

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, September 9, 1963, at 3 o'clock p.m., with Mayor Brookshire presiding and Councilmen Bryant, Dellinger, Jordan, Smith, Thrower and Whittington present.

ABSENT: Councilman Albea.

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INVOCATION.

The invocation was given by Councilman Gibson L. Smith.

MINUTES APPROVED.

Upon motion of Councilman Thrower, seconded by Councilman Whittington, and unanimously carried, the Minutes of the last meeting on August 26th were approved as submitted.

RESOLUTION AUTHORIZING THE ISSUANCE OF NINE CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY NOW HELD BY CHECKER CAB COMPANY, INC TO BAKER CAB COMPANY, INC AND TRANSFERRING TWENTY-THREE CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY FROM RED TOP CAB COMPANY, INC. TO CHECKER CAB COMPANY, INC.

The public hearing was held on the Application of Baker Cab Company for Nine Certificates of Public Convenience and Necessity for Taxicabs. Mr. Allen Bailey, representing the Cab Company advised there are two phases to be considered, one being the transfer of 23 certificates from Red Top Cab Company, Inc. to Checker Cab Company, Inc., which is merely the transfer from one Cab Company to another without the transfer of any equipment or any money being involved simply to even up the two corporations to give better taxicab service, as the owners of Red Top Cab Company and Checker Cab Company are one and the same.

The second phase is the request of Baker Cab Company, Inc. to cancel nine certificates that Checker Cab Company, Inc. has and reissue them to Baker Cab Company, Inc. for the reason that Mr Eddie Baker has been in the taxicab business for a long time and operated as an individual and some six years ago these nine certificates were issued to him as an individual and when he became a part of Checker Cab Company, Inc. they were transferred into that corporation and he now has formed his own corporation, Baker Cab Co., Inc, and wishes to get his own personal certificates out of Checker Cab Co., Inc. and back to his own corporation, which will not involve the issuance of any new certificates by the Council but merely the transfer of the twenty three certificates from Red Top Cab Company to Checker Cab Co., Inc. and a cancellation and reissuance of nine certificates from Checker Cab Company, Inc. to Baker Cab Company, Inc. He stated that Mr. Baker will have no interest in Checker Cab Company after this transaction is perfected. Mr. Bailey stated he is Secretary & Treasurer of Checker Cab Company and also of Red Top Cab Company; however both Mr. Baker and his attorney are present to answer any question Council may wish to ask. He stated further there is no controversy involved whatsoever, and the entire transaction meets the approval of all concerned.

Councilman Jordan moved the adoption of a "Resolution Declaring that Public Convenience and Necessity Require the Taxicab Service Proposed by the Application of Baker Cab Company, Inc for the Issuance of Nine Certificates now held by Checker Cab Company, Inc. and Subject to Automatic Revocation Upon Transfer of Nine Taxicabs to Baker Cab Company, Inc.", and the approval of the transfer of twenty-three Certificates of Public Convenience and Necessity from Red Top Cab Company, Inc., to Checker Cab Company, Inc. The motion was seconded by Councilman Dellinger, and unanimously carried.

The resolution is recorded in full in Resolutions Book 4, at Page 334.

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RESOLUTION ORDERING THE MAKING OF CERTAIN LOCAL IMPROVEMENTS ON REMBRANDT CIRCLE, FROM RANDOLPH ROAD TO MEADOWOOD LANE, ADOPTED.

The public hearing was held on the Petition of 66.7% of the owners of property abutting on Rembrandt Circle, from Randolph Road to Meadowood Lane, representing 59.29% of the lineal feet of frontage, for improvements by installing storm drainage facilities, constructing roll type curb and gutter and paving with base course and surface course, for a distance of approximately 1,500 feet, at a total estimated cost of \$19,503.00, of which the City's share is estimated at \$10,856.00 and the total amount to be assessed against the owners of properties abutting upon the improvement is estimated at \$8,647.00, at an estimated \$2.62 per front foot.

The City Clerk advised that letters have been filed by Mr. Clarence C. Mosack, 1338 Meadowood Lane, and Mr. L. A. Love, Jr., who owns property on the street, objecting to the improvements.

Mr. C. C. Mosack, 1338 Meadowood Lane, stated when he received the letter from the City Clerk advising that a Petition for the improvements had been filed, he wrote the City Engineer voicing his objections as one of the largest property owners on Rembrandt Circle in lineal front footage, for the following reasons:

1. Sewer and Water in the majority of cases have not been connected to the homes and to pave or improve the street now would be futile - a plain waste of money.
2. The street is only a circle about the length of two blocks. Because of the heavy shrubbery on the curve of the circle it is dangerous for on-coming traffic at this point. Cars come around this curve too fast now and to improve the road would only increase the danger of accidents.
3. The street with its present wide sloping ditches is now most attractive. These large ditches have always been ample to take care of the heaviest storms. Water never comes near the road.
4. With the thousands of homes for sale in Charlotte at the present time this unnecessary cost cannot be added to property values. The sharp increase in assessments put into effect this year has already created enough hardship on home owners.
5. Unwanted petitions of this type if acted upon favorably can only result in one thing - move out of the city.

Mr. Mosack stated that a large number of people on the street who signed have told him they did so because they were told that everyone else had signed.

Mr. M. O. Townsend, resident of Rembrandt Circle, advised that he has two lots covering 200 lineal feet, and he is against the improvements for the same reasons expressed by Mr. Mosack; that he will not object to the improvements after the people on the street avail themselves of water and sewer services provided by the City, as the street will be torn up and soon it will look like a patch-work quilt, as it was not put back in proper condition after he connected to city water and sewer.

