

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, July 10, 1961, at 3 o'clock p.m., with Mayor Brookshire presiding, and Councilmen Albea, Bryant, Dellinger, Jordan, Smith, Thrower and Whittington present.

ABSENT: None.

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INVOCATION.

The invocation was given by the Reverend James E. Fogartie, Pastor of Myers Park ~~Methodist~~ Church.
Presbyterian

Corrected
at Council
Meeting 7-17-61

MINUTES APPROVED.

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

CLAIM AGAINST CITY FILED BY JOHN C. BENNETT.

Mr John C. Bennett, 3406 Washburn Avenue, appeared before Council and requested that the discussion be postponed until the next Council Meeting on his claim, dated July 8, 1961, filed by mail for personal damages due to the failure of certain city officials to protect the city's interest with regard to the city's contracts with Geo G. Scott & Company for audits of the city's accounts.

Councilman Dellinger stated he saw no reason for a discussion today or later relative to the claim, which the Council has read, and he moved that it be referred to the City Attorney. The motion was seconded by Councilman Jordan, and unanimously carried.

Mr. Bennett asked that he be notified when Council action is taken on his claim.

ORDINANCE NO. 27-Z AMENDING THE ZONING ORDINANCE AMENDING THE BUILDING ZONE MAP BY CHANGING ZONING FROM R-2 TO O-I ON PROPERTY ON THE SOUTHWEST SIDE OF EASTWAY DRIVE, BETWEEN SHAMROCK DRIVE AND SPRINGWAY DR., ADOPTED.

Upon motion of Councilman Whittington, seconded by Councilman Albea, and unanimously carried, Ordinance No. 27-Z Amending the Zoning Ordinance amending the Building Zone Map of the Perimeter Area, changing zoning from R-2 to O-I, as recommended by the Planning Board, was adopted.

The ordinance is recorded in full in Ordinance Book 13, at Page 82.

PETITION OF RESIDENTS OF TANGLE DRIVE THAT ORIGINAL NAME OF TANGLEWOOD DRIVE BE RESTORED, DENIED.

Councilman Whittington moved that the petition of residents of Tangle Drive requesting that original name of Tanglewood Drive be restored, be

denied, as recommended by the Planning Board. The motion was seconded by Councilman Bryant, and unanimously carried.

Councilman Smith called attention that the name Tangle Drive was selected by the residents of the street during the Street Renaming Program; however, Council is not ruling out a change to some other name should the residents care to bring in a suggestion.

PAYMENT AUTHORIZED TO MCDOUGLE, ERVIN, HORACK & SNEPP FOR LEGAL SERVICES IN CONNECTION WITH VARIOUS PROJECTS.

Motion was made by Councilman Dellinger, seconded by Councilman Albea, and unanimously carried, authorizing the payment of \$552.72 to McDougle, Ervin, Horack & Snepp for legal services in connection with the Landfill Road Project, Sewer right of way in Shannon Park, North Tryon Street Trunk, Holly Street Trunk, Taggart Creek Outfall and title examinations in regard to the proposed relocation of Brunswick Avenue.

CONSTRUCTION OF SANITARY SEWER LINES AUTHORIZED.

Upon motion of Councilman Dellinger, seconded by Councilman Jordan, and unanimously carried, the construction of sanitary sewer lines was authorized, as follows:

- (a) Construction of 650-ft. of sewer lines to serve Ashley Park School, inside the city, at request of Charlotte-Mecklenburg County School Board, at an estimated cost of \$3,510.00. All cost to be borne by the applicant.
- (b) Construction of 657-ft. of sewer lines in Wellingford Street, inside the city, at request of Nance-Trotter, Inc., at an estimated cost of \$1,885.00. All cost to be borne by the applicant, whose deposit of the entire cost will be refunded as per terms of the contract.
- (c) Construction of 1,397-ft. of sewer lines in Barclay Downs Subdivision, inside the city, at request of Jackson Engineering Corp., at an estimated cost of \$4,420.00. All costs to be borne by the applicant, whose deposit of the entire cost will be refunded as per terms of the contract.
- (d) Construction of 1,125-ft. of sewer lines in Beresford Road, inside the city limits, at request of Jackson Engineering Corporation, at an estimated cost of \$3,895.00. All costs to be borne by the applicant whose deposit is to be refunded as per terms of agreement.

INSTALLATION OF WATER MAINS AUTHORIZED.

