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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 16, 1964, at 2 o'clock p.m., with Mayor Brookshire presiding, and Councilmen Albea, Bryant, Dellinger, Jordan, Smith, Thrower and Whittington present.

ABSENT: None.

Sitting as a Joint Body with the City Council to hear petitions for changes in zoning were the following members of the Charlotte-Mecklenburg Planning Commission: Mr. Sibley, Chairman, Mr. Ervin, Mr. Gamble, Mr. Jones, Mr. Olive, Mr. Stone and Mr. Turner.

ABSENT: Mr. Lakey, Mr. Suddreth and Mr. Toy.

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INVOCATION.

The invocation was given by the Reverend C. Marion Starr, Pastor of Redeemer Lutheran Church.

MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Thrower, and un-animously carried, the Minutes of the last regular meeting on November 9, 1964 were approved as submitted.

PLAQUE PRESENTED ERNEST F. DIXSON IN ACKNOWLEDGMENT AND APPRECIATION FOR THIRTY-ONE YEARS OF SERVICE IN THE CHARLOTTE FIRE DEPARTMENT.

Mayor Brookshire presented the City Employees' Plaque to Captain Ernest F. Dixson, in Acknowledgment and Appreciation for his thirty-one years of service in the Charlotte Fire Department who retired on November 1, 1964. The Mayor expressed his appreciation to Captain Dixson for his service to the citizens of Charlotte and his best wishes for many enjoyable years in retirement.

HEARING ON PETITION NO. 64-69 FOR CHANGE IN ZONING OF PROPERTY ON THE NORTHWEST SIDE OF HOSKINS ROAD AND ROZZELLS FERRY ROAD TO NEAR WOODMAN AVE.

The scheduled hearing was held on Petition No. 64-69 by David C. Cox for change in zoning from B-1 to B-2 of property on the northwest side of Hoskins Road, from Rozzells Ferry Road to near Woodman Avenue.

The Planning Director advised that the petition covers property on Hoskins Road, between Rozzells Ferry Road and Bellhaven Boulevard, and is developed with a variety of businesses with some vacant land. Businesses are established across the street from the property and continues out to Bellhaven Boulevard. The property is adjoined on all sides by B-1 zoning with the exception of the rear lines of residential lots fronting on the adjacent parallel street, which are zoned multiple family.

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Mr. David Cox, the petitioner, stated much of the property along the street requires B-2 zoning as there is a machine shop and garage across the street from his property and he cannot make any money from his property as it is presently zoned. There is a recapping plant on his property at present and he would like to build an addition; also he is thinking of a coin operated car wash which he would operate himself. He stated he is retired and needs more income.

No objections were expressed to the proposed change in zoning.

Council decision was deferred for one week.

HEARING ON PETITION NO. 64-70 FOR CHANGE IN ZONING OF A PARCEL OF LAND FRONTING ON THE NORTH SIDE OF WOODLAWN ROAD WEST OF PARK ROAD.

The public hearing was held on Petition No. 64-70 by Pure Oil Company for change in zoning from R-6MFH to O-6 of a parcel of land fronting 122' on the north side of Woodlawn Road, beginning 150' west of Park Road.

Mr. McIntyre, Planning Director, stated the property is near the intersection of Park Road and Woodlawn Road at the Park Road Shopping Center, and is occupied by multi family structures, and is adjoined on the westerly side and at the rear by single family developments. On up Park Road there are several office uses on the west side, and across Woodlawn Road from the property there are single family residences. The property is adjoined on the westerly side by R-6MFH zoning, on the easterly side by Office and Business zoning, and across Woodlawn Road the zoning is single-family and office.

Mr. Ben Horack, Attorney representing the petitioners, stated the property is presently occupied by duplexes which are owned by his clients, and is adjacent on the side to their B-1 property. That Woodlawn Road is a main artery and under present City plans will become a thoroughfare and will compound an already congested set-up. That his clients have tried hard to keep these duplexes rented and realize something on their investment but the one nearest Woodlawn Road has been vacant since May and the other vacant part of the time, because of the noise and traffic. He called attention that the zoning line runs irregularly through the property to the Woodlawn Road right-of-way, which he understands is destined to be widened. He stated as far as they could learn, there is no objections from the adjoining property owners or anyone in the vicinity, to the change in zoning of the property in question. That his clients, the Pure Oil Company, is not proud of owning a piece of property that they cannot keep in good-looking condition. That they understand the O-6 zoning they have requested, has been utilized pretty regularly as transitional zoning between business property and residential property, and they believe the O-6 zoning will permit their use of the property more advantageously both to themselves and to the benefit of the neighborhood. He pointed out on the map the different O-6 zoning in the area. He also filed a letter from the adjoining property owners, Mr L. Paul Lewis and Mrs Alice G. Lewis, stating they consent to and approve the requested change in the zoning classification.

