

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, February 4, 1959, at 4 o'clock p.m., with Mayor Smith presiding, and Council members Albea, Baxter, Dellinger, Evans, Foard and Wilkinson being present.

ABSENT: Councilman Brown.

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INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Wilkinson, seconded by Councilman Dellinger, and unanimously carried, the Minutes of the last meeting on January 28th were approved as submitted.

INJUNCTION PROCEEDINGS DIRECTED FILED TOMORROW AGAINST W. O. FLOWE FOR VIOLATION OF BUILDING PERMIT ISSUED FOR CONSTRUCTION OF GARAGE AT 4800 THRIFT ROAD.

A delegation of residents of Thrift Road appeared before Council, with Mr. F. L. Johnson as spokesman, who inquired as to what action has been taken in connection with instituting an injunction against Mr. W. O. Flowe for the violation of the Building Permit issued him for the construction of a garage for personal use, at 4800 Thrift Road.

Mayor Smith advised that the matter has been discussed by the Council in his office; that all the preliminaries have been completed and action will be taken tomorrow toward filing the injunction.

Mr. Johnson asked if the Mayor thinks the Perimeter Zoning Law will be considered? Mayor Smith stated that all the City can do is ask for civil action and it will be up to the Court from then out.

Councilman Albea asked how long it will take to enjoin Mr. Flowe, and Mr. Shaw, City Attorney, stated it will take a day to draw the complaint and file it and it is up to the Judge from then on.

Councilwoman Evans asked if in light of instructions to draw the papers, could Mr. Shaw suggest any legal action that would make the injunction effective tonight? Mr. Shaw replied there is none.

Councilman Foard asked if it is not true that Mr. Flowe has already moved his heavy equipment from the lot? Mr. Shaw advised that he is advised that all of the equipment except junk has been moved; that the question now is as to his use of the office equipment, which is in violation.

Councilwoman Evans asked Mr. Shaw if he would make a statement for the record as to any affiliation he has with Mr. Flowe, and Mr. Shaw replied that he does not represent Mr. Flowe in any way and never has.

February 4, 1959
Minute Book 38 - Page 289

Mr. Johnson then asked if it is permissible for Mr. Flowe to use the back of his lot to store heavy equipment, and Mayor Smith stated that will all be determined by the Court.

CITY ATTORNEY DIRECTED TO DRAW BILL FOR PRESENTING TO GENERAL ASSEMBLY TO ELIMINATE THE "TWO CORNER" ZONING LAW.

Councilman Albea moved that the City Attorney draw a Bill for presenting to the General Assembly in support of the request of the Planning Board for the elimination of the "two corner" zoning law. The motion was seconded by Councilwoman Evans, and unanimously carried.

PAYMENT OF CITY'S SHARE OF FENCE AT JUVENILE DIAGNOSTIC CENTER, AUTHORIZED AS OF JULY 1, 1959.

Councilwoman Evans moved that the City pay its share in the amount of \$819.40 on July 1, 1959 for a fence at the Juvenile Diagnostic Center. The motion was seconded by Councilman Albea, and unanimously carried.

NAME OF CELANESE DRIVE AUTHORIZED CHANGED TO BARCLAY DOWNS DRIVE.

Mr. Yancey, City Manager, reported that he has received a letter from the Celanese Corporation, in reply to his, stating they approve the change in the name of Celanese Drive to Barclay Downs Drive. He advised further that the majority of the street lies within the County and they have already changed the street name as requested by the property owners.

Councilman Foard stated he does not like the idea at all; that we work to bring big business to Charlotte and name a street for them, and then in a few years change the name, and he thinks it is a poor policy.

Councilman Albea stated that in view of the change in street name being agreeable to the Celanese Corporation and desired by all other property owners on the street, he moved that the change be made. The motion was seconded by Councilwoman Evans, and carried, with the votes cast as follows:

YEAS: Council members Albea, Baxter, Dellinger, Evans and Wilkinson.
NAYS: Councilman Foard.

CONSTRUCTION OF SANITARY SEWER MAINS IN WILKINSON BOULEVARD AND MARGARET STREET, IN PERIMETER AREA, AUTHORIZED ON REQUEST OF GEORGE KOSTAKES.

Upon motion of Councilman Wilkinson, seconded by Councilman Dellinger, and unanimously carried, the construction of 3,207-feet of sanitary sewer mains in Wilkinson Boulevard and Margaret Street, in the perimeter area to be annexed, was authorized on request of Mr. George Kostakes, 401 Queens Road. The cost being estimated at \$12,280.00, and required deposit of \$4,480.00 to be refunded as per the agreement.

