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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber of the City Hall, on Wednesday, July 27, 1955, at 11 o'clock a.m., with Mayor Van Every presiding, and Council members Albea, Baxter, Brown, Dellinger, Evans, Smith and Wilkinson present.

ABSENT: None.

INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Smith, seconded by Councilman Wilkinson, and unanimously carried, the Minutes of the last meeting on July 13th were approved as submitted.

ACTION DEFERRED UNTIL AUGUST 24TH MEETING ON ORDINANCE NO. 258 TO AMEND THE ZONING ORDINANCE TO CHANGE ZONING ON TRACT OF LAND LOCATED OFF WEST TRADE STREET ALONG WESTERLY BORDER OF IRWIN CREEK, UPON PETITION OF E. C. GRIFFITH COMPANY AND THE P. & N RAILWAY COMPANY.

At the scheduled hearing relative to the adoption of Ordinance No. 258 to Amend the Zoning Ordinance to change the zoning from R-2 to Industrial on a tract of land located off of West Trade Street along the westerly border of Irwin Creek, Mr. Jay Alexander, Attorney representing residents of Wesley Heights section opposed to the proposed zoning classification, appeared before Council and filed two petitions which he stated bore 186 signatures, and which represents the great majority of the residents of the area. He advised that there are four blocks of residents along Summit Avenue who will be affected by the change, and the petition bears the signatures of 63 of these residents, being all but one person. That the other petition bears the names of the remaining 123 residents within the area.

Mr. Alexander stated that the proposed ordinance has only one purpose which is to enable one or more property owners to realize a great financial gain to the detriment of the other property owners of the area. He advised that although the Zoning Board of Adjustment recommended the proposed change, that it was not unanimous with the Board members. He reviewed the purposes of Zoning and stated the proposed ordinance does not fulfill a single one of these purposes - that it does not promote the orderly growth of Charlotte, nor protect the adjacent property owners nor prevent blighting of the area. He advised that the Wesley Heights area was developed by E. C. Griffith Company in 1924 and was highly restricted to residential purposes only and that his clients purchased their properties on that basis. He stated the residents are not wealthy people, but have had to struggle to pay for their homes and that most of the residents are elderly persons, retired and/or widows and cannot start life over again. He contended that the property in question is suitable for residential purposes, but if the Council can in their own minds determine that it is unsuitable for residences, then his clients beg that the Council give them time to enjoy their property for the remainder of their lives before it is permitted to be developed industrially.

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Mr. James Moore, Attorney, representing E. C. Griffith Company, one of the petitioners for the change, stated that their petition was first filed with Zoning Board of Adjustment on February 15, 1955; that the Board investigated the area, had the proper hearing and recommended the zoning change to the City Council. That the Council referred it back to the Zoning Board for consideration along with the adjacent property of the P & N. Railway; that the Board again made an investigation, held a hearing, and again has recommended the change, and the Petitioners urge that the Council settle the matter today and permit the change in zoning. He referred to the statement of the Attorney for the opponents that the requested change is not for the orderly growth of Charlotte, and stated that the duty of the Zoning Board is to consider the reclassification of property as it relates to the entire city and its potentiality and not just the surrounding area, and it is the duty of the City Council to do likewise. He stated that he has not seen the Petitions, purported to be signed by 168 residents in opposition to the change, and that he questions that it bears the signatures of 20% of the residents, as the property in question is bounded by Industrial property and Irwin Creek and only on the west-side by Wesley Heights. He stated further that the property lies very low, that the engineering report shows that the elevation of Wesley Heights is 50-feet higher than the property proposed for reclassification, which is a natural barrier against encroachment into the Wesley Heights area, as is Irwin Creek on the east. Mr. Moore stated that the Wesley Heights subdivision map does not include this tract of land; therefore the residents have neither a moral nor legal right to assume that it would be held for residential purposes; that their deeds read that the Wesley Heights property "is restricted to residential property but no other property is so restricted"; therefore, the petitioner says they are entitled to develop the property to their best advantage.

Councilman Dellinger asked if the Company had any immediate plans for developing the property? Mr. Moore replied that they did not, but no doubt they will do so at some time.

Councilman Brown asked if they had no plans for development then what was the rush to have it rezoned? Mr. Moore replied that his client does not have any plans at this time but he would want to develop the area consistently when it is done; that even though the two ends of the property are zoned for industrial development, they would be unable to develop it if the middle section were left residential, and it could be that someone would want to develop the entire area industrially. He stated further that he should probably say that his client has no concrete plans for development instead of no immediate plans.

The City Attorney asked Mr. Alexander if he understands that the petitions he has filed represent all of the property bordering the property in question? Mr. Alexander replied, "No, but they represent all but one of the property owners on the west side, which is the Wesley Heights section."

Mr. Franklin Wade, representing the P & N Railway Company stated that the rezoning will help both Griffith Company and the Railway Company; that the property on the south side is owned by the Railway and it is not large enough for us to develop by themselves but they can work with Mr. Griffith.

