

July 30, 1958
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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 Wednesday July 30, 1958, at 11 o'clock a.m., with Mayor Smith presiding, and Council members Albea, Baxter, Brown, Evans, Foard and Wilkinson being present.

ABSENT: Councilman Dellinger

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INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Brown, seconded by Councilman Wilkinson, and unanimously carried, the Minutes of the last meeting on July 16th were approved as submitted.

ORDINANCE NO. 489-X EXTENDING THE CORPORATE LIMITS OF THE CITY OF CHARLOTTE BY ANNEXING APPROXIMATELY 200 ACRES OF PROPERTY LOCATED IN CRAB ORCHARD TOWNSHIP ON PETITION OF TRI-DEVELOPMENT CORPORATION, ADOPTED.

The petition of Tri-Development Corporation for the annexation of 200 acres of property to the City of Charlotte was considered. No objections were expressed by the public to the proposed annexation. Councilman Albea moved the adoption of "Ordinance No. 489-X Extending the Corporate Limits of the City of Charlotte by Annexing approximately 200 acres of Property located in Crab Orchard Township". The motion was seconded by Councilman Wilkinson, and unanimously carried. The ordinance is recorded in full in Ordinance Book 12, at Pages 271 and 272.

PETITION FILED BY RESIDENTS OF CLANTON PARK AREA FOR BUS SERVICE, PLACEMENT OF "STOP SIGNS" AT STRATEGIC POINTS TO SAFEGUARD CHILDREN AGAINST TRAFFIC BETWEEN SHUMAN AVENUE-WEST BOULEVARD SECTION ACROSS TO YORK ROAD, IMPROVED DRAINAGE ON MANCHESTER DRIVE TO ALLEVIATE MUD COVERING STREET AND SIDEWALK, AND SPRAYING OF AREA WITH D.D.T.

Mr. George P. Parker, 3426 Barringer Drive, appeared before Council and filed a petition bearing 155 signatures of residents of Clanton Park area requesting Bus Service, especially during the rush hour periods in the morning and afternoon, to enable school children the opportunity of boarding city buses without the long walk to the nearest bus stop at Municipal Swimming Pool, a distance of 1 - 1/10th miles inside the city, for the majority of the children and farther for some children. Secondly, place "Stop Signs" at strategic points to particularly safeguard children against the heavily channeled traffic taking advantage of the short-cut between the Shuman Avenue-West Boulevard section across to York Road; Third, take steps promptly to alleviate the condition of mud covering a portion of Manchester Drive due to improper drainage, and fourth, have the area sprayed with D.D.T. which they have been unable to have done by the City. Councilman Albea moved that the petition be referred to the City Manager and that he be requested to investigate the conditions, work them out where possible, and report to Council. The motion was seconded by Councilman Brown, and unanimously carried.

CITY ENGINEER INSTRUCTED TO MAKE COST ESTIMATE OF FILLING IN HOLES IN SUGAR CREEK FROM RIDGEWOOD AVENUE TO PARK ROAD AS A HEALTH MEASURE CAUSED BY FLOODING OF WESTFIELD ROAD AND AREA.

Mr. Donald H. McSwain, 3108 Westfield Road, was spokesman for a delegation of residents of the street, and urged that something be done to prevent another flooding of their properties by Sugar Creek similar to that in May caused by heavy rains. He stated he has just replaced his furnace, damaged by the flooding and is having his yard completely done over. He stated the creek bank at the rear of his property has been lowered 10 feet by the flood water. Mr. McSwain stated he has resided at this address for 10 years and the May flooding is the first he has seen, and, that in his and his neighbors opinion it is caused to a large degree by the bridge over the creek at Hillside Avenue. Councilman Brown stated he has lived in the area on Tranquil and Hillside Avenues for a long time and has seen the creek flood onto the area in question many times. That the solution is to enlarge the creek channel by dredging to increase the progress of the flow, and this is the solution submitted by the City to the residents who appeared before Council in May. Mayor Smith suggested that Mr. McSwain go before the County Commissioners and again urge them to have the County Drainage Commission do the proper dredging on the creek. Mr. McSwain said they had been before the County Commissioners without results. Councilman Baxter stated the City is unable to legally expend funds on the creek; however, when the proper time comes that he would bring it up again and see if the work cannot be included in the Bond Issues. Councilman Baxter then asked the City Attorney if the City could spend some money on the creek as an emergency measure? Mr. Shaw replied that if it were a definite health measure he would say yes, but he cannot reply at this time as to just a normal emergency.

