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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, November 27, 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 Father John Byron, Pastor of St. Gabriel's Catholic Church.

MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Thrower, and unanimously carried, the Minutes of the last meeting on November 20th were approved as submitted.

PUBLIC HEARING RELATIVE TO IMPROVEMENTS TO PINEHURST PLACE DIRECTED HELD, AND NOTICE THEREOF PUBLISHED, PRIOR TO RECEIVING BIDS ON THE IMPROVEMENT OR WORK STARTED.

Mr. Bill Hunt and Mr Tom Belcher, Jr., residents of Pinehurst Place, appeared before Council relative to the proposed improvements to the street authorized by Council on October 30th. Mr. Belcher stated the Petition requesting the improvement was originally signed by 12 of the 23 residents of the street, but Mr Jim Davenport withdrew his name from the petition by letter to the City Manager dated September 8th, prior to the adoption of the resolution; therefore, they question the validity of the improvement as the petition does not bear the signatures of a majority of the property owners. He stated further they do not wish the improvements made because they are unnecessary, that the storm drains are certainly not needed as the drainage is perfect and they do not desire the curb and gutter which would bring added traffic to the street and they wish to keep heavy traffic off this short street whose families have a large number of children.

Councilman Dellinger stated the Council went on the assumption that no one objected to the improvement, and Mr. Belcher stated that knowing only 11 of the 23 property owners had signed the petition they had not thought it necessary to file objections until they noted the resolution published in the newspaper.

Mr. John Shaw, Consulting City Attorney, stated the petitioners represent a majority of the property frontage but not a majority of the residents.

Councilman Smith moved that action of the Council on October 30th with reference to the petition be withdrawn and a public hearing be held, and notice thereof published, prior to taking any bids for the work or the work being started on the improvements. The motion was seconded by Councilman Jordan, and unanimously carried.

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COUNCIL DENIED REQUEST TO WITHDRAW REJECTION OF BIDS FOR THE DEMOLITION AND REMOVAL OF BUILDINGS IN THE BROOKLYN AREA URBAN RENEWAL PROJECT AND AWARD CONTRACT TO LOW BIDDER.

Mr. James E. Walker, Attorney representing Jack D. Norman Housing Demolishing Company, appeared before Council and requested the reconsideration of Council action on November 20th rejecting all bids on the demolition and removal of buildings in the Brooklyn Area Urban Renewal Project, and requesting the award of the contract to his client, who submitted the low bid. Mr. Walker stated that Mr. Norman was advised he was the low bidder, and assumed he would be awarded the contract and, therefore, was not represented at the Council Meeting on the 20th when Mr John Hasty, Attorney, representing Cleveland Wrecking Company argued that the low bid should not be accepted as three bids were not received, Cleveland Wrecking Company's bid having been delayed in the mail. Mr. Walker stated it is, of course, understood that the State Statutes provide that three bids must be received on construction and repair contracts; however, demolishing a house is neither construction nor repair but rather a service contract and therefore does not require three bids. He called attention that Cleveland Wrecking Company knows the price bid by Mr Norman and the second low bidder, Suggs Wrecking Company, while no one knows the price bid by Cleveland, and it is an unfair advantage in readvertising for bids.

Mr. John Hasty, Attorney representing Cleveland Wrecking Company, stated the Instructions to the Bidders plainly stated bids would be handled by the Engineering Department, and on the morning the bids were to be opened, Cleveland Wrecking Company called the City Engineer's Office and were advised by Mr Broom, Engineer, that their bid was in the City Hall. That they came to the letting and then were advised by Mr Broom that their bid had not been received.

Councilman Whittington asked that Mr Broom be called in to the meeting, and was later advised that Mr Broom was out of the City Hall on business for the Engineering Department and would be contacted by radio if possible.

Mr. John Shaw, Consulting City Attorney, called attention that the bids were rejected by Council at the last meeting and the work authorized re-advertised, and therefore, no further action can be taken.

Councilman Dellinger asked Mr Bobo, Administrative Assistant, how he found out what the Cleveland Company's bid was, and Mr Bobo stated he was told. Councilman Dellinger then asked if he did not know the actual amount, and Mr. Bobo replied "informally". Councilman Dellinger stated he thinks the Council should be advised of such matters and in this instance they should have been told the details before going into the Council Chamber. Mr. Bobo stated they did not know definitely what was in the bid; he stated further to his knowledge Mr. Broom did not state the bid was in the City Hall.

