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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, March 26, 1958, at 4 o'clock p.m., with Mayor Smith presiding, and Council members Baxter, Brown, Dellinger and Wilkinson being present.

ABSENT: Council members Albea, Evans and Foard.

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INVOCATION.

The invocation was given by Councilman Herman A. Brown.

MINUTES APPROVED.

Upon motion of Councilman Wilkinson, seconded by Councilman Dellinger, and unanimously carried, the Minutes of the last meeting on March 19th were approved as submitted.

PLAN FOR CONSTRUCTING WATER AND SEWER LINES TO PERIMETER AREA SUBMITTED BY ATTORNEY FOR NIVENS CONSTRUCTION COMPANY TABLED FOR STUDY FOR 30 DAYS.

Mr. Charles T. Myers, Attorney, representing Nivens Construction Company, appeared before Council in regard to the City providing water and sewer facilities to Picardy Subdivision being developed by the Company in the perimeter area to be annexed January 1, 1960.

Mr. Myers stated he has given much thought and study to the question of the residents of the perimeter area securing these services prior to the actual date of annexation, and has devised a workable plan that could be used now and in the future and be adopted as a policy by the City. Under the plan proposed by him, a contract would be made with Nivens Construction Company whereby <sup>they</sup> would construct sewer lines at a cost to themselves of \$15,560.00 and water lines at a cost to themselves of \$12,503.00, with no cost to the City, and the Company would give the City an option to acquire the lines when the area is annexed on January 1, 1960, or later as the City desired, at the actual cost to the Company less 2 $\frac{1}{2}$ % per year depreciation. That the City would not have to exercise the option at all if it did not wish to do so.

Mr. Myers stated the City Attorney is familiar with the proposed contracts, and has not questioned their legality.

Mr. Myers stated further that the plan should be adopted and put in motion now; that if it is deferred, there will be such a large accumulation of applicants for such service, that they will swamp the Engineering and Water Departments.

Mr. Yancey, City Manager, stated that the City does not need a new plan for providing sewer and water services outside the city limits, that the City has had a plan for years whereby anyone can build his own facilities and the City take them over when the area comes inside the City, without cost to the City. He stated further that under the proposed plan, the City will be committing itself to go out and give service to new developers, and there will not be sufficient money for that; that the City is only committed to the folks who resided in the perimeter area when the question of annexation was voted on. That the proposed plan

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would carry the City back to where it was six or seven years ago, when the City had to go around buying up water and sewer lines constructed by developers.

Mayor Smith stated that the Council would want to study the proposal and would not wish to take action today with three members of the Council absent; that it could be accepted as information for a later decision.

Councilman Dellinger moved that the proposal be taken under consideration for thirty days and a decision be rendered at that time, if possible. The motion was seconded by Councilman Wilkinson, and unanimously carried.

THREE APPLICATIONS FOR WATER SERVICES IN THOMASBORO AREA FILED BY COUNCILMAN DELLINGER.

Councilman Dellinger filed with the City Clerk three applications for water services in the Thomasboro area.

WIDENING OF EAST FIFTH STREET, FROM BREVARD STREET TO MCDOWELL STREET AUTHORIZED.

Councilman Dellinger moved that the City Manager be directed to proceed with the widening of East Fifth Street, from Brevard Street to McDowell Street, at an estimated cost of \$219,428.00, which is within the amount allocated for this project, and that no parking be permitted on the street when the widening is completed. The motion was seconded by Councilman Baxter, and unanimously carried.

SETTLEMENT OF CLAIM OF MRS BERTHA ORR FOR PERSONAL INJURIES.

Upon motion of Councilman Brown, seconded by Councilman Wilkinson, and unanimously carried, the claim of Mrs. Bertha Orr for personal injuries was authorized settled in the amount of \$450.00, as recommended by the City Attorney.

CONSTRUCTION OF TEMPORARY SIDEWALKS TO SERVE HIGHLAND-NORTH CHARLOTTE ELEMENTARY SCHOOL, AUTHORIZED.

Motion was made by Councilman Wilkinson, seconded by Councilman Dellinger, and unanimously carried, authorizing the construction of temporary sidewalks to serve Highland-North Charlotte Elementary School, at an estimated cost of \$3,765.00, and the transfer of said amount from the Emergency Fund (Code 110) to the Engineering Department.

REPORT ON REPAIRS TO UPTOWN SIDEWALKS REQUESTED.

Councilman Dellinger asked the City Manager for a report on the progress of repairs to the uptown sidewalks, and Mr. Yancey replied that the repairs are being made as fast as possible.

RESOLUTION AUTHORIZING APPLICATION TO CIVIL AERONAUTICS BOARD FOR CERTIFICATE TO OPERATE HELICOPTER SERVICE.

A resolution entitled: "Resolution Authorizing Application to Civil Aeronautics Board for Certificate to Operate Helicopter Service" was introduced and read, and upon motion of Councilman Baxter, seconded by Councilman Dellinger, and unanimously carried, was adopted. The resolution is recorded in full in Resolutions Book 3, at Page 196.

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CONSTRUCTION OF SANITARY SEWER MAIN AUTHORIZED IN BRUNSWICK AVENUE.

Councilman Dellinger moved approval of the construction of 240-ft. of sanitary sewer main in Brunswick Avenue, as requested by E.C. Griffith Company to serve two business units. Cost estimated at \$1,190.00, to be borne by the City and applicant's deposit of \$590.00 to be refunded as per terms of the contract. The motion was seconded by Councilman Wilkinson, and unanimously carried.

