

May 8, 1967
Minute Book 48 - 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 8, 1967, at 3:00 o'clock p.m., with Mayor pro tem James B. Whittington presiding, and Councilmen Claude L. Albea, Fred D. Alexander, Sandy R. Jordan, Milton Short, John H. Thrower and Jerry Tuttle present.

ABSENT: Mayor Stan R. Brookshire.

* * * * *

INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

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

CITY EMPLOYEES SERVICE PLAQUE PRESENTED TO JOHN H. TAYLOR.

Mayor pro tem Whittington recognized Mr. John H. Taylor and stated on behalf of the Mayor and City Council it is his pleasure to present to Mr. Taylor the City Employees service plaque. He stated Mr. Taylor was employed on August 20, 1951 and is retiring May 1, 1967.

RESOLUTION OF CITY COUNCIL OF THE CITY OF CHARLOTTE, CHARLOTTE, NORTH CAROLINA APPROVING AMENDMENT NO. 3, REDEVELOPMENT PLAN AND THE FEASIBILITY OF RELOCATION FOR PROJECT NO. N. C. R-14.

The public hearing was held on Amendment No. 3, Redevelopment Plan for Redevelopment Section No. 1, Brooklyn Urban Renewal Area, Project No. N. C. R-14. The Amendment provides for the placement of underground utility lines as the urban renewal regulations now require that a statement be included in the Plans before credit for the cost of the underground lines can be given to the City as part of its 1/3 share and provides for changes in the estimated cost and method of financing.

Councilman Jordan moved the adoption of a Resolution entitled: Resolution of City Council of the City of Charlotte, Charlotte, North Carolina, approving Amendment No. 3, Redevelopment Plan and the Feasibility of Relocation for Project No. N. C. R-14. The motion was seconded by Councilman Albea.

Mr. Vernon Sawyer, Director of the Redevelopment Commission, stated they have been attempting to close this project out as it was the first project approved in the Brooklyn Urban Renewal Area. They hope to close it out by June 30 of this year. The cost figures as shown in the amendment represent going from the original estimates when they were looking to the future to what money has actually been spent by the City in installing the street work, the storm drainage, sewer and water and the usual site improvements. Mr. Sawyer stated in some cases they went up and came down in others. He advised the net effect is that it increases the City's cost by \$10,000. That this is not new money but is money the City has already

May 8, 1967
Minute Book 48 - Page 359

spent and they are shifting now from estimates to actual expenditures.

Councilman Short commented that from 1961 to 1967 in a project involving close to \$2.5 million, the estimates were off about 1-1/4% and he thinks this speaks well for the judgement of these people who were able to estimate this complex job this well.

The vote was taken on the motion and carried unanimously.

The resolution is recorded in full in Resolutions Book 5, beginning at Page 437.

REVISION AGREEMENT BETWEEN THE CITY OF CHARLOTTE, NORTH CAROLINA AND THE REDEVELOPMENT COMMISSION OF THE CITY OF CHARLOTTE, NORTH CAROLINA, IN CONNECTION WITH SECTION 1, BROOKLYN URBAN RENEWAL AREA, PROJECT NO. N. C. R-14.

Councilman Tuttle moved the adoption of a revision in the subject agreement between the City of Charlotte and the Redevelopment Commission dated March 29, 1961 to reflect the various cash and non-cash grants-in-aid. The motion was seconded by Councilman Short.

Mr. Vernon Sawyer, Director of the Redevelopment Commission, advised this will change the City's contract with the Redevelopment Commission for furnishing its share of the cost to reflect the \$10,000 increase as mentioned in the hearing. This is a follow-through and confirms what already has been done.

The vote was taken on the motion and carried unanimously.

ORDINANCE NO. 620-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CODE OF THE CITY OF CHARLOTTE BY CHANGING FROM R-6MF TO I-1 OF A TRACT OF LAND FRONTING ON THE WEST SIDE OF BELLHAVEN BOULEVARD BEGINNING NORTH OF DAKOTA STREET.

Councilman Albea stated because Council in meeting on April 10th deferred decision on the subject petition and requested the Planning Commission to consider the question of creating a conditional industrial district and the Commission now requests more time to study the request, he moved that decision be postponed until the report is submitted. The motion was seconded by Councilman Tuttle.

Councilman Thrower stated this is asking for a decision on an entire idea and the petition is to consider one piece of property. He made a substitute motion to approve the change in zoning as requested by the petitioners. The motion was seconded by Councilman Alexander.

Councilman Tuttle stated in deference to Mr. Thrower he would like very much to vote on the petition today, but we are voting on a situation where the Planning Commission has unanimously denied a petition. In order to attempt to give some relief to these people, Council asked the Planning Commission to study the possibility of conditional zoning. If Council votes on it today, then it is voting over the Planning Commission's unanimous denial, and he thinks it would be entirely out of order.

