

April 4, 1960
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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 Monday, April 4, 1960, at 4 o'clock p.m., with Mayor Smith presiding, and Councilmen Albea, Dellinger, Hitch, Myers, Smith and Whittington being present.

ABSENT: Councilman Babcock.

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INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Hitch, seconded by Councilman Whittington, and unanimously carried, the Minutes of the last meeting on March 28th were approved as submitted.

NEGRO FUNERAL DIRECTORS REQUEST REIMBURSEMENT BY THE CITY FOR UNCOLLECTABLE CALLS INITIATING WITH POLICE AND FIRE DEPARTMENTS.

Mr. Kelly M. Alexander of Alexander Funeral Home presented a statement signed by the six negro funeral directors operating ambulance service protesting the City's proposal to make an exclusive contract with a private ambulance service and requesting reimbursement to them by the City for uncollectable calls initiating with the Police and Fire Departments, on the same basis with the private service.

In the presentment it was stated they are not in opposition to other personalities seeking to establish an additional ambulance business and endorse the City Council's efforts to solve the ambulance problem; that on January 25th when the resolution signed by white and negro ambulance operators, was presented Council requesting that something be done to provide the service as they were going to quit the emergency service, it was because they were losing money and it was the understanding of the negro operators that the Council would explore the possibility of taking care of reasonable ambulance rates for emergency calls made through the Police and Fire Departments; that it was later brought to their attention that the Council considered the best way to handle the matter was to turn the operation over to a franchised private ambulance service; that it was also brought to their attention that the white operators desired to quite not only the emergency service but also private and convalescent service. Mr. Alexander stated if an agreement is entered into with a private ambulance service on a contract or franchise basis and such contract is denied the Negro ambulance operators they are opposed to such action by the Council on the basis that (1) it is discriminatory against negro operators and an infringement on their right to engage in the ambulance business, (2) the granting of such franchise would be collusion with a private business to create and establish a monopoly in the ambulance service field, which would be detrimental to the well being of the negro operators, (3) if the City can afford to pay for emergency calls that come in the uncollectable category, those operators who have provided emergency service through the years at a loss should have an equal opportunity to continue in business, and (4) to deny the negro operators the right to successfully maintain adequate service for its population by granting an exclusive contract or franchise to a private operator does not display concern as to their general welfare as businessmen in the community.

He asked that the negro funeral directors be given a similar contract to be reimbursed by the City for uncollectable calls initiated by the Police and Fire Departments and stated they can meet the requirements the same as Mr. Brandes and will accept a contract to do so.

Councilman Smith replied that it would involve five or six contracts with them besides the one with Mr. Brandes and the auditing would be impossible.

Councilman Smith, as Chairman of the Ambulance Committee, stated further there was no thought nor intent of discrimination in the deliberations of the Committee; that it was their clear understanding that both the white and colored undertakers wanted to get out of the emergency ambulance service, and the City found it would be cheaper for the taxpayers to have an outside firm handle the business than for the City to do so; that the City is not asking the negro funeral directors to go out of the ambulance business at all and the contract with Mr. Brandes will therefore not be exclusive.

Mr. Alexander charged that they were hoodwinked by the white undertakers in signing the resolution presented Council on an emergency ambulance service basis, as the white undertakers later advised Council they wished to go out of the ambulance service entirely, without any further conference with the negro undertakers.

Councilman Whittington stated as a Funeral Director and a member of the Council Ambulance Committee that everything he has done has been in good faith and he has had no part in under-the-table dealings as stated by Mr. Alexander.

Mr. W. D. Hairston of Hairston Funeral Home stated they have served the city for many years rendering ambulance service on calls from the Police Department, and otherwise, without being able to collect for a majority of their calls, and without reimbursement by the city, and now the City can find funds to reimburse an independent firm but can find no such funds to reimburse them for the same service.

Councilman Smith stated the City wishes to try it out under the contract with Mr. Brandes and if it does not work out then they will say so.

