

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 Wednesday April 29, 1959, at 4 o'clock p.m., with Mayor Smith presiding, and Council members Albea, Baxter, Brown, Dellinger, Evans, Foard and Wilkinson being present.

ABSEMT: None

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INVOCATION.

The invocation was given by Councilman Herman A. Brown.

MINUTES APPROVED.

Upon motion of Councilman Wilkinson, seconded by Councilwoman Evans, and unanimously carried, the Minutes of the last meeting on April 22, 1959 were approved as submitted.

CONTRACT AWARDED MORRIS FARM EQUIPMENT COMPANY FOR A TRACTOR MOWER UNIT COMPLETE WITH ROTARY CUTTER AND MOWER SIDE MOUNTED ATTACHMENT.

Mr. Elbert Foster, Attorney, representing Farm & Industrial Equipment Company, bidder on a Tractor Mower Unit complete with Rotary Cutter for the Water Department, stated their bid met the city's specifications in every respect, while that of the other bidders does not; that his client has every reason to believe when specifications, or their equal, are set forth for bidders, the city will accept only that, and not something below that standard as the Superintendent of the Water Department and Purchasing Agent are now recommending. That in their opinion, with the perimeter area being annexed the heavier equipment is required, and the recommended equipment is much lighter than called for in the specifications. He stated they do not feel that it is just or right. Mr. B. L. Cockeron of the Farm and Industrial Equipment Company stated there are six items in the recommended bid that do not meet the specifications; he explained these in detail and the difference in operation and power.

Mr. V. K. Tucker, representative of the Morris Farm Equipment Company, whose bid is recommended by the using department and Purchasing Agent for acceptance, stated that their bid meets the specifications in that it is absolutely equal to the requirements set forth. He stated further that his equipment has the reserve tank with a shutout valve, which has been discredited to them by his competitor.

Mr. C. E. Beatty, Purchasing Agent, stated the specifications were drawn by the Superintendent of the Water Department, with his approval, and are specific and the words "or equal" were legally included. That they recommend the second low bid of Morris Farm Equipment Company which meets the specifications. That the low bid of International Harvest Company did not meet the specifications as they do not have the live power take-off.

Following the discussion, Councilman Baxter stated that from the conversation he understands that neither the low nor second bids meet the specifications, and he moved that contract be awarded the Farm & Industrial Equipment Company. The motion lost for lack of a second.

Councilman Wilkinson moved that the contract be awarded Morris Farm Equipment Company, as recommended by the Purchasing Department, for One Tractor Mower Unit, complete with Rotary Cutter and Mower Side Mounted Attachment at a total price of \$3,696.00, subject to cash discount of \$596.00, representing a total net-delivered price of \$3,100.00. Councilman Brown stated that in view of both the Purchasing Agent and Supt. of Water Department stating the bid meets the specifications, he seconded the motion, which was unanimously carried.

All net delivered bids received are as follows:

International Harvester Company	\$2,850.00
Morris Farm Equipment Company	\$3,100.00
Farm & Industrial Equipment Company	\$3,140.52

ERECTION OF STOP SIGNS, SPEED LIMIT SIGNS AND SCHOOL ZONE MARKERS IN AREA OF UNIVERSITY PARK ELEMENTARY SCHOOL AUTHORIZED ERECTED AND TRAFFIC COUNT AT INTERSECTION OF BEATTIES FORD ROAD, LINCOLN BOULEVARD & LA SALLE STREET ORDERED MADE.

A Petition from the Patrons of University Park Elementary School and residents of the School District was presented by Mrs. D. P. Graham, requesting that provision be made for the safety of the children of this new school by the construction of sidewalks along Russell Street, Beatties Ford Road and Hemphill Boulevard, and that stop signs and speed limits be placed along Russell Street, all entrances to La Salle Street and Taylor Avenue. Also, that School Zone markers be placed on Beatties Ford Road, and on both sides of Hemphill Boulevard, and a Stop Light be installed at the intersection of La Salle Street, Lincoln Boulevard and Beatties Ford Road. She stated that traffic is very heavy and will become heavier as the NC 29 Bypass outlet on Beatties Ford Road is increasingly used.