Mayor pro tem Whittington stated on April 10th on Mr. Short's motion decision was delayed on the petition and asked the Planning Commission to bring back a report on the conditional industrial zoning.

Councilman Thrower stated that is from the broad aspect, and this is one particular piece of property. It was postponed originally out of deference to Mr. Short so that he could examine the property. The petitioners own all the property, and he cannot see any reason for the denial of the petition in the first place. That this property is before Council, not conditional zoning.

Councilman Short stated that he is going to vote in favor of Mr. Thrower's motion. One reason is because of the geographical situation. This land abuts on a vast complex of industry. Also he is not absolutely certain of the wisdom of the policy of backing up industrial matters and industrial developing here in Charlotte awaiting the evolution or the development of the conditional zoning category - backing up individual petitions and hanging them up on this perhaps has some things to be said against it.

The vote was taken on the substitute motion to approve the change in zoning from R-6MF to I-1 of the tract of land fronting on the west side of Bellhaven Boulevard beginning north of Dakota Street and carried by the following vote:

YEAS: Councilmen Thrower, Alexander, Jordan and Short.
NAYS: Councilmen Albea and Tuttle.

The Ordinance is recorded in full in Ordinance Book 15, at Page 19.

PETITION NO. 67-10 BY L. E. JOHNSON, JR. FOR CHANGE IN ZONING FROM R-9MF TO I-1 OF PROPERTY ON THE NORTHWEST SIDE OF DELANE AVENUE BEGINNING AT THE SEABOARD RAILROAD AND EXTENDING TOWARD CRAIG AVENUE.

Mayor pro tem Whittington stated some months ago decision was delayed on the subject petition until seven members of Council were present, and the petition takes a 3/4 vote, he asked the City Attorney how Council can handle it? Mr. Kiser, City Attorney, advised there are only six members who can vote today.

Councilman Jordan moved decision be deferred which was seconded by Councilman Thrower, and carried unanimously.

Councilman Short stated Council has had this situation on some occasion and he suggested Council go ahead and vote with the idea if it received six votes it would be conclusive and if it received a 5 to 1 situation that it would simply be a dry run. He asked the City Attorney if this is correct? Councilman Albea replied if it does not get six votes it is sufficient to kill this one. Mr. Kiser replied that is the answer; once you pose a vote on an affirmative to approve a rezoning which requires six votes and it does not receive six votes, then it is defeated.

ORDINANCE NO. 621-X ORDERING THE DEMOLITION AND REMOVAL OF DWELLING AT 2258 BLANTON STREET, PURSUANT TO THE HOUSING CODE OF THE CITY AND ARTICLE 15, CHAPTER 160 OF THE GENERAL STATUTES OF NORTH CAROLINA.

Motion was made by Councilman Jordan, seconded by Councilman Alexander, and unanimously carried, adopting the subject ordinance. The ordinance is recorded in full in Ordinance Book 15, at Page 20.

ORDINANCE NO. 622-X ORDERING THE DEMOLITION AND REMOVAL OF DWELLING AT 1905 UNION STREET, PURSUANT TO THE HOUSING CODE OF THE CITY AND ARTICLE 15, CHAPTER 160 OF THE GENERAL STATUTES OF NORTH CAROLINA.

Upon motion of Councilman Jordan, seconded by Councilman Alexander, and unanimously carried, the subject ordinance was adopted.

The Ordinance is recorded in full in Ordinance Book 15, at Page 21.

ORDINANCE NO. 623-X ORDERING THE DEMOLITION AND REMOVAL OF DWELLING AT 3723 PEACE STREET, PURSUANT TO THE HOUSING CODE OF THE CITY AND ARTICLE 15, CHAPTER 160 OF THE GENERAL STATUTES OF NORTH CAROLINA.

Councilman Jordan moved the adoption of the subject ordinance, which was seconded by Councilman Alexander, and carried unanimously.

The Ordinance is recorded in full in Ordinance Book 15, at Page 22.

CONTRACT WITH ALBEN DEVELOPMENT COMPANY FOR INSTALLATION OF WATER MAINS TO SERVE STONEHAVEN SUBDIVISION NO. 10, APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Thrower, and unanimously carried, contract was authorized with Alben Development Company for the installation of 3,760 feet of water mains and three (3) fire hydrants in Stonehaven Subidivion No. 10, inside the city, at an estimated cost of \$16,500.00, with all cost to be financed by the City and the applicant to guarantee an annual gross water revenue equal to 10% of the total construction cost.

RIGHT OF WAY AGREEMENT WITH STATE HIGHWAY COMMISSION TO RELOCATE WATER MAIN IN MONROE ROAD AUTHORIZED.

Councilman Jordan moved that the Mayor and City Clerk be authorized to execute a right of way agreement with the State Highway Commission to relocate a portion of a 6" water main in Monroe Road in connection with the Highway Department's wishes. The motion was seconded by Councilman Albea and carried unanimously.