Mr. J. C. McGowan, representing the P & N Railway Company, stated that the facts in the case presented by Mr. Moore are entirely correct and he concurs in them.

Mr. J. D. Ramsey, 400 S. Summit Avenue, Mr. R. O. Fortenbury, 633 Grandin Road, and Mrs. J. R. Caudle each spoke in opposition to the proposed change.

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Councilman Alba moved that the petition for the reclassification be denied. The motion did not receive a second.

Councilman Dellinger moved that action be deferred until the meeting on August 24th, and that all of the Council members who have not seen the area in question, go out and do so prior to that date. The motion was seconded by Councilman Wilkinson, and unanimously carried.

ORDINANCE NO. 268 AMENDING THE ZONING ORDINANCE CHANGING ZONING ON THE 2900 BLOCK OF WESTFIELD ROAD AND IRBY DRIVE.

At the scheduled hearing on Ordinance No. 268 Amending the Zoning Ordinance to change the zoning from R-1 to R-2 on property located in the 2900 block of Westfield Road and Irby Drive, upon petition of Ben D. Heath, III and Charles C. Tucker, no opposition to the proposed change was expressed. Councilman Brown moved the adoption of the ordinance, which was seconded by Councilman Baxter, and unanimously carried. The ordinance is recorded in full in Ordinance Book 11, at Page 437.

ORDINANCE NO. 269 AMENDING THE ZONING ORDINANCE CHANGING THE ZONING OF A LOT AT THE SOUTHWEST CORNER OF SOUTH TRYON STREET AND WOODCREST AVENUE.

The scheduled hearing was held on Ordinance No. 269 Amending the Zoning Ordinance to change the zoning from R-2 to B-1 on the lot located at the southwest corner of South Tryon Street and Woodcrest Avenue, upon petition of Mrs. Kathleen T. Webb. No opposition to the proposed change was expressed. Whereupon, Councilman Wilkinson moved the adoption of the ordinance, which was seconded by Councilwoman Evans, and unanimously carried. The ordinance is recorded in full in Ordinance Book 11, at Page 438.

ALL BIDS REJECTED ON STEEL FOLDING CHAIRS FOR THE COLISEUM, AFTER AWARD OF CONTRACT ON JULY 13, 1955 TO AMERICAN SEATING COMPANY WAS RESCINDED.

Mr. Francis Fairley, Attorney representing Fowler's, Office Suppliers, 112 South Church Street, Charlotte, stated that the City published an advertisement in The Charlotte Observer for Steel Folding Chairs for the Coliseum, stating the bids would be opened and read on June 13, 1955; that his client submitted a bid in the amount of \$14,890.00, which was read and which was the low bid read. That the American Seating Company submitted a bid of \$16,400 which was read. That the Architect, who read the bids, recommended to the City Council the award of the contract for the chairs to the American Seating Company on their Alternate Bid of \$14,700.36, which bid was not read at the opening of the bids. Mr. Fairley presented an affidavit signed by Mr. C. P. Edwards, Jr., who is the Secretary of Modern Office Supply Company, Inc. located at 821 West Morehead Street, Charlotte, in which is stated that pursuant to the Advertisement for Bids on the aforementioned Coliseum Chairs, his company submitted a bid for \$15,400.00 and that he personally was present when the bids were opened and that Mr. Odell read the bids and did read a bid of the American Seating Company, Grand Rapids, Michigan, for \$16,400.00 and did read the bid of the Fowler Company on said chairs in the sum of \$14,890.00 and did read various other bids on the chairs, and that the bid of the Fowler Company was the lowest bid read and that Mr. Odell said nothing about any alternate bids, and that he, was and is, of the opinion that the Fowler Company submitted the low bid and is entitled to be awarded the contract for the said chairs.

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Mr. Fairley stated that their further contention is that the specifications called for samples of chairs on which bids were submitted; that Mr. Fowler submitted a sample of the chair on which he bid; that it is their information that the American Seating Company did not submit a sample of the exact chair on which the contract was awarded, but did submit a sample chair on which their bid of \$16,400.00 was based; and that the chair the City purchased is not locked together as the sample submitted nor according to the specifications. At this time Mr. Fowler brought in the three types of chairs under discussion and explained them to the Council.

Mr. Fairley stated that there is no doubt but that the Fowler bid is the low bid submitted, and that the award of the contract to the American Seating Company on their alternate bid of \$14,700.36 is improper and unlawful, as it was not read aloud nor does it comply with the specifications as the chair is not braced as called for in the specifications. Therefore, he asks that the Council modify their actions and award the contract to the Fowler Company. He stated further that from his investigation, it practically established that the contract with the American Seating Company has not been executed by the City, and therefore, the Council is at liberty to take any action they wish.

Councilman Dellinger asked the City Attorney if under the law all bids must be read. Mr. Shaw replied that they should be read and it is irregular if not. That he understands that there were base bids and alternate bids submitted, and if someone had wanted to know about the alternates they should have spoken up. Also that he understands that no alternates were read, that Mr. Odell did not go beyond the base bids.

