

September 25, 1961  
Minute Book 41 - Page 12

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, September 25, 1961, at 3 o'clock p.m., with Mayor Brookshire presiding and Councilmen Albea, Bryant, Dellinger, Jordan and Thrower present.

ABSENT: Councilmen Smith and Whittington.

\* \* \* \* \*

INVOCATION.

The invocation was given by the Reverend Robert W. McSwain, Minister of Education of Garr Memorial Church.

MINUTES APPROVED.

Upon motion of Councilman Dellinger, seconded by Councilman Thrower, and unanimously carried, the Minutes of the last meeting on September 18th were approved as submitted.

ORDINANCE NO. 42-Z AMENDING CHAPTER 23, ARTICLE II, SECTION 23-43 OF THE CITY CODE, TO CHANGE ZONING FROM R-2 TO B-1 ON PROPERTY ON THE NORTH SIDE OF SHAMROCK DRIVE, BETWEEN EASTWAY DRIVE AND FINCHLEY DRIVE, DENIED.

Upon motion of Councilman Dellinger, seconded by Councilman Bryant, and unanimously carried, Ordinance No. 42-Z Amending Chapter 23, Article II, Section 23-43 of the City Code to change zoning from R-2 to B-1 on property on the north side of Shamrock Drive, between Finchley Drive and Eastway Drive, was denied as recommended by the Planning Board.

ORDINANCE NO. 43-Z AMENDING CHAPTER 23, ARTICLE II, SECTION 23-43 OF THE CITY CODE TO CHANGE ZONING FROM R-2 TO B-1 ON PROPERTY ON THE SOUTH SIDE OF THE PLAZA, BETWEEN WELDON AVENUE AND BLACKWOOD AVENUE, DENIED.

Upon motion of Councilman Thrower, seconded by Councilman Albea, and unanimously carried, Ordinance No. 43-Z Amending Chapter 23, Article II, Section 23-43 of the City Code, from R-2 to B-1 on property on the south side of The Plaza, between Weldon Avenue and Blackwood Avenue, was denied as recommended by the Planning Board.

ORDINANCE NO. 51 AMENDING CHAPTER 9, ARTICLE I, SECTION 9-23 OF THE CITY CODE TO PERMIT SALES FROM VEHICLES OF ICE CREAM FROM FREEZER DISPENSERS, DEFERRED FOR ONE WEEK.

Councilman Bryant moved the adoption of Ordinance No. 51 Amending Chapter 9 Article I, Section 9-23 of the City Code, to permit Sales from Vehicles of Ice Cream from Freezer Dispensers. The motion was seconded by Councilman Jordan.

Councilman Thrower offered a substitute motion that action be deferred for one week, as he has not made up his mind because of the danger to children running into the street to purchase ice cream from the trucks. The motion was seconded by Councilman Albea, who called attention that he was not at the meeting last week and would like to give this more thought as he, too, believes it will be dangerous to children, and the City is trying to enforce the jaywalking law at this time.

September 25, 1961  
Minute Book 41 - Page 13

Mr Charles Coira, Attorney, stated the trucks his client will use open from the side and the ice cream is dispensed through a side window directly to the person at the curb and it is not necessary for the person to be in the street. That they realize great care must be taken to prevent accidents to children, and it may be his client will arrange to have the trucks go up each side of the street.

Councilman Thrower stated there have been no accidents because of the present similar ice cream trucks operating on the streets, but every truck that is added increases the possibility of accidents; that if this could be tied in with the safety program, and all ice cream trucks come under it, he would favor it.

Councilman Dellinger stated he understood the ice cream was in sealed packages, and Mr Coira explained that the truck is a self-contained unit in which the ice cream is produced and dispensed through an outlet directly into a cone or cup held by the purchaser - that it is dispensed in the exact same manner as at Dairy Queen Stands.

Councilman Bryant stated he thinks the subject before the Council should be decided - - whether to approve the sale from trucks of open ice cream against sealed ice cream - and not confuse the question with the safety angle, and go into that next week. He called attention that the proposed units have the approval of the local and state health authorities.

Councilman Dellinger stated in his opinion if approval is not given the operation of the units represented by Mr Coira because of the danger to children, then he thinks the licenses issued the other ice cream truck people should be held up until a safety program is worked out.