Councilman Brown recommended that the Council go on record that they will put all the pressure possible on the Drainage Commission to properly dredge the creek, and if it is necessary to do so that the Council will take the matter to the Legislature.

Councilman Baxter stated he would like Mr. Yancey to instruct the Engineering Department not to put any more center piles under bridges.

Mayor Smith advised Mr. McSwain that the City will help them in any way that can legally be done but he would certainly suggest that he go back before the County Commissioners about having the creek dredged, as it appears that is the whole solution.

Councilman Baxter moved that as a health measure, the City Manager instruct the City Engineer to have the cost estimated for filling in the holes in the creek from Ridgewood Avenue to Park Road. The motion was seconded by Councilwoman Evans, and unanimously carried.

MECKLENBURG HISTORICAL ASSOCIATION DESIGNATED AS OFFICIAL HISTORICAL ASSOCIATION OF CHARLOTTE.

Councilman Baxter moved that the Mecklenburg Historical Association be designated as the official association of Charlotte. The motion was seconded by Councilman Brown, and unanimously carried.

EMPLOYMENT OF CLERK OF THE WORKS FOR THE CONSTRUCTION OF THE HEALTH CENTER.

Upon motion of Councilman Baxter, seconded by Councilman Foard, and unanimously carried, the City Manager was authorized to employ a Clerk of the Works in the construction of the Health Center, at a salary of \$100.00 per week, his total employment not to exceed \$4,000.00.

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MOTION TO PROCURE SOUND FILMS ON LAW ENFORCEMENT FROM UNIVERSITY OF INDIANA LOST FOR LACK OF SECOND.

Councilwoman Evans moved that the City Manager be instructed to procure four sound films from the University of Indiana relative to (1) Traffic laws and enforcement, (2) Procedure in Traffic Court Room, (3) Corrective Penalization and (4) Court Business Administration. She stated she is of the opinion that these films would be helpful in resolving the law enforcement problem with which the Council is faced.

Councilman Wilkinson stated that in view of the fact that the Mayor has requested the Institute of Government to make a survey and recommendations relative to the Court, he thinks the procurement of the films would be premature and unnecessary.

The motion lost for lack of a second.

SUGGESTED INCREASED LICENSE FOR BONDSMEN AND AGENTS IN 1959-60 REVENUE ORDINANCE BY COUNCILWOMAN EVANS REFERRED TO LEGISLATIVE COMMITTEE OF COUNCIL FOR RECOMMENDATION WHEN REPORT FILED.

Councilwoman Evans requested the City Attorney to elaborate on the ruling he made in 1957 regarding agents acting for bondsmen. Mr. Shaw, City Attorney, stated he did not recall making any such ruling. That it is his opinion that a State Statute has been passed that puts the approval of such agent under the Clerk of Superior Court. That the license for such operation would be secured from the City.

Councilwoman Evans then asked if the City could not increase the license fee as a source of revenue? Mr. Shaw advised that the Revenue Ordinance has been adopted for the current year - that it could be so done next year if the Council wishes.

Councilwoman Evans then requested the Mayor to have the Legislative Committee of Council include this on their agenda or in their recommendations, which the Mayor stated he would be glad to do.

