

February 22, 1960  
Minute Book 39 - Page 257

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, February 22, 1960, at 4 o'clock p.m., with Mayor Smith presiding, and Councilmen Albea, Babcock, Dellinger, Myers, Smith and Whittington being present.

ABSENT: Councilman Hitch.

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INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Dellinger, seconded by Councilman Babcock, and unanimously carried, the Minutes of the last meeting on February 15th were approved as corrected, at the request of Councilman Myers, by changing in line 3, Page 256 of the Minutes of the Council Meeting on February 15th, the name "Mayor Smith" to "Councilman Myers" so as to read as follows: "Councilman Myers stated the matter of getting water and sewer taps made in the annexed area is vexing the home builders, et cetera".

CITY MANAGER REQUESTED TO MAKE RECOMMENDATION AS TO CITY RECORDER'S COURT LEGISLATION.

Councilman Smith asked if anything is being done about preparing enabling legislation for the establishment of two Recorder's Courts in case a special session of the Legislature should be held. Mr. Shaw, City Attorney, stated in such case the proper legislation would be prepared. That usually the City Manager and City Attorney begin to establish a file of legislative matters, and after the primary the matters are discussed with the Legislators and it is determined by the Council just what legislation will be submitted. Councilman Smith stated he thinks we should go ahead and prepare the legislation pertaining to the Court; that the suggestion has been made to him by an attorney that it be left to the Bar Association and the Council employ an attorney to make a study of the matter, visit other cities where two courts are in effect and draw the necessary papers. It was suggested that instead of two Courts, the Council might consider operating a full time Court. Councilman Smith requested the City Manager to give the Council his recommendation.

APPOINTMENT OF DONALD M. ELLINGTON AND MRS. ELOISE STILWELL AS ASSISTANT CLERKS OF CITY RECORDER'S COURT.

Councilman Whittington moved the appointment of Mr. Donald M. Ellington and Mrs. Eloise Stilwell as Assistant Clerks in the City Recorder's Court office. The motion was seconded by Councilman Dellinger. Councilman Myers stated he would prefer the Clerk of the Court make these appointments himself instead of the Council. It was stated that under the present law these appointments must be made by the City Council. Councilman Myers asked that legislation be prepared to put the appointments of the Assistant Clerks under the Clerk of Recorder's Court. The vote was taken on the motion for the appointment of the Assistant Clerks, and unanimously carried.

SALARY OF ASSISTANT CLERKS OF CITY RECORDER'S COURT FIXED.

Councilman Whittington moved that the starting salary of the two Assistant Clerks of Recorder's Court be fixed at \$350.00 per month, and that if the Job Classification System calls for a higher salary that it be paid them. The motion was seconded by Councilman Albea, and unanimously carried.

SALARY OF CLERK OF CITY RECORDER'S COURT FIXED.

Councilman Albea moved that the salary of Mr. Hal Rogers, Clerk of City Recorder's Court be fixed at \$5,400.00 per annum. The motion was seconded by Councilman Whittington, and unanimously carried.

CITY MANAGER ADVISES WILL MAKE REPORT IN TWO WEEKS AS TO NEEDS OF CITY RECORDER'S COURT OFFICE.

Councilman Whittington asked the City Manager if he has a report on the equipment and personnel needs for the City Recorder's Court? Mr. Veeder stated he has asked Mr. Rogers to study his needs and he is sure he will be able to give him a report in about two weeks.

Councilman Dellinger asked the City Manager to be sure Mr. Rogers understands he is responsible to the City Manager, and that he, himself, is responsible for all the evidence etc. that comes into the office.

ORDINANCE NO. 644 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE CHANGING PROPERTY ON EAST SIDE OF SHARON ROAD NEAR FAIRVIEW ROAD FROM RURAL TO B-1, ON PETITION OF MARY S. PARKER AND RUTH I. STEWART, WAS ADOPTED.

Upon motion of Councilman Dellinger, seconded by Councilman Smith, and unanimously carried, Ordinance No. 644 Amending Chapter 21, Article II, Section 5 of the City Code changing property on the east side of Sharon Road, near Fairview Road, from Rural to B-1, was adopted as recommended by the Planning Board. The ordinance is recorded in full in Ordinance Book 12, at Page 452.

ORDINANCE NO. 645 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE CHANGING PROPERTY ON THE SOUTHWEST SIDE OF GOLD MINE ROAD, FROM RURAL TO INDUSTRIAL, ON PETITION OF F. D. COLLINS & WIFE, DENIED.

