

A regular meeting of the City Council of the City of Charlotte, North Carolina was held in the Council Chamber, City Hall, on Monday, February 8, 1965, at 3 o'clock p.m., with Mayor Brookshire presiding and Councilmen Albea, Bryant, Dellinger, Jordan, Smith, Thrower and Whittington present.

ABSENT: None

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INVOCATION.

The invocation was given by the Reverend Fletcher E. Howard, Pastor of Chadwick Methodist Church.

MINUTES APPROVED.

Upon motion of Councilman Thrower, seconded by Councilman Albea, and unanimously carried, the Minutes of the adjourned meeting on January 26th canvassing the bond election returns, and of the regular meeting on Monday, February 1st were approved as submitted.

RESOLUTION ORDERING THE MAKING OF STREET IMPROVEMENTS ON BAY STREET, FROM PECAN AVENUE TO HANOVER STREET, APPROVED.

The public hearing was held on the petition for street improvements on Bay Street, from Pecan Avenue to Hanover Street to determine if the improvements should be made by installing storm drainage facilities and constructing roll type curb and gutter as petitioned for by 58.4% of the number of owners who represent 57% of all the lineal feet of frontage. The total project cost is estimated at \$37,269.59 of which the City's share is estimated at \$21,090.79, and the total amount to be assessed against the owners of properties abutting on the improvement is estimated at \$16,178.80, representing an estimated \$3.17 per front foot.

Mr. and Mrs. O. H. Furr, owners of property at 2137 Bay Street and Mr. M. F. Crouch, 2000-14 Bay Street, expressed objections to the improvements being made.

Mrs. Ralph Lee, 2208 Bay Street, asked why only a part of the street is being improved with two blocks of the street left off. The City Manager advised this is the area that was petitioned. That the initiative comes from the property owners involved and they saw fit only to petition for this area, starting at Hanover.

Mrs. Lee stated she is against the improvements as she does not need them. That the other blocks may need it, but if two blocks can be left off she would like for the block in which she lives to be left off the petition.

Mrs. Donald T. Harrington, resident of 2319 Bay Street and representing Mr. and Mrs. William A. Collier owners of the property, stated they have worked a number of years to get this petition where they felt they had a majority of the residents on the street to sign. That they thought they had approached everyone on the street and were able to get the majority of the property owners to sign and she is speaking in favor of the petition. She stated further there were others who said they would not object to the petition if it went through.

Upon motion of Councilman Thrower, seconded by Councilman Whittington, and unanimously carried, a Resolution entitled: Resolution Ordering the Making of Certain Local Improvements on Bay Street, from Pecan Avenue to Hanover Street, was adopted.

The resolution is recorded in full in Resolutions Book 4, beginning at Page 482.

RESOLUTION APPROVING PRELIMINARY ASSESSMENT ROLL FOR LOCAL IMPROVEMENTS COMPLETED IN MYERS PARK MANOR AND PROVIDING FOR NOTICE AND PUBLIC HEARING THEREON, ADOPTED.

Upon motion of Councilman Albea, seconded by Councilman Bryant, and unanimously carried, a resolution entitled: Resolution Approving the Preliminary Assessment Roll for Local Improvements completed in Myers Park Manor and Providing for Notice of Public Hearing on Monday, March 1, 1965, on Confirmation thereof, was adopted.

The resolution is recorded in full in Resolutions Book 4, at Page 483.

AN ASSURANCE OF COMPLIANCE FORM REQUESTED BY THE U. S. DEPARTMENT OF HEALTH, EDUCATION AND WELFARE, AUTHORIZED SIGNED BY CITY.

Councilman Jordan moved that the Mayor be authorized to sign the "Assurance of Compliance Form", as requested by the U. S. Department of Health, Education, and Welfare to assure that the City will comply with regulations pursuant to the Civil Rights Act of 1964 calling for no discrimination on the grounds of race, color or national origin in federally-assisted programs of the Department. The motion was seconded by Councilman Dellinger.