Motion was made by Councilman Smith, seconded by Councilman Dellinger, and unanimously carried, authorizing the installation of water mains as follows:

- (a) Contract with Tryon Processing & Constructors Investment Corp., for the installation of 1,825-ft. of water mains and two hydrants in Barclay Downs Subdivision, inside the city limits, at an estimated cost of \$5,300.00. The City to finance all costs and the applicant to guarantee an annual gross water revenue equal to 10% of the total cost.

- (b) Contract with J. C. Hubbell and John W. Austin, for the installation of 360-ft. of water mains in Timber Lane, inside the city limits, at an estimated cost of \$630.00. The City to finance all costs and applicants to guarantee a gross annual water revenue equal to 10% of the total cost.
- (c) Contract with J. C. Hubbell and John W. Austin, for the installation of 500-ft. of water mains in Timber Lane, outside the city limits, at an estimated cost of \$800.00. The applicants to pay the entire cost and own the mains until such time as the area is taken into the city, at which time the mains will become the property of the city without further agreement.
- (d) Contract with the P & N Railway Company for the installation of 3,830-ft. of water mains and 5 hydrants in the Industrial Development on Hovis Circle, inside the city limits, at an estimated cost of \$23,500.00. The applicant to pay the entire cost and the City will retain the funds until the revenue from the mains has equalled or exceeded 5% of the total cost for a 12-months continuous period at which time the applicant will be eligible for reimbursement of the total funds without interest.
- (e) Contract with the P & N Railway Company for the installation of 5,140-ft of water mains and 6 hydrants in the Industrial Development on Hovis Circle, outside the city limits, at an estimated cost of \$28,700.00. The applicant to pay the entire cost and own the mains until such time as the area is taken into the city, at which time the mains will become the property of the city without further agreement.
- (f) Contract with Ervin Construction Company, Inc. for the installation of 7,605-ft. of water mains and 4 hydrants in the Brookfield Sub-division, inside the city limits, at an estimated cost of \$22,000.00. The City to finance all costs and applicant to guarantee an annual gross water revenue equal to 10% of the total construction cost.

AMENDMENT TO CONTRACT FOR ENGINEERING SERVICES WITH WHITEHEAD & ZICKEL CHANGING THE CORPORATION FROM A FOREIGN CORPORATION ORGANIZED UNDER THE LAWS OF THE STATE OF GEORGIA TO A CORPORATION ORGANIZED UNDER THE LAWS OF THE STATE OF NORTH CAROLINA.

Councilman Alba moved approval to an amendment to Contract for engineering services with Whitehead & Zickel changing the corporation from a foreign corporation organized under the laws of the State of Georgia to a corporation organized under the laws of the State of North Carolina. The motion was seconded by Councilman Whittington, and unanimously carried.

RENEWAL OF LICENSE TO GOODWILL EXTERMINATING & INSULATING, INC., GASTONIA N. C. AUTHORIZED.

Upon motion of Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, renewal of license to Goodwill Exterminating & Insulating Inc., Gastonia, N. C. to operate in Charlotte, was authorized.

TRANSFER OF CEMETERY LOTS.

Motion was made by Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, authorizing the transfer of cemetery lots as follows:

- (a) Deed with Mr John H. Scott, for Lot No. 20-A, Grave #4, Section 3, Evergreen Cemetery, at \$60.00.
- (b) Deed with Dr Ernest C. Morris, for Lot No. 54, Section 2, Evergreen Cemetery, at \$480.00.

CONTRACT AWARDED WINCHESTER SURGICAL SUPPLY COMPANY FOR FLOURESCENT ANTIBODY MISCROSCOPE.

Upon motion of Councilman Dellinger, seconded by Councilman Bryant, and unanimously carried, contract was awarded the low bidder, Winchester Surgical Supply Company for a Flourescent Antibody Miscroscope, in the amount of \$1,658.51. The City Manager advised the City will be reimbursed the cost of the miscroscope by the State Health Department.

The following bids were received:

Winchester Surgical Supply Co.	\$ 1,658.51
Cardinal Products, Inc.	\$ 1,745.85

CONTRACT AWARDED DRESSER MANUFACTURING COMPANY FOR STRAP SERVICE CLAMPS FOR WATER CONNECTIONS.

Councilman Dellinger moved that contract be awarded the low bidder, Dresser Manufacturing Company for 596 single and double service strap clamps for water connections, in the amount of \$1,505.41. The motion was seconded by Councilman Bryant, and unanimously carried.

