

July 6, 1959
Minute Book 38 - Page 467

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, July 6, 1959, at 4 o'clock p.m., with Mayor Smith presiding, and Councilmen Albea, Babcock, Dellinger, Hitch, Myers, Smith and Whittington being present.

ABSENT: None.

* * * * *

INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Babcock, seconded by Councilman Albea, and unanimously carried, the Minutes of the Special Meeting and of the Regular Meeting on June 29th were approved as submitted.

GIFTS FROM MAYORS OF EUROPEAN CITIES PRESENTED MAYOR BY PRESIDENT OF CHAMBER OF COMMERCE.

Mr. Buell Duncan, President of the Chamber of Commerce, stated that the recent Chamber of Commerce Tour of European Countries by forty-eight Chamber members was most enjoyable. That it was his pleasure to present to many of the Mayors of cities they visited the Key of Mayor Smith of Charlotte, which were most gratefully received. He stated that the City Halls in these cities are elaborate buildings, with entertaining facilities and they were entertained at dinner in several places. Mr. Duncan stated that he is the bearer of two gifts sent to Mayor Smith, which he presented, one from the Lord Mayor of Paris, France being a Sketch of the City Hall; the other being a replica of the statute of Duke JanWillen on horseback which is in front of the City Hall at Duesseldorf, West Germany.

Mayor Smith accepted the gifts with much pleasure and expressed the gratitude of the citizens of Charlotte for the goodwill and the "Charlotte story" spread over the continent by Mr. Duncan and the members of the Tour.

REQUEST OF PLANNING BOARD FOR CLARIFICATION OF CHANGE IN ZONING OF 2100 BLOCK OF COMMONWEALTH AVENUE ON MAY 6TH, BASED ON LETTER FROM CITY ATTORNEY DATED MAY 12TH RAISING THE QUESTION OF LEGALITY OF THE PROCEEDINGS RELATIVE TO THE CHANGE, DEFERRED UNTIL CITY ATTORNEY RENDERS REPORT OF FULL LEGAL IMPLICATIONS.

Mr. Winfred Ervin, member of the Charlotte-Mecklenburg Planning Board, together with Mr. George Sibley, Chairman and Mr. William McIntyre, Director, appeared before Council and asked for a clarification of the change in zoning of both sides of the 2100 block of Commonwealth Avenue by the former City Council on May 6, 1959 after their petition for the change had been withdrawn by the attorney for the petitioners on April 22nd. Mr. Ervin stated their request for clarification is based on the following letter from Mr. John Shaw, City Attorney, to the City Manager dated May 12th:

"Mr. George B. Livingston,
Acting City Manager,
Charlotte, North Carolina.

RE: Zoning - 2100 Block Commonwealth Avenue

Dear Mr. Livingston:

The Minutes of the City Council of May 6, 1959, in connection with the above, on the first page, shows that, "Councilman Baxter asked that he be recorded as having made the motion to change the Minutes, if legal." Such being the case, I would like to review this matter.

It appears that on April 22, 1959, Messrs. Fairley and Hamrick, Attorneys, Jack T. Hamilton, wrote a letter to the City Council stating, "hereby withdraw their petition from consideration by the City Council at this time."

The City Council at its meeting on April 22nd took the following action: "Upon motion of Councilman Foard, seconded by Dellinger, and un-animously carried, the withdrawal of petition of the re-zoning of the following properties was accepted:

"(a) Petition by the property owners in the 2100 block of Commonwealth Avenue ... withdrawn by letter dated April 22, 1959, and signed by Jack T. Hamilton, Attorney for Petitioners."

The City Council, at its May 6th meeting, as shown by Councilman Baxter's resolution, which stated that as long as there has been an error made, he moved that the Minutes of April 22nd be changed to read that a motion was made "that the hearing on the petition be continued to May 6th. The motion was seconded by Councilman Brown and carried.

I have discussed the legality of this proceeding with Mr. Hamilton.