COUNCILMAN BROWN EXPRESSES FULL APPROVAL OF W.M. MURPHY AS HEAD OF CHARLOTTE'S LAW ENFORCEMENT BRANCH OF GOVERNMENT AND REPLIES TO COUNCILWOMAN EVAN'S QUESTION THAT MR. MURPHY HAS NOT APPLIED FOR THE POSITION NOR BEEN CONTACTED BY HIM.

Councilwoman Evans asked Councilman Brown if Mr. W. A. Murphy, Special Agent, FBI, Cleveland, Ohio has given him an application for the position of Chief of the Police Department of Charlotte? Councilman Brown stated he has not, and that he has not discussed it with him. However, he would be most acceptable to him for the position. Councilwoman Evans then asked if he is aware of this type action taken by one of their employees? Councilman Brown stated he is not under cross-examination by Mrs. Evans, but is answering her question because he wants to. That in his opinion Mr. Murphy is a top-flight law enforcement man. That he knows him personally, and had many, many contacts in civic matters with him when he was located with the FBI in Charlotte. That his name came into the conversation about the position and he made the statement he would like to see Charlotte have Mr. Murphy in charge of our law enforcement branch of government and he sticks to it.

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SUPPLEMENT TO CONTRACT WITH STATE OF N.C. FOR USE OF AIRPORT FACILITIES BY N.C. AIR NATIONAL GUARD, EXTENDING PERIOD TO JUNE 30, 1959 APPROVED.

Upon motion of Councilman Wilkinson, seconded by Councilman Baxter, and unanimously carried, a Supplement to the Contract with the State of North Carolina, dated December 22, 1947, for use of Douglas Municipal Airport facilities by North Carolina Air National Guard, to extend the term to June 30, 1959, was approved.

CONSTRUCTION OF SANITARY SEWER MAINS AUTHORIZED.

Motion was made by Councilman Wilkinson, seconded by Councilman Brown, and unanimously carried, authorizing the construction of sanitary sewer mains at the following locations:

- (a) Construction of 418-feet of 8-inch main in Buford Avenue and St. Mary Street, to serve two family units, at request of W.J. Stribling, Old Providence Road, City. The estimated cost is \$1,020.00, which will be borne by the City, and the required deposit of \$420.00 by the applicant to be refunded as per terms of the contract.
- (b) Construction of 1,535-feet of 8-inch main in Darby Acres #2, to serve residential property, at request of F. C. Davis, Route #1, Cost is estimated at \$4,805.00, to be borne by the City, and applicant's required deposit of the full amount to be refunded as per terms of the contract.
- (c) Construction of 100-feet of 8-inch main in Pecan Avenue, to serve one business unit, at request of W. M. Logan, 1023 Pecan Avenue. Cost is estimated at \$300.00, which will be borne by the city.
- (d) Construction of 90-feet of 8-inch main in Park Road, to serve one family unit, at request of R. B. Mullis, 3400 Park Road. Cost estimated at \$300.00, to be borne by the City.
- (e) Construction of 425-feet of 8-inch main in McCrorey Heights to serve residential property, at request of Mrs Novella M. Flannagan, at an estimated cost of \$1,130.00. All costs to be borne by the City, and applicant's required deposit of the full amount to be refunded as per terms of the contract.
- (f) Construction of 6,311-feet of 10-inch trunk sewer and 2,941-feet of 8-inch sewer main in Wilkinson Boulevard, Ashley Road, Lumina Avenue and Bowley Street, at request of Mr. Wayne Howe, 2639 Ashley Road. Cost estimated at \$46,320.00, to be borne by the City.
- (g) Construction of 3,244-feet of 8-inch main and trunk sewer in Flynnwood Drive, to serve 11 family units and 20 vacant lots, at request of Mrs. Ruth B. Wolfe, at an estimated cost of \$11,380.00. All costs to be borne by the City and Applicant's required deposit of \$4,780.00 to be refunded as per terms of the contract.

CONTRACT WITH MRS NOVELLA MCC. FLANNAGAN AUTHORIZED FOR CONSTRUCTION OF WATER MAIN IN WASHINGTON AVENUE.

