

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 3, 1961, at 3 o'clock p.m., with Mayor Smith presiding, and Councilmen Albea, Babcock, Dellinger, Hitch, Myers, Smith and Whittington present.

ABSENT: None.

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INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Hitch, seconded by Councilman Albea, and un-animously carried, the Minutes of the last meeting on March 27th were approved as submitted.

ORDINANCE NO. 18 AMENDING THE CITY CODE, CHAPTER 20, TRAFFIC, WITH RESPECT TO STANDING FOR LOADING ONLY, ADOPTED.

An ordinance entitled: "Ordinance No. 18 Amending the City Code, Chapter 20, Traffic, with respect to Standing for Loading only" was introduced and read, and upon motion of Councilman Smith, seconded by Councilman Whittington, and un-animously carried, the ordinance was adopted. The ordinance is recorded in full in Ordinance Book 13, at Page 53.

DRIVEWAY ENTRANCES CONSTRUCTION AUTHORIZED.

Motion was made by Councilman Albea, seconded by Councilman Dellinger, and un-animously carried, authorizing the construction of driveway entrances at the following locations:

- (a) One 30-ft. entrance at 720 Seigle Avenue.
- (b) One 15-ft. entrance at 1008-10 E. 4th Street.
- (c) One 25-ft. entrance on North Graham Street and One 23-ft. and One 30-ft. entrance on Franklin Avenue, all for 2338-40 North Graham Street.
- (d) Two 30-ft. entrances at 1415 Independence Boulevard.
- (e) Two 35-ft. entrances on Eastway Drive and Two 31-ft. entrances on Shamrock Drive, all for 1500 Eastway Drive.

PAYMENT AUTHORIZED TO MCDUGLE, ERVIN, HORACK & SNEPP, ATTORNEYS, FOR LEGAL SERVICES IN CONNECTION WITH SANITARY SEWER RIGHTS-OF-WAY IN 1960 CITY LIMIT AREA.

Councilman Hitch moved approval of the payment of \$208.00 from the Sewer Bond Fund, to McDougale, Ervin, Horack, and Snapp, for legal services in connection with sanitary sewer rights-of-way in the 1960 city limit area. The motion was seconded by Councilman Albea, and un-animously carried.

CITY MANAGER AUTHORIZED TO SELECT PERSONS FOR LEGAL SERVICES TO CITY.

Councilman Whittington raised the question of rotating the City's business

among the legal profession in connection with title work, rights-of-way et cetera, calling attention that he submitted a list of attorneys sometime ago who are interested in doing this work, and he asked why the business cannot be rotated among these persons. The question was generally discussed, the City Manager expressing the opinion that it would involve some difficulty to employ a different person for each job. It was suggested that a limit of \$1,000.00 might be fixed for a given assignment before rotating the business. The City Attorney stated he suggested sometime ago that, everything being equal, the business be given to the law firm of Mr. Joe Grier, in view of the fact he is serving without compensation on the Park & Recreation Commission. Opposition was expressed to this suggestion, with Councilman Albea stating he does not think the City should give Mr. Grier the business merely on the strength of his serving on the Park Board; that the work should be assigned strictly on the basis of qualification.

Councilman Babcock moved that the selection of the person or firm to render these services be left up to the City Manager. The motion was seconded by Councilman Hitch.

Councilman Whittington stated he thinks it only fair and right to rotate the business, and he would like the City Manager to start at the top of the list he submitted and assign each job to a different person.

Councilman Dellinger offered a substitute motion that the City Manager bring the list to the meeting next week for consideration. The motion was seconded by Councilman Whittington, and lost by the following recorded vote:

YEAS: Councilmen Dellinger, Whittington and Albea.

NAYS: Councilmen Babcock, Hitch, Myers and Smith.

The vote was then taken on the main motion, and carried by the following recorded vote:

YEAS: Councilmen Babcock, Hitch, Myers and Smith.

NAYS: Councilmen Albea, Dellinger, and Whittington.

**PAYMENT AUTHORIZED TO CHARLOTTE BOARD OF REALTORS FOR APPRAISING SIX LOTS ADJACENT TO THE WATER FILTER PLANT ON PATTON AVENUE AND FAIRMONT STREET.**

Upon motion of Councilman Albea, seconded by Councilman Hitch, and un-animously carried, the payment of \$140.00 was authorized to the Charlotte Board of Realtors for appraising six lots adjacent to the Water Filter Plant on Patton Avenue and Fairmont Street.

