

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, April 18, 1960, at 2 o'clock p.m., with Mayor Pro Tem Hitch presiding, and Councilmen Albea, Babcock, Dellinger, Myers, Smith and Whittington being present.

ABSENT: Mayor Smith

Planning Board Commissioners Sibley, Chairman, Craig, Ervin, Hanks, Marsh, McClure, Schwartz and Toy being present during the hearings on petitions to amend the Building Zone Maps of Charlotte and the Perimeter Area.

ABSENT: Commissioners Hook and Wilkinson.

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INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Dellinger, seconded by Councilman Albea, and unanimously carried, the Minutes of the last meeting on April 11th were approved as submitted.

PROTEST BY RESIDENTS OF WENDOVER ROAD OF THE PROPOSED LOCATION OF THE MAJOR ARTERIAL STREET.

Mr. Carl Horn, Jr., representing home owners in the Wendover-Sharon sections, whose children attend Myers Park High School, Alexander Graham Junior High School and Selwyn Elementary School, appeared before Council to protest the proposed location of the Major Arterial Street which would connect Independence Boulevard Expressway with North-South Expressway via McAlway Road-Billingsley Road-Briar Creek-Providence Road, Wendover Road-Myers Park Golf Course-school grounds of Myers Park High School and Alexander Graham Junior High School-Fairfax Drive and Woodlawn Road. He stated that their objections are directed specifically to that portion of the Artery which would leave Briar Creek at Providence Road, turn left on Providence Road, out Providence Road four blocks, turn right on Wendover Road, go through a man's house on Sharon Road at the foot of Wendover, cross the golf course and again intersect Briar Creek after splitting the school grounds of Myers Park High School and Alexander Graham Junior High School.

Mr. Horn stated that their specific objections are as follows:

1. The necessity of this Artery, in view of the fact that it is within four blocks of the Sharon Lane-Sharon Amity Road Artery, whereas Wilbur Smith & Assoc. themselves say that these connecting arteries should be a mile apart.
2. Even if the Woodlawn Road leg of this Artery is found to be necessary, it could connect to Queen's and Providence Roads by going up

Selwyn Avenue, which has already been widened to four lanes and would not require further widening.

3. If, however, it is found necessary to build this Artery despite objections, there is not logical reason for the Artery to leave Briar Creek at Providence Road and make two 90° turns in order to come down Wendover Road, when the route could follow Briar Creek from Providence Road over to Sharon Road in a straight line, along unimproved property. It would then connect with Sharon Road at Briar Creek; Sharon Road is already scheduled to become a four lane, major arterial street as a part of the Thoroughfare Plan.

4. If it must be built, it should in any event be moved so that it would not divide and separate the campuses of Myers Park High School and Alexander Graham Junior High School and Selwyn Elementary School. Such a street at this location will endanger the lives of children and deprive them of badly needed school campuses, even if a walkway were built over or under the street. This danger can be avoided by continuing the route down Runnymede Lane, which is a new street, largely without dwellings, and it would be close enough to provide traffic access to the schools without danger to the children and without taking part of the school grounds.

Mr. Horn then filed a petition containing signatures of most of the home owners on Wendover Road, asking the Council to save the 85 water oak trees now planted along Wendover. He also stated that while they would hate to lose the trees and golf course, their basic objections are the unnecessary impairment of property values, with consequent excessive acquisition costs to the City, and the needless danger to children occasioned by running the street through the school campuses. That they feel if the Council approves the Thoroughfare Plan "in principle" and sends specific maps showing this route to the N. C. Highway Commission and the Federal Bureau of Roads for their approval, it will constitute an approval of this route without ever having a hearing on objections thereto.

Councilman Smith spoke in behalf of the protest, but warned the Council it shouldn't make any exceptions to any route the plans call for at this time. Mr. Veeder, City Manager, assured the delegation that the Council would take time to make a study of this particular part of the project and hearings would be heard at a later date. That Mr. Wilbur Smith would be present at that time and answer any questions about the plan. Mr. Horn stated the Council's promise was satisfactory with his group.

MAYOR SMITH ARRIVED AT THIS TIME AND PRESIDED FOR THE REMAINDER OF THE MEETING.

