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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, July 16, 1962, at 2 o'clock p.m., with Mayor Brookshire presiding and Councilmen Albea, Bryant, Dellinger, Smith, Thrower and Whittington present.

ABSENT: Councilman Jordan.

Charlotte-Mecklenburg Planning Board members present during the hearing on Petitions for changes in Zoning Classifications were Mr. Sibley, Chairman and Mr. Ervin, Mr. Hanks, Mr. Jones, Mr. Suddreth and Mr. Turner.

ABSENT: Mr. Craig, Mr. Lakey, Mr. Toy and Mr. Ward.

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INVOCATION.

The invocation was given by the Reverend Oren Moore, Jr., Pastor of Westover Hills Presbyterian Church.

MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Whittington and unanimously carried the Minutes of the last meeting on July 2, 1962 were approved as submitted.

HEARING ON PETITION No. 62-25 FOR CHANGE IN ZONING CLASSIFICATION OF PROPERTY ON THE SOUTHWEST SIDE OF LACHICOTTE ROAD.

The scheduled hearing was held on Petition No. 62-25 by A. Bruce Gettys and wife for a change in zoning classification from R-12 to R-6MF of eleven 50-foot lots on the southwest side of Lachicotte Road.

Mr. McIntyre, Planning Director, stated the property consists of vacant lots on Lachicotte Road which is an unopened but dedicated street 30 feet in width; that the property is a short distance away from property fronting on Canterbury Road, except for an alleyway. The adjoining property with the rear lines abutting up to the subject property is Residential, and the adjoining single-family residential properties are on Suffolk Place and Anthony Drive. Along the rear line of the residential property fronting on Canterbury Road, there are duplexes and single-family developments.

Mr. Lewis Parham, Jr., Attorney for the petitioner, stated in the event the property is rezoned Mr. Getty's plans to erect eight buildings of one story in height, each containing four luxury types, and they will not be visible from the surrounding streets as the area is wooded. That the buildings will be erected in a court type and will either face or have the side on Lachicotte Road, and there will be a screen wall. He stated they feel the rezoning will be beneficial to the neighborhood rather than detrimental. That Lachicotte Road is a 30 foot street and Mr. Gettys will use an additional 20 feet for a parking area. He stated there are no deed restrictions except for residential purposes, and further, that two of the duplexes in the area are at the entrance of Mr. Getty's property; that his property is not suitable for single-family residences, because the only access to the property is by means of a 30 foot road, and the back yard areas are so narrow that single family houses built on the property could not come up to the \$20,000 standard of other residences in the area.

Mr. John West, Attorney who lives in the community, spoke in behalf of himself and the neighbors. He submitted a petition signed by 49 owner-residents of the community which stated they object to and protest the rezoning from R-12 to R-6MF of the property bounded generally by Canterbury Road, Anthony Circle, Barnettler Drive, Churchill Road and Suffolk Place, and, as is their prerogative, they are hereby invoking the 20% protest. The City Clerk also submitted a telegram received from Mr. Harold C. Harpootlian, 237 Anthony Circle, sent from Columbus, Ohio today, stating he was unable to attend the meeting and that he protests any change in zoning of the subject property. Mr. West stated this is not a hardship case, that these people knew what they were buying. He stated the area was developed in 1924 by Mr. Jenks Harrill and it was several miles outside the city limits. He explained the development of the property since that time. He stated up until the new zoning went into effect, the area was zoned for single family usage with some nonconforming uses. That they realized they were protected and could, therefore, invest their money in their homes, and they put in their own sewer and water lines and the City did not have this expense, and they thereby increased the value of the property and the area. He stated they feel the construction of an apartment project in their back yards would be detrimental to their property and devalue it.

Mr. W. H. Grigg, Attorney who resides in the area, speaking both for himself and for his friends in the neighborhood, stated the key to the Council's consideration is that the character of the neighborhood has developed as single family residences; that much has been made that there are two duplexes at the entrance to the petitioners property, that they are of a type one would not know they are duplexes and they were constructed long before the property was zoned. That the area is developed with residences from \$20,000 to \$40,000 in price, and they surround this undeveloped island owned by Mr. Gettys, consisting of over two acres. That Mr. Gettys says he cannot use it for comparable single-family houses, however they say he can, he could divide it into four lots, two fronting in one direction and two in the other, therefore his reason for requesting the change is not a good one. That Mr. Gettys reasons for requesting the zoning change are selfish, and he does not consider what effect the change would have on the surrounding property. That he says if someone must be hurt, which is not necessary as Mr. Gettys can use the property for single family, then it should not be them who invested their money under the City's zoning of last January.

Mr. Fred Harsh, Mr. E. J. Burch, Mr. Robert G. Miller and Dr. Robert S. Lackey, residents of the area each spoke in opposition to the change in zoning.

Council decision was deferred for the recommendation of the Planning Commission.

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HEARING ON PETITION NO. 62-26 FOR CHANGE IN ZONING CLASSIFICATION OF PROPERTY ON THE SOUTHWEST SIDE OF THE 3000 BLOCK OF ROZZELL FERRY ROAD.

The public hearing was held on Petition No. 62-26 by F. T. Williams for a change in zoning classification from B-2 to I-2 of 405-feet of property on the southwest side of the 3000 block of Rozzell Ferry Road.

The Planning Director advised the property is a short distance north of Rozzell Ferry Road from Judson Avenue and Belvedere Homes and sits back from Rozzell Ferry Road about 200 feet in depth; that the use of the property at the present time is a Sand and Gravel business, and the area is generally developed with business uses and behind the property there is a residential development.

Mr. Thomas C. Creasey, Jr., Attorney for the Petitioner, stated when the property was purchased by Mr. Williams some years ago it was zoned Industrial and he constructed a building for a Sand and Gravel Supply Business. He stated the small houses at the rear of the property are of the shot-gun nature, and the building owned by his client is most attractive and the business he carries on is, in fact, light industry and could not possibly hurt this residential property.

Mr. Creasey stated they are only asking that the 3000 block of Rozzell Ferry Road be changed from B-2 back to Industrial-2 as it was prior to this year, as his client would like to construct on the adjacent vacant lot an office building of the same nature and character as the Supply Business. He stated this is, to some extent, a hardship case, in that Mr. Williams has invested a substantial amount of money in his building, under the assumption that he could add the office building on the remainder of his property. He stated that throughout the 3000 block there are other light industrial usage, Fertilizer and Concrete Supply Companies of the same nature of Mr. Williams company.

