

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, March 14, 1960, at 4 o'clock p.m., with Mayor Smith presiding, and Councilmen Albea, Babcock, Dellinger, Myers, Smith and Whittington being present.

ABSENT: Councilman Hitch.

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INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Dellinger, seconded by Councilman Babcock, and unanimously carried, the Minutes of the last meeting on March 7th were approved as submitted.

REQUEST FOR EXTENSION OF SEWER SYSTEM TO SERVE WAREHOUSE LOCATED ON SIDE STREET OFF THE 3800 BLOCK OF STATESVILLE ROAD REFERRED TO CITY MANAGER FOR RECOMMENDATION.

Mr. Lex Moser advised he has a warehouse on an unnamed street running off the 3800 block of Statesville Road, inside the city limits, which he wishes served by the sewer system now being constructed in the area. That the Engineering Department advises that the street is on a lower grade than the sewer line and it will be necessary to go down 6 feet to install the line at an approximate cost of \$6,000.00. Mr. Moser stated they have been using and maintaining the street for the past ten years and it is more than 50% developed, but the Engineering Department says the street has not been dedicated to the city.

Mr. Cheek, City Engineer, advised that the main problem is that the street is outside the natural drainage area and in order to reach the property the line would have to be lowered; that similar problems have arisen before and the residents paid the difference in cost, which he estimates in this case would be around \$4,000.00.

Councilman Whittington moved that the request be referred to the City Manager for investigation and recommendation to Council at the next meeting. The motion was seconded by Councilman Dellinger, and unanimously carried.

CHANGE ORDERS APPROVED IN CONTRACT OF R. H. WHEATLEY COMPANY FOR THE CONSTRUCTION OF ADDITION TO THE AIRPORT TERMINAL.

Mr. Veeder, City Manager, again presented the following changes in the contract of R. H. Wheatley Company for the General Construction of the Addition to the Airport Terminal:

Change Order #G-4. 36 days extension of completion time, establishing the new date of March 1, 1960.

Change Order #G-5. Revisions in Auto Rental and Information Counter, including the addition of glass divider partitions and four gates - \$770.00.

Mr. Veeder advised that the Architects, Walter Hook Associates, state in their letter - "we cannot find justification from the standpoint of quality of workmanship or cooperation and interest in the project on the part of either contractor not to give consideration of their requests, and in view of the fact, we believe both contractors have performed their work in a reasonably satisfactory manner, have been fully cooperative with the City and the Architect and (in the case of the Wheatley Company) with the Airlines and we believe they have made sincere efforts to complete the projects within the stipulated time, and it is recommended that each be granted the extension of time requested." Mr. Veeder stated in his opinion the City should approve the recommended changes.

Councilman Dellinger expressed strong objections to granting the request for a further extension of time, calling attention that an extension of 30 days has already been granted Mr. Wheatley.

Mr. White, representing the Architects, stated the work was held up on the buildings in the early stages due to excessive rains, causing water problems in the sub-base, which required considerable pumping operations. He stated there were 20 to 25 days of bad weather previous to March 1st.

Mr. Veeder stated that Mr. Wheatley in a letter to the Architect dated February 3, 1960 called attention that bids were received on the project on April 23, 1959 with a 180 completion time stipulated; however, the contract was not awarded them formally until June 25th with June 29th as the starting time, and this alone was 67 days from the date the bids were taken; that this unusual time consumed in awarding the contract was detrimental to them in that over two months of the best building weather had elapsed to be traded for winter months at the end of the contract.

Following the discussion, Councilman Smith moved that the change orders be approved, which was seconded by Councilman Myers.

Councilman Dellinger asked if the Council authorized the additional work?

Mr. Shaw, City Attorney, stated it has been the practice of the City for years that minor changes in construction contracts approved by the architect are approved for payment by the Council. Councilman Dellinger stated he thinks this is a bad way to handle such matters. Mr. Veeder stated he thinks any change order should come to the Council for approval before the work is done, and he thinks the City is obligated to pay for these changes.

The vote was taken on the motion and passed unanimously.

CHANGE ORDERS APPROVED IN CONTRACT OF R. MARRET WHEELER COMPANY FOR CONSTRUCTION OF FAA OFFICE BUILDING AT AIRPORT.

The City Manager presented the following Change Orders in the contract of R. Marret Wheeler Company for the general construction of the Federal Aviation Agency office building at the airport:

Change Order #G-4: 13 days extension of completion date, establishing the new date of February 8, 1960.