Councilman Foard moved approval of a contract with Mrs Novella McC. Flannagan for the construction of 590-feet of water mains in Washington Avenue, at an estimated cost of \$950.00. The City to pay all costs and applicant to guarantee a gross annual water revenue equal to 10% of the cost. The motion was seconded by Councilwoman Evans, and unanimously carried.

CONTRACT AWARDED THE PURE OIL COMPANY FOR GASOLINE.

Upon motion of Councilman Baxter, seconded by Councilwoman Evans, and unanimously carried, contract was awarded the low bidder, The Pure Oil Company for 160,000 Gals. Regular Gasoline, as specified, delivery by

tankwagon, at \$30,672.00; 275,000 Gals. Regular Gasoline, as specified, delivery by transport, at \$52,717.50; 30,000 Gals. Premium Gasoline, as specified, delivery by tankwagon, in quantities as specified, at \$6,420.00, all on a unit price basis, representing a total price of \$89,809.50, subject to cash discount of \$898.10, or a net delivered price of \$88,911.40.

Net delivered bids received were:

The Pure Oil Company	\$88,911.40
Atlantic Refining Company	\$89,632.50
American Oil Company	\$89,907.84
Gulf Oil Corp.	\$90,301.37
Esso Standard Oil Company	\$90,654.50
Sinclair Refining Company	\$90,479.65
Columbus Oil Company	\$91,095.87
The Texas Company	\$91,267.50

CONTRACT AWARDED SINCLAIR REFINING COMPANY FOR MOTOR OIL.

Motion was made by Councilman Baxter, seconded by Councilwoman Evans, and unanimously carried, awarding contract to the low bidder, Sinclair Refining Company, for 7,000 Gals. Heavy Duty Motor Oil, as specified, on a unit price basis, representing a total price of \$2,800.00, subject to cash discount of \$28.00, or a net delivered price of \$2,772.00.

Net delivered bids received were:

Sinclair Refining Company	\$2,772.00
The Texas Company	\$2,841.30
Gulf Oil Company	\$2,841.30
The Pure Oil Company	\$2,869.02
American Oil Company	\$3,118.50
Esso Standard Oil Company	\$3,118.50
Columbus Oil Company	\$3,417.18

CONTRACT AWARDED THE PURE OIL COMPANY FOR GEAR LUBRICANT.

Upon motion of Councilman Baxter, seconded by Councilwoman Evans, and unanimously carried, contract was awarded the low bidder, The Pure Oil Company for 4,000 pounds Gear Lubricant, as specified, SAE 90,140,250 (120# kits), on a unit price basis, representing a total price of \$380.00, subject to cash discount of \$3.80, or a net delivered price of \$376.20.

Net delivered bids received were:

The Pure Oil Company	\$376.20
Columbus Oil Company	\$405.90
The Texas Company	\$435.60
American Oil Company	\$435.60
Atlantic Refining Company	\$539.55
Sinclair Refining Company	\$544.50
Esso Standard Oil Company	\$574.20
Gulf Oil Company	\$633.60

CONTRACT AWARDED THE TEXAS COMPANY FOR CHASSIS LUBRICANT.

Motion was made by Councilman Baxter, seconded by Councilwoman Evans, and unanimously carried, awarding contract to the low bidder, The Texas Company, for 3,010 Pounds of Chassis Lubricant, as specified, to be purchased in 35, 100 and 400 pound containers, on a unit price basis,

representing a total price of \$295.30, subject to cash discount of \$2.95, or a net delivered price of \$292.35.

Net delivered bids received were:

The Texas Company	\$292.35
Esso Standard Oil Company	\$317.25
The Pure Oil Company	\$323.78
Columbus Oil Company	\$324.01
Sinclair Refining Company	\$332.84
American Oil Company	\$354.62
Gulf Oil Company	\$486.98

CONTRACT AWARDED COLUMBUS OIL COMPANY FOR KEROSENE.