No opposition was expressed to proposed change.

Council decision was deferred for a recommendation from the Planning Board.

HEARING ON PETITION NO. 62-27 FOR CHANGE IN ZONING CLASSIFICATION OF PROPERTY AT 417, 421, 425 and 427 HAWTHORNE LANE.

The scheduled hearing was held on Petition No. 62-27 by Mrs. Emily F. Bell and Harry C. Sherrill, for a change in zoning classification from R-6MF to O-6 of property at 417, 421, 425 and 427 Hawthorne Lane.

Mr. McIntyre stated the petition covers four properties on Hawthorne Lane extending from Eight Street toward Seventh Street, and the properties are occupied by a single-family duplex, and an apartment, and are adjoined on one side by business on Seventh Street and across the street it is developed residentially with single-family houses and duplexes.

Mrs. Emily Bell, petitioner, advised she is requesting the change in zoning so that an office can be developed in her home, which will be consistent with business already established in the block. She stated further this is a hardship case, as she invested her money in it with the thought it could be converted to business usage.

Mr. J. J. Mitchell, resident of 514 Hawthorne Lane, stated he opposed the change in zoning not through any ill will to anyone but to protect the investments made by himself and others in their homes. That he dislikes so much to see the Elizabeth Section go down and change from the nice residential area it has always been. He stated business on Hawthorne Lane within the area of the petition has been contained at the corner of Hawthorne and East 7th Street, and he does wish to keep it there and not continue up Hawthorne Lane in the area of his and others homes.

Council decision was deferred for a recommendation from the Planning Board.

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HEARING ON PETITION NO. 62-28 FOR CHANGE IN ZONING CLASSIFICATION OF PROPERTY AT 1025 SOUTH TRYON STREET.

The public hearing was held on Petition No. 62-28 by J.H. Carson, for a change in zoning classification from I-2 to B-3 of property 100-ft by 250-ft at 1025 South Tryon Street, extending to South College Street.

The Planning Director stated the petition covers a piece of property in the block of South Tryon Street between Morehead and Independence Boulevard, and extends from Tryon Street back to College Street. That the character of the development in the area is generally commercial and business, and the usage is Used Car Lots and Finance Companies.

Mr. John Cansler, Attorney for the petitioner advised that Mr. Carson has negotiated a long term lease with a substantial corporation for the construction of a motel on the property, conditioned if the zoning be changed from Industrial-2 to Business-3; the reason for the condition being the size of the lot and the motel cannot be built under the Industrial-2 regulations because of the setback lines, whereas the B-3 zoning has no setback line requirements for a 2 story building under 40-ft. in height, such as is planned. He stated the estimated cost would be somewhere between \$250,000 and \$300,000. That the property is across from the property on South Tryon Street rezoned B-3 recently. He stated the Motel Corporation has built in other cities very attractive type buildings.

No opposition was expressed to the proposed change.

Council action was deferred for a recommendation from the Planning Commission.

HEARING ON PETITION NO. 62-29 FOR CHANGE IN ZONING CLASSIFICATION OF PROPERTY AT THE SOUTHEAST CORNER OF EAST MOREHEAD AND SOUTH TRYON STREET.

The scheduled hearing was held on Petition No. 62-29 by Stone Realty and Investment Corporation, for a change in zoning classification from I-2 to B-3 of property at the southeast corner of East Morehead Street and South Tryon Street.

Mr. McIntyre, Planning Director, advised the property is in the block of South Tryon Street between Morehead Street and Independence Boulevard and located at the southeast corner of these streets and is presently zoned I-2.

Mr. Irving Boyle, Attorney for the petitioner who owns the property, requested the change from I-2 to B-3. That the B-3 is the zoning classification for the Uptown property. It is the desire of the owners to complete their office building located on Morehead Street and bring it out to the corner of Tryon Street, and it would cover the property now occupied by the Standard Oil Station; that Standard's lease has expired and their plans are ready for the building. That the I-2 zoning would require a setback to the extent it would not be practical to enlarge the building sufficiently; he stated the property across the street was recently changed to B-3 zoning and he appeared before Council at that time endorsing the change, as it was the feeling of the property owners in the area that their property should be zoned the same as Uptown property for the reason that the Industrial Zoning is really a fallacy, as there is no industrial usage in the area. He stated there is no opposition to their request for the change.

No opposition was expressed to the proposed change.

Council decision was deferred for a recommendation from the Planning Board.

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HEARING ON PETITION NO. 62-30 FOR CHANGE IN ZONING CLASSIFICATION OF PROPERTY AT THE NORTHEAST CORNER OF N. C. #49 AND MALLARD CREEK CHURCH ROAD.

The public hearing was held on Petition No. 62-30 by Calvin R. Starnes, for a change in zoning classification from R-12MF to B-1 of property at the northeast corner of N.C. #49 and Mallard Creek Church Road.

The Planning Director advised this is a triangular piece of property at the intersection of Highway 49 and Mallard Creek Church Road, and is adjacent to the property of Charlotte College, which is across from it on Mallard Creek Church Road extending along Highway #49. He stated further that the Alexander Tank Company is directly across Highway #49 from the property in question, and behind the property the land is vacant with some few houses.

Mr. Starnes, the petitioner, advised he was born and raised in the area and bought this property in question from his father and after Highway 49 came down through it and their argument for a settlement was that the property would be worth much more even though they took so much of it as right of way that he really had nothing much left, and they only gave him \$125.00, and he only has a total of 2 9/10 acres left. Now, he wants it zoned for Business because it is not deep enough for a house, but he can build a little business and maybe operate it himself. Mr. Starnes stated that all of his neighbors are in agreement with the change and he had a petition signed by them that he brought up to City Hall when he filled out his application for the zoning change.

Mr. W. L. Yarbrough, Business Manager of Charlotte College, stated he does not want necessarily to go on record as opposing the change but does want to remind the Council that they have a considerable investment out there and no doubt in years to come it will be a great deal larger, and whatever is done in connection with this property may have an effect on the future growth of the College. That they are particularly concerned with the type business that would go up on the property, they would not want a beer joint or anything of that kind.

