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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 Tuesday, April 24, 1962, 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 Gordon Weekley, Pastor of Providence Baptist Church.

MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Whittington, and unanimously carried, the Minutes of the last meeting on April 16, 1962 were approved as submitted.

REQUEST OF HOUSE DEMOLISHING COMPANIES TO BE PERMITTED TO CONTINUE DUMPING DEBRIS AT CITY LANDFILL SITES REFERRED TO CITY MANAGER FOR INVESTIGATION AND REPORT, AND COMPANIES ALLOWED TO CONTINUE DUMPING FOR ONE WEEK.

Mr. Jack Norman of Norman House Demolishing Company and representatives of Robinson Wrecking Company and Suggs Wrecking Company, appeared before Council and advised that on last Thursday their trucks loaded with debris from houses they were demolishing, consisting of lathes, tar paper etc, but not big timbers or brick, were turned back at the City Dump and not allowed to dispose of the loads. Mr. Norman stated his Company has been dumping such debris at the City Dump for the past twenty-five years, and they are not allowed to burn this material, therefore, they have no way of getting rid of it. He stated that today he sent the trucks back and went with them and again they were turned back, but he noted that trucks loaded with similar materials from Goode Construction Company, Pittsburgh Plate Glass Company, a Tree Expert Company and an Upholstery Company were allowed to dump, and this is definitely discriminatory, and he would like to know what the City wishes him to do with the material, that this was the Statesville Avenue Dump and he has been informed they cannot dump either here or Nations Ford Road. Councilman Dellinger stated he contacted Mr. Bobo, Administrative Assistant, last week regarding this and asked him for a statement. Mr. Bobo advised the City is running out of space at the Statesville Avenue Landfill site, and Mr. Noe feels that what is left should be reserved for garbage. He advised that Mr. Norman is referring now to debris from the Brooklyn Urban Renewal Project. Mr. Bobo stated he was not aware that any exceptions were being made.

Following the discussion, Councilman Smith moved that the matter be referred to the City Manager for a full report and that they be allowed to dump this material for another week until something can be decided. The motion was seconded by Councilman Albea, and unanimously carried.

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PETITION NO. 62-7 FOR CHANGE IN ZONING FROM R-9MF TO I-2 OF PROPERTY ON SOUTH SIDE OF CENTRAL AVENUE, DENIED.

Upon motion of Councilman Whittington, seconded by Councilman Albea, and unanimously carried, Petition No. 62-7 for a change in zoning from R-9MF to I-2 of property on the south side of Central Avenue, beginning 491 feet east of Sharon-Amity Road, upon petition of Ethel C. Thompson, was denied as recommended by the Planning Board.

DECISION ON PETITION NO. 62-8 FOR CHANGE IN ZONING DEFERRED FOR FURTHER STUDY BY PLANNING BOARD.

Councilman Whittington moved that decision on Petition No. 62-8 by Edward Daly, W. Craig Lawing et al for a change in zoning from R-6MF to I-1 of property on both sides of the Southern Railway Crossline, from Nations Ford Road to the business zone near York Road, be deferred as requested by the Planning Board for their further study. The motion was seconded by Councilman Jordan, and unanimously carried.

ORDINANCE NO. 87-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING ZONING OF PROPERTY 500 FEET SOUTH OF CENTRAL AVENUE BETWEEN BRIAR CREEK AND THE REAR OF LOTS ON WEMBLEY DRIVE, ADOPTED.

Motion was made by Councilman Smith, seconded by Councilman Whittington, and unanimously carried, adopting Ordinance No. 87-Z Amending Chapter 23, Section 23-8 of the City Code changing the zoning from R-6MF to R-6MFH of 17.01 acres of land 500 feet south of Central Avenue, between Briar Creek and the rear of lots on Wembley Drive, as recommended by the Planning Board. The ordinance is recorded in full in Ordinance Book 13, at Page 253.

ORDINANCE NO. 88-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING ZONING OF PROPERTY AT SW CORNER OF STATESVILLE ROAD AND AN UN-NAMED ROAD ENTERING STATESVILLE ROAD OPPOSITE BURRIS AVENUE, ADOPTED.

Upon motion of Councilman Thrower, seconded by Councilman Jordan, and carried, Ordinance No. 88-Z Amending Chapter 23, Section 23-8 of the City Code, changing zoning from R-9 to I-1 on tract of land at the southwest corner of Statesville Road and an unnamed road entering Statesville Road opposite Burris Avenue, upon petition of Consos, Inc., was adopted by the following recorded vote:

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

The ordinance is recorded in full in Ordinance Book 13, at Page 254.

