

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, September 24, 1962, 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 Duke Williams, Pastor, Camp Greene Presbyterian Church.

MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Thrower, and un-animously carried, the Minutes of the last meeting on September 17th were approved as submitted.

MRS C. W. TILLETT, U.S. REPRESENTATIVE ON THE UNITED NATIONS COMMISSION OF THE STATUS OF WOMEN, AND A DELEGATION OF LADIES FROM JAPAN, ACTIVE IN POLITICAL LIFE, WELCOMED TO THE MEETING.

Mayor Brookshire welcomed to the meeting Mrs C. W. Tillett of Charlotte, who is United State Representative on the United Nations Commission on the Status of Women, and the five Japanese women who are guests of the U. S. Department of State on a tour of the United States. Mrs Tillett stated the visitors are all high ranking in the political life of Japan. She then introduced Mrs Sugi Yamamoto, the senior member of the group who is in the House of Councillors, which corresponds closely with our Senate and who is also a medical doctor and a doctor of philosophy; Mrs Chiyese Chiba, also a member of the House of Councillors but of the Socialist Party and who also works on a Special Committee on the promotion of Olympic Games; Mrs Yurika Motojima, a member of the Democratic Socialist Party in the House of Representatives; Mrs Kazue Hayakawa who is the one Representative of a City Council and who is active in PTA work and the League of Women Voters; Miss Nobuke Masumoto, the youngest member of the group who is a Party leader in charge of Women's Affairs, and formerly a Newspaper Reporter; and the two Interpreters accompanying the group, Mrs Rita Kamada and Mr. Yukie Kawamoto.

Mayor Brookshire expressed for the Council their great pleasure for the honor of having Mrs Tillett present, recognizing the fact that she is one of America's outstanding women, and these distinguished guests from Japan.

COMPLAINT OF W. M. KIRKPATRICK RELATIVE TO COLLECTION OF HIS GARBAGE REFERRED TO CITY MANAGER.

Mr. W. M. Kirkpatrick, 1405 Thomas Avenue, advised that he had received from the Motor Transport Department a leaflet with regard to the collection of garbage, requesting the cooperation of residents in complying with the placing of garbage cans so that the Collectors might collect the public's garbage in proper manner. That he wished to cooperate, and in that interest placed a fence with a gate to it on the back sector of his lot, with his

garbage can inside the fence, but even though the Collectors go by each Monday and Thursday collecting garbage, they are not allowed to cross his fence and collect his garbage and he wished to know the reason.

Mayor Brookshire advised Mr. Kirkpatrick this is an administrative matter and it will be referred to the City Manager from whom he will hear subsequently.

ORDINANCE NO. 122-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING ZONING OF LOT ON EAST SIDE OF NEWELL-HICKORY GROVE ROAD, ADOPTED.

Motion was made by Councilman Smith, seconded by Councilman Jordan, and unanimously carried, adopting Ordinance No. 122-Z Amending Chapter 23, Section 23-8 of the City Code, changing the zoning of a lot 75' x 154' on the east side of Newell-Hickory Grove Road, from R-9MF to B-1, on petition of Mr Carl W. Kessiah, as recommended by the Planning Commission. The ordinance is recorded in full in Ordinance Book 13, at Page 354.

ORDINANCE NO. 123-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING ZONING OF TRACT OF LAND AT THE NORTHEAST CORNER OF YORKMONT ROAD AND NATIONS FORD ROAD, ADOPTED.

Upon motion of Councilman Whittington, seconded by Councilman Thrower, and unanimously carried, Ordinance No. 123-Z Amending Chapter 23, Section 23-8 of the City Code changing the zoning of a 2.7 acre tract of land at the northeast corner of Yorkmont Road and Nations Ford Road, from R-9MF to O-6, on petition of Mr James Philo Caldwell, was adopted as recommended by the Planning Commission. The ordinance is recorded in full in Ordinance Book 13, at Page 355.

ORDINANCE NO. 124-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING ZONING OF LOT ON THE SOUTHWEST SIDE OF GREENWOOD CLIFF, ADOPTED.

Councilman Dellinger moved the adoption of Ordinance No. 124-Z Amending Chapter 23, Section 23-8 of the City Code, changing the zoning of a lot 90' x 145' on the southwest side of Greenwood Cliff, from R-6MF to O-6 on petition of Mr John B. Hargis, Jr., as recommended by the Planning Commission. The motion was seconded by Councilman Jordan, and unanimously carried. The ordinance is recorded in full in Ordinance Book 13, at Page 356.

