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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 12, 1962, at 3 o'clock p.m., with Mayor Brookshire presiding, and Councilmen Albea, Bryant, Dellinger, Jordan, Smith, Thrower and Whittington present.

ABSENT: None.

* * * * *

INVOCATION.

The invocation was given by the Reverend J. C. Jones, Pastor of Green Memorial Baptist Church.

MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Thrower, and un-animously carried, the Minutes of the last meeting on November 5th were approved as submitted.

REQUEST THAT PETITION FOR STREET IMPROVEMENTS FILED BY NANCE-TROTTER BUILDERS BE ACTED ON WITHOUT PUBLIC HEARING DISAPPROVED AND PUBLIC HEARING TO BE HELD ON NOVEMBER 19th.

Mr. Bill Trotter, representing Nance-Trotter Builders, appeared before Council in regards to a Petition for street improvements on Galax Drive, Leafmore Drive, Clintwood Street and Braintree Street presented to Council at the last Meeting, which he understands was not contested, but another Petition for improvements on another street was contested and Council determined that both petitions would be taken up in two weeks. He requested that his Petition be reconsidered today, as they have a number of houses under construction on the streets and they want to get the work on the streets completed before winter weather sets in. He stated further no home owners will be assessed the cost of the improvements, as the property is vacant, and they have three to one votes as far as footage is concerned and two to one as far as owners are concerned.

The City Clerk advised that Mr. Trotter's petition, together with two others, was deferred for public hearings on November 19th. Mayor Brookshire advised that this being the case, he does not think it could be handled today without rescinding Council's action to defer it for a public hearing.

Councilman Bryant advised that Mr. Nance called him regarding the petition, stating there was no opposition to the improvements, and he suggested to Mr. Nance if he got a signed statement from all property owners on the streets that there was no opposition, there would be a possibility in the absence of any objections, that Council would see fit to go ahead with it today, but apparently Mr. Trotter does not have signed statements from all property owners and as a result, whether they are home owners or not, the property owners would still be assessed. Mr. Trotter stated that is correct, however the information he received from the Engineering Department was that no hearing was proposed nor contemplated on the petition.

At the request of Mayor Brookshire, the City Attorney advised when this matter came up, Council determined as a matter of policy not to adopt resolutions for public improvements until after a public hearing was held, and that was

the reason for the delay, and this petition, together with two others, was advertised for a public hearing to be held on November 19th. That he is sure Council understands that in the first instance the law does not require a public hearing on petitions for street improvements originally, but since Council has adopted as a matter of policy having public hearings on these petitions, it would be entirely up to Council as to how they might proceed on this particular one.

Councilman Smith stated he spoke on this at the time and recommended that public hearings be held, on these petitions, as it is against his basic concept to assess anyone without first having a hearing. Mr. Trotter stated he personally supports the law 100% but he thinks the City should handle these matters expeditiously and in accordance with the law without introducing any new requirements, and he would like to point out in this particular instance they have worked with the City more than any builder in getting this type of pavement without cost to the city, and because they have done this they are faced with a considerable financial loss because the Council has seen fit, at the last minute, to introduce a requirement not previously known to him nor to the Engineering staff of the City, and he believes the more orderly procedure would be to let it be known that it will start on a certain date, rather than applying it to petitions in the process of being handled.

Councilman Dellinger stated this is not a new procedure and this has been the policy for two years or more, and Council wants all such petitions heard before passing on them.

No action was taken by Council, and the Mayor advised that it would be heard at next Monday's meeting.

PETITIONS FILED BY RESIDENTS OF PLANTATION PLACE REQUESTING THAT THEIR NAMES BE ADDED TO FORMER PETITION FOR STREET IMPROVEMENTS AND THAT THE REQUEST FOR "SIDEWALKS" BE DELETED FROM THE ORIGINAL PETITION AND THEY BE CLASSIFIED UNDER THE SAME STATUTE FOR CURBS AND GUTTER AS IS TRANQUIL AVENUE.

Mrs Stephen Barden, representing Plantation Place, stated she has the signatures of all the home owners on Plantation Place, except three who live out of town and rent their property, and they would like to be classified under the same statute as the petition for Tranquil Avenue in getting curbs and gutters because they want to have their property improved and do not have any real drainage problem that would not be corrected by the gutters and they do not have any health problems. That she has some additions to a former petition that was made for curb and gutter and sidewalks on Plantation Place, and instead of asking for all three they are asking that the word "sidewalks" be deleted, and they have two additional names to go on the petition.

Mayor Brookshire asked that Mrs Barden give the petitions to the City Clerk who will have them cleared through the Engineering Department before it can be considered by Council.

CITY MANAGER REQUESTED TO HAVE ENGINEERING DEPARTMENT CHECK CONDITION OF DRAINAGE PIPES AT BOTTOM OF ROCKLYN AVENUE, REPORTED IN SERIOUS CONDITION.

Mr. Albert Pearson asked that an urgent matter receive Council attention, which it is quite possible the City is responsible for because with a couple more floods in the Sugaw Creek area the drainage area from Chelsea Avenue to the Creek, and he cannot see how the Engineering Department could survey the area and not have brought this condition to the attention of Council to take action.

He presented pictures of houses in the area where the water has undermined one 20-ft. section of the pipe, at the bottom of Rocklyn where the main drain goes from Chelsea to Sugaw Creek; he advised the first 20-ft. section has been washed out including the supports, and other sections have been undermined.

Councilman Smith suggested that the City Manager have the Engineering Department check this and see if an emergency situation exists at this location.