CONFIRMATION OF SALE OF LAND OFF WILMOUNT ROAD TO MECKLENBURG COUNTY BOARD OF EDUCATION.

Councilman Wilkinson moved that the sale at public auction of 7.63 acres and 29.1 acres of land off Wilmount Road to the high bidder, Mecklenburg County Board of Education, at \$4,196.30, be confirmed, it having remained open for the required 10 days without an upset bid. The motion was seconded by Councilman Baxter, and unanimously carried.

CONTRACT AWARDED LEE A. FOLGER, INC. FOR TWO 4-DOOR SEDANS FOR FIRE DEPARTMENT.

Mr. Yancey, City Manager, advised that the City's experience in selling its old used equipment, instead of trading it in, has proved to be profitable, and therefore, he recommends the award of contract for the Two Sedans for the Fire Department on that basis.

Upon motion of Councilman Albea, seconded by Councilman Wilkinson, and unanimously carried, contract was awarded the only bidder, Lee A. Folger, Inc., for Two 4-door Sedans, at a total bid price of \$8,149.02, subject to cash discount of \$900.00, or a net delivered price of \$7,249.02.

CONTRACT AWARDED FOWLER'S OFFICE SUPPLY FOR OFFICE EQUIPMENT FOR NEW FIRE STATION #11.

Motion was made by Councilman Foard, seconded by Councilwoman Evans, and unanimously carried, that contract be awarded the low bidder, Fowler's for the following office equipment for new Fire Station #11; 5 metal swivel Chairs, 17 metal arm Chairs, 35 metal side Chairs, 4 legal file Cabinets and 16 sets legal-size Index Guides, at a net delivered price of \$1,770.80.

All bids received are as follows:

Fowler's	\$1,770.80
Bill Shaw Company, Inc.	\$1,899.44
Pound & Moore Company	\$1,950.90
Kale-Lawing Company	\$2,138.95
Funderburk Office Supply Company	\$2,424.59

CONTRACT AWARDED CAROLINA TRACTOR & EQUIPMENT COMPANY FOR CURB & GUTTER FORMS.

Upon motion of Councilman Dellinger, seconded by Councilman Baxter, and unanimously carried, contract was awarded Carolina Tractor & Equipment Company for 200 linear feet of Curb and Gutter Forms for the Street Department, at a net delivered price of \$1,288.00.

The low bid of J. B. Hunt & Sons, Inc., in the amount of \$1,164.72 did not meet the specifications and the second low bid of E. F. Craven Company offered a clamp fastener for his equipment that is deemed to be insufficient for our operation.

All bids received are as follows:

J. B. Hunt & Sons, Inc.	\$1,164.72
E. F. Craven Company	\$1,189.72
Carolina Tractor & Equipment Company	\$1,288.00
Spartan Equipment Company	\$1,292.91
A. E. Finley & Associates, Inc.	\$1,339.89.

CONSTRUCTION OF DRIVEWAY ENTRANCES APPROVED.

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

- (a) One 12-ft. entrance at 3723 Monroe Road.
- (b) Two 21-ft. entrances at 4800 Wedgewood Drive.

February 4, 1959
Minute Book 38 - Page 291

SPECIAL OFFICER PERMIT AUTHORIZED ISSUED TO JOHN HAZEL MCCALL ON PREMISES OF BARRINGER HOTEL AND RENEWED TO W. T. ALEXANDER ON PREMISES OF MEMORIAL HOSPITAL.

Motion was made by Councilwoman Evans, seconded by Councilman Foard, and unanimously carried, authorizing the issuance of a Special Officer Permit to John Hazel McCall for use on the premises of Barringer Hotel, and the renewal of Permit formerly issued to W. T. Alexander for use on the premises of Memorial Hospital.

HOLIDAY GRANTED CITY EMPLOYEES ON MONDAY, FEBRUARY 23RD IN OBSERVANCE OF WASHINGTON'S BIRTHDAY.

Councilman Dellinger moved that a holiday be granted city employees on Monday, February 23rd in observance of Washington's Birthday. The motion was seconded by Councilman Albea, and unanimously carried.

TRANSFER OF CEMETERY LOT.

Upon motion of Councilman Foard, seconded by Councilwoman Evans, and unanimously carried, the Mayor and City Clerk were authorized to execute a deed with Mrs. Lelia S. Ziglar for Lot 311, Section 4-A, Evergreen Cemetery, at \$126.00.