APPLICATION OF ED GRIFFIN DEVELOPMENT CORPORATION TO CONNECT PRIVATE SEWER LINES TO CITY'S SYSTEM APPROVED.

Motion was made by Councilman Tuttle, seconded by Councilman Albea, and unanimously carried, approving the application of Ed Griffin Development Corporation to connect private sanitary sewer lines in Lynchester Place and Beatties Ford Road, outside the city limits, to the City's sanitary sewer system, with the contract to stipulate these lines will become the property of the City when it is annexed.

APPRAISAL CONTRACTS AUTHORIZED.

Upon motion of Councilman Jordan, seconded by Councilman Albea, and unanimously carried, appraisal contracts were approved as follows:

- (a) Contract with Henry E. Bryant for appraisal of two parcels of land in connection with the Airport Clear Zone;
- (b) Contract with Stuart Elliott for appraisal of one parcel of land in connection with the Pine Street Connector;
- (c) Contracts with Wallace D. Gibbs, Jr. for appraisal of four parcels of land in connection with the Airport Clear Zone;
- (d) Contract with Leo H. Phelan, Jr. for appraisal of one parcel of land in connection with the West Fourth Street Extension;
- (e) Contract with Alfred E. Smith for appraisal of one parcel of land in connection with the East Third Street Connector;
- (f) Contract with D. A. Stout for appraisal of one parcel of land in connection with the Pine Street Connector.

STREETS TAKEN OVER FOR CONTINUOUS MAINTENANCE BY THE CITY.

Motion was made by Councilman Thrower, seconded by Councilman Albea, and unanimously carried, authorizing the following streets to be taken over for continuous maintenance by the City:

- (a) Silabert Street, from 281.8' west of centerline of Commodore Street to 325' east of centerline of Commodore Street;
- (b) Commodore Street, from Silabert Street to 210' north of centerline of Silabert Street;
- (c) Perth Court, from Milton Road, to 850' east of centerline of Milton Road (end of cul-de-sac).

Councilman Tuttle asked the City Manager some of the ramifications with reference to the City taking over streets for continuous maintenance. He asked if curb and gutter are essential? Mr. Veeder replied on new streets yes, but there are some that came into the city and were taken over for maintenance before curb and gutters were required. There are many miles of streets without curb and gutter.

CLAIM OF J. W. MILLING, JR. AUTHORIZED PAID.

Councilman Tuttle moved that claim of Mr. J. W. Milling, Jr. in the amount of \$53.09 be paid as recommended by the City Attorney for damages to his automobile caused when the vehicle dropped into a catch basin and damaged the rocker panel and rear fender when he pulled over to deposit a letter in a roadside mail box. The motion was seconded by Councilman Jordan, and carried unanimously.

SPECIAL OFFICER PERMITS AUTHORIZED ISSUED.

Upon motion of Councilman Albea, seconded by Councilman Thrower, and unanimously carried, Special Officer Permits for a period of one year each were approved as follows:

- (a) Renewal of Permit to Mr. Frank W. Haas, Superintendent of the Cemetery Department, to be used on the premises of Elmwood, Evergreen, Pinewood, Fifth Street and Oaklawn Cemeteries;

- (b) Issuance of a Permit to Mr. John H. Gaston, for use on the premises of Morris Speizman Company, 508 West 5th Street;
- (c) Issuance of a Permit to Mr. Vernon Edmond Whitlow, for use on the premises of Southern Railway Company.

TRANSFER OF CEMETERY LOTS.

Motion was made by Councilman Thrower, seconded by Councilman Albea, and unanimously carried, authorizing the Mayor and City Clerk to execute deeds for the transfer of the following cemetery lots:

- (a) Deed with Mrs. Geneva L. Brafford, for Lot No. 508, Section 6, Evergreen Cemetery, at \$240.00;
- (b) Deed with Mrs. Shirley P. Floyd, for Grave No. 3, Lot No. 139, Section 2, Evergreen Cemetery, at \$60.00;
- (c) Deed with Thomas M. Earnhardt and Samuel J. Earnhardt for Lot No. 329, Section 6, Evergreen Cemetery, at \$240.00;
- (d) Deed with Mrs. Florence M. Bradshaw for Graves No. 5 and 6, in Lot No. 171, Section 2, Evergreen Cemetery, at \$120.00;
- (e) Deed with Mrs. Louise B. Sisk, for Lot No. 158, Section 4-A, Evergreen Cemetery, transferred from Miller & Kerns Funeral Directors, at \$3.00 for transfer deed;
- (f) Duplicate deed with T. W. Aldred and wife, for Lot No. 59, Section L-Annex, Elmwood Cemetery, at \$3.00 for new deed.

CONTRACT AWARDED BUSINESS SUPPLIES CORPORATION OF AMERICAN FOR DATA PROCESSING CARDS.