DECISION ON PETITION NO. 62-12 FOR CHANGE IN ZONING FROM R-6MF TO B-1 OF PROPERTY AT THE NW CORNER OF HONEYWOOD AVENUE AND BELHAVEN BOULEVARD DEFERRED.

The Planning Board recommended that Petition No. 62-12 by James A. Thomas for change in zoning from R-6MF to B-1 of property at the NW corner of Honeywood Avenue and Belhaven Boulevard be denied and that the property be rezoned for business use under the provisions of the Conditional B-2 Highway District, after proper readvertising and hearing, at no additional cost to the petitioner, and that his attorney, Mr Ben Horack, contact him to ascertain if he is interested in this type zoning.

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Councilman Whittington stated he thinks Mr Thomas should be given consideration, that he is a disabled veteran in a hospital in Florida, and he moved that it be deferred until Mr Horack, his attorney, has an opportunity to hear from him as to whether he will accept the suggested B-2 Highway Conditional zoning. The motion was seconded by Councilman Smith, and unanimously carried.

ORDINANCE NO. 89-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING ZONING OF PROPERTY ON NORTH AND SOUTH SIDES OF ALBEMARLE ROAD, ADOPTED.

Upon motion of Councilman Smith, seconded by Councilman Thrower, and unanimously carried, Ordinance No. 89-Z Amending Chapter 23, Section 23-8 of the City Code, changing zoning from R-12 to R-15 of property on the north and south side of Albemarle Road, upon petition of Joseph Dumontier, et al, was adopted as recommended by the Planning Board. The ordinance is recorded in full in Ordinance Book 13, at Page 255.

ORDINANCE NO. 90-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING ZONING OF PROPERTY ON SOUTH SIDE OF CINDERELLA ROAD, BEGINNING 500 FEET EAST OF SUGAW CREEK ROAD, AND CHANGING ZONING OF PROPERTY ON SOUTH SIDE OF CINDERELLA ROAD, BEGINNING 600 FEET EAST OF SUGAW CREEK ROAD, ADOPTED.

Councilman Dellinger moved the adoption of Ordinance No. 90-Z Amending Chapter 23, Section 23-8 of the City Code, changing zoning from R-9 to B-1 of property on the south side of Cinderella Road beginning 500 feet east of Sugaw Creek Road, and changing from R-9 to O-6 property on the south side of Cinderella Road, beginning 600 feet east of Sugaw Creek Road, upon petition of Ervin J. Rust, as recommended by the Planning Board. The motion was seconded by Councilman Smith, and carried by the following recorded vote:

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

The ordinance is recorded in full in Ordinance Book 13, at Page 256.

ORDINANCE NO. 91-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING ZONING OF PROPERTY ON BOTH SIDES OF INTERSTATE #85 BEGINNING 1000 FEET EAST OF MULBERRY CHURCH ROAD, ADOPTED.

Upon motion of Councilman Dellinger, seconded by Councilman Smith, and unanimously carried, Ordinance No. 91-Z Amending Chapter 23, Section 23-8 of the City Code, changing zoning from R-9 and R-9MF to I-2 of property on both sides of Interstate #85, beginning 1000 feet east of Mulberry Church Road, upon petition of Realty Development Company, was adopted as recommended by the Planning Board. The ordinance is recorded in full in Ordinance Book 13, at Page 257.

DECISION ON PETITION NO. Z-25 FOR CHANGE IN ZONING OF PROPERTY ON BOTH SIDES OF AVANT STREET, SOUTHWEST OF BAXTER STREET, DEFERRED ONE WEEK.

Councilman Thrower moved that Petition No. Z-25 by E. P. Nisbet Company for change in zoning from R-6MF to B-2 of property on both sides of Avant Street, southwest of Baxter Street, be denied as recommended by the Planning Board. The motion was seconded by Councilman Albea.

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A substitute motion was made by Councilman Bryant that the Petition be approved in order to be consistent with the rezoning of the property of Consos, Inc., as it is precisely the same thing both being businesses that have been here a long time and will continue no matter what the zoning is and he would rather have good buildings on the property rather than poor ones. The motion was seconded by Councilman Whittington.

Councilman Thrower stated he does not think the two cases are parallel as the residents around the property of Consos, Inc. favored the change in zoning, while the people around Nisbet Company business are against the change in zoning.

Mr. Morrisey, City Attorney, reminded the Council that at the last meeting of Council the opponents indicated that this comes within the 20% protest rule and would require a 3/4 affirmative vote to carry.