Mr. Starnes replied he would like to assure everyone there would never be a beer joint put up out there, and should he ever sell it, it would not be to anyone who would sell beer.

Council action was deferred for the recommendation of the Planning Board.

HEARING ON PETITION NO. 62-31 BY W. L. PARROTT AND WIFE FOR CHANGE IN ZONING OF TRACT OF LAND ON SOUTHEAST SIDE OF SHARON ROAD, CONTINUED UNTIL NEXT DATE ON WHICH ZONING PETITIONS ARE HEARD.

Upon motion of Councilman Dellinger, seconded by Councilman Bryant, and unanimously carried, the Hearing on Petition No. 62-31 by W. L. Parrott and wife for change in zoning from R-15 to R-15MF on an 8-acre tract of land on the southeast side of Sharon Road, was continued until the next date on which Zoning Petitions are heard at the request of Mr. Ray Rankin, Attorney for the petitioner, who advised four other property owners in the vicinity have filed similar petitions and they would like them all heard at the same time.

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RESOLUTION CLOSING A PORTION OF CAMPUS STREET, ADOPTED.

The public hearing was held on the Petition of Johnson C. Smith University to close and abandon a portion of Campus Street (formerly Carmel Street)

Mr. Francis Parker, Attorney for the petitioner, stated they wish the street closed from its intersection with Dixon Street to Beatty's Ford Road; that the property over which the street passes is owned by the University and to all intents and purposes is a portion of the campus and the University owns the fee simple title to all of this property; that there is located on one side of the street a Woman's Dormitory and <sup>they</sup> are constructing another one on the opposite side; that the University has already delivered to the City a deed for the water and sewer lines located in the street and has reached a satisfactory agreement with the Traffic Engineering Department as to the closing of the street.

Mr. Veeder, City Manager, advised the City has no objections to closing the street, and the various departments have satisfactorily checked all phases relating to the closing.

Councilman Smith moved the adoption of the Resolution closing the portion of the street requested. The motion was seconded by Councilman Dellinger, and unanimously carried.

The resolution is recorded in full in Resolutions Book 4, at Page 202.

COUNCIL MEETING RECESSED.

Mayor Brookshire declared a five minute recess at 3:25 o'clock.

MEETING RECONVENED.

The meeting was reconvened at 3:30 O'clock and called to order by Mayor Brookshire.

ATTORNEY FOR PAY WAY CORPORATION REQUESTS THAT THE 10 FOOT BUFFER STRIP NOT BE EXCLUDED FROM THE SALE OF THE FOUR LOTS ON GREENWOOD CLIFF.

Mr. Jack Hamilton, Attorney representing Pay-Way Corporation appeared before Council with regard to their offer to the City to purchase a tract of land located on Greenwood Cliff, being property that falls off into a ravine towards King's Drive. He stated that Council on the 28th of May authorized the advertisement of the property for sale, however, to this time no advertisement has been published and in discussing the matter with the City Attorney he learns there was some sentiment expressed by the residents that there should be a 10 foot buffer zone between the sidewalk and the property. He stated the property is needed very much for parking in connection with the \$4,000,000 project and they are prepared to pay for the property, and would be ruined to buy property to which they had no ingress and egress of any kind as they do not own the property behind it and if the City will not sell the 10 feet then they could not get into the four lots they wish to purchase. He further stated they have written a letter to the City assuring the Council that their only reason for desiring the property is to use it for parking, and they would be willing to have the City put in its deed a permanent restriction that the property can be used only for parking.

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The City Manger advised that in the discussion of this, it was brought out that the number of the existing residents of the street contacted him, and also certain Councilmen, that they did not want anything done that would have a detrimental effect on their residential property on the opposite side of the street, and during the course of the discussion this was considered and it was the consensus of opinion of the Council that ownership should be retained by the City of the 10 ft. strip of land abutting the street right of way to take care of the residents across the street. That basically Mr. Hamilton is saying they want access to the property from Greenwood Cliff.

Mayor Brookshire advised that when the matter was first presented to Council, it was stated they did not want ingress or egress from Greenwood Cliff but would enter it from King's Drive. Councilman Smith stated it was his understanding from the previous discussion that they wished the Greenwood Cliff property for a parking lot for the building they would erect on King's Drive, at the rear of these lots, and they would cover the creek and use the four lots for parking, entering from King's Drive. Mr. Hamilton stated they would be glad not to use it for access at this time, but the problem is in purchasing land and not getting the 10 feet could put them in a bad situation later on. Councilman Smith stated the Council's idea was not to throw traffic on Greenwood Cliff to and from the parking lot.

Mr. Veeder stated this is as it was originally discussed with Council by someone else representing the Company and the architectural renditions viewed by Council showed access to this property from King's Drive, utilizing it only for parking with access only from King's Drive, and the action of Council to retain this strip did not appear at all to be in conflict with the architectural renditions made available.

Mr. Hamilton stated his client did not understand it this way from the Council Minutes of May 28th and when it was brought to his attention about five days ago he was told that they were supposed to buy all of the property in the four lots and they are now told they cannot have the 10 foot buffer strip, and he did not realize that it was Council's intent not to sell the strip or he would not have come up here.

PETITION NO. 62-23 BY MICHAEL PLUMIDES ET AL FOR CHANGE IN ZONING OF PROPERTY ON SOUTH SIDE OF HUTCHISON-MCDONALD ROAD, DENIED.

Councilman Bryant moved that Petition No. 62-23 by Michael Plumides and others for a change in zoning from R-9 to B-2 of a tract of land on the south side of Hutchinson-McDonald Road be denied as recommended by the Planning Board. The motion was seconded by Councilman Albea.

Councilman Smith asked what is on this side of the property, and Mr. Plumides replied there is nothing except an old barn not in use.

Councilman Smith stated he is going to have to favor the petitioner, that he thinks the property would lend itself better for business than for residential purposes.

Councilman Bryant stated the reason he moved that the petition be denied is the fact that he believes there is ample property available for such facilities as he proposes to build in other areas that has not been taken advantage of.

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

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

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SUBJECT

Mr. Plumides stated he questions the law of the Council's right to refuse this request because no facilities whatsoever are offered to the people in that area of any kind and Council has arbitrarily set out areas in the perimeter telling these people what they can and cannot do to their property without offering them one thing, not even city water or State maintenance or road maintenance of any kind, and he says he anticipates taking this on up to Supreme Court and letting them pass on this request, which he does not want to do because it is expensive to have to go through, and he does have plans that should be beneficial to him not to have to do that and it would disrupt the whole perimeter future that the City has set up there at this time, and this is putting quite a burden on him.