ORDINANCE NO. 125-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING ZONING OF TRACT OF LAND AT THE NORTHWEST CORNER OF INDEPENDENCE BOULEVARD AND COMMONWEALTH AVENUE, ADOPTED.

Upon motion of Councilman Albea, seconded by Councilman Thrower, and unanimously carried, Ordinance No. 125-Z Amending Chapter 23, Section 23-8 of the City Code, changing zoning of a tract of land at the northwest corner of Independence Boulevard and Commonwealth Avenue, from B-1 to B-2, on petition of Mr E. R. Baucom and Mr. J. H. Williams, was adopted, as recommended by the Planning Commission. The ordinance is recorded in full in Ordinance Book 13, at Page 357.

ORDINANCE NO. 126-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING ZONING OF TRACT OF LAND AT THE NORTHWEST CORNER OF INDEPENDENCE BOULEVARD AND WALLACE ROAD, ADOPTED.

Councilman Dellinger moved the adoption of Ordinance No. 126-Z Amending

Chapter 23, Section 23-8 of the City Code, changing the zoning of an .817 acre tract of land at the northwest corner of Independence Boulevard and Wallace Road, from O-15 to B-2, on petition of Mr Robert G. Phillips, as recommended by the Planning Board. The motion was seconded by Councilman Smith, and carried by the following recorded vote:

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

The ordinance is recorded in full in Ordinance Book 13, at Page 358.

RESOLUTION ORDERING THE MAKING OF CERTAIN LOCAL IMPROVEMENTS ON TENNYSON DRIVE, FROM PLAINVIEW STREET TO THE END, ADOPTED.

Councilman Albea moved the adoption of Resolution Ordering the Making of Certain Local Improvements on Tennyson Drive, from Plainview Street to the End. The motion was seconded by Councilman Thrower, and unanimously carried. The resolution is recorded in full in Resolutions Book 4, at Page 221.

PAYMENT OF COURT COST IN CONDEMNATION SUIT VS A. A. MOTTER ET AL FOR RIGHT OF WAY FOR SANITARY SEWER ON TAGGART CREEK OUTFALL, AUTHORIZED MADE TO CLERK OF SUPERIOR COURT.

Councilman Jordan moved approval of the payment of \$259.75 to Mr Ed Stukes, Clerk of Superior Court, for court costs in the condemnation suit against A. A. Motter et al for right of way for sanitary sewer on Taggart Creek Outfall. The motion was seconded by Councilman Whittington, and unanimously carried.

ENCROACHMENT AGREEMENTS AUTHORIZED WITH STATE HIGHWAY COMMISSION FOR CONSTRUCTION OF THREE SANITARY SEWER LINES CROSSING HIGHWAYS.

Upon motion of Councilman Thrower, seconded by Councilman Albea, and unanimously carried, encroachment agreements were authorized with the State Highway Commission for the construction of sanitary sewer lines crossing Highways 51, 3659, and 3657 at Little Sugaw Creek, between U. S. Highway 21 and Park Road.

CONSTRUCTION OF DRIVEWAY ENTRANCES AUTHORIZED.

Motion was made by Councilman Albea, seconded by Councilman Dellinger, and unanimously carried, authorizing the construction of driveway entrances at the following locations:

- (a) Two 10-ft. entrances at 3512 Odum Street.
- (b) One 20-ft. and One 30-ft. entrance on Camp Green Street, for 2516 Wilkinson Boulevard.
- (c) One 20-ft. entrance at 214 Fairwood Avenue.
- (d) Two 30-ft. entrances at 121 Tyvola Road.
- (e) One 35-ft. entrance at 3000 Barringer Drive.
- (f) One 20-ft. entrance on Shields Street and One 25-ft. on Hoover Street, both for 541 Bradford Drive.

September 24, 1962  
Minute Book 42 - Page 212

CONTRACT AUTHORIZED WITH J. A. JONES CONSTRUCTION COMPANY FOR INSTALLATION OF WATER MAINS IN HEBRON STREET.

Councilman Thrower moved approval of a contract with J. A. Jones Construction Company for the installation of 552-ft. of water mains and one hydrant in Hebron Street, outside the city limits, at an estimated cost of \$3,500.00. The applicant to pay all costs and own same until the area is incorporated into the city, when mains will become the property of the city. The motion was seconded by Councilman Smith, and unanimously carried.