The vote was taken on the substitute motion and lost as it did not receive the required 3/4 majority by the following recorded vote:

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

Councilman Dellinger moved that the vote by which the motion was defeated be reconsidered. The motion was seconded by Councilman Bryant, and carried by the following recorded vote:

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

Councilman Albea moved that the petition be denied as recommended by the Planning Board. The motion lost for lack of a second.

Councilman Dellinger moved that a decision on the petition be deferred for one week. The motion was seconded by Councilman Bryant, and carried by the following recorded vote:

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

RESOLUTION DESIGNATING AND AUTHORIZING THE CITY-COUNTY TAX COLLECTOR TO VERIFY PLEADINGS IN TAX FORECLOSURE CASES.

A resolution entitled: "Resolution Designating and Authorizing the City-County Tax Collector to Verify Pleadings in Tax Foreclosure Cases" was introduced and read, and upon motion of Councilman Thrower, seconded by Councilman Whittington, was unanimously carried. The resolution is recorded in full in Resolutions Book 4, at Page 191.

SETTLEMENT AGREEMENT IN THE WORKMEN'S COMPENSATION CASE OF LESTER THOMAS PRESSLEY AGAINST THE CITY OF CHARLOTTE.

Councilman Thrower moved approval of a settlement agreement in the Workmen's Compensation case of Lester Thomas Pressley against the City of Charlotte, as recommended by the City Attorney, copy of which is on file in the Office of the City Clerk. The motion was seconded by Councilman Whittington, and unanimously carried.

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PAYMENT OF FEES FOR APPEARING AS EXPERT WITNESSES ON BEHALF OF THE CITY AT TRIAL OF CITY VS C. PHILIP HOWSER, ET AL RELATIVE TO SEWER CONDEMNATION-MCMULLEN CREEK OUTFALL.

Upon motion of Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, payment of fees in the amount of \$50.00 each, was authorized to W. B. McClintock, Jr., Robert R. Rhyne, Sr. and Louis L. Rose for appearing as expert witnesses on behalf of the City at the trial of the City vs C. Philip Howser et al, relative to Sewer Condemnation - McMullen Creek Outfall.

ACTION ON JANUARY 8, 1962 APPROVING OPTION ON PROPERTY AND HOUSE FROM DOLPH M. YOUNG ESTATE LOCATED WEST OF RAILROAD BETWEEN WEST 3RD STREET AND P & N RAILWAY RESCINDED AND ACQUISITION OF SAME PROPERTY AND TWO HOUSES AUTHORIZED.

Upon motion of Councilman Smith, seconded by Councilman Whittington, and unanimously carried, action of Council on January 8, 1962 approving option on 3,492 sq. feet of property and house #2 from Dolph M. Young Estate, located west of the Railroad between West 3rd Street and the P & N Railway as right of way for the West Side Grade Crossing Elimination Project, at a total consideration of \$3,896.80 was rescinded, and the acquisition of the said 3,492 feet of property and houses #1 and #2, at a total consideration of \$6,396.80 was approved, as recommended by the City Manager.

ACQUISITION OF PROPERTY AT INTERSECTION OF EAST 10TH STREET AND NORTH MCDOWELL STREET, FROM R. M. AND G. T. WILSON AND OPTION ON 13,300 SQUARE FEET OF PROPERTY AT 613 AND 619 NORTH MCDOWELL STREET FROM R. M. AND JOHNSIE WILSON, FOR NORTHWEST EXPRESSWAY, AUTHORIZED.

Councilman Whittington moved approval of the acquisition of 2,816 sq. ft. of property at the intersection of East 10th Street and North McDowell Street, from R. M. & G. T. Wilson at \$4,405.00, and an Option on 13,300 sq. ft. of property at 613 and 619 North McDowell Street, from R. M. and Johnsie Wilson at \$500.00 or a total consideration of \$20,550.00 for the entire property, for the Northwest Expressway. The motion was seconded by Councilman Thrower, and unanimously carried.

SUPPLEMENTARY CONTRACT AUTHORIZED WITH GREEN GARDENS, INC. FOR INSTALLATION OF WATER MAINS IN GREEN GARDENS SUBDIVISION.

Upon motion of Councilman Albea, seconded by Councilman Smith, and unanimously carried, a Supplementary Contract was authorized with Green Gardens, Inc. for the installation of 3,270 feet of water mains and 2 hydrants, in Green Gardens Subdivision, at an estimated cost of \$9,800.00. The City to finance all costs and applicant to guarantee an annual gross water revenue equal to 10% of the total cost.