Mr. Pearson also stated that the city owns property at the Park Road Disposal Plant with sewage at least 15 feet deep, he understands, with no fence around it and he thinks it should be looked into and those places should have facilities to keep children from dropping into them. The City Manager stated that Mr. Pearson must be referring to the Sugaw Creek Disposal Plant, and asked if he is referring to the treatment facilities at the Plant? Mr. Pearson stated that is correct, and even an adult could fall into the place.

QUESTIONS SUBMITTED BY ALBERT PEARSON FOR REPLY AT PUBLIC HEARING ON NOVEMBER 19TH ON THE QUESTION OF IMPROVEMENTS, BY ASSESSMENTS, IN THE MYERS PARK MANOR AREA.

Mr. Albert Pearson presented the following list of questions and asked that the answers to them be given at the time of the hearing before Council on the question of improvements to the drainage conditions, by assessment, in the Myers Park Manor Area:

- (1) According to the Health Department what constitutes a health hazard regarding matters such as the one that will be discussed?
- (2) Has the Health Department found any evidence of a nature that would lead them to classify the area between Plantation Place and Rocklyn Place a health hazard? If so, what?
- (3) Has the Disposal Plant serving the Myers Park Manor area ever had trouble with flooding?
- (4) If the Disposal Plant was troubled with flooding, would it be possible that some of the low-lying area could be troubled with "backing-up-problems"?
- (5) Is the City of Charlotte troubled by a large amount of water getting into its Sewer System when flooding occurs and if so, hasn't the amount of this water been estimated as high as the hundreds of thousands of gallons?
- (6) If excess water got into the Sewer System flooding it, wouldn't it be quite likely that some of the manhole covers in the low areas would have water bubbling out through the vent holes in the covers?
- (7) Couldn't water be getting into the Sewer System in some higher elevated area than the Myers Park Manor area and yet water bubble out of the manholes in the Myers Park Manor area?
- (8) Give one reason why Plantation Place or Rocklyn Place should be considered as part of Mr Shaw's health hazard any more than Chelsea Drive, Wales Avenue, Dellwood Avenue or Hillsdale Avenue.
- (9) Would curbs and gutters on the streets of the Myers Park Manor section help the draining of the area?
If so, why were they not suggested so that drainage could be done under regular procedure?
- (10) Are the streets of the Myers Park Manor area graded properly so as to facilitate good drainage? If not, why not?
- (11) Under what conditions does any water from Plantation Place get to Mr. Shaw's health hazard area?
- (12) Under "Mr. Shaw's project" does the Engineering Department guarantee that under the same conditions as in the answer to question eleven, that the water from Plantation Place will not reach Mr. Shaw's health hazard area?

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- (13) What is the total fall or drop in the Sugaw Creek bed from the Park Road School foot-bridge to the Sugaw Creek bed just below the Brandywine Avenue bridge?
- (14) What is the depth or level of the water in Sugaw Creek at flood stage and what will it be under the new Shaw project?
- (15) Who under the Shaw project will maintain the Conduit Pipe on private property, the Residents or the City?
If the City, is the City prepared to do likewise for all like areas?
- (16) Did the Engineering Department know that the low area between Rocklyn Place and Plantation Place already has a drain that goes from this area into the creek?
If so, what will the Shaw project drain do that the old drain isn't already doing?
If this drain is not doing right, why didn't the Engineering Department recommend improvement on the existing drain instead of recommending a new drain and trying to establish new Right-of-way problems?

A copy of the questions was given to Mayor Brookshire.

ORDINANCE NO. 137-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING ZONING OF PROPERTY FRONTING ON MONROE ROAD, FROM A POINT WEST OF EATON ROAD TO A POINT EAST OF LANIER AVENUE, FROM R-9 TO R-9MF, ADOPTED.

Councilman Albea moved the adoption of an Ordinance Amending the Zoning Ordinance changing zoning of property fronting on Monroe Road, from a point west of Eaton Road to a point east of Lanier Avenue, from R-9 to R-9MF, as recommended by the Planning Board. The motion was seconded by Councilman Whittington.

Mr. Paul Ervin was present, representing Mrs Howard Graham and Mrs B. Arp Lowrance, and stated they own the property in the original petition with the exception of one lot that fronts on the highway itself, and the request of his clients was that two adjacent lots fronting on Eaton Road and Lanier Road be included, for certain reasons if Council would be interested in knowing them.

Mayor Brookshire advised Mr. Ervin that the public hearing on this matter has been held, and he cannot be heard, but if Council wishes to ask him questions he may, of course, answer them.

Councilman Smith stated this is not a conventional thing, as the Planning Commission made one recommendation on the petition, and they have changed their recommendation since the petition was received with 24 of the 27 petitioners retracting their petition, and in view of this he thinks it would be in order to hear Mr. Ervin.

Councilman Smith asked Mr. Ervin if his clients have lots on other than the Monroe Road? Mr. Ervin stated that Mrs Lowrance owns a lot fronting on Lanier, immediately to the rear of the property fronting on Monroe Road and Mrs Graham owns two lots immediately to the rear of the Graham property on Monroe Road.

Mr. Ervin explained the location of the property from a map, and advised that he appeared before the Planning Board regarding the property.

Following the discussion, the vote was taken on the motion for the adoption of the ordinance on a portion of the requested change, as recommended by the Planning Board, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 13, at Page 372.

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ORDINANCE NO. 138-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING ZONING OF PROPERTY IN BLOCK BOUNDED BY SOUTH TRYON STREET, EAST MOREHEAD STREET, SOUTH COLLEGE STREET AND INDEPENDENCE BOULEVARD, ADOPTED.