At this time, Mayor Smith arrived and presided for the remainder of the meeting.

PROTEST BY MYERS PARK COUNTRY CLUB OF PROPOSED THOROUGHFARE THRU THEIR GOLF COURSE.

Mr. Richard Welling, representing the Myers Park Country Club, stated that they object to the proposed plan as it would completely ruin the Myers Park Golf Course. He requested an opportunity to be heard, and he was told that he could be present at the time Mr. Wilbur Smith would be in Charlotte to answer questions.

PACING PROGRESS COMMITTEE THANKED FOR THEIR WORK.

Upon motion of Councilman ^{Hitch} ~~Smith~~, seconded by Councilman Whittington, and unanimously carried, the Pacing Progress Committee of the Chamber of Commerce was thanked for the printed report of their recommendations to the Council.

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ORDINANCES AUTHORIZING \$3,500,000 SANITARY SEWER BONDS, \$1,500,000 HOSPITAL BONDS (CHARLOTTE MEMORIAL HOSPITAL) AND \$800,000 HOSPITAL BONDS (GOOD SAMARITAN HOSPITAL) AND RESOLUTION CALLING A SPECIAL ELECTION ON MAY 28, 1960 AND AUTHORIZING THE PUBLICATION OF NOTICE OF SAID ELECTION IN THE CHARLOTTE NEWS, ADOPTED.

Mr. Veeder, City Manager, requested Mr. Shaw, City Attorney, to make a statement to the Council in connection with the Special Bond Election on May 28th.

Mr. Shaw stated that the Local Government Commission and the City's Bond Attorneys are questioning provisions that might be in the deed of the Good Samaritan Hospital restricting the use of the property by the City. That he is attempting to find the deed; that he hasn't done so as yet although he has found deeds to adjoining property. He further explained that the question has been raised due to the fact that Mr. Erwin Laxton in his presentation of the Good Samaritan Hospital matter to the Council several weeks ago had stated that perhaps the inclusion of a retainer clause restricting the use of the property, in the deed to the City. Mr. Shaw explained that the final decision on this matter would be made by the Episcopal Diocese at their meeting in May and there is a possibility that there might have to be a test case with respect to the validity of the Good Samaritan issue. Mayor Smith asked if it would be possible to eliminate the Good Samaritan Bond issue from the ballot at a later date. Mr. Shaw advised that it could be eliminated but what the Council is being asked to do today, is to approve the time schedule set up by the bond attorneys, to pass the ordinances that they had forwarded in connection with the three types of Bonds. Councilman Dellinger asked Mr. Ledbetter if the sale of the total of these bonds would endanger the City's credit rating? Mr. Ledbetter advised him that the issue was \$150,000 within the City's legal limit since bond maturities of May 1st have already been paid. Councilman Dellinger asked if the Good Samaritan issue is eliminated, could Street Bonds be substituted? Mr. Shaw advised that it could not.

Ordinances entitled: "Ordinance Authorizing \$3,500,000 Sanitary Sewer Bonds", "Ordinance Authorizing \$1,500,000 Hospital Bonds (Charlotte Memorial Hospital)", and "Ordinance Authorizing \$800,000 Hospital Bonds (Good Samaritan Hospital)" were individually introduced by Councilman Babcock, and read, and upon motion of Councilman Babcock, seconded by Councilman Whittington, were individually adopted unanimously. A Resolution entitled: "Resolution Calling a Special Bond Election on May 28th, 1960" was then introduced by Councilman Babcock, and read and upon motion of Councilman Babcock, seconded by Councilman Whittington, was unanimously adopted. The said Ordinances and Resolution are recorded in full in Ordinance Book 12, beginning at Page 464, and ending at Page 478. The statement of Debt and Assessed Valuation, filed by the City Accountant with the City Clerk in the presence of the City Council is inserted in Ordinance Book 12, after Page 478.

CONTRACT WITH MR. RODDY BRANDES FOR AMBULANCE SERVICE DEFERRED FOR ONE WEEK.

Councilman Smith moved that since the contract with Mr. Brandes for ambulance service is not ready for execution that final action be deferred for one week. That each Councilman will be given a copy of the contract before any action is taken. The motion was seconded by Councilman Albea, and unanimously carried.