CONSTRUCTION OF DRIVEWAY ENTRANCES AUTHORIZED.

Motion was made by Councilman Dellinger, seconded by Councilman Smith, and unanimously carried, authorizing the construction of the following driveway entrances:

1. One 20 ft. entrance at 4732 Old Pineville Road.
2. One 22 ft. entrance at 2520 Toomey Avenue.
3. One 30-ft. entrance at 4500 Carter Avenue.
4. Two 35-ft. entrances at 1351-61 E. Morehead Street

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5. Two 35-ft. entrances On W. Morehead St., Two 35-ft. entrances on Graham St., all for 500 W. Morehead Street.
6. Two 30-ft. entrances on Tuckaseegee Road, One 20-ft. and One 30-ft. entrance on Glenwood Drive, all for 3600 Tuckaseegee Road.
7. One 24-ft. entrance at 2550 N. Davidson Street.
8. One 15-ft. entrance at 1616 Toal Street.
9. One 12-ft. entrance on Carter Avenue, One 30-ft. and One 10-ft. entrance on Woodward Avenue, all for 1033 Carter Avenue.
10. Two 25-ft. entrances at 3231 Leota Drive.
11. One 35-ft. entrance at 3000 N. Independence Boulevard.
12. Two 30-ft. entrances at 3820 N. Davidson Street.
13. One 25-ft. entrance on Beatties Ford Road, Two 25-ft. entrances on Holly Street, all for 2342-44 Beatties Ford Road.
14. One 30-ft. entrance at 1315 Pecan Avenue.

RENEWAL OF SPECIAL OFFICER PERMIT TO JOHN W. KAY AUTHORIZED .

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

CONTRACT AWARDED MCGEE LUMBER COMPANY FOR CEMENT.

Councilman Albea moved the award of contract to McGee Lumber Company, the low bidder, for 5,600 bags of Portland Cement, on a unit price basis, at their total bid price of \$7,338.66. The motion was seconded by Councilman Jordan, and unanimously carried.

The following bids were received:

McGee Lumber Company	\$ 7,338.66
Doggett Lumber Company	7,635.60
Tucker-Kirby Company	7,635.60

CONTRACT AWARDED T. C. HEYWARD & COMPANY FOR PUMP PARTS.

Upon motion of Councilman Dellinger, seconded by Councilman Jordan, and unanimously carried, contract was awarded T. C. Heyward & Company, the low bidder, for Marlow Pump Parts, at their total bid price of \$1,487.84, and funds were made available for the purchase from the Water Department Contingency Fund. The City Manager advised that T. C. Heyward & Company is the local servicing company for the Marlow Pump, therefore the City is electing to deal with the low bidder providing this service.

The following bids were received:

Marlow Pump Company (T.C. Heyward & Co., Agents)	\$ 1,487.84
Contractors Service & Rentals, Inc.	1,487.84
Southern Pump & Tank Company, Inc.	1,562.22

CONTRACT AWARDED ACME VISIBLE RECORDS, INC. FOR CROSS REFERENCE FILE.

Councilman Whittington moved the award of contract to Acme Visible Records, Inc. the low bidder, for Cross Reference Files, at their total bid price of \$1,179.58. The motion was seconded by Councilman Bryant, and unanimously carried.

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The following bids were received:

Acme Visible Records, Inc.	\$ 1,179.58
Remington Rand	1,308.84
Southern Business Systems, Inc.	3,078.67

STREET IMPROVEMENT POLICY, AS AMENDED, ADOPTED.

Mayor Brookshire called for consideration of the Proposed Street Improvement Policy.

Councilman Bryant moved the adoption of the revised draft of the Street Improvement Policy submitted by the City Manager. The motion was seconded by Councilman Thrower.

Councilman Dellinger offered an amendment to the Policy to exclude any and all streets annexed in 1959 effective January 1, 1960 and now being used by governmental vehicles. The motion was seconded by Councilman Albea.

Councilman Dellinger stated he is speaking of the 19½ miles of streets that were excluded in the prior street agreement; that he thinks we should add this to this resolution and then try to work out some measure by which these streets may be repaired on an individual basis; that he is in favor of a street improvement policy but does not feel that an iron-clad policy should be adopted and then start picking it apart next week.

Mayor Brookshire stated he thinks it is well to point out here that the City Attorney has ruled if we do work on those streets that by so doing we will have taken them over for maintenance. Councilman Albea stated that some of those streets are definitely going to have to be taken over by some one, that they cannot continue as they are.

