

September 8, 1954  
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An adjourned meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, in joint session with the Board of Commissioners of Mecklenburg County, on Wednesday, September 8, 1954, at 9:30 o'clock a.m.

Mayor Van Every presided and Councilmen Albea, Baxter, Boyd, Brown, Dellinger, Smith and Wilkinson were present representing the City of Charlotte.

Absent: None.

Commissioners S. Y. McAden, Chairman, Ernest K. Brown, Craig Lawing, S. C. McNinch and John P. White were present representing Mecklenburg County.

Absent: None.

#### INVOCATION.

The invocation was given by Councilman Claude L. Albea.

#### PURPOSE OF MEETING.

Mayor Van Every stated the meeting had been called to reconsider the question of the establishment of a Joint City-County Planning Commission.

#### JOINT BODY NAMED "CHARLOTTE-MECKLENBURG PLANNING COMMISSION".

Commissioner White stated that in his opinion the name of Mecklenburg County should be included in the name of the Planning Board, which is now proposed as Greater Charlotte Planning Commission; also, the proposed ordinance excludes the participation of all incorporated towns in the County other than Charlotte, and he feels these towns should be given the opportunity of being included if they so wish.

Mayor Van Every stated that the ordinance can be so worded that it will say, in effect, that these towns may participate now or at a later date, as they might not wish to do so at this time, but with the change of city administration they might desire to do so later.

Mr. John Shaw, City Attorney, stated it will take formal action of the City Council and of the towns to come in, and he does not think the ordinance can be amended so that they may come in voluntarily without formal action.

Councilman Brown stated it is not the intent of anyone to exclude any town that wishes to participate. If a town wishes to come in later, they may request to do so and the City and County can then act on the request.

Commissioner McAden moved that the joint board be named the Charlotte-Mecklenburg Planning Commission. The motion was seconded by Councilman Baxter, and unanimously carried.

#### ORDINANCE AMENDED TO PERMIT MUNICIPALITIES IN MECKLENBURG COUNTY PARTICIPATING IN PLANNING COMMISSION.

Councilman White moved that there be added to the proposed ordinance the following: Section 6. Provided, however, nothing herein before set forth shall be construed to prohibit the inclusion of any municipality in Mecklenburg County from participating in the Charlotte-Mecklenburg Planning Commission and receiving the services herein provided, under such terms and regulations as may be provided by the appropriate legislative bodies. The motion was seconded by Councilman Brown, and unanimously carried.

#### ORDINANCE NO. 235-X AND RESOLUTION ESTABLISHING CHARLOTTE-MECKLENBURG PLANNING COMMISSION.

The following ordinance-resolution was then introduced by Councilman Baxter, and after the reading thereof he moved its adoption, which was seconded by Commissioner McNinch, and unanimously carried:

NO. 235-X  
ORDINANCE AND RESOLUTION ESTABLISHING  
CHARLOTTE-MECKLENBURG PLANNING COMMISSION

BE IT ORDAINED AND RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE AND THE BOARD OF COUNTY COMMISSIONERS OF MECKLENBURG COUNTY:

Section 1. FINDING AND DECLARATION OF NECESSITY.

The City Council of the City of Charlotte and Board of County Commissioners of Mecklenburg County, herein called "Governing Bodies", hereby find and declare that, it is a governmental necessity that a planning board be established and maintained in Mecklenburg County, including the City of Charlotte, pursuant to the provisions of General Statutes, Section 160-22 through 160-24, and that the expense of same will be necessary expense. Without limiting the generality of the foregoing it is especially declared and found that plans, investigations, surveys and recommendations by such a board are necessary in order that the officers, agents, employees, and governing bodies may competently perform their duties and in order that the voters of the City of Charlotte and/or Mecklenburg County, when called on to exercise their franchise in elections relating to the affairs of the City of Charlotte and/or Mecklenburg County may do so with an intelligent understanding of the questions presented for their decisions.

Section 2. ESTABLISHMENT OF PLANNING BOARD, DUTIES.

