

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 Wednesday, April 1, 1959, at 4 o'clock p.m., with Mayor pro tem Brown presiding, and Council members Albea, Baxter, Dellinger, Evans, Foard and Wilkinson being present.

ABSENT: Mayor Smith

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INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilwoman Evans, seconded by Councilman Wilkinson, and unanimously carried, the Minutes of the last meeting on March 25th were approved as submitted.

OWNERS OF PROPERTY AT NORTHEAST CORNER OF EAST 6TH STREET ASK THAT CITY MAKE DEFINITE DECISION IF DESIRES PROPERTY FOR LIBRARY PARK.

Mr. F. G. Robinson appeared before Council and stated his family owns the property at the northeast corner of North Tryon and East 6th Street adjacent to the Public Library property. That because of the talk as to the City purchasing the property for a Library Park, a hardship is being worked on the owners as to disposing of the property. He stated his family wishes to cooperate with the City if the property is really desired, and they ask that a decision be reached without delay.

Councilman Dellinger asked if the Setback Ordinance applies to this corner, and the City Attorney stated that the setback ordinance was adopted on January 16, 1957 on East and West 6th Street from Graham Street to McDowell Street.

SPECIAL OFFICER PERMIT RENEWED TO JOHN W. KAY FOR USE ON PREMISES OF DOMESTIC LAUNDRY.

Upon motion of Councilman Dellinger, seconded by Councilman Baxter, and unanimously carried, Special Officer Permit was renewed to John W. Kay for one year for use on the premises of Domestic Laundry.

CONTRACT AUTHORIZED WITH P & N RAILWAY COMPANY FOR RIGHT-OF-WAY FOR CONSTRUCTION OF PROPOSED 36-INCH STEWART CREEK SANITARY SEWER OUTFALL.

Councilman Wilkinson moved that the Mayor and City Clerk be authorized to execute a contract with the P & N Railway Company for right-of-way for the construction of the proposed 36-inch Stewart Creek Sanitary Sewer Outfall. The motion was seconded by Councilman Dellinger, and unanimously carried.

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CONSTRUCTION OF SANITARY SEWER LINE AND TRUNK AUTHORIZED IN ESTELLE STREET, TAYLOR STREET, MONTGOMERY AVENUE AND HEMPHILL BOULEVARD.

Councilman Alba moved that the construction of sanitary sewers and trunk be authorized in Estelle Street, Taylor Street, Montgomery Avenue and Hemphill Boulevard, to serve 22 houses, at an estimated cost of \$13,465.00. The motion was seconded by Councilman Baxter, and unanimously carried.

CITY MANAGER REQUESTED TO FURNISH COUNCIL STATEMENT OF DEPARTMENTAL HEADS WHO MIGHT BE CONSIDERING SUBMITTING THEIR RESIGNATIONS DUE TO CHRONOLOGICAL REASONS.

Councilwoman Evans stated in view of the resignation of the City Manager today, that he be requested to furnish the Council a statement as to other departmental heads who might be arriving at the same conclusion due to chronological reasons.

Mr. Yancey, City Manager, stated it is not exactly old age that prompts him to resign, and that he has no idea what the departmental heads have in mind along the same line, nor is there any way that he knows to secure the information.

CITY ATTORNEY AUTHORIZED TO APPEAL TO THE SUPREME COURT THE VERDICT OF THE SUPERIOR COURT IN THE CASE OF BIGHAM AGAINST THE CITY OF CHARLOTTE.

At the request of Mr. John D. Shaw, City Attorney, Councilman Baxter moved that he be authorized to appeal to the Supreme Court the recent verdict of Superior Court in the case of Bigham against the City of Charlotte. The motion was seconded by Councilman Wilkinson, and unanimously carried.

RESOLUTION APPROVING CANCELLATION OF BLANKET POSITION BOND FOR CALENDAR YEAR 1958 UPON RECEIPT OF A SIMILAR BOND FOR THE CALENDAR YEAR 1959.

A resolution entitled: "Resolution Approving Cancellation of Blanket Position Bond for Calendar Year 1958 Upon Receipt of a Similar Bond for the Calendar Year 1959" was introduced and read, and upon motion of Councilman Wilkinson, seconded by Councilman Dellinger, and unanimously carried, the resolution was adopted. The resolution is recorded in full in Resolutions Book 3, at Page 335.