Councilman Whittington asked as a point of clarity if on Page 7 of the proposed policy, under Section III MINOR STREET IMPROVEMENTS (A) General Policy, he understood correctly last week that the City can take over one of these streets for maintenance that would help facilitate traffic flow from one street to another? The City Manager stated to facilitate traffic flow on collector streets, and collector streets has been defined on Page 4. He stated he thinks one way to make this clearer is to recall the discussion on Faulkner Street at last week's meeting - that Faulkner Street is a collector street. Councilman Whittington stated further this is a way in which the Council can correct a situation that must be corrected and still be within the bounds of the Street Policy. The City Manager stated that is correct assuming that the street met the criteria of a collector street; he illustrated his point by explaining the situation on Faulkner Street from a map that had been prepared for the purpose of acquainting Council with the conditions requested corrected on the street.

Councilman Dellinger stated the things pointed out by Mr. Veeder bring out the reasons he offered the amendment, as there are other streets in this category and unless we have a pin-point to exclude them he thinks we will have a hard time arriving at what streets to correct, as they may not all be collector streets.

Councilman Smith stated by adopting the Policy the Council would not be tying its hands so that it could not help these streets. That he thinks the spirit of Mr Dellinger's motion is that we leave these particular streets as they are and pass on them individually and not rule them out by the Policy, and if that is what he wants, then he would be willing to go along with him. Councilman Dellinger pointed out that the Policy gives no consideration to streets other than collector streets.

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The City Attorney stated that Mr Dellinger's motion is in order as a motion to amend the Policy prior to the vote on the Policy itself, and as he understands it, the motion is to delete from the Policy Section VII, beginning on Page 10, referring specifically to Non-System Streets in the 1960 Annexation Area.

Councilman Dellinger stated that he mentioned the 19½ miles of streets in his motion and if it can be defined as coming under Section VII that is alright. He wants them to be status quo at this time and excluded from this Policy. The City Manager stated this is the only Section in the Proposed Policy that deals with those streets.

The City Attorney suggested that the effect of Mr Dellinger's motion would be to delete Section VII, which would leave the rest of the Policy to apply to all streets within the city limits.

Councilman Bryant speaking to the Amendment stated he feels this amendment would give us a half of a Policy and it would hardly accomplish what he had in mind in recommending the adoption of the Policy; that he thinks there is no conceivable way that we can differentiate between these 19½ miles of streets, and as a result we will find ourselves completely entangled in every possible type of argument in order to take care of these 19½ miles of streets because one has to be consistent, and there is no way one can be consistent on each street, and even a collector road is open to some type of judgment, and we will wind up with just half a Policy if we go along with the amendment and he thinks it is worse than no Policy at all.

The vote was taken on the Amendment to the Policy, and carried by the following recorded vote:

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

The vote was then taken on the original motion to adopt the Policy as amended and carried by the following recorded vote:

YEAS: Councilmen Albea, Dellinger, Jordan, Smith and Whittington.
NAYS: None

Councilman Bryant abstained from voting and stated he thinks it is a pretty sorry Ordinance or Policy in its present form.

Councilman Thrower also abstained from voting.

Councilman Smith stated his reason for voting as he did is that he feels when a man has a dirt street in front of his house that has been taken into the City and we have been driving trucks and patrol cars on the streets, that the City has some responsibility and he thinks the least the City can do is put some gravel on the street to get them out of the mud.

Councilman Whittington stated he understands that the Non-System Streets that were deleted from the Policy will now be listed and he asked how they will be acted on? The City Manager advised he does not know, that the only thing that is available for these 19½ miles of streets is if the owners wish to they can have them paved at subdivision quality, other than that the subject is still open with the Council as no decision has been made, as he understands it.

(Note: Policy as adopted on file, Drawer 144, File 5)

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FAULKNER PLACE AUTHORIZED PAVED.

Councilman Whittington moved that Faulkner Place be paved as it has been determined to be a connector street and he thinks it is obvious to anyone who has seen it that those people are living under hardships and the people on the east and west sides of McAlway Road are benefiting by using it at the expense of these people who live on either side of it, and that \$1,860.00 be transferred from the Contingency Fund to cover the cost of the pavement. The motion was seconded by Councilman Albea, and unanimously carried.

CITY MANAGER REQUESTED TO MAKE REPORT AND RECOMMENDATIONS RELATIVE TO REQUEST OF GOOD SAMARITAN HOSPITAL BOARD OF TRUSTEES FOR REIMBURSEMENT OF MONIES BORROWED FOR OPERATING EXPENSES.