Councilman Baxter stated that in receiving public bids the base bid is the only one read or required by law to be read.

Mr. Odell stated that the Opening of the Bids on all of the equipment was certainly on the up-and-up and the letting was handled in order. That there were hundreds of figures read at the opening of the bids and he is under the impression that he read the alternate bid in question. That the Committee recommended the award to the low bidder on the chairs. That the Council may, if they wish, reject all the bids and readvertise.

Councilwoman Evans moved that the action of the Council on July 13th awarding contract for the Coliseum Chairs be rescinded and the Chairs be readvertised for bids. The motion was seconded by Councilman Brown, and unanimously carried.

The City Attorney asked if these chairs are essential for the opening of the building on September 11th, as proposed. Mr. Odell replied that he believes they can be readvertised and received easily in time for the opening.

CONTRACT AWARDED SMITH-WADSWORTH HOTEL SUPPLY COMPANY FOR CONCESSION EQUIPMENT FOR THE AUDITORIUM.

Mr. Odell, Architect for the Auditorium-Coliseum, stated they readvertised for bids on the Concession Equipment for the Auditorium and received the bids on yesterday. That the base bids, including the fountain were submitted by Grant E. Key, in the amount of \$15,049.29, Smith-Wadsworth Hotel Supply at \$13,600.69 and Hood-Gardner at \$17,731.12, the low bidder being Smith-Wadsworth Hotel Supply Company. That in addition to these bids, proposals have been received on the fountain from the Royal Crown Cola Company, Coca-Cola Bottling Company and Dr. Pepper.

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He advised further that the Building Committee stands by its recommendations that the contract be awarded to the low bidder, on his base bid.

Mayor Van Every stated there are two questions the Council must decide - first, is the City going to dispense its own drinks or not?

Mr. Stanton Pickens of the Coca-Cola Bottling Company stated the City will realize a savings of over \$2,000.00 if the Coca-Cola Fountain is used; that it will also save on the overhead expense in serving drinks. That Mr. Buck, the Auditorium-Coliseum Manager, states he prefers the Fountain and cups to bottled drinks. He advised that his cost of the refrigerator equipment is \$898.00, which is the total cost to the City.

Mr. Jim Link of the Royal Crown Cola Company and Nehi Company stated they have a fountain unit they wish to install in the Auditorium. That their cost is \$2,450.00 for two units. That they have three of these machines in operation in Charlotte, and also in the Union Bus Station and in McClellan's Five & Ten Store, while there are none of the Coca-Cola Machines in operation in town. That their unit is most compact, and will take up three or four times less space than the Coca-Cola machine. That they wish to sell it to the City for what it cost, plus installation cost.

Councilman Brown moved that the Council accept the recommendation of the Building Committee and award the contract to the low bidder, Smith-Wadsworth Hotel Supply Company at their bid price of \$13,680.69. The motion was seconded by Councilman Dellinger.

Councilman Smith offered a substitute motion that the bid of Smith-Wadsworth Company, in conjunction with that of the Coca-Cola Bottling Company be accepted. The motion was seconded by Councilman Wilkinson, and lost with the votes cast as follows:

YEAS: Councilmen Smith, Wilkinson and Baxter.
NAYS: Councilmen Albea, Brown, Dellinger and Evans.

The vote was then taken on the main motion to award the contract to the Smith-Wadsworth Hotel Supply Company at \$13,680.69, and carried, with the votes cast as follows:

YEAS: Councilmen Brown, Dellinger, Evans and Albea.
NAYS: Councilmen Smith, Wilkinson and Baxter.

REPORT OF AUDITORIUM-COLISEUM BUILDING COMMITTEE AND ARCHITECT CONCERNING THE PROJECT.

Councilman Albea stated he would like the Architect to discuss the matter of bathing facilities and hot water at the Coliseum, which has received such wide-spread public discussion recently, that he wants to know definitely if these facilities are out there or not?

Mr. Odell, Architect for the Auditorium-Coliseum stated the buildings have been constructed in accordance with the plans approved by the City Council some two years ago. That he and the Building Committee have no apologies to make whatsoever. That the confusion as to what facilities are in the buildings appears to be with The Charlotte Observer only, and he would like to go over the buildings with the City Officials whenever they wish. Mr. Odell stated the proper number of dressingrooms and showers are in the buildings and there most certainly is hot water. That he and the Building Committee know there are no inadequencies in the buildings. That after the first inaccurate story appeared in The Charlotte Observer written by Mr. Kays Gary he called

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Mr. Gary and asked him to call on his office for any information concerning the building that he desired so that his articles would be correct. Mr. Odell said that the publicity being given the buildings through these inaccurate statements is terrible for the City of Charlotte and is being carried in the Observer all over North and South Carolinas.