Councilman Jordan moved award of contract to the low bidder, Business Supplies Corporation of America, in the amount of \$4,850.80 on a unit price basis for 17 different type data processing cards totaling 5,090,000. The motion was seconded by Councilman Alexander, and carried unanimously.

The following bids were received:

Business Supplies Corp. of America	\$ 4,850.80
Globe Ticket Co., Inc.	4,913.72
Electronic Accounting Card Corp.	5,123.43
International Business Machines	5,280.71

CONTRACT AWARDED KENNEDY VALVE MANUFACTURING COMPANY FOR GATE VALVES.

Motion was made by Councilman Thrower, seconded by Councilman Short, and unanimously carried, awarding contract to the low bidder, Kennedy Valve Manufacturing Company, Inc., in the amount of \$14,885.89 on a unit price basis for 321 gate valves of various sizes.

May 8, 1967
Minute Book 48 - Page 364

The following bids were received:

Kennedy Valve Mfg. Co., Inc.	\$ 14,885.89
Grinnell Co., Inc.	15,180.55
Darling Valve & Mfg. Co.	15,906.54
Hajoca Corporation	16,061.24
U. S. Pipe Foundry Co.	19,970.23

Bid received not meeting specifications:

Utilities Maintenance & Supply Co.	\$ 15,587.66
------------------------------------	--------------

CONTRACT AWARDED F. T. WILLIAMS COMPANY, INC. FOR SAND.

Upon motion of Councilman Jordan, seconded by Councilman Tuttle, and unanimously carried, contract was awarded the low bidder, F. T. Williams Co., Inc., in the amount of \$17,963.20, on a unit price basis for 8,000 cubic yards of sand.

The following bids were received:

F. T. Williams Co., Inc.	\$ 17,963.20
Robert O. Helms Sand & Stone	18,787.20

CONTRACT AWARDED TOWN-COUNTY FORD COMPANY FOR AUTOMOBILE.

Councilman Albea moved award of contract to the low bidder, Town-County Ford Company, in the amount of \$1,697.86, for one, four-door sedan 8-cylinder automobile for the Engineering Department. The motion was seconded by Councilman Tuttle.

The City Manager stated by way of experiment to see what would happen if a fairly new car was disposed of with limited mileage on it, a six cylinder car was placed at public auction on the premise it would not be sold unless it was auctioned off at a certain figure. The figure was met and it turns out the city drove the car for a year with approximately 19,000 miles on it at a cost to the city of \$100.00.

The vote was taken on the motion and carried unanimously.

The following bids were received:

Town-County Ford Co.	\$ 1,697.86
LaPointe Chevrolet Co.	2,023.86
Terry's Plymouth, Inc.	2,285.17
City Chrysler Plymouth	2,348.71

ORDINANCE NO. 624-X AMENDING ORDINANCE NO. 498-X, THE 1966-67 BUDGET ORDINANCE, AUTHORIZING THE TRANSFER OF A PORTION OF THE GENERAL FUND UNAPPROPRIATED ACCOUNT.

Councilman Tuttle moved that Council express an interest in the liberalization study of the local government employees retirement program and moved the adoption of the subject ordinance appropriating up to \$6,000 for an actuarial study of the Police, Firemen and Local Government Employees Retirement Systems. The motion was seconded by Councilman Jordan, and carried unanimously.

The Ordinance is recorded in full in Ordinance Book 15, at Page 23.

PROPERTY TRANSACTIONS AUTHORIZED.

Upon motion of Councilman Thrower, seconded by Councilman Alexander, and unanimously carried, the following property transactions were authorized:

- (a) Condemnation settlement with Amos S. Bumgardner in the amount of \$4,100.00, for 3,777.8 square feet of property at the northeast corner of East Seventh Street, in connection with the Alexander Street Widening;
- (b) Condemnation settlement with J. C. Travis and wife, Virginia, in the amount of \$100.00, for 64 square feet of property at 900 Woodlawn Road, in connection with the Woodlawn Road Widening;
- (c) Acquisition of 412 square feet of property and construction easement of 750 square feet, at 120 Cherry Street, from John M. Dwelle, at \$400.00, in connection with the East Third Street Connector;
- (d) Acquisition of 14,682 sq. ft. of property at 1210-14 East Fourth Street, from Sarah Lottie Collins, at \$33,000, in connection with the East Third Street Connector;
- (e) Acquisition of 12,880 square feet of property at 401-05 Tuckaseegee Road, from Robert Green Austin and wife, at \$15,000, in connection with the West Fourth Street Extension;
- (f) Acquisition of 33.74 square feet plus 600 square feet of construction easement, at 216 Victoria Avenue, from George F. Stratton and wife, at \$900.00, in connection with the West Fourth Street Extension;
- (g) Acquisition of right of way 10' x 17' at the end of Poindexter Circle, from Carroll E. Taylor and wife, at \$17.00 for sanitary sewer easement to serve Elmhurst Road Apartments;
- (h) Acquisition of 5,190 square feet of property from Dorchester Road to Elmhurst Road, from Marsh Realty Company, at \$1.00, for sanitary sewer easement to serve Elmhurst Road Apartments.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR ACQUISITION OF PROPERTY OF W. E. STRANE AND WIFE, AILEEN A., LOCATED AT 103 CHERRY STREET FOR THE EAST THIRD STREET CONNECTOR PROJECT.