No objections were expressed to the requested change in zoning.

Council decision was deferred for one week.

HEARING ON PETITION NO. 64-71 FOR CHANGE IN ZONING OF TRACT OF LAND ON THE EAST SIDE OF WESTERLY HILLS DRIVE.

The public hearing was held on Petition No. 64-71 by North Carolina National

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Bank and Gaston C. Galloway, Trustees, for change in zoning from O-6 to B-1 of a tract of land 100' x 200' on the east side of Westerly Hills Drive, beginning approximately 500' north of the centerline of Wilkinson Boulevard.

The Planning Director advised this is a piece of vacant land north of Wilkinson Boulevard and some distance west of Ashley Road, and fronts on Westerly Hills Road, and is a portion of a larger tract. That adjoining the property there are some business buildings under construction, which are in the larger tract. That generally residential property prevails across Westerly Hills Drive. That some business is located diagonally across from the property and up to Wilkinson Boulevard. That the property is adjoined by multi-family business and O-6 zoning.

Mr. Tom Creasy, representing the petitioners, advised this one small area is zoned O-6 preventing the petitioners from developing this large tract of land into a very nice shopping center, which they have under construction. That because the property is predominantly owned by the Galloway Estate, if a buffer is needed, it could very easily be put in behind the shopping center. That the only person who is adjacent to the property across the street is Mr. Rhyne and they obtained his consent today to the change in zoning, and to their knowledge there is no one in the area who objects to the change. That the change in zoning is needed to complete a nice shopping center, which is badly needed in the area. He pointed out that the property adjoining the Shopping Center is occupied by a service station.

No opposition to the proposed change in zoning was expressed.

Council decision was deferred for one week.

ORDINANCE NO. 290-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE, CHANGING THE ZONING OF A TRACT OF LAND FRONTING ON THE NORTHWEST SIDE OF COWLES ROAD AND ON THE EAST SIDE OF BEECHNUT ROAD, ADOPTED.

Upon motion of Councilman Thrower, seconded by Councilman Whittington, and unanimously carried, Ordinance No. 290-Z Amending Chapter 23, Section 23-8 of the City Code, changing the zoning from R-9 to R-6MF of a tract of land fronting on the northwest side of Cowles Road near Norma Street and on the east side of Beechnut Road south of West Boulevard, was adopted, on petition of the Roman Catholic Diocese of Raleigh, and recommended by the Planning Commission. The ordinance is recorded in full in Ordinance Book 14, at Page 75.

CHANGE ORDERS IN CONTRACT WITH LEE CONSTRUCTION COMPANY AND INDUSTRIAL ELECTRICAL COMPANY FOR THE CONSTRUCTION OF THE IRWIN CREEK SEWAGE PUMPING STATION, APPROVED.

Upon motion of Councilman Bryant, seconded by Councilman Dellinger, and unanimously carried, the following Change Orders were approved for payment:

- (a) Change Order No. 1 in contract with Lee Construction Company covering additional items under the general contract by increasing the contract price by \$1,610.48.
- (b) Change Order No. 2 in contract with Industrial Electrical Company covering additional items under the electrical contract by increasing the contract price by \$543.00.

SUPPLEMENTARY CONTRACT WITH ERVIN CONSTRUCTION COMPANY FOR THE CONSTRUCTION OF WATER MAINS IN THE NORTHWOOD ESTATES SUBDIVISION AUTHORIZED.

Motion was made by Councilman Jordan, seconded by Councilman Bryant, and un-animously carried, authorizing a supplementary contract, to contract dated September 9, 1963, with Ervin Construction Company for the construction of 1,105 feet of water mains and two fire hydrants in the Northwood Estates Subdivision, inside the city, at an estimated cost of \$3,900.00, with the city to finance all costs and the applicant to guarantee an annual gross water revenue equal to 10% of the total construction cost.

LICENSE APPLICATIONS FOR PINKERTON'S INC. FOR DETECTIVE AGENCY, AUTHORIZED.

Upon motion of Councilman Whittington, seconded by Councilman Albaea, and un-animously carried, the following license applications for Pinkerton's, Inc. for detective agency were authorized:

- (a) G. G. McElravy - N. C. License No. 24
- (b) Daniel E. Lawson - N. C. License No. 110
- (c) Lyle Merryman - N. C. License No. 27
- (d) Henry E. Maness, Jr. - N. C. License 125
- (e) Robert J. Neiser - N. C. License 118

RIGHT-OF-WAY APPRAISAL CONTRACT FOR NORTHWEST EXPRESSWAY, AUTHORIZED.

Councilman Dellinger moved approval of right of way appraisal contract with Gerald A. Hutchinson for one parcel of land at 512 N. McDowell Street, in connection with the Northwest Expressway. The motion was seconded by Councilman Bryant, and carried un-animously.