Mr Coira stated the time element is important to them in getting their order placed for the trucks, etc, and he assured Council if their operation is approved today, they will cooperate in any safety measures later adopted by Council.

The vote was taken on the substitute motion, and lost by the following recorded vote:

YEAS: Councilmen Thrower and Albea.  
NAYS: Councilmen Bryant, Dellinger and Jordan.

The vote was taken on the main motion and lost by the following recorded vote:

YEAS: Councilmen Bryant, Dellinger and Jordan.  
NAYS: Councilmen Albea and Thrower.

Councilman Jordan moved that the ordinance be docketed for action at next week's meeting. The motion was seconded by Councilman Dellinger, and unanimously carried.

**PAYMENT AUTHORIZED FOR RIGHTS OF WAY FOR EAST FIFTH AND EAST SIXTH STREET CONNECTORS.**

Upon motion of Councilman Bryant, seconded by Councilman Dellinger, and unanimously carried, the payment of \$41.00 was authorized to Mr William T. Boyd and wife, and \$6,500.00 to Mrs Nell M. Wilkinson and husband, for rights of way for the East Fifth and East Sixth Street Connectors.

**PERMISSION GRANTED PAULA PAYNE PRODUCTS COMPANY TO CONNECT PRIVATELY OWNED SEWER LINE TO CITY'S SANITARY SEWERAGE SYSTEM.**

Councilman Thrower moved that Paula Payne Products Company be granted permission to connect their privately owned sewer line to the City's Sanitary Sewerage System in accordance with the standard city policy governing such connections. The motion was seconded by Councilman Albea, and unanimously carried.

**CONTRACTS AUTHORIZED FOR THE INSTALLATION OF WATER MAINS.**

Upon motion of Councilman Albea, seconded by Councilman Jordan, and un-animously carried, the following contracts were authorized for the installation of water mains:

- (a) Contract with Walter Spearman Company for the installation of 20,741 feet of water mains and 4 hydrants in Seven Oaks Subdivision, outside the city limits, at an estimated cost of \$61,800.00. The Company to pay the entire cost and own same until the area is incorporated into the city.
- (b) Contract with Walter Spearman Company for the installation of 736 feet of water mains in Seven Oaks Subdivision, inside the city limits, at an estimated cost of \$2,300.00. The City to finance all costs and applicant to guarantee an annual gross water revenue equal to 10% of the total cost.
- (c) Contract with Tri-Development Company for the installation of 5,810 feet of water mains and 2 hydrants in Madison Park Subdivision No. 6, inside the city limits, at an estimated cost of \$16,500.00. The City to finance all costs and applicant to guarantee an annual gross water revenue equal to 10% of the total cost.

**EXTRA WORK ORDER NO. 2 AUTHORIZED IN CONNECTION WITH CONTRACT WITH YEARWOOD CONSTRUCTION COMPANY FOR CONSTRUCTION OF WOODLAWN FIRE STATION.**

Councilman Jordan moved approval of Extra Work Order No. 2, in the amount of \$192.07 covering additional concrete footing and reinforcing steel for hose tower in connection with the contract of Yearwood Construction Company for the construction of Woodlawn Fire Station on Inwood Drive. The motion was seconded by Councilman Albea, and unanimously carried.

**REJECTION OF BIDS FOR INSTALLATION OF 24-INCH WATER MAINS IN NORTH TRYON STREET.**

Upon motion of Councilman Dellinger, seconded by Councilman Thrower, and unanimously carried, all bids received on July 21, 1961 for the construction of a 24-inch cast iron water main in North Tryon Street and the tentative award of contract to the low bidder, Blythe Brothers Company, on July 31, 1961, were rejected.

**CONTRACT AWARDED TERRY CONSTRUCTION COMPANY FOR CONSTRUCTION OF TAGGART CREEK OUTFALL.**

Councilman Albea moved the award of contract to the low bidder, Terry Construction Company, for the construction of Taggart Creek Outfall, at their bid price of \$125,737.95. The motion was seconded by Councilman

September 25, 1961  
Minute Book 41 - Page 15

Bryant, and unanimously carried.