REQUEST THAT NAME OF EDGEWOOD AVENUE IN DILWORTH BE RESTORED OR IF CHANGED THAT THE STREET BE NAMED DILWOOD AVENUE IN LIEU OF ESTRIDGE AVENUE AS AT PRESENT, REFERRED TO PLANNING BOARD FOR RECOMMENDATION.

Mr. B. L. Vick, 2213 Edgewood Avenue, stated the published list of street names last August listed Edgewood Avenue (in Dilworth) as one that would not be changed; however, without their knowledge the name was changed to Estridge Avenue. That their street has borne the name of Edgewood since the development of Dilworth some 40 years ago and they wish to retain it. However, if the name must be changed the property owners on the street wish it named Dilwood in lieu of Estridge, and he filed a petition to this effect. Councilman Whittington moved that the request be referred to the Planning Board for recommendation. The motion was seconded by Councilman Albea, and unanimously carried.

RESOLUTION AUTHORIZING CITY TREASURER TO FILE APPLICATION WITH THE LOCAL GOVERNMENT COMMISSION FOR THE ISSUANCE OF \$3,500,000 SANITARY SEWER BONDS, \$800,000 HOSPITAL BONDS TO BE USED IN CONNECTION WITH GOOD SAMARITAN HOSPITAL AND \$1,500,000 HOSPITAL BONDS TO BE USED IN CONNECTION WITH CHARLOTTE MEMORIAL HOSPITAL.

A resolution entitled: "RESOLUTION AUTHORIZING CITY TREASURER TO FILE APPLICATION WITH THE LOCAL GOVERNMENT COMMISSION FOR THE ISSUANCE OF

\$3,500,000 SANITARY SEWER BONDS, \$800,000 HOSPITAL BONDS TO BE USED IN CONNECTION WITH GOOD SAMARITAN HOSPITAL AND \$1,500,000 HOSPITAL BONDS TO BE USED IN CONNECTION WITH CHARLOTTE MEMORIAL HOSPITAL" was introduced and read, and upon motion of Councilman Hitch, seconded by Councilman Albea, was unanimously adopted. The resolution is recorded in full in Resolutions Book 3, beginning at Page 495.

RESOLUTION CONCERNING AID TO THE CHARLOTTE MEMORIAL HOSPITAL AUTHORITY OF CHARLOTTE, NORTH CAROLINA.

A resolution entitled: "RESOLUTION CONCERNING AID TO THE CHARLOTTE MEMORIAL HOSPITAL AUTHORITY OF CHARLOTTE, NORTH CAROLINA", was introduced and read, and upon motion of Councilman Hitch, seconded by Councilman Whittington, was unanimously adopted. The resolution is recorded in full in Resolutions Book 3, beginning at Page 496.

ORDINANCE NO. 653 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE TO AMEND THE BUILDING ZONE MAP BY CHANGING PROPERTY ADJACENT TO THE SHAMROCK DRIVE-EASTWAY DRIVE INTERSECTION, FROM R-2 TO B-1, IN CONNECTION WITH PETITION OF W. C. BUNTING AND WIFE AND P.V. CARPENTER, ADOPTED.

Councilman Whittington moved that Ordinance No. 653 Amending Chapter 21, Article II, Section 5 of the City Code to amend the Building Zone Map of the Perimeter Area by changing property adjacent to Shamrock Drive-Eastway Drive intersection, from R-2 to B-1, be adopted as recommended by the Planning Board. The motion was seconded by Councilman Hitch.

Councilman Myers stated he does not agree with the recommendation in that triangular lot zoning is not in the best interest of the neighborhood nor petitioner. That he is concerned over the shape of lots after being rezoned as to the rear lot lines, as the property cannot be developed to its maximum efficiency.

The vote was taken on the motion, and carried, with the votes cast as follows:

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

BUILDING INSPECTOR AUTHORIZED TO RECEIVE APPLICATION FROM GEORGE CUTTER FOR PERMIT TO ERECT BUILDING ON EAST 4TH STREET AND PROCESS IT PENDING FURTHER NEGOTIATIONS.