ACTION DEFERRED ON PETITION NO. 62-9 BY FRANCES M. GRIGG FOR CHANGE IN ZONING OF 3.09 ACRE TRACT OF LAND AT NORTHWEST CORNER OF MILTON ROAD AND NEWELL-HICKORY GROVE ROAD, PENDING SUBMISSION OF A DEVELOPMENT PLAN OF THE PROPERTY BY THE PETITIONER.

Upon motion of Councilman Albea, seconded by Councilman Thrower, and unanimously carried, Petition No. 62-9 by Miss Frances M. Grigg for change in zoning from R-9MF to B-1 of 3.09 acre tract of land at the northwest corner of Milton Road and Newell-Hickory Grove Road, was deferred pending the submission of a development plan of the property by the petitioner for approval of the Planning Commission and City Council, which would permit the property to be zoned "B-1 Shopping Center District", as recommended by the Planning Commission.

TEMPORARY RESOLUTION STATING INTENT TO ORDER IMPROVEMENTS OF CARMINE STREET FROM OLD STATESVILLE ROAD TO PRYOR AVENUE AND FIXING DATE FOR A PUBLIC HEARING THEREON.

Upon motion of Councilman Dellinger, seconded by Councilman Whittington, and unanimously carried, a Temporary Resolution Stating Intent to Order Improvements of Carmine Street from Old Statesville Road to Pryor Avenue, fixing the date for the public hearing on July 30th, was adopted. The resolution is recorded in full in Resolutions Book 4, at Page 203.

ORDINANCES AUTHORIZING \$2,350,000 WATER BONDS, \$5,750,000 SANITARY SEWER BONDS, \$3,000,000 STREET LAND BONDS AND \$1,500,000 AIRPORT BONDS AND RESOLUTION CALLING A SPECIAL BOND ELECTION ON SEPTEMBER 8, 1962 AND AUTHORIZING THE PUBLICATION OF NOTICE THEREOF IN THE CHARLOTTE NEWS, ADOPTED.

Ordinances entitled: "Ordinance Authorizing \$2,350,000 Water Bonds, \$5,750,000 Sanitary Sewer Bonds, \$3,000,000 Street Land Bonds and \$1,500,000 Airport Bonds" were individually introduced by Councilman Bryant, and read, and upon motion of Councilman Bryant, seconded by Councilman Dellinger, were individually adopted by a unanimous vote. A resolution entitled: "Resolution Calling a Special Bond Election on September 8, 1962" was then introduced by Councilman Bryant, and read, and upon motion of Councilman Bryant, seconded by Councilman Dellinger, was unanimously adopted. The said Ordinance and Resolution are recorded in full in Ordinance Book 13, beginning at Page 281, and ending at Page 292.

The Statement of Debt and Assessed Valuation, filed by the City Accountant with the City Clerk in the presence of the City Council, is inserted in Ordinance Book 13, after Page 292.

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SETTLEMENT OF SUBROGATION CLAIM OF DIXIE FIRE & CASUALTY COMPANY FOR COMPENSATION BENEFITS PAID DRIVER OF MULLIS COMPANY TRUCK DAMAGED BY DEFECTIVE MANHOLE COVER.

Council was advised that Dixie Fire and Casualty Company, who are Workman's Compensation Carriers for C. R. Mullis Oil & Heating Company, filed a subrogation claim against the City in July 1961, in the amount of \$107.75, for compensation benefits paid on behalf of Jessie W. Benton, driver of a Mullis Oil & Heating Company truck, damaged by running over a defective manhole cover; the suit by Mullis Company against the City for damages to their truck having previously been settled. That after negotiations, Dixie Fire and Casualty Company has agreed to compromise settlement of \$50.00, and the City Attorney recommends settlement of the claim in this amount. Upon motion of Councilman Thrower, seconded by Councilman Whittington, and unanimously carried, the claim was authorized settled at \$50.00, as recommended.

APPLICATIONS FOR DETECTIVE LICENSE APPROVED.

Councilman Whittington moved approval of the Applications for a Detective License to Mr. M. A. Smith, 405 Independence Building, Mr. W. B. Crider, Jr., 818 Johnston Building and Mr. Lewis L. Cooke, 2644 Arnold Drive. The motion was seconded by Councilman Dellinger, and unanimously carried.

APPLICATION OF NIXON EXTERMINATING COMPANY FOR LICENSE TO OPERATE BUSINESS APPROVED.

Upon motion of Councilman Bryant, seconded by Councilman Whittington and unanimously carried, the Application of Nixon Exterminating Company, Gastonia, N. C., for a license to operate an exterminating business in Charlotte was approved.

ACQUISITION OF PROPERTY FROM SOUTHERN ELECTRIC SERVICE COMPANY FOR RIGHT-OF-WAY FOR WIDENING WEST FIFTH STREET, IN WEST SIDE GRADE CROSSING ELIMINATION PROJECT, APPROVED.

Councilman Whittington moved approval of the acquisition of 660.34 square feet of property from Southern Electric Service Company, at a unit price of \$1.75 per square foot, or a total consideration of \$1,155.59, for right-of-way for the widening of West Fifth Street, incident to the West Side Grade Crossing Elimination Project. The motion was seconded by Councilman Dellinger, and unanimously carried.

ACTION ON APRIL 28, 1960 AUTHORIZING AGREEMENT WHEREBY O. M. GULLEDGE AND WIFE CONVEYED AN EASEMENT ACROSS THEIR PROPERTY FOR SANITARY SEWER LINE RESCINDED AND NEW CORRECTED AGREEMENT AUTHORIZED.

Upon motion of Councilman Whittington, seconded by Councilman Albea and unanimously carried, Council action on April 28, 1960 approving an Agreement with O. M. Gullledge and wife whereby they conveyed a 10-ft. easement across their property to the City for the construction of a sanitary sewer line, was rescinded, and a new corrected Agreement was authorized due to a change in the location of the sewer line.

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SUBJECT

PAYMENT OF CHANGE ORDER #2 IN CONTRACT WITH LEE CONSTRUCTION COMPANY FOR ADDITIONS TO HOSKINS FILTER PLANT APPROVED.