Councilman Thrower moved the adoption of the subject resolution, which was seconded by Councilman Alexander, and carried unanimously.

The resolution is recorded in full in Resolutions Book 5, at Page 441.

COUNCIL APPROVES REQUEST TO OFFER RELIEF TO IMPROVE CONDITION OF ROBIN ROAD.

Mr. William McKinell, Jr., 401 Sharon-Amity Road South, stated he would like to commend Council for the fine campaign that was concluded last week. To those who won, fine; and to those who did not, fine. It was a good clean campaign and was a credit to the City, and he is proud to be a part of it.

Mr. McKinnell stated he lives on Sharon Amity Road at the corner of Robin Road. That Robin Road is an unpaved road and does not have curb and gutter.

That he has been before Council previously to ask for a little attention to the road and it has been given. He appealed back to the Engineering Department and each time they say it is a substandard road and they have to be instructed from Council. Mr. McKinell advised the road needs to be scraped - there are holes in it now which are on the verge of being dangerous. The rocks which were put on the road some year or two ago have just about gone. In the past four or five years he has put burned motor oil on the road to keep the dust down. That he would like to do this again at his own expense but he does not want to do it until the road is scraped and the holes are filled.

He stated there are about five or six families living on the street; that he owns one side of the whole street which runs from Sharon Amity back to Westbury Road. The street is just one city block long, from one paved road to another paved road.

Councilman Tuttle stated he occasionally cuts down the street and he is familiar with it. Particularly in rainy weather it is in a deplorable condition, and he thinks Mr. McKinnell has a justified complaint and it is a street used by school children also.

The City Manager advised Mr. McKinnell that he and his neighbors could join together and petition for a permanent improvement of the street. As Mr. McKinnell owns one side of the street, it would give 50% of the property owners for the petition. Mr. McKinnell stated he lives on the front portion and the back is undeveloped.

Mr. McKinnell stated since Sharon Amity was widened there is a deep hole as you come off Sharon Amity going on to Robin Road that is now filled with water.

Councilman Tuttle moved that Council offer what relief it can to Mr. McKinnell. The motion was seconded by Councilman Jordan, and carried unanimously.

CITY MANAGER REQUESTED TO HAVE ALLEGHANY STREET SCRAPED WITH A MINIMUM OF MAINTENANCE.

Councilman Short stated realizing some involvements in Alleghany Street, he asked if there is any possibility of scraping and doing some minimum maintenance in the block. That if the legal complications do not prohibit it, he requested the City Manager to have the street scraped.

DR. TROSS EXPRESSES APPRECIATION TO COUNCILMAN ALBEA FOR LONG AND FAITHFUL SERVICE ON COUNCIL; AND DISCUSSES "SINGLE SHOT" VOTE AS BEING A "CONTROLLED VOTE".

Dr. J. Nathaniel Tross stated he is exceedingly happy to see the faces he now sees on Council and to have the feeling that he will be seeing many of the faces here in the next two years. There is one regret - that he will not be seeing the face of Mr. Albea after these 34 years he has served. That it is a heart-bleeding time for him to look on this scene and think of the past in relation to this great civic soldier. It is very heart rendering when you have given your best and your all to the cause to be told by anyone or by any organization "I thank you, but you are just getting a little too old".

Dr. Tross stated he speaks for the Negroes of this City. That this man

worked, toiled and sacrificed for the first Negro police officer in this City. He took his coat off and went into the room upstairs and worked and toiled and agonized for the first Negro policeman. The first ration board conducted by Negroes - Mr. Albea was in the very forefront. When things looked bad and crime was rampant in the City, without noise or fanfare he silently worked and toiled and labored to have things balance.

Dr. Tross stated he simply wanted to come here and voice the deep and abiding appreciation of some of them who know Mr. Albea's history and would simply want to say - Thank you for what you have contributed to this City not only for the Negro welfare, because Negro welfare means our nations' welfare, as white welfare means equally the same thing.

Dr. Tross stated further he plays his politic game fairly and squarely and he can lift his finger honestly and look every man who is sitting before him and say he voted for them.

He stated to Councilman Thrower that he is sorry he is leaving. That on a day like this the room should be filled, not waiting until Monday. That he has done his work, he thinks the people should come and say you have done it well or I don't like the way you did it.