Upon motion of Councilman Thrower, seconded by Councilman Whittington, and unanimously carried, Ordinance No. 138-Z Amending Chapter 23, Section 23-8 of the City Code, changing zoning from I-2 to B-3 of property in the block bounded by South Tryon Street, East Morehead Street, South College Street, and Independence Boulevard, petitioned for by the Charlotte-Mecklenburg Planning Board, was adopted. The ordinance is recorded in full in Ordinance Book 13, at Page 373.

AGREEMENT AUTHORIZED WITH STATE HIGHWAY COMMISSION FOR RIGHT OF WAY ENCROACHMENT FOR CONSTRUCTION OF SANITARY SEWER LINES ON BOTH SIDES OF WILKINSON BOULEVARD.

Councilman Albea moved approval of an Agreement with the State Highway Commission for right of way encroachment for the construction of 8-inch sanitary sewer lines on the north and south sides of Wilkinson Boulevard, from Crispin Avenue to Rosemont Street. The motion was seconded by Councilman Bryant, and unanimously carried.

AGREEMENT BETWEEN STATE HIGHWAY COMMISSION AND IDLEWILD UTILITIES, INC. FOR INSTALLATION OF WATER MAINS ACROSS AND ALONG THE EAST SIDE OF NORTH INDEPENDENCE BOULEVARD, AUTHORIZED COSIGNED BY CITY.

Motion was made by Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, authorizing the City to cosign an agreement between the State Highway Commission and Idlewild Utilities, Inc., for the installation and maintenance of an 8-inch water line across Independence Boulevard, at Charleston Drive and a 12-inch line along the east side of North Independence Boulevard, for a distance of 1900-feet to the city limits.

CONTRACT AUTHORIZED WITH THE TWENTY EIGHTH STREET CORPORATION FOR INSTALLATION OF WATER MAINS IN EAST 28TH STREET.

Councilman Dellinger moved approval of a contract with the Twenty-Eighth Street Corporation for the installation of 500-feet of water mains and one hydrant in East 28th Street, inside the city limits, at an estimated cost of \$2,425.00. The City to finance all costs and applicant to guarantee an annual gross water revenue equal to 10% of the total cost. The motion was seconded by Councilman Whittington, and unanimously carried.

CONSTRUCTION OF SANITARY SEWER MAINS AUTHORIZED.

Upon motion of Councilman Thrower, seconded by Councilman Albea, and unanimously carried, the construction of sanitary sewer mains was authorized as follows:

- (a) Construction of 404-feet of sewer mains in Alleghany Street, at request of C. D. Spangler Construction Company, at an estimated cost of \$1,040.00. All cost to be borne by the applicant, whose deposit of the entire amount of the cost will be refunded as per terms of the contract.
- (b) Construction of 200-feet of sewer mains in private drive off Sharon-Amity Road, at the request of Dr. H. M. Ausherman, at an estimated cost of \$605.00. All cost to be borne by the applicant, whose deposit of the entire amount of the cost will be refunded as per terms of the contract.

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RENEWAL OF SPECIAL OFFICER PERMITS FOR USE ON PREMISES OF FEDERAL RESERVE BANK AUTHORIZED.

Motion was made by Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, authorizing the renewal of Special Officer Permits to the following persons for use on the premises of The Federal Reserve Bank:

Charles O. White, 805 Walnut Avenue
Ralph S. Padgett, Route 7, Charlotte
Oliver W. Parks, Route 1, Huntersville
John E. Pettit, 207 Bradford Drive
James E. Porter, Route 1, Huntersville
Joe L. Puckett, Jr., Route 1, Huntersville
Burnie Snyder, 104 Crest Street, Mt. Holly
Odus H. Turner, 4018 Avalon Avenue
Ciceror L. Ware, North Belmont
Paul W. Watson, 200 Jackson Drive
Johnnie C. Mumford, 5824 Wilkinson Boulevard
John H. Miller, 3809 Avalon Avenue
Wade H. Linker, 422 Lorna Street
Robert H. Horne, 2206 McClintock Road
W. Y. Henderson, 6938 Pleasant Oaks Circle
Clyde Haywood, 3141 Graymont Drive
Paul E. Haefling, 1205 Lancaster Drive, Monroe
Paul T. Guin, 338 Hewitt Street, Mt. Holly
Ralph J. Beatty, 415 Kirby Drive, Paw Creek
W. Frank Helderman, 447 Belton Avenue, Mt. Holly
Price D. Crutchfield, 1946 Kilbourne Drive

CITY MANAGER AND CITY ATTORNEY REQUESTED TO DRAFT AMENDMENT TO CITY CODE TO PREVENT UNIFORMS OF SPECIAL OFFICERS FROM BEING SIMILAR TO THAT OF CITY POLICE OFFICERS.

Councilman Smith stated he is of the opinion that permits issued to Special Officers should specify that their uniforms shall be different from the City Police uniform, so there is no possibility of their being mistaken for a Police Officer. Council concurred in the suggestion and Councilman Whittington stated he thinks the color of the uniform should definitely be different from that of Police Officers. Councilman Smith moved that the City Manager and the City Attorney draw an ordinance preventing Special Officers from wearing uniforms similar to those of City Police Officers. The motion was seconded by Councilman Dellinger, and unanimously carried.

TRANSFER OF CEMETERY LOT.