Mayor Van Every stated he agrees with Mr. Odell, and it is a slap at the fine men serving on the Building Committee. That he is much disturbed at the misinformation being carried in The Charlotte Observer, and it is damaging also to the City of Charlotte.

Councilman Baxter stated the Building Committee and Architect have done a wonderful job on the buildings and it is too bad that this kind of publicity is going out all over the state. That he had always been of the opinion that newspaper were interested in getting the facts in a case.

Mr. Odell submitted a floor plan of the movable petitions, dressing-rooms and showers for the information of the Council and explained in detail the plan for their use. Councilwoman Evans asked how many persons can be accommodated in the dressing-room areas at one time - for example could the 25 persons in a basketball tournament be served in one dressing-room? Mr. Odell stated they can - that the room will serve 12 men adequately at one time. He advised that lockers were not installed as it is felt they will not be needed; however, should it be decided later to install them it can be done without bother or change.

Councilwoman Evans then asked if they considered the problem of segregation? Mr. Odell replied this has been considered only as far as restrooms are concerned, and he explained in detail the number of toilets in each of the two buildings. Mr. Odell advised further that it is the Auditorium-Coliseum Authority who will set the policies for the operation of the buildings.

Mr. J. P. McMillan, member of the Building Committee, stated that the Authority will assign the restrooms. That there are six restrooms in the Auditorium and ten in the Coliseum with a total of 139 toilets, while Cincinnati Gardens has 117 toilets and the Raleigh Coliseum has 106. Councilwoman Evans then stated that people want to know what about checkroom facilities? Mr. McMillan stated the checkroom facilities are very limited; that experience has shown that few people utilize them in a Coliseum-type attraction, that in the Auditorium they are entirely sufficient. Councilwoman Evans then asked about dressing-rooms for skaters? Mr. Odell stated there has been much talk about ice-skating by the public, and only experience will prove if it materializes; however, in most places the skaters sit on the edge of the rink to change into skates.

Mr. McMillan stated he has been working on the Auditorium-Coliseum project for several years as a member of the Building Committee, and the work has progressed steadily and pleasantly until suddenly we have this cloud to appear, and he is at a loss as to what has brought about the wide-spread criticism through the press. That it has never been the thought of the Committee not to cooperate with the City Council - that their one desire is to give the Council the finest building in the country. That neither the Building Committee nor the Authority have ever lost sight of the fact that the buildings are for the people of Charlotte. That early in the construction of the auditorium Mr. Odell stated he would like to have a blue tile on the front of the building, which would keep clean longer than the material planned, and as a saving had been realized in the hardware for the building, the tile could be secured within the budget for the building, and the Building Committee approved it. That later the Committee held that it was not approved by the Council. That the next thing is the present discussion, or criticism regarding hot water and the number of showers.

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Councilman Smith stated that his thought in connection with the blue tile is that if something had come up in one's own personal business that was rejected by the person or persons in authority, and then in some way got through, it should be questioned. That Mr. Yancey advised the Council that the tile was on the Auditorium grounds before the Change Order for its purchase came to the City Hall for approval. Councilman Smith then asked Mr. Yancey if he approved the Change Order for the tile, and Mr. Yancey replied that he did not O.K. it at any time.

Councilwoman Evans asked if when the final nail is driven in the Buildings, if the Council could not go on a tour of the buildings with the Building Committee. Mr. McMillan stated they would welcome the opportunity of showing the buildings to the City Officials, and he suggested that the tour be made on next Friday.

PETITION OPPOSING REROUTING OF BUS NO. 1 REFERRED TO CHARLOTTE CITY COACH LINES WITH REQUEST THAT THEY DO THEIR BEST TO ALLEVIATE THE SITUATION.

Councilwoman Evans submitted a Petition from residents of Brandon Circle, opposing the change in route of Bus #1, being the Queens Road Bus. She moved that the Council recommend to the Charlotte City Coach Lines that they do their utmost to eliminate this order. The motion was seconded by Councilman Smith, and unanimously carried.

PETITION PROTESTING TRUCK ROUTE ON PARK AVENUE, BETWEEN CAMDEN ROAD AND SOUTH BOULEVARD, DISCUSSED.

Councilman Brown stated that the business establishments in the 100 block of East Park Avenue feel that the present arrangements of truck traffic on Park Avenue, between Camden Road and South Boulevard is detrimental to their business in that they block traffic for long periods of time, preventing ingress and egress. That they feel that the truck traffic could be handled over West Boulevard, only a few blocks to the south, with much less confusion. He stated he has filed a petition from these business concerns with the City Clerk and has discussed it with Mr. Hoose, Traffic Engineer, who advised that it is a state highway and the change would have to be approved by the State Highway Department; however, Mr. Hoose stated that within a few more weeks the new South Boulevard-Independence Boulevard intersection will be opened to permit U. S. #21 traffic proceeding along South Boulevard. Councilman Brown stated that Mr. Hoose will return from his vacation today and he will again confer with him regarding the immediate elimination of the present routing.