Councilman Albea moved that Ordinance No. 645 Amending Chapter 21, Article II, Section 5 of the City Code to change the Building Zone Map by changing property on the SW side of Gold Mine Road from Rural to Industrial, be denied as recommended by the Planning Board. The motion was seconded by Councilman Whittington, and unanimously carried.

ORDINANCE NO. 646 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE CHANGING A PORTION OF THE PROPERTY PETITIONED FOR BY ERVIN J. RUST AND JAMES F. ELAM AND WIFE, LOCATED ON THE SOUTH SIDE OF CINDERELLA ROAD FROM R-2 TO B-1, ADOPTED.

Upon motion of Councilman Whittington, seconded by Councilman Smith, and unanimously carried, Ordinance No. 646 Amending Chapter 21, Article II, Section 5 of the City Code to change the Building Zone Map by changing that portion of the property of Ervin J. Rust and James F. Elam and wife located west of a line drawn from a point in Cinderella Road, being

February 22, 1960  
Minute Book 39 - Page 259

100-ft. west of the NE corner of the Rust tract, to a point in the southerly property line of the Elam tract, being 150-ft. west of the westerly margin of Rolling Hill Drive, was adopted as recommended by the Planning Board.

The ordinance is recorded in full in Ordinance Book 12, at Page 453.

ORDINANCE NO. 647 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE CHANGING A PORTION OF THE PROPERTY PETITIONED FOR BY CHARLOTTE BLOCK, INC. LOCATED ON HOSKINS ROAD, FROM R-2 TO INDUSTRIAL, ADOPTED.

Motion was made by Councilman Albea, seconded by Councilman Babcock, and unanimously carried, adopting Ordinance No. 647 Amending Chapter 21, Article II, Section 5 of the City Code by changing that portion of the property of Charlotte Block, Inc. located more than 120-ft. NE of the NE margin of Gossett Avenue, as recommended by the Planning Board.

The ordinance is recorded in full in Ordinance Book 12, at Page 454.

CITY MANAGER ADVISES AS TO STATUS OF OVERALL PLAN FOR CITY.

Councilman Myers stated that often some of the recommendations of the Planning Board on zoning petitions disturb him, by which a property owner must wait until the entire city is laid out before he can go ahead and make use of his property. He stated he thinks it is unfair to the petitioner. He asked the City Manager if he has a report on the Overall Plan for the City? Mr. Veeder stated the Planning Director has advised he hopes to present it sometime early this summer. Councilman Dellinger asked if it cannot be speeded up; that a year ago the Planning Board was permitted to employ additional help to expedite the work and he thinks we should have some kind of a report. Mr. Veeder advised that it looks to him as if it will be another six weeks before the Thoroughfare Plan is ready and that will have a big bearing on our Planning activities; that because of the delay in this Plan we have in a way lost from last October to April.

RESOLUTION GRANTING PIEDMONT & NORTHERN RAILWAY COMPANY PERMISSION TO LAY SIDETRACK ACROSS JAY STREET, PASSED ON FIRST READING.

Upon motion of Councilman Dellinger, seconded by Councilman Whittington, and unanimously carried, Resolution Granting Piedmont & Northern Railway Company permission to lay Sidetrack across Jay Street, passed on first reading.

PETITION OF TRI-DEVELOPMENT CORPORATION AND BOARD OF EDUCATION OF MECKLENBURG COUNTY FOR ANNEXATION OF 30.179 ACRES AND 23.105 ACRES OF PROPERTY IN SHARON TOWNSHIP, TO THE CITY OF CHARLOTTE.

The City Manager advised that a Petition has been filed by Tri-Development Corporation and the Board of Education of Mecklenburg County for the annexation to the City of Charlotte of 30.179 acres and 23.105 acres of property respectively in Sharon Township.

February 22, 1960  
Minute Book 39 - Page 260

RESOLUTION WITH REFERENCE TO THE PETITION OF TRI-DEVELOPMENT CORPORATION AND THE BOARD OF EDUCATION OF MECKLENBURG COUNTY FOR THE ANNEXATION TO THE CITY OF CHARLOTTE OF 30.179 ACRES AND 23.105 ACRES OF PROPERTY, RESPECTIVELY, LOCATED IN SHARON TOWNSHIP, AND PROVIDING FOR THE PUBLICATION OF NOTICE OF SESSION OF THE CITY COUNCIL ON MARCH 21ST TO CONSIDER THE ANNEXATION OF SAID PROPERTY.