Councilman Dellinger stated he had talked with Mrs Graham this morning and as Beatties Ford Road is in the process of being widened, that the sidewalks should be constructed when that work is completed; that he had explained that the City does not construct at its cost permanent sidewalks and the gravel sidewalks are acceptable. He asked that the City Manager instruct the Engineering Department to have the stop signs, speed limit signs and school zone markers installed at once.

Councilwoman Evans moved that the City Manager have a traffic count made relative to the request for the installation of a Traffic Signal at the intersection of La Salle Street, Lincoln Boulevard and Beatties Ford Road. The motion was seconded by Councilman Albea, and unanimously carried.

The Reverend Mr. McLean, representing the residents of the 1700 block of Beatties Ford Road, stated they are happy that the Road is being developed, and add their appeal to that of Mrs. Graham for the construction of sidewalks as requested by her.

COUNTY COMMISSIONERS AND DRAINAGE COMMISSIONERS REQUESTED TO PROCEED IMMEDIATELY, ACCORDING TO PLANS OUTLINED BY CITY, IN FLOOD RELIEF TO WILLOW DRIVE AREA, AND CITY ENGINEER INSTRUCTED TO MAKE SURVEY OF STORM DRAINS IN AREA AND PREPARE COST ESTIMATE TO MAKE STORM DRAINS IN CHELSEA DRIVE ADEQUATE TO TAKE CARE OF DRAIN WATER.

A delegation of residents of the Willow Drive area appeared before Council with Mr. W. B. Hawkins as spokesman, in protest of the delay in providing proper drainage along Willow Drive, particularly around Brandywine Avenue

back of the Park Road Shopping Center. Mr. Hawkins stated that since the appropriation of \$10,000 by the City for emergency drainage work and of the ABC funds, not one thing has been done except a survey and we are fast approaching another rainy season when again they will have thousands of dollars in damage done to their homes and property. Mr. Hawkins stated he has contacted the Drainage Commission who now advise that there is not sufficient money available and they have been billed \$1,900.00 for the survey by the City. Mr. Yancey stated the cost of the survey was a legitimate charge against the appropriated funds, and it need not slow up the work in the least, that all the Drainage Commission has to do is to let the contract for the needed work, that they surely are not anticipating that the funds were for the purpose of improving the entire 2 mile length of the creek. He stated further that the plans and survey were turned over to the Drainage Commission more than a week ago. Mr. Yancey pointed out that the City can only recommend to the Drainage Commission, which is appointed by the County Commissioners. Mr. Hawkins stated they appeared before the County Commissioners on Monday and are to go back next Monday, together with the Drainage Commission and others.

Mayor Smith stated he feels the Council has done all they legally can; the survey has been made and it and the plans have been given the Drainage Commission, and funds were made available, but the Council will assist in any way they can legally.

Mr. H. L. Auten, Supt. of the Drainage Commission stated that after he received the plans from the City he talked with other members of the Commission who stated they wanted sufficient money to do the entire job before starting, and too, they had to have a contract signed by property owners for right-of-way on private properties.

Councilwoman Evans said to Mr. Auten that he was aware that these people are citizens of Charlotte, so why could they not take care of this trouble in the city and let the County worry about the county? And why not get started? Mr. Auten replied that it was because Mr. Dockery, County Attorney, said they had no right-of-way; that they are ready to start but are looking to Mr. Dockery.

Councilman Albea moved that the County Commissioners and Drainage Commissioners be requested to proceed immediately as outlined in the plans by the City. The motion was seconded by Councilman Foard, and unanimously carried.

Mr. Wiley Shaw stated he lives at 3024 Manor Road, and the flooding last year cost the residents thousands of dollars. That two weeks ago during the rains they were flooded, but the creek did not overflow, and it is well known that the water drains down off of Selwyn Avenue, Tranquil Avenue and other streets/^{coming}down the hill and not from the creek. That last year he brought to the Council a petition asking that something be done, and Mr. Yancey replied that the City cannot go on private property and divert the water. He stated it has been eleven months since the \$10,000 was appropriated by the City for emergency use, and this is and has certainly been an emergency. Councilman Brown stated the City will have to go down Wales Avenue and construct storm drains big enough to carry off the water. Mr. Shaw said he went to see the City Engineer and asked him what he was going to do about it and he said nothing.

Councilman Dellinger moved that the City Engineer be instructed to make a survey of the storm drains and advise the Council what is needed and the cost to make the storm drains in Chelsea Drive adequate to take care of the drain water. The motion was seconded by Councilman Albea, and unanimously carried.