Councilman Whittington asked Mr Beatty, Purchasing Agent, if he stated he would like to have the bids in by 2 o'clock. Mr. Beatty stated he did not; that he did not handle these bids at all, that about 2 years ago all public works was taken away from the Purchasing Department and given to the Engineering Department, who handles all details and reads the bids. However, he would like to state that the information issued by his office as to bids plainly states that bids will be received until a certain hour when they will be opened and read; that any bid received after that hour is returned to the bidder unopened. Councilman Thrower asked Mr Beatty in a case where a Company mails a bid in good faith and it is received after the bids are read, would he turn the bid down? Mr. Beatty stated that he would certainly do so, because the State law says bids must be in the City's hand

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at the hour stated in the notice; that the bid would in no ways be considered and would be returned unopened with a letter of explanation.

Mr Shaw stated the method of delivery is up to the bidder and not the City's concern.

Mr. Norman stated he talked with Mr Bobo during the morning and he advised the City Manager was going to suggest the bids all be thrown out but did not say when. That when he found out about it, he came up here. That Mr. Hoffman and not Mr Broom, opened the bids and told him that Cleveland's bid should not be considered as it came in too late.

Mr Walker stated they are here to ask Council to reconsider its action of last week and to award the contract to Mr Norman. That they talked with the City Attorney last week after the meeting and he said they had the right to come back and ask for reconsideration.

Mr Shaw stated he disagrees with Mr Walker, that the matter was closed with last week's action.

Later in the meeting Councilman Dellinger asked if the City Manager assigns the opening of bids to other departments, and Mr Bobo stated he does, that he could not possibly do it all himself. Councilman Dellinger then asked if Mr Bobo could not do so, and he stated he possibly could but thinks it would be better if they were handled by the Purchasing Department.

Councilman Dellinger stated he thinks these matters should be handled from a central point by the Purchasing Department or City Manager. He suggested that the City Manager see if he cannot centralize all purchasing.

Mr Shaw stated he thinks all contracts should be handled by the Purchasing Department. That from the point of view of City Attorney, it looks like it would be better if the Engineering Department stipulated just what they want; that the Purchasing Agent could consult with the departments and handle all purchasing.

Councilman Whittington stated this is the second time a mixup has occurred in the last two months and it might save the City money to give Mr Beatty a man and let him handle all purchasing.

Mr Bobo stated an additional man would be swamped with work of the Purchasing Department without moving the public works back to them.

PURCHASE OF RIGHT OF WAY FOR EAST 5TH AND EAST 6TH STREET CONNECTORS.

Councilman Albea moved approval of the purchase of 11,440 sq. ft. of property, between the 200 block of N. McDowell Street and the 200 block of N. Long Street from Miss Fannie A Carr, Administratrix for the Estate of J. P. Carr, at a price of \$3,825.00, for right of way for the East 5th and East 6th Street Connectors. The motion was seconded by Councilman Whittington, and unanimously carried.

Councilman Smith requested Mr Bobo to advise at the next meeting how many more properties are to be acquired for this right of way.

STREETS TAKEN OVER FOR MAINTENANCE.

Upon motion of Councilman Thrower, seconded by Councilman Albea, and unanimously carried, the following streets were taken over for city maintenance:

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Mattoon Street, from 350-ft. east of Crestview Drive to 700-ft. west of Crestview Drive.

Crestview Drive, from Mattoon Street 300-ft. north.

Coliseum Drive, from Independence Boulevard northeast 280-ft. to end.

Crater Street, from Brookhurst Drive 1100-ft. south.

CONSTRUCTION OF SANITARY SEWER MAINS AUTHORIZED.

Motion was made by Councilman Dellinger, seconded by Councilman Jordan, and unanimously carried, authorizing the construction of sanitary sewer mains, inside the city limits, with all costs to be borne by the applicants and deposits to be refunded as per terms of the contracts, at the following locations:

- (a) Construction of 121-ft. of sewer in Kings Drive, at request of L. T. Zoby & Sons, at an estimated cost of \$1,140.00.
- (b) Construction of 218-ft. of sewer in University Park, at request of C. D. Spangler Construction Company, at an estimated cost of \$885.00.
- (c) Construction of 620-ft. of sewer in Valleydale Subdivision, at request of T. A. Sherrill Construction Company, at an estimated cost of \$1,895.00.

