REGARDING CONDITION OF STREET PAVING REPAIRS, THE NEW ZONING ORDINANCE AND THE GARBAGE & SANITATION ORDINANCE.

Councilman Whittington stated he has ten complaints relative to the condition of street paving and asked what has been done about holding up payment to contractors replacing the streets in the proper condition. The City Manager stated the matter is being handled with the contractors.

Councilman Whittington then asked the City Manager for a target date when Rozzells Ferry Road will be repaired and Mr. Veeder replied that the State Highway Department chose to do the work on Brandywine Avenue first, and Rozzells Ferry Road is next on their list.

In reply to Councilman Whittington's question as to whether the Planning Board is working on the new Zoning Ordinance to tie in with the Thoroughfare Plan, the City Manager stated they are and the target date for completion is early summer.

Councilman Whittington asked when the Garbage Ordinance will be ready, and the City Manager replied he hopes to have something on it by next Monday.

COMPLAINT RELATIVE TO NOISE FROM UNLOADING CARS IN 600 BLOCK OF EAST TRADE STREET REFERRED TO CITY MANAGER.

Councilman Hitch presented a request from Mr. Russell Robinson, 618 East Trade Street, that something be done about the noise from unloading automobiles in the middle of the night and the request was referred to the City Manager for report.

CITY ATTORNEY REQUESTED TO DRAW ORDINANCE FOR CONSIDERATION RELATIVE TO SWIMMING POOLS BEING FENCED IN.

Councilman Babcock stated that many cities have ordinances requiring the fencing of all swimming pools particularly for the protection of children and he asked the City Attorney to draw one for Council consideration.

TAX STUDY COMMITTEE REQUESTED TO REPORT ON POSSIBLE NEW SOURCES OF REVENUE AND MAKE RECOMMENDATIONS ON REVISION IN CITY'S PRIVILEGE LICENSE SCHEDULE BY LAST WEEK IN MAY.

Mayor Smith stated that the Tax Study Committee he appointed last fall has worked steadily with the idea of equalizing taxes merely because he asked them to, and it would be well for them to have Council recognition, and also some special designation as to what Council wishes them to do; that the Committee can then bring in a report, possibly within 90 days. Councilman Whittington moved that the Committee make a study and report on possible new sources of revenue and as their first order of business make recommendations on revisions in the city's privilege license schedule by the last week in May, if possible. The motion was seconded by Councilman Hitch, and unanimously carried.

APPOINTMENT OF COMMITTEE TO INTERVIEW AND RECOMMEND A CONSULTING ENGINEER FOR THE GRADE CROSSING SEPARATION PROGRAM.

Mayor Smith appointed the following committee to interview engineers for the grade separation program and make a recommendation for a successor to the late Mr. Frank T. Miller for this work: Councilman Myers, Chairman, Councilmen Dellinger and Babcock, City Engineer Cheek and City Manager Veeder.

APPOINTMENT OF LEGISLATIVE COMMITTEE TO RECEIVE AND PREPARE LEGISLATION PRIOR TO THE MEETING OF THE 1961 GENERAL ASSEMBLY.

Mayor Smith appointed the following Committee to receive and have prepared legislative matters prior to the meeting of the 1961 General Assembly: Councilman Whittington, Chairman, Councilmen Hitch, Albea and Smith.

CLAIM OF TOUSSAINT HOLLAND FOR INJURIES TO HIMSELF AND SON REFERRED TO CITY ATTORNEY FOR RECOMMENDATION.

The City Manager presented a claim from Henderson & Henderson, Attorneys in behalf of their client, Mr. Toussaint Holland for injuries to himself and son on March 17, 1960 on Statesville Avenue alleged to have been caused by a City Garbage Truck, and upon motion of Councilman Whittington seconded by Councilman Albea, was unanimously referred to the City Attorney for recommendation.

CIVIL DEFENSE "OPERATION ALERT FOR 1960".

The City Manager announced that Mecklenburg County Civil Defense will participate in "Operation Alert for 1960", which will be on a nationwide basis, in the Council Chamber tomorrow beginning at 1 o'clock and continuing on into the night and the Director hopes the Council will be able to sit in on the test.

Councilman Smith expressed the opinion that the program is a waste of tax funds, and he believes the time will come when we look back on it as a foolish proposition; that he believes the evacuation of school children could have a bad effect on them, and the money spent on the many evacuation route signs around the city is a wasteful expenditure.

Councilman Hitch stated he disagrees and thinks the Civil Defense program is splendid; that he saw the city of Chungking evacuated in 45 minutes and if the children had not been previously trained a great many more would have died.

SEMINAR ON CHARTER REVISIONS TO BE HELD BY INSTITUTE OF GOVERNMENT ON MAY 6TH AND 7TH.

The City Manager advised that the Institute of Government will hold a special Seminar in Chapel Hill this weekend, Friday until noon Saturday, for all people in Government on Charter Revisions, and he thinks it will be time well spent to attend and he will make any reservations desired by the Council.

ADJOURNMENT.

Upon motion of Councilman Babcock, seconded by Councilman Myers, and unanimously carried, the meeting was adjourned.


Lillian R. Hoffman, City Clerk