TRANSFER OF CEMETERY LOT.

Upon motion of Councilman Dellinger, seconded by Councilman Whittington, and unanimously carried, the Mayor and City Clerk were authorized to execute a deed with Mr Lester Phifer and wife Nellie for the transfer of Graves #2 and #3, Lot 25-D, Section 3, Evergreen Cemetery, at \$120.00.

BIDS ON INSECTICIDE FOG GENERATORS REJECTED AND AUTHORIZED READVERTISED.

Councilman Bryant moved that all bids received on Two Insecticide Fog Generators be rejected, as recommended by the City Manager, and that he be authorized to readvertise for new bids. The motion was seconded by Councilman Jordan, and unanimously carried.

CONTRACT AWARDED FOWLER'S FOR 11 DESKS.

Upon motion of Councilman Albea, seconded by Councilman Jordan, and un-animously carried, contract was awarded the low bidder, Fowler's, for 11 Desks, as specified, on a unit price basis, at their bid price of \$1,891.61.

The following bids were received:

Fowler's	\$ 1,891.61
Bill Shaw Company	1,988.92
Kale-Lawing Company	2,130.75

CONTRACT AWARDED BILLSHAW COMPANY FOR 50 CHAIRS.

Councilman Dellinger moved the award of contract to the low bidder, Bill Shaw Company, for 50 Chairs, as specified, on a unit price basis, at their bid price of \$1,269.67. The motion was seconded by Councilman Albea, and unanimously carried.

The following bids were received:

Bill Shaw Company	\$ 1,269.67
Kale Lawing Company	1,288.46

CONTRACT AWARDED KNOXVILLE FOUNDRY COMPANY FOR CAST IRON CATCH BASIN FRAMES AND GRATES.

Upon motion of Councilman Thrower, seconded by Councilman Whittington, and unanimously carried, contract was awarded the low bidder, Knoxville Foundry Company, for 180 Cast Iron Catch Basin Frames and Grates and 60 extra Cast Iron Catch Basin Grates, as specified, on a unit price basis, at their bid price of \$6,192.36.

The following bids were received:

Knoxville Foundry Company	\$ 6,192.36
Dewey Bros., Inc.	6,799.94
Southern Foundry Company	7,673.46

CONTRACT AWARDED DEWEY BROS. INC. FOR CAST IRON MANHOLE RINGS AND COVERS.

Motion was made by Councilman Bryant, seconded by Councilman Thrower, and unanimously carried, awarding contract to the low bidder, Dewey Bros., Inc. for 420 Cast Iron Manhole Rings and Covers and 60 extra Cast Iron Manhole Covers, as specified, on a unit price basis, at their bid price of \$12,546.00.

The following bids were received:

Dewey Bros., Inc.	\$12,546.00
Knoxville Foundry Company	12,838.95

CONTRACT AWARDED BELK BROS COMPANY FOR WORK CLOTHING.

Councilman Jordan moved the award of contract to the low bidder, Belk Bros Company for Work Clothing, as specified, on a unit price basis, on their Alternate Bid price of \$19,503.24. The motion was seconded by Councilman Whittington, and carried by the following recorded vote:

YEAS: Councilmen Albea, Bryant, Dellinger, Jordan, Thrower and Whittington.  
NAYS: None.

Councilman Smith abstained from voting for personal reasons.

The following bids were received:

Belk Bros. Company -Alternate	\$19,503.24
McMillan's Uniform Co.	20,207.86
Belk Bros. Company - Base Bid	21,109.42
The Hub Uniform Company	21,298.74

CONTRACT AWARDED THE HUB UNIFORM COMPANY FOR TROUSERS AND JACKETS.

Upon motion of Councilman Smith, seconded by Councilman Bryant, and unanimously carried, contract was awarded the low bidder, The Hub Uniform Company, for 203 corduroy Trousers and 193 Corduroy Jackets, as specified, on a unit price basis, at their bid price of \$2,565.16.

The following bids were received:

The Hub Uniform Company	\$ 2,565.16
Belk Bros. Company	2,987.10

ORDINANCE NO. 127 AMENDING CHAPTER 13, ARTICLE IV, SECTION 13-56 OF THE CODE OF THE CITY OF CHARLOTTE, TO PROVIDE FOR THE DUE OBSERVANCE OF SUNDAY, ADOPTED.