SPECIAL OFFICER PERMITS ISSUED FOR USE ON PREMISES OF CHARLOTTE BRANCH, FEDERAL RESERVE BANK OF RICHMOND AND IVEY'S OF CHARLOTTE.

Upon motion of Councilman Thrower, seconded by Councilman Whittington, and un-animously carried, Special Officer Permits were authorized issued to the following persons:

- (a) Renewal permits to George W. Blizzard, Ralph J. Beatty, Price D. Crutchfield, Paul T. Guin, Paul E. Haefling, Davis S. Harlee, W. Frank Helder-
man, W. Y. Henderson, Robert H. Horne, Wade H. Linker, John H. Miller,
Johnnie C. Mumford, J. Wesley Parks, Oliver W. Parks, John E. Pettit,
James E. Porter, Joe L. Puckett, Jr., Burnie Snyder, Odus H. Turner,
James R. Wall and W. Paul Watson, all to serve on the premises of the
Charlotte Branch, Federal Reserve Bank of Richmond.
- (b) Issuance of Permit to Warner G. Maupin, 6310 Burlwood Road, Charlotte,
to serve on the premises of Ivey's of Charlotte, 127-131 N. Tryon Street,
Charlottetown Mall and Cotswold Shopping Center.

CITY ATTORNEY DIRECTED TO DRAW TWO ORDINANCES IN CONNECTION WITH THE ANNEXATION OF AN AREA LYING SOUTH OF THE CITY FOR PRESENTATION TO THE CITY COUNCIL AT THE NEXT MEETING, SETTING FORTH THE BOUNDARIES BY METES AND BOUNDS, NONE AS RECOMMENDED BY THE PLANNING COMMISSION AND THE OTHER AS RECOMMENDED BY COUNCILMAN BRYANT.

Councilman Dellinger remarked that he hopes an equitable solution can be resolved on the proposed annexation of the area lying south of the city, and Council will not get into things like splitting property lines, or having the line run through a person's house. That he had a letter from Mr. William

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Abernethy on Sharon Road regarding this. Mr. McIntyre, Planning Director, stated it is Mr. Abernethy's view that there may be something less than a 60-foot right of way on Sharon Road and it will cut into his house. That if Sharon Road is followed as a general boundry, we will have to cut through properties, as the State Law provides that boundry lines cannot be more than 200 feet off of such roads. Councilman Dellinger stated he still hopes where the line splits a person's property, it can be cleared up before the boundaries are finally decided, as this has been done in the past when the city limits were extended. Mr. McIntyre remarked that he believes it will be impossible to avoid splitting property in view of the present State Law. That in the 1960 annexation much of this was avoided but we had a free hand at that time, but now we have a definite State Law on the subject. Councilman Dellinger stated he has been given different opinions by different lawyers as to the State Law that will apply to Sharon Road, and he would like to know just what it is from someone. Mr. McIntyre stated he cannot say positively that the right of way on Sharon Road is 60 feet, but he does know that it is a State maintained road and the State has been pretty successful in claiming it as a 60 foot road.

Councilman Bryant offered an informal motion, to be followed by a formal ordinance to be prepared by the City Attorney, designating an annexation area as drawn by the Planning Commission, with the following exceptions to be specified by metes and bounds in the ordinance: if you come 200 feet to the south of Redfox Trail and establish that line that runs parallel to Redfox Trail and continue that line on across Sharon Road until it hits the existing city boundaries and continue southwest of the existing city boundary until you get within 200 feet of Barclay Downs and then continue along parallel Barclay Downs 200 feet east of Barclay Downs until you come within 200 feet of Fairview and then continue southwest 200 feet north of Fairview until you come to Sharon Road and then across Sharon Road, which he believes is at a property line until you get to 200 feet east of Sharon Road and then there you pick up the regular line again. The motion was seconded by Councilman Smith for the purpose of discussion.

Councilman Bryant clarified the lines proposed in his motion on a map of the area, and then stated since Councilman Dellinger was not at the conference prior to the Council Meeting at which the subject was discussed, he would like to give the reasons for his motion. That this is on the edge of the proposed annexed area, it is not inside the annexed area, and it is just as logical with the exception of the possibility of the sewer line, to indent here as it is to indent to the south. That he thinks this is included, although it is completely virgin land, because you can't draw a straight line without the sewer limits going into a certain drainage area, he understands, but at the same time there is just as much reason to leave it out, except for that one point to make an irregular pattern at the south end of the area. Councilman Dellinger asked Mr. McIntyre if he has any substantial reason why we should do what Mr. Bryant suggests?

Mayor Brookshire called a ten minute recess while the question was discussed.

Following the recess the meeting was reconvened.