Councilman Myers moved that the Building Inspector be authorized to receive the application for a building permit from Mr. George Cutter for the erection of a building on East 4th Street and process it pending further negotiations. The motion was seconded by Councilman Smith. Councilman Myers stated the Committee is endeavoring to contact the adjoining property owners and progress is being made in the best interest of all concerned. The vote was taken on the motion, and unanimously carried.

PAYMENT OF FEE TO J.N. PEASE & COMPANY FOR ENGINEERING SERVICES IN CONNECTION WITH DESIGN, PLANS & SPECIFICATIONS OF ADDITION TO SUGAW CREEK TREATMENT PLANT, DEFERRED ONE WEEK.

Councilman Albea moved that payment of fee in the amount of \$39,178.86 be authorized to J. N. Pease & Company for engineering services in connection with the design, plans and specifications of the 7.33 MGD

addition to the Sugaw Creek Treatment Plant, as recommended by the City Manager. The motion was seconded by Councilman Dellinger.

Mr. Veeder, City Manager, advised that the entire fee for the 7.33 MGD addition was \$66,723.30, and when it was decided to build a smaller addition, \$27,544.44 of the amount was salvaged for use on the 3.67 MGD addition, leaving the difference of \$39,178.86 due the Company for the portion of the work done on the plans, etc which cannot be used in the redesigned addition.

Councilman Smith questioned the fitness of the City paying for something which was recommended by the Company as required to meet the city's needs and before their work was completed they advised this was in error and a smaller addition would better serve the requirements. He expressed the opinion that the loss of \$39,178.86 to the City on the transaction is too great and that the City Manager should negotiate further with the Company for a more equitable division of the amount.

Councilman Albea then offered a substitute motion that the matter be deferred for one week and the City Manager consult with the Company further. The motion was seconded by Councilman Hitch, and carried, with the votes cast as follows:

YEAS: Councilmen Albea, Hitch, Myers, Smith and Whittington.

NAYS: Councilmen Dellinger.

Councilman Dellinger stated the work was authorized and he feels the fee should be paid as calculated by the City Manager and J. N. Pease & Company.

SICK LEAVE EXTENSION GRANTED CASEY JONES, WATER DEPARTMENT EMPLOYEE.

Motion was made by Councilman Whittington, seconded by Councilman Hitch, and unanimously carried, authorizing an extension of 30 days sick leave to Mr. Casey Jones, Water Department employee, as recommended by the City Manager.

NAME OF "BALBOA STREET" CHANGED TO "AUBURNDALE ROAD" AS REQUESTED BY PROPERTY OWNERS OF STREET.

Upon motion of Councilman Smith, seconded by Councilman Dellinger, and unanimously carried, the name of Balboa Street was changed to Auburndale Road, as requested by the property owners of the street and recommended by the Planning Board.

REQUEST OF CHANGE IN NAME OF REMOUNT ROAD, FROM SOUTH BOULEVARD TO WEST BOULEVARD, TO SHUMAN AVENUE, DENIED.

The petition of the residents of Remount Road, from South Boulevard to West Boulevard, that the name of the street be changed back to Shuman Avenue as formerly named prior to the adoption of the Street Name Change Program, was considered on the basis that the change was made in the interest of street name continuity. Councilman Whittington moved that the request be denied, which was seconded by Councilman Dellinger, and carried, with the votes cast as follows:

YEAS: Councilmen Whittington, Dellinger, Hitch, Myers and Smith.

NAYS: Councilman Albea.

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CLAIM OF R. H. PICKENS FOR DAMAGES TO CAR REFERRED TO CITY ATTORNEY FOR RECOMMENDATION.

Councilman Dellinger moved that the claim of Mr. R. H. Pickens for repairs to car in the amount of \$184.86, alleged to have been caused by running into a cut in the street on South Boulevard on March 12th, be referred to the City Attorney for recommendation. The motion was seconded by Councilman Smith, and unanimously carried.

ENCROACHMENT AGREEMENT AUTHORIZED WITH STATE HIGHWAY DEPARTMENT FOR CONSTRUCTION OF SANITARY SEWER LINES ALONG US #29.