AGREEMENT WITH SOUTHERN RAILWAY COMPANY FOR RIGHT-OF-WAY FOR INSTALLATION OF WATER MAIN UNDER SPUR TRACK, TO SERVE WEST INDEPENDENCE BOULEVARD.

Upon motion of Councilman Brown, seconded by Councilman Baxter, and unanimously carried, an Agreement was authorized with the Southern Railway System for right-of-way under their spur tracks for the installation of a water main to serve customers on West Independence Boulevard, between Suttle Avenue and Morehead Street.

AGREEMENT WITH SEABOARD AIRLINE RAILWAY FOR THEIR CONSTRUCTION OF SPUR TRACK ACROSS RAW WATER LINES IN HOSKINS.

Motion was made by Councilman Wilkinson, seconded by Councilman Dellinger, and unanimously carried, authorizing an Agreement with the Seaboard Airline Railway Company for construction of a spur track by them across the City's raw water lines to Hoskins, to serve their development on the north side of Highway No. 16 Bypass in the Hoskins area.

CONTRACT AWARDED MCCORMICK FARM EQUIPMENT STORE FOR TRACTOR FOR ENGINEERING DEPARTMENT.

Upon motion of Councilman Brown, seconded by Councilman Wilkinson, and unanimously carried, contract was awarded McCormick Farm Equipment Store for One International Model 130 Tractor, with AI-23 Highway Mower Attachment, all as specified, at a total exchanged delivered price of \$2,024.70, subject to cash discount of \$40.49.

Contract was not awarded the low bidder, E.F. Craven Company, as bid did not meet the specifications calling for a hydraulically operated unit to a height of 14-inches to clear curb lines, whereas <sup>their</sup> bid was on a mower attachment automatically raised only 6-inches from the ground.

Bids received are as follows:

E. F. Craven Company	Net delivered price	\$1,859.00
McCormick Farm Equipment Store	Net delivered price	\$1,984.21
N. C. Equipment Company	Net delivered price	\$2,219.42

BID ON RESCUE TRUCK FOR CIVIL DEFENSE REJECTED.

Upon motion of Councilman Dellinger, seconded by Councilman Wilkinson, and unanimously carried, the bid of International Harvester Company for a Rescue Truck for Civil Defense, being the only bid received, was rejected; the bid having been submitted with the reservation that it was the only truck of this type in stock and a bid had previously been submitted to the City of Baltimore on the said truck, which, if the low bid would necessitate the sale of the truck to the City of Baltimore. They were the low bidder, therefore, the truck is not available to the City of Charlotte.

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CONTRACT AWARDED CRAVEN W. ROGERS, WAXHAW, N.C. FOR SALE OF TIMBER FROM DOUGLAS MUNICIPAL AIRPORT PROPERTY.

Councilman Baxter moved that contract be awarded the high bidder, Craven W. Rogers, Sawmiller, Waxhaw, N. C., for the sale of Timber (3,740 trees, estimated at 509,600 board measured feet) from the Douglas Municipal Airport property, strictly in accordance with requirements for all marked timber on said property, for the total sum of \$18,302.50. The motion was seconded by Councilman Brown, and unanimously carried.

The bids received on the Timber are as follows:

Craven W. Rogers	\$18,302.50
Edwards Lumber Company	\$17,377.36
Hoke Lumber Company	\$17,000.00
McClure Timber Company	\$16,335.00

CONSTRUCTION OF DRIVEWAY ENTRANCES AUTHORIZED.

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

- (a) One 16-ft. driveway entrance at 305 Tremont Avenue
- (b) One 30-ft. driveway entrance at 2001 West Morehead Street.
- (c) One 34-ft. and One 33-ft. driveway entrance at 1520 E. Boulevard.
- (d) Two 35-ft. driveway entrances at 2300 Avondale Avenue
- (e) One 24-ft. and One 35-ft. driveway entrance at 2115 Freedom Drive.

RENEWAL OF SPECIAL OFFICER PERMIT TO FRANK W. HAAS, ON PREMISES OF ALL CITY CEMETERIES.

Councilman Brown moved approval of the renewal of Special Officer Permit to Mr. Frank W. Haas, Supt. of Cemeteries, on the premises of all city owned cemeteries. The motion was seconded by Councilman Baxter, and unanimously carried.

TRANSFER OF CEMETERY LOTS.

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

- (a) Deed with Mrs. Alba M. Hovis, for Lot 5, Section L-Annex, Elmwood Cemetery, at \$180.00.
- (b) Deed with Mrs. Alba M. Hovis, for Perpetual Care on Lot 5, Section L-Annex, Elmwood Cemetery, at \$100.00.

CITY MANAGER DIRECTED TO EXPLORE POSSIBILITY OF SELLING TIMBER ON DISPOSAL PLANTS PROPERTY.

Councilman Dellinger requested the City Manager to explore the possibilities of selling the timber on the property around the Disposal Plants.

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SURVEY AND COST ESTIMATE FOR OPENING ANDRILL TERRACE, FROM EAST FIFTH STREET TO OAKLAWN AVENUE, REQUESTED.

Councilman Dellinger requested the City Manager to have a survey and cost estimate made for the opening of Andrill Terrace from East Fifth Street to Oaklawn Avenue.

ADJOURNMENT.

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

  
Lillian R. Hoffman, City Clerk