Two questions arise in connection therewith:

(1) What was the request of the petitioners on April 22nd? Was it to "withdraw" the petition, or, was it to ask for a continuance of the hearing to a date in the future?

(2) As the hearing on April 15th was an advertised hearing of a joint meeting of the Planning Board and the City Council, the question arises as to when on April 22nd, the date on which the Mayor had announced that the City's answer would be given, and such answer not being given, and such hearing not be continued, can the City Council by correcting an "error in its Minutes of April 22nd have such hearing on May 6th?

With respect to question (1), the City Council, on April 22nd, as above quoted, permitted the petition to be withdrawn. This was the then interpretation of the City Council of the petitioners' request. On May 6, after the Minutes of the meeting on April 22 were approved, on April 29th interpreted their action as an "error" in the request and attempted to correct the same.

When a deliberative body, such as the City Council, adjourns its meeting without day, such action is notice to all concerned that matters which have been under consideration will not again be taken up, unless initiated under procedure established for new business. Such is the quotation of procedure in Strain v. Mims, 193 Atlantic (Conn.), 754, in 1937.

This raises a question as to the legality of the proceedings of the City Council on May 6th concerning the above, and I desire to notify you and through you, the City Council, of the same.

Mr. Hamilton advises me that he is preparing a brief in connection with this matter, and I will not give you my final opinion in this matter until I have received such brief.

Very truly yours,

John D. Shaw, City Attorney"

July 6, 1959
Minute Book 38 - Page 469

Mr. Ervin stated that in view of the letter from the City Attorney, the Zoning Maps have not been changed as to the zoning of the property, and the Board is receiving requests for zoning changes in the area, and feels that the matter should be clarified to them so that they may know how to proceed.

Councilman Dellinger stated he is of the opinion that the City Council has the final say so, and those who are not satisfied can resort to the courts.

Mr. Ervin again stated he is raising the question on behalf of the Planning Board, as the action of the Council is apparently in question as to legality based on the City Attorney's letter and the motion of Councilman Baxter which was that the zoning be changed as requested "if legal".

Mr. Jack Hamilton, Attorney for the petitioners, stated the results of his research indicates that it was in accord with the General Statutes concerning zoning. As to whether the proceedings of the Council were correct, that he found no where that zoning had been found illegal so long as the statutory provisions are met.

Councilman Albea asked Mr. Hamilton if in his research he found where Minutes of a Meeting could be changed after a week's time after they had been declared correct? Mr. Hamilton stated "I found nothing".

Councilman Dellinger stated he does not think it is necessary for this Council to take any action on the question.

Councilman Smith moved that the Council approve the action of the former Council. The motion was seconded by Councilman Dellinger.

Councilman Myers stated he would like the City Attorney to state if the motion would be in order. Mr. Shaw replied the Council cannot rezone anything without advertising a public hearing. That if they wish him to express an informal opinion, then the motion relative to the action of the prior Council would only be expressing a sentiment. Councilman Babcock stated he would not be willing to vote until the Council has an opinion from the City Attorney which he states cannot be given until Mr. Hamilton presents a brief to him.

Councilman Myers then offered a substitute motion that the matter be deferred until the Council hears from Mr. Shaw as to the full legal implication. The motion was seconded by Councilman Babcock, and carried, with the votes cast as follows:

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

Mr. Shaw stated he would suggest to Mr. Hamilton that in view of the usage of the property being involved and the question of legality having been raised, that he secure a declaratory judgment. Mr. Shaw stated further that he hesitates to express an opinion that might put a cloud on the people's titles or raise a question that might affect the property values.

Mr. Hamilton stated he has not submitted a brief to the City Attorney or Council as it is his position it is now up to the Council.

COST OF LIVING SALARY INCREASE FOR MUNICIPAL EMPLOYEES REQUESTED BY CAPTAIN L.W. BROWN AND W. G. STEWART, FIRE DEPARTMENT, RECEIVED AS INFORMATION.