The following bids were received:

Dresser Manufacturing Co.	\$ 1,505.41
Grinnell Company	\$ 1,518.34
Mueller Company	\$ 1,533.89
Atlas Supply Company	\$ 1,542.07
Shelby Supply Company	\$ 1,577.22
Smith Blair, Inc.	\$ 1,592.38
Pump & Lighting Company	\$ 1,664.77

CONTRACT AWARDED THE EARLY AMERICAN FORGE FOR LOT MARKERS AT EVERGREEN AND OAKLAWN CEMETERIES.

Motion was made by Councilman Thrower, seconded by Councilman Jordan, and unanimously carried, awarding contract to the low bidder, The Early American Forge for 2,731- 4" Oval Ground Lot Markers for the new sections now under development at Evergreen and Oaklawn Cemeteries, at a price of \$1,687.76.

The following bids were received:

The Early American Forge	\$ 1,687.76
Eaton Bros Corporation	\$ 1,969.05
Norvell Tent Manufacturing Co.	\$ 2,531.64

CONTRACT AWARDED J. L. COLVILLE CONSTRUCTION COMPANY FOR 89,100 TONS OF CRUSHER RUN AND CLEAN STONE.

Consideration was given bids on 89,000 tons of crusher run and clean stone, received on June 27th from J. L. Colville Construction Company,

Bryson City, N. C. at \$182,696.25 and Superior Stone Company, Raleigh, N. C., at \$184,102.20. The City Manager had advised Council that the low bidder does not presently operate a quarry in the immediate vicinity of Charlotte and it will require sometime to set up and place in operation his proposed local plant, therefore, his ability to deliver the stone is in doubt and as this is the critical time of the year when daily requirements of crusher stone is averaging from 500 to 1,000 tons per day and 900 tons of clean stone per week, the City's street maintenance and repair program could be placed in jeopardy. That his recommendation that the contract be awarded the low bidder, J. L. Colville Company, is strictly subject to their furnishing satisfactory evidence that crusher stone can and will be delivered by a method and on a schedule which will guarantee its availability as required by the City during the period between the award of the contract and actual operation of his local quarry. He stated such assurance of performance has not been obtained from the Company at this time.

Mr. William E. Graham, Attorney representing J. L. Colville Company, stated his client will assuredly stand back of any bid he has made. That there has been only the one stone company operating in this vicinity and persons have been paying much more for stone than competition would have provided, and now Mr Colville can provide that competition by the award of this contract to him, and his quarry will meet all requirements of the city. He stated further that the quarry is not in operation today as one would not spend the large sum of money to open a plant in Mecklenburg County without first obtaining a contract.

Mr Graham introduced Mr Nello Teer, whom he stated is backing the quarry project. Mr Teer stated he has a 30 year lease on the property on which the plant will be erected, and the City will realize now and in the future a big savings in the cost of stone through the competition they will provide. That he told Mr Cheek, the City Engineer, they will be in position to furnish clean stone before August 1st by shipping it in from other quarries; then a day or so ago Mr Cheek stated he would want 2,000 tons of crusher run stone immediately after the contract was awarded, which he stated would, of course, be impossible to supply unless it was brought in and the freight charges would be prohibitive. That Mr Colville's bid was based on the city's proposal, and to add requirements now that are impossible to fill is unfair.

Mr Veeder, City Manager, stated his understanding of the situation is somewhat different from Mr Teer's comments. That the Company was aware under a letter dated June 30th that the City would need at least 2,500 tons of crusher run per week. That in the city's proposal truck delivery within the city is required to the job sites as needed. That he is pleased the new company has bid on stone and welcomes their bid, but the city's primary interest now is to have complete knowledge that it will have the stone when and where needed after the award of the contract and when the quarry goes into operation, and he has not yet been given that assurance. He asked Mr Teer the following questions: (1) Where will the quarry be located? Mr. Teer replied northwest from Charlotte on the Wiggins Farm. (2) What will be the amount of stone they can deliver between now and the operation of the quarry? Mr Teer replied they did not intend delivery of any. They were told by Mr Cheek, and he believes also by Mr Veeder, the city would need stone on or about August 1st. That if clean stone was needed for patching before that time, they would ship it in from other quarries. That the proposals as drawn and sent out to them reflected certain amounts of limestone were involved and there are few places to get this. That King's Mountain was specified and an Addenda was later gotten out changing this. That Mr Cheek talked with them before the Bids were received, and also afterwards about the deliveries. That the proposal

submitted by Mr. Colville makes reference to August 15th; however, under the law they have 10 days after the contract is signed before shipments must be made. That if the contract is awarded on the basis of the proposal they can deliver from their quarry here. That they can set up a portable plant in 10 days. That if the contract is awarded them today they can have the plant operating in 10 days to 2 weeks and producing all the stone the city needs. That the law requires all cities to give 10 days in which to post bond and sign a contract, and that shipping stone is contrary to the city's proposal.