He passed around copies of his newspaper - The Charlotte Post - to Council and stated for fear they might be charged with single shooting, Council will see that he devoted a double truck column to the candidacy of our Mayor, and also asked that we vote and vote honestly. By the same measure he asked for the support of the only Negro candidate - Mr. Alexander. The newspapers called it "single shooting" and there was an attempt to castigate Mr. Alexander for that. That he does not call it "single shooting" at all, he called the kinds of voting the Negroes did "controlled voting". That he thinks all voting is controlled. It is controlled by this or that or the other, but in the ultimate end it is a controlled vote. Whatever the Negroes did for Mr. Alexander, they did not because of less appreciation and gratitude to the other Council members, but because they wanted to make sure that the thing that burned in them, and hurt, and the thing that impinged upon their freedom and their welfare must be conserved and wanted to make sure that their loyalty would not be impinged upon by any neglect on their part. So they voted and voted strongly for Mr. Alexander.

Dr. Tross stated he hoped the Council members will be kind and thoughtful as they work with Mr. Alexander and not feel that he was a "lone eagle" by working, serving and voting as a "lone eagle", but that he is moving at the behest of our people who are crying and yearning and eager for representation, which they had in such a grand and noble way in Mr. Alexander's previous two years.

Councilman Tuttle stated he would like to thank Dr. Tross for putting into elegant words the exact feeling of this Council with reference to Mr. Albea and Mr. Thrower.

Mayor pro tem Whittington stated Dr. Tross always comes and makes very timely remarks and Council is indebted to him.

May 8, 1967
Minute Book 48 - Page 368

CITY MANAGER REQUESTED TO INVESTIGATE PETITION OF RESIDENTS OF TENNESSEE AVENUE FOR PAVED STREET.

Councilman Tuttle filed with the City Manager a petition signed by eight residents of Tennessee Avenue, between Dakota and Plainwood Drive, requesting that their street be paved. He stated the residents claim they pay the city over \$1,000 a year in taxes, and they have been in the city for six years, and have street lights, city sewers and the city even scraped the snow off their street, but will not pave it. He asked the City Manager to investigate the request.

CHIEF OF POLICE TO BE INSTRUCTED TO BREAK UP CONDITION EXISTING ON SELWYN AVENUE.

Councilman Tuttle stated he does not know what the City is going to do with the situation involving the merchants on Selwyn Avenue, and one in particular, in the so-called Hardeeville Area. He does know we cannot station a policeman at every place of business, nor put one in every block, or every quarter of a mile - we just do not have them. But when one single business is singled out by apparently a mob with the intent of putting the man out of business, then he thinks the City has an obligation to go to the man's rescue. Go to his rescue to the extent that someone is out there, two, three or six 24-hours a day until the gang is caught. The situation is absolutely deplorable. That the man seems to think he knows who it is but he cannot pin it down, and he is getting madder and says he is going to catch somebody; and has remarked he hopes he will get some help from City Hall. Councilman Tuttle stated he thinks his remarks are apropos. That the City owes it to him.

Councilman Tuttle moved that the City Manager instruct the Chief of Police to break this situation up. The motion was seconded by Councilman Albea, and carried unanimously.

PERSONNEL DEPARTMENT COMMENDED ON HANDLING OF PERSONNEL SITUATIONS BY PROMOTIONS.

Councilman Short stated he again wants to comment similar to a comment of a few weeks ago. That he observed from the personnel change memorandum that Mr. James Turner, Jr. has been picked up from one department, moved to another department, and made an accountant with about a 25% wage increase. That this is another example of "growing our own" and of active handling of personnel situations by our Personnel Department. He complimented Mr. Turner and requested a copy of the minutes be sent to him.

CITY ATTORNEY REQUESTED TO LOOK INTO POSSIBILITIES OF AMENDING ELECTION LAWS TO REQUIRE VOTERS TO MARK BALLOTS FOR AT LEAST A MAJORITY OF POSITIONS AT STAKE IN ELECTION.

Councilman Jordan requested the City Attorney to look into the possibilities of amending the election laws to require that voters must mark their ballots for at least a majority of the positions at stake in the election. For example, where seven Council seats are at stake, the ballots shall be marked for at least four candidates.

He stated to Dr. Tross that this does not reflect in any race, color or creed, nor does he intend to do this. That he believes it is in the best interest of all our citizens and feels they would like to see such a law as this on the books. Because of Dr. Tross' remarks, he wanted him to know this has nothing to do with his race. That from talking to many people, both races, they would like to see something like this on our books.

Councilman Thrower stated to him this is against the basic Constitution. That the government tells us to do a lot of things, and makes us do a lot of things that we do not want to do, but he certainly does not want the government to tell him who he has to vote for, or how many people he has to vote for. That he cannot support this. This is really an invasion on our constitutional rights.

Councilman Jordan replied he is not telling him who to vote for, or how many to vote for, he is just telling him that it should be a majority on the ballot. For instance, in the City Council race where there are seven, he thinks there should be a majority of four names on that ballot to make the ballot valid. Councilman Thrower asked suppose he knows only two? Councilman Jordan stated in some cities and states they have as many as seven, and they require that you check all the candidates. This way three will be left open; so if you do not want to vote for seven, you can vote for the four.