DOUBLE-ARROW REFLECTOR REQUESTED PLACED AT EAST PARK AVENUE AND AVONDALE AVENUE INTERSECTION.

Councilwoman Evans requested that a double-arrow reflector be placed at the intersections of East Park Avenue and Avondale Avenue to indicate that East Park Avenue is a dead-end street, and that traffic may turn either to the right or left at the intersection. The City Manager stated the sign would be erected.

TRAFFIC SIGNAL ERECTION RECOMMENDED AT EUCLID AND EAST PARK AVENUES, AND TRAFFIC COUNT OF INTERSECTION ORDERED.

Councilwoman Evans recommended that a traffic signal be installed at Euclid Avenue and East Park Avenue in lieu of the present flicker light, as this is a hazardous intersection, made so particularly because of Dilworth School. The City Manager advised that the Traffic Engineer has stated that the light is not needed; however, he will have him make another traffic count at the intersection and will advise the Council.

RESOLUTION WITH REGARD TO PLACING FOOTINGS UNDER THE SIDEWALK ADJACENT TO BUILDING OF THE HAWTHORNE MEDICAL CENTER, INC. ON HAWTHORNE LANE.

A resolution entitled: "Resolution with Regard to Placing Footings under the Sidewalk Adjacent to Building of the Hawthorne Medical Center, Inc., on Hawthorne Lane" was introduced and placed on its final reading. Councilman Dellinger moved the adoption of the resolution, which was seconded by Councilman Wilkinson, and unanimously carried. The resolution is recorded in full in Resolutions Book 2, at Page 324.

CHANGE ORDERS IN AUDITORIUM-COLISEUM CONSTRUCTION CONTRACTS APPROVED.

Upon motion of Councilman Baxter, seconded by Councilman Brown, and unanimously carried, the following Change Orders in Contracts for the construction of the Auditorium-Coliseum were approved:

- (a) In contract with Thompson & Street Company, General Construction Contractors, Change Orders No. G-2 for \$1,505.00, No. G-3 for \$4,873.68; No. G-4 for \$2,444.43 and No. G-5 for \$36,722.69.
- (b) In contract with Hopkins, Hicks & Ingle, Heating Contractors, Change Order No. H-1 for \$1,961.80.
- (c) In contract with P. C. Godfrey, Inc., Plumbing Contractor, Change Order No. P-3 for \$747.00.
- (d) In contract with F. E. Robinson Company, Electrical Contractor, Change Orders No. E-2 for \$577.00; No. E-3 for \$2,485.00 and E-4 for \$4,284.00.

NAME OF "B AVENUE" CHANGED TO COLDSTREAM LANE.

Councilman Baxter moved approval of the request of residents of "B" Avenue that the street name be changed to Coldstream Lane. The motion was seconded by Councilman Smith, and unanimously carried.

INSTALLATION OF GRATES IN SIDEWALK IN 400 BLOCK OF NORTH TRYON STREET APPROVED.

Motion was made by Councilman Smith, seconded by Councilman Baxter, and unanimously carried, approving the installation of grates in the sidewalk in the 400 block of N. Tryon Street by Duke Power Company to serve the Professional Building.

CONTRACT AUTHORIZED WITH TRIECE CONSTRUCTION COMPANY AND S. A. HUNTER, JR. FOR THE INSTALLATION OF WATER MAINS.

Upon motion of Councilman Dellinger, seconded by Councilman Baxter, and unanimously carried, the following contracts for the installation of water mains were authorized:

- (a) Contract with Triece Construction Company, Inc., for the installation of 4,990-ft. of water mains and four fire hydrants in the Briarwood Park Subdivision, at an estimated cost of \$14,300.00. All costs to be borne by the applicant, who will own the mains and hydrants until the territory is taken into the City of Charlotte.
- (b) Contract with S. A. Hunter, Jr., for the installation of 750-ft. of water mains in Hillside Acres Subdivision, at an estimated cost of \$1,500.00. All costs to be borne by the applicant, who will dedicate the mains to the City upon their installation.

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CONSTRUCTION OF SANITARY SEWERS AUTHORIZED.

Motion was made by Councilman Wilkinson, seconded by Councilman Dellinger, and unanimously carried, authorizing the construction of sanitary sewer mains at the following locations:

- (a) Construction of 202-ft. of sanitary sewer main in Firth Court West, at the request of Mrs. Elsie Roberts, to serve one family unit and two vacant lots, at an estimated cost of \$400.00. All costs to be borne by the City and applicant's deposit of 200.00 to be refunded as per terms of the contract.
- (b) Construction of 740-ft. of sanitary sewer mains in South Tryon Street, at request of Charlotte Lumber & Mfg. Company, to serve a portion of property in South Tryon and Foster Streets, at an estimated cost of \$1,920.00. All costs to be borne by the City, and applicant's deposit of the full amount to be refunded as per terms of the contract.

CONTRACT AWARDED NORTH CAROLINA EQUIPMENT COMPANY FOR REPAIR PARTS FOR TRACTOR USED IN LANDFILL OPERATION.