The City Manager stated in essence this indicates that the Department regulations adopted as a follow up to the Civil Rights Act last year calls for assurance from all units of government and other organizations that participate in any federally-assisted programs sponsored by the Department indicating a willingness to abide by the non-discrimination features of the 1964 Civil Rights Act. That one of the things the City has at the moment relevant to the operation of this department is that some of the money in the construction of the sewer out-fall lines comes from the U. S. Public Health Service.

The vote was taken on the motion and carried unanimously.

RESOLUTION PROVIDING FOR THE ISSUANCE OF \$5,000,000 STREET LAND BOND ANTICIPATION NOTES, ADOPTED.

Councilman Albea introduced the following resolution:

"RESOLUTION PROVIDING FOR THE ISSUANCE OF \$5,000,000
STREET LAND BOND ANTICIPATION NOTES

BE IT RESOLVED by the City Council of the City of Charlotte:

Section 1. The City Council has determined and does hereby find and declare:

(a) That an ordinance authorizing \$6,410,000 Street Land Bonds was passed by the City Council of the City of Charlotte on December 7, 1964, which ordinance was approved by the vote of a majority of the qualified voters of

said City who voted thereon at an election duly called and held on January 23, 1965.

(b) That none of said bonds has been issued and that no notes have been issued in anticipation of the receipt of the proceeds of a like amount of said bonds.

Section 2. In order to anticipate the receipt of the proceeds of a like amount of said bonds, the issuance of \$5,000,000 negotiable notes of the City of Charlotte is hereby authorized, which notes shall be designated "Street Land Bond Anticipation Notes", shall be dated March 11, 1965, shall mature on April 15, 1965, without option of prior payment, and shall bear interest at a rate to be determined by the Local Government Commission at the time the notes are sold, not exceeding 6% per annum, payable at the maturity of the notes to which no interest coupons shall be attached. Said notes shall have such denomination or denominations, shall have such number or numbers, and shall be payable as to both principal and interest at such bank or trust company as may be fixed by the Mayor after the award of the notes by the Local Government Commission, and both the principal of and the interest on said notes shall be payable in any coin or currency of the United States of America which, at the time of payment, is legal tender for the payment of public and private debts.

Section 3. Said notes shall be signed by the Mayor and the City Clerk, and the corporate seal of the City shall be affixed to the notes and said notes shall have endorsed thereon the written approval of the City Attorney. The form of said notes and the endorsement to be placed upon the reverse of said notes shall be in substantially the following forms:

No. _____ \$ _____

United States of America
State of North Carolina
County of Mecklenburg

CITY OF CHARLOTTE

Street Land Bond Anticipation Note

The City of Charlotte, a municipal corporation in Mecklenburg County, North Carolina, is justly indebted and for value received hereby promises to pay to the bearer on the 15th day of April, 1965, the principal sum of

_____ THOUSAND DOLLARS

and to pay interest thereon from the date hereof at the rate of _____ per centum (____%) per annum, payable upon the presentation and surrender of this note at its maturity. Both the principal of and the interest on this note are payable at _____, in

_____, in any coin or currency of the United States of America which, at the time of payment, is legal tender for the payment of public and private debts. For the prompt payment hereof, both principal and interest as the same shall fall due, the full faith and credit of said City of Charlotte are hereby irrevocably pledged.

This note is given for money borrowed in the amount of the face of this note in anticipation of the receipt of the proceeds of Street Land Bonds duly authorized by an ordinance passed by the City Council of the City of Charlotte on December 7, 1964, which ordinance was approved by the

vote of a majority of the qualified voters of said City who voted thereon at an election duly called and held, and this note is issued pursuant to and in full compliance with The Municipal Finance Act, 1921, as amended, and the Local Government Act, as amended, and resolutions duly passed by the City Council of said City.

It is hereby certified and recited that all acts, conditions and things required by the Constitution and laws of North Carolina to happen, exist and be performed precedent to and in the issuance of this note have happened, exist and have been performed in regular and due form and time as so required, and that the total indebtedness of said City, including this note, does not exceed any constitutional or statutory limitations thereon.

IN WITNESS WHEREOF, said City of Charlotte has caused this note to be signed by its Mayor and its City Clerk, and the corporate seal of the City shall be affixed hereto, all as of the 11th day of March, 1965.

Mayor

City Clerk

The issuance of this note is hereby approved.