Mr. H. M. Thompson, 1325 Rembrandt Circle, advised he owns 100 foot frontage and as long as construction work is going to have to be done, it is beyond him to see a nice roadway with curb and gutter torn up to install a water main; that he is for improvements after the water mains have been installed.

That several who signed the petition have stated the only reason they signed was because of the high pressure methods used and they were told everyone on the Circle had signed and they would be the only ones who did not. That he would like to see Council call for a new petition and then if 65% signed it, it would be alright with him.

Mr. Harry Alexander, 1234 Rembrandt Circle, stated he was one of those instrumental in getting up the Petition, that they showed the Petition to everyone they could find at home on the street and all of the people, except the four who have been represented here today signed the petition and wanted the improvement. We feel the street needs improving and needs resurfacing and before that is done he would like to have the gutters put down and the street widened; that they have a majority of the residents wanting the work done and if any of them have changed their minds, he knows nothing about it.

Councilman Dellinger asked if the street is in such condition that it should be resurfaced now? Mr. Cheek, City Engineer, advised that the street was surfaced by the State, and it has not been resurfaced since that time and it is in satisfactory condition for resurfacing but is not scheduled for resurfacing because of this petition.

Mr. Dave Newton, 5100 Rembrandt Circle, stated he would like to add about 225 more feet to the dissenting voice against the improvement. That he knows that Mr. Walthall, 1127 Rembrandt Circle, and Mr. Schwardfeger, 1119 Rembrandt Circle, are also opposed to the improvements. That one of his objections is that he has not seen the Petition nor has he had a letter from the City explaining the assessment nor that this meeting was to be held today.

Mr. Craighead Alexander stated there was no high pressure brought on anyone to sign the petition; that the road is cracking at the edges and the improvements would enhance the value of the property and everyone really wants it except those here today.

Mr. L. A. Love stated that while the Council has his letter he wants to mention that the drainage problem to be taken care of by guttering is not necessary, and to his knowledge there has never been any drainage problem. That he feels it would be entirely unnecessary to make the improvements at this time when the street will be cut up for water and sewer connections. That his neighbor, Mr. H. L. Simpson, is renting with a lease to buy and he is opposed to the improvements, and has 115 feet.

Mr. Norman Cotter, 1210 Rembrandt Circle, stated he signed the petition for one reason only, that he felt the improvements would enhance the property. That he came to this meeting today to hear what was said, and he has made one observation, and that is that two of the most strenuous objectors, Mr. Mosack and Mr. Love, have homes that face on Meadowood Lane rather than Rembrandt Circle, and several of his neighbors feel as he does, and the improvements will enhance their property.

Mr. Love and Mr. Mosack stated their frontage is on Meadowood Lane but their property comes back more than 180 feet on Rembrandt Circle, and they use the Rembrandt Circle entrances and driveways more than the entrances on Meadowood Lane.

Mr. I. L. Eichorn, 1317 Rembrandt Circle, stated he has 100 feet frontage and while he did sign the petition and was not high pressured into doing so, he wishes to remove his name from the petition because since the petition was circulated the traffic has increased tremendously and they do not want a street any more inviting for traffic than now.

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Councilman Jordan asked the City Attorney if these people removing their names from the petition would not make a change in the percentage requesting the improvements? Mr. Morrissey replied that it is bound to make a change but the question is whether it drops below 50% and requires us to resort to the alternative procedure provided in the Charter.

Mrs C. M. Rogers, 1201 Rembrandt Circle, stated they have 100 foot frontage and she was very much in favor of improving their street because she had trouble passing on the street and felt it was dangerous and she signed the petition, and also her son who lives at 1314 Rembrandt Circle.

Councilman Dellinger asked if the street would be widened, and Mr. Cheek stated the present width is 18 feet and it would be widened to 26 feet.

Mayor Brookshire noted that one person, Mr. Eichorn, asked that his name be removed from the Petition and he has 100 foot frontage, which would be approximately 3% and would reduce the percentage of signers from 59% to 56% of lineal feet of frontage.

Councilman Smith stated that according to our figures the City will pay \$10,856.00 and the property owners approximately \$8,647.00, and it would seem to him that 56% of these people and the largest majority of the property owners on the street want the improvements and are willing to pay for it, he thinks Council should approve it and he moved the adoption of the Resolution Ordering the Making of the Improvements. The motion was seconded by Councilman Whittington.

Councilman Thrower stated we do not want to give these people something they don't want and he would like to see it deferred for a week and if the people want to they can withdraw the petition. Councilman Smith stated this is the advertised hearing and he sees no reason putting off taking action on something the people have asked for.

The vote was taken on the motion, and unanimously carried. The resolution is recorded in full in Resolutions Book 4, at Page 335.

WATER LINE TO BE INSTALLED IN MANLEY STREET TO SERVE RESIDENTIAL AREA, WITH RESIDENTS PAYING ONLY FOR METERS.

Mrs Iola Henderson, 211 Haycox Street, stated they were advised that it would cost \$2,000.00 to bring water up their street; that they had been getting water from a well for many years and it has been condemned by the Health Department and had the well filled up, and they had no water at all. That Haycox Street is inside the city limits and they all pay city taxes.

Councilman Whittington advised that he has discussed this street with the City Manager that the Health Department had condemned the well and the people on Haycox and Manley Street asked for water line to be run down Manley Street, and the Water Department advised they had to put up \$2,000.00, but they are without water or sewer.

Mr. Veeder advised that the Water Department asked the property owners to pay for the water meters that would have to be installed, and it is something that will have to be done, they did not ask that any advance be made for the water line itself. If the property is now without water we will hook up to a water line, and there is no problem in financing that line, but each individual property will have to finance the meter, and this is the deposit that the Water Department wanted put up so there would be some assurance that if the line is put down it will be used.