✓ THOROUGHFARE PLAN APPROVED IN PRINCIPLE.

Upon motion of Councilman Whittington, seconded by Councilman Smith, and unanimously carried, the Thoroughfare Plan was approved in principle.

REPORT BY TRAFFIC ENGINEER RELATIVE TO THE INSTALLATION OF TRAFFIC SIGNAL AT THE INTERSECTION OF SHAMROCK AND EASTWAY DRIVES.

Mr. Hoose, Traffic Engineer, reported to Council relative to the installation of a Traffic Signal at the intersection of Shamrock and Eastway Drives, stating that it would be impossible to properly control the traffic at this location with a traffic signal unless a concrete curb is installed limiting the entrances to and from the parking lot of the group of stores located in the northwest corner of the intersection; that the cost would be approximately \$7,500.00 for paving and the curb and the installation of the traffic signal would be \$4,500.00. Councilman Dellinger moved that \$4,500.00 be transferred from the Emergency Fund for the installation of the traffic signal and that the cost of installing curb and gutter be charged to the Traffic Engineering Department. The motion was seconded by Councilman Albea, and unanimously carried.

NATIONAL CYLINDER GAS COMPANY AUTHORIZED TO MANUFACTURE ACETYLENE GAS AT 2414 SOUTH BOULEVARD.

Upon motion of Councilman Babcock, seconded by Councilman Whittington, and unanimously carried, the request of National Cylinder Gas Company to manufacture acetylene gas at 2414 South Boulevard, which has the approval of Mr. Bell, Supt. of Building Inspection and the Fire Prevention Bureau, was granted.

CONDEMNATION PROCEEDINGS FOR THE WOODSIDE SANITARY SEWER RIGHT-OF-WAY ACROSS THE PROPERTY OF MR. JOEL G. ALLEN, AUTHORIZED STARTED.

Upon motion of Councilman Dellinger, seconded by Councilman Albea, and unanimously carried, condemnation proceedings for the Woodside Drive sanitary sewer right-of-way across the property of Mr. Joel G. Allen was authorized started.

CONSTRUCTION OF SANITARY SEWER MAIN IN SOUTH BOULEVARD AUTHORIZED.

Motion was made by Councilman Hitch, seconded by Councilman Whittington, and unanimously carried, authorizing the construction of 2,350 feet of sanitary sewer main in South Boulevard, at request of Southern Bell Telephone Company, to serve 12 units already constructed, at an estimated cost of \$2,970.00. The required deposit of the entire amount to be refunded Southern Bell as per terms of the agreement.

CHANGE ORDER IN CONTRACT WITH BOYD & GOFORTH, INC. FOR SANITARY MAINS AND TRUNKS INSIDE CITY LIMITS IN THE AMOUNT OF \$9,199.79, AUTHORIZED.

Councilman Whittington moved that the request of City Engineer, L. C. Cheek, for a change in the contract of Boyd & Goforth, Inc. for sanitary mains and trunks inside the 1960 city limits, representing sewer extensions requested by several applicants under the new sewer extension policy, at an estimated cost of \$9,199.79, which amount has been deposited

with the city, be granted. The addition of this work to the contract will not constitute any commitment against the Sewer Bond Fund and the value of the work represents only slightly more than 1% increase in the original contract. The motion was seconded by Councilman Albea, and unanimously carried.

PETITION FOR CHANGE IN NAME OF VILLA HEIGHTS DRIVE (FORMERLY PARSON STREET) REFERRED BACK TO PLANNING BOARD FOR FURTHER STUDY AND RECOMMENDATION.

Motion was made by Councilman Smith, seconded by Councilman Babcock, and unanimously carried, that the petition filed by residents of Villa Heights Drive (formerly Parson Street) be referred back to the Planning Board for further study and recommendation.

SICK LEAVE EXTENDED TO CAPTAIN E. B. GORDON, FIRE DEPARTMENT.

Motion was made by Councilman Hitch that sick leave be extended to Captain E. B. Gordon, Fire Department employee, to June 1st. The motion was seconded by Councilman Albea, and unanimously carried.

CONTRACT AWARDED CONTRACTORS SERVICE & RENTALS, INC.