City Attorney

(To be endorsed upon reverse of notes)

Local Government
Commission Serial No.

The issuance of this note has been approved under the provisions of the Local Government Act of North Carolina.

W. E. EASTERLING
Secretary, Local Government Commission

By: _____
Designated Assistant

Section 4. The action of the City Treasurer in applying to the Local Government Commission to approve, advertise and sell said notes, and the action of the Local Government Commission in asking for bids for said notes by publishing a sale notice and printing and distributing circulars, be and the same are hereby ratified and confirmed."

The City Manager explained that this resolution authorizes the issuance and fixes the terms for the temporary financing of the \$5,000,000 based on the approval of the bond issue.

Thereupon, upon motion of Councilman Albea, seconded by Councilman Whittington, and unanimously carried, the foregoing resolution was passed by the following vote:

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

Nays: None.

SANITARY SEWER CONSTRUCTION AUTHORIZED.

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

- (a) Construction of 2,638 feet of 8-inch main and 600-feet of 8-inch trunk, in Robinhood Woods, inside the city, as requested by The Windsor Company, at an estimated cost of \$14,041.50. All cost to be borne by the applicant whose deposit of the full amount will be refunded as per terms of the agreement.
- (b) Construction of 75-feet of 8-inch main in Warrington Drive, inside city, as requested by Don J. Kelleher, at an estimated cost of \$485.00. All cost to be borne by the applicant whose deposit of the full amount will be refunded as per terms of the agreement.

CONTRACT WITH ERVIN CONSTRUCTION COMPANY, INC. TO CONNECT PRIVATE SANITARY SEWERS IN PORTION OF STARMOUNT NO. 10, AUTHORIZED.

Councilman Whittington moved approval of the request of Ervin Construction Company, Inc. to connect private sanitary sewers in a portion of Starmount No. 10, outside the city limits, to the City's sanitary sewerage system, with the lines to become the property of the City when annexed. The motion was seconded by Councilman Dellinger, and carried unanimously.

CONTRACT WITH WINDSOR COMPANY FOR WATER MAIN INSTALLATION IN ROBINHOOD WOODS SUBDIVISION.

Motion was made by Councilman Albea for the approval of a contract with the Windsor Company for the installation of 1,690 feet of water main and two fire hydrants in Robinhood Woods Subdivision, inside the city, at an estimated cost of \$5,200.00 with the city to finance all costs and applicant to guarantee an annual gross revenue equal to 10% of the total construction cost. The motion was seconded by Councilman Jordan, and carried unanimously.

RIGHT OF WAY AGREEMENTS WITH N. C. STATE HIGHWAY COMMISSION RELATIVE TO INSTALLATION OF WATER DISTRIBUTION MAINS IN STATE HIGHWAY RIGHT OF WAYS AUTHORIZED.

Upon motion of Councilman Thrower, seconded by Councilman Albea and unanimously carried, right of way agreements between the City of Charlotte and the N. C. State Highway Commission relative to the installation of water distribution mains in State Highway right of ways, were authorized at the following locations:

- (a) 12" Water main in Eastway Drive between Central Avenue and The Plaza.
- (b) 24" and 16" Water mains in Sharon Road, between Runnymede and a proposed elevated water tank site at the Sharon Presbyterian Church.
- (c) 24" Water main in Monroe Road between Richland Road and Sharon Amity Road.

- (d) 20" Water main across N. Independence Blvd. at Sharon Amity Road.
- (e) 20" Water main across Monroe Road at Sharon Amity Road.
- (f) 24" Water main across Providence Road at Sharon Amity Road.

CHANGE ORDER NO. 1 IN C. M. ALLEN & CO. INC. CONTRACT AUTHORIZED.

Councilman Dellinger moved approval of Change Order No. 1 in C. M. Allen and Company, Inc. contract for a 20" Diameter Water Distribution Main installation in the amount of \$96.00 for taking down and replacing 160 feet of chain link fence. The motion was seconded by Councilman Bryant, and carried unanimously.

CHANGE ORDER NO. 12 IN BLYTHE-CROWDER CONTRACT FOR WEST SIDE GRADE CROSSING ELIMINATION PROJECT.