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Mrs Henderson stated she understands it now and they will be glad to make the deposits and will certainly use the water line.

Mr. Bobo, Administrative Assistant, went with Mrs Henderson down to the Water Department to get the matter straightened out and make it clear to Mrs Henderson.

CONSTRUCTION OF SANITARY SEWER MAIN IN ANDERSON STREET AUTHORIZED.

Councilman Whittington moved approval of the construction of 491-feet of sanitary sewer main in Anderson Street, inside the city, at the request of Hubbell Metals, Inc., at an estimated cost of \$3,155.00, with all cost to be borne by the Applicant, whose deposit of the entire amount will be refunded as per terms of the contract. The motion was seconded by Councilman Bryant, and unanimously carried.

CONTRACT AUTHORIZED WITH MECKLENBURG ENGINEERS TO CONNECT PRIVATE SANITARY SEWER LINES TO CITY'S SANITARY SEWERAGE SYSTEM IN COLCHESTER ROAD.

Upon motion of Councilman Bryant, seconded by Councilman Jordan, and un-animously carried, contract was authorized with Mecklenburg Engineers to connect private sanitary sewer lines to the City's Sanitary Sewerage System in Colchester Road from Desmond Place to Old Reid Road, outside the city limits, to serve 31 residential lots and said lines to become the property of the City when the area is annexed to the City.

CONTRACTS AUTHORIZED FOR INSTALLATION OF WATER MAINS IN VARIOUS LOCATIONS.

Upon motion of Councilman Dellinger, seconded by Councilman Bryant, and un-animously carried, the following contracts for the installation of water mains were authorized:

- (a) Contract with Jackson Engineering Corporation for the installation of 2,590 feet of main and 2 fire hydrants in Barclay Downs No. 8 Subdivision, inside the city, at an estimated cost of \$10,000.00. The City to finance all costs and applicant to guarantee an annual gross water revenue equal to 10% of the total cost.
- (b) Contract with Belshire Investors, Inc. for the installation of 3,960 feet of main and 4 fire hydrants, in Belshire Subdivision, inside the city, at an estimated cost of \$12,900.00. The City to finance all costs and applicant to guarantee an annual gross water revenue equal to 10% of the total cost.
- (c) Contract with P & N Realty Company for the installation of 3,170 feet of main and 4 fire hydrants in the Lakewood Industrial Development, inside the city, at an estimated cost of \$14,020.00. The Applicant to finance the entire cost and the City to retain such funds until the revenue equals or exceeds 5% of the total construction cost for a continuous period of 12 months, at which time the applicant will be eligible for refund of the total funds advanced without interest.
- (d) Supplementary contract, to contract dated May 6, 1963, with John Crosland Company for the installation of 2,990 feet of main and 3 fire hydrants in Huntingtowne Farms Subdivision, outside the city, at an estimated cost of \$10,100.00. The applicant will pay the entire cost of the main and own same until the area is incorporated into the city when the mains will become the property of the city without further agreement.

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- (e) Contract with Ervin Construction Company for the installation of 11,275 feet of main and 7 fire hydrants in Northwood Estates, inside the city, at an estimated cost of \$45,900.00. The City to finance all cost and applicant to guarantee an annual gross water revenue equal to 10% of the total cost.

LEASE WITH GENERAL SERVICES ADMINISTRATION FOR BUREAU OF CUSTOMS OFFICE AT AIRPORT, AUTHORIZED.

Councilman Bryant moved approval of lease with General Services Administration for Room 124A in the Airport Terminal, for a term of 2 years at a rental of \$934.50 per year, to be used in connection with the designation of Charlotte as a Port of Entry. The motion was seconded by Councilman Whittington and unanimously carried.

CONTRACTS FOR APPRAISAL OF 17 TRACTS OF LAND FOR NORTHWEST EXPRESSWAY R/W AUTHORIZED.

Upon motion of Councilman Dellinger, seconded by Councilman Bryant, and unanimously carried, the following contracts were authorized for the appraisal of 17 tracts of land for right of way for the Northwest Expressway:

Leo H. Phelan, Jr.	11 tracts on E. 8th St, N. Morrow St, Seigle Ave, E. 7th St. and N. Long St.
C. W. Todd	6 tracts on N. Morrow St, Haley Place and Elizabeth Avenue

STREETS TAKEN OVER FOR MAINTENANCE.

Upon motion of Councilman Jordan, seconded by Councilman Dellinger, and unanimously carried, the following streets were taken over for continuous maintenance:

STREET	FROM	TO
Ferncliff Road	Barclay Downs Drive	215' NE of Lacie Lane
Ayscough Road	Ferncliff Road	225' SE of Ferncliff Rd.
Merrifield Road	Ferncliff Road	190' SE of Ferncliff Rd.
Lacie Lane	Runnymede Lane	Ferncliff Road
Woodleaf Road	Farmview Road	SE to end at Cul-de-sac
Woodleaf Road	70' W. of Brookview Dr.	220' W. of Gladstone Lane
Farmview Road	Woodleaf Road	S. to Brookview Drive
Brookview Drive	Auburndale Road	W. to Woodleaf Road
Terrywood Lane	Auburndale Road	SE 150 feet
Auburndale Road	Woodleaf Road	380' SE of Larkspur Lane
Gladstone Lane	Woodleaf Road	180' NW
Larkspur Lane	Auburndale Road	End at Cul-de-sac
Chillingworth Lane	215' W. of Hardwicke Rd.	Hadrian Way
Burleigh Street	240' W. of Hardwicke Rd.	Hadrian Way
Hodgson Road	280' W. of Hardwicke Rd.	Randolph Road
Hadrian Way	Chillingworth Lane	Hodgson Road

RESOLUTION PROVIDING FOR PUBLIC HEARING ON SEPTEMBER 23RD ON PETITION OF S & T DEVELOPMENT COMPANY FOR ANNEXATION, ADOPTED.