The City Manager advised that a request has been received from the Chairman of the Board of Trustees of Good Samaritan Hospital, Mr. Charlie Rich, and he presented the following letter addressed to Mayor Brookshire:

"Dear Mayor Brookshire:

During the latter part of October or the early part of November, 1961, you and Mr. William Veeder, City Manager, were kind enough to arrange a meeting between the officials of the former Board of Trustees of the Good Samaritan Hospital and representatives from the Charlotte Memorial Hospital Authority. The purpose of this meeting was to discuss the basis on which the transfer of the Good Samaritan Hospital to the city, and subsequently to the Hospital Authority, might be established.

While I do not feel that a detailed review of such conferences will be necessary, you will recall that one of our primary obstacles at the time was that of being assured sufficient finances with which to operate the institution. Mr. Veeder was able to provide temporary relief to the problem through his proposal of prepaying nine months of budgeted emergency room and out patient clinic funds. Such monies in the amount of approximately \$46,000 were sufficient to permit Good Samaritan to meet its payroll for the month concerned.

Including the above advance, Good Samaritan Hospital has had to borrow monies from various sources totaling approximately \$99,000, \$53,000 of which the hospital is obligated to repay to the lending concerns not later than July 1, 1962.

Our problem, Mr. Mayor, is that the hospital, having been obligated to the previous owners to turn over much of the income of the hospital to them, has resulted in the hospital's being completely devoid of sufficient finances to keep it operating in a proper and safe manner. We, therefore, find it necessary to ask that the \$99,000 incurred for the purposes and as outlined above be assumed as an obligation of the city and that such monies be made available to the hospital as soon as possible so as to meet the repayment obligations as described.

May I suggest that representatives of the hospital board will be happy to meet again with you and Mr. Veeder at anytime you might suggest for further exploration of this most important matter. We feel that it will be necessary that this problem be arighted prior to the transfer of the Deed from ownership by the city to ownership by the Charlotte Mecklenburg Hospital Authority.

Cordially yours,

C. B. Rich
Chairman of the Board
Good Samaritan Hospital"

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Mr Veeder stated as he understands it, subsequent to the receipt of this letter, and the discussions the Mayor has had, the figure of \$99,000 has been worked down to \$65,000.

Councilman Whittington asked why we are getting this request for this money, and if the transfer of the Deed has not been made?

Mayor Brookshire stated the Deed has been drawn but they have not put it on record, and he does not think they have any intention of doing so until this particular matter is straightened out. That what happened is that the Board of the Church who deeded the property to the City retained the bank account and all accounts receivable as of that date, which meant that the City took over an operating hospital without benefit of a bank account or any money with which to pay bills or pay employees and they have had to borrow in order to operate currently.

Councilman Thrower stated it was his understanding that the City would accept the Deed and give it to the Hospital and it would not cost the City anything.

Mayor Brookshire stated he is afraid that was a misunderstanding. That the Church did not offer to give us the bank balance they had on hand or the inventories.

Mr. Veeder advised the Hospital Authority tried vigorously to come to terms but unsuccessfully. The City could not affect the transfer of the Deed until after the bonds were sold, and now that the bonds are sold the Hospital Authority has taken the position they would like this matter disposed of before the Deed is acted on by them, and the City is being requested to provide \$65,000.00.

Councilman Whittington moved that the City Manager sit down with the writer of this letter and the Hospital Board and get all the facts and give Council a report and his recommendations before the next meeting. The motion was seconded by Councilman Albea.

Councilman Bryant stated he is a little surprised that as the Deed is in the name of the City, the Hospital did not consult us before they would obligate themselves for this large amount; that they might have had good reasons not to do so but he wonders why they would not have done so. He asked if when the Authority decided to operate the hospital if the City gave them authority to borrow money.

Mr. Veeder advised that he believes the Hospital Authority on its own initiative has that authority.

Mayor Brookshire stated as he sees it, the alternative to their accepting the deed without the City taking care of these operating funds for them, would be for us to get into the hospital business itself or close the hospital. He suggested that the Council might like to consider a substitute motion to ask Mr. Rich to come to the Council Meeting and answer any questions we might have, and he thinks this might be solved by having him appear next week.

Mr. Veeder explained that the City agreed to accept the Deed from the Church, the Hospital Authority agreed to accept the Deed from the City, then it evolved that the Deed could not pass from the City to the Hospital Authority until after the Bonds were sold; in the interim between the time they accepted the Deed and the Bonds were sold, this problem came up so the Hospital is looking to the City for relief on this problem before they will accept the Deed.