Councilman Dellinger commented that he would be unable to vote on the motion as presented today. Councilman Bryant stated the Council had agreed to adopt an informal motion today fixing the boundaries so that the ordinance can be prepared. Councilman Dellinger remarked that Council could adopt an informal motion today with the boundaries as proposed by the Planning Commission. The City Attorney advised that the Statutes require that an annexation ordinance specifically describe the external boundaries by metes and bounds, and we would have to know what the boundaries are in order to draw the ordinance. Councilman Bryant asked if Mr. Morrissey drew an ordinance

and presented it at the proper time, and the Council did not agree to the boundaries described therein, would it not take additional time to redraw the ordinance? Councilman Jordan suggested that ordinances be drawn covering each of the proposals, so that one of them could be adopted at the next meeting.

Councilman Dellinger offered a substitute motion that two ordinances be drawn by the City Attorney, one with the boundaries as recommended by the Planning Commission and one as proposed by Mr. Bryant if the time element is such that Council cannot study the two proposals for a week. The motion was seconded by Councilman Whittington.

Councilman Whittington remarked that he wants to make it clear what the Council is doing today is that Mr. Bryant has suggested certain boundaries, he has his opinion and of course each member of the Council has his opinion, and Councilman Dellinger's motion would spell out the boundaries as recommended by the Planning Commission. This would give the Council two different boundaries to vote on at next week's meeting, informally, to call for the ordinance in December. He asked if this is correct? Councilman Dellinger stated that is not the intent of his motion, that he made his motion so that the Council can vote on the question today and in the meantime analyze the situation a little further and take the map and see if there are other properties in a similar situation. He stated further that this is not the first time he has been in an annexation program and he wants everyone to have the same treatment, and if there is anyone who has one parcel of property in a similar situation, whether it is worth \$5 or \$5,000, he wants them to have equal treatment. Councilman Bryant stated he certainly agrees with that; that he was of the opinion the Council had gotten to the point they were ready to vote on the informal motion, and that is why he made a specific recommendation. He stated further he thinks Mr. Dellinger has in mind the possibility of a third ordinance to be drawn, as he is speaking of other affected areas.

Councilman Albea remarked that this appears to him to be just a means of putting off the question, that the matter has been before the Council for a year and a half and it has been discussed by Council now for two or three weeks, and he thinks everyone should have come prepared today to vote and he is opposed to putting it off any longer.

Councilman Dellinger called attention that Mr. Bryant has made a brand-new proposal today, and he asked if Councilman Albea is ready to vote on it? Councilman Albea stated he is not opposed to Councilman Bryant or anyone else bringing up a proposal, that he is objecting to not voting on the matter today.

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

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

Councilman Bryant commented that this will give him an opportunity to get more votes for his proposal, so it is logical that he vote in favor of the substitute motion.

Mr. Larry B. Cook, owner of Park Road Hardware, stated he would agree with Mr. Albea putting things off sometimes does get things more complicated. There is nobody who likes the city more than he does and he is all for it in every way, but whenever something is done that is not of benefit to the people, who is the City, that the people are being done wrong as well as the City. That he was annexed and he is not sorry but he pays several hundred dollars in taxes and licenses and all the benefit he got was saving \$1.50 a month for garbage. That he does not think you can mention anything where

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the people are getting what they are paying for as far as the streets and collection of trash and so on. That promises have been made to these people and someday the City will have to keep some of the promises. That it comes back to the fact that the City needs more money but somebody needs to think about the people and he thinks we are going too far out. We cannot give the people service that they are paying for. If you go into a store you want exactly what you are paying for so he thinks we are going too far in asking for more area to cover when we can't take care of the area we have now. That the City would grow faster if there was more planning and not just go out and say let's take that because it is already developed. We want a city that everybody will be proud of.

Councilman Albea stated this Council has been talking about this for a year and half; it is not something that just came in and it is his position to take it in as the Planning Commission has recommended and if we are not ready for them then that is a different story.