Motion was made by Councilman Bryant, seconded by Councilman Whittington, and

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unanimously carried, adopting Resolution Providing for Public Hearing on September 23rd on Petition of S & T Development Company, et al for the annexation to the City of Charlotte of 44.019 acres of property known as Robinson Woods, located in Sharon Township.

The resolution is recorded in full in Resolutions Book 4, at Page 336.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON SEPTEMBER 23RD ON PETITION OF JAMES C. EVANS AND ALICE B. EVANS FOR ANNEXATION, ADOPTED.

Councilman Thrower moved the adoption of a Resolution Providing for a Public Hearing on September 23rd on Petition of James C. Evans and Alice B. Evans for the annexation to the City of Charlotte of 14.4 acres of property known as Greenbriar Subdivision, located in Crab Orchard Township. The motion was seconded by Councilman Bryant, and unanimously carried.

The resolution is recorded in full in Resolutions Book 4, at Page 337.

APPLICATIONS FOR DETECTIVE LICENSES APPROVED.

Upon motion of Councilman Whittington, seconded by Councilman Bryant, and unanimously carried, the applications of Donald W. Stahl and Cliff Dutton for Detective licenses were approved.

TRANSFER OF CEMETERY LOTS.

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

- (a) Deed with Mrs Raymond E. McCabe, for Grave 1, Lot 17, Section 3, Evergreen Cemetery, at \$60.00.
- (b) Deed with George V. Harper, for Grave 1, on northwest 1/4 of Lot 15, Section D-Annex, Elmwood Cemetery, transferred from Heirs of J. Russo, at \$3.00 for transfer deed.
- (c) Deed with Heirs of J. Russo, for Graves 2 and 3, on northwest 1/4 of Lot 15, Section D-Annex, Elmwood Cemetery, at \$3.00 for new deed.

CONTRACT AWARDED ATLANTIC ALUMINUM & METAL DIST., INC. FOR SHEET ALUMINUM.

Motion was made by Councilman Thrower, seconded by Councilman Jordan, and unanimously carried, awarding contract to the low bidder, Atlantic Aluminum and Metal Dist., Inc. for 290 sheets of Aluminum, as specified, in the amount of \$7,392.15.

The following bids were received:

Atlantic Aluminum & Metal Dist., Inc.	\$ 7,392.15
Kaiser Aluminum Company	7,591.43
Olin-Mathieson Chemical Corp.	7,776.91
Municipal Street Sign Co., Inc.	8,961.00

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CONTRACT AWARDED MINNESOTA MINING & MFG. COMPANY FOR SCOTCHLITE MATERIAL.

Upon motion of Councilman Bryant, seconded by Councilman Whittington, and unanimously carried, contract was awarded the only bidder, Minnesota Mining & Mfg. Company for 14 rolls of silver and yellow Scotchlite Material, as specified, in the amount of \$4,964.09.

CONTRACT AWARDED NATIONAL WELDERS SUPPLY CO., INC. FOR OXYGEN, ACETYLENE AND DRY AIR.

Councilman Whittington moved the award of contract to National Welders Supply Co., Inc., the low bidder meeting specifications, for oxygen, acetylene and dry air, as specified, in the amount of \$1,097.93. The motion was seconded by Councilman Bryant, and unanimously carried.

The following bids were received:

National Welders Supply Co., Inc.	\$ 1,097.93
National Cylinder Gas Div. of Chemetron	1,291.13

Bids not meeting specifications:

Southern Oxygen Company	1,279.32
Piedmont Welding Supply Company	843.11

BID REJECTED ON DEMOLITION AND SALE OF TWO AIRPORT BUILDINGS.

Upon motion of Councilman Dellinger, seconded by Councilman Jordan, and unanimously carried, the bid of Richland Wrecking Company, Inc. the only bidder, for demolition and sale of Buildings #107 and #270 at Douglas Municipal Airport was rejected as it exceeds funds allocated for this purpose.

BID REJECTED ON RADIO PARTS & TUBES.

Motion was made by Councilman Smith, seconded by Councilman Jordan, and unanimously carried, rejecting bid on radio parts and tubes as recommended by the Purchasing Agent and Radio Technician, and permission granted to revise the specifications.

BIDS REJECTED ON PRINTING EQUIPMENT.

Councilman Dellinger moved that the only bid of Bish Leasing Company, Inc. for an Automatic Platen Press be rejected and specifications be revised as recommended by the Purchasing Agent. The motion was seconded by Councilman Jordan and unanimously carried.

CONTRACT AWARDED THE KNIGHT PUBLISHING COMPANY FOR ADVERTISEMENT.

Upon motion of Councilman Dellinger, seconded by Councilman Thrower, and unanimously carried, contract was awarded The Knight Publishing Company, the only bidder, for 1500 columnar inches of advertisement in The Charlotte News and 50 columnar inches in The Charlotte Observer, as specified, in the amount of \$3,406.50, on a unit price basis.

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CONTRACT AWARDED AMERICAN OIL COMPANY FOR GASOLINE.

Motion was made by Councilman Thrower, seconded by Councilman Bryant, and unanimously carried, awarding contract to the low bidder, American Oil Company, for 968,456 gallons of gasoline, as specified, in the amount of \$185,319.40, on a unit price basis.