Councilman Whittington stated his motion had nothing to do with Mr. Rich and

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he would like his motion to stand; that he does not object to his coming down if the Mayor wishes to invite him, but he wants the information from the City Manager first.

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

REQUESTED FUNDS GRANTED PARK & RECREATION COMMISSION TOWARD CONSTRUCTION OF A COMMUNITY CENTER IN UNIVERSITY PARK.

Councilman Smith moved that the request of the Park and Recreation Commission that the City provide \$85,000 toward the construction of a Community Center in University Park be granted and that \$35,000 be appropriated from the current budget and \$50,000 be ear-marked in the 1962-63 budget for this purpose. The motion was seconded by Councilman Whittington.

Councilman Bryant asked if we are going to have the \$35,000 if we have to make good the \$65,000 for Good Samaritan Hospital? Mr. Veeder stated we will have to do some close figuring and it will certainly have a direct affect on next year's operating budget, but presumedly something can be worked out, but it can only be done in the context of affecting next year's budget.

Councilman Thrower asked if in view of that, it would not be well to hold this up until the 1962-63 budget? Councilman Whittington stated this is the first recommendation the Park Board has made for this type of construction, and he believes there are seven or eight of them to be constructed and they pointed out this is the first and most needed one, and he thinks it is money well spent and by Mr. Smith's plan to divide it up in two years it will be better on us financially.

Councilman Thrower stated in view of the fact that the public turned down the money, he cannot vote to give it to them.

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

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

CITY MANAGER ADVISES WILL CONTACT RESIDENTS OF KENILWORTH AND FERNWOOD AVENUES AS TO HOW THEY WILL BE AFFECTED BY THE WIDENING AND EXTENSION OF THESE STREETS.

Councilman Whittington asked the City Manager if he has made any progress in contacting the residents of Kenilworth and Fernwood Avenues, either by letter or in person, as to how they will be affected by the widening and extension of these streets. Mr. Veeder stated he thinks they have made progress but have not actually contacted these people but this is something that he definitely wants to do and he is getting lined up to do so.

COUNCILMAN WHITTINGTON REQUESTS THAT LETTER OF COMMENDATION BE SENT CONCRETE SUPPLY COMPANY ON THEIR SAFETY PROGRAM IN PLACING WARNING SIGNALS AT REAR OF STOPPED TRUCKS.

Councilman Whittington advised that recently he attended a Luncheon at which it was announced that Concrete Supply Company had developed a system with their company, as does Southern Bell Telephone Company, with regard to safety; that when their trucks loaded with concrete go to a building site, the truck is parked on the street, the driver gets out and puts a Warning Signal at the

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rear of the truck so that oncoming traffic will know that the vehicle has stopped. He recommended that the Mayor write them a letter of commendation for this safety procedure, and he advised the Police Department concurs in this, and it may cause other firms to do likewise and it would be helpful in avoiding accidents.

Councilman Dellinger stated he thinks it would be well if City equipment used a similar device.

CITY MANAGER REQUESTED TO HAVE ENGINEERING DEPARTMENT CONFER WITH RESIDENTS OF 600 BLOCK OF MARSH ROAD WITH REGARD TO FLOODING CAUSED BY DITCH FILLED IN BY CITY.

Councilman Whittington asked when the Planning Board will have ready the amendment to the Subdivision Ordinance regarding Flood Plains, and the City Manager stated he does not know. In this connection, Councilman Whittington stated that in the 600 block of Marsh Road for many years there was a ditch on one side and the City took up the pipes and filled it in, and now every hard rain these people on this side of the street are flooded, and if we correct the situation we will flood the two streets behind Marsh Road. That this is a serious problem as every house on the south side of the street has been flooded in every downpour we have had, one family having to move out and they have had to put in three heating units. He asked the City Manager to have the Engineering Department go out and confer with the residents and try and help them.

MAYOR TO INVITE MECKLENBURG COUNTY BOARD OF COMMISSIONERS AND GENERAL PAUL YOUNTS TO LUNCHEON TO DISCUSS THE ARMY CORPS OF ENGINEERS OFFER TO MAKE A FLOOD PLAIN SURVEY.

Councilman Smith stated he is not satisfied to drop the flood plain survey that the Corps of Engineers is willing to make if we show an interest and he does not think we have had a proper presentation of what the survey will entail and the benefit that would be derived from the survey; that he is still hoping we can get together with the County Commissioners and sit down and explain what our objective is.