Mr Cheek stated his present contract will be exhausted as far as material is concerned as of today and it will be necessary to extend it if the stone cannot be supplied by Mr. Colville. That Mr Colville has said he will deliver August 15th or earlier if required.

Mr. Graham called attention that according to the city's advertisement for bids even after the award of the contract, they would have 10 days in which to enter into the contract.

Mr Shaw, City Attorney, stated Mr Colville has 10 days in which to sign the contract and he says in that time he will be able to deliver stone. That if the City waited until they are out of stone to award a contract, then there has been no room for competitive bidding as that would narrow it down to Superior Stone Company. But if this is now the case and the City is out of stone, some provision must be made and the Statutes provides for emergency purchases without bids. That if the city is saving money on the new price of stone, then it would certainly not hurt anything for the city to purchase whatever is needed for the next 10 days.

Mr Veeder asked Mr Teer the following questions: (1) When will the quarry be in operation so that delivery of crusher stone can begin? Mr. Teer replied he would say 10 days, (2) Is this a promise? Mr. Teer replied yes. (3) How do you propose to deliver to our different sites? Mr. Teer stated he had the promise of a trucking company before he submitted his bid and will have no trouble with deliveries as many trucking companies as there are here wanting business. (4) Can you deliver over 1,000 tons a day after 12 days? Mr Teer replied yes sir, any quantity you want. That they serve Durham, Raleigh, Rocky Mount, New Bern and other cities by rail and truck. That they will deliver the stone as the city instructs them. (5) To pin it down - do I understand if the contract is awarded you today, on July 21st you can make delivery of 1,000 tons of crusher run stone a day on 24 hour notice? Mr Teer replied, yes sir.

Councilman Bryant moved that the bid of J. L. Colville Construction Company at \$182,696.25 be accepted if it meets the requirements of the city. The motion was seconded by Councilman Albea.

Mr Veeder asked Mr Teer if after the 12 days period the city can call on them for its full requirement of stone? Mr Teer replied yes, any time after the 12 days period.

Mr Cheek stated he thinks they have met the requirements. That the only question has been if they can deliver sufficient stone during this critical period. He stated further that the Council should now extend its present contract with Superior Stone Company to July 21st.

The vote was then taken on the motion for the award of the contract, and unanimously carried.

Councilman Albea stated he is voting to award the contract to the low bidder in good faith on the promises of Mr. Teer.

Mayor Brookshire stated the award of the contract is predicated on Mr Teer's statements made today, and that he will assist, if necessary, in securing stone between now and July 21st, and will be able to make delivery of the city's requirements from the local plant at the end of the 12 day period.

CONTRACT WITH SUPERIOR STONE COMPANY EXTENDED FOR TWELVE DAYS FOR CITY'S REQUIRED QUANTITY OF STONE.

Councilman Bryant moved that the city's contract with Superior Stone Company be extended for 12 days for the city's required quantity of stone. The motion was seconded by Councilman Jordan, and unanimously carried.

SALARY OF VICE RECORDER FIXED.

Councilman Dellinger moved that the salary of the Vice-Recorder be fixed at \$30.00 per day for the days worked. The motion was seconded by Councilman Whittington.

Councilman Albea stated he thinks the salary should be at the same rate per day as the Recorder, as the Vice Recorder does the same work and should be paid accordingly. The vote was taken on the motion, and unanimously carried.

DEED TO GOOD SAMARITAN HOSPITAL PROPERTY ACCEPTED FROM THE TRUSTEES OF THE EPISCOPAL DIOCESE OF NORTH CAROLINA.

Councilman Whittington moved the acceptance of the Deed to Good Samaritan Hospital property from the Trustees of the Episcopal Diocese of North Carolina, and that the City Attorney and City Manager be instructed to meet with representatives of Memorial Hospital Authority relative to the transfer of the Hospital to the Authority and bring a report of their meeting to the Council next week, and the City in the acceptance of the Deed assumes no responsibility for the operation of the Hospital, and that it continue under the present management until such time as it is taken over by Memorial Hospital Authority. The motion was seconded by Councilman Albea, and unanimously carried.