Change Order #G-5: Installation of four 5" steel channels, 9'-0" long to add rigidity to the solar screens and protect the exposed ends of the units - \$155.00.

Councilman Whittington asked who requested that the changes be made, and Mr. White of Walter Hook & Associates, Architects, stated the architects did.

Councilman Myers moved that the Change Orders be approved for payment, which was seconded by Councilman Whittington, and unanimously carried.

CHANGES OF ANY TYPE AND AMOUNT IN CONSTRUCTION CONTRACTS ORDERED APPROVED BY COUNCIL BEFORE WORK IS DONE.

Councilman Dellinger moved that in the future any changes of any type and any amount in construction contracts must be presented to Council for approval before the work is done. The motion was seconded by Councilman Babcock, and unanimously carried.

REQUEST OF COUNTY COMMISSIONERS FOR APPROVAL OF CONSTRUCTION OF BRIDGE OVER EAST FOURTH STREET TO CONNECT NEW COUNTY OFFICE BUILDING WITH COURTHOUSE DENIED.

Pursuant to the conference with the Mecklenburg County Commissioners in executive session in the Mayor's office relative to the Commissioners request for permission to construct a pedestrian bridge over East Fourth Street to connect the County's new office building with the Courthouse, Mayor Smith opened the matter for discussion and Council action.

Mr. E. C. Griffith, owner of adjacent property on East Fourth Street, again expressed strong opposition to the bridge, stating that the ballot on which the citizens voted for the new county building did not make mention of a bridge, and, in his opinion, the building and bridge are two separate structures and that he does believe the bond issue for the building would have failed to carry had the public known the bridge was to be constructed; that the City Council, as guardians of the welfare of the citizens of Charlotte, will not want to assume responsibility for the bridge; that it will be a blight on the city and citizens using the street will find it an eyesore. He urged that Council not approve the construction of the bridge.

Mr. Marion Ross, owner of property in the area of the new office building, stated he would go along with the proposed bridge if he were convinced it was a necessity, but realizing the small amount of necessary communication between county departments in carrying out their duties, the amount of money to be spent on the bridge construction is not justified; that citizens having business at the Courthouse will have no occasion to go back and forth between the two buildings; that the use of the bridge as a support for heating and airconditioning pipes involves too much money; that additional buildings will no doubt be constructed on the side of Fourth Street with the new office building which will have to have separate heating plants, and he is advised by the architect that the additional money required to construct heating and airconditioning facilities in the new office building would be only \$7,200.00.

Councilman Dellinger stated he does not like to be in a position to tell another governmental agency they cannot do a thing, but after discussing the bridge with many people he has found only one person who favors it, and he thinks the Council should not allow its construction and he moved that the request be denied. The motion was seconded by Councilman Albea.

Councilman Smith stated he feels the same way about the bridge, but as a Councilman elected by the citizens he cannot sit in judgment of the County Commissioners and he feels obligated to go along with them as he would like them to do with him.

The vote was taken on the motion to deny the request and passed by the following vote:

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

RESOLUTION PROVIDING FOR PUBLIC HEARING ON APRIL 18TH ON ORDINANCE NO. 658 AMENDING ZONING ORDINANCE.

A Resolution Providing for a Public Hearing on April 18th 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 West Boulevard, from R-2 to B-1, on petition of Ada I. Hatcher and Betty Louise Hatcher, was adopted upon motion of Councilman Albea, seconded by Councilman Myers, and unanimously carried. The resolution is recorded in full in Resolutions Book 3, at Page 473.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON APRIL 18TH ON ORDINANCE NO. 659 AMENDING ZONING ORDINANCE.

A Resolution Providing for a Public Hearing on April 18th on Ordinance No. 659 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 south side of Granville Road, west of Queens Road, from R-1 to R-2, on petition of Towers Land & Development Company, was adopted upon motion of Councilman Albea, seconded by Councilman Myers, and unanimously carried. The resolution is recorded in full in Resolutions Book 3, at Page 474.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON APRIL 18TH ON ORDINANCE NO. 660 AMENDING ZONING ORDINANCE.

A Resolution Providing for a Public Hearing on April 18th 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, was adopted upon motion of Councilman Albea, seconded by Councilman Myers and unanimously carried. The resolution is recorded in full in Resolutions Book 3, at Page 475.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON APRIL 18TH ON ORDINANCE NO. 661 AMENDING THE ZONING ORDINANCE.