Councilman Brown moved the award of contract to the North Carolina Equipment Company for Two Chains, 263995 R91 and One 46094 DB Shoes with bolts and nuts, as specified, at a total net delivered price of \$1,693.63, being repair parts for the International Tractor used in the landfill operation. The motion was seconded by Councilman Wilkinson, and unanimously carried.

CONTRACT AWARDED SUPERIOR STONE COMPANY FOR CRUSHED STONE FOR REPAIRING AND RECONDITIONING STREETS.

Motion was made by Councilman Smith, seconded by Councilman Wilkinson, and unanimously carried, awarding contract to Superior Stone Company for 2,500-tons Crusher Run 1½-inch; 1,500-tons #10; 10,000-tons #11; 2,500-tons #12, and 1,500-tons 3/8-inch Clean Stone, estimated quantities of Crushed Stone, as specified, on a unit price basis, representing a total net delivered price of \$44,845.00.

CONTRACT AWARDED PURE OIL COMPANY FOR 12-MONTHS SUPPLY OF GASOLINE.

Upon motion of Councilman Dellinger, seconded by Councilman Smith, and unanimously carried, contract was awarded The Pure Oil Company for 12-months supply of Gasoline, based on tankwagon price at time of delivery, as follows: 140,000-gallons regular Gasoline, as specified, delivery by tankwagon at \$28,196.00; 235,000-gallons regular Gasoline, as specified, delivery by transport at \$47,329.00, and 20,000-gallons premium Gasoline, as specified, delivery by tankwagon in quantities as specified at \$4,428.00, representing a total price of \$79,953.00, subject to cash discount of \$799.53, or a net delivered price of \$79,153.47, on a unit price basis.

CONTRACT AWARDED THE PURE OIL COMPANY FOR 12-MONTHS SUPPLY OF MOTOR OIL.

Councilman Dellinger moved that contract be awarded The Pure Oil Company for 6,500 gallons of Heavy Duty Motor Oil, as specified, on a unit price basis, representing a total price of \$2,518.75, subject to cash discount of \$25.19, or a net delivered price of \$2,493.56. The motion was seconded by Councilman Smith, and unanimously carried.

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CONTRACT AWARDED SHELL OIL COMPANY FOR 12-MONTHS SUPPLY GEAR LUBRICANT.

Upon motion of Councilman Dellinger, seconded by Councilman Smith, and unanimously carried, contract was awarded Shell Oil Company, for 4,000 pounds Gear Lubricant, as specified, S.A.E. 90, 140 and 250 (in 100 lb. kits) on a unit price basis, representing a total price of \$392.00, subject to cash discount of \$3.92, or a net delivered price of \$388.08.

CONTRACT AWARDED SHELL OIL COMPANY FOR 12-MONTHS SUPPLY OF CHASSIS LUBRICANT.

Motion was made by Councilman Dellinger, seconded by Councilman Smith, and unanimously carried, awarding contract to Shell Oil Company, for 3,010 pounds of Chassis Lubricant, as specified, to be purchased in 35, 100 and 400 pound containers, on a unit price basis, representing a total price of \$276.00 subject to cash discount of \$2.76, or a net delivered price of \$273.24.

CONTRACT AWARDED COLUMBUS OIL COMPANY FOR 12-MONTHS SUPPLY OF KEROSENE.

Upon motion of Councilman Dellinger, seconded by Councilman Smith, and unanimously carried, contract was awarded Columbus Oil Company for 25,000 gallons of Kerosene, as specified, on a unit price basis, deduction of \$0.005 per gallon on deliveries made through August 31, 1955, representing a total price of \$3,110.00, subject to \$50.00 cash discount, or a net delivered price of \$3,060.00.

CONTRACT AWARDED COLUMBUS OIL COMPANY FOR 12-MONTHS SUPPLY OF NO. 2 FUEL OIL.

Councilman Dellinger moved that contract be awarded Columbus Oil Company, for 35,000 gallons No. 2 Fuel Oil, as specified, on a unit price basis, deduction of \$0.005 per gallon on deliveries made through August 31, 1955, representing a total price of \$4,088.00, subject to cash discount of \$49.00, or a net delivered price of \$4,039.00. The motion was seconded by Councilman Smith, and unanimously carried.

CONTRACT AWARDED COLUMBUS OIL COMPANY FOR 12-MONTHS SUPPLY OF DIESEL FUEL.

Motion was made by Councilman Dellinger, seconded by Councilman Smith, and unanimously carried, awarding contract to Columbus Oil Company, for 25,000 gallons Diesel Fuel, as specified, delivery by tankwagon, on a unit price basis, representing a total price of \$2,920.00, subject to cash discount of \$35.00, or a net delivered price of \$2,885.00.

CONSTRUCTION OF DRIVEWAY ENTRANCES AUTHORIZED.