Upon motion of Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, the Mayor and City Clerk were authorized to execute a deed to Mr. James H. Barnhardt, Sr. for Lot 59, Section I, Elmwood Cemetery, transferred by Mary Beall Harper, at \$3.00 for new deed.

CONTRACT AWARDED CONCRETE SUPPLY COMPANY FOR READY-MIX CONCRETE.

Upon motion of Councilman Thrower, seconded by Councilman Bryant, and unanimously carried, contract was awarded the only bidder, Concrete Supply Company, for 17,000 cubic yards of Ready-Mix Concrete, as specified, on a unit price basis, at their bid price of \$25,574.08.

BID OF FLIGEL'S UNIFORM COMPANY FOR WINTER SHIRTS FOR FIRE DEPARTMENT
REJECTED AND SPECIFICATIONS AUTHORIZED REVISED TO ENCOURAGE MORE COMPETITION.

Councilman Whittington moved that the one bid received on winter shirts for Firemen, from Fligel's Uniform Company in the amount of \$3,836.63, be rejected and that specifications be revised to encourage more competition, as recommended by the Purchasing Agent and Chief of the Fire Department. The motion was seconded by Councilman Albea, and unanimously carried.

CONTRACT AWARDED HERSEY SPARLING METER COMPANY FOR COMPOUND WATER METER.

Councilman Albea moved the award of contract to the low bidder meeting the specifications, Hersey Sparling Meter Company, for One Compound Water Meter, as specified, at their bid price of \$1,736.58. The motion was seconded by Councilman Jordan, and unanimously carried.

The following bids were received:

Hersey Sparling Meter Company	\$ 1,736.58
Rockwell Meter Mfg. Company	1,751.00
Neptune Meter Mfg. Company	1,857.97
Badger Meter Mfg. Company (did not meet specifications)	\$ 1,733.28

CONTRACT AWARDED FARM & INDUSTRIAL EQUIPMENT COMPANY FOR TRACTOR WITH
ROTARY CUTTER.

Motion was made by Councilman Whittington, seconded by Councilman Thrower, and unanimously carried, awarding contract to the low bidder, Farm and Industrial Equipment Company, for One Utility Type Tractor with 60-inch Rotary Cutter, as specified, at their bid price of \$2,941.35.

The following bids were received:

Farm & Industrial Equipment Company	\$ 2,941.35
Western Carolina Tractor Company	2,971.55
International Harvester Sales & Service	3,132.72

CONTRACT AWARDED A. E. FINLEY & ASSOCIATES, INC. FOR SOIL COMPACTION TAMPERS.

Upon motion of Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, contract was awarded A. E. Finley & Associates, Inc., the low bidder, meeting the specifications, for Two Soil Compaction Tampers, as specified, at their bid price of \$1,792.20.

The following bids were received:

A. E. Finley & Associates, Inc.	\$ 1,792.20
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Bids not meeting the specifications:

Arrow Construction Equipment Co.	\$ 1,542.94
Spartan Equipment Company	1,606.80

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CONTRACT AWARDED TWIN STATES EQUIPMENT COMPANY FOR FRONT END TRUCK LOADER WITH POWER TAKE-OFF UNIT.

Councilman Jordan moved the award of contract to the only bidder, Twin States Equipment Company, for One Hydraulic Front End Truck Loader, with Power Take-off Unit, as specified, at their bid price of \$3,514.36. The motion was seconded by Councilman Albaea, and unanimously carried.

CONTRACT AWARDED MITCHELL DISTRIBUTING COMPANY FOR WELDER MOUNTED ON TWO-WHEEL TRAILER.

Motion was made by Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, awarding contract to the only bidder, Mitchell Distributing Company, Inc., for One 300 Ampere Welder, Gasoline Engine driven, mounted on 2-wheel Trailer, as specified, at their bid price of \$1,529.30.

CONTRACT AWARDED BUCK EQUIPMENT COMPANY FOR TWO PATCH ROLLERS.

Upon motion of Councilman Jordan, seconded by Councilman Albaea, and unanimously carried, contract was awarded the low bidder, Buck Equipment Company, for Two Patch Rollers, as specified, at their bid price of \$1,762.11.

The following bids were received:

Buck Equipment Company	\$ 1,762.11
Southland Equipment Company	1,844.20
Mitchell Distributing Company, Inc.	1,859.73
Arrow Construction Equipment Co.	1,905.50
Spartan Equipment Company	2,033.22
Interstate Equipment Company	2,626.50

CONTRACT AWARDED H. B. OWSLEY & SON, INC. FOR ASPHALT HEATING KETTLE TRAILER MOUNTED.

Councilman Bryant moved the award of contract to the low bidder, H. B. Owsley & Son, Inc. for One Asphalt Heating Kettle, Trailer mounted, as specified, at their bid price of \$540.75. The motion was seconded by Councilman Whittington, and unanimously carried.

The following bids were received:

H. B. Owsley & Son, Inc.	\$ 540.75
Buck Equipment Company	671.65
Arrow Construction Equipment Co.	695.25
Southland Equipment Company	730.72
Mitchell Distributing Company, Inc.	852.15
Contractors Service & Rentals, Inc.	857.82

CONTRACT AWARDED H. B. OWSLEY & SON, INC. FOR COMBINATION TOOL HEATERS AND ASPHALT KETTLES, SKID MOUNTED.

Upon motion of Councilman Albaea, seconded by Councilman Whittington, and unanimously carried, contract was awarded the low bidder, H. B. Owsley & Son, Inc., for Two Combination Tool Heaters and Asphalt Kettles, Skid Mounted, as specified, at their bid price of \$1,730.40.