The following bids were received:

American Oil Company	\$ 185,319.40
Sinclair Refining Company	186,030.74
Gulf Oil Corp.	186,949.21
Texaco, Inc.	189,336.25
The Pure Oil Company	189,347.79
The Atlantic Refining Company	203,160.98

CONTRACT AWARDED LIQUIDS, INC. FOR MOTOR OIL.

Councilman Dellinger moved that contract be awarded Liquids, Inc., the low bidder, for 10,944 gallons of motor oil, as specified, in the amount of \$5,632.46, on a unit price basis. The motion was seconded by Councilman Smith, and unanimously carried.

The following bids were received:

Liquids, Inc.	\$ 5,632.46
The Pure Oil Company	5,661.69
Shell Oil Company	5,883.03
American Oil Company	6,080.59
The Atlantic Refining Company	6,825.03
Texaco, Inc.	7,138.37
Gulf Oil Corp.	7,505.57
Sinclair Refining Company	8,191.99

CONTRACT AWARDED LIQUIDS, INC. FOR CHASSIS LUBRICANT.

Upon motion of Councilman Jordan, seconded by Councilman Thrower, and unanimously carried, contract was awarded the low bidder, Liquids, Inc., for 4,800 pounds of chassis lubricant, as specified, in the amount of \$706.02, on a unit price basis.

The following bids were received:

Liquids, Inc.	\$ 706.02
The Pure Oil Company	746.15
Shell Oil Company	795.60
Texaco, Inc.	873.93
Gulf Oil Corp.	905.76
Sinclair Refining Company	918.00
The Atlantic Refining Company	942.97
American Oil Company	1,248.48

CONTRACT AWARDED THE PURE OIL COMPANY FOR KEROSENE.

Motion was made by Councilman Thrower awarding the contract to the low bidder, Pure Oil Company, for 21,400 gallons of kerosene, as specified, in the amount of \$2,466.57, on a unit price basis. The motion was seconded by Councilman Dellinger, and unanimously carried.

The following bids were received:

The Pure Oil Company	\$ 2,466.57
American Oil Company	2,523.81
Sinclair Refining Company	2,656.56

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CONTRACT AWARDED GULF OIL CORP. FOR NO. 2 FUEL OIL.

Upon motion of Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, contract was awarded Gulf Oil Corporation, the low bidder, for 136,950 gallons of No. 2 Fuel Oil, as specified, in the amount of \$13,640.36, on a unit price basis.

The following bids were received:

Gulf Oil Corporation	\$ 13,640.36
American Oil Company	14,077.64
The Pure Oil Company	14,374.00
Sinclair Refining Company	15,516.44

CONTRACT AWARDED THE PURE OIL COMPANY FOR DIESEL FUEL.

Motion was made by Councilman Dellinger, seconded by Councilman Jordan, and unanimously carried, awarding contract to the low bidder, The Pure Oil Company, for 67,100 gallons of Diesel Fuel, as specified, in the amount of \$7,042.68, on a unit price basis.

The following bids were received:

The Pure Oil Company	\$ 7,042.68
Sinclair Refining Company	7,602.43
American Oil Company	7,740.66

CONTRACT AWARDED THE PURE OIL COMPANY FOR HYDRAULIC LIFT OIL.

Upon motion of Councilman Jordan, seconded by Councilman Smith, and unanimously carried, contract was awarded The Pure Oil Company, low bidder, for 2,270 gallons of Hydraulic Lift Oil, as specified, in the amount of \$908.80, on a unit price basis.

The following bids were received:

The Pure Oil Company	\$ 908.80
Texaco, Inc.	1,023.41
American Oil Company	1,204.01
Gulf Oil Corp.	1,227.16
Sinclair Refining Company	1,319.78

TEMPORARY SIDEWALK AND FOOT BRIDGE AUTHORIZED CONSTRUCTED ON PARKWAY AVENUE, BETWEEN NORWOOD AND RAVENCROFT, AND FUNDS TRANSFERRED FROM THE CONTINGENCY ACCOUNT FOR THIS PURPOSE.

Councilman Bryant moved that \$2,950.00 be appropriated from the Contingency Account to the Engineering Department for the construction of a footbridge on Parkway Avenue, between Norwood and Ravencroft, and a temporary sidewalk parallel to the bridge. The motion was seconded by Councilman Smith, and unanimously carried.

FUNDS AUTHORIZED TRANSFERRED FROM CONTINGENCY ACCOUNT TO CLERK OF RECORDER'S COURT CAPITAL OUTLAY ACCOUNT FOR PURCHASE OF CASH REGISTER AND ADDING MACHINE.

Upon motion of Councilman Dellinger, seconded by Councilman Whittington, and unanimously carried, \$3,415.00 was authorized transferred from the Contingency Account to the Clerk of Recorder's Court Capital Outlay Budget for the purchase of a Cash Register and an Adding Machine.

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ACQUISITION OF PROPERTIES IN CLEAR ZONE OF NORTH-SOUTH RUNWAY.

Upon motion of Councilman Bryant, seconded by Councilman Thrower, and un-animously carried, the acquisition of the following properties in the clear zone of the North-South Runway was authorized:

- (a) Acquisition of 29,350 sq. ft. of property in Berryhill Township from William C. Simpson and wife, Mary Jane Simpson, at a price of \$8,500.00.
- (b) Acquisition of 2.8 acres of property, one house, garage apartment and shop on Wilmont Road, from A. H. Hicks and wife Beulah Hicks, at a price of \$26,500.00.

CONDEMNATION OF PROPERTY IN CLEAR ZONE OF NORTH-SOUTH RUNWAY.