Upon motion of Councilman Dellinger, seconded by Councilman Smith, and unanimously carried, the Mayor and City Clerk were authorized to sign an encroachment agreement with the State Highway Department in connection with the construction of sanitary sewer lines along US #29, between Craighead Road and Eastway Drive.

CONTRACT AUTHORIZED WITH S.A. HUNTER, AND SUPPLEMENTARY CONTRACT WITH THE SAL RAILWAY COMPANY, FOR THE INSTALLATION OF WATER MAINS.

Motion was made by Councilman Albea, seconded by Councilman Hitch, and unanimously carried, authorizing the following contracts for the installation of water mains:

- (a) Contract with S.A. Hunter, 770 Woodlawn Road, for the installation by the City of 1,125 ft. of water mains and one hydrant in Zephyr Lane, inside the city limits, at an estimated cost of \$3,800.00. All costs to be borne by the applicant, who will be refunded the first cost of the project if and when the main produces a revenue equal to 5% of the cost within any 12 months continuous period.
- (b) Supplementary Contract (to contract dated Nov. 9, 1959) with the SAL Railway Company for the installation of 107 ft. of water main to serve the Company's industrial area at Hoskins Avenue, outside the city limits, at an estimated cost of \$850.00. All costs to be borne by the applicant, who will dedicate the main to the city upon acceptance by the City.

CONTRACT AWARDED EMULSIFIED ASPHALT COMPANY FOR EMULSIFIED ASPHALT.

Councilman Dellinger moved the award of contract to the low bidder, Emulsified Asphalt Refining Company, for 550,000 gallons of emulsified asphalt delivered as specified, and 150,000 gallons to be picked up by the City as specified, representing a total price of \$75,050.00, subject to cash discount of 2% representing a net price of \$73,549.00. The motion was seconded by Councilman Hitch, and unanimously carried.

The following net delivered bids were received:

Emulsified Asphalt Refining Co.	\$ 73,549.00
American Bitumuls and Asphalt Co.	\$ 60,940.00
Bid does not meet specifications in that no bid was submitted on the 4th item.	

CONTRACT AWARDED CRANE SUPPLY COMPANY FOR GENUINE WROUGHT IRON PIPE.

Upon motion of Councilman Hitch, seconded by Councilman Dellinger, and unanimously carried, contract was awarded the lowest bidder meeting the

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specifications, Crane Supply Company, for 111,000 ft. of Genuine Wrought Iron Pipe, T&C, in various sizes, as specified, on a unit price basis, representing a total price of \$66,703.50, subject to a cash discount of 2%, representing a net delivered price of \$65,369.43.

The following net delivered bids were received:

Crane Supply Company	\$ 65,369.43
McJunkin Corporation	\$ 65,530.25
Grinnell Company, Inc.	\$ 65,535.64
Horne-Wilson, Inc.	\$ 65,607.47
Noland Company, Inc.	\$ 65,665.88

Alternate Bid

McJunkin Corporation	\$ 58,079.41
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Does not meet the specifications as not on genuine wrought iron pipe.

APPOINTMENT OF HUGO HEIDENREICH TO PARK & RECREATION COMMISSION.

Councilman Hitch moved the appointment of Mr. Hugo Heidenreich to the Park & Recreation Commission for a term of 5 years to fill the vacancy which expired March 21, 1960. The motion was seconded by Councilman Myers.

Councilman Dellinger moved the reappointment of Mr. L. M. McEwen to fill the vacancy. The motion was seconded by Councilman Albea.

The vote was taken on the first nominee, Mr. Hugo Heidenreich and the motion carried by the following vote:

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

Upon motion of Councilman Dellinger, seconded by Councilman Albea, the appointment of Mr. Heidenreich was made unanimous.

REAPPOINTMENT OF J.B. MCMILLAN TO THE AUDITORIUM-COLISEUM AUTHORITY.

Councilman Dellinger moved the reappointment of Mr. J.B. McMillan to the Auditorium-Coliseum Authority for a term of 5 years from the expiration of his present term on April 25, 1960. The motion was seconded by Councilman Hitch, and unanimously carried.