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

- (a) One 30-ft. and One 20-ft. driveway entrances at 1340 Romney Road.
- (b) One 26-ft. driveway at 3101 The Plaza.
- (c) One 12-ft. driveway at 1015 West 4th Street.
- (d) One 10-ft. driveway at 1111 South Tryon Street.
- (e) One 10-ft. driveway at 1603 Kenilworth Avenue.
- (f) One 8-ft. driveway on Seigle Avenue for 901 Parkway Avenue.
- (g) One 8-ft. driveway at 1320 Ferncliff Road.
- (h) One 8-ft. driveway at 3208 Windsor Drive.
- (i) One 8-ft. driveway at 5808 Wedgewood Drive.

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- (j) One 8-ft. driveway at 5830 Wedgewood Drive.
- (k) Extend the present 9-ft. driveway entrance to a total of 25-ft. at 112 East Morehead Street.
- (l) Extend the present 17-ft. driveway entrance to a total of 23-ft. at 2830 South Boulevard.
- (m) Extend the present 8-ft. driveway entrance to a total of 25-ft. at 2303 South Boulevard.

RENEWAL OF SPECIAL OFFICER PERMITS AUTHORIZED.

Motion was made by Councilman Wilkinson, seconded by Councilman Smith, and unanimously carried, authorizing the renewal of the following Special Officer permits:

- (a) Renewal of Permit to Mrs. Stella Patterson, on the premises of J. B. Ivey & Company.
- (b) Renewal of Permit to A. C. McGill and R. A. Smith on the premises of Highland Park Manufacturing Company.

UNFIT HOUSING QUARTERLY REPORT FOR PERIOD ENDING JUNE 30, 1955.

The City Manager presented the following quarterly report for period ending June 30, 1955, on the progress of inspections and repairs to Unfit Housing.

Number of Housing Units brought up to Standard	104
Number of property owners cited for hearings	21
Number of Housing Units condemned	15
Number of Bathing facilities installed	69
Number of Housing units demolished	44

Progress since the beginning of the Program in August of 1948:

Number of Housing Units Brought up to Standard to date	10,644
Number of Houses demolished to date	1,457

TRANSFER OF CEMETERY LOTS.

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

- (a) Deed with T. C. Mullis, for Lot 162, Section 4-A, Evergreen Cemetery, at \$126.00.
- (b) Deed with Mrs. Cora B. Ballew, Lot 151, Section 4-A, Evergreen Cemetery, at \$126.00.

AMENDMENT TO CAROLINA SPASTICS ASSOCIATION LEASE WITH CITY WHEREBY MAYOR WILL APPOINT BOARD OF TRUSTEES, TO BE CONCURRED IN BY CHAIRMAN OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS, IF DESIRED.

Mr. John D. Shaw, City Attorney, advised that when the Spastics Hospital Bond Election was authorized on May 3, 1955, the Local Government Commission suggested a change in the City's lease with the Carolina Spastics Association, operating on land owned by the City, whereby 51% of the Board of Trustees of the Hospital will be appointed by the Mayor. Mr. Shaw advised further that the Amendment has been drawn whereby the Mayor will appoint all members of the Board, to be concurred in by the Chairman of the Mecklenburg County Board of Commissioners if he desires. Mr. Shaw requested the Council's wishes in the matter. Councilman Baxter moved that the Amendment be approved as recommended. The motion was seconded by Councilman Brown, and unanimously carried.

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CITY ATTORNEY DIRECTED TO TAKE APPEAL TO SUPREME COURT IF JUDGE OF SUPERIOR COURT INVALIDATES ORDINANCES PROHIBITING SALE OF BEER AND WINE BY CAR HOP AND CURB SERVICE AND THE PURCHASE BY OR SALE TO MINORS.

Mr. John D. Shaw, City Attorney, discussed the two ordinances relating to the sale of beer, adopted by the Council on June 15th, stating that when the injunction was brought to restrain the City from enforcing the ordinances, the Judge upheld the validity of that portion of one of the ordinances as to the sale of beer on the Sabbath but ruled that the second portion of the same ordinance relative to the sale of beer by car hop and/or by curb service, and the second ordinance relative to the purchase by or sale to minors, were invalid and the final order to this effect would be signed if the plaintiffs submit to the Court financial statements showing they suffered serious financial losses during the week the ban was in effect. Mr. Shaw asked if the Judge does sign the restraining order if the Council wishes him to appeal the case to the Supreme Court. Councilman Smith moved that the City Attorney be authorized to appeal the case to the Supreme Court. The motion was seconded by Councilwoman Evans, and unanimously carried.

CITY ATTORNEY RULES NO NEGLIGENCE CHARGEABLE TO CITY COUNCIL, CITY MANAGER AND BUILDING INSPECTOR IN NON-ENFORCEMENT OF CLOSING OF NURSING HOMES.