SPECIAL OFFICER PERMIT AUTHORIZED RENEWED TO CHARLES W. MULLINAX.

Councilman Whittington moved approval of the renewal of Special Officer Permit to Mr Charles W. Mullinax, 3218 Marlborough Road, for use on the premises of Southern Railway System. The motion was seconded by Councilman Jordan, and unanimously carried.

BUILDING NO. 47 AT DOUGLAS MUNICIPAL AIRPORT AUTHORIZED LEASED TO ODES REDMOND.

Upon motion of Councilman Dellinger, seconded by Councilman Thrower, and unanimously carried, the Lease of Building No. 47 at Douglas Municipal Airport to Mr Odes Redmond was authorized for a period of 8 months, at a monthly rental of \$44.00.

CONTRACT AWARDED CRANE SUPPLY COMPANY FOR 114,200 FEET OF WROUGHT IRON PIPE.

Upon motion of Councilman Albea, seconded by Councilman Dellinger, and unanimously carried, contract was awarded Crane Supply Company, the low bidder, for 114,200 feet of 3/4", 1", 1 1/2", 2" and 4" diameter Wrought Iron Pipe, for the Water Department, at a total price of \$52,371.35.

The following bids were received:

Crane Supply Company	\$52,371.35
Horne-Wilson, Inc.	52,731.04
McJunkin Corp.	54,428.08
Grinnell Company, Inc.	54,429.99
Noland Company, Inc.	54,431.79

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CONTRACT AWARDED DIEBOLD, INC. FOR ELEVATOR FILE FOR POLICE DEPARTMENT.

Councilman Dellinger moved the award of contract to Diebold, Inc., the only bidder, for One Elevator File for the Police Department, at a total price of \$4,403.25. The motion was seconded by Councilman Jordan, and unanimously carried.

CONTRACT AWARDED BALTIMORE BUSINESS FORMS, INC., FOR 40,000 TRAFFIC CITATIONS, AFFIDAVIT AND WARRANT TYPE.

Motion was made by Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, awarding contract to Baltimore Business Forms, Inc., the low bidder, for 40,000 Traffic Citations, Affidavit and Warrant Type, for the Police Department, at a total price of \$1,140.83.

The following bids were received:

Baltimore Business Forms, Inc.	\$ 1,140.83
Moore Business Forms, Inc.	1,626.99
Jordan Business Forms, Inc.	1,653.77

ORDINANCE NO. 57 AMENDING CHAPTER 18, ARTICLE II, OF THE CITY CODE, REGULATING THE OPERATION OF AMBULANCES IN THE CITY OF CHARLOTTE, NORTH CAROLINA, ADOPTED.

An ordinance entitled: "Ordinance No. 57 Amending Chapter 19, Article II, of the City Code, Regulating the Operation of Ambulances in the City of Charlotte, North Carolina" was introduced and read, and upon motion of Councilman Smith, seconded by Councilman Jordan, was unanimously adopted. The ordinance is recorded in full in Ordinance Book 13, beginning at Page 115.

CITY MANAGER AND POLICE DEPARTMENT DIRECTED TO NOTIFY COUNCIL IF ANY PERSON COMPLIES WITH ORDINANCE REGULATING THE OPERATION OF AMBULANCES WITHIN THE NEXT 90 DAYS.

Councilman Smith moved that the City Manager and Police Department notify the Council if any person complies with "Ordinance No. 57 Regulating the Operation of Ambulances" within the next 90 days. The motion was seconded by Councilman Thrower, and unanimously carried.

CONSTRUCTION OF VEHICULAR BRIDGE ON LAKEWOOD AVENUE.

Upon motion of Councilman Smith, seconded by Councilman Thrower, and unanimously carried, the construction of a vehicular bridge on Lakewood Avenue was authorized at a cost of \$4,300.00.

Councilman Albea suggested that it would be better to construct a wider bridge that would be adequate when the street is widened.

PURCHASE OF 13.58 ACRES OF PROPERTY ON OTTS STREET FROM M. LEE HEATH, AUTHORIZED.

Councilman Whittington moved approval of the purchase of 13.58 acres of land from M. Lee Heath at the appraised price of \$124,729.00 and that \$46,800.00

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be transferred from last year's unencumbered balance to the Capital Improvement Fund for this purpose. The motion was seconded by Councilman Thrower, and unanimously carried.