Motion was made by Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, authorizing the condemnation of the following property in the clear zone of the North-South Runway:

- (a) Condemnation of a house and lot, 15,328 sq. ft. lying along Wilmont Road, owned by G. S. Lawson and wife Evelyn R. Lawson.
- (b) Condemnation of a house and lot, 72,767 sq. ft lying along New Dixie Road, owned by Clarence A. Simpson.

CONDEMNATION OF RIGHT OF WAY FOR SANITARY SEWER LINES IN LOWER SUGAW CREEK OUTFALL AND IN WENDOVER WOODS SUBDIVISION.

Upon motion of Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, the condemnation of the following rights of way for the construction of sanitary sewer lines was authorized:

- (a) Condemnation of tract of land 60' wide by 1,183.95' long, between Reid Road and Spring Valley Subdivision, along the eastern side of Sugaw Creek, owned by Hall Johnston, for right of way for sanitary sewer line in Lower Sugaw Creek Outfall.
- (b) Condemnation of tract of land 60' wide by 6,693.53' long, along the east side of Sugaw Creek on both sides of Park Road near Pineville, owned by Leitner Shirley Miller, for right of way for sanitary sewer line in Lower Sugaw Creek Outfall.
- (c) Condemnation of tract of land 10' wide by 3,902.99' long along the east side of Sugaw Creek north of Sharon Road West, owned by Albert N. Whisnant Estate, for right of way for sanitary sewer line in Lower Sugaw Creek Outfall.
- (d) Condemnation of tract of land 10' wide by 540' long, in Wendover Woods owned by Wilson Lewith, for right of way for sanitary sewer line in Wendover Woods Subdivision.

ACQUISITION OF RIGHT OF WAY FOR SANITARY SEWER LINES IN COLONY ROAD AND HILLSBOROUGH ACRES.

Motion was made by Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, authorizing the acquisition of the following rights of way:

- (a) Acquisition of right of way 10' wide by 621' long in Colony Road, from Charlotte Mecklenburg Board of Education, at a price of \$310.50, for the construction of a sanitary sewer line in Colony Road.

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- (b) Acquisition of right of way 10' wide by 160.91' long in Bobby Lane, from James R. Purser and Lettie R. Purser, at a price of \$80.45, for the construction of a sanitary sewer line to serve Hillsborough Acres.
- (c) Acquisition of right of way 10' wide by 213.44' long in Nancy Drive, from Herman C. Hoffman and Faye D. Hoffman, at a price of \$106.72, for the construction of a sanitary sewer line to serve Hillsborough Acres.

OFFER OF CHARLES SWEITZER TO DONATE AND INSTALL IN THE AIRPORT TERMINAL LOBBY A MURAL DEPICTING THE GROWTH OF CHARLOTTE FROM ITS EARLIEST BEGINNINGS TO THE PRESENT PERIOD WITHOUT COST TO CITY ACCEPTED AND AN ADVISORY GROUP APPOINTED TO ASSIST WITH THE GENERAL SCHEME OF THE MURAL.

Upon motion of Councilman Dellinger, seconded by Councilman Jordan, and un-animously carried, the offer of Mr. Charles Sweitzer, Artist, was accepted to donate a mural painted on canvas and installed on the Airport Terminal Lobby wall area between the first and second floors, depicting the growth and development of Charlotte from its earliest beginnings to the present period, without cost to the City Government, and an Advisory Group composed of Mr. James Stenhouse, Mr. Robert Schlagter and Mr. Walter W. Hook was appointed to assist the Artist with the general scheme of the Mural.

CONSTRUCTION OF EXTENSION OF CUSHMAN STREET BY NANCE-TROTTER, INC. NOT MEETING CITY STANDARDS DISCUSSED ON COMPLAINT OF ADJOINING PROPERTY OWNERS.

Mr. A. A. Short and Mr. James Brooks, residents of Sugar Creek Road and Mr. S. M. Bryan, resident of Rutgers Avenue, were present, together with their attorney, Mr. Ray Rankin, who advised that although they are greatly concerned and unhappy over the opening of an extension of Cushman Street by Nance-Trotter, between the Company's Subdivision and Sugar Creek Road, with which the City is familiar, because of the damage to the property of his clients and which will probably result in a law suit, they are present at this meeting merely to watch and learn if Nance-Trotter has requested the City's help in the project, as they will be very interested in any city participation.

Mr. Brooks stated he called the Engineering Department when the work was started on the street by Nance-Trotter, as the street is only 35 feet at the top and 45 feet at the bottom which is on someone else's land, and Mr. Birmingham told him the City knew nothing about the street opening and Nance-Trotter had not received permission to open the street.

Mr. Short and Mr. Bryan advised that the new road is on fill earth above the normal street level of their adjoining property and has resulted in their property being flooded with water and mud draining off the roadway, ruining their yards and property; when Nance-Trotter was told they had employed an attorney to secure an injunction to have the work stopped, the Company hired two off-duty City Policemen and posted them on the job to see that the work continued.

Mr. Veeder, City Manager, stated that what Nance-Trotter is constructing is not meeting city standards in terms of subdivision requirements, at the same time the City Attorney has advised the City Engineer that we have no control over it, that it is Nance-Trotter's business, and they are not doing anything wrong in terms of our policy and the roadway is not, in fact, within a subdivision.

Councilman Whittington asked if there is no legal means by which the city can protect its citizens, and even though the road is not within the subdivision

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it is certainly going into their subdivision, and he cannot recall any subdivision within the five years he has been on the Council where people were affected and came to Council in larger numbers opposing it and pointing out the rerouting of water onto their property and the general tearing up of the neighborhood than these people today.