Councilman Albea introduced Ordinance No. 127 Amending Chapter 13, Article IV, Section 13-56 of the Code of the City of Charlotte to provide for the Due Observance of Sunday and moved its adoption with two changes, that the

effective date be made "October 1, 1962" in lieu of "upon its adoption", and that the word "cemeteries" be included therein, after the words "funeral directors". The motion was seconded by Councilman Dellinger.

Councilman Whittington presented the following statement: "In 1959 I voted against a blue law - I am going to do so here again today. I have discussed this question with many of Charlotte citizens, and I can say very truthfully that I have searched my conscience for the right decision. It is my belief that ordinances of this type are a source of continuing controversy and I certainly believe that history will bear me out on this statement. We have no right to legislate competition, nor do we have the right to judge which business is in the best interest of public health, morals, safety and general welfare of our citizens", and for that reason he would like to make a substitute motion that the Council not invoke this restrictive sales ordinance on Sunday effective October 1st. The motion was seconded by Councilman Thrower who stated he does not have a prepared statement but he realizes that a lot of people think more of the almighty dollar than they do of the Almighty, and he does not think this legislation should come from this body. That he thinks it will be placing a tremendous hardship on our Police Department and in fact he thinks it is going to be impossible to enforce and for that reason he is voting against the ordinance.

Councilman Albea stated he would like to ask his colleague if this legislation should not come from this body, then who it should come from?

Councilman Smith presented the following statement: "On November 2, 1959 when the majority of the City Council repealed the then existing Sunday Closing Law, I made the following statement which appears in the Minutes of that meeting; 'Councilman Smith: 'he does not believe a member of the Council wishes to desecrate the Sabbath but it seems best to him to wipe the slate clean and start over. If abuses arise, they can be handled individually'. At that time small grocery stores were being harassed while drug stores all over town were selling groceries. At that time there was a constitutional question about the legality of Sunday Closing Laws. Since then the Supreme Court has upheld Sunday Laws on the basis of protecting the family institution and promoting the idea of one day in the week that the family can be together. This day in the past has traditionally been Sunday. The present law as presented today to Council is not complete enough, and, in my opinion, does not go far enough to realistically protect this day of rest and renewal of family ties. I am voting for this ordinance only after being assured by its sponsors that they will continue to work to eliminate non-essential sales".

The vote was taken on the substitute motion, which lost by the following recorded vote:

YEAS: Councilmen Whittington and Thrower.

NAYS: Councilmen Albea, Bryant, Dellinger, Jordan and Smith.

Councilman Bryant asked the City Attorney what form should a change in the wording of the ordinance take, an amendment or a substitute motion? The City Attorney replied that it would be an Amendment to the Ordinance as proposed.

Councilman Bryant moved an amendment to the original motion, that in Section 13-56 of the ordinance after the words "drug stores" the following words be eliminated "furnishing medical or surgical supplies, food-stuffs, beverages, tobacco products, books, newspapers and magazines only". The motion did not receive a second.

Councilman Dellinger asked the City Attorney what this would do to the ordinance? Mr. Morrissey replied that it will leave Drug Stores without any

specified items. It would permit the operation of Drug Stores without restrictions. Councilman Albea asked if this would mean the drug stores could sell groceries and anything else they want to? Councilman Dellinger then asked if the City Attorney thinks the ordinance would be valid with this amendment, and Mr. Morrissey replied that he does think so.

Councilman Bryant stated that Councilman Albea asked if the drug stores could then sell groceries or anything else. That the ordinance specifies groceries they could sell even in the original motion.

The vote was taken on the original motion to adopt the limited sales Sunday Ordinance as amended by Councilman Albea, and carried by the following recorded vote:

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

The ordinance is recorded in full in Ordinance Book 13, beginning at Page 359.

DATE FIXED FOR HEARING ON AN ORDINANCE AMENDING THE SUBDIVISION ORDINANCE TO RESTRICT THE SUBDIVISION FOR RESIDENTIAL PURPOSES OF LAND SUBJECT TO FLOODING.

Councilman Bryant moved that October 15th be fixed as the date for a public hearing on the proposed Ordinance Amending the Subdivision Ordinance to Restrict the Subdivision for Residential Purposes of Land Subject to Flooding. The motion was seconded by Councilman Whittington, and unanimously carried.