Captain L. W. Brown and Fireman W. G. Stewart, Charlotte Fire Department employees, appeared before Council, stating they are speaking as individuals and taxpayers, at the same time their appeal for "cost of living salary raise" is on a blanket basis for all city employees. Captain Brown stated no

raises were given last year and with the cost of living having reached a long time high he urged that Council study the situation and grant the increases. He also stated he knows, personally, of certain employees who are hard pressed to keep their children well fed and clothed on the salary they receive. He particularly called attention that the Job Classification Plan, reportedly filed with the Council today, would not be justified unless it provides for "cost of living increase". Mr. Stewart stated the city employees are proud of their government and to be connected with it, and strive to improve city services and they deserve this consideration. He asked for the privilege of a representative group of the city personnel sitting down with the Council and discussing the matter.

Mayor Smith stated the request would be received as information for Council consideration.

EQUAL MUNICIPAL JOB OPPORTUNITIES TO NEGRO CITIZENS AND APPOINTMENT OF NEGROES TO VARIOUS AGENCIES AND BOARDS UNDER COUNCIL JURISDICTION, REQUESTED BY COMMITTEE OF MECKLENBURG ORGANIZATION ON POLITICAL AFFAIRS.

Dr. R. A. Hawkins, Chairman of the Committee of Mecklenburg Organization on Political Affairs, composed of Rev. W. F. Elliott, Dr. R. S. Wynn, Mr. C. Bennett and Mr. R. C. Robinson, presented a petition requesting the Council to grant equal municipal job opportunities to negro citizens of the community, and due recognition be given to the need of having that segment of our community represented on various municipal boards and agencies. The Petition further stated that due to the lack of full employment opportunities for negroes, the city has lost some of its most promising negro citizens to northern and western cities; that much money is spent on schools but these citizens are not employed in city departments, and when hired it is in the lowpaying capacities. Further, that there is a great disparity of use and promotion of our negro policemen, and during the twelve years they have been employees in the Police Department only one has attained the rank of sergeant, and none have been promoted to the Detective, Youth Bureau or School Patrol. That the problems confronting the city, such as urban redevelopment and relocation in which negroes are most concerned, could be worked out together but negroes are denied membership on such boards. That they recommend that a reasonable start in establishing the necessary machinery and provide for the necessary contacts with department heads, in order to implement these suggestions.

REQUEST OF LIFE SAVING CREW FOR FUNDS TO BE CONSIDERED AT BUDGET MEETINGS.

Mr. B. C. Flowers, Chief of the Charlotte Life Saving Crew, stated that they have received \$1,000.00 per annum for the last several years from the City on which to operate, and they go out and ask for donations to further operate this useful service to Charlotte citizens. He urged that several thousand dollars be allocated to them in the current budget.

Councilman Hitch stated the matter was presented to the United Appeal and turned over to the Social Planning Council, and after a thorough study their conclusion was that the Life Saving Crew was a function of the City and the Fire Department should carry on the program with the volunteer workers of the Life Saving Crew. However, he has discussed it with Mr. Flowers and he does not feel it could best be handled through the Fire Department.

At the request of Councilman Dellinger, Mr. Flowers gave a list of the equipment they own, which must be maintained.

Councilman Hitch stated he does not feel that in a city the size of Charlotte the Life Saving Crew should have to go around begging funds and, altho

the Social Planning Committee considered it a function that should be performed by the Fire Department, he understands it would not doubt cost a great deal more for them to operate the service, and he feels that the request of Mr. Flowers should receive full consideration.

Councilman Dellinger moved that the request be accepted as information and be discussed at the budget meetings. The motion was seconded by Councilman Whittington, and unanimously carried.

RESOLUTION WITH RESPECT TO SUPPLEMENTAL PAY TO CITY EMPLOYEES TEMPORARILY ON DUTY WITH THE VARIOUS ARMED FORCES RESERVES.

A resolution entitled: "Resolution with Respect to Supplemental Pay to City Employees Temporarily on Duty with the Various Armed Forces Reserves" was introduced and upon motion of Councilman Dellinger, seconded by Councilman Albea, and unanimously carried, was postponed.