Councilman Hitch moved that contract be awarded the low bidder, Contractors Service & Rentals, Inc. for a schedule of 24 Air Tools, as specified, for a total sum of \$1,470.30, subject to cash discount of \$14.70, representing a net delivered price of \$1,455.60. The motion was seconded by Councilman Smith, and unanimously carried.

The following net delivered bids were received:

Contractors Service & Rentals, Inc.	\$ 1,455.60
A. E. Finley & Associates, Inc.	\$ 1,476.48
Spartan Equipment Company	\$ 1,492.00
Mitchell Distributing Company	\$ 1,608.15
Carolina Contractors Rental Service	\$ 1,678.50.

TRANSFER OF CEMETERY LOTS.

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

- (a) Deed with P.M. Clark and wife, for Lot 297, Section 4-A, Evergreen Cemetery, at \$126.00.
- (b) Deed with Michael J. Cannon, for Grave #1, Lot 105, Section 3, Evergreen Cemetery, at \$40.00.

HEARING ON ORDINANCE NO. 658 AMENDING CHAPTER 21, ARTICLE 1, SECTION 2 OF THE CITY CODE.

The scheduled hearing was held on Ordinance No. 658 Amending Chapter 21, Article I, Section 2 of the City Code to amend the Building Zone Map by changing zoning on property located at 1501 W. Boulevard, from R-2 to B-1, on petition of Ada I. Hatcher and Betty Louise Hatcher.

Mr. McIntyre, Planning Director, presented factual information as to the location of the property, stating that the lot is 300 ft. in depth, fronts 350 ft. on West Boulevard; joined on the west by a business section with retail stores on the south; and on the east by residential and across the street there is a gas station and vacant lot, which is zoned business.

No objections were expressed to the proposed change.

Council decision was deferred for one week.

HEARING ON ORDINANCE NO. 659 AMENDING CHAPTER 21, ARTICLE I, SECTION 2 OF THE CITY CODE, CONTINUED TO NEXT HEARING DATE ON MAY 16TH.

Upon request of Mr. Robert L. Kurtz, attorney for the petitioner, at Council Meeting on April 28th, the scheduled hearing was continued until the next hearing date on May 16th.

HEARING ON ORDINANCE NO. 660 AMENDING CHAPTER 21, ARTICLE I, SECTION 2 OF THE CITY CODE.

The scheduled hearing was held on Ordinance No. 660 Amending Chapter 21, Article I, Section 2 of the City Code to amend the Building Zone Map by changing zoning on property located on the southwest side of Freedom Drive, near Cannon Airport property, from R-2 to Industrial, on petition of R. H. Garland and Mrs. S. B. Alexander.

Mr. McIntyre, Planning Director, presented factual information as to the location of the property, stating that Ordinance No. 660 and No. 661 are adjoining properties; there is about 800-900 ft. frontage and extends in depth 517 feet; there are three sides vacant; property across the street is zoned for Business; east side is R-2 and west side zoned Rural; directly across is Light Industrial zone; south and west zoned R-2 and Rural.

No opposition to the proposed change was expressed.

Council decision deferred for one week.

HEARING ON ORDINANCE NO. 661 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE.

The scheduled hearing was held on Ordinance No. 661 Amending Chapter 21, Article II, Section 5 of the City Code to amend the Building Zone Map by changing zoning on property located on the southwest side of Freedom Drive, near Cannon Airport property, from Rural to Industrial, on petition of R. H. Garland and Mrs. S. B. Alexander.

As this property adjoins Ordinance No. 660, the Planning Directors gave the factual information as to the location of the property in the above Ordinance.

No opposition was expressed to the proposed change.

Council decision was deferred for one week.

HEARING ON ORDINANCE NO. 662 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE.

The scheduled hearing was held on Ordinance No. 662, Amending Chapter 21, Article II, Section 5 of the City Code to amend the Building Zone Map by changing zoning on property located on Glenwood Drive at Interstate Highway No. 85, from R-2 to B-1, on petition of W. J. Widenhouse, et al.

Mr. McIntyre, Planning Director, presented the factual information as to the location of the property.

No objections were expressed to the proposed change.