SANITARY SEWER MAINS CONSTRUCTION.

Motion was made by Councilman Foard, seconded by Councilman Baxter, and unanimously carried, authorizing the construction of the following sanitary sewer mains:

- (a) Construction of 3,339 feet of sanitary sewer mains in Rollingwood Subdivision, at request of Ervin Construction Company, at an estimated cost of \$9,415.00. All costs to be borne by the City.
- (b) Construction of 3,988 feet of sanitary sewer mains and trunk in Edgebrook Subdivision, at request of John Crosland Company, at an estimated cost of \$11,780.00. All costs to be borne by the City and applicant's deposit of the full amount to be refunded as per terms of the contract.

SUPPLEMENTARY CONTRACT AUTHORIZED WITH ERVIN CONSTRUCTION COMPANY FOR WATER MAINS INSTALLATION.

Councilwoman Evans, moved approval of a Supplementary Contract (to contract dated December 3, 1958) with Ervin Construction Company, for the installation of 1,845 feet of water mains and one hydrant in Starmount Subdivision, outside the city limits, at an estimated cost of \$5,700.00. All costs to be borne by the applicant, who will dedicate the mains to the City upon acceptance by the City. The motion was seconded by Councilman Dellinger, and unanimously carried.

CONSTRUCTION OF DRIVEWAY ENTRANCES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Wilkinson, and unanimously carried, the construction of driveway entrances was authorized at the following locations:

- (a) One 18-ft. entrance on Queens Road East for 2405 Roswell Avenue.
- (b) Two 15-ft. entrances at 2402 Greenland Avenue.
- (c) Two 15-ft. entrances at 3133 May Street.
- (d) Three 30-ft. entrances at 3123 May Street.
- (e) Two 25-ft. entrances at 235 West Tremont Avenue.
- (f) Two 30-ft. entrances on Foster Street and One 25-ft. and One 15-ft. entrance on May Street, all for 415 Foster Street.
- (g) Two 30-ft. entrances on May Street and One 30-ft. entrance on Herman Street, all for 3136 May Street.

DEEDS FOR RIGHTS-OF-WAY FOR WIDENING OF EAST FIFTH STREET, FROM CALDWELL STREET TO BREVARD STREET, ACCEPTED AND PAYMENT AUTHORIZED.

Mayor pro tem Brown stated that the following rights-of-way deeds for the widening of East Fifth Street from Caldwell Street to Brevard Street have all been received by the City Manager for acceptance and authorization of payment by the Council:

<u>DATE</u>	<u>GRANTOR</u>	<u>CONSIDERATION</u>
2-20-59	R. T. Allen, Jr. and wife	\$ 4,600.00
3-17-59	Charles W. Allison, Jr. et al	2,350.00
1-22-59	W. T. Anderson, Jr. and wife	848.00
1-26-59	Belk Brothers Company	7,745.00
3-10-59	Belk Investment Company	1,155.00
2-10-59	James H. Bost and wife	5,032.00
2-18-59	Ann C. Barentine Brown	23,340.00
2-17-59	Amon M. Butler and wife	800.00
2- 5-59	J. E. Chapman and wife	665.00
3- 5-59	F. D. Collins and wife	900.00
2-24-59	Kirk Cousart and wife	1,808.00
2-15-59	Jim Crockett and wife	441.00
2-18-59	Dodo, Incorporated	724.00
2- 4-59	First Union National Bank of N. C.	4,654.00
1-29-59	L. A. Furr and wife,	7,500.00
2-11-59	William T. Harding, Jr. and wife	480.00
3- 2-59	Ora T. Henderson	2,855.00
3- 3-59	Willis I. Henderson, Jr. and wife	1,475.40
3- 3-59	Willis I. Henderson, Successor Trustee	1,497.34
2-24-59	D. A. S. Hoke et al	2,632.00
2-25-59	C. P. Johnston and wife	646.00
2-17-59	Glenn R. Lane and wife	471.00
2-17-59	John H. Northey, Jr. et al	1,501.00