A Resolution Providing for a Public Hearing on April 18th 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, was adopted upon motion of Councilman Albea, seconded by Councilman Myers, and unanimously carried. The resolution is recorded in full in Resolutions Book 3, at Page 476.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON APRIL 18TH ON ORDINANCE NO. 662 AMENDING THE ZONING ORDINANCE.

A Resolution Providing for a Public Hearing on April 18th 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 #85, from R-2 to B-1, on petition of W. J. Widenhouse, et al, was adopted upon motion of Councilman Albea, seconded by Councilman Myers, and unanimously carried. The resolution is recorded in full in Resolutions Book 3, at Page 477.

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RESOLUTION PROVIDING FOR PUBLIC HEARING ON APRIL 18TH ON ORDINANCE NO. 663 AMENDING THE ZONING ORDINANCE.

A Resolution Providing for a Public Hearing on April 18th 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, was adopted upon motion of Councilman Albea, seconded by Councilman Myers and unanimously carried. The resolution is recorded in full in Resolutions Book 3, at Page 478.

CONTRACT AWARDED MCCORMICK FARM EQUIPMENT STORE OR INTERNATIONAL HARVESTER COMPANY FOR TRACTOR WITH BACKHOE AND LOADER ATTACHMENT.

The City Manager recommended the award of contract for a Tractor with Backhoe and Loader attachment to McCormick Farm Equipment Store or International Harvester Company, at a net delivered price of \$6,479.00, on which the following bids were received:

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| McCormick Farm Equipment Store or International Harvester Company | \$ 6,479.00 |
| Southland Equipment Company | \$ 7,100.00 |
| Farm & Industrial Equipment Company (Bid not on specifications) | \$ 6,427.72 |

Mr. B. L. Cochran, representing Farm & Industrial Equipment Company, stated they feel the recommendation discriminates against their equipment; that their equipment weights 4,194 lbs and the specifications require a net empty shipping weight of the Tractor to be not less than 3,350 lbs, and they have, therefore, met the requirements; that his equipment is being used currently by various contractors for the same purpose for which it will be used by the City and they have had no complaints.

Mr. Beatty, Purchasing Agent, stated the specifications were prepared to deliver the type and weight equipment best suited for the City's use; that the net empty shipping weight of the Ford Tractor, as bid by Farm & Industrial Equipment Company, weighs only 2,991 lbs. and is too light for our use; that they have added to the weight by various additives, which is prohibited in the specifications which stated no additives or ballast of any type could be added.

Mr. Cheek, City Engineer, stated that detail comparisons of the equipment offered have been made and the Ford Equipment does not meet the specifications and is not suitable for the City's purpose.

Councilman Myers stated he owns a Ford Tractor which he uses in their general construction work; however, the weight would be a definite factor for heavy duty.

Mr. John Kenyon, representing McCormick Farm Equipment Store or International Harvester Company, stated in reply to the question by Councilman Albea as to his company going out of business, that he does not know the state of the company; however, the tractor they are offering is International Harvester equipment and distributed by them and parts are stocked for it and will be available when needed by the city.

Councilman Babcock stated he is not interested in showing favoritism to anyone nor discriminating against anyone and he asked Mr. Cheek to explain

to Mr. Cochran that he is not being discriminated against. Mr. Cheek stated they selected the range of equipment to meet their needs and the equipment Mr. Cochran's Company is offering does not come within that range.

Mr. Cochran stated their tractor weights 4,170 lbs. and Mr. Cheek feels the cast iron wheels, weighing 1,100 lbs. put on at the factory is added weight.

Councilman Whittington moved the award of contract to the lowest bidder meeting the specifications, McCormick Farm Equipment Store or International Harvester Company, for One International #340 Tractor with pippin #260 Backhoe and #235 Loader attachment, at a net delivered price of \$6,479.00, on a rental-purchase agreement with 100% of rent to apply against the net delivered price, as recommended by the City Manager, City Engineer and Purchasing Agent. The motion was seconded by Councilman Smith, and unanimously carried.

CONTRACT AWARDED A. P. WHITE & ASSOCIATES FOR INSTALLATION OF DISTRIBUTION SYSTEM WATER MAIN IN BRANDYWINE ROAD.

Motion was made by Councilman Albea, seconded by Councilman Babcock, and unanimously carried, awarding contract to the low bidder, A. P. White and Associates, Charlotte, for Installation of Distribution System Water Main in Brandywine Road, as specified, at a total bid price of \$15,848.60.