PURCHASE OF TAPE RECORDER FOR USE OF CITY CLERK IN RECORDING COUNCIL MEETINGS REFERRED TO CITY MANAGER FOR RECOMMENDATION.

Councilman Thrower recommended that a Tape Recorder be purchased for the use of the City Clerk in recording Council Meetings. Councilman Smith stated he brought the matter up about a year ago and thinks it should be done and moved that it be referred to the City Manager for recommendation. The motion was seconded by Councilman Thrower, and unanimously carried.

TRAFFIC COUNTS REQUESTED AT ASHLEY ROAD & JOY STREET, EASTWAY DRIVE AND WOODLAND AVENUE AND SUGAW CREEK ROAD & THE PLAZA.

Councilman Whittington again asked that he be given a report on his request for a traffic count at Ashley Road and Joy Street.

He also requested that traffic counts be made at Eastway Drive and Woodland Avenue, and at Sugaw Creek Road and The Plaza.

CONFERENCE REQUESTED ARRANGED BETWEEN THE REVEREND L. F. FRERKING, PASTOR ASCENSION LUTHERN CHURCH, DEPARTMENTAL HEADS AND REPRESENTATIVES OF STATE HIGHWAY DEPARTMENT RELATIVE TO WIDENING OF KENILWORTH AVENUE.

Councilman Whittington called attention to a letter received by each of the Council from Mr. L. F. Frerking, Pastor of Ascension Lutheran Church, 914 Kenilworth Avenue, relative to the proposed widening of Kenilworth Avenue, and to the reply by the City Engineer. Councilman Whittington stated he thinks it is the responsibility of the Council to contact Mr Frerking, and if he and others from the Church wish to meet with department heads to discuss the matter, then the City Manager should arrange such meeting and answer their questions. He stated further the congregation is presently planning to spend a large amount of money to enlarge the Church, and they, naturally, are quite concerned.

Councilman Dellinger stated he thinks the State Highway Department should be represented at such meeting, as the widening of Kenilworth Avenue will be a State Highway project.

ERECTION OF STREET LIGHT ON LAMAR AVENUE, BETWEEN EAST 7TH AND EAST 8TH STREET, REQUESTED.

Councilman Dellinger advised he has a request from the Bible Presbyterian Church for the erection of a street light on Lamar Avenue, between East 7th and East 8th Streets.

POSTMASTER AUTHORIZED TO LOCATE AND OPERATE STAMP SALES BOOTH ON NORTH TRYON STREET BETWEEN DECEMBER 7TH AND 27TH.

Upon motion of Councilman Albea, seconded by Councilman Thrower, and unanimously carried, the Charlotte Postmaster was granted permission to locate and operate a Stamp Sales Booth on North Tryon Street, in front of the main entrance of Belk's Men Store, from December 7th through the 27th.

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CONTRACT WITH GEO. G. SCOTT & COMPANY FOR SPECIAL AUDIT OF CLERK OF RECORDER'S COURT ACCOUNTS APPROVED AND PAYMENT AUTHORIZED.

Councilman Albea moved approval of the contract with George G. Scott & Company for the Special Audit of the Clerk of Recorder's Court Accounts and payment of their fee in the amount of \$1,800.00. The motion was seconded by Councilman Jordan, and unanimously carried.

CITY REQUESTED TO FURNISH PIPE FOR REPAIRING OPEN DRAINAGE DITCH PARALLELING BRUNSWICH AVENUE NEAR BLYTHE AVENUE AND MEMORIAL HOSPITAL WILL SUPPLY LABOR FOR LAYING PIPE.

Mr. Bobo, Administrative Assistant, submitted a request from Mr. Zack Thomas, Executive Director, Memorial Hospital, that the City furnish the pipe for repairing an open drainage ditch paralleling Brunswick Avenue, near Blythe Avenue, which is dangerous, and the Hospital will furnish the labor.

Councilman Dellinger asked if this is not hospital property, and Mr. Bobo stated he would make a further investigation and report.

COUNCIL APPROVES BOND ELECTION ON DECEMBER 19TH FOR SCHOOL FACILITIES IN MECKLENBURG COUNTY.

Councilman Smith moved that the Council wholeheartedly approve the proposed bonds for school facilities in Mecklenburg County on which a vote is called for December 19th, and is convinced of the need and the willingness of the School Board to spend the money wisely and effectively. The motion was seconded by Councilman Thrower, and unanimously carried.

ADJOURNMENT.

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


Lillian R. Hoffman, City Clerk