Upon motion of Councilman Baxter, seconded by Councilwoman Evans, and unanimously carried, contract was awarded Columbus Oil Company for 32,000 Gallons Kerosene, as specified, on a unit price basis, representing a total price of \$3,766.40, subject to cash discount of \$64.00, or a net delivered price of \$3,702.40.

Contract was not awarded the low bidder, Sinclair Refining Company, as Kerosene is purchased on a posted tankwagon price at the time delivery is made, and this Company's bid was calculated on a tankwagon base price of a date prior to the date of the bid and it was thought the bid did not represent the true and correct price as of the date of opening the bids, and it was therefore recommended by the City Manager that the bid be disqualified.

Net delivered bids received were as follows:

Sinclair Refining Company	\$3,612.80
Columbus Oil Company	\$3,702.40
Esso Standard Oil Company	\$3,952.00
Gulf Oil Corporation	\$4,192.00

CONTRACT AWARDED COLUMBUS OIL COMPANY FOR NO. 2 FUEL OIL.

Motion was made by Councilman Baxter, seconded by Councilwoman Evans, and unanimously carried, awarding contract to Columbus Oil Company, for 55,000 Gallons No. 2. Fuel Oil, as specified, on a unit price basis, representing a total price of \$6,105.00, subject to cash discount of \$61.05, or a net delivered price of \$6,043.95.

Contract was not awarded the low bidder, Sinclair Refining Company, as No. 2 Fuel Oil is purchased on a posted tankwagon price at the time of delivery and the Company's bid was calculated on a tankwagon price of a date prior to the opening of the bids, and it was thought the bid did not represent the true and correct price as of the date of opening the bids, and it was recommended by the City Manager that the bid therefore be disqualified.

Net delivered bids received were:

Sinclair Refining Company	\$5,907.00
Columbus Oil Company	\$6,043.95
Esso Standard Oil Company	\$6,407.50
Gulf Oil Corporation	\$6,820.00

CONTRACT AWARDED GULF OIL CORPORATION FOR NO. 5 FUEL OIL.

Motion was made by Councilman Baxter, seconded by Councilwoman Evans, and unanimously carried, awarding contract to the low bidder, Gulf Oil Corp., for 30,000 Gallons No. 5 Fuel Oil, as specified, on a unit price basis, representing a total net delivered price of \$2,487.00.

Net delivered bids received were:

Gulf Oil Corp.	\$2,487.00
Esso Standard Oil Company	\$2,679.00

CONTRACT AWARDED COLUMBUS OIL COMPANY FOR DIESEL FUEL.

Motion was made by Councilman Baxter, seconded by Councilwoman Evans, and unanimously carried, awarding contract to Columbus Oil Company for 40,000 Gallons Diesel Fuel, as specified, on a unit price basis, representing a total price of \$4,440.00, subject to cash discount of \$44.40, or a net delivered price of \$4,395.60.

Contract was not awarded the low bidder, Sinclair Refining Company, as Diesel Oil is purchased on a posted tankwagon price at the time of delivery, and the Company's bid was calculated on a tankwagon price of a date prior to the opening of the bids, and it was thought the bid did not represent the true and correct price as of the date of opening the bids, and it was therefore recommended by the City Manager that the bid be disqualified.

Net delivered bids received were:

Sinclair Refining Company	\$4,296.00
Columbus Oil Company	\$4,395.60
Esso Standard Oil Company	\$4,660.00
Gulf Oil Corp.	\$4,960.00

SALE AND REMOVAL OF AIRPORT BUILDINGS TO JOHN L. WITHROW, AND W. B. BIGGS.

Councilman Wilkinson moved that Airport Barracks Buildings #232 and #229 be sold and removed by Mr. John L. Withrow, high bidder, at a total price for the two building of \$300.00; and that Airport Barracks Building #44 be sold and removed by Mr. W. B. Biggs, high bidder at a price of \$311.99. The motion was seconded by Councilman Baxter, and unanimously carried.