The following bids were received:

H. B. Owsley & Son, Inc.	\$ 1,730.40
Arrow Construction Equipment Co.	1,936.40

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BID OF WESTERN CAROLINA TRACTOR COMPANY ON A DIESEL POWERED CRAWLER TRACTOR REJECTED AND CITY MANAGER AUTHORIZED TO READVERTISE FOR BIDS.

Councilman Smith questioned receiving only the one bid of Western Carolina Tractor Co. on the Diesel Powered Crawler Tractor, equipped with a cable operated bulldozer blade, and the City Manager advised that the Caterpillar Company we know from experience would be a higher price, which probably explains why they did not bid and Allis-Chalmers had an opportunity to bid but did not. Councilman Smith stated he thinks there is too much money involved in this purchase not to seek other bids, and he moved that the bid be rejected and we readvertise for bids. The motion was seconded by Councilman Dellinger.

Councilman Thrower stated he thinks this will jeopardize the bid made by Western Carolina Tractor Company and he offered a substitute motion that the contract be awarded this company. The motion was seconded by Councilman Bryant.

Councilman Smith stated that he has read in municipal reports and magazines that more than one bid should be obtained when this much money is involved, and he asked the City Attorney for a statement on this. Mr. Morrissey advised that the Statutes require three bids on contracts for the purchase of equipment for construction and repair work.

The vote was then taken on the substitute motion by Councilman Thrower, and lost by the following recorded vote:

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

The vote was taken on the main motion by Councilman Smith, and carried by the following vote:

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

CONTRACT AWARDED SOUTHERN PIPE TOOL COMPANY FOR SEWER RODDING MACHINE.

Councilman Jordan moved the award of contract to the only bidder meeting the specifications, Southern Pipe Tool Company, for One Sewer Rodding Machine, as specified, at their bid price of \$4,842.45. The motion was seconded by Councilman Whittington, and unanimously carried.

The following bids were received:

Southern Pipe Tool Company \$ 4,842.45

Bids not meeting the specifications:

Southern Pipe Tool Company	Alternate #1	\$ 3,998.57
	Alternate #2	4,440.87
	Alternate #3	3,965.50
A. E. Finley & Assoc., Inc.		4,551.06

CONTRACT AWARDED A. E. FINLEY & ASSOCIATES, INC. FOR ONE SNOW PLOW.

Upon motion of Councilman Jordan, seconded by Councilman Albea, and unanimously carried, contract was awarded the low bidder, A. E. Finley &

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Associates, Inc., for One Snow Plow, as specified, at their bid price of \$911.55.

The following bids were received:

A. E. Finley & Associates, Inc.	\$ 911.55
Buck Equipment Company	995.36
Interstate Equipment Company	1,253.93

CONTRACT AWARDED MORRIS FARM EQUIPMENT COMPANY FOR TRACTOR WITH BACKHOE AND LOADER ATTACHMENT.

Motion was made by Councilman Bryant, seconded by Councilman Smith, and un-
animously carried, awarding contract to the low bidder, Morris Farm Equip-
ment Company, for One Tractor with Backhoe and Loader Attachment, as specified,
at their bid price of \$5,688.05.

The following bids were received:

Morris Farm Equipment Company	\$ 5,688.05
Farm & Industrial Equipment Co.	5,906.60
International Harvester Sales & Serv.	6,190.88
Southland Equipment Company	6,484.24
Western Carolina Tractor Company	6,540.50

CONTRACT AWARDED MORRIS FARM EQUIPMENT COMPANY FOR LOADER FOR TRACTOR,
FURNISHED AND INSTALLED ON CITY TRACTOR.

Councilman Bryant moved the award of contract to the low bidder, Morris
Farm Equipment Company, for One Loader for tractor, furnished and installed
on City Tractor, as specified, at their bid price of \$798.25. The motion
was seconded by Councilman Albea, and unanimously carried.

The following bids were received:

Morris Farm Equipment Company	\$ 798.25
Farm & Industrial Equipment Co.	849.59

CONTRACT AWARDED A. E. FINLEY & ASSOCIATES, INC. FOR PAVING BREAKERS.

Upon motion of Councilman Smith, seconded by Councilman Albea, and unanimously
carried, contract was awarded the low bidder, A. E. Finley & Associates, Inc.
for Seven Paving Breakers, as specified, at their bid price of \$2,869.58.

The following bids were received:

A. E. Finley & Associates, Inc.	\$ 2,869.58
Southland Equipment Company	2,917.50
Spartan Equipment Company	2,984.94
Contractors Service & Rentals, Inc.	3,298.68
Arrow Construction Equipment Co.	3,381.49
Mitchell Distributing Company, Inc.	3,645.60

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CONTRACT AWARDED SOUTHLAND EQUIPMENT COMPANY FOR PORTABLE AIR COMPRESSORS.

Motion was made by Councilman Dellinger, seconded by Councilman Whittington, and unanimously carried, awarding contract to the low bidder, Southland Equipment Company, for Two Rotary Portable Air Compressors, as specified, at their bid price of \$7,626.96.

The following bids were received:

Southland Equipment Company	\$ 7,626.96
A. E. Finley & Associates, Inc.	8,005.92
Spartan Equipment Company	8,464.54
H. B. Owsley & Son, Inc.	8,497.50
Arrow Construction Equipment Co.	9,053.70
Mitchell Distributing Co., Inc.	10,237.40
Contractors Service & Rentals, Inc.	11,072.50

CONTRACT AWARDED SAMPLE SHOE STORE, INC. FOR MEN'S CHUKKA BOOTS.