MAYOR AND COUNCIL PRESENTS GIFT TO MR. YANCEY, RETIRING CITY MANAGER.

Councilman Baxter expressed the appreciation of the Mayor and Council to Mr. Yancey, retiring City Manager for his service to the City, and read the following Poem to him, after which they presented him a lounge chair:

AN "ODE" TO HENRY A YANCEY ---BROAD OF BEAM AND TALL OF STATURE.

Though Henry got out while he's still ahead,
we want to remind him
A man can't declare his future dead
with so much behind him.

Now Henry's content with dividends earned,
(And he's got 'em),
But we are still a little concerned
For his bottom.

And so we solicited kin and kith
And canvassed the market,
And hereby present Henry Yancey with
A place to park it.

If City Hall policies don't fit the bill,
We hope he'll sigh and just sit still.

Mr. Yancey said he is delighted with the gift, and poem, and extremely grateful.

OWNERS OF HECHENBLEIKNER LAND OFF CARMEL ROAD AUTHORIZED TO CONNECT SEWER LINES TO CITY'S SANITARY SEWERAGE SYSTEM AT NOT MORE THAN TEN LOTS PER YEAR.

Councilman Baxter moved that the owners of the Heckenbleikner land off Carmel Road be allowed to connect the sanitary sewer lines in the 82 lot area to the City's Sanitary Sewerage System, under the usual provisions and proper contract that there will not be added more than ten lots per year. The motion was seconded by Councilwoman Evans, and unanimously carried. Said contract to be drawn by the City Attorney.

RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT A REVIEW OF PROGRESS ON THE CHARLOTTE WORKABLE PROGRAM TO THE UNITED STATES HOUSING AND HOME FINANCE AGENCY.

A Resolution entitled: "Resolution Authorizing the Mayor to Submit a Review of Progress on the Charlotte Workable Program to the United States Housing and Home Finance Agency" was introduced and read. Upon motion of Councilman Dellinger, seconded by Councilman Wilkinson and unanimously carried, the Resolution is recorded in full in Resolutions Book 3, at Page 354.

CITY MANAGER REQUESTED TO REVIEW WITH MR. LIVINGSTON MATTER OF TEMPORARY SIDEWALKS ON WEST TRADE STREET FROM TOP OF HILL.

Councilman Brown requested Mr. Yancey to please review with Mr. Livingston the matter of temporary sidewalks on West Trade Street from the top of the hill, as they are badly needed.

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CITY ATTORNEY ADVISES THAT INJURY AT 9TH STREET SCHOOL DURING ELECTION ON MONDAY APRIL 27TH SHOULD BE REPORTED TO ATTORNEY FOR CITY SCHOOL BOARD.

Councilman Brown stated that a lady entering 9th Street School on Monday during the election fell and broke her arm and he asked the City Attorney to whom the matter should be reported by the lady, as she is only interested in being reimbursed the doctor's bill. The City Attorney advised that she should take the matter up with the Attorney to the City School Board.

REMOVAL OF MIMEOGRAPH OPERATION FROM CITY CLERK'S OFFICE TO DEPARTMENT DESIGNATED BY CITY MANAGER, AND EMPLOYMENT OF MIMEOGRAPH CLERK AUTHORIZED.

Councilman Brown moved that the Mimeograph Operation be removed from the City Clerk's Office to a Department designated by the City Manager and employment of a Mimeograph Clerk be authorized. The motion was seconded by Councilman Baxter, and unanimously carried.

AN ACT TO AMEND CHAPTER 926 OF SESSION LAWS OF 1947 RELATING TO CHARLOTTE FIREMEN'S RETIREMENT SYSTEM APPROVED BY COUNCIL FOR SUBMISSION TO THE GENERAL ASSEMBLY.

Councilman Alba moved approval of an Act to amend Chapter 926 of the Session Laws of 1947, relating to the Charlotte Firemen's Retirement System, for submission to the General Assembly, in accordance with copy of said Act on file in the office of the City Clerk. The motion was seconded by Councilwoman Evans, and unanimously carried.

AN ACT TO AMEND CHAPTER 926 OF THE SESSION LAWS OF 1947 RELATING TO THE CHARLOTTE FIREMEN'S RETIREMENT SYSTEM TO INTEGRATE SOCIAL SECURITY WITH PRESENT SYSTEM, SUBJECT TO AFFIRMATIVE ELECTION BY THE MEMBERS OF THE FIRE DEPARTMENT ON MAY 7, 1959.