Council decision was deferred for one week.

HEARING ON ORDINANCE NO. 663 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE.

The scheduled hearing was held on Ordinance No. 663, Amending Chapter 21, Article II, Section 5 of the City Code to amend the Building Zone Map by changing zoning on property located on Eastway Drive, north of The Plaza, from Rural to B-1, on petition of Katherine K. McLaughlin.

The factual information as to the location of the property was presented by the Planning Director.

No opposition was expressed to the proposed change.

Council decision was deferred for one week.

ORDINANCE NO. 666 AMENDING THE ZONING ORDINANCE BY ESTABLISHING A LIGHT INDUSTRIAL CLASSIFICATION IN THE PERIMETER AREA ADOPTED.

Upon motion of Councilman Smith, seconded by Councilman Hitch, and unanimously carried, Ordinance No. 666 Amending the Zoning Ordinance by Establishing a Light Industrial Classification in the Perimeter Area, was adopted. The ordinance is recorded in full in Ordinance Book 12, at Page 479.

HEARING ON ORDINANCE NO. 655 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE.

The scheduled hearing was held on Ordinance No. 655 Amending Chapter 21, Article II, Section 5 of the City Code to amend the Building Zone Map by changing zoning on property located on Hoskins Road, from B-1 to Industrial, on petition of Ervin Construction Company.

It being the understanding of the Council that a Light-Industrial zone would serve the purpose of Ervin Construction Company, Councilman Smith moved that the Ordinance be referred back to the Planning Commission for their recommendation for a Light-Industrial Zone. The motion was seconded by Councilman Whittington, and unanimously carried.

MISS SADIE BRYAN APPEARED BEFORE COUNCIL TO PROTEST TREATMENT SHE RECEIVED IN CITY RECORDER'S COURT.

Miss Sadie Bryan appeared before Council advising them that she was mis-

treated in City Recorder's Court; that her colored maid had stolen everything she owned, and was fined only \$25.00 and the cost of court with the promise that she would pay back Miss Bryan. Miss Bryan stated that Judge Arbuckle told her she should leave the maid alone because she has an illegitimate child to support and, also, her mother works for some well-known family. Mr. Shaw, City Attorney, suggested that she employ a lawyer. Councilman Whittington stated he thought the Council should ask for an explanation from Judge Arbuckle and Solicitor Miller.

Miss Bryan stated that the maid stole approximately \$2,500.00, but only \$500.00 was listed and the detectives did not have any evidence in court other than one box which they had recovered.

Councilman Whittington moved that the matter be referred to Mr. Veeder to check with the Judge and Solicitor. Councilman Albea seconded the motion.

Councilman Smith stated he thought she should employ aid. Councilman Babcock advised Miss Bryan that she could appeal a judgement from the City Recorder's Court if she is not satisfied. Mr. Shaw suggested that she talk with Solicitor Walker.

Miss Bryan stated that Judge Arbuckle had asked her not to have Dr. Wilkins, who also had things stolen by the same woman, according to Miss Bryan, take out a warrant.

Councilman Whittington then withdrew his motion.

Councilman Smith stated that he thought they could check into this matter further as individuals but not as a Council.

REQUEST OF CATALINA MOTOR INN FOR PERMISSION TO CONSTRUCT A BRIDGE ACROSS BERRYHILL ROAD TO CONNECT THEIR TWO BUILDINGS DENIED.

Mr. James Stenhouse, appeared before Council requesting permission to build a bridge across Berryhill Road to connect portions of the Catalina Motor Inn.

Mr. L. C. Cheek, City Engineer, was called into the Meeting and asked for an opinion. He stated that it should have a 15 ft. vertical clearance. If the Remount Road bridge should be closed for any reason, Berryhill Road would get a large amount of the traffic. Mr. Stenhouse assured the Council that they would use the 15 ft. clearance.

Councilman Smith moved that the Catalina Motor Inn be granted permission to go ahead with the bridge provided that the underside is lighted and maintained by the owner, and if it is ever necessary to widen the street, the expense of extending the bridge would be theirs. The motion was seconded by Councilman Hitch, and lost with the votes cast as follows:

YEAS: Councilmen Smith and Hitch.