Councilman Bryant, moved approval of the payment of Change Order #2 in the Contract with Lee Construction Company for additions to the Hoskins Filter Plant, in the amount of \$457.73 for placing additional concrete blocking around a 36 inch valve. The motion was seconded by Councilman Albea, and unanimously carried.

AGREEMENT WITH STATE HIGHWAY DEPARTMENT FOR RIGHT-OF-WAY FOR SEWER LINE.

Motion was made by Councilman Dellinger, seconded by Councilman Whittington and unanimously carried, authorizing an Agreement with the State Highway Department for the construction of a sanitary sewer line along Interstate #85, between Beatties Ford Road and N. C. #16.

CONSTRUCTION OF SANITARY SEWER LINES AUTHORIZED

Upon motion of Councilman Thrower, seconded by Councilman Dellinger and unanimously carried, the construction of the following sanitary sewer lines and trunk, located inside the city limits, was authorized, with all costs to be borne by the Applicants and the refund of their deposits according to the terms of their contract.

- (a) Construction of 6,780 ft. of sewer main and trunk in Bingham Park, at request of Nance-Trotter Realty and Marsh Realty Company, at an estimated cost of \$22,855.00.
- (b) Construction of 1,440 ft. of sewer line in Colebrook Road and Malta Place, at request of Tiece Construction Company, at an estimated cost of \$3,220.00.
- (c) Construction of 103-ft. of sewer line in Lewiston Avenue, at request of Nance-Trotter Realty, Inc., at an estimated cost of \$320.00.
- (d) Construction of 200-ft. of sewer line in Linda Lane, at request of Fred C. Agner, 801 Linda Lane, at an estimated cost of \$600.00.
- (e) Construction of 500-ft. of sewer line in Thera Road, at request of Nance-Trotter Realty, Inc., at an estimated cost of \$1,460.00.
- (f) Construction of 2,508-ft. of sewer main and trunk in Sharon-Amity Road, at the request of The Sharon Corp., at an estimated cost of \$13,385.00.
- (g) Construction of 375-ft. of sewer main in Summey Avenue, at the request of Robert and William C. Godley, at an estimated cost of \$995.00..

SUPPLEMENT TO LEASE WITH UNIVERSAL FIELD SERVICES, INC., FOR ADDITIONAL FLOOR SPACE IN FAA BUILDING AT AIRPORT, AUTHORIZED.

Councilman Albea moved approval of a Supplement to Lease with Universal Field Services, Inc., dated June 4, 1962, for floor space in the FAA Building at Douglas Municipal Airport, for an additional 300 sq. feet of space, at an additional monthly rental of \$111.75, with all provisions of the existing lease to remain in full force and effect. The motion was seconded by Councilman Whittington, and unanimously carried.

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SPECIAL OFFICER PERMIT AUTHORIZED ISSUED TO W. P. WATSON ON PREMISES OF FEDERAL RESERVE BANK.

Councilman Bryant moved approval of the issuance of a Special Officer Permit to Mr. W. P. Watson, 200 Jackson Drive, for use on the premises of the Federal Reserve Bank. The motion was seconded by Councilman Smith and unanimously carried.

TRANSFER OF CEMETERY LOTS.

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

- (a) Deed with Ruth L. Bolick, for Grave #6, Lot 15-A, Section 3, Evergreen Cemetery, at \$60.00.
- (b) Deed with Mrs. Sarah L. Stone, for Grave #1, Lot 20-B, Section 3, Evergreen Cemetery, at \$60.00.
- (c) Deed with Estate of George C. Wahl, Tom Lane, Administrator, for Grave #5, Lot 15-A, Section 3, Evergreen Cemetery, at \$60.00.
- (d) Deed with John Bakos, for Lot 264, Section 4-A, Evergreen Cemetery, at \$189.00

RESIGNATION OF NAT. G. SPEIR FROM REDEVELOPMENT COMMISSION ACCEPTED WITH REGRET.

Councilman Dellinger moved that the resignation of Mr. Nat. G. Speir from the Redevelopment Commission be accepted with regret. The motion was seconded by Councilman Whittington, and unanimously carried.

CONTRACT AWARDED SOUTHERN METER & SUPPLY COMPANY FOR BRASS GOODS.

Upon motion of Councilman Albea, seconded by Councilman Thrower and unanimously carried, contract was awarded the low bidder, Southern Meter & Supply Company, for Brass Goods, as specified, for the Water Department, at their bid price of \$10,464.37.

The following bids were received:

Southern Meter & Supply Co.	\$ 10,464.37
Pump & Lightin Company.	10,497.24
Shelby Supply Company	10,975.37
Atlas Supply Company	11,087.06
Grinnell Company	11,172.95
The Farnan Brass Works Company	11,567.75
Parnell-Martin Supply Company	11,686.56
Horne-Wilson, Inc.	11,803.16
The Welsbach Corp.	12,154.34

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CONTRACT AWARDED ATLAS SUPPLY COMPANY FOR WROUGHT IRON PIPE.

Councilman Thrower moved the award of contract to the low bidder, Atlas Supply Company, for 100,500 feet of Genuine Galvanized Wrought Iron Pipe, as specified, at their bid price of \$64,290.54. The motion was seconded by Councilman Dellinger, and unanimously carried.

The following bids were received:

Atlas Supply Company	\$ <u>64,290.54</u>
Hajoca Corp.	64,349.17
Crane Supply Company	64,489.76
Horne-Wilson, Inc.	64,635.20
Noland Company, Inc.	66,511.93
McJunkin Corp.	66,543.34
Grinnell Company, Inc.	66,607.50

CONTRACT AWARDED KING CHEVROLET COMPANY FOR STAKE BODY TRUCK.

Upon motion of Councilman Thrower, seconded by Councilman Bryant, and unanimously carried, contract was awarded the only bidder, King Chevrolet Company for One Stake Body Truck, as specified, for the Health Department, at their bid price of \$2,129.05.

CONTRACT AWARDED DILLON SUPPLY COMPANY FOR WROUGHT IRON NIPPLES.

Upon motion of Councilman Dellinger, seconded by Councilman Albea and unanimously carried, contract was awarded the low bidder, Dillon Supply Company, for 3,587 Galvanized Wrought Iron Nipples for the Water Department, at their bid price of \$1,547.23.