RESOLUTION WITH RESPECT TO HOME RULE FOR THE DISTRICT OF COLUMBIA.

A resolution entitled: "Resolution with Respect to Home Rule for the District of Columbia" was introduced. Councilman Babcock moved the adoption of the resolution, which was seconded by Councilman Myers, and unanimously carried. The resolution is recorded in full in Resolutions Book 3, at Page 387.

CONSIDERATION OF ORDINANCE CONSOLIDATING WATERWORKS AND SEWERAGE SYSTEMS, DEFERRED FOR TWO WEEKS

Upon motion of Councilman Hitch, seconded by Councilman Albea, and unanimously carried, an ordinance entitled: "Ordinance Consolidating the Waterworks and Sewerage Systems of the City of Charlotte" was deferred for two weeks.

REA CONSTRUCTION COMPANY GRANTED EXTENSION OF FOURTEEN DAYS TO COMPLETE CONSTRUCTION OF HEALTH CENTER.

Mr. Livingston, Acting City Manager, presented a request from Marsh & Hawkins, Architects and Engineers for the new Health Center requesting an extension of fourteen days to Rea Construction Company for the completion of the Health Center beyond the 360 days completion date which expires July 10th. Mr. Hawkins called attention to the provisions in the specifications for the extension of time if for legitimate reasons. It was stated by the City Manager that in Mr. Rea's letter to Mr. Hawkins, he states the plumbing and heating portions of the work were let independently of the general contract, over which they have no control, and their work has dragged, and that, together with some inclement weather, has caused a delay.

Councilman Myers stated this is a situation where the responsibility is divided and he recommended that the extension be granted. The motion was seconded by Councilman Babcock, and carried, with the votes cast as follows:

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

NAYS: Councilmen Dellinger and Whittington.

BUSINESS FIRMS ON TRYON STREET FROM MOREHEAD TO TENTH STREET AND ON TRADE STREET FROM MCDOWELL TO SOUTHERN RAILWAY MAINLINE TO BE REMINDED BY LETTER THAT ORDINANCE PROHIBITING PROJECTING SIGNS WILL BE IN FORCE AS OF JANUARY 1, 1960.

Councilman Dellinger stated that the Ordinance prohibiting projecting signs

July 6, 1959
Minute Book 38 - Page 472

in Tryon and Trade Streets, adopted on January 29, 1958 will become effective as of January 1, 1960; that he has talked with some of the business firms and they say the work should be started now to be completed to meet the deadline, and if there is anything that can be done to get them started, he feels it would be well to do so. Mr. Shaw, City Attorney, stated the enforcement will be the responsibility of the Building Inspection Department and no doubt they could supply a list of the names of the firms who will be affected.

Councilman Dellinger moved that the City Manager secure a list of the names of the firms and advise them of the date that the ordinance will become effective. The motion was seconded by Councilman Babcock, and unanimously carried.

COUNCIL MEETINGS AUTHORIZED HELD EVERY OTHER WEEK FROM TODAY THROUGH LABOR DAY.

Councilman Dellinger moved that the Council Meetings be held every other week from today through Labor Day, as has been the custom in the past. The motion was seconded by Councilman Smith, and carried, with the votes cast as follows:

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

NAYS: Councilman Albea.

Councilman Albea stated he is opposed to meeting every other week as the meetings will be twice as long.

COMMITTEE ON THE ELIMINATION OF DUPLICATE STREET NAMES AUTHORIZED TO ADD THE ELIMINATION OF THE LACK OF CONSISTANCEY IN STREET CONTINUITY, AND PAYMENT OF ADDITIONAL EXPENSES RELATING THERETO AUTHORIZED.