Mr. W. H. Abernathy called attention to the situation where the proposed city boundary lines will affect his property. He called attention to a map where the city limits hits Sharon Road, and stated it follows a road for a little distance to avoid one lot and then it hits the line of another lot and goes south and includes part of that lot and goes on across. That the lot where it makes the break is where he lives. That he owns $5\frac{1}{2}$ acres of land and there is a dispute as to where the margin of Sharon Road is at that point. That the map which he sent Council was made by the County Surveyor on the 19th day of September, 1941, and he shows Sharon Road as being 18 ft. in width at that time and he submits that is the correct width. That if you endeavor to take more than that you are going to get into litigation involving the right of way of Sharon Road all along the property line. That he submits further that if the City comes down 200 ft. from the margin of the road, it will leave him with the back of his property - a tract of land 256.7 feet on one side and 438.8 feet on the other side - outside the city limits; and with the southeasterly margin of Sharon Road in question, its questionable as to whether the line will run right through the middle of his house. If it does include the house, and there has been something built onto the house, since the map was made, the City Police Department could not answer a call to his back yard or the rear of his house. If it does include the house, then the City Police Department could not answer a call to the back part of his lot. That by General Statute No. 160-18-1 the Police of the town may go outside the town to carry prisoners and to attend court. By 160-21 the City Policemen have the same authority only in the city limits, which will either be through his house or right behind it, as vested in law in the sheriff. In other words, if part of his property is taken in he cannot be given police protection for all of his property. That the Fire Department probably could give him some protection even outside the limit but the nearest one to where he lives is No. 14 on Sharon-Amity Road which is 5 or 6 miles away. At the present time he can get a call answered by the volunteer fire department which will continue to serve Mountainbrook and is within a mile of his premises. As far as he knows this is the only lot in the whole proposition that would be divided. That the Planning Board has varied the line near the shopping center to make it follow the property line. That if they are going to do it there, then they should do it at his place. If the Planning Commission, as distinguished from the Planning Office, has been aware of the fact this line would go through his house and also divide his lot almost in half they would have made some other provision for it than has been recommended. That they didn't know it. That the statutes say when you take in a man's property you are to provide for him police protection and you cannot provide for his entire property police protection as the city has no legal right to do it. The city officers have no legal right to cover his whole lot. That an ordinance dividing a lot like this will not stand up in court. That as a matter of fact until there is a law suit to determine the southeasterly boundary of Sharon Road the City is not going to know how

much is in the city limits. That the map Jack Spratt drew does not include any part of Sharon Road which means that the State does not have a 30 ft right of way at that point and the City is not going to have a 30 ft. right of way at this point until litigation settles it one way or the other. That he wrote the North Carolina Highway Commission on November 8, 1963, as follows: "Gentlemen, I am interested in the right of way of Sharon Road in Mecklenburg County along its course from the present city limits to its entrance into Park Road. Will you kindly advise me what right of way the State Highway Department claims along this road, when the right of way was obtained and the step taken to obtain this right of way. I would like to have full details in every respect to the obtaining of the right of way now claimed along the said road." That he has not had any reply from the Department.

Councilman Dellinger stated Mr. McIntyre has laid this out according to the present State law which is 200 feet from the present right of way. He asked if Mr. Abernathy did not think this would stand up in court. Mr. Abernathy replied the question is where is the right of way. But he is sure the State doesn't have a 60 ft. right of way as his map shows only an 18 ft. road.

Mr. Morrissey, City Attorney, stated if the State says they have 60 ft. of right of way, within the context of the annexation statute that's all the City has to go by. They are not going to be judges and make a decision contrary to the position the State takes. If Mr. Abernathy through litigation, establishes a different right of way, then the City would have to make the necessary adjustments at whatever time that might occur. Councilman Dellinger asked if he construes the present law to mean 200 ft. from the present curb, and Mr. Morrissey replied from the right of way line. Mr. Abernathy stated the City does not have anything to gain by messing up his property and that is exactly what will happen. That he wouldn't know whether he would have the right to vote in the city or not. That as he understands the law you vote where you sleep. That as far as he knows it is the only piece of property involved in the whole situation where the city has planned to take part of it. Councilman Thrower called attention the lot next to him is in the same situation, and Mr. Abernathy stated that is a vacant lot.

Mr. Morrissey stated if you use the street as the boundary you must include the land on the other side of the street but you may not exceed 200 feet. Mr. Abernathy stated if the City takes in the street that he will be left with a lot of hardship. That no one will know anything about the whole area along Sharon Road from Fairview on down until this right of way is determined.

Councilman Dellinger asked if Mr. McIntyre has any solution to this problem. Mr. McIntyre stated in view of the limitations set out by the State Law, he does not have any solution. That he does not know how you would get a determination of the right of way, but the State has claimed rights of way for all of the streets in the area. That you can not put the line down the middle of the road in front of Mr. Abernathy's property as the state law prevents this. If you put it off you have to take in both sides of the street and if you use the street as the boundary you cannot go more than 200 feet. Mr. Abernathy stated his house sits back about 190 ft. from the highway and is about 40 feet in depth. Councilman Whittington asked Mr. McIntyre if he will know what right of way the State has before the Council decides on which boundaries they will vote on in this particular location? Mr. McIntyre stated he could find out and he is sure it is 60 feet.

Councilman Dellinger stated he is reluctant to go along with an ordinance that is indefinite and he would like to know where the line is, and he requested the City Attorney to contact the State Highway Department and find out if he can get the information regarding the right of way on Sharon Road.