Councilman Albea moved the award of contract to the low bidder, Sample Shoe Store, Inc., Raleigh, N. C. for 435 pairs of Men's Chukka Boots, as specified, on a unit price basis, at their bid price of \$4,054.86 including tax. The motion was seconded by Councilman Thrower, and unanimously carried.

The following bids were received:

Sample Shoe Store, Inc.	\$ 4,054.86
The Hub Uniform Company	4,700.04
Quality Shoe Store	4,883.75

CONTRACT AWARDED MILL-POWER SUPPLY COMPANY FOR ELECTRIC HOIST.

Upon motion of Councilman Jordan, seconded by Councilman Bryant, and un-animously carried, contract was awarded the low bidder, Mill Power Supply Company, for One Electric Hoist, as specified, at their bid price of \$1,216.43.

The following bids were received:

Mill-Power Supply Company	\$ 1,216.43
The Henry Walke Company	1,240.12

CONTRACT AWARDED GOODALL RUBBER COMPANY FOR RUBBER BOOTS.

Motion was made by Councilman Albea, seconded by Councilman Bryant, and un-animously carried, awarding contract to the low bidder, Goodall Rubber Company, for 57 pairs of knee Rubber Boots and 53 pairs of three-quarter hip Rubber Boots, as specified, at their bid price of \$1,363.31.

The following bids were received:

Goodall Rubber Company	\$ 1,363.31
Industrial & Textile Supply	1,438.88

CONTRACT AWARDED HUTTON-SCOTT COMPANY FOR 22 DODGE SEDANS.

Councilman Albea moved the award of contract to the low bidder, Hutton-Scott Company, for twenty-two 8-cylinder Dodge Sedans, as specified, at their bid

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price of \$47,716.75. The motion was seconded by Councilman Jordan.

The following bids were received:

Hutton-Scott Company	\$47,716.75
Courtesy Motors, Inc.	47,732.61
Young Motor Company	47,843.59
LaPointe Chevrolet Co.	49,343.49
City Chevrolet Company	50,189.58

Councilman Thrower advised that he asked the Company to bring one of these cars over to the City Hall in case anyone wanted to go down and see it.

Councilman Whittington stated he thinks this bid should be discussed here openly and any questions Council wants to ask as to maintenance, cost and things of that nature should be answered if the Purchasing Agent has the figures.

Councilman Smith stated in the interest of frankness, he does not want to go from a known product to an unproved one for a savings of only 72¢ per car. He asked the Purchasing Agent if the Dodge has been tested? Mr. Beatty advised the bids were advertised for and they asked them to bring in the cars on which they submitted bids, and the low bid of Hutton-Scott on the Dodge meets the specifications with the exception of the color specified, which has been determined acceptable and they are offering a larger motor than specified. He advised that the Dodge has not been used by the Police Department and we have no way of comparing it with others as to service, but we do know they are used in other places; Atlanta has bought 72 and they have been used on the West Coast for sometime for Police service, but his position is that we advertised for competition and the low bidder meets the specifications in every respect, therefore, they recommend the low bid. He stated further they have gone into all angles of service and parts and maintenance, and these people have offered to the City a written 5-year guarantee on parts. That they looked over the car generally, including the rear and front bumpers, and think the rear bumper is mighty close to the car and that is something they feel we might have some trouble with, as lights on the rear are not properly protected.

Councilman Smith stated it is a question of the unknown against the proven. To clarify the matter - we have some extra Ford parts on hand, and this would mean additional Dodge parts, and can they be gotten as needed? Mr. Beatty stated we will get parts from the local agent, and he has a letter stating that they carry \$200,000 worth of parts, and they will have no reason to have any reservations this time on Dodge parts. That the City's experience with Hutton-Scott on Plymouth parts was not to our liking but this time they have assured him that if they do not have the parts here they will fly them in and the transportation will be for their account and not the City's, and he feels more secure now with Dodge parts than he did on Plymouth.

Councilman Whittington asked the City Manager if he has checked the two cars out to his satisfaction, and Mr. Veeder replied he does not consider himself qualified to comment other than as a layman; that he has driven both a '63 Ford and a '63 Dodge and looked at both cars and he and the Purchasing Agent have been out in the cars which were sent over.

Councilman Bryant stated it seems to him that we have two sets of standards as far as our bidding is concerned, and as long as the object meets all of the specifications it appears to him we almost have to go along with the low bid.

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Councilman Jordan expressed the opinion that since these people have met the specifications, if we do not accept the low bids we will be in bad shape.

Mayor Brookshire stated the Council has a moral obligation to buy on the low bid as long as it meets the specifications, and we are told in this instance that the car meets the specifications, and he does not think there is any alternative.

Councilman Albea stated that is the reason he made the motion, with the Purchasing Agent and Chief of Police making a recommendation for the acceptance of the low bid and stating it meets the specifications, he cannot do otherwise.

Councilman Smith asked Mr. Beatty about the shotgun on the dashboard, and Mr. Beatty stated this is one thing they did not have in the specifications, and this particular car does not lend itself to provide a rack for the gun on the dashboard, however he is satisfied that if the Dodge is bought some way will be worked out to provide it.

Councilman Whittington stated he would like to see the two cars before voting, in which several Council members concurred, and Mayor Brookshire declared a ten minute recess at 4:15 p.m.

The meeting was reconvened at 4:25 p.m. and Mayor Brookshire stated before resuming consideration of the bids on the cars, he would like the City Attorney to advise Council what the law is regarding the awarding of bids.