Councilman Dellinger stated he was of the opinion that the Board of Realtors preferred the Council to name the appraiser. He asked that in the future the appraiser be specified, or if it is left up to the Board of Realtors that the appraiser or appraisers name be shown on the invoice. He stated further that a number of Realtors have asked how the City's appraisal business is assigned, stating they have never been given the opportunity to do any of this work.

**CONSTRUCTION OF SANITARY SEWER MAIN AND TRUNK IN BERTONLEY AVENUE, AUTHORIZED.**

Councilman Dellinger moved approval of the construction of 520 feet of sanitary sewer main and trunk line in Bertonley Avenue, at the request of Mr. W. B. Coates, at an estimated cost of \$1,750.00. All cost to be borne by the applicant, whose deposit of the entire amount to be refunded as per terms of the contract. The motion was seconded by Councilman Whittington, and un-animously carried.

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EXTENSION OF SICK LEAVE TO APRIL 15TH TO OFFICER H.C. HAGER, POLICE DEPARTMENT.

Upon motion of Councilman Whittington, seconded by Councilman Dellinger, and unanimously carried, sick leave was extended to Officer H. C. Hager, Police Department, to April 15th, as recommended by the City Manager.

TRANSFER OF CEMETERY LOT.

Councilman Hitch moved that the Mayor and City Clerk be authorized to execute a deed with Mrs. Alberta A. Ballenger, for the transfer of Graves #2 and #3 in Lot 20-C, Section 3, Evergreen Cemetery, at a cost of \$80.00. The motion was seconded by Councilman Albea, and unanimously carried.

CONTRACT AWARDED GLOBE TICKET COMPANY FOR IBM CARDS AND ELECTROPLATES DUE TO INTERNATIONAL BUSINESS MACHINES COMPANY REFUSING TO FULFILL CONTRACT FOR SAME AWARDED THEM ON MARCH 20, 1961.

The City Manager advised that International Business Machines Company has refused to accept the order for 610,000 IBM Cards and Electroplates, at \$1,456.90, which was awarded them on March 20, 1961, stating an error was made in the calculations of printing and in the cost of electroplates. He recommended action awarding the contract to the Company be rescinded, and the contract be awarded the next lowest bidder, Globe Ticket Company, at their bid price of \$1,502.50.

Objections were raised at the Company refusing to fulfill the terms of the contract, Councilman Smith and Councilman Babcock stating they think the Company should be made to stand behind their bid. The City Attorney stated this is a breach of contract, and if the contract is given another company at a higher price, then International Business Machines Company should be billed the difference in price of \$45.60.

It was explained by the Purchasing Agent that as the amount was under \$2,000.00, no performance bond was required. That bids were requested for printing the cards and furnishing the City the electroplates, and IBM does not want to surrender the plates. That their bid was for the printing and they retain the plates; that he phoned them bids were called for with the surrender of the plates, and they advised they would have to add \$60.00 to their bid for the plates, which still made them the low bidder. He advised further that he has discussed the matter of the City receiving the plates with Globe Ticket Company, and they are agreeable.

Councilman Dellinger stated in view of the fact that International Business Machines Company refuse to perform its contract in the amount of \$1,456.90, which was accepted in good faith by the City, and in view of this constituting a breach of contract, he moved that the contract now be awarded Globe Ticket Company for 610,000 IBM Cards and Electroplates, in the amount of \$1,502.50, and International Business Machines Company be billed the difference in price of \$45.60. The motion was seconded by Councilman Babcock, and unanimously carried.

The following bids were received:

International Business Machines Co.	\$ 1,456.90
Globe Ticket Company	\$ 1,502.50
Electronic Accounting Card Company	\$ 1,808.00

CONTRACT AWARDED TWIN STATES EQUIPMENT COMPANY FOR AERIAL LADDER FOR TRAFFIC ENGINEERING DEPARTMENT.

Upon motion of Councilman Whittington, seconded by Councilman Babcock, and unanimously carried, contract was awarded the low bidder, Twin States Equipment Company, for an Aerial Ladder at their bid price of \$1,072.24.

The following bids were received:

Twin States Equipment Company	\$ 1,072.24
Baker Equipment Engineering Co., Inc.	\$ 1,564.00
Cook Body Company	\$ 1,743.15

Bids which do not meet specifications:

Murphy Body Distributors, Inc.	\$ 1,061.22
Alternate Bid	\$ 1,786.24
Alternate Bid	\$ 2,240.47

CONTRACT AWARDED BORTUN COMPANY FOR BORING AND INSTALLING SHEATH PIPE UNDER INTERSTATE HIGHWAY #85.