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CONTRACT AWARDED CHARLOTTE CHRYSLER PLYMOUTH, INC. FOR ONE COMPACT AUTOMOBILE.

Councilman Smith moved award of contract to the low bidder, Charlotte Chrysler Plymouth, Inc., in the amount of \$1,657.75, for one six cylinder compact automobile as specified. The motion was seconded by Councilman Bryant, and carried unanimously.

The following bids were received:

Charlotte Chrysler Plymouth, Inc.	\$ 1,657.76
Hutton Scott Company	1,680.13
Courtesy Motors, Inc.	1,707.16
Young Motor Company	1,710.00

CONTRACT AWARDED COURTESY MOTORS, INC. FOR FOUR STANDARD AUTOMOBILES.

Upon motion of Councilman Bryant, seconded by Councilman Whittington, and unanimously carried, contract was awarded Courtesy Motors, Inc., the low bidder, for four - 6 cylinder standard automobiles, as specified, in the amount of \$6,399.80.

The following bids were received:

Courtesy Motors, Inc.	\$ 6,399.80
Young Motor Company	6,505.72
Hutton-Scott Company	6,981.33
Charlotte Chrysler Plymouth, Inc.	7,157.66
LaPointe Chevrolet Company	7,440.86

CONTRACT AWARDED HUTTON-SCOTT COMPANY FOR 23 AUTOMOBILES.

Motion was made by Councilman Smith, seconded by Councilman Jordan, and unanimously carried, awarding contract to the low bid meeting specifications, Hutton-Scott Company, in the amount of \$44,355.27, for 23 - 8 cylinder automobiles, as specified.

The following bids were received:

Hutton Scott Company	\$44,355.27
Courtesy Motors, Inc.	45,578.31
Young Motor Company	46,139.52
LaPointe Chevrolet Company	51,597.35
Charlotte Chrysler Plymouth, Inc. (Not on specifications)	43,621.30

CONTRACT AWARDED COURTESY MOTORS, INC. FOR THREE STATION WAGONS.

Councilman Dellinger moved award of contract to the low bid meeting specifications, Courtesy Motors, Inc., in the amount of \$6,959.10, for three 8 cylinder station wagons, as specified. The motion was seconded by Councilman Whittington, and carried unanimously.

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The following bids were received:

Courtesy Motors, Inc.	\$ 6,959.10
Charlotte Chrysler Plymouth, Inc.	7,094.16
Hutton-Scott Company	7,206.49
Young Motor Company (Not on specifications)	4,565.21
LaPointe Chevrolet Company (" " ")	5,045.29

CONTRACT AWARDED MODERN OFFICE SUPPLY COMPANY, INC. FOR 23 DESKS.

Upon motion of Councilman Bryant, seconded by Councilman Smith, and un-animously carried, contract was awarded the low bid meeting specifications, Modern Office Supply Company, Inc. in the amount of \$3,130.69 for 23 desks, as specified.

The following bids were received:

Modern Office Supply Co., Inc.	\$ 3,130.69
Bill Shaw Company	3,204.43
Millers Office Equip. Co.	3,343.74
Shelby Printing Company	3,359.06
Fowler's Office Supplies (Alternate)	3,787.31
Kale Lawing Company	3,944.90
Fowler's Office Supplies (Base)	4,261.87
Miller Office Equip. Co. (Not on specifications)	2,927.76

CONTRACT AWARDED INTERNATIONAL HARVESTER COMPANY FOR ONE 34,000 G.V.W. CHASSIS AND CAB.

Upon motion of Councilman Smith, seconded by Councilman Whittington, and un-animously carried, contract was awarded International Harvester Company, the low bidder, for one 34,000 G.V. W. Chassis and cab, as specified, in the amount of \$6,490.08.

The following bids were received:

International Harvester Co.	\$ 6,490.08
G.M.C. Truck & Coach Div.	7,018.40

CONTRACT AWARDED SHAYNE BROS EQUIPMENT COMPANY FOR ONE REFUSE COLLECTOR BODY FOR 34,000 G.V.W. CHASSIS CAB.

Councilman Thrower moved award of contract to the low bidder, Shayne Bros Equipment Company for one refuse collector body for 34,000 G.V. W.Chassis and Cab, as specified, in the amount of \$8,620.00. The motion was seconded by Councilman Whittington, and carried unanimously.

The following bids were received:

Shayne Bros Equipment Co.	\$ 8,620.00
Sanco Corporation	9,080.00

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CONTRACT AWARDED GRAYBAR ELECTRIC COMPANY FOR PEDESTRIAN SIGNALS.

Motion was made by Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, awarding contract to the low bidder, Graybar Electric Company, in the amount of \$2,883.34 for 64 pedestrian signals, as specified.