Councilman Alba moved that an Act to amend Chapter 926 of the Session Laws of 1947 relating to the Charlotte Firemen's Retirement System to integrate Social Security with the Present System be approved subject to an affirmative election by the members of the Fire Department to be held on May 7th next, copy of which is on file in the office of the City Clerk. The motion was seconded by Councilwoman Evans, and unanimously carried.

RESOLUTION ACCEPTING OFFER FROM THE FEDERAL AVIATION AGENCY FOR GRANT OF \$175,500.00 FOR ADDITION TO DOUGLAS MUNICIPAL AIRPORT TERMINAL AND CONSTRUCTION OF THE FAA BUILDING.

A resolution entitled: "Resolution Accepting Offer from the Federal Aviation Agency for Grant of \$175,500.00 for Addition to Douglas Municipal Airport Terminal and Construction of the FAA Building" was introduced by Councilwoman Evans, seconded by Councilman Brown, and unanimously adopted. The resolution is recorded in full in Resolutions Book 3, at Page 353.

CONTRACTS AWARDED FOR ADDITION TO AIRPORT TERMINAL.

Upon motion of Councilwoman Evans, seconded by Councilman Brown, and unanimously carried, the following contracts were awarded for the Addition to the Airport Terminal:

General Construction Contract awarded
R. H. Wheatley at \$168,900.00

Electrical Contract awarded McClain Electric Co. at \$ 20,348.00

Heating and Ventilating contract awarded
P. C. Godfrey, Inc. at \$ 29,832.00

Plumbing Contract awarded Toomey Brothers at \$ 5,967.00

EMPLOYMENT OF SCHOOL GUARD AT BEATTIES FORD ROAD AND OAKLAWN AVENUE
AUTHORIZED.

Upon motion of Councilman Foard, seconded by Councilman Baxter, and unanimously carried, the employment of an additional school guard was authorized for service at Beatties Ford Road and Oaklawn Avenue.

RESOLUTION PROVIDING FOR PUBLICATION OF NOTICE OF SESSION OF CITY COUNCIL
ON MAY 27, 1959 TO CONSIDER THE ANNEXATION OF 54.306 ACRES OF PROPERTY TO
THE CITY OF CHARLOTTE.

The City Manager stated that a petition has been filed by Triage Construction Company for the annexation to the City of Charlotte of 54.306 Acres of property in Crab Orchard Township.

Councilman Dellinger moved the adoption of a Resolution Providing for the Publication of Notice of a Session of the City Council on May 27, 1959 to Consider the Annexation of 54.306 Acres of Property to the City of Charlotte. The motion was seconded by Councilwoman Evans, and unanimously carried. The Resolution is recorded in full in Resolutions Book 3, Page 355.

PETITION BY C. B. BARBRE ET AL FOR CHANGE IN ZONING AT SE AND NE CORNERS OF
INDEPENDENCE BOULEVARD AND ST JULIAN STREET AUTHORIZED WITHDRAWN AS REQUESTED.

Councilman Brown moved that the request of Mr. C. B. Barbre to withdraw a Petition submitted by himself and others for a change in zoning at the SE and NE corners of Independence Boulevard and St Julian Street, from R-1 to B-1, be approved. The motion was seconded by Councilman Baxter, and unanimously carried.

TRANSFER OF FUNDS FROM EMERGENCY FUND TO MUNICIPAL COURT BUDGET TO SUPPLEMENT
BUDGETED FUNDS, FOR THE PAYMENT OF TWO WEEKS VACATION TO THE JUDGE OF
RECORDER'S COURT UPON HIS RETIREMENT.

Councilman Baxter moved the transfer of \$406.24 from the Emergency Fund (Code 110) to the Municipal Court Budget (Code 502 A-3) to supplement budgeted funds, for the payment of two weeks vacation to the Judge of Recorder's Court upon his retirement. The motion was seconded by Councilman Foard, and unanimously carried.

AGREEMENT WITH OLD DOMINION BOX COMPANY FOR RIGHT-OF-WAY FOR RELOCATION OF
STEWART CREEK OUTFALL SANITARY SEWER.