There is hereby established a board to be known as the Charlotte-Mecklenburg Planning Commission. Its duties shall be to make careful study of the resources, possibilities and needs of the city, particularly with respect to conditions which may be injurious to the public welfare or otherwise injurious and to make plans for the development of Mecklenburg County, including the City of Charlotte, but excluding all incorporated towns in Mecklenburg County other than the City of Charlotte. In connection with the performance of its duties the board shall make or cause to be made such surveys, investigations and compilations of facts as it may deem useful or necessary. Among other things it shall from time to time consider the desirability of the extension of the limits of the City of Charlotte, and if it finds such extension to be desirable, it shall prepare and present to the City Council a program of extension with a statement of the reasons for the same. The City Council shall not, nor shall any official of the city, approve any subdivision development which is subject to the jurisdiction of the City without first presenting the same to the Board and receiving its recommendations with respect thereto. From time to time and at least once each year, the Board shall report to the governing bodies, giving information regarding the condition of Mecklenburg County, including the City of Charlotte, and present any plans or proposals for the development of Mecklenburg County, including the City of Charlotte, which it desires to submit together with estimates of the cost of the same.

Section 3. QUALIFICATIONS FOR MEMBERSHIP, TERMS OF OFFICE.

The Board shall consist of ten (10) members, all of whom shall be residents of Mecklenburg County, North Carolina, and in addition thereto, two ex officio members who shall be the City Manager of the City of Charlotte and the Chairman of the Board of County Commissioners of Mecklenburg County. The ex officio members shall serve in an advisory capacity only and shall not have a vote and shall only attend such meetings to which they are especially invited. Five (5) members of such Board shall be appointed by the City Council of the City of Charlotte, and the other five members of such Board shall be appointed by the Board of County Commissioners of Mecklenburg County. For the first board each governing body shall appoint one member whose term will end June 30, 1955, two members whose term will end June 30, 1956, and two members whose terms will end June 30, 1957. Thereafter the terms of all members appointed by each governing body shall be three years except that in case of a vacancy occurring during a term the same shall be filled by the governing body having authority to make such appointment for the unexpired portion of such term.

Any appointed member of the Board may be removed at any time with or without cause by a two-third vote of the governing body having authority to appoint such member's successor.

The members of such Board shall serve without pay.

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Section 4. ORGANIZATION, OFFICERS, RULES, MEETINGS.

The first board shall meet for the purpose of organization as soon as reasonably possible after its creation on joint call from the Mayor of the City of Charlotte and Chairman of the Board of County Commissioners. The Board shall elect its own officers and shall adopt such rules as it shall see fit for the transaction of its business, a copy of such rules shall be filed with the City Clerk of the City of Charlotte and with the Auditor of Mecklenburg County for inspection by interested parties and shall constitute public records. The board shall hold regular meetings and the same shall be open to the public, but this shall not prevent the board when it sees fit from the holding of executive sessions. The board shall invite and receive suggestions from the public concerning any and all matters within the scope of its duties. It shall keep minutes of its meetings, in which shall be recorded all action taken by it on all matters that it considers. Such minutes shall be public records.

Section 5. BUDGETS.

As soon as reasonably possible after its organization, the first board shall prepare and present to each governing body an estimate of its monetary requirements until the end of the current fiscal year of each governing body, showing in detail the various purposes for which the money will be needed. The governing bodies, after making such modifications as they see fit, shall approve the budget for the board until the end of the current fiscal year and shall from funds currently appropriated for planning purposes as shall be approved at joint meeting of the governing bodies, appropriate funds sufficient to meet such budget. Thereafter the board shall annually file with the City Manager and the Chairman of the County Board of Commissioners, an estimate of its requirements for the ensuing fiscal year and such other information as such officials, or either of them, may need in connection with their presentation to the governing bodies of the budget estimate required by law.

Money appropriated to the board shall not be paid to it in a lump sum, but shall be disbursed as are other joint City-County funds and in accordance with the regular course and practice of the City of Charlotte and Mecklenburg County.

Section 6. ADDITIONAL MUNICIPALITIES PARTICIPATING.

Provided, however, nothing herein before set forth shall be construed to prohibit the inclusion of any municipality in Mecklenburg County from participating in the Charlotte-Mecklenburg Planning Commission and receiving the services herein provided, under such terms and regulations as may be provided by the appropriate legislative bodies."

PERCENTAGE CONTRIBUTION TO PLANNING COMMISSION BUDGET FIXED AT 60% BY CITY AND 40% BY COUNTY.