Councilman Whittington called attention that the Committee working on the Elimination of Duplicate Street Names, authorized by Council, will complete their work and render their report on July 27th; that it has come to his attention that the work does not include the elimination of the lack of consistanceyin street continuity, which is closely related and badly needed. He recommended that they be requested to add this to their work. He cited as an example, East 4th Street, which becomes Crescent Avenue and then within a very few blocks becomes Old Sardis Road. He then moved that the Committee be requested to add the street continuity to their work and that payment of the additional expenses be authorized. The motion was seconded by Councilman Albea, and unanimously carried.

ORDINANCE NO. 571 AMENDING ZONING ORDINANCE TO AMEND PERIMETER AREA BUILDING MAP TO CHANGE PROPERTY ON BOTH SIDES OF HAZEL STREET, CONTINUED TWO WEEKS ON REQUEST OF ATTORNEY FOR PETITIONER.

Upon motion of Councilman Dellinger, seconded by Councilman Whittington, and unanimously carried, the request of Mr. John Newitt, Attorney for Mr. Frank Galinski, was granted that decision be continued for two weeks on Ordinance No. 571 Amending the Zoning Ordinance to amend the Perimeter Zone Building Map to change the zoning on both sides of Hazel Street, south of Woodlawn Road.

ORDINANCE NO. 575 AMENDING THE ZONING ORDINANCE TO AMEND THE BUILDING ZONE MAP OF THE PERIMETER AREA BY CHANGING PROPERTY ON SOUTH SIDE OF WILMOUNT ROAD, DENIED.

Upon motion of Councilman Albea, seconded by Councilman Whittington, and

unanimously carried, Ordinance No. 575 Amending the Zoning Ordinance to amend the Building Zone Map of the Perimeter Area to change property on the south side of Wilmont Road, west of Southern Railway Crossline, from Rural to Industrial, on petition of John T. Godley and wife, was denied, as recommended by the Planning Board.

ORDINANCE NO. 576 AMENDING THE ZONING ORDINANCE TO AMEND BUILDING ZONE MAP OF PERIMETER AREA BY CHANGING PROPERTY ADJOINING THE SAL RAILWAY INDUSTRIAL PROPERTY NORTH OF HOSKINS ROAD AND WEST OF STEWART CREEK, FROM RURAL TO INDUSTRIAL, ON PETITION OF VARIETY ENTERPRISES, INC., ADOPTED.

Motion was made by Councilman Smith, seconded by Councilman Dellinger, and carried, adopting Ordinance No. 576 to amend the Zoning Ordinance by changing property adjoining the SAL Railway industrial property north of Hoskins Road and west of Stewart Creek, from Rural to Industrial, on request of the petitioner, Variety Enterprises, Inc.

The votes were cast as follows:

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

NAYS: Councilman Albea.

The ordinance is recorded in full in Ordinance Book 12, at Page 365.

RIGHT-OF-WAY AGREEMENT WITH STATE HIGHWAY DEPARTMENT FOR CONSTRUCTION OF MCMULLEN CREEK SANITARY SEWER OUTFALL ACROSS PROVIDENCE ROAD (NC #16)

Councilman Dellinger moved approval of an Agreement with the State Highway Department for right-of-way-for the construction of McMullen Creek Sanitary Outfall across Providence Road (NC #16). The motion was seconded by Councilman Babcock, and unanimously carried.

CONSTRUCTION OF SANITARY SEWER MAINS.

Upon motion of Councilman Albea, seconded by Councilman Whittington, and unanimously carried, the construction of sanitary sewer mains were authorized at the following locations:

- (a) Construction of 2,972 feet of main and trunk in Green Gardens Subdivision, at an estimated cost of \$9,880.00, at the request of Green Gardens, Inc. All costs to be borne by the City and applicant's deposit of the entire cost to be refunded as per terms of the contract.
- (b) Construction of 2,415 feet of main in Rollingwood Subdivision, at an estimated cost of \$9,870.00, at request of Ervin Construction Company. All costs to be borne by the City and applicant's required deposit of the entire cost to be refunded as per terms of the contract.

CONTRACT WITH CHARLOTTE LUMBER & MFG. COMPANY FOR INSTALLATION OF WATER MAINS IN MAY STREET, AUTHORIZED.