The following bids were received:

Dillon Supply Company	\$ <u>1,547.23</u>
Atlas Supply Company	1,683.93
Hajoca Corp.	1,688.52
Grinnell Co., Inc.	1,725.16
Parnell-Martin Supply Co.	1,763.99
Crane Supply Company	1,767.24
Baker-Mitchell Company	1,772.63
Noland Company, Inc.	1,846.80

PLANNING COMMISSION AND AFFECTED CITY DEPARTMENTS AUTHORIZED TO MAKE SURVEY RELATING TO PARKING, SIDEWALK WIDENING, RELOCATION OF OVERHEAD WIRES UNDERGROUND AND STREET TREE PLANTING IN DOWNTOWN AREA, AND BRING IN RECOMMENDATIONS AS TO COST.

Councilman Whittington stated the Resolution submitted by the Planning Board to the Council informally last week requesting that the Council authorize that studies be made by the appropriate City Departments to determine the feasibility and cost of implementing the recommendations of the Downtown Charlotte Association relating to parking, sidewalk widening, relocation of overhead wires underground and street tree planting, was discussed in the Conference Session today and Council agreed to let the Planning Board and those Departments of the City affected go ahead and make the Survey and bring back recommendations as to cost, and that was as far as the Council cared to go into the matter at this time.

SUBJECT

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CONTRACT AWARDED FOR IMPROVEMENTS TO GOOD SAMARITAN HOSPITAL.

Councilman Smith moved that contracts for improvements to Good Samaritan Hospital be awarded the following bidders who have submitted the lowest base bids:

<u>GENERAL CONTRACT</u>	Myers & Chapman	\$ 378,698.00
<u>ELECTRICAL CONTRACT</u>	Power Electric	55,800.00
<u>PLUMBING CONTRACT</u>	P. C. Godfrey, Inc.	85,426.00
<u>HEATING &amp; VENTILATING CONTRACT</u>	P. C. Godfrey, Inc.	144,900.00
<u>ELEVATOR CONTRACT</u>	Otis Elevator Co.	23,438.00

and, that the Contracts be executed on behalf of the City by the Chairman and Secretary of the Charlotte-Mecklenburg Hospital Authority and by the Mayor and City Clerk, and that the Contracts be approved by the City Attorney. The motion was seconded by Councilman Dellinger.

Mayor Brookshire asked if Council gave consideration to the fact that apparently accepting the base bids will give us only 70 or 75 beds? Councilman Smith stated it was pointed out that we were about \$250,000 short of the 150 beds but Mr. Thomas and Mr. Hitch both indicated that they thought they could raise some private funds not to exceed probably \$150,000, and we recognize we will have to pick up the tab eventually but on the basis of \$1,800.00 a bed against \$15,000.00 for a new hospital we thought we should proceed on this basis.

Mayor Brookshire asked if it was the Councils thinking that they could go back and add these alternates later, and Councilman Smith stated yes, after we have the money. Mayor Brookshire stated this motion covers the amount within the \$800,000.00 Bond Issue.

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

TRANSFER OF FUNDS FROM CONTINGENCY FUND TO RENOVATE OLD HEALTH BUILDING SPACE FOR USE BY PLANNING COMMISSION.

Councilman Thrower moved that \$9,500.00 be transferred from the Contingency Fund to make space in the old Health Building suitable for the use of the Planning Commission. The motion was seconded by Councilman Albea, and unanimously carried.

AGREEMENTS AUTHORIZED WITH RAILWAY EXPRESS AGENCY, SOUTHERN ELECTRIC SERVICE COMPANY AND W. SINCLAIR STEWART FOR MODIFICATION OF PROPERTY REQUIRED BY VERTICAL REALIGNMENT OF STREETS IN WEST SIDE GRADE CROSSING ELIMINATION PROJECT.

Upon motion of Councilman Smith, seconded by Councilman Whittington, and unanimously carried, the following Agreements were authorized for the modification of property required by the vertical realignment of streets in the West Side Grade Crossing Elimination Project:

## (1) Railway Express Agency, Inc.

Involves alterations to a one-story brick building located on the north side of West Fourth Street, between the Southern Railway right-of-way and South Graham Street. The necessary building alterations, underpinning of foundations and changes to be made in the driveway are estimated to cost \$3,500.00. No damage payment is recommended.

## (2) Southern Electric Service Company, Inc.

Involves alterations to the two brick buildings and alleys on each side of the property located at 714 West Trade Street, between Southern Railway right-of-way and Cedar Street. The estimated project cost of alterations is \$6,250.00. Damage payment of \$10,500.00 is also recommended. This is to compensate for the fact there will be a drop of about 6-ft. at the southeast corner of the building and a drop of about 3 1/2 ft. at the southwest corner, making it necessary to build a seven-step entrance to get to the present floor level. This modification handicaps the operation of the building for most purposes. In addition it is estimated that work on the building will cover a period of approximately three months, blocking entrance from West Trade and closing alleys on West Trade Street.

## (3) W. Sinclair Stewart.

Involves the removal of buildings and the grading of the property located on the south side of West Trade Street between the Southern Railway right-of-way and Cedar Street. The estimated project cost of the changes to be made to this property is \$4,640.00. It is recommended that a damage payment be made in the amount of \$30,000.00. This money is to be paid to the owner in lieu of making any alterations to the fronts of the three buildings, the buildings instead to be removed in their entirety. This payment compares very favorably to what it would cost to modify the buildings to accommodate the project.

## REPORT OF STREETS TO BE RESURFACED BY STATE HIGHWAY COMMISSION.

The City Manager reported, as information, that the following schedule of streets will be resurfaced by the State Highway Commission and they plan to let a contract on the work late in July for the work to be done in August.

Trade Street	Brevard to Graham Tuckaseegee to Rozzells Ferry
Rozzelles Ferry	Beatties Ford to Smallwood
Belvedere Boulevard	Lynwood to Hoskins Avenue
Statesville Road	McArthur to Druid Circle
North Tryon	Southern Railroad near Atando to 400' north of 36th Street - 12th Street to Stonewall
Morehead	South Boulevard to Graham S. Cedar to Wilkinson Boulevard
South Boulevard	Scaleybark to Tremont Tremont to Morehead (?)
Runnymede	Sharon Road to Barclay Downs Drive.