Councilman Alexander asked what will be gained by such a motion? Councilman Jordan replied he talked to many people on election day and on primary day and many, many people - both white and colored - and they feel a law such as this should be on the books whereby when a person goes to the polls to cast his vote he can cast it for one or two or three people, he is not doing actually the right thing when there are seven people running. That he is not exercising his rights and he feels if you give them a majority of votes then he feels we will have a better government and will be giving every person a chance.

Councilman Alexander asked if he did not think we should have a law to make everybody who is registered vote? Councilman Jordan replied he thinks that would be a good idea if you could get everybody who is registered to vote. Councilman Alexander stated under our system he thinks the right to vote is left to every individual, and he will never be in favor of any law that makes anybody vote anyway other than the way he wants to vote; or any law that will make anybody vote for any more than he wants to vote.

Councilman Jordan stated he is just asking Mr. Kiser to look into the possibility of it and if he comes up with something, then it can be voted on.

ACQUISITION OF VOGUE PROPERTY IN CONNECTION WITH FIFTH STREET WIDENING LEFT WITH THE CITY MANAGER, CITY ATTORNEY AND ENGINEERING DEPARTMENT TO WORK OUT AND PROCEED WITH THE WIDENING AS QUICKLY AS POSSIBLE.

Mayor pro tem Whittington stated Council has been told by the Engineering Department that we are almost ready to go to bids on several of the downtown streets. That he would like to suggest to Council that if go on record today in the block between College and Tryon Streets, where it is being held up by one business establishment - Vogue Incorporated, owned by the Cole Family. That he thinks it is important that Council instruct

our Right of Way Department, and Engineering Department to give these people a relatively long notice of when they must find suitable quarters for the store.

That they wrote Council on March 16th explaining what their dilemma was and said they would move as soon as they could find a suitable location. This could go on for a long, long time, and he would suggest to Council that today we instruct the Right of Way Department and the Engineering Department that these people be notified that within six months if they have not found a new location that the City will have to take action to widen the street.

Councilman Short asked when dirt would actually turn on this block if we did not have this situation? Mr. Veeder replied the situation has altered a little with the passage of our revised condemnation statutes, certainly six months as suggested by Mr. Whittington would be sufficient time. Mayor pro tem Whittington stated he would much rather see the City notify them now when we have to do it rather than go up there in 30 or 90 days and say the city is going to condemn your property.

Councilman Short stated he naturally has sympathy with the retailers' problems and knows the value of the location as an identification of the firm and the firm's business. The City may not be giving them anything; six months is something that might come along anyway. He asked if the City Manager could give him an answer to his question that is more precise? Mr. Veeder replied if the City wanted to be difficult about it something shorter than 6-months could be precipitated. That the City is in a position to move faster than the six months.

Councilman Short moved that this matter be placed on the agenda at the next working meeting of Council and that Council ask the City Manager to advise approximately when action would be taken on Fifth Street, in the normal course of events in view of the new condemnation opportunity that we have. The motion was seconded by Councilman Albea for discussion purposes.

Mr. Veeder advised recognizing there is always two sides to any question and that people always have access to our Courts, he can give some estimates of what will happen, but cannot anticipate what the Courts will do. That he will be happy to give Council the best information he can.

Councilman Alexander asked if the purpose and intent of the motion is to be sure that the retailer has an opportunity to stay in the present location as long as he can without the work interfering with his operating? Councilman Short replied that is the intent and he is inclined, and would say in that connection, that he is not sure that 6 months is the maximum length of time he is going to have; that he would want further information to prove that six months is really giving him something; it could be the City is imposing upon him a time limitation that the others will have anyway. Mr. Veeder stated he is sure the common objective is to get these streets built as soon as possible, and as long as this remains the primary objective then this cannot be done without some opinion to the contrary from affected retailers. As long as the primary objective is to get the streets built, on that basis he assumes is where they want the report - how quickly can we get the streets built. Councilman Short replied, how quickly would we get the streets built? How quickly can we get them built is hardly the question anyway because this has been pending since a bond issue in January, 1965 already. That he has

no reason to assume the pace is going to speed up, unless he is told with some specific details that it is.

Councilman Tuttle stated these people are well aware of the fact that this street is going through and it is going through there. If he was in their position, he would stall as long as he could because they have a very, very valuable location, and he does not blame them for fighting to stay there. But, progress is progress, and he made a substitute motion that the City Manager be instructed to write these people that the City will not bother their property prior to six months, but the City is proceeding as fast as possible to make these improvements and requests them to proceed to secure a new location as early as possible, but the city guarantees them that nothing will be done within six months from date. The motion did not receive a second.