The following bids were received:

Graybar Electric Co., Inc.	\$ 2,883.34
Mill-Power Supply Co.	2,999.36
General Electric Supply Co.	3,012.54
Wilmington Electrical Supply Co.	3,032.32
Traffic Engineers Supply Corp.	3,279.52
The Marbelite Co., Inc.	3,945.97
Southeastern Safety Supplies	4,779.20

CONTRACT AWARDED SOUTHEASTERN SAFETY SUPPLIES FOR ONE FULL ACTUATED VOLUME DENSITY CONTROLLER.

Councilman Whittington moved award of contract to the second low bidder, Southeastern Safety Supplies for one full actuated volume density controller, as specified, in the amount of \$4,139.79. The motion was seconded by Councilman Jordan.

The City Manager stated it would cost the City more money to buy the low bidder in this case because if the low bid was bought then the City would have to buy two controllers in order to have a spare and at present they have 11 of the other type which puts the City in the position of not needing a spare if we buy automatic.

The vote was taken on the motion and carried unanimously.

The following bids were received:

Traffic Engineers Supply Corp.	\$ 4,001.31
Southeastern Safety Supplies	4,139.79

CONTRACT AWARDED SOUTHEASTERN SAFETY SUPPLIES FOR TWO MUTUALLY CO-ORDINATED CONTROLLERS.

Councilman Alba moved award of contract to the second low bidder, Southeastern Safety Supplies, in the amount of \$1,629.32 for two mutually co-ordinated controllers, as specified. The motion was seconded by Councilman Whittington.

Councilman Dellinger asked how long this item has been in service and how long it has been out of service. Mr. Hoose, Traffic Engineer, stated it was put in service a year ago and was pulled out last Wednesday. That his department has received about 20 calls in a year. That the factory man is coming in sometime this week to look at the controller. That they have put in a number of repair parts. That it is located at the corner of West Boulevard and Remount where the left turn is, and they have had a lot of problems with it.

Councilman Dellinger stated if a man is out because of a little trouble that a lot of competitive bidding will be discouraged and he wonders if he has been given enough time in one year or whether he has had adequate notice to come in and work with the department on it.

Mr. Hoose stated he thinks he has. That they ran into a similar case a few years ago when they purchased a piece of equipment on low bid which now sits out in their shop and can't be used as the company failed to meet their obligation.

The vote was taken on the motion and carried unanimously.

The following bids were received:

Traffic Engineers Supply Corp.	\$ 1,437.88
Southeastern Safety Supplies	1,629.32
The Marbelite Co., Inc.	4,012.88

CONTRACT AWARDED TRAFFIC ENGINEERS SUPPLY CORPORATION FOR 11 SONIC DETECTORS.

Upon motion of Councilman Bryant, seconded by Councilman Thrower, and unanimously carried, contract was awarded the only bidder, Traffic Engineers Supply Corporation for 11 sonic detectors, as specified, in the amount of \$4,532.00.

HEARING ON AMENDMENT NO. 2 REDEVELOPMENT AREA PLAN REDEVELOPMENT SECTION NO. 1, BROOKLYN URBAN RENEWAL AREA, PROJECT NO. N.C. R-14, SET FOR DECEMBER 7, 1964.

Councilman Albea moved that public hearing on Amendment No. 2, Redevelopment Area Plan Redevelopment Section No. 1, Brooklyn Urban Renewal Area, Project No. N. C. R-14 be set for December 7, 1964. The motion was seconded by Councilman Thrower, and carried unanimously.

ACQUISITION OF RIGHTS OF WAY FOR SANITARY SEWER TRUNK IN RUTH DRIVE AND FOR PUMP STATION TO SERVE STOVALL FIXTURES, AUTHORIZED.

Upon motion of Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, the following rights of way acquisitions were authorized:

- (a) Acquisition of right of way 10' x 359' off Ruth Drive, from Eleanor S. Dean, Roger Dean, Willie Ann Stitt Hilton and Charles L. Hilton, at \$179.83, for sanitary sewer trunk to serve Ruth Drive.
- (b) Acquisition of 180 sq. ft. from Standard Ice and Fuel Company, at \$100.00, for pump station to serve Stovall Fixtures.

STATE HIGHWAY HEARING ON THE BELT ROAD NOVEMBER 19TH.

Mayor Brookshire called attention that the State Highway Commission will hold their hearing on the portion of the Belt Road at the Health Center Auditorium on Thursday, November 19th at 11 a.m. He stated he thinks it is important that the Council attend the hearing because of questions that may arise from the audience, and expressed the hope that all members can be present. That he regrets both he and Mr. Veeder will be out of the City on business.

Councilman Thrower stated as he understands it, the Council merely made a selection of routes for the road and the Highway Department can go ahead and run it wherever they wish. Councilman Bryant replied that is incorrect, that the City had to buy the right of way.