Mr. Birmingham of the Engineering Department advised that it involves a 35 foot dedicated right of way that leads from Sugar Creek Road into a section of Cushman Avenue Extension, and the part that traverses the Nance-Trotter Subdivision is under city maintenance and was a paved street prior to annexation; that there is only 35 feet of right of way from Sugar Creek Road back to the next street, and that is the portion that Nance-Trotter has opened; that it has sufficient grade, that part of the property is a 3 or 4 foot fill in which Nance-Trotter has installed an 18 inch pipe. Councilman Whittington asked if they are trapping any water on anyone's property, and Mr. Birmingham replied they are not to his knowledge, and as far as can be determined Nance-Trotter has violated no laws. Councilman Whittington remarked we are going to have the same thing here that we had across Sugar Creek Road and the City will wind up having to take the street over.

Councilman Dellinger stated we should form some basis for controlling such matters and require that streets be not less than 50 feet wide anywhere in the city, otherwise the City will have to go back and pave this street on a cooperative basis.

Mr. Cheek, City Engineer, stated he has gone into this since finding out about the Nance-Trotter deal, but until some changes are made in the Charter to that effect, it will be difficult to handle such matters as this.

Mr. Morrissey, City Attorney, advised he has discussed it with the City Engineer at length and has come to a dead-end and he knows of no action the City can take and it seems to him to evolve into a private law suit between the residents and the developer.

Mayor Brookshire remarked to Mr. Rankin that his clients of course have recourse to the Courts, and asked if the City's position has been made clear to him? Mr. Rankin stated he knows the city has not been a party to any of the controversy and is not at fault, and he also remarked that it is the most high-minded action by a developer he has ever seen and he has represented quite a few developers.

PETITION FOR TRAFFIC SIGNAL AT INTERSECTION OF CAMP GREEN STREET AND MARLOWE AVENUE GIVEN CITY MANAGER FOR HANDLING.

Councilman Whittington advised he has a petition from residents requesting a Traffic Signal at the intersection of Camp Green Street and Marlowe Avenue, where a large number of school children cross, which he will turn over to the City Manager for handling.

REQUEST FOR REPAIRS TO MEADOW LANE AND FOR STORM DRAIN ON SEDGEFIELD ROAD GIVEN CITY ENGINEER FOR HANDLING.

Councilman Whittington gave the City Engineer for handling a request from residents of Meadow Lane for repairs to the street, and also one from a resident on Sedgefield Road for a storm drain across the street.

REPORT REQUESTED ON PETITION FILED FOR RESURFACING ARNOLD DRIVE.

Councilman Jordan asked for a report on his previous request from the residents of Arnold Drive that the street be resurfaced, and the City Engineer advised he would check into it and give him a report.

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REPORT REQUESTED ON RQUEST THAT COLLEGE STREET, BETWEEN 3RD AND 4TH STREETS WHERE BUILDINGS ARE BEING TORN DOWN, BE STUDIED RELATIVE TO ITS WIDENING.

Councilman Smith asked the City Manager if anything has been done on his request sometime ago that College Street be studied, where they are tearing down buildings, between 3rd and 4th Streets about widening the street. Mr. Veeder advised that he had sent Councilman Smith a report on the request, and he will check into it after the meeting.

CITY MANAGER REQUESTED TO TAKE ACTION ON REQUESTS OF THE SAFETY COUNCIL DIRECTOR REGARDING ENFORCEMENT OF MUFFLER ORDINANCE AS TO NOISE AND REMOVAL OF LEAVES FROM STREETS AS TO THEIR CREATING TRAFFIC HAZARDS.

Councilman Smith advised that Mr. Bill Terrell, Safety Council Director, says they want to start enforcing the Muffler Ordinance more relative to the noise, and also before the leaves start falling too much they wanted to be sure we work out something about their removal from the streets, which cause a traffic hazard. Mr. Veeder advised that Mr. Terrell contacted him today and subsequent to that he had discussed with Chief Hord the additional enforcement of the Muffler Ordinance; that he has not had an opportunity to discuss with Mr. Davis the matter of leaves yet but will do so.

ENFORCEMENT OF ORDINANCE RELATIVE TO CLEAR VIEW AT INTERSECTIONS, DISCUSSED.

Councilman Smith asked if the Ordinance relative to clear-view at street intersections is being enforced? Mr. Veeder stated something has been done on it and more will be done as it is a big order and there are other intersections yet to be taken care of.

REQUEST THAT REMAINING PORTION OF CLYDE DRIVE BE PUT IN CONDITION TO BE PLACED UNDER CITY MAINTENANCE.

Councilman Dellinger advised that he talked with Mr. Bobo, Administrative Assistant, the other day about Clyde Drive, which is paved and under city maintenance to within 100 feet of the end of the street; that it has been requested that the remainder of the street be brought up to standard and be paved and placed under city maintenance. Councilman Dellinger stated he does not think it would cost very much and is certainly needed and he would like to have it done.

CITY MANAGER REQUESTED TO HAVE TRAFFIC COUNT MADE AT INTERSECTION OF TURNER AVENUE AND ROZZELLS FERRY ROAD.

Councilman Dellinger advised he has had a request for a Traffic Signal at Turner Avenue and Rozzells Ferry Road. He requested the City Manager to have a count made at this intersection to see if it does not warrant the Signal.

DISCUSSION OF PROBLEM OF DRAIN WATER ON PROPERTY AT FOOT OF HILL ON ALTONDALE AVENUE.