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RESOLUTION AMENDING THE PAY PLAN ADOPTED, WITH ADJUSTMENTS IN CERTAIN SALARIES.

In the discussion of the proposed Amended Pay Plan, Councilman Smith asked the City Manager relative the memorandum from the Police Department regarding one-step salary increases for Mrs. Berry and other employees, Mr. Veeder stated he thinks that at least one involves a reclassification to Clerk IV from Clerk III; that he does not think there is sufficient difference in the level of the work of the others with similar work in other departments to merit a classification change, however he thinks an overall study of classification of all these positions should be made.

Councilman Dellinger asked if a revaluation of employees has not just been completed? Mr. Veeder stated he is not talking about a survey of salaries but of classifications; that the assignment of positions to a class and the assignment of classes to salary ranges are two separate and distinct things; that this survey has not been made for some while. Councilman Dellinger stated there is much confusion among employees about classifications and salaries and he hopes it can be gotten on an even keel. That he thinks we have had more trouble this year than ever before.

Councilman Smith asked if it is clearly understood that there will be no changes other than one step before coming to Council, in which Mr. Veeder concurred. He stated further he thinks the confusion, perhaps, is caused by a break down in our communications and Mr. Veeder stated he has been aware of this and wants to do whatever is necessary to correct it and he does not want to get too technical.

Councilman Whittington asked regarding Classifications 008 and 032 in the Inspection Department, that he is questioning why these two people were not considered for an increase in salary, they are Miss Finlayson and Miss Toomey. Mr. Earle state one is a Clerk IV. That if they will recall the original report presented in April contained information on similar positions in both private industry, locally and nationally, and in other municipalities. From a comparison of the salaries paid, he believes we are very close for the Clerk III rate. As to Clerk IV, we are also very close to the comparison rate. Councilman Whittington asked how long it has been since this Clerk IV has had an increase in pay, which Mr. Earle could not answer without looking it up.

Councilman Dellinger asked about Posting Machine Operators, stating a young lady in this position at the Motor Transport Department is making only \$260.00 per month. After discussion Mr. Earle stated the person in question is not a Posting Machine Operator but a Clerk-Stenographer and is making considerably more than \$260.00. Councilman Dellinger stated it does not add up to raise the salaries of persons in high positions who have been here only six months and leave out these in lower positions. Mr. Earle stated his efforts in preparing a case study is to try to relate the salaries provided for the kind of work that is being performed by the city employees with the work being performed in private industry and other municipalities and to try to arrive at a salary that is commensurate with what is being paid elsewhere.

Mr. Veeder stated he does not think an employee should be compensated based on the length of time he is with the City, except within the frame work of the range for a job; what they are doing is more important than how long they have been doing it. The point involved here is one can have the most efficient employee ever, but if the top for the job is pegged at a certain figure, just because the person is doing a good job does not mean the top figure should be raised.

Councilman Whittington stated the title of the Assistant Superintendent of Cemeteries has been changed to Foreman, and he thinks it is important in regard to the relationship he has with the public that the title of Assistant remain. Mr. Earle stated it was done simply to boil down the number of classifications so it could be grouped with others, and it can be restored, of course if the Council so wishes. Councilman Whittington moved that the title of Assistant Superintendent of Cemeteries be restored in the Pay Plan. The motion was seconded by Councilman Dellinger, and unanimously carried.

Councilman Dellinger asked Mr. Earle to discuss increasing the salaries of Mechanics one step which he discussed with him a few days ago. Mr. Earle stated there are a total of 11 Mechanics at the Central Garage, and 2 Mechanics at the Police Garage, and to raise the entire group one step for eleven months will be \$2,860.00. Councilman Dellinger stated there are two more at the Police Department and Mr. Earle explained they are substantially above this group in salary at the present time.

Councilman Dellinger referred to two other Mechanics in the Fire Department, Mr. Huneycutt and Mr. King, and stated there is only a small difference in their salaries to those of the Captains and he feels they should be raised to a Captains pay, as they are highly trained men. Mr. Earle stated the pay recommendations submitted last April were predicated on the basis of information gathered and Departmental requests and if it is Council's wish to adjust the Fire Apparatus Mechanics pay it can be done.

Councilman Dellinger stated he feels that Mr. W. I. Greene at the Garage should be given a one-step adjustment; that he makes about \$420.00 a month and he is most capable and a hard working man, and he does not know how he could be replaced, and he is certain he is lower than the pay scale for private industry.

Mr. Earle stated that this can be accomplished for Mr. Green by re-allocating his position to an Accounting Clerk, and Mr. Veeder stated he thinks this would be more in line with his position and would carry the one step raise. Mr. Earle stated that the change in Classification to Clerk IV of Mrs. Martha Berry will also carry the one step raise.

Councilman Smith asked about Mrs. Owens in the Police Department, if her work is not comparable to Mrs. Berry's, and Mr. Earle stated he would like to review all of those positions in the Police Department. Councilman Dellinger stated Mrs. Owens has been in the Police Department for some time, that she was Secretary to Captain Hinkle and is now Secretary to Captain Porter.

Mayor Brookshire stated he thinks this is pointing up the danger of upsetting schedules that may create other inequities and he is wondering if it would not be a good idea for Council Members who have thoughts on these individual cases to discuss them with Mr. Earle before they are brought to Council, because it should be appreciated that he is working on an overall, large scale plan and there are over 2,000 employees involved.

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Councilman Whittington moved the adoption of a Resolution Amending the Pay Plan and a one step increase in the salaries of the 15 Mechanics and that the salaries of Mr. W. I. Green and of Mrs. Martha Berry and Mrs. Katherine Owens be increased one step, and that the Pay Plan adopted here today remain in effect and not be changed until the City Council asks for a review. The motion was seconded by Councilman Dellinger.

Councilman Dellinger stated that under the present schedule Mr. Earle has the authority to raise employees one step, but to change one title or move to one classification or another, the Council must approve that. Mr. Veeder stated that he understands this to mean that he will bring to Council every classification instance where it becomes liable by virtue of the duties and responsibilities to reallocate a position and also promotions. Councilman Dellinger stated this is correct, that he does not like to deal in personalities but much, much time is spent by Councilmen in talking with employees about these things, and he feels they should be in position to know what they are talking about when an employee comes to them.

The vote was taken on the motion, and unanimously carried. The Resolution is recorded in full in Resolutions Book 4, at Page 204.