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Councilman Smith asked the City Manager what the procedure will be at the hearing? Mr. Veeder advised that he presumes it will be in the same manner as hearings have been conducted in the past - General Younts or probably the Chief Engineer will describe the project, in this case the project runs from I-85 to Providence Road and from Woodlawn Road back to I-85, and this is what the hearing is on. Maps of the area will be shown and everyone who wishes to comment on the project will be given an ample opportunity to do so. That he plans to have representatives of the City present to comment on the need for the Road and the fact that it was included in the Thoroughfare Plan and that it is a joint project between the City and the State. Councilman Smith asked if some official of the City, other than the Councilmen will present what was done by Council by their vote? Mr. Veeder replied that normally he would do this himself but being out of the City on Chamber of Commerce business he plans to arrange to have it done by someone else. Councilman Smith stated that people have read lots of things into the Council action which Council did not actually do and he thinks what the Council actually did should be presented at the hearing, and put the record straight, and he was hoping at this hearing some official of the City would spell it out in black and white just what the Council has done and what it proposes to do. Mr. Veeder advised that at similar hearings we have had Mr. McIntyre comment, and Mr. Hoose on traffic volume, and Mr. Cheek; that he had planned to have these gentlemen do so and also Mr. Raffety because the section of the Road that comes near the Airport deserves special comment as it relates to the Airport. Councilman Smith asked who will coordinate the discussion for the City, and Mr. Veeder replied that would be up to the Council, probably some member of Council will want to make the presentation. Councilman Whittington remarked in answer to Mr. Smith's question, that as the Mayor and Mr. Veeder will both be out of town, the Mayor has asked him to be present simply to welcome the people who are there, and that would be his intent, and if the Council wishes him to say anything other than that in its behalf he will be glad to do so. Councilman Smith stated he still thinks if the City's presentation is not coordinated and planned in advance, there is no need for anyone to go. Mr. Veeder stated certainly we will have a presentation to get across our point of view of the need for the project as covered by the hearing and have it presented well. That at all such hearings we touch base with General Younts and Mr. McGowan so they will know how we want to make our presentation, and he will see that this is done this time.

GILBERT STREET, BETWEEN NEWLAND ROAD AND THE END OF GILBERT STREET REQUESTED TAKEN OVER FOR MAINTENANCE.

Councilman Whittington stated to the City Manager this is the second time he has asked for this, and the people have still not been given an answer - that the people who live on Gilbert Street, between Newland Road and the end of Gilbert Street have asked the City to please consider taking over that street for maintenance.

RESIDENTS OF PRESSLY ROAD REQUEST THE ERECTION OF STREET LIGHTS.

Councilman Dellinger advised that the people on Pressly Road have requested that street lights be erected. That he understands it is a short street and there are lights probably at each end but the residents say they are not sufficient.

REQUEST THAT CITY ATTORNEY OBTAIN INFORMATION FROM STATE AS TO BASIS FOR RIGHT OF WAY ON SHARON ROAD RELATIVE TO THE ANNEXATION OF THE AREA CLARIFIED.

Mr. Morrissey, City Attorney, asked Councilman Dellinger for the record if his request relative to Sharon Road right of way was that he ask the State the

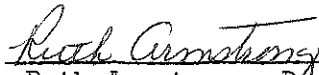
basis for the right of way as they see it? Councilman Dellinger stated he does not know just what they should be asked. That if he was writing or calling them he would ask from what line they are starting and legally where to start and where to end. Mr. Morrissey remarked he just wanted to know for his own purposes that Councilman Dellinger did not intend that he try to get an answer to Mr. Abernathy's letter for him. Councilman Dellinger commented that was not his intent at all, he is interested in knowing what will be the fixed line out there to start from.

REPORT BY CITY MANAGER ON THE COLLECTION OF LEAVES.

The City Manager advised he has discussed with Mr. Davis the matter of the collection of leaves, and they think there are three or four weeks remaining to go full blast in collecting leaves. Prior records indicate we have to pick up about 2,000 loads and through the end of last week over 1,100 loads had been collected. Collections have been made on two Saturdays and they plan to do more Saturday work and are experimenting tonight on the possibility of running some equipment for more than one shift which will have to be handled carefully because of the way some of the equipment is lighted. That they have 18 pieces of equipment today doing nothing but picking up leaves which includes 10 units with vacuum attachments which pick up the leaves and throw them into the truck. He stated he thinks they are in pretty good shape, and are lending every effort toward that end but he thinks Mr. Davis is making good progress. Councilman Dellinger commented that he has made some observations about the leaves and he thinks Mr. Davis has made progress in the last week but he believes if he will use the trucks a few nights before it rains he can make more progress before the leaves and limbs are damp.

ADJOURNMENT.

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



Ruth Armstrong, Deputy City Clerk