RESOLUTION EXPRESSING APPRECIATION TO THE BOARD OF MANAGERS AND BOARD OF TRUSTEES OF GOOD SAMARITAN HOSPITAL FOR THEIR CONTRIBUTION TO THE CITY THROUGH THE MAINTENANCE AND OPERATION OF THE HOSPITAL FOR MORE THAN 80 YEARS.

Mayor Brookshire read the following resolution, after which Councilman Dellinger moved its adoption, which was seconded by Councilman Jordan, and unanimously carried:

WHEREAS, the North Carolina Diocese of the Protestant Episcopal Church for more than eighty years owned and operated the Good Samaritan Hospital in the City of Charlotte; and

WHEREAS, until recent years the Good Samaritan Hospital through its Board of Managers and its Board of Trustees provided the sole hospital facility for a large segment of the population of the City of Charlotte; and

WHEREAS, with the consent of the North Carolina Diocese of the Protestant Episcopal Church, the Board of Managers of the Good Samaritan Hospital made a gift to the City of Charlotte of the hospital properties; and

WHEREAS, it is the desire and intent of the City of Charlotte to acknowledge the gift of the Good Samaritan Hospital properties and to express its appreciation for the service which the Board of Managers and the Board of Trustees of Good Samaritan Hospital rendered the City of Charlotte during the many years they operated the hospital.

NOW, THEREFORE, BE IT RESOLVED, that the City of Charlotte gratefully accepts the gift of the hospital properties of the Good Samaritan Hospital from the North Carolina Diocese of the Protestant Episcopal Church; and

BE IT RESOLVED FURTHER, that the City of Charlotte expresses hereby to the Board of Managers and Board of Trustees of the Good Samaritan Hospital its appreciation and gratitude for the outstanding contribution made to the health and welfare of the City of Charlotte through their maintenance and operation of the hospital for more than eighty years; and

BE IT RESOLVED, that this resolution shall be spread on the permanent records of the City of Charlotte and a copy thereof delivered to the Board of Managers and Board of Trustees of the Good Samaritan Hospital.

WHITEHEAD & ZICKEL, ENGINEERS, AUTHORIZED TO PROCEED WITH THE FINISHED DESIGN OF THE GRADE CROSSING ELIMINATION PROJECT.

Mr Ralph Whitehead of Whitehead & Zickel, Engineers, presented a report and estimates for the west side Grade Crossing Elimination Project, in accordance with their contract with the city. He presented a summary of the project cost in the total amount of \$3,470,000.00 and explained it percentage-wise. He advised that the previous estimate made in 1958 was \$3,250,000.00, and the present estimate is \$530,000.00 lower, and includes \$150,000.00 for the West 5th Street Underpass. Mr. Whitehead stated the only question that has arisen is the maintenance cost of the trestle by the Southern Railway, however, he has sent them a design for study and feels sure they will go along with it, as they have been very cooperative. That the Southern Railway states they can build the new passenger station in four months.

Following the general discussion of the project, Councilman Dellinger moved that Whitehead & Zickel be authorized to proceed with the finished design of the project under the next phase of their contract. The motion was seconded by Councilman Albea. Councilman Smith stated he thinks Southern Railway should approve the plans first. Mayor Brookshire stated the Southern Railway officials told him and the City Manager a few weeks ago in Washington they were satisfied with everything except the trestle and Mr Whitehead feels assured they will now approve that. Mr. Whitehead stated the Railway Company's objections have been very mild about the trestle, and the local Railway Engineers like it.

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

YEAS: Councilmen Dellinger, Albea, Bryant, Jordan, Thrower and Whittington.
NAYS: Councilman Smith.

MR LEE KINNEY AND MR J. E. BARRENTINE EMPLOYED TO ACQUIRE RIGHT OF WAY FOR WEST SIDE GRADE CROSSING ELIMINATION PROJECT.

The City Manager recommended the employment of Mr Lee Kinney and Mr. J.E. Barrentine, Realtors, to acquire the necessary right of way for the west side Grade Crossing Elimination project at a fee of \$12,000.00, in accordance with their letter dated July 7th giving the details of the work to be done in this connection. He stated the Engineers, Whitehead and Zickel, estimates the right of way cost at \$450,000.00. He advised that Mr Kinney and Mr Barrentine are entirely familiar with the nature of the work involved by virtue of having represented the City in acquiring rights of way for the crossline railroad.