NAYS: Councilmen Albea, Babcock, Dellinger, Myers and Whittington.

MR. LARRY COX PROTEST TREATMENT HE RECEIVED FROM POLICE DEPARTMENT.

Mr. Larry Cox appeared before Council to protest the treatment he has received from the Police Department. He stated that last Wednesday between 4:30 and 5:00 o'clock he asked the Patrolman stationed at the corner of Trade and Brevard Street to loan him a quarter. The Patrolman then called a patrol car and sent him to the Police Department;

that Chief James told him it was against the law to borrow money from a policeman, but gave him the quarter from his own pocket. Mayor Smith suggested that he take the matter up with Chief James as this was something that should be handled by the Police Department.

THOROUGHFARE PLAN BOOKS TO CONTINUE TO SELL FOR \$6.00.

Mr. Veeder, City Manager, reported that he has now received a bill from the printers for the Thoroughfare Plan Books and the City is losing money by selling them at the price of \$6.00 which was set at the last Council Meeting. That the books cost the City approximately \$6.60 each. Councilman Smith moved that since other citizens have bought the books at \$6.00, the price remain the same. The motion was seconded by Councilman Babcock, and unanimously carried.

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and that the statement from Wilbur Smith & Assoc. for

the 150 extra copies of the report and the extra sheets on Figure 10, for a total of \$1,067.03, be paid.

RESIDENTS OF EDGEWOOD AVENUE REQUESTED TO SELECT A NEW STREET NAME AS DILWOOD IS TOO SIMILAR TO DELLWOOD.

Councilman Babcock moved that the residents of Edgewood Avenue be requested to select a new name for their street as Dilwood Avenue is too similar to Dellwood Avenue. The motion was seconded by Councilman Hitch, and unanimously carried, with the vote cast as follows:

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YEAS: Councilmen Babcock, Dellinger, Hitch, Myers and Smith.

NAYS: Councilmen Albea and Whittington.

BUILDING INSPECTION DEPARTMENT AUTHORIZED TO REMODEL OFFICES ON THIRD FLOOR OF CITY HALL.

Upon motion of Councilman Whittington, seconded by Councilman Hitch, and unanimously carried, Mr. James Bell, Supt. of Building Inspection Department, was granted permission to remodel his offices at a cost of \$1,016.00 which money is available in his budget, to provide more space for the sixteen men in his office. The motion was seconded by Councilman Hitch, and unanimously carried.

REQUEST OF BUILDING INSPECTION DEPARTMENT FOR ADDITIONAL INSPECTOR, DENIED AT THIS TIME.

Mr. Veeder, City Manager, stated that the Building Inspection Department is requesting an additional man to act as Chief of the Building Inspectors. That the work load has increased and he is needed at this time rather than later under the new budget. Councilman Dellinger suggested that some man from the department be given this job.

Councilman Myers moved that a qualified man be hired within the department or from the outside. The motion was seconded by Councilman Whittington. Councilman Whittington then withdrew his second, stating that he thought the man should come from within the department.

Councilman Smith asked for a review of the condemnation of downtown buildings, that the procedure is getting pretty close to infringement of property rights.

Councilman Hitch moved that the matter wait until budget time. The motion was seconded by Councilman Babcock, and carried with the votes cast as follows:

YEAS: Councilmen Hitch, Babcock, Dellinger, Smith and Whittington.

NAYS: Councilmen Albea and Myers.

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CONSIDERATION OF SETTLEMENT OF BILL FOR ENGINEERING SERVICES FOR UNDERPASS ON E. FOURTH STREET BY THE LATER FRANK T. MILLER.