Commissioner McNinch asked that the financing of the Planning Commission be discussed. Councilman Baxter stated that since the budgets for the existing Planning Boards of the City and County for the present fiscal year have been adopted, being \$20,000.00 by the City and \$7,500.00 by the County, and these funds would be used by the newly created Commission, it is not necessary to discuss finances at this time. However, Commissioner McNinch proposed that the County's appropriation of one-third of the budget for the joint Commission and the City's appropriation of two-thirds would be fair and equitable.

Councilman Albee stated he did not agree with this recommendation, and moved that the City and County finance the Commission on a 50-50% basis. The motion was seconded by Commissioner Brown.

Councilman Brown stated that the Council has conceded all points in connection with the creation of the Commission on a 50-50 basis and it is his opinion that the financing should also be on a 50-50 basis. Commissioner White stated he did not think the matter of finances at this time is appropriate nor necessary, that it will be timely when the Commission submits its recommended budget; that there is a possibility that another town in the County will want to come under the Commission, and if so they too would participate in its financing and their contribution would first be deducted from the total Planning

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Commission budget and the fixed percentage basis of the City and County applied to the remaining budget figure. Councilman Smith stated that the Commission will submit a budget; however, the percentage that the City and County will pay should be settled now. Councilman Albea stated he is not opposed to the Commission setting up their budget but he thinks the joint body should now decide on procedure alone.

The vote was then taken on the motion by Councilman Albea, and carried, with the votes cast as follows:

YEAS: Councilmen Albea, Boyd, Brown, Dellinger, Smith and Wilkinson, Commissioners Brown and White.

NAYS: Councilman Baxter and Commissioners Lawing, McAden and McNinch.

The question then arose as to whether such motion could require the County Commissioners to appropriate 50% of the funds, and Mr. Henry Dockery, County Attorney, stated that it would not do so.

Councilman Boyd stated he understands that the vote on the motion has no control on the County Commissioners, and the question is open for reconsideration.

Commissioner McNinch then moved that the County pay 40% of the Commission's budget and the City pay 60%. The motion was seconded by Commissioner McAden, and lost with the votes cast as follows:

YEAS: Councilman Baxter and Commissioners Lawing, McAden, McNinch and White.

NAYS: Councilmen Albea, Boyd, Brown, Dellinger, Smith and Wilkinson, and Commissioner Brown.

Councilman Baxter moved that the matter be held in abeyance until the Planning Commission submits its budget and the City and County meet at that time and settle the matters of financing. The motion was seconded by Councilman Wilkinson, who stated that if the City puts in \$20,000.00 towards financing the Commission at this time, it will have to be done year after year. The vote was taken on the motion of Councilman Baxter, and lost, with the votes cast as follows:

YEAS: Councilman Baxter and Commissioners Brown, Lawing, McNinch and White.

NAYS: Councilmen Albea, Boyd, Brown, Dellinger, Smith and Wilkinson, and Commissioner McAden.

Commissioner McNinch stated that in his opinion the City of Charlotte will receive more benefit from the Planning Commission than the County, with the exception of the fringe area of Charlotte the remainder of the County will hardly know the difference, and that is why he thinks the division of 40-60 is fair and equitable.

Commissioner McAden stated that the matter of the outlying towns share of the finances can be worked out if and when they request inclusion in the Commission, and he thinks the 40-60 arrangement is right and should be reconsidered and settled.

Commissioner McNinch then again moved that the County contribute 40% of the Planning Commission budget and the City contribute 60%. The motion was seconded by Councilman Wilkinson. Mr. Dockery, County Attorney, stated the County's position will be determined by a vote of the majority, and the Mayor stated the City's position will likewise be determined. The vote was then taken on the motion, and carried, with the votes cast as follows:

YEAS: Councilmen Baxter, Boyd, Brown, Dellinger, Smith and Wilkinson and Commissioners Brown, Lawing, McAden, McNinch and White.

NAYS: Councilman Albea.

ADJOURNMENT.

Upon motion of Commissioner McAden, seconded by Councilman Dellinger, and unanimously carried, the meeting was adjourned.

*Lillian R. Hoffman*  
City Clerk