Councilman Whittington stated he has no objections to Mr Kinney and Mr. Barrentine, but as he has said dozens of times, other realtors are left out and many of them have called him so stating; that he thinks the City should ask the Board of Realtors to appoint a person or persons for this work in order to spread the City business out. The City Manager stated he is satisfied with these two men based on their past performance and he would like to continue with them as there will be some tricky dealings as to damages to buildings et cetera.

Councilman Albea moved that Mr Kinney and Mr. Barrentine be employed to secure the rights of way at their fee of \$12,000.00, as recommended by the City Manager. The motion was seconded by Councilman Thrower, and unanimously carried.

RESOLUTION REQUESTING GOVERNOR OF NORTH CAROLINA AND STATE HIGHWAY COMMISSION TO REVIEW CITY'S REQUEST FOR ASSISTANCE IN FINANCING PORTIONS OF THE WEST SIDE GRADE CROSSING ELIMINATION PROGRAM, ADOPTED.

Councilman Whittington stated that less than two years ago the City was promised \$850,000 by the State for grade crossing elimination on the west side, but before it was received Governor Hodges diverted the funds to the coastal area damaged by Hurricane Hazel, and he would like the Council to make an effort to secure the funds. He submitted the following resolution and moved its adoption, which was seconded by Councilman Albea, and unanimously carried:

WHEREAS, the City of Charlotte has for many years recognized the need for a grade crossing elimination program affecting the west side of the Central Business District, and

WHEREAS, the City has taken steps towards the end of actually constructing the project by employing an engineering firm, and

WHEREAS, this engineering firm has completed its preliminary report and has been authorized to proceed with the design of the project, and

WHEREAS, it is anticipated that the project can be in the construction phase by mid 1962, and

WHEREAS, the City has previously sought state assistance in financing portions of this most important project that affect vehicular traffic, and

WHEREAS, the City was given reasonable assurance by the preceding state administration that such assistance would be forthcoming, and

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WHEREAS, at the last minute circumstances precluded the previous state administration from providing this needed assistance, and

WHEREAS, Governor Sanford has been apprised of this situation and requested to provide assistance.

NOW, THEREFORE, BE IT RESOLVED: That the Charlotte City Council respectfully requests that Governor Sanford and the State Highway Commission review this situation towards the end of providing the assistance requested in financing this most urgently needed project.

PURCHASE OF PROPERTY ON INDEPENDENCE BOULEVARD SOUTH AND SHORTER STREET FOR EAST 3RD STREET EXTENSION AUTHORIZED.

The City Manager advised that three parcels of property at 123 and 127 Independence Boulevard South and 1414 Shorter Avenue needed for the present and future extension of East 3rd Street could not be acquired from the previous property owner but the property has changed hands and it may now be purchased from the owner, Mr C. D. Mitchell, at the original value placed on it by the appraisers, in the total amount of \$24,532.00, and he highly recommends that it be acquired. Councilman Albea moved that the property be purchased as recommended. The motion was seconded by Councilman Jordan, and unanimously carried.

HISTORICAL SOCIETY OFFERED LOT AT HARDING PLACE AND GREENWOOD CLIFF AS SITE FOR THOMAS POLK HOUSE, AND ADVISED THAT HOUSE MUST BE REMOVED FROM PRESENT LOCATION OR DESTROYED BY CITY.

The City Manager advised an investigation of city owned land as a possible site for the Thomas Polk House resulted in only one possibility, a city owned lot at the corner of Harding Place and Greenwood Cliff, which is large enough but its topography would make the placement of the house very expensive and require a large amount of fill.

The City Attorney advised that he has investigated the possible use of the property lying between Hermitage Road, Providence Road and the Thies property, as he was requested to do, and finds this property was conveyed by deed in 1919 by Captain J. S. Myers and wife to the Myers Park Civic Commission, Inc., and is restricted by deed as to usage as a public park with nothing to be placed thereon other than possibly a public library and Monuments or Memorials in the discretion of the said Commission.

Councilman Smith stated the Historical Society was offered the Thomas Polk House and now it appears we are also looking for a site for its relocation and the next we know we will be maintaining it; that he thinks the Society should be advised the House is theirs if they can move it within the designated time not to interfere with East 3rd Street Extension. Councilman Whittington expressed agreement and suggested that Mr. Houston, President of the Society be advised that the City will give them the lot on Harding and Greenwood Cliff as a site for the House if they so desire, and unless the House is moved from its present site within the time designated by the City it will be destroyed.