Mr. Morrissey advised that with reference to the requirements of awarding to the lowest bidder, the law provides as follows:

"All proposals shall be opened in public and shall be recorded upon the Minutes of the Board or Governing Body and the award shall be made to the lowest responsible bidder, taking into consideration quality, performance and the time specified in the proposals for the performance of the contract."

The vote was then taken on the motion for the award of the contract to the low bidder, Hutton-Scott Company, and carried by the following recorded vote:

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

CONTRACT AWARDED COURTESY MOTORS, INC. FOR FORD SEDANS.

Upon motion of Councilman Dellinger, seconded by Councilman Albea, and un-animously carried, contract was awarded the low bidder, Courtesy Motors, Inc., for Four 8-cylinder Ford Sedans, as specified, at their bid price of \$7,658.13.

The following bids were received:

Courtesy Motors, Inc.	\$ 7,658.13
Young Motor Company	7,719.28
Hutton-Scott Company	7,759.27
City Chevrolet Company	8,102.10
LaPointe Chevrolet Company	8,971.54

CONTRACT AWARDED HUTTON-SCOTT COMPANY FOR ONE DODGE SEDAN.

Motion was made by Councilman Jordan, seconded by Councilman Smith, and

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unanimously carried, awarding contract to the low bidder, Hutton-Scott Company, for One 6-cylinder Dodge Sedan, as specified, at their bid price of \$1,865.32.

The following bids were received:

Hutton-Scott Company	\$ 1,865.32
City Chevrolet Company	1,982.30

CONTRACT AWARDED HUTTON-SCOTT COMPANY FOR ONE DODGE STATION WAGON.

Councilman Bryant moved the award of contract to the low bidder, Hutton-Scott Company, for One 6-cylinder Dodge Station Wagon, as specified, at their bid price of \$2,043.96. The motion was seconded by Councilman Jordan, and unanimously carried.

The following bids were received:

Hutton-Scott Company	\$ 2,043.96
Courtesy Motors, Inc.	2,123.34
Young Motor Company	2,138.56
City Chevrolet Company	2,239.56

CONTRACT AWARDED HUTTON-SCOTT COMPANY FOR TWO COMPACT DODGE SEDANS.

Upon motion of Councilman Dellinger, seconded by Councilman Jordan, and unanimously carried, contract was awarded Hutton-Scott Company for Two 6-cylinder Compact Dodge Sedans, as specified, at their bid price of \$3,474.22.

The following bids were received:

Hutton-Scott Company	\$ 3,474.22
Courtesy Motors, Inc.	3,637.50
Young Motor Company	3,667.95

CONTRACT AWARDED THE FYR-FYTER SALES COMPANY FOR BUNKER SUITS.

Motion was made by Councilman Bryant, seconded by Councilman Jordan, and unanimously carried, awarding contract to the low bidder, The Fyr-Fyter Sales Company, for 26 Bunker Suits, as specified, at their bid price of \$1,055.13 including tax.

The following bids were received:

The Fyr-Fyter Sales Company	\$ 1,055.13
Mason Dixon, Inc.	1,107.21
The Body Guard Mfg. Company	1,129.18
John W. Barnes Enterprises	1,285.44
Fire Equipment Co. of Virginia	1,387.84

CONTRACT AUTHORIZED WITH IDLEWILD UTILITIES, INC. FOR THE INSTALLATION OF WATER MAINS AND A WATER SYSTEM TO SERVE SHARON FOREST SUBDIVISION, AND THE PURCHASE OF WATER THROUGH A MASTER METER AT THE CITY LIMITS.

Councilman Dellinger moved approval of a contract with Idlewild Utilites, Inc., covering the installation of 20,010 feet of water mains and a water system, at an estimated cost of \$96,100.00, and the purchase of water through

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a master meter at the present city limits, said lines and system to serve the Sharon Forest Subdivision, outside the city limits. The Applicant to finance the entire pipe line and system and own, operate and maintain same, and retain all revenue derived from their individual customers until such time as any part or all of the mains or system is incorporated into the city, when the lines and system will become the property of the city without cost or further agreements. The motion was seconded by Councilman Jordan, and unanimously carried.

SELECTION OF CONSULTING ENGINEER FOR AIRPORT IMPROVEMENTS DEFERRED ONE WEEK.

Councilman Thrower advised he would like to study the question of the selection of a Consulting Engineer for the Airport Improvements project and he asked Mr. Raffety, Airport Manager, if a week's delay would damage the project. Mr. Raffety stated it would not in the least, they would like to get on with the work as soon as possible. Councilman Thrower then moved that the selection of the Engineer be deferred one week, which was seconded by Councilman Whittington.

Councilman Bryant advised he has talked with several members of the Airport Advisory Committee who have given the matter much study, along with interviewing the persons interested in acting as the City's Consulting Engineer, and he found it to be a unanimous decision on their parts that John Talbert & Associates were best suited for the job, in spite of the fact that we have a real old Charlotte company involved and they feel with the amount of specialization that Talbert has done in the last two or three years, it gives them an organization that is use to doing this type of work, that is in existence now to do this type of work and who have had very close connections with the FAA in recent months and years on various aspects that go along with this type of work. That we have 300 additional feet that we would like to have on FAA's runway which will be involved in some negotiations with them and Talbert is well suited to do this type negotiations since they have had experience in it within the last few months. And just by nature of the facts, they have two men who are involved in their company who are recent employees of the FAA, who understand those procedures very well, and it was the unanimous opinion of the Committee, except Mr. Bob Lassiter who was not at the meeting, that this company could best serve Charlotte more expeditiously, and under the circumstances and in spite of very close contact as far as he is personally concerned with another of the firms, he thinks it would be most suitable and to the best interest of the city to proceed as of now with the firm of John Talbert.