Motion was made by Councilman Hitch, seconded by Councilman Myers, and unanimously carried, authorizing contract with Charlotte Lumber and Manufacturing Company for the installation of 660 feet of water main in May Street,

outside the city limits, at an estimated cost of \$2,125.00. The City to finance all costs and applicant to guarantee a gross annual water revenue equal to 10% of the total cost.

EXTENSION OF SICK LEAVE APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Babcock, and unanimously carried, the extension of sick leave to the following Police Department personnel was authorized:

- (a) Extension to July 15th to Mrs. Jackie Blackwelder, Meter Checker.
- (b) Extension to July 4th to Mrs. Maude Seabrooks, Clerk.
- (c) Extension to July 5th to Officer J. D. Sears.

CONTRACT AWARDED ELECTRIC ICE & FUEL COMPANY FOR COAL.

Councilman Dellinger moved the award of contract to the low bidder, Electric Ice & Fuel Company, for 500 tons Stoker Coal and 50 tons Pocahontas Stove or Egg Coal, at a net delivered price of \$6,030.00. The motion was seconded by Councilman Smith, and unanimously carried.

The following bids were received:

Electric Ice & Fuel Company	\$6,030.00
H. V. Johnson & Son	\$6,175.00

CONTRACT AWARDED HERSEY MANUFACTURING COMPANY FOR WATER METERS.

Upon motion of Councilman Albea, seconded by Councilman Smith, and unanimously carried, contract was awarded the low bidder, Hersey Manufacturing Company for 50, 2" water meters, as specified, representing a net delivered price of \$8,316.00.

All bids received are as follows:

Hersey Mfg. Company	\$8,316.00
Neptune Meter Company	\$8,725.50
Badger Meter Company	\$8,550.00
Rockwell Mfg. Company	\$9,239.00
Gamon Meter Division of Worthington Corporation	\$10,010.00

CONTRACT AWARDED THE FORD METER BOX COMPANY FOR METER YOKES.

Councilman Albea moved the award of contract to the only bidder, The Ford Meter Box Company, for 2,000 #209-U, 500 #101-U and 100 #104 Meter Yokes, as specified, representing a total delivered price of \$10,304.00. The motion was seconded by Councilman Smith, and unanimously carried.

CONTRACT AWARDED SUPERIOR STONE COMPANY FOR CRUSHED STONE.

Motion was made by Councilman Myers, seconded by Councilman Babcock, and unanimously carried, awarding contract to the low bidder, Superior Stone Company for 60,000 tons of crushed stone, on a unit price basis, at a net delivered price of \$144,220.00.

The following bids were received:

Superior Stone Company	\$144,220.00
Campbell Limestone Company	\$178,132.00

CONTRACT AWARDED THE S & H X-RAY COMPANY FOR FURNISHING AND INSTALLING NEW X-RAY EQUIPMENT IN HEALTH CENTER AND MOVING AND INSTALLING EXISTING X-RAY EQUIPMENT FROM HEALTH DEPARTMENT TO HEALTH CENTER.

Upon motion of Councilman Albae, seconded by Councilman Hitch, and unanimously carried, contract was awarded The S & H X-Ray Company for furnishing and installing new X-Ray equipment in the new Health Center and moving and installing existing X-Ray equipment to the new Health Center from the Health Department, in accordance with the proposal dated June 23, 1959, at a net delivered installed price of \$12,917.61. The low bid submitted by Picker X-Ray Corporation, in the amount of \$11,653.85 not having met the specifications.

The following net delivered bids were received:

The S & H X-Ray Company	
Total Base Bid	\$12,033.41
Total Base Bid & Total Alternate #1 Bid	\$12,200.81
Total Base Bid & Alternates #1 & #2	\$12,917.61
Picker X-Ray Corporation	
Total Base Bid	\$11,653.85
Total Base Bid & Total Alternate #1 Bid	\$14,428.85
Total Base Bid & Alternates #1 & #2	\$15,516.75

BIDS ON FURNITURE AND DRAPERIES FOR HEALTH CENTER REJECTED AND NEW BIDS AUTHORIZED RECEIVED ON ORIGINAL SPECIFICATIONS, EXCEPT AS MODIFIED BY M. VAN BUREN, INTERIOR CONSULTANT, AT HIS SOLE DISCRETION.