The following net delivered bids were received:

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| A. P. White & Associates | \$15,848.60 |
| Noll Construction Company | \$16,125.00 |
| R. H. Wiggins Company, Inc. | \$19,544.70 |
| Boyd & Goforth, Inc. | \$22,421.15 |
| L. A. Armstrong | \$24,981.06 |
| C. W. Gallant, Inc. | \$27,405.00 |

CONDEMNATION PROCEEDINGS AUTHORIZED STARTED FOR RIGHT-OF-WAY FOR ALABAMA STREET SANITARY SEWER LINE ACROSS PROPERTY OF MR & MRS E. LOWELL MASON.

Councilman Babcock moved that condemnation proceedings be started for right-of-way for construction of Alabama Street sanitary sewer line across the property of Mr. & Mrs. E. Lowell Mason. The motion was seconded by Councilman Whittington, and unanimously carried.

AGREEMENT AUTHORIZED WITH N. C. STATE HIGHWAY COMMISSION FOR CONSTRUCTION OF SANITARY SEWER LINE IN RIGHT-OF-WAY ALONG US #29, BETWEEN SUGAW CREEK ROAD AND BEECHWAY CIRCLE.

Motion was made by Councilman Whittington, seconded by Councilman Myers, and unanimously carried, authorizing an Agreement with the N.C. State Highway Commission for the construction of a sanitary sewer line in right-of-way along US #29, between Sugaw Creek Road and Beechway Circle.

CONSTRUCTION OF DRIVEWAY ENTRANCES AUTHORIZED.

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

- (a) One 30-ft. entrance on Elizabeth Ave. for 100 N. McDowell St.
- (b) One 30-ft. entrance at 1945 E. 7th Street.
- (c) One 30-ft. entrance at 4415 Ross Road.
- (d) Three 30-ft. entrances and One 26-ft. entrance on Tremont Ave, and One 30-ft. entrance on Hawkins Street, all for 201 W. Tremont Avenue.
- (e) One 20-ft. entrance at 501 Queens Road.
- (f) One 20-ft. entrance at 3215-17 Cullman Avenue.
- (g) Two 35-ft. entrances on Statesville Road and One 30-ft. entrance on Hickory Lane, all for 3700 Statesville Road.

ADDITION OF CONSTRUCTION SUPERVISOR TO SUPERVISE AND COORDINATE STREET REPAIR WORK AUTHORIZED.

Councilman Babcock asked if it would not be wise to put on emergency crews to expedite repair work on streets damaged by the recent snow and ice, which the City Engineer is reported as saying will run into \$100,000 or more.

Mr. Veeder stated the City Engineer has reviewed the situation and advised him there is an immediate need for a more expeditious method of handling the many required repairs to disintegrated pavement and in some cases damage to the base material. That Mr. Cheek wishes to organize a special task force within the Street Division as the problem is essentially one of organization and personnel blended together under one directive, and that Mr. Cheek requests the addition of one Construction Supervisor whose specific task will be to supervise and coordinate the street repair effort. Mr. Veeder stated he wishes to promote one of the men in the department to handle this work.

Councilman Albea moved that the request be granted, which was seconded by Councilman Dellinger, and unanimously carried.

FINANCIAL STATEMENT OF FOUR TAXICAB COMPANIES PREPARED BY CITY ACCOUNTANT SUBMITTED TO COUNCIL.

Mr. Veeder, City Manager, presented the Council with a Financial Statement of the Four Taxicab Companies prepared by the City Accountant, who advised it is his opinion that the temporary increase in rates from 45 cents for the first mile to 45 cents for the first half-mile and 10 cents for each additional half-mile to be reviewed by Council at this time, is justified.

Councilman Babcock requested that Mr. Livingston, City Accountant, meet with the Council in executive session next Monday for a discussion of the matter.

CLAIM OF R. B. STARNES FOR DAMAGES REFERRED TO CITY ATTORNEY FOR RECOMMENDATION.

The Claim of Mr. R. B. Starnes for damages to his car on February 9, 1960 was referred to the City Attorney for recommendation, upon motion of Councilman Babcock, seconded by Councilman Albea, and unanimously carried.

AGREEMENT AUTHORIZED WITH LAW ENGINEERING TESTING COMPANY FOR BORING AND SOIL TESTS AT PROPOSED SUGAW CREEK SEWAGE TREATMENT PLANT.