CONSIDERATION OF PROVIDING POLICE AS FUNERAL ESCORTS POSTPONED TWO WEEKS.

Councilman Dellinger moved that consideration of the question of providing Police as Funeral Escorts be postponed for two weeks. The motion was seconded by Councilman Whittington.

Councilman Dellinger stated he would like to ask the Funeral Directors to pursue the idea of obtaining Merchants Patrol or Auxiliary Police to lead these funeral processions rather than off-duty Policemen; that it is more or less a matter of physiology but people do not like the idea of Policemen being paid to escort a funeral when they are on the regular city payroll.

Councilman Smith stated he thinks the main purpose of this arrangement would be that on-duty police would be released for traffic work, off-duty policemen would act as escorts, and he believes the thinking behind it is sound, as we need more traffic enforcement, and he thinks it would relieve more police every day for traffic work, and he thinks that off-duty police can be paid by the funeral directors.

Councilman Dellinger stated he feels if we do this, then we might as well let the off-duty police do delivery service for merchants, as it is a service.

The vote was taken on the motion for postponement, and unanimously carried.

EMPLOYMENT OF ONE ADDITIONAL CLERK IN ACCOUNTING DEPARTMENT AUTHORIZED.

Councilman Bryant moved approval of the request for the employment of one additional clerk in the Accounting Department. The motion was seconded by Councilman Dellinger, and unanimously carried.

## PERSONNEL CHANGES APPROVED.

Upon motion of Councilman Dellinger, seconded by Councilman Thrower, and unanimously carried, the following Personnel Changes were approved:

Position Incumbent	New Title	Bi-Weekly Salary	Range	Step	Effective Date
<u>Engineering Department</u>					
Walter R. Brewer	Equipment Operator III	152.50	14	A	9-3-62
Jerry R. Davis	Equipment Operator II	138.50	12	A	9-3-62
Gene F. Horne	Equipment Operator III	159.50	14	B	9-3-62
William C. Lee	Clerk IV	152.50	14	A	9-17-62
Jack P. Lovelace	Equipment Operator II	145.50	12	B	9-3-62
Donald C. Moore	Equipment Operator III	152.50	14	A	9-3-62
Cecil M. Mungo	Equipment Operator II	138.50	12	A	9-3-62
Paul Rhodes	Equipment Operator II	138.50	12	A	9-3-62
Fred J. Rogers	Labor Foreman II	176.50	17	A	9-3-62
<u>Fire Department</u>					
Frank G. Simpson	Fire Alarm Dispatcher I	159.50	15	A	9-8-62
<u>Water Department</u>					
Pressly F. Beaver	Water Distribution Supervisor	265.60	25	E	10- 1-62
<u>Motor Transport Department</u>					
Alvara Garcia	Equipment Operator III	152.50	14	A	9-17-62
Gene Autry Privette	Automotive Mechanic I	168.00	16	A	9-17-62
E. Lewis Plummer	Landfill Supervisor	194.00	19	A	9-17-62

## CITY MANAGER TO REPORT ON ADVISABILITY OF EMPLOYING MATRONS FOR THE CITY JAIL.

Councilman Thrower stated he has discussed with the City Manager the matter of hiring matrons for the City Jail or negotiating with the County to see if they cannot take care of women prisoners, and he will bring back a report next week.

TOWN CONSTABLE TO BE INVITED TO ATTEND COUNCIL CONFERENCE.

Councilman Whittington advised that he talked with Mr. McKnight, the Town Constable and/<sup>he</sup>informed him that he would get a telephone and have it listed in the Telephone Directory so when people wanted his services they would be able to reach him 24 hours a day. Councilman Dellinger asked why he would be needed on holidays. Councilman Whittington replied that he cannot answer that, however, Mr. McKnight is an Officer appointed by the Council and if someone wants him at 4 o'clock in the morning, he thinks he should be available. Councilman Smith asked what he has been doing all this time? Councilman Whittington replied that he cannot answer that, and as far as he knows the gentleman is doing a good job; that he pointed out last week that a family had reported they had tried to reach him on four occasions and could not because his phone was not listed and neither did any of the City or County Policemen know how to get in touch with him, and he thought that was bad policy and talked with Mr. McKnight and his telephone has been corrected. That Mr. Veeder was to obtain information about Mr. McKnight, which is on the Conference Agenda.

Councilman Bryant suggested that since he has been so completely in the dark and we have been so long finding out about him that maybe we do not need him and it might be checked into to see if we need to do away with the office.