CONTRACT AWARDED BLANKENSHIP BROS. FOR CONSTRUCTION OF SANITARY SEWERS IN ASHLEY PARK, ROLLINGWOOD AND RIDGEWOOD.

Councilman Wilkinson moved the award of contract to the low bidder, Blankenship Brothers for the construction of sanitary sewers in Ashley Park, Rollingwood and Ridgewood, as specified, on a unit price basis, representing a total price of \$84,921.60. The motion was seconded by Councilman Dellinger, and unanimously carried.

All bids received are as follows:

Blankenship Brothers	\$ 84,921.60
Mecklenburg Engineer & Contractors	90,708.10
Blythe Bros. Company	105,188.55
Noll Construction Company	107,683.25
Glenn Construction Company	115,519.35
Boyd & Goforth, Inc.	117,617.06
C. W. Gallant, Inc.	126,299.42
Ray D. Lowder, Inc.	132,865.05
C. M. Allen & A. D. White Associates	140,707.51

EMPLOYMENT OF DRAFTSMEN FROM THE J. N. PEASE COMPANY TO PREPARE MAPS FOR EXTENSION OF THE WATER DISTRIBUTION SYSTEM.

Upon motion of Councilman Baxter, seconded by Councilman Dellinger, and unanimously carried, the employment of draftsmen from the J. N. Pease and Company for the preparation of maps for the extension of the water distribution system was authorized in an amount not to exceed \$13,860.00, in accordance with letter from the said Company, to Mr. W. M. Franklin, Superintendent, Water Department, dated February 4, 1959.

REPORT OF BOARD OF APPRAISERS OF BENEFITS AND/OR DAMAGES TO PROPERTY ON ROSWELL AVENUE, FROM QUEENS ROAD TO COLONY ROAD.

The City Manager advised that the Board of Appraisers filed with the City Clerk on January 21, 1959, the Report of Benefits and/or Damages to property on Roswell Avenue, from Queens Road to Colony Road.

RESOLUTION AUTHORIZING ADVERTISEMENT OF PUBLIC HEARING WITH RESPECT TO ASSESSING BENEFITS CONFERRED UPON PROPERTY IN THE IMPROVEMENT DISTRICT ON ROSWELL AVENUE, FROM QUEENS ROAD WEST TO COLONY ROAD.

A resolution entitled: "Resolution Authorizing Advertisement of Public Hearing with Respect to Assessing Benefits Conferred Upon Property in the Improvement District on Roswell Avenue, from Queens Road West to Colony Road" was introduced and read, and upon motion of Councilman Wilkinson, seconded by Councilman Baxter, was unanimously adopted. The resolution is Recorded in full in Resolutions Book 3, at Page 302.

ACTION OF COUNCIL ON JANUARY 28, 1959 ADOPTING RESOLUTION TO PROVIDE FOR A REFERENDUM ON APRIL 28, 1959 BY CITY'S ELIGIBLE FIREMEN UNDER PROVISIONS OF SECTION 11 OF CHAPTER 1154 OF 1955 SESSION LAWS, RESCINDED.

Upon motion of Councilman Albea, seconded by Councilwoman Evans, and unanimously carried, the action of the Council on January 28, 1959, adopting a Resolution To Provide for a Referendum on April 28, 1959 by the City's eligible firemen under provisions of Section 11 of Chapter 1154 of 1955 Session Laws, was rescinded.

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE, N. C., TO CHANGE THE DATE OF REFERENDUM ON SOCIAL SECURITY COVERAGE BY THE CITY'S ELIGIBLE FIREMEN UNDER PROVISIONS OF SECTION 11 OF CHAPTER 1154 OF 1955 SESSION LAWS OF NORTH CAROLINA (ARTICLE 2 OF CHAPTER 135 OF GENERAL STATUTES OF NORTH CAROLINA, AS AMENDED), FROM APRIL 28, 1959 TO MAY 7, 1959, ADOPTED.

A resolution entitled: "Resolution by the City Council of the City of Charlotte, N. C., to Change the Date of Referendum on Social Security Coverage by the City's Eligible Firemen under Provisions of Section 11 of Chapter 1154 of 1955 Session Laws of North Carolina (Article 2 of Chapter 135 of General Statutes of North Carolina, as Amended), from April 28, 1959 to May 7, 1959" was introduced and read, and upon motion of Councilman Albea, seconded by Councilwoman Evans, was unanimously adopted. The resolution is recorded in full in Resolutions Book 3, at Page 303.

ADJOURNMENT.

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

P. R. Hoggman

City Clerk