Mr. Veeder, City Manager, submitted a report and invoice in the amount of \$22,593.46 for engineering services of the late Frank T. Miller on the proposed new E. 4th Street Underpass. He stated that the bill represents 10% of Mr. Miller's estimated cost of the project and covers the preparation of plans and specifications, ^{the plans and specifications} and has been approved by Southern Railway and City Engineering Department. Mr. Veeder also stated that he has discussed the bill several times with Mr. Thomas Miller, but is unable to agree on a settlement to recommend to the Council; therefore, the issue is presented to Council for consideration. He suggested that if it is the intent of the Council to pay 10% of the estimated cost of the project then they should consider approving the bill as submitted. If not, then he suggests a settlement based on criteria published in the American Society of Civil Engineers. Mr. Cheek, City Engineer, was asked if he thought the work could be done for the estimated cost of \$225,934.59, and he replied this is a current estimate and he sees no reason why it can not be completed for this amount. He stated further that the job would not be difficult and that the number of tracks over the underpass has been reduced to one, which also cuts down on the cost.

preparation of plans for the

After a lengthy discussion, Councilman Smith moved that the City Manager and the City Attorney advise Mr. Thomas Miller that the City would consider settlement of the bill of the later Frank T. Miller in connection with the E. 4th Street underpass for \$22,593.46, less 25% for supervision of construction, and other services usually rendered or for a net figure of \$16,945.10. The motion was seconded by Councilman Babcock, and carried with the votes cast as follows:

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

Councilman Myers added that part of the settlement would be the City would obtain possession of all original drawings of all work performed for the City by Frank Miller and the City was to be given a complete release of any further obligations.
PROTEST BY COUNCIL OF RECENT BOMBINGS AT BOTTOMS-FISKE TRUCKING TERMINAL.

Upon motion of Councilman Babcock, seconded by Councilman Hitch, and unanimously carried, the following statements were read into the minutes of the Meeting:

Statement by Councilman Babcock -

"Mr. Mayor, I am greatly disturbed by the violence and property damage which has taken place at the Bottoms-Fiske Trucking Terminal. It is a shameful and disgraceful thing that an allegedly voluntary organization can get away with such barbaric tactics in order to force membership in it. I also feel that it is a pretty sad commentary on our national legislative processes that an organization can become so powerful as to make a mockery of law, order and decency.

I have talked with Chief James about it, and I know that he is working closely with the State Bureau of Investigation. I feel, however, that this Council should go on record bitterly denouncing this utter disregard for human life and private property. Furthermore, I feel that we should pledge whatever police protection as may be necessary to insure the company against further violence and the fullest measure of support in the apprehension and prosecution of the persons responsible."

Statement by Councilman Smith-

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"We further recommend that the Congress of the United States enact legislation that will make it a federal crime to ^{maliciously} ~~unintentionally~~ place

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a bomb or other device which will upon detonation or explosion endanger human life or property. That such law provide a substantial penalty to act as a deterrent in the placing of bombs.

We request our representative in the Congress to give this matter his attention."

MOBILE UNIT OF ELECTION BOARD TO BE IN 100 BLOCK OF WEST TRADE STREET ON APRIL 23RD.

Motion was made by Councilman Whittington, seconded by Councilman Hitch, and unanimously carried, that the Police Department be notified that a mobile unit of the Election Board will be in the 100 block of W. Trade Street from 9 o'clock to 1 o'clock on Saturday, April 23rd in the public interest to enable people to register.

COUNCILMAN DELLINGER REQUEST THAT STREET IMPROVEMENTS ON CERTAIN STREETS BE SPEEDED UP.

Councilman Dellinger stated that the former Council passed on the improvements to Hutchison Avenue, Beatties Ford Road, Rozzells Ferry Road and Mount Holly Road. He wanted to know what can be done to speed this work up. Mr. Veeder advised that work is being done on Brandywine at this time and they can handle only one at a time.

REQUEST OF COUNCILMAN DELLINGER THAT CITY ENGINEER CHECK ON SEWER SERVICE ON NORTHAVEN DRIVE AND PERIMETER AREA AROUND EASTWOOD GOLF COURSE.

Councilman Dellinger asked that Mr. Cheek, City Engineer, check on the sewer service on Northaven Drive and the perimeter area in the Plaza Section around the Eastwood Golf Course.

INSPECTION DEPARTMENT REQUESTED TO INSPECT W. O. FLOWE PROPERTY.

Councilman Dellinger requested that the property of W. O. Flowe, which is not zoned for business, be inspected by the Inspection Department as he has had reports that it is being used for assembling heavy equipment in the back. Councilman Whittington reported that he has seen heavy tractors and other equipment around the place.

ADJOURNMENT.

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


L. L. Ledbetter, Deputy City Clerk