Bids received on the buildings are:

John L. Withrow	Building #232	\$150.00
John L. Withrow	Building #229	\$150.00
W. B. Biggs	Building #44	\$311.99
John L. Withrow	Building #44	\$100.00
John L. Withrow	Buildings #232, 229 and 44	\$400.00

REPORT OF UNFIT HOUSING PROGRESS FOR QUARTER ENDING JUNE 30, 1958.

The City Manager submitted the following Unfit Housing Progress Report for the Quarter ending June 30, 1958:

Number of Housing units brought up to standard	63
Number of Property Owners cited for Hearing	24
Number of Housing units condemned	21
Number of bathing facilities installed	29
Number of Housing Units demolished	67

PROGRESS since the Beginning of the Program in August, 1948.

Number of housing units brought up to standard to date	11,566
Number of houses demolished to date	2,006

TRANSFER OF CEMETERY LOTS.

Motion was made by Councilman Brown, seconded by Councilwoman Evans, and unanimously carried, authorizing the Mayor and City Clerk to execute deeds for the transfer of the following cemetery lots:

- (a) Deed with F. L. Richardson, for Graves 1,2,5 and 6, Lot 334, Section 7, of Oaklawn Cemetery, at \$200.00.
- (b) Deed with George M. Ivey, for Perpetual Care on Lot 45, Section R, Elmwood Cemetery, at \$201.60.
- (c) Duplicate Deed with Mrs Dona L. Davis, for south half, Lot 46, Section I, Elmwood Cemetery, at \$1.00.

MECKLENBURG ENGINEERS & CONTRACTORS, INC. GRANTED PERMISSION TO CONNECT SANITARY SEWER LINES TO CITY'S SANITARY SEWERAGE SYSTEM, AT SUGAR CREEK DISPOSAL PLANT.

Upon motion of Councilman Wilkinson, seconded by Councilman Brown, and unanimously carried, Mecklenburg Engineers & Contractors, Inc., were granted permission to connect 12,917 feet of 8, 10 and 12 inch trunk sewer and sewer mains to the City's Sanitary Sewerage System at Sugar Creek Disposal Plant, upon condition that they comply with all laws, rules and regulations now in effect, or which may hereafter become effective relative to property similarly situated.

PERMISSION GRANTED FOR SOUTHERN STATES FAIR PARADE ON SEPTEMBER 16TH FROM 12 to 1 O'CLOCK P.M. ON TRYON STREET, FROM MOREHEAD STREET TO 12TH STREET, PROVIDED NO ADVERTISEMENTS DISPLAYED OTHER THAN OF THE FAIR.

Councilman Baxter moved approval of the request of Mrs. Sue Frye, for the Southern States Fair to parade on September 16th, from 12 to 1 o'clock p.m. on Tryon Street, from Morehead Street to 12th Street, provided there be no advertisements displayed in the parade, other than of the Fair. The motion was seconded by Councilman Wilkinson, and unanimously carried.

EXTENSION OF SICK LEAVE TO MRS ELOISE B. BROWN AND OFFICER F.R. BURGESS, POLICE DEPARTMENT EMPLOYEES.

Motion was made by Councilman Albea, seconded by Councilman Barter, and unanimously carried, extending the sick leave of Mrs Eloise B. Brown, from June 1, 1958 to August 31, 1958, and of Officer F. R. Burgess, from June 6th through June 30, 1958.

CONSTRUCTION OF CULVERT AT END OF LANDER STREET AUTHORIZED.

Councilman Baxter moved the authorization of the construction of a 15' x 9' pipe-arch culvert 16-ft. long at the end of Lander Street, at a cost of \$2,800.00. The motion was seconded by Councilman Albea, and unanimously carried.

ADJOURNMENT.

Upon motion of Councilwoman Evans, seconded by Councilman Foard, and unanimously carried, the meeting was adjourned.

Lillian R. Hoffman

Lillian R. Hoffman, City Clerk