Mayor Brookshire requested the City Manager to so advise Mr. Houston.

SALE OF PROPERTY FRONTING ON PALMER STREET AUTHORIZED.

The City Manager advised the city owns a small parcel of property fronting on Palmer Street, which was acquired at the time Independence Boulevard was built, and has it under lease at a monthly rental of \$12.00. That an offer to purchase the property has been made by the lessee at \$2,100.00, and other persons have shown interest in its purchase. He advised the City has no need for the property because of its size and location and he recommends its sale at public auction which might bring a better price than that offered. Councilman Dellinger moved that the property be sold and the starting bid be set at \$2,100.00. The motion was seconded by Councilman Whittington, and unanimously carried.

RESIGNATION OF J. LAMBERT SCHWARTZ FROM PLANNING BOARD ACCEPTED WITH REGRETS.

Councilman Albea moved that the resignation of Mr. J. Lambert Schwartz from the Planning Board be accepted with regrets. The motion was seconded by Councilman Dellinger, and unanimously carried.

NOMINATION OF W. W. HANKS TO FILL VACANCY ON PLANNING BOARD TO REMAIN OPEN ONE WEEK.

Councilman Dellinger placed in nomination Mr W. W. Hanks for appointment to the Planning Board to fill the vacancy created by the resignation of Mr. J. Lambert Schwartz, and that the nomination remain open for one week for further nominations that might be made by the Council. The motion was seconded by Councilman Albea, and unanimously carried.

REQUEST THAT WEEDS BE CLEARED FROM AROUND EAST STONEWALL STREET UNDERPASS.

Councilman Dellinger requested the City Manager to have the weeds and undergrowth cleared from around the East Stonewall Street Underpass.

REQUEST THAT FUNDS BE LOCATED TO REBUILD EAST 4TH STREET BRIDGE SO THAT THE STREET MAY BE WIDENED.

At the request of Councilman Dellinger for a report on the conference with Southern Railway officials as to their need for the East 4th Street bridge, the City Manager stated he was advised the tracks over the bridge serve many of their customers and they will need the bridge for a considerable length of time.

Councilman Dellinger then suggested that available funds be found to rebuild the bridge in order to widen East 4th Street.

REQUEST THAT MIDDLETON DRIVE BE PLACED ON LIST OF STREETS TO BE RESURFACED.

Councilman Dellinger stated that Middleton Drive is badly in need of repairs and requested that it be placed on the list of streets to be resurfaced.

NEW STATE LAW RESTRICTING SALE OF CERTAIN ARTICLES ON SUNDAY DISCUSSED.

Councilman Smith suggested that the proper approach to the new State law

restricting the sale of certain items on Sunday to become effective on October 1st, would be for the Council to join with the County Commissioners in a county-wide referendum. He stated further that as the law provides that a municipality may exempt itself, some action will have to be taken as pressure builds up and the citizens could decide the issue themselves by referendum.

Councilman Albea expressed strong opposition to a referendum and stated he thinks the Council should decide it as the Legislature intended it to do and he suggested that it be let alone.

Councilman Whittington expressed the opinion that it be let alone and Councilman Dellinger stated he thinks it is class legislation and the Council should let it alone and let the State enforce the law. Councilman Thrower stated he agrees with Councilman Smith that it should be decided by referendum.

Mayor Brookshire stated that most of the requests regarding the law he has received is to let it alone and the Charlotte Merchants Association and Downtown Charlotte Association wish it let alone.

INVESTIGATION REQUESTED MADE OF CAUSE OF BAD ODOR EMANATING FROM MANHOLE IN REAR YARD AT 1740 STERLING ROAD.

Councilman Jordan asked the City Manager to have an investigation made of the report by Mr Prather that bad odors are emanating from a manhole in the rear yard at his residence at 1740 Sterling Road.

INSPECTION REQUESTED MADE OF TWO HOUSES IN FIRST BLOCK OF WEST MOREHEAD STREET.

Councilman Whittington requested the City Manager to have an inspection made by Mr McMillan of two houses in first block of West Morhead Street and give Council a report as to whether they should not be torn down.

HOLE IN EASTWAY DRIVE REQUESTED REPAIRED.

Councilman Whittington requested the City Manager to have the hole repaired in front of the Shopping Center on Eastway Drive.

REQUEST THAT SOUTHERN RAILWAY BE REQUESTED TO CLEAR WEEDS FROM RIGHT OF WAY ~~ALONG PARK AVENUE SOUTH.~~ FROM PARK AVENUE TO THE CITY LIMITS.