Councilman Dellinger stated he has talked with several members of the Airport Committee and while they agree unanimously, one man on the Board told him that he went along with it but felt the only reason that caused him to do so was because Talbert had more contact with the FAA. Councilman Dellinger stated, however, he feels the City has people who might do as good a job, therefore, he does not think that the Board is wholeheartedly unanimous in their thinking on the recommendation.

Councilman Smith stated he has made a personal study of the matter and looked over the brochure and has talked with some principals on it, and it is a known fact that compaction is one of the main things to be considered and both firms have to hire outside compaction people and probably would consider the same one. He stated further he thinks the experience of the firm has been somewhat overplayed in this particular case and there is no competition on bidding, as the fees are practically uniform, so we are not talking about the low bidder but rather practical experience and it is true the people recommended have done a lot of work but apparently on minor airports from

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the list they submitted. That J. N. Pease & Company said they can get up a brochure that is more elaborate than submitted, but the Committee said they knew all about their work and they need not do so. He stated he does not always go along with his colleagues on selecting local people, but when both parties are competent to do the job and it is a matter of judging which you think is the more competent, he certainly would take J. N. Pease & Company, because he knows what their experience is and what the City can expect them to do. Furthermore, they have been a part of this community for a long while and have contributed to all local civic projects and he would have to cast his vote for J. N. Pease & Company, who is recognized throughout the southeast as one of the leading engineering firms and could handle the job just as competently as an outside firm, and he believes the Committee would understand it and have no real feelings one way or the other.

Mayor Brookshire called attention that all three of the companies expressing interest in the job maintain offices in Charlotte.

The vote was taken on the motion to defer the selection for one week, and carried by the following recorded vote:

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

CITY MANAGER REQUESTED TO SET UP MEETING OF LEGISLATIVE COMMITTEE, HIMSELF AND CITY ATTORNEY, TO REVIEW LEGISLATIVE MATTERS FILED FOR CONSIDERATION.

Councilman Whittington requested the City Manager to poll members of the Legislative Committee about a meeting that could start about 10 o'clock in the morning at a place they could have lunch so they can get the legislative requests ready to present to Council, so they can have a later meeting with our Legislators before the end of the year. He asked that the City Manager and City Attorney meet with the Committee.

COPIES OF BRIEF SUBMITTED BY CITY TO CIVIL AERONAUTICS BOARD IN THE MATTER OF THE COMPETITIVE TRUNKLINE SERVICE INVESTIGATION.

The City Manager presented Council with copies of what the City has submitted to the Civil Aeronautics Board in the matter of the competitive trunkline service investigation. He advised that Mr. Raffety, Airport Manager, prepared the brief for presentation and it was sent out last Friday. He stated the report represents a fair amount of work and Mr. Raffety did an excellent job getting it together. He stated further Council will find the brief of interest because it covers areas of community activities that we are not concerned with on a day to day basis but it gives more facts and figures and insight into Charlotte that are perhaps more current than some of your impressions. He advised further that previously in the past there have been instances when we have employed firms to prepare this data, and in this case Mr. Raffety did it himself without involving any outside help, and he certainly commends it to Council.

CHANGE ORDER NO. 1 IN CONTRACT WITH REA CONSTRUCTION COMPANY FOR CONSTRUCTION OF AIRPORT APRON OVERLAY PAVEMENT, AUTHORIZING THE ADDITION TO CONTRACT OF AN ASPHALT CONCRETE OVERLAY ADJACENT TO THE TERMINAL BUILDING WEST CONCOURSE.

Upon motion of Councilman Albea, seconded by Councilman Jordan, and unanimously carried, Change Order No. 1 in the contract with Rea Construction Company for construction of the Airport Apron Overlay Pavement, was approved authorizing an addition to the contract for the construction of asphalt concrete overlay, adjacent to the Terminal Building West Concourse, at a cost of \$935.27, to provide a safe walkway for passengers between the concourse and the aircraft loading position.

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CITY MANAGER AND COUNCILMEN WHITTINGTON AND THROWER COMMENDED FOR FINE WORK ON UNITED APPEAL CAMPAIGN AND CITY EMPLOYEES CONGRATULATED ON SPLENDID CONTRIBUTION.

Councilman Jordan moved that the Council commend Mr. Veeder, Mr. Whittington, and Mr. Thrower for the splendid job they did on the United Appeal Campaign and he expressed appreciation on behalf of the Council to the City Employees for their fine contribution of 132% of their quota. The motion was duly seconded and unanimously carried.

CITY MANAGER REPORTS AS INFORMATION FIRST SESSION OF RETIREMENT PLANNING MEETINGS HELD.

The City Manager advised that on last Thursday, we had the first Retirement Planning Session with employees aged 60 and over, with Mr. Earle, Personnel Director, planning and conducting the meeting, and they are pleased that about 70 employees came to the meeting and from all the reports he has had, it got the subject introduced in a satisfactory manner and there was a great deal of enthusiasm about proceeding with pre-retirement counseling. He stated there will be a number of follow-up meetings, and he believes the program organized last fall has gotten off to a very fine start.

ADJOURNMENT.

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

Lillian R. Hoffman
Lillian R. Hoffman, City Clerk

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