Councilman Dellinger advised the City Manager that he is still having calls about the water condition on Altondale Avenue and he wonders if there is anything that the City can do to help these people; that he was out there the last heavy rain and the water was flooding across the street in the center

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of the street about two inches deep. That the water starts draining from Providence Road and flows over the Service Station property and goes down the hill and creates a bad situation. That it may be the City is not responsible but he has not seen a storm drain between Providence Road and the foot of the hill, and he wonders if one cannot be constructed there, which should help the situation. Mr. Veeder stated if the abutting property owners want to pay for the pipe the City can install it, but he does not think this will be acceptable to the property owners as only those at the bottom of the hill are concerned. He stated further the last several times it has rained heavily he went down there and could not see there was any great problem at the foot of the hill, the only thing he observed that he thought might be of minor help would be, in effect, extending the area of the catch basin so the water could drop into it at the intersection of Providence Road, but this would only be a minor help and is not going to carry the water that must go down there under ground. Councilman Dellinger stated he does not think that would be worth the expenditure.

CITY MANAGER AND CITY ATTORNEY DIRECTED TO PREPARE ORDINANCE OR AMENDMENT TO PRESENT STREET ORDINANCE TO CONTROL THE WIDTH OF STREETS ANYWHERE WITHIN THE CITY LIMITS.

Councilman Dellinger moved that the City Manager and City Attorney immediately prepare for Council consideration an Ordinance or amendment to the present Street Ordinance to control the width of streets anywhere in the city to City standards, so as to prevent a recurrence of the situation now out on Sugar Creek Road. He stated if we can control street widths in subdivisions, we should be able to do so all over the city. The motion was seconded by Councilman Whittington.

Councilman Smith remarked that the only thing that occurs to him is that a subdivision that was put in in the 1930s or 1920s and has been developed and the lots sold, with those streets in the covenant contract in the deed subject to the subdivision, and by the very fact that they buy a lot in the subdivision anyone has the right to put the streets in for the use of the whole subdivision, and he does not know whether we would get into a law suit telling two independent parties what they can do or not.

Councilman Dellinger stated he agrees but this Company has gone out and willfully gone through people's property. Councilman Smith stated these people bought property in a subdivision and they knew the street was there, and anyone owning a lot in the subdivision could open the street. Councilman Dellinger stated the City can also pass an ordinance that the street be made wider.

Mr. Morrisey, City Attorney, stated the problem is that it is a private street, not a public street.

Councilman Jordan stated he would also like the City Manager to check into the matter of our Policemen, even though off duty, going out and participating in a thing like this; that he thinks this is putting the City on the spot and he thinks we should check with Chief Hord about allowing this.

The vote was taken on the motion, and carried unanimously.

RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT THE OFFER OF A FEDERAL GRANT IN THE SUM OF \$250,000 FOR SEWAGE TREATMENT WORKS AND TO INDICATE ACCEPTANCE BY EXECUTION OF THE OFFER AND ACCEPTANCE DOCUMENT ON BEHALF OF THE CITY OF CHARLOTTE.

Councilman Whittington moved the adoption of a Resolution Authorizing the Mayor to accept the offer of a federal grant in the sum of \$250,000 for

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sewage treatment works and to indicate acceptance by execution of the offer and acceptance Document on behalf of the City of Charlotte, which was seconded by Councilman Jordan.

Councilman Dellinger stated he has a copy of the Minutes of the Council Meeting on March 18, 1963, and he did make the motion authorizing the filing of an application for Federal Grant for the Outfall Sewer, and as he said in the Conference Session, he was of the opinion it was for Flood Control and at that time he certainly must have been in a fog, as he is opposed to it.

Councilman Bryant stated he was absent that day and did not request it, so he feels like he can legitimately maintain a position that he had felt all along that he can vote against it.

Councilman Dellinger stated the Council is being criticized now about the water and sewer bill we have and we have money authorized by the people of Charlotte to construct these outfalls and he feels this money should be used.

Councilman Smith stated since remarks are being made for the record, he might say that Sugar Creek is an interstate stream and runs into the Catawba River down in South Carolina and he thinks it is a situation similar to a highway that serves more than one state, and therefore, the Federal Government should be in on it if we are building this for South Carolinians to use, and he certainly thinks we often think of the Federal Government as an impersonal thing, something foreign to us, some principality we have no connection with, but come April we all ante up and it is our money as well as someone's in New York, and he does not object to getting it if we can.

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

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

The resolution is recorded in full in Resolutions Book 4, at Page 338.

SEAL COAT AUTHORIZED APPLIED TO AIRPORT TRAFFIC CIRCLE AND ENTRANCE TO PISTOL RANGE.

Upon motion of Councilman Thrower, seconded by Councilman Smith, and un-animously carried, a seal coat was authorized put on the traffic circle at the Airport and on the entrance to the Pistol Range, at a cost of \$700.00.

CHANGE ORDERS AUTHORIZED IN CONTRACTS WITH MYERS & CHAPMAN, INC AND P.C. GODFREY, INC. FOR ALTERATIONS AND ADDITIONS TO GOOD SAMARITAN HOSPITAL.

Upon motion of Councilman Dellinger, seconded by Councilman Whittington, and un-animously carried, the following Change Orders in Contracts for Alterations and Additions to Good Samaritan Hospital were approved:

Change Order G-4 in General Contract with Myers & Chapman, Inc., covering nine items, totaling \$1,784.25, adding to the previously adjusted contract price of \$483,045.00, making the total adjusted contract price as of today \$484,829.25.

Change Order P-4 in Plumbing Contract with P. C. Godfrey, Inc., covering four items totaling \$1,310.50, adding to the previously adjusted contract price of \$128,218.90, making the total adjusted contract price as of today \$129,529.40.

ADJOURNMENT.

Upon motion of Councilman Thrower, seconded by Councilman Whittington, and un-animously carried, the meeting was adjourned.

Lillian R. Hoffman
Lillian R. Hoffman, City Clerk