Mr. M. Van Buren, Interior Consultant for the new Health Center, Mr. C. E. Beatty, Purchasing Agent and Dr. M. B. Bethel, Health Officer were present at the request of Council at the Council Meeting on June 29th when the bids on Furniture and Draperies for the Center were considered and action deferred.

Councilman Dellinger asked Mr. Van Buren as Interior Consultant for the Center to clarify his position as to the specifications since the allegation was made by a bidder at last week's meeting that Mr. Van Buren had written the specifications around the furnishings sold by his own company.

Mr. Van Buren stated, first that he does not represent any company, that he works as an independent consultant. That his contract with the City for the Health Center work states he shall be paid a fee of \$985.00 to lay out interiors, and no mention is made of retaining him to say from whom the furnishings are purchased. He stated further that the job took many weeks, in close consultations with the Architect and Dr. Bethel, after which they were put out for bids. That he understands from the City Purchasing Agent invitations to bid were given to twenty-two firms. He reaffirmed that his Company submitted no bid at all. That only one bidder submitted a bid on all the furnishings and this bid was on alternates. Mr. Van Buren stated further that his comments to the Purchasing Agent were that, except for the stage draperies, not one bidder saw fit to meet the specifications, which were written on leading manufacturers of this type equipment, and this one complete bid was on alternate items in every case, which are not in keeping with the building and were obviously selected with no consideration given

to the nature of the overall project, and in view of this if the bid on the alternates is accepted, he must deny any responsibility for furnishings or interior results. He stated further that strange as it may appear, immediately following the opening of the bids in this very Chamber, the person submitting the alternates made the statement that he was in possession of adequate prices and data to permit him to bid the job as specified had he desired to do so.

Councilman Myers asked Mr. Van Buren why he thought only one complete bid was received, and Mr. Van Buren replied that he does not know. He then asked how long the bidders were given to submit their bids, and Mr. Van Buren replied the time was 10 days. Mr. Van Buren stated that Dr. Bethel has advised that not a single bid was received on surgical equipment, and the reason is unknown, just as the lack of bidders is unknown in the case of these furnishings. Mr. Van Buren stated he would like these rebid because he feels there will be more interest.

Councilman Hitch stated that at last week's meeting the allegation was made that Mr. Van Buren has certain franchises with manufacturers in this area and while Mr. Van Buren did not submit a bid, their representatives did. Mr. Van Buren replied that he has no gain whatsoever in any bid.

Councilman Babcock stated he believes that Mecklenburg Furniture Company stated the price would have been \$3,000.00 more to have bid the specifications. That the consensus is that too much importance is being put on aesthetic values in public buildings; that he is interested in getting just as much as possible without the frills, and he is not saying the cheapest but speaking of the frills. Councilman Myers stated the most economical is the most durable with full consideration given appearance, and a designer working on public projects should do the best job possible with public funds, but it seems to have become the rule to include all the plush possible, and he, for one, is tired of seeing this done in public works.

Councilman Smith moved that the contract be awarded Mecklenburg Furniture Company. The motion was seconded by Councilman Whittington.

Dr. Bethel stated the Council has undoubtedly discerned that there is a score to settle here, and they in the Health Department are caught in the stream. That the Architect, Mr. Hawkins, recommended Mr. Van Buren as Interior Consultant, and he had not met him until that time. That only 5,000 feet of the total area of 38,000 feet of the Center is involved in the furnishings under discussion, which is the lobby, assembly room, clinic waiting room and library. He again stated there is a great deal more than meets the eye in this situation.