Motion was made by Councilman Hitch, seconded by Councilman Whittington, and unanimously carried, awarding contract to the low bidder, BorTun Company for Boring and Installing 120 feet of Sheath Pipe under Interstate Highway #85, on a unit price basis of \$14.00 per foot, at a total amount of \$1,680.00.

The following bids were received:

BorTun Company	\$ 1,680.00
Armco Drainage & Metal Products Company	\$ 1,320.00

The bid of BorTun Company being the low bid because of the type pipe they can use, to be furnished by the City, costing \$2.95 per lineal foot, in comparison with the type pipe Armco must use, to be furnished by the City, costing \$7.40 per lineal foot.

NOMINATION OF FRANK A. MCCLENEGHAN FOR REAPPOINTMENT TO THE AUDITORIUM-COLISEUM AUTHORITY TO REMAIN OPEN ONE WEEK.

Councilman Albea nominated Mr. Frank A. McCleneghan for reappointment to the Auditorium-Coliseum Authority for a term of 5 years; the said nomination to remain open for one week.

NOMINATION OF W. A. RICHARD FOR REAPPOINTMENT TO THE CIVIL SERVICE COMMISSION TO REMAIN OPEN ONE WEEK.

Councilman Dellinger nominated Mr. W. A. Richard to succeed himself on the Civil Service Commission for a term of 3 years; the said nomination to remain open for one week.

BILL TO BE ENTITLED AN ACT TO CONSOLIDATE AND REWRITE THE SPECIAL LAWS RELATING TO THE RECORDER'S COURT OF THE CITY OF CHARLOTTE, APPROVED.

Councilman Babcock moved approval of the Recorder's Court Bill for enactment by the Legislature. The motion was seconded by Councilman Whittington, and unanimously carried.

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COMMITTEE MEETING TO BE ARRANGED WITH HISTORICAL ASSOCIATION RELATIVE TO THE REMOVAL OF THE EBEN NYE HUTCHINSON HOUSE FROM RIGHT-OF-WAY FOR OPENING OF THIRD STREET.

The City Manager advised that a contract must be let for demolishing the houses in the right-of-way for the opening of Third Street from Providence Road to Independence Boulevard, and if the Hutchinson House is to be removed by the Historical Association, it should be done at once; that the State Highway Department will let the contract for opening the street in May or June, and the right-of-way must be ready.

Councilman Dellinger stated he has just learned he is Chairman of the Committee to confer with the Historical Association and he will arrange a meeting at once. He asked the City Attorney as to the legality of the Association or Park & Recreation Commission to move the building, and Mr. Shaw replied there is a provision in the law which permits it, and he will send a copy of the act to Mr. Dellinger.

BILL RELATIVE TO AMENDING SECTION 51 OF CHARTER DEALING WITH PERMANENT IMPROVEMENTS, PRESENTED FOR STUDY.

The City Manager presented Council with copies of a Bill to Amend the Charter of Charlotte by rewriting Section 51 thereof, dealing with Permanent Improvements, drawn by the City Attorney.

The provisions of the Bill were discussed by Mr. Shaw, City Attorney, and at the suggestion of the City Manager, action was deferred for one week in order that the Council might study the Bill.

CITY ENGINEER REQUESTED TO CHECK CONDITION OF SEPTIC TANKS ON BROOKWOOD ROAD AND IF SERIOUS TO PROCEED WITH THE CONSTRUCTION OF SEWER LINES TO THE AREA.

Councilman Dellinger advised that trouble is being realized with the septic tanks on Brookwood Road, in Foxcroft area, and stagnant water is standing on residential lots, creating a health hazard. He asked why the sewer lines have not been constructed in this area. The City Engineer stated it is a matter of the right-of-way being held up and he can put them in in two weeks once this is cleared. The City Attorney explained that Mr. O'Herron objects to the sewer line encroaching on his property and wants it to come down another street at the rear of his property. Councilman Dellinger asked that the City Engineer check into the conditions of the septic tanks and if the situation is really bad, the sewer line be installed without delay.

BROCHURE ON SCHEDULE OF GARBAGE AND TRASH COLLECTIONS BEING DISTRIBUTED.

Councilman Hitch asked if a fixed schedule is being maintained for the collection of leaves and trash. The City Manager advised that a Brochure is now being distributed to all residents giving the schedule for garbage and trash collections.

ADJOURNMENT.

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

*Lillian R. Hoffman*  
Lillian R. Hoffman, City Clerk