The following bids were received:

Terry Construction Company	\$125,737.95
C. M. Allen & Company, Inc.	\$141,093.75
A. P White & Associates	\$148,875.60
Blythe Bros Company	\$159,818.20
Noll Construction Company	\$159,841.00
Ray D. Lowder, Inc.	\$161,753.20
C. D. Spangler Construction Co.	\$162,716.00
C. W. Gallant, Inc.	\$173,577.15
Boyd & Goforth, Inc.	\$178,952.40

CONTRACT AWARDED BLYTHE BROS COMPANY FOR PAVING VARIOUS STREETS.

Upon motion of Councilman Dellinger, seconded by Councilman Bryant, and unanimously carried, contract was awarded the low bidder, Blythe Bros Company, for paving various streets within the city, at their total bid price of \$104,055.00.

The following bids were received:

Blythe Bros Company	\$104,055.00
Rea Construction Company	\$106,797.00

TRANSFER OF CEMETERY LOTS.

Motion was made by Councilman Bryant, seconded by Councilman Jordan, and unanimously carried, authorizing the Mayor and City Clerk to execute deeds for the transfer of the following cemetery lots:

- (a) Deed with J. W. McWhirter, Mrs Jennie Phillips McWhirter and Miss Lucille McWhirter, for Graves #4, 5 and 6, in Lot 24, Section 3, Evergreen Cemetery, at \$180.00.
- (b) Deed with W. L. Hinson and wife, for Northeast quarter of Lot 55, Section A-Annex, Elmwood Cemetery, transferred from Mrs Myrtle H. Gallagher and husband, at \$3.00 for transfer.
- (c) Deed with Mrs Myrtle Gallagher, for northeast quarter of Lot 55, Section A-Annex, Elmwood Cemetery, at \$3.00 for new deed.

CONTRACT AWARDED J. V. ANDREWS COMPANY FOR REPLACING HEATING PLANT AT FIRE STATION ON WEST FIFTH STREET.

Councilman Thrower moved the award of contract to the low bidder, J. V. Andrews Company, for replacing the heating plant at the Fire Station on West Fifth Street, at their total bid price of \$1,350.00. The motion was seconded by Councilman Jordan, and unanimously carried.

The following bids were received:

J. V. Andrews Company	\$ 1,350.00
Southern Comfort of Charlotte	\$ 1,485.00
Averette & Ledbetter Roofing & Heating	\$ 1,500.00
Thompkins-Johnston Plbg. & Heating	\$ 1,585.00
W. B. Branson Heating Co., Inc.	\$ 1,883.00

CONSTRUCTION OF TEMPORARY SIDEWALKS AUTHORIZED ON ASHLEY ROAD, MARKHAM COURT AND HOLLIS ROAD, AND FUNDS APPROPRIATED FROM CONTINGENCY FUND FOR THIS PURPOSE.

Upon motion of Councilman Dellinger, seconded by Councilman Albea, and unanimously carried, the construction of temporary sidewalks was authorized on Ashley Road, Markham Court and Hollis Road, and \$2,800.00 for this purpose was appropriated from the Contingency Fund.

APPOINTMENT OF ELECTRICAL ADVISORY BOARD REPORTED.

Report was made that the following persons have been appointed members of the Electrical Advisory Board by the City Manager:

Mr Grady Sparrow, Electrical Contractor  
Mr Howard J. Foy, Electrical Contractor  
Mr Charles E. Speaks, Electrical Workers (Journeyman)  
Mr Billy E. Smith, Electrical Workers (Journeyman)  
Mr John Kingry, Public Utility Company, Engineering Department,  
Duke Power Company  
Mr Ben Weinreb, Electrical Engineer  
Mr McDowell Brackett, Architect

CITY MANAGER REQUESTED TO REPORT ON VARIOUS ITEMS.

Councilman Dellinger requested the City Manager to report on the following matters:

- (a) Report on Tennessee Avenue, previously requested.
- (b) Give clarification of the Engineering Department's report that St. Julian Street does not need resurfacing, while the residents say it is in bad condition.
- (c) Have street signs erected at Webster and Conway Drive, the residents state there is no sign on Webster Street.

APPOINTMENT OF THIRD ASSISTANT CLERK OF RECORDER'S COURT AUTHORIZED.

Councilman Albea moved the appointment of a third Assistant Clerk of City Recorder's Court, and the appropriation of \$2,510.00 for this purpose from the Contingency Fund. The motion was seconded by Councilman Thrower, and unanimously carried.

ADJOURNMENT.

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

  
Lillian R. Hoffman, City Clerk