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<u>DATE</u>	<u>GRANTOR</u>	<u>CONSIDERATION</u>
2-25-59	James A. Palmer and wife	19,674.00
2- 7-59	Margaret Hardin Porter et al	800.00
3- 5-59	Lucille Hackney Pryon	466.00
3- 3-59	Jay W. Ranson	3,840.00
3-17-59	Flora B. Rea	5,000.00
2-25-59	Robert R. Rhyne and wife	490.00
2-23-59	Lola Vinson Roberts	759.00
3-24-59	R. Marion Ross	6,500.00
2-24-59	Sarah C. Scofield	920.00
2- 5-59	Norman W. Shepard and wife	1,379.00
2-13-59	W. J. Smith and wife	1,107.00
3-10-59	Floinnie Stegall Sides and husband	979.00
1-22-59	L.G. Walter and wife and Olivet W. Barrett and husband, R. E. Barrett	3,112.00
2-13-59	Gilmer V. Wentz and wife	1,622.00
2- 4-59	Julia S. Arey, widow	4,250.00
3-20-59	Mrs. Etta F. Thompson, widow	4,546.00
2-28-59	Stacey Dwigginn and wife, Angeline P. Dwiggins	9,000.00
1-22-59	J. L. Courtney and wife, Margaret	9,162.00
3- 5-59	I. Gorelick and wife, Annie Gorelick	1,088.00
2-11-59	Mrs. Edna P. Barnhardt	3,430.00
3-31-59	Russell Kinney et al	535.00
3-25-59	Evelyn Weeks Mowry, widow	1,000.00
1-30-59	Pyramid Motor Company	2,108.00
3-27-59	Pyramid Motor Company	3,941.00
3- 2-59	Heiro L. Taylor et al	716.00

Mr. Parker Whedon, Attorney, stated he appeared before Council about a year ago on behalf of forty-seven citizens who he named at this time, in the uptown area who have an interest in the proposed widening of East 5th Street, and stressed the fact that the widening of West 6th Street would better serve the people than the widening of East 5th Street.

Councilman Dellinger asked how many of the forty-seven citizens own property on East 5th Street, and Mr. Whedon replied that very few of them owned property on either East 5th or West 6th Street, but they have property in the uptown area.

Councilman Foard stated that after Mr. Whedon formerly appeared before Council, the City made an estimate of the cost of the work proposed by him on West 6th Street and it amounted to \$340,000.00.

Councilwoman Evans asked Mr. Whedon if he did not name Southern Railway in his list of names, and Mr. Whedon replied that O.G. Tony, Passenger Agent for Southern Railway Company was named by him. Mr. Yancey then asked if Mr. Tony was authorized by Southern Railway Company to sign the petition, to which Mr. Whedon replied he did not know.

Councilman Dellinger asked if these citizens are opposed to the widening of East 5th Street, and Mr. Whedon replied they are not opposed to it but are offering the West 6th Street widening as a substitute.

Mr. Warren Stack, attorney, stated he also represents the list of citizens named by Mr. Whedon, and that the proposed widening of East 5th Street will cost in excess of \$125,000.00 from Brevard to McDowell Street, and what has been accomplished? Simply that traffic will be dumped into McDowell Street and fan out into Trade and/or East 7th

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Street. He asked if 5th Street is extended to Independence Boulevard, will it be taken across to 5th Street or to Park Drive? Mr. Yancey, replied that the street will be constructed in the way the Engineering surveys show to be best. Mr. Stack then urged that the Council postpone acquiring the rights-of-way until the present traffic survey is completed, which might indicate that the widening of Sixth Street or some other street has more merit.

Councilman Wilkinson stated the City has been two years in securing the rights-of-way in an effort to unbottle the uptown area, which must be done. Mr. Yancey, City Manager, stated that both he, the City Engineer, and Traffic Engineer are in accord with the City Council in opening up East 5th Street.

Mr. Dave McConnell, Attorney, stated he was speaking in behalf of Belk Bros. Company and his views are concurred in by Mr. George Ivey and other merchants along 5th Street, who observe traffic conditions on the street every day, and the heart of the uptown area is restricted by this bottleneck. That to postpone accepting the rights-of-way that have been acquired could cost more later when multi-storied buildings might be erected on the street while today most of the buildings in the right-of-way are old and deteriorated.

Councilman Baxter moved that the deeds that have been acquired for rights-of-way be accepted and payments authorized. The motion was seconded by Councilman Wilkinson, and unanimously carried.