Motion was made by Councilman Whittington authorizing Change Order No. 12 in the Blythe-Crowder Contract for the West Side Grade Crossing Elimination Project, in the amount of \$5,750.89 which involves emergency situations requiring correction or solution which could not be anticipated in original design and involves additional items of construction which were necessary to make a complete installation. The motion was seconded by Councilman Albea.

The City Manager explained this is the catch-all change order which brings together everything else that needs to be done to clear out the contract. That this is a diverse number of items ranging from construction of an additional 130 feet of a temporary retaining wall to altering sidewalk entrances to Presto Grill. Councilman Dellinger stated he would like to know how much money is left in the fund, and Mr. Veeder stated he has been attempting to get an answer to this for the last two weeks and the big question which needs to be answered to be able to answer Councilman Dellinger's question is the balance of the force account worked on by Southern Railroad. That he is well satisfied the City will be in good shape, but he has written to Southern Railroad to get the amount.

The vote was taken on the motion and carried unanimously.

CONTRACTS FOR RIGHT OF WAY APPRAISAL IN CONNECTION WITH SHARON AMITY PROJECT, AUTHORIZED.

Motion was made by Councilman Bryant, seconded by Councilman Dellinger and unanimously carried, authorizing contracts for right of way appraisal in connection with the Sharon Amity Project, as follows:

- (a) Contract with J. Caldwell McDonald for appraisal of one parcel of land on Sharon Amity Road.
- (b) Contract with C. W. Todd for appraisal of one parcel of land on Sharon Amity Road.

Mr. Veeder explained this is the widening of Sharon Amity from Providence Road to approximately Tangle Drive to a four lane road.

CLAIMS WITH CHARLES R. IBACK AND GENEVA K. BLACKLEY AUTHORIZED SETTLED.

Upon motion of Councilman Albea, seconded by Councilman Jordan and unanimously carried, the following claims as recommended by the City Attorney, were authorized settled:

- (a) Claim of Mr. Charles R. Iback, 4034 Churchill Road, in the amount of \$59.25, for damages caused by sewer back-ups into his house.
- (b) Claim of Mrs. Geneva K. Blackley in the amount of \$41.00 for damages to her car caused when concrete mixture was splashed onto her car by city employees pouring concrete for a new sidewalk on the western side of S. Myers Street.

LICENSE APPLICATION TO ACRO PEST CONTROL SERVICE, APPROVED.

Councilman Jordan moved approval of license application to Acro Pest Control Service, Monroe, N. C. covering the classification of "Extermination-Termites or other pests". The motion was seconded by Councilman Bryant and unanimously carried.

SPECIAL OFFICER PERMIT AUTHORIZED ISSUED TO ROBERT CALVIN CALE.

Motion was made by Councilman Bryant, seconded by Councilman Albea and unanimously carried, authorizing the issuance of special officer permit to Robert Calvin Cale, 300 Mattoon Street, for use on the premises of Johnson C. Smith University.

TRANSFER OF CEMETERY LOTS.

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

- (a) Deed with G. B. Phillips, Sr., for Lot No. 151, Section Q, Elmwood Cemetery, at \$140.00.
- (b) Deed with Jack A. Dean, for Graves 5 and 6, Lot No. 312, Oaklawn Cemetery, transferred from Mrs. Edith T. Sholin, at \$3.00 for transfer deed.

CONTRACT AWARDED COMMERCIAL ENVELOPE MFG. CO., INC. FOR WATER BILL ENVELOPES.

Councilman Whittington moved award of contract, to the low bidder, Commercial Envelope Mfg. Co., Inc. for an estimated yearly requirement of envelopes for mailing of water bills, in the amount of \$4,716.33. The motion was seconded by Councilman Thrower.

Councilman Dellinger stated he would like to see this given to a local manufacturer. Councilman Jordan asked if there is any way the Water Department could send the water bills like Duke Power Company does without having to put them in envelopes. The City Manager advised it is

actually cheaper to utilize this billing method of envelopes, and this will save the city money. That it is paralleling Southern Bells method to a degree.

The vote was taken on the motion and carried unanimously.