Councilman Whittington stated he thinks this is one of the best steps the Council has taken, so that they may know what is going on and can discuss things when approached by an employee, and he thinks Mr. Earle is doing a tremendous job.

Councilman Smith stated this has been a terrific job that Mr. Earle has done and to have so few complaints from the thousands of employees, and he thinks if the communications can be improved it will make the jobs of both Mr. Earle and Mr. Veeder much easier.

**CITY MANAGER REQUESTED TO PRESENT POLICY WHEREBY SEWER SERVICES MAY BE EXTENDED IN AREAS NOT 50 PERCENT DEVELOPED.**

Councilman Dellinger stated he has discussed a Sewer Policy with Mr. Veeder and Mr. Bobo; that we have certain areas he believes should have some services and under our present policy we are unable to do it. He read a report from Mr. Cheek, City Engineer, regarding Midland Street, in which the sewer was not extended in the 1960 city limits sewer extension because the area was not sufficiently developed and because there was no Outfall at that time, and it was only 30% developed, and the 1960 policy calls for a minimum 50% development. He stated that Midland Street, in the Wilkinson Boulevard section, is in an area where they are having much trouble with septic tanks and the Health Department has given notice that something must be done. He stated that there is now a Lift Station in the area, which was not the case in 1960.. Councilman Dellinger requested the City Manager to check into the matter of the present policy with the Engineering Department and give Council a recommendation on relaxing the policy so that these areas may be serviced.

**EXECUTION OF AN AGREEMENT MODIFYING AN AGREEMENT BETWEEN THE INTERSTATE MILLING COMPANY, THE SOUTHERN RAILWAY COMPANY AND THE CITY OF CHARLOTTE, RELATIVE TO THE WEST SIDE GRADE CROSSING ELIMINATION PROJECT.**

Upon motion of Councilman Dellinger, seconded by Councilman Smith, and unanimously carried, the Mayor and City Clerk were authorized to execute a letter of agreement which would modify an agreement approved by Council on January 3rd with respect to the West Side Grade Crossing Elimination Project, which was executed by Southern Railway, Interstate Milling Company and the City, the modifications being between the Southern Railway and Interstate Milling Company.

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TRANSFER OF FUNDS FROM CONTINGENCY FUND FOR CONSTRUCTION OF  
TEMPORARY SIDEWALKS ON HILLIARD DRIVE BETWEEN SHAMROCK DRIVE AND  
EASTWAY DRIVE.

Councilman Whittington moved that if the City Manager still concurs a temporary sidewalk be installed on Hilliard Drive, between Shamrock Drive and Eastway Drive before school starts in the fall and that \$5,000.00 be transferred from the Contingency Fund for this purpose. The motion was seconded by Councilman Thrower, and unanimously carried.

CONSTRUCTION OF SANITARY SEWER MAINS IN BARCLAY DOWNS AUTHORIZED.

Councilman Albea moved approval of the construction of 3,150 feet of sanitary sewer main in Barclay Downs area, at an estimated cost of \$9,474.00, with all costs to be borne by the applicant, Jackson Engineering Company, whose deposit of the entire cost will be refunded as per terms of the contract. The motion was seconded by Councilman Thrower, and unanimously carried.

CONSTRUCTION OF SOUTHERN RAILWAY SPUR TRACK ACROSS REMOUNT ROAD TO  
SERVE BIGGERS BROTHERS, INC.

Upon motion of Councilman Albea, seconded by Councilman Thrower, and unanimously carried, the construction of a Spur Track across Remount Road by Southern Railway Company to service Biggers Brothers, Inc. was authorized.

LEAGUE OF MUNICIPALITIES MEETING IN GREENSBORO OCTOBER 28th-30th.

The City Manager advised that notification has been received of the meeting of the League of Municipalities in Greensboro starting Sunday, October 28th through Tuesday, October 30th, and because of the shortage of hotel accommodations in Greensboro they are making use of motels and hotels in the area, and they insist upon names and a deposit for room reservations as soon as possible. Following the discussion, Mayor Brookshire stated it appears that everyone is agreeable to staying at Sedgefield Inn, and Mr. Veeder advised he will make reservations there and let them know within 10 days prior to the meeting in order to get refunds of room deposits for those who find they cannot attend the meeting.

INCREASE IN CITY'S PARTICIPATION IN HOSPITAL CARE INSURANCE PREMIUMS  
MADE EFFECTIVE JULY 30, 1962.

Upon motion of Councilman Albea, seconded by Councilman Smith, and unanimously carried, the increase of the City's participation in the payment of Hospital Care Insurance premiums from \$1.00 per employee to \$2.42 was made effective July 30, 1962.

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PUBLICATION ON THE IMPACT OF THE CENTRAL BUSINESS DISTRICT OF CHARLOTTE  
ON THE MUNICIPAL BUDGET.

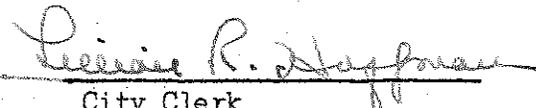
The City Manager advised that he has four copies of a publication put out by the Urban Land Institute which is a study on The Impact of the Central Business District on the Municipal Budget, which was received by the Planning Director, and additional copies have been ordered. That the thing that makes this Study so interesting to us is that the Central Business District that was studied is that of Charlotte; therefore, he thinks each Councilman will want to read it, and he will distribute the remaining copies when received.

CONTRACT WITH CROWDER CONSTRUCTION COMPANY FOR SIDEWALK REPLACEMENTS  
IN THE DOWNTOWN AREA RESCINDED AND NEW CONTRACT AUTHORIZED.

Councilman Thrower moved that in accordance with the recommendation of the City Attorney the original contract with Crowder Construction Company, dated June 25th, for Downtown Sidewalk Replacement be rescinded in the amount of \$84,510.00 due to only \$40,000.00 having been budgeted for the project and a new contract be awarded Crowder Construction Company in the amount of \$39,965.50, and that the Surety Bond and Insurance Certificate submitted with the original contract be accepted to serve with the new contract. The motion was seconded by Councilman Smith, and unanimously carried.

ADJOURNMENT

Upon motion of Councilman Whittington, seconded by Councilman Dellinger, and unanimously carried, the meeting was adjourned.

  
City Clerk