Mr. Veeder asked if this would indicate Council's willingness to give every retailer six months notice before the City moves on any of the downtown street project? Councilman Tuttle replied no, he does not like his motion and he is making the substitute motion to guarantee that we can get something going. Councilman Short stated this motion would require the ability to prophesy the future, and he cannot vote for it.

Councilman Jordan asked the City Attorney if Council can do anything with either motion as far as the condemnation is concerned? Mr. Kiser replied with respect to its effect on condemnation, Mr. Tuttle's motion indicates simply that the City will not proceed against the property to get them to move out. At some point they are going to have to move and presumably that will be after the property is acquired either by purchase or condemnation. This simply means that condemnation could not be instituted prior to six months unless some arrangement is made for them to continue on a lease basis.

Councilman Albea stated he wants to see Fifth Street widened, and if this motion is going to hold it up he is against it.

Mayor pro tem Whittington asked the City Manager how much property the City still has to obtain on Fifth Street, between Tryon and College Streets? Mr. Veeder replied the contract has been let on everything except this one block and the property that corners on Tryon Street is the only piece left to be obtained. He asked if it is the intent of Council to speed up the acquisition of this block or to slow it down? Councilman Tuttle replied all he is saying is that the City needs to proceed as early as possible. At the same time he is trying to recognize these people's problems. They know the problem as they have been living with it for a while and have known the street was going to be widened. He is simply saying - "let's tell them that we will not put them out of the building within six months". This does not mean the City cannot proceed with the legal condemnation of acquiring the property, but that the City will not put an ax to their building within six months. They will know they have six months to stay there. If three months from now it looks as though it will be nine months, then tell them it will be nine months and they can delay. If the City does not put a time limit on it, the street will never be widened.

Councilman Short stated by the terms of Mr. Tuttle's own comment, the City does not know whether it will be six months or nine months. These people

have complications enough without have the City impose upon them some artificial ultimatum that we are just guessing at. That he is not trying to delay the widening of Fifth Street, but he is trying to get this Council not to adopt the attitude of trying to prophesy the future without evidence.

Councilman Alexander stated he understands the acquisition of this property can delay the city's moving forward on Fifth Street. If the Council grants them an extension of six months, is it possible that we would be setting up a road block to our speeding ahead with the work on Fifth Street? That Mr. Short's motion would only crystalize one point - to get it in the record that the City is ready to move forward as soon as acquisition of this property is acquired; or is it to give them more time regardless of delaying action? Councilman Short replied this is not a delaying action. His motion in effect simply says to proceed intelligently on this matter on the basis of information that he does not believe Council has to date. His motion puts this off two or three weeks, and at that time Beverly Webb himself can come down and also Mr. & Mrs. Cole and anyone else who is interested. They may have some information that would be very interesting to Council that would remove the problem entirely. That Mr. Veeder in dealing with the contractors and the condemnation people of the City may have further information which he believes Council needs.

Mr. Veeder asked if Council basically wants to know how soon this property can be acquired? Mayor pro tem Whittington replied that is what he wants to know. Councilman Short replied in addition to allow these people to speak about it; that is what his motion would accomplish.

Councilman Albea stated a number of years ago the City sold the property where the old auditorium used to be and where the parking lot is now. The line was set back at that time with the understanding that sooner or later the street would be widened all the way to Tryon Street.

Councilman Jordan stated he feels these people know they are going to have to move and if a particular date is set aside - six months or nine months - they might take their time in trying to find something. If you leave them as it is now, they know they are going to have to get out sooner or later. That the Council is making a mistake by trying to set a time limit.

Councilman Albea made a substitute motion for the whole that Council set no time limit and leave the matter entirely in the hands of the City Manager, City Attorney and City Engineer to work out and proceed with the widening of Fifth Street as quickly as possible. The motion was seconded by Councilman Tuttle, and carried by the following recorded vote:

YEAS: Councilmen Albea, Tuttle, Alexander, Jordan and Thrower.
NAYS: Councilman Short.

May 8, 1967
Minute Book 48 - Page 373

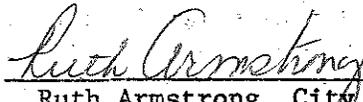
AGREEMENTS WITH STATE HIGHWAY COMMISSION APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Thrower, and unanimously carried, agreements with the State Highway Commission were approved as follows:

- (a) Agreement for West Boulevard, Monroe Road, South Boulevard, Albemarle Road, Freedom Drive and Central Avenue requiring the City of Charlotte to participate in the right-of-way cost up to 10% of the cost, to be paid in annual installments of \$50,000 each;
- (b) Agreement for West Boulevard requiring the City to pay for the installation of new sidewalks and the Highway Commission to pay for the relocation of the existing sidewalks such as made necessary by the contract.

ADJOURNMENT.

Upon motion of Councilman Alexander, seconded by Councilman Tuttle, and unanimously carried, the meeting was adjourned.


Ruth Armstrong, City Clerk