The following bids were received:

Commercial Envelope Mfg. Co., Inc.	\$	4,716.33
Dillard Paper Company		4,746.98
Double Envelope Corporation		5,063.03
Atlantic Envelope Company		5,185.64
Kale Lawing Company		5,229.02
Envelope Convertors		5,962.09
Henley Paper Company		6,256.14

CONTRACT AWARDED NORMAN HOUSE DEMOLISHING COMPANY FOR DEMOLISHING 16 HOUSES.

Councilman Dellinger moved award of contract to the low bidder, Norman House Demolishing Company, in the amount of \$6,407.50, for demolishing 16 houses as specified, in the Northwest Expressway right of way. The motion was seconded by Councilman Whittington.

Councilman Whittington asked for a progress report on how much property has been secured and how much is to be done and when the City will be ready to negotiate contract for construction on the Northwest Expressway. That about two years ago they were told it would be ready to go last January or February.

Mr. Veeder advised that two weeks ago the City has acquired 54.7% of the parcels required for the City's portion of the Expressway. That the State will be letting the contract for construction; the City does not have any money involved in that at all. That at the present the City is ahead of the State in terms of carrying out what we have agreed to do and acquiring rights-of-way.

Councilman Whittington asked if it would be well to ask the question; that the City has established a corridor, hired the engineering and paid for that, and is buying the right of way. That he thinks it would be well for Council to know, and others are interested, when dirt will be moved so that all would have a better picture.

Mr. Veeder stated the State had indicated they have scheduled the contracts for late fall of this year. That 98% of the engineering is complete; that is what the City has paid for, and has kept its end of the agreement. The City plans to be completed with the remainder of the acquisitions in advance of the State's programming on construction; that the City is on time in their scheduling and from the Northwest Expressway-North-South Expressway interchange on out, the State has the obligation to acquire the rights-of-way there.

Councilman Smith asked if the City has bought any rights-of-way on Woodlawn; that there was a statement in the paper attributed to General Younts that they would start working on Woodlawn within the next 60 days; and Mr. Veeder replied no, that this will be the State's obligation. That the City has done the engineering and has turned the plans over to them.

Councilman Thrower asked the City Manager to work up a draft on these different projects so that Council can see where they are, and the City Manager stated he would do this.

The vote was taken on the motion to award the contract to the low bidder, and carried unanimously.

The following bids were received:

Norman House Demolishing Co.	\$	6,407.50
Suggs Wrecking Company		6,470.00
Crouch Bros. House Moving Contr.		7,503.75

CONTRACT AWARDED SUGGS WRECKING COMPANY FOR DEMOLISHING 8 HOUSES.

Motion was made by Councilman Bryant to award contract to Suggs Wrecking Company, the low bidder, for demolishing 8 houses located in the right of way for the Northwest Expressway, in the amount of \$2,815.00. The motion was seconded by Councilman Whittington, and carried unanimously.

The following bids were received:

Suggs Wrecking Company	\$	2,815.00
Norman House Demolishing Co.		3,225.00
Crouch Bros. House Moving Contr.		3,228.75

CONTRACT AWARDED NOLL CONSTRUCTION COMPANY FOR SANITARY SEWER CONSTRUCTION TO THE LITTLE HOPE CREEK OUTFALL.

Upon motion of Councilman Albea, seconded by Councilman Thrower and un-animously carried, contract was awarded the low bidder, Noll Construction Company, in the amount of \$67,140.00, on a unit price basis, for construction of sanitary sewer to Little Hope Creek Outfall.

The following bids were received:

Noll Construction Company	\$	67,140.00
C. M. Allen & Company		73,015.00
C. D. Spangler Construction		73,615.00
Boyd & Goforth, Inc.		76,128.50
Blythe Brothers Company		82,510.00

CONTRACT AWARDED AIRCRAFT RADIO CORP. FOR RADIO EQUIPMENT.

Councilman Bryant moved award of contract to the low bidder, meeting specifications, Aircraft Radio Corporation, in the amount of \$1,427.07, for radio equipment for the Airport. The motion was seconded by Councilman Dellinger, and carried unanimously.