Councilman Myers asked if the time it would take to rewrite the specifications would affect the opening of the Center, and Dr. Bethel replied he does not think so as the working part of the building can continue.

Councilman Myers expressed his apology to Mr. Van Buren for venting his wrath on him about the "plush" in public buildings, and asked if the specifications could not be rewritten so that local dealers can bid and the decorative angle of the furnishings still be retained? Dr. Bethel stated he would accede to that but they need an expert to guide them and it would be well worth it to the appearance of the building. Councilman Dellinger asked if the alternates are not good enough? Mr. Van Buren replied they are not the type of furnishings desired. The City Attorney asked Mr. Van Buren if, in his opinion, the Thonet equipment bid by Mecklenburg Furniture Company is equal to the specifications, and Mr. Van Buren replied that it is not equal. Councilman Babcock asked Dr. Bethel who he was trying to impress with the effect they are trying to achieve? Dr. Bethel replied that the people of Charlotte and Mecklenburg County deserve a pleasing building as well as a

utilitarian building. That they could have used oak furniture but it has been the custom that when you have an architect and he recommends a designer and he is employed then his advise is accepted.

Mr. Shaw, City Attorney, stated as he understands it the bid of Mecklenburg Furniture Company does not meet the specifications, therefore he cannot see how the Council can award the contract to them. Mr. Short, representing Mecklenburg Furniture Company stated they are bidding the specifications with the exception of only certain pieces of furniture, and their entire bid on draperies is on the specifications. That the big difference is where there are 115 seats, Mr. Van Buren has inserted a rail with seats in the rail, and they have substituted normal seats.

Councilman Myers offered a substitute motion that Mr. Van Buren be authorized to rewrite the specifications to bring the cost of the furniture in line and in such manner that local bidders may bid.

Mr. Warren Stack, Attorney for Mr. Van Buren, asked what amount the Council would pay Mr. Van Buren for rewriting the specifications? Councilman Myers stated he thinks the responsibility rests with the architect and designer to make amends. Mr. Stack stated that Mr. Van Buren has a contract with the City and he has complied in all respects and if he is to be required to go back and do the work again, then the Council is asking him to duplicate his work. Dr. Bethel stated if there has been collusion, as it is understood, then how would the City get more bids?

Mr. Beatty, Purchasing Agent was asked if he believes the bid of Mecklenburg is equal as far as durability and service is concerned, to which he replied that he does. Councilman Dellinger then asked him what is the main reason for his recommendation for rejection of the bid? Mr. Beatty stated they invited 22 firms to bid and other local bidders did not see fit to do so. That he asked several of the firms why they did not bid, and they stated they were not familiar with the type equipment specified. That when there is \$13,000.00 involved in a bid he feels the City should have competition on all items. That he has, in the past, recommended that a single bid be accepted if and when it is a specialty item. Councilman Dellinger then asked if the bid of Mecklenburg meets the specifications or equal, and Mr. Beatty replied "no".

Councilman Hitch asked Mr. Van Buren if the bid of Mecklenburg will not serve a very useful purpose, granted it is not what he desires, and if the City has wasted his service if they accept the bid? Mr. Van Buren replied that it will serve a useful purpose, but more bids should be secured.

Mr. Shaw stated the Council has before them a bid, which according to the Purchasing Agent and Interior Decorator does not meet the specifications.

Councilman Hitch offered a substitute motion to the substitute to the main motion, that the Council reject all of the bids submitted and new bids be received on the original specifications, except as they may be modified by the Interior Consultant at his sole discretion. The motion was seconded by Councilman Albea.

Councilman Babcock stated he dislikes to disregard the services of any man, but he would still recommend that the specifications be redrawn on the type furniture submitted by Mecklenburg.

The vote was then taken on the substitute motion by Councilman Hitch to the substitute to the main motion, and carried, with the votes cast as follows:

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

NAYS: Councilmen Dellinger and Whittington.

ADJOURNMENT.

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

Lillian R. Hoffman
Lillian R. Hoffman, City Clerk