Upon motion of Councilwoman Evans, seconded by Councilman Wilkinson, and unanimously carried, the Mayor and City Clerk were authorized to execute an Agreement with Old Dominion Box Company for right-of-way for the relocation by the City of Stewart Creek Outfall Sanitary Sewer.

AGREEMENT WITH STATE HIGHWAY COMMISSION FOR RIGHT-OF-WAY FOR INSTALLATION OF WATER MAINS ON WEST SIDE OF NC #16, BETWEEN NELSON AND HONEYWOOD AVENUES AND BETWEEN HOSKINS AVENUE AND DAKOTA STREET.

Motion was made by Councilman Dellinger, seconded by Councilman Baxter, and unanimously carried, authorizing an Agreement with the State Highway Commission for right-of-way for the installation of water mains on the west side of NC #16 between Nelson and Honeywood Avenues and between Hoskins Avenue and Dakota Street.

AGREEMENTS WITH P & N RAILWAY COMPANY, SOUTHERN RAILWAY COMPANY AND SEABOARD AIRLINE RAILWAY COMPANY FOR RIGHTS-OF-WAY FOR INSTALLATION OF WATER LINES IN PERIMETER AREA.

Upon motion of Councilman Foard, seconded by Councilman Brown, and unanimously carried, Agreements were authorized with the following companies for rights-of-way for the installation of water lines:

- (a) Agreement with Piedmont & Northern Railway Company for installation of water mains beneath their main line and side track in Hoskins Avenue, at a point approximately 1,687 feet north of Mile Post #4.
- (b) Agreement with Southern Railway Company for installation of water mains beneath their tracks in Spencer Road, in Cottonwood Avenue, in Atando and Hutchinson Avenues, in Griffith Avenue and in Starita Road.
- (c) Agreement with Southern Railway Company for installation of water mains beneath their tracks in Potters Road at a point approximately 385 feet west of Mile Post #385.
- (d) Agreement with Seaboard Airline Railway Company for installation of water mains beneath their Pinoca Spur tracks on the south side of Gossett Avenue, in Sharon Amity Road, and in Hoskins Avenue.

CONSTRUCTION OF DRIVEWAY ENTRANCES AUTHORIZED.

Upon motion of Councilman Albea, seconded by Councilman Baxter, and unanimously carried, the construction of driveway entrances were authorized at the following locations:

- (a) Two 35-ft. driveway entrances at 2222 Freedom Drive.
- (b) One 20-ft. driveway entrance at 111 S. Independence Blvd.
- (c) Two 35-ft. driveway entrances at 2121 Independence Boulevard.
- (d) Two 35-ft. and One 31-ft. driveway entrances at 800-820 East Morehead Street.
- (e) Two 35-ft. driveway entrances on York Road and Two 35-ft. entrances on Orchard Circle, all for 4220 York Road.

CONTRACT AWARDED KNOXVILLE FOUNDRY COMPANY FOR MANHOLE RINGS AND COVERS.

Councilman Dellinger moved that contract be awarded the low bidder, Knoxville Foundry Company for 175 Manhole Rings and Covers, as specified, at a total net delivered price of \$4,427.50. The motion was seconded by Councilman Brown, and unanimously carried.

The following net delivered bids were received:

Knoxville Foundry Company	\$4,427.50
Dewey Bros. Inc.	\$4,487.17

CONTRACT AWARDED GLAMORGAN PIPE & FOUNDRY COMPANY FOR ELEVEN ITEMS OF CAST IRON PIPE FITTINGS.

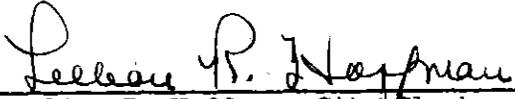
Upon motion of Councilman Albea, seconded by Councilwoman Evans, and unanimously carried, contract was awarded the low bidder, Glamorgan Pipe & Foundry Company for Eleven Items of Cast Iron Pipe Fittings, as specified, representing a net delivered price of \$1,191.19.

The following net delivered bids were received:

Glamorgan Pipe & Foundry Company	\$1,191.19
Lynchburg Foundry Company	\$1,207.54
U. S. Pipe & Foundry Company	\$1,207.54

ADJOURNMENT.

Upon motion of Councilman Wilkinson, seconded by Councilman Baxter, and unanimously carried, the meeting was adjourned.



Lillian R. Hoffman, City Clerk