A resolution entitled: "Resolution with reference to the Petition of Tri-Development Corporation and the Board of Education of Mecklenburg County for the annexation to the City of Charlotte of 30.179 Acres and 23.105 Acres of property, respectively, located in Sharon Township, and Providing for the Publication of Notice of Session of the City Council on March 21st to consider the Annexation of said property" was introduced and read, and upon motion of Councilman Albea, seconded by Councilman Smith, was unanimously adopted. The resolution is recorded in full in Resolutions Book 3, at Page 465.

CONTRACT AUTHORIZED WITH C. L. CHEATHAM FOR INSTALLATION OF WATER MAIN IN WHITBY LANE.

Councilman Babcock moved that contract be authorized with C. L. Cheatham for the installation of 585-feet of water main in Whitby Lane, inside the city limits, to serve residential property, at an estimated cost of \$950.00. The City to finance all cost and applicant to guarantee a gross annual water revenue equal to 10% of the total cost. The motion was seconded by Councilman Whittington, and unanimously carried.

CONTRACT AWARDED PARNELL-MARTIN SUPPLY COMPANY FOR COPPER TUBING.

Upon motion of Councilman Whittington, seconded by Councilman Albea, and unanimously carried, contract was awarded the low bidder, Parnell-Martin Supply Company, as recommended, for 4,200-ft. of 3/4-inch Type K soft Copper Tubing, as specified, at a total price of \$1,711.08, subject to cash discount of \$34.22, representing a net delivered price of \$1,676.86.

The following net delivered bids were received:

Parnell-Martin Supply Company	\$ 1,676.86
Hajoca Corporation	\$ 1,707.32
Crane Company	\$ 1,728.72
Horne-Wilson Co.	\$ 1,799.10
Grinnell Company	\$ 1,816.39
Baker-Mitchell Co.	\$ 1,816.39
Industrial Piping Supply Co.	\$ 1,902.83

BIDS ON TRACTOR WITH BACKHOE AND LOADER ATTACHMENT FOR ENGINEERING DEPARTMENT REJECTED AND AUTHORIZED READVERTISED.

Mr. Veeder, City Manager, asked that the Council disregard the recommendation that the contract be awarded Morris Farm Equipment Company as the Engineering Department now finds the Company is not bidding on the Tractor Model desired, which is too light, and it is recommended that the contract be awarded the third low bidder, McCormick Farm Equipment Store or International Harvester Company on their International Tractor Model #340 with Pipin #260 backhoe and Pipin #235 Loader.

Mr. Cochran of the Farm & Industrial Equipment Company, the low bidder, and Mr. John R. Kenyon of the International Harvester Company, the third low bidder, explained the merits of the equipment on which they were

February 22, 1960  
Minute Book 39 - Page 261

bidding and the specifications and needs of the using departments were explained by Mr. Cheek, City Engineer and Mr. Beatty, Purchasing Agent.

Councilman Smith moved that all bids on the equipment be rejected and readvertised. The motion was seconded by Councilman Whittington, and unanimously carried.

CONTRACT AWARDED SPARTAN EQUIPMENT COMPANY FOR LOADER WITH CAB FOR ENGINEERING DEPARTMENT.

Upon motion of Councilman Smith, seconded by Councilman Dellinger, and unanimously carried, contract was awarded Spartan Equipment Company, as recommended, for One Power Loader, as specified, Yale & Towne Model 134, at a net delivered price of \$10,925.00. The low bid of Farm & Industrial Equipment Company did not meet the specifications.

The following net delivered bids were received:

Farm & Industrial Equipment Company	\$ 7,215.00
Spartan Equipment Company	\$10,925.00
H. B. Owsley & Son, Inc.	\$11,548.00
Southland Equipment Company	\$11,588.00
N. C. Equipment Company	\$12,121.53
J. W. Burress, Inc.	\$12,852.60
E. F. Craven Company	\$13,500.00

CONTRACT AWARDED FARM & INDUSTRIAL EQUIPMENT COMPANY FOR ONE TRACTOR WITH BROOM ATTACHMENT, FOR ENGINEERING DEPARTMENT.

Upon motion of Councilman Dellinger, seconded by Councilman Whittington, and unanimously carried, contract was awarded the low bidder, Farm and Industrial Equipment Company, as recommended, for One Ford Model #601 Tractor with M-B Corporation Sweeper Attachment, as specified, at a net delivered price of \$2,481.14.

The following net delivered bids were received:

Farm & Industrial Equipment Company	\$ 2,481.14
N. C. Equipment Company	\$ 2,590.76
McCormick Farm Equipment Store or International Harvester Company	\$ 2,639.49

CONTRACT AWARDED N. C. EQUIPMENT COMPANY FOR TRACTOR WITH MOWER ATTACHMENT FOR ENGINEERING DEPARTMENT.