The following bids were received:

Aircraft Radio Corp.	\$	1,427.07
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Bids received not on specifications:

Fairchild DuMont Laboratories		759.93
Communication Engineers, Inc.		1,155.44

ACQUISITION OF RIGHTS OF WAY FOR ALLEGHANY STREET WIDENING AND NORTHWEST EXPRESSWAY RIGHT OF WAY.

Upon motion of Councilman Albea, seconded by Councilman Thrower and un-animously carried, the acquisition of rights of way for Alleghany Street widening and for the Northwest Expressway right of way were authorized, as follows:

ALLEGHANY STREET WIDENING

- (a) 614.43 sq. ft. of property at the northeast corner of Alleghany Street and Havelock Avenue, from Ivey B. Drum and wife, at \$1.00.
- (b) 172.56 sq. ft. of property at the northwest corner of Wilkinson Boulevard and Alleghany Street, from Wilkvard Company, a North Carolina Corporation, at \$1.00.

NORTHWEST EXPRESSWAY RIGHT OF WAY

- (c) 87,771 sq. ft. of property at Johnston Street and W. 11th Street, from Standard Ice and Fuel Company, at \$37,500.00
- (d) 5,296 sq. ft. of property at 807 N. Pine Street, from Mrs. A. L. Alexander, widow, et al, at \$7,700.00.
- (e) 4,851 sq. ft. of property at 318 W. 11th Street, from J. E. and Bernice Tesh, at \$8,500.00.
- (f) 18,067 sq. ft. of property at 810 N. Tryon Street, from Helen M. Madden, at \$74,250.00.
- (g) 7,350 sq. ft. of property at 820-22 N. Davidson Street, from W. D. Hyland, Sr. and Ruby B. Hyland, at \$16,850.00.
- (h) 4,738 sq. ft. of property at 713-15 E. 11th Street, from Albert Martin and wife, at \$6,250.00.
- (i) 12,837 sq. ft. of property at intersection of 11th and 10th Streets at McDowell Street, from Walter Hook and Associates, Inc. at \$20,350.00.
- (j) 152,130 sq. ft. of property on both sides of Myers Street, from 11th to 12th Streets, from Charlotte Mecklenburg Board of Education, at \$34,000.00.
- (k) 14,400 sq. ft. of property at 909-15 E. 9th Street, from Homer V. and Marjorie H. Long, at \$31,250.00.
- (l) 6,270 sq. ft. of property on E. 10th Street, from W. D. and Frances B. Flinton, at \$550.00.
- (m) 2,900 sq. ft. of property at 938-40 E. 9th Street, from J. J. Pierce, at \$7,200.00.
- (n) 10,527 sq. ft. of property at 507-13 Stevens Street, from Albert A. Kossove and wife, at \$8,150.00.
- (o) 4,350 sq. ft. of property at 1015-17 E. 8th Street, from F. D. and Effie E. Collins, at \$4,750.00.

- (p) 7,500 sq. ft. of property at 435 Beaumont Avenue, from O. R. Strane, at \$11,500.00.
- (q) 6,308 sq. ft. of property at 1017 Elizabeth Avenue, from Sydney and Lena L. Levin, at \$12,600.00.

CITY MANAGER REQUESTED TO CONTACT RAILROAD COMPANY IN CONNECTION WITH REMOVING UNDERPASS ON 4TH STREET.

Councilman Dellinger requested the City Manager to contact the railroad company and see if they are ready to move the 4th Street Underpass, between Brevard and College Streets.

DISCUSSION OF 3RD STREET OPENING OUT TO CASWELL ROAD.

Councilman Smith stated one of the most vital things in this town in connection with roads, is getting 3rd Street opened. He asked if there is any schedule for 3rd Street being taken on through to Caswell Road. The City Manager replied this relates to Urban Renewal acquisition to go from where it terminates here at the north end of the City Hall onto the creek. That the part from the creek up to Caswell will depend upon when the Orphanage decides it wants to move. That so far they have not indicated a willingness to want to move very fast. Mayor Brookshire stated they have said they would be willing to coordinate their plans for the removal of the Orphanage at their present location with the City's plans but as yet they have not given any time table.

ADJOURNMENT.

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

Ruth Armstrong
Ruth Armstrong, Deputy City Clerk