Mr. Yancey, City Manager, stated he wishes to ask the City Attorney some questions regarding the resolution passed by the Council at its last meeting relative to extending the time until today with respect to closing the Nursing Homes in Charlotte in order that he could hear from the Insurance Commissioner. Mr. Yancey advised that he has a letter from the City Attorney under date of July 15th, enclosing a copy of the Insurance Commissioner's letter, and also he has on file letters from Dr. Ellen Winston in which she states the Nursing Homes may continue to operate for the current year, if they meet certain requirements but will not renew their licenses for another year.

Mr. Yancey asked the City Attorney what the City's position is in the matter? Mr. Shaw replied that the necessity for the adoption of the resolution at the last meeting was due to the fact that the City has a 30-day clause in its ordinance relative to the condemnation of unfit housing. He stated further that he recognizes the City's position in the matter; that the City owes ~~apparent~~ responsibility to the inmates of these Homes and also to the Operators of the Homes. That he understands the operators comply with all the requirements of the City Building Code; that the only thing is their noncompliance with the State Building Code. He stated further that the City notified these operators, under the provisions of our Code, to stop operating within 30 days, and then got in dultch with Raleigh because of interference. That the net result was that the Attorney General said to the Operators "if you will put nonambulatory patients, and patients who do not have the full use of their faculties, on the first floor of your Home and nowhere else, you may put your other type patients on the other floors." He stated further that it is, therefore, his opinion from the details in which we have gone into the matter, and the instructions received from Raleigh, that our Code is as safe as the Council can make it. He stated that he does not think the officials of Charlotte are subject to criticism as to the way the matter has been handled, provided periodic inspections are made by our Building Inspector.

Mr. Yancey then asked if in the light of the correspondence from the State Welfare Board, that it is the City Attorney's opinion that the City Council, City Manager and Building Inspector cannot be charged with negligence? Mr. Shaw replied, "that is correct in my opinion."

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Councilman Albea stated that he does not like the situation at all; that he thinks it is too close to the border line. The City Attorney replied, "If that is the case and if Councilman Albea wants to have the matter tested in Court, a motion should be made to have the Building Inspector close the Nursing Homes."

Mr. Yancey, City Manager, then stated that all he can do is to accept and rely on the ruling of the City Attorney that there is absolutely no negligence whatsoever on the part of the Council, City Manager and Building Inspector, and he shall depend on that.

CONTRACT AWARDED TROJAN PRESS FOR PRINTING CITY CHARTER.

Upon motion of Councilman Brown, seconded by Councilman Smith, and unanimously carried, contract was awarded Trojan Press for printing 2,000 copies of the City Charter, at a price of \$340.29, and the transfer of the said amount was authorized from the Emergency Fund (Code 110) to the City Clerk budget (Code 504 C-20) for payment thereof.

RESOLUTION RELATIVE TO ABANDONMENT OF PORTION OF HALL AVENUE.

A resolution entitled: "Resolution Relative to Abandonment of Portion of Hall Avenue" was introduced and read. Councilman Brown moved the adoption of the resolution, which was seconded by Councilman Smith, and unanimously carried. The resolution is recorded in full in Resolutions Book 2, at Page 325.

ORDINANCE AMENDING CITY CODE SO AS TO PERMIT THE SALE OF CERTAIN FOODS FROM STANDS OR VENDING DEVICES.

An ordinance entitled: "Ordinance Amending the City Code so as to Permit the Sale of Certain Foods from Stands or Vending Devices, was introduced and read. Councilman Smith moved the adoption of the ordinance, which was seconded by Councilman Albea, and unanimously carried. The ordinance is recorded in full in Ordinance Book 11, at Page 439.

RESOLUTION AUTHORIZING CONTRACT WITH STATE HIGHWAY & PUBLIC WORKS COMMISSION FOR THE WIDENING OF PROVIDENCE ROAD, EXTENDING FROM HANSON DRIVE TO THE SOUTH CITY LIMITS, BEING PROJECT. B.S. 10-6-67-110 LECKLENBURG COUNTY.

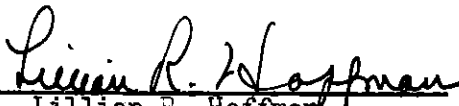
A resolution entitled: "Resolution Authorizing Contract with the State Highway & Public Works Commission Relative to the Widening of Providence Road, Extending from Hanson Drive to the South City Limits, Project B.S. 10-6-67-110, Lecklenburg County" was introduced and read. Councilman Dellinger moved the adoption of the resolution, which was seconded by Councilman Baxter, and unanimously carried. The resolution is recorded in full in Resolutions Book 2, at Page 326.

CITY MANAGER REQUESTED TO MAKE STATEMENT THROUGH PRESS OF CITY'S RESPONSIBILITY RELATIVE TO DRAINAGE FROM RAINFALL.

Councilman Brown stated that so many complaints are being received by the Council as to damages caused by rainfall and drainage therefrom, that he wishes to request the City Manager to make a public statement as to the City's responsibility relating thereto. Mr. Yancey, City Manager, stated he would be glad to do so tomorrow.

ADJOURNMENT.

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


Lillian R. Hoffman
City Clerk