Motion was made by Councilman Dellinger, seconded by Councilman Albea, and unanimously carried, awarding contract to North Carolina Equipment Company, as recommended, for One International Harvester Tractor with Mower Attachment, as specified, at a total price of \$2,139.28, subject to cash discount of \$21.39, representing a net delivered price of \$2,117.89. The low bid of Farm and Industrial Equipment Company did not meet the specifications.

The following net delivered bids were received:

Farm & Industrial Equipment Company	\$ 1,998.00
N. C. Equipment Company	\$ 2,117.89
McCormick Farm Equipment Store or International Harvester Company	\$ 2,327.02
Contractors Service & Rentals, Inc.	\$ 2,975.21

February 22, 1960  
Minute Book 39 - Page 262

CONTRACT AWARDED A. E. FINLEY & ASSOCIATES, INC. FOR ONE SCAVENGER UNIT FOR ENGINEERING DEPARTMENT.

Councilman Alba moved the award of contract to the only bidder, A. E. Finley & Associates, Inc, as recommended, for One Scavenger Unit, as specified, at a net delivered price of \$12,758.00. The motion was seconded by Councilman Myers. Councilman Dellinger asked the Purchasing Agent if other manufacturers were notified that bids on the equipment would be received. Mr. Beatty replied this is always done. That advertisement is run in the local paper and notice sent individual manufacturers whose names are on file in his office - in this instance there were about 25 companies notified. The vote was then taken on the motion and unanimously carried.

CONTRACT AWARDED SPARTAN EQUIPMENT COMPANY FOR THREE PORTABLE COMPRESSORS, INSTALLED ON CITY TRUCKS FOR WATER DEPARTMENT.

Upon motion of Councilman Whittington, seconded by Councilman Dellinger, and unanimously carried, contract was awarded the low bidder, Spartan Equipment Company, as recommended, for Three Compressors installed on city equipment, as specified, at a net delivered price of \$9,810.00.

The following net delivered bids were received:

Spartan Equipment Company	\$ 9,810.00
J. B. Hunt & Sons	\$10,320.00
Mitchell Distributing Company	\$12,295.50
A. E. Finley & Associates, Inc.	\$12,387.00

CONTRACT AWARDED N.C. EQUIPMENT COMPANY FOR ONE POWER TRACTOR SHOVEL UNIT FOR WATER DEPARTMENT.

Councilman Alba moved the award of contract to North Carolina Equipment Company, as recommended, for one Hough Power Tractor Shovel Unit, as specified, at a total price of \$14,653.14, subject to cash discount of \$2,750.00, representing a net delivered price of \$11,903.14. The motion was seconded by Councilman Whittington, and unanimously carried. The low bid of H. B. Owsley & Son, Inc. and the second low bid of Southland Equipment Company did not meet the specifications.

The following net delivered bids were received:

H. B. Owsley & Son, Inc.	\$11,166.00
Southland Equipment Company	\$11,789.00
N. C. Equipment Company	\$11,903.14
Spartan Equipment Company	\$12,400.00
J. W. Burrell, Inc.	\$12,502.60
E. F. Craven Company	\$13,000.00

CONTRACT AWARDED E.F. CRAVEN COMPANY FOR CRAWLER TYPE TRENCHING UNIT FOR WATER DEPARTMENT.

Councilman Dellinger moved the award of contract to E. F. Craven Company, as recommended, for One Cleveland J-20 Crawler type Trenching Unit, as specified, at a total price of \$14,148.00, subject to cash discount of \$950.00, representing a net delivered price of \$13,198.00.

At the request of Councilman Myers, Mr. Franklin, Superintendent of the Water Department, discussed the specifications for the equipment, he stated the main discrepancy in the low bid is their crawlers are not

11030

February 22, 1960  
Minute Book 39 - Page 263

equipped with sealed roller bearings; also, the width of their unit is 8-inches more across the crawler than the unit offered by E. F. Craven Company, and this is important to the Department; their unit does not have a conveyor belt equipped with hydraulic shift and there are one or two other items of doubtful nature as to conforming to the specifications. Councilman Myers stated he thinks if the manufacturer thought a high type bearing was necessary, then they would have it; that possibly the City has written specifications for a crawler upgraded above our needs.

Councilman Myers offered a substitute motion that the bids be rejected and the specifications be rewritten. The motion did not receive a second.