#### BIDS REJECTED ON THE FENCING OF 2,568 FEET OF EVERGREEN CEMETERY PROPERTY.

Councilman Baxter stated that due to the fact that there is not sufficient funds to complete the fencing of Evergreen Cemetery, he moved that the bids received on fencing 2,568 feet be rejected at this time. The motion was seconded by Councilman Dellinger, and unanimously carried.

#### CONTRACT AWARDED MOTOROLA, INC. FOR RADIO EQUIPMENT FOR FIRE DEPARTMENT.

Motion was made by Councilman Baxter, seconded by Councilman Albea, and unanimously carried, awarding contract to the low bidder, Motorola, Inc., for One Base Station, One Antenna and Line, Three Remote Control Consoles, 55 Mobile Units, Five Utility Units and 15 Station House Receivers, at a total bid of \$54,514.65, subject to cash discount of \$19,147.56, representing a net delivered price of \$35,367.09.

All net delivered bids received on the Radio Equipment are as follows:

Motorola, Inc.	\$35,367.09
General Electric Company	\$36,728.30

#### CONTRACT AWARDED PARNELL-MARTIN SUPPLY COMPANY FOR COPPER TUBING FOR WATER DEPARTMENT.

Upon motion of Councilwoman Evans, seconded by Councilman Wilkinson, and unanimously carried, contract was awarded Parnell-Martin Supply Company for 6,000 ft. of Copper Tubing, as specified, at a total price of \$2,295.00, less cash discount of \$45.90, representing a net delivered price of \$2,249.10.

All net delivered bids received on the Tubing are as follows:

Parnell-Martin Supply Company	\$2,249.10
Horne-Wilson, Inc.	\$2,264.98
Crane Company	\$2,293.20
Grinnell Company	\$2,293.20
Shelby Supply Company	\$2,318.48
Baker-Mitchell Company	\$2,320.84
Hajoca Corporation	\$2,424.91
Industrial Piping Company	\$2,324.95
Harrill Supply Company	\$2,496.06

CONTRACT AWARDED INDUSTRIAL PIPING SUPPLY COMPANY FOR 200 GATE VALVE, FOR WATER DEPARTMENT.

Motion was made by Councilman Foard, seconded by Councilman Wilkinson, and unanimously carried, awarding contract to the low bidder, Industrial Piping Supply Company for 125 - 6" Kennedy Gate Valves, 50 - 8" and 25 - 12", at a total price of \$10,906.25, less cash discount of \$218.13, representing a net delivered price of \$10,688.12.

All net delivered bids received on the Valves are as follows:

Industrial Piping Supply Co.	\$10,688.12
M & H Valve & Fitting Co.	\$11,292.05
Tidewater Supply Co.	\$11,453.75
Horne-Wilson Company	\$11,454.73
Crane Company	\$11,513.78
Grinnell Company, Inc.	\$12,336.97
The A. P. Smith Mfg. Co.	\$12,452.12
Darling Valve & Mfg. Co.	\$13,158.70
R. D. Wood Company	\$13,375.29

ONLY BID ON CONVERSION OF GRAVITY ROLLER CONVEYOR UNIT TO POWER BELT CONVEYOR, REJECTED AND READVERTISEMENT FOR BIDS AUTHORIZED.

Councilman Dellinger moved that the only bid received for the conversion of the Gravity Roller Conveyor Unit to Power Belt Conveyor, being that of Esco Corporation, in the amount of \$3,831.49, be rejected as it exceeds the estimated cost, and the readvertisement for bids be authorized. The motion was seconded by Councilman Wilkinson, and unanimously carried.

REPORT OF APPOINTMENT OF WILLIAM B. ROBERTS AS SUPERINTENDENT OF THE PET DEPARTMENT.

The City Manager reported the appointment of Mr. William B. Roberts as Superintendent of the Pet Department, effective April 1, 1959, to fill the vacancy created by the Passing of Mr. Tom Revelle.

TRANSFER OF CEMETERY LOT.

Councilman Albea moved that the Mayor and City Clerk be authorized to execute a deed with the Estate of Margaret Collins Lockhart, for Perpetual Care on Lot 3-fraction, Section H, Ninth Street Pinewood Cemetery, at \$100.80. The motion was seconded by Councilman Dellinger, and unanimously carried.

ADJOURNMENT.

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

*Lillian R. Hoffman*  
Lillian R. Hoffman, City Clerk