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

unanimously carried, an Agreement was authorized with Law Engineering Testing Company of Charlotte for Boring and Soil Tests at the proposed Sugaw Creek Sewage Treatment Plant, at the following unit prices, not to exceed \$1,900.00, as recommended by J. N. Pease & Company, Consulting Engineers, the City Manager and Superintendent of the Water Department:

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| 1. Mobilization and Setup | \$ 100.00 |
| 2. Auger boring, per linear foot | 2.00 |
| 3. Rotating thru hard materials or decomposed rock with Hawthorne bit, per linear foot | 4.50 |
| 4. Rock coring with diamond bitted core barrel, per linear foot. | 8.00 |

PREPARATION OF ORDINANCE TO ESTABLISH SETBACK LINES ON FOURTH STREET FROM COLLEGE STREET WEST, AUTHORIZED.

Councilman Myers moved that the City Manager and City Attorney prepare an ordinance to establish setback lines on Fourth Street, from College Street west and incorporate therein a provision allowing overhangs over the sidewalk right-of-way. The motion was seconded by Councilman Albea, and unanimously carried.

RESOLUTION PROVIDING FOR THE ISSUANCE OF \$2,265,000 CITY OF CHARLOTTE BONDS AND RESOLUTION FIXING THE FORM AND MANNER OF EXECUTION OF THE SAID BONDS TO BE ISSUED UNDER DATE OF APRIL 1, 1960 AND PROVIDING FOR THE REGISTRATION THEREOF, AND RESOLUTION RATIFYING APPLICATION OF THE CITY TREASURER TO THE LOCAL GOVERNMENT COMMISSION FOR THE ADVERTISEMENT AND SALE OF THE SAID BONDS AND RATIFYING THE ACTION OF THE LOCAL GOVERNMENT COMMISSION IN ASKING FOR SEALED BIDS FOR SAID BONDS.

A resolution entitled: "RESOLUTION PROVIDING FOR THE ISSUANCE OF \$1,265,000 SANITARY SEWER BONDS, SERIES B" was introduced by Councilman Dellinger, which was read. Upon motion of Councilman Dellinger, seconded by Councilman Smith, and unanimously carried, the resolution passed by the following vote:

YEAS: Councilmen Albea, Babcock, Dellinger, Myers, Smith and Whittington.
NAYS: None

A resolution entitled: "RESOLUTION PROVIDING FOR THE ISSUANCE OF \$1,000,000 HOSPITAL BONDS, SERIES C" was introduced by Councilman Dellinger, which was read. Upon motion of Councilman Dellinger, seconded by Councilman Smith and unanimously carried, the resolution passed by the following vote:

YEAS: Councilmen Albea, Babcock, Dellinger, Myers, Smith and Whittington.
NAYS: None

A resolution entitled: "RESOLUTION FIXING THE FORM AND MANNER OF EXECUTION OF \$2,265,000 BONDS TO BE ISSUED UNDER DATE OF APRIL 1, 1960, AND PROVIDING FOR THE REGISTRATION THEREOF" was introduced by Councilman Dellinger, which was read. Upon motion of Councilman Dellinger, seconded by Councilman Smith, and unanimously carried, the resolution passed by the following vote:

YEAS: Councilmen Albea, Babcock, Dellinger, Myers, Smith and Whittington.
NAYS: None.

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A resolution entitled: "RESOLUTION RATIFYING APPLICATION OF THE CITY TREASURER TO LOCAL GOVERNMENT COMMISSION FOR THE ADVERTISEMENT AND SALE OF \$2,265,000 BONDS TO BE ISSUED UNDER DATE OF APRIL 1, 1960 AND RATIFYING ACTION OF LOCAL GOVERNMENT COMMISSION IN ASKING FOR SEALED BIDS FOR SAID BONDS" was introduced by Councilman Dellinger, which was read. Upon motion of Councilman Dellinger, seconded by Councilman Smith, and unanimously carried, the resolution passed by the following vote:

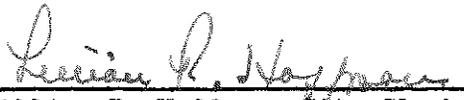
YEAS: Councilmen Albea, Babcock, Dellinger, Myers, Smith and Whittington.

NAYS: None

The resolutions are recorded in full in Resolutions Book 3, beginning at Page 479.

ADJOURNMENT.

Upon motion of Councilman Dellinger, seconded by Councilman Whittington, and unanimously carried, the meeting was adjourned until 11 o'clock a.m. March 15th to the Mecklenburg County Courthouse to meet with the County Board of Elections to canvass the returns of the Special Tax Election on March 8, 1960.



Lillian R. Hoffman, City Clerk