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

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

The following net delivered bids were received:

Mitchell Distributing Company	\$10,448.65
Southland Equipment Company	\$12,979.00
E. F. Craven Company	\$13,198.00
<u>Alternate Bid</u>	\$11,160.00

CONTRACT AWARDED MCCORMICK FARM EQUIPMENT STORE, OR INTERNATIONAL HARVESTER COMPANY, FOR ONE WHEEL TYPE CRAWLER TRACTOR, FOR WATER DEPARTMENT.

Upon motion of Councilman Smith, seconded by Councilman Albea, and un-animously carried, contract was awarded McCormick Farm Equipment Store, or International Harvester Company, as recommended, for One Wheel-type Crawler Tractor, as specified, at a total price of \$6,119.67, subject to cash discount of \$1,327.02, representing a net delivered price of \$4,792.65. The low bid of Southland Equipment Company did not meet the specifications.

The following net delivered bids were received:

Southland Equipment Company	\$ 4,120.00
McCormick Farm Equipment Store or International Harvester Company	\$ 4,792.65
N. C. Equipment Company	\$ 4,851.00

CONTRACT AWARDED J.B. HUNT & SONS, INC. FOR ONE TANDEM TRAILER FOR WATER DEPARTMENT.

Motion was made by Councilman Smith, seconded by Councilman Whittington, and un-animously carried, awarding contract to J. B. Hunt & Sons, Inc. as recommended, for One Wisconsin Trailer, Model 1020, at a total price of \$2,000.00, subject to cash discount of \$80.00, representing a net delivered price of \$1,920.00. The low bid of Southland Equipment Company did not meet the specifications.

The following net delivered bids were received:

Southland Equipment Company	\$ 1,650.00
J. B. Hunt & Sons, Inc.	\$ 1,920.00
Mitchell Distributing Company	\$ 2,174.95
N. C. Equipment Company	\$ 2,323.77
Spartan Equipment Company	\$ 2,995.00
Farm & Industrial Equipment Company	\$ 3,712.00

February 22, 1960  
Minute Book 39 - Page 264

CONTRACT AWARDED FARM & INDUSTRIAL EQUIPMENT COMPANY FOR ONE TRACTOR,  
FOR WATER DEPARTMENT.

Councilman Dellinger moved that contract be awarded the only bidder, Farm & Industrial Equipment Company, as recommended, for One Tractor, ladder type, trenching unit, as specified, at a net delivered price of \$7,721.46. The motion was seconded by Councilman Smith, and unanimously carried.

TRANSFER OF CEMETERY LOTS.

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

- (a) Deed with Mrs Bess N. Dinsmore, for Lot 213, Section 4-A, Evergreen Cemetery, at \$126.00.
- (b) Deed with Wm. J. and Dorothy A. Vanderlip, for Lot 350, Section 3, Evergreen Cemetery, at \$252.00.
- (c) Deed with Mrs Ruth C. Crutchfield, for Lot 309, Section 4-A, Evergreen Cemetery, at \$126.00.
- (d) Deed with Mr Irwin Belk, for Lot 83, Section L-Annex, Elmwood Cemetery transferred from Earle W. Patrick and wife, at \$1.00 for transfer deed.

RESOLUTION PROVIDING FOR THE ISSUANCE OF \$160,000 REFUNDING SANITARY SEWER BOND ANTICIPATION NOTES, \$106,000 REFUNDING WATER BOND ANTICIPATION NOTES AND \$134,000 GENERAL REFUNDING BOND ANTICIPATION NOTES, ADOPTED.

Councilman Dellinger moved the adoption of resolution entitled: "Resolution Providing for the Issuance of \$160,000 Refunding Sanitary Sewer Bond Anticipation Notes, \$106,000 Refunding Water Bond Anticipation Notes, and \$134,000 General Refunding Bond Anticipation Notes", which was seconded by Councilman Albea, and unanimously carried. The resolution is recorded in full in Resolutions Book 3, beginning at Page 466.

PAYMENT OF FEE AUTHORIZED TO SYDNOR THOMPSON, ATTORNEY, FOR SERVICES IN CONNECTION WITH SUIT OF HASTINGS VS THE CITY.

Upon motion of Councilman Smith, seconded by Councilman Albea, and unanimously carried, the request of the City Attorney was approved that Mr. Sydnor Thompson, Attorney, be paid \$300.00 for his services in preparing the brief in the zoning case of Thomas H. Hastings vs. the City of Charlotte before the Supreme Court.

ADJOURNMENT.

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

  
Lillian R. Hoffman, City Clerk