ISSUANCE OF SPECIAL OFFICER PERMIT TO LESTER B. SNIPES AND RENEWAL OF PERMIT TO HUBERT N. PORTER, AUTHORIZED.

Upon motion of Councilman Albea, seconded by Councilman Smith, and unanimously carried, a Special Officer Permit was authorized issued to Lester B. Snipes for use on the premises of Manger Motor Inn, and Permit issued to Hubert N. Porter was authorized renewed for one year on the premises of Nebel Knitting Company.

TRANSFER OF CEMETERY LOTS.

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

- (a) Deed with Mrs Roberta H. Hobbs, for Lot 278, Section 3, Evergreen Cemetery, at \$189.00.
- (b) Deed with James S. Burns, Jr., for Graves #4 and #5, Lot 89, Section 3, Evergreen Cemetery, at \$80.00.
- (c) Deed with Estate of Margaret Hill Black, for Grave #6, Lot 89, Section 3, Evergreen Cemetery, at \$40.00.

RESIGNATION OF PAUL B. GUTHERY, JR. AS VICE-RECORDER ACCEPTED WITH REGRET.

Councilman Albea moved the acceptance of the resignation of Mr. Paul B. Guthery, Jr., as Vice-Recorder of the Recorder's Court with regret, effective April 18th. The motion was seconded by Councilman Whittington, and unanimously carried.

APPOINTMENT OF S. DEAN HAMRICK AS VICE-RECORDER OF RECORDER'S COURT.

Upon motion of Councilman Smith, seconded by Councilman Hitch, and unanimously carried, Mr. S. Dean Hamrick was appointed Vice-Recorder of the Recorder's Court.

Councilman Dellinger stated he has no objection to Mr. Hamrick, as he does not know him, but he thinks the Council, as the representatives of the people, should select their own nominees for office and not take the suggestions made by others.

RECOMMENDATION AS TO INSTALLATION OF TRAFFIC SIGNAL AT SHAMROCK AND EASTWAY DRIVES TO BE MADE BY TRAFFIC ENGINEER AT NEXT WEEK'S MEETING.

Councilman Dellinger stated that the Traffic Engineer will make a recommendation as to the installation of a traffic-signal at the Shamrock-Eastway Drive Intersection, which he is recommending.

LEGALITY OF ACTION OF ZONING BOARD OF ADJUSTMENT QUESTIONED GRANTING APPEAL FOR DRIVEWAY ENTRANCE IN AN R-2 ZONE TO BE USED AS ACCESS TO BUSINESS PROPERTY ZONED O-I, AND CITY ATTORNEY REQUESTED TO STUDY MATTER AND REPORT TO COUNCIL.

Councilman Smith asked for a clarification of the duties and powers of the Zoning Board of Adjustment, having noticed in the newspapers that the Board has granted an appeal for a driveway entrance from Queens Road over the petitioner's property zoned R-2 to be used as an access to his business property in an O-I zone fronting on Providence Road, after the Council had denied the request when it was made at the time the O-I zoning of his property was approved.

Mr. Shaw, City Attorney, explained that among the duties of the Zoning Board of Adjustment, they hear and decide appeals and are empowered to vary or modify the provisions of the zoning laws relating to the use etc of land etc. where in a specific case owing to special conditions, the enforcement of the strict letter of the law would result in unnecessary hardship.

Following the discussion, Councilman Myers moved that the City Attorney advise the property owner the Council is questioning the legality of the action and that the City Attorney study the matter and give the Council a report. The motion was seconded by Councilman Albea, and carried, with the votes cast as follows:

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

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COUNCIL MEETING HOURS CHANGED.

Mayor Smith recommended that the hour for holding the regular Council Meeting be changed from 4 o'clock to 3 o'clock and from 3 o'clock to 2 o'clock on the Mondays on which zoning petitions are heard. Councilman Alba moved that the recommendation be adopted, which was seconded by Councilman Smith, and unanimously carried.

ADJOURNMENT.

Upon motion of Councilman Hitch, seconded by Councilman Whittington, the meeting was adjourned.

Lillian R. Hoffman
Lillian R. Hoffman, City Clerk