Mayor Brookshire referred the matter to Mr. Veeder and Mr. Morrisey for recommendation.

Councilman Whittington stated he is the only Township Constable we have and he should be so that the public can get hold of him if they want him.

Councilman Smith's suggestion was agreeable to everyone that Mr. McKnight come in and talk with the Council, in executive session, so they can find out about him.

DATE OF HEARING FIXED FOR OCTOBER 15TH ON AMENDMENTS TO ARTICLE III, DIVISIONS 1 AND 2 OF THE ZONING ORDINANCE RELATIVE TO PERMITTED USES.

Councilman Smith moved that the public hearing be held on the Amendments to Article III, Divisions 1 and 2, Permitted Uses, of the Zoning Ordinance, on October 15th. The motion was seconded by Councilman Dellinger, and unanimously carried.

CITY MANAGER REQUESTED TO CALL TO ATTENTION OF TAXICAB INSPECTOR THAT AGE REQUIREMENT FOR TAXICAB DRIVERS IS 21 YEARS.

Councilman Dellinger asked the City Attorney what the age and qualifications are for drivers of taxicabs. Mr. Morrisey advised that the Code has the legal requirement of 21 years for a cab driver. Councilman Dellinger asked that Mr. Veeder bring this to the attention of the Taxicab Inspector, as he is turning people down and says the age requirement is 29 years.

DISCUSSION OF STATUS OF WESTSIDE GRADE CROSSING ELIMINATION PROJECT.

Councilman Bryant stated he is getting excited about the prospects of letting the contracts for the Westside Grade Elimination, and he asked Mr. Veeder in general what the outlook is?

Mr. Veeder stated Mr. Whitehead is fighting to see if he will be able to

get out the bids the last couple of days in September or whether it will be the first of October. Running into no difficulties, he is finishing up his engineering and reviewing specifications which has taken some time with the State and trips to Raleigh checking them with the State, they will be out for bids shortly.

Councilman Bryant stated since there will be quite a bit of inconvenience to certain people, thought should be given to making public the various detours that will be necessary. Mr. Veeder advised that Mr. Hoose has been working on it for sometime to make sure it is handled as well as possible.

#### CONSIDERATION OF NOTICES SENT TO OWNERS OF DWELLINGS THAT DO NOT MEET THE MINIMUM HOUSING CODE STANDARDS.

Mr. Veeder advised that at last week's meeting attention was called to the initial approach that should be made to persons who have property that needs some work on it to conform with the Housing Code, and the suggestion was made that instead of the initial contact with these people being in the form of what amounts to a summons in rather legal form, a letter be evolved. That he has prepared a letter which he thinks puts forth the approach Council would like, that has a good public relations sound to it and he thinks will serve the Council's purpose. He distributed copies of the proposed letter.

Councilman Dellinger stated he has the second letter that is sent out to these people that should also be modified somewhat, which he read: "An inspection of the above listed dwelling this date indicates the work accomplished does not meet the minimum standards of the Housing Code of the City of Charlotte and unless action is taken to accomplish the required work on or before Oct. 18, 1962 this office will take the necessary action required by the Code to effect the work. Your prompt action in this matter will be greatly appreciated and will eliminate further action by this department".

Mr. Veeder asked what Councilman Dellinger's objections are to the letter he has just read, that it is sent after the hearing has been held and the person has not done whatever is necessary to bring the property up to standard? Councilman Dellinger stated people object to the 2nd letter the same as they do to the first one; evidently the Department does not see anything wrong with the first letter, but persons receiving it did, and in his opinion the 2nd letter can be modified.

Councilman Whittington stated if we are going to water down the Unfit Housing Code we have been fighting to get here for years, we might as well forget the Code. He stated he agreed on the first letter but not on the second.

Councilman Smith stated he does not think it is a matter of watering it down, but a matter of public relations with the people and not taking the attitude of dictators.

The City Attorney stated he would like to say on behalf of the administrative staff charged with the duty of enforcing the Code, that perhaps the responsibility for the language in the original complaint and notice of hearing is that of the City Attorney rather than any member of the Building Inspection Department. That the language employed is consistent with the language in the State law. That he thinks Councilman Smith's suggestion last week implemented by the letter distributed by Mr. Veeder today is excellent from the point of public relations, but when you get down to the enforcement of the Housing Code, the Code spells out the steps to be taken strictly in accordance with the State Statute.