Councilman Whittington requested the City Manager to contact the Southern Railway officials and request them to have the weeds cleared from their ~~track~~ right of way ~~along Park Avenue south.~~ from Park Avenue to the city limits.

REQUEST THAT FOOTBRIDGE IN LAKEWOOD-HOSKINS SECTION BE REPAIRED OR ITS RECONSTRUCTION COMPLETED PRIOR TO OPENING OF SCHOOL.

Councilman Whittington requested that the footbridge in the Lakewood-Hoskins area be repaired or its reconstruction be completed before the opening of school as it is dangerous for school children to use in its present condition.

Corrected
at Council
Meeting
7-17-61

REPAIRS REQUESTED MADE IN FIRST BLOCK OF WEST 29TH STREET.

Councilman Albea requested that badly needed repairs be made in the street in the first block of West 29th Street.

REQUEST THAT CONDITION OF BULLARD ROAD BE IMPROVED.

Councilman Thrower stated he is advised that Bullard Road, a dirt street, is badly in need of improvements and he requested the City Manager to have it investigated.

OPTION AUTHORIZED EXERCISED ON ISABEL IRWIN GRAHAM PROPERTY BETWEEN WEST 5TH AND WEST 6TH STREETS FOR NORTH-SOUTH EXPRESSWAY.

The City Manager advised that about six months ago the City took an option on the Isabel Irwin Graham property between West 5th and West 6th Streets, offered for sale to the city for the North-South Expressway, at the appraised value of \$12,000.00, and the option must be exercised by July 15th. Councilman Smith moved that the option be exercised and the land be purchased at \$12,000.00. The motion was seconded by Councilman Albea, and unanimously carried.

SETTLEMENT OF CLAIM OF MRS HELEN BRANTLY FOR DAMAGES TO CAR.

Councilman Smith moved that the claim of Mrs Helen Brantley for damages to her car in the 400 block of South Tryon Street when broken concrete was accidentally shoveled on the car by City workmen making street repairs, be settled in the amount of \$14.85, as recommended by the City Attorney. The motion was seconded by Councilman Whittington, and unanimously carried.

SETTLEMENT OF CLAIM OF R. L. HILL FOR DAMAGES TO AUTOMOBILE TIRES.

Upon motion of Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, the claim of Mr R. L. Hill for damages to two automobile tires on his car from driving over a steel stake in Otis Street, was authorized settled, as recommended by the City Attorney.

CLAIM OF MICHAEL COOK FOR DAMAGES TO CAR DENIED.

Councilman Thrower moved that the claim of Mr Michael Cook in the amount of \$59.00 for damages to his car on East 4th Street caused by an airhammer being used by the City Street Department in sidewalk repairs, throwing broken concrete against the car, be denied as recommended by the City Attorney, as no negligence on the part of the City is shown. The motion was seconded by Councilman Smith and unanimously carried.

CLAIM OF MRS ARNOLD ZAGORA FOR DAMAGES TO CAR DENIED.

Upon motion of Councilman Albea, seconded by Councilman Smith, and unanimously carried, the claim of Mrs Arnold Zagora for damages to her car in the amount of \$18.60 caused by striking a piece of broken manhole cover on Cumberland Avenue, on December 20, 1960, was denied as recommended by the City Attorney as no negligence on the part of the City is shown.

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CLAIM OF LOUIS G. BOXER FOR DAMAGES TO RESIDENCE DENIED.

Upon motion of Councilman Thrower, seconded by Councilman Whittington, and unanimously carried, the claim of Mr Louis G. Boxer, in the amount of \$1,492.00, for damages to his residence at 5438 Addison Drive in July and August 1960 occasioned by blasting on the street behind his house in the laying of sewer lines, was denied as recommended by the City Attorney in view of the claim not having been filed within the required 60 days period, and the work having been done by a private contractor instead of by City forces.

CITY MANAGER REQUESTED TO REQUEST STATE HIGHWAY DEPT. TO MAKE REPAIRS TO WOODLAWN AVENUE AND BRIDGE.

Councilman Dellinger requested the City Manager to endeavor to get the State Highway Department to make improvements on Woodlawn Avenue and the bridge on the street.

ADJOURNMENT.

Upon motion of Councilman Albea, seconded by Councilman Thrower, and unanimously carried, the meeting was adjourned.



Lillian R. Hoffman, City Clerk