Mayor Brookshire asked Mr. Morrissey if he approves of the revised first notice placed in their hands today, and if he thinks the second notice is the one that should be sent? Mr. Morrissey advised that the letter placed in their hands today is an additional step introduced into the procedure, and as he understands it the letter will go out having no legal effect, this being in the context of better public relations.

Councilman Dellinger stated he is not directing criticism at Mr. Morrissey, but were he in these people's position he would probably feel the same way, and he does not think a club should be held over their heads; in lots of cases, circumstances beyond a person's control prohibits their meeting these requirements, and as long as we are cleaning up these dilapidated houses we should work with the owners. That we have been working on Urban Redevelopment for four years but on Unfit Housing an individual must tear his house down now, and he thinks this is wrong. Mr. Morrissey stated his only purpose in speaking was to accept what he thought was his fair share of responsibility.

Mayor Brookshire stated it seems to him that the proposed letter that will go out ahead of any official notice, puts the people on notice that an inspection has been made and asks them to confer with the proper officials within 15 days, and that is sufficient notice.

FUNDS TRANSFERRED FROM CONTINGENCY FUND TO SUPPLEMENT CITY'S PORTION OF SIDEWALK RENOVATION PROGRAM IN DOWNTOWN AREA.

The City Manager advised that the sidewalk renovation program in the 16 block area downtown has been moving along nicely to the point there are only five owners who have not indicated voluntarily they would cooperate with the program; that the cooperation that has been given exceeds the money that was set up to do the work. That \$8,706.83 is needed to cover the City's portion of the work that has already been agreed to by property owners, over and above the amount on hand.

Councilman Dellinger moved that \$8,706.83 be transferred from the Contingency Fund for this purpose. The motion was seconded by Councilman Albee, and unanimously carried.

Mr. Veeder recommended that the five property owners who have not cooperated be contacted again and suggest that they take another look at the situation and perhaps agree to cooperate and give them 10 days in which to reply on this basis, and tell them if they do not cooperate a strong possibility exists that the work will be authorized by Council and the whole cost assessed against the property. He stated further that everyone has had ample time to cooperate, and he thinks it is unfair to those who have cooperated not to follow through on these five. That no response at all has been received from these five owners, and their total estimated cost is \$4,500.00. Council concurred in the recommendation.

Mr. Veeder said that every effort will be made to secure their cooperation, that we cannot just forget about them, and if they do not see fit to go along then we are morally obligated to assess the full cost.

DRAINAGE PROBLEM IN MYERS PARK MANOR AREA DEFERRED ONE WEEK.

Consideration of the drainage problem in Myers Park Manor Area was deferred one week. At the request of Councilman Whittington as to what the City Manager recommends, Mr. Veeder discussed the problem and the possible remedies.

Councilman Dellinger stated that \$8,706.83 be transferred from the Contingency Fund for this purpose. The motion was seconded by Councilman Albee, and unanimously carried.

Councilman Whittington called attention that these people are without heat and there is no point in their putting in horizontal furnaces until something is done about the problem as the furnaces will just be flooded again. That he thinks time is of an essence and something must be done without any further delay, and he wants to be sure that Mr. Veeder will have all the necessary information on hand next Monday so that the issue may be decided. That someone is responsible for the condition and it is not the residents who live there to a great degree, and if the City cannot completely correct it then we can meet these people half way and he believes if we do that they will try and help themselves.

Mr. Veeder stated the profile work will be completed this week, and he will do everything possible to have a full report on next Monday.

#### APPOINTMENT OF LEGISLATIVE STUDY COMMITTEE.

Mayor Brookshire named Councilman Whittington, Chairman, and Councilmen Bryant and Smith to the Legislative Study Committee and charged them with cooperating with the City Manager to the extent of getting any suggestions that are brought to Mr Veeder's office by Departmental Heads relative to proposed legislation for presenting to the 1963 Legislature, together with any proposals the Committee itself would like to suggest, together with any that other members of Council would like to suggest to the Committee, and with the understanding that this Committee will report back to Council and the Council have an opportunity to discuss together all of the proposed legislative matters before the Mecklenburg Legislators are approached on the subject.

#### ADJOURNMENT.

Upon motion of Councilman Bryant, seconded by Councilman Jordan, and unanimously carried, the meeting was adjourned.

  
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Lillian R. Hoffman, City Clerk