Mayor Brookshire stated the proposal which the Army Corps of Engineers made was made to the County Commissioners and so if they plan to drop it, he does not know what the City can do. He stated we can invite the Commissioners to meet with us, if the Council wishes, but he is wondering if it has been determined where the \$400,000.00 is coming from?

Councilman Dellinger stated he feels that it should be pursued, that we have talked about the creeks for years and years and nothing has been done with it, and this is our opportunity to do something.

Councilman Whittington stated he too thinks we should ask the County Commissioners to sit down with us and discuss the problem and he thinks they should be invited and let them decline the invitation if they so wish.

Councilman Smith moved that we invite the County Commissioners to meet with us at an early Council Meeting next Monday for the purpose of discussing the Army Corps of Engineers offer to make a flood plain survey. The motion was seconded by Councilman Whittington, and unanimously carried.

Mr. Veeder suggested that it might be well to invite the Commissioners to have lunch with the Council instead of just meeting in the Council Chamber. The Council concurred in the suggestion.

Councilman Dellinger asked that General Paul Younts be invited to meet with us at the luncheon, and the Council concurred in this suggestion.

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SURVEY REQUESTED AT THE PLAZA AND ANDERSON STREET WITH VIEW OF INSTALLING TRAFFIC LIGHT.

Councilman Dellinger requested the City Manager to have a survey made at The Plaza and Anderson Street with the view of installing a traffic light.

BOND ELECTION FOR \$12,600,000 AUTHORIZED HELD AT SECOND PRIMARY ON JUNE 23, 1962.

Councilman Dellinger moved that the Bond Election totaling \$12,600,000 for Airport, \$1,500,000 Expressway, \$3,900,000, Sewers, \$5,750,000 and Water \$2,331,000/- and bond expense of \$19,000 be held in conjunction with the second Primary on June 23rd. The motion was seconded by Councilman Whittington, and unanimously carried.

The City Attorney asked if he can imply from the motion that we may go ahead and publish the notice of intention to apply to the Local Government Commission for permission to hold the election? Mayor Brookshire stated that he may do so if the motion is adopted.

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

YEAS: Councilmen Dellinger, Jordan, Thrower and Whittington.

NAYS: Councilmen Albea, Bryant and Smith.

Councilman Albea stated that he is not opposed to the election but is opposed to this particular date.

PLEASURE EXPRESSED AT SELECTION OF THOMAS A. RAFFETY AS AIRPORT MANAGER.

Councilman Bryant advised that he is delighted that we have hired Mr Thomas Raffety as Airport Manager, with the reputation he has and the ability he has, and he is looking forward with pleasure to his being here. He commended Mr. Veeder and the Airport Advisory Committee for their help in the matter.

RESOLUTION AMENDING THE PAY PLAN FOR MAJOR DEPARTMENT HEADS ADOPTED.

Councilman Bryant stated he feels very strongly about the salary scale for major department heads recommended by the City Manager and that it should be adopted. That he hopes there are enough Council members who have changed their minds to do this before budget time, that we may act on it prior to that time; that he thinks it is something that is sorely needed and it has lots of merit, and since we have raised the salary scale of the Airport Manager and Building Inspection Superintendent, he would like to conform to the plan submitted. He moved the adoption of a Resolution Amending the Pay Plan for Major Department Heads, as presented by the City Manager, to be effective May 14, 1962. The motion was seconded by Councilman Thrower.

Councilman Albea stated the salaries were raised for the Airport Manager and Building Inspection Department Superintendent as the City Manager said he could not get the right persons for the jobs at the old salaries, and therefore those salaries were set, instead of at budget time, as an emergency measure.

Councilman Dellinger stated he is of the same opinion, and he thinks that a man making \$10,000 or \$11,000 can get along until June 30th if people can who are making \$46.00 a week, and too, that it will be jeopardizing the Job Classification and the morale of the city employees and other department heads.

Mr. Veeder stated he believes very strongly that it would be in the best interest of the city government if the Council can see fit to proceed with approval of these changes in major department head salaries. That it was necessary to change two of them last week and in doing so the Council did the right thing, however, as a result of doing this, we have created a problem of disproportion in relationships among major department heads salaries, and we have a new department head coming in next month while some of the present major department heads have responsibilities greater than his and they will be at a salary rate below the new man. That it puts us in a position where it would be in the best interest if Council would see fit to go ahead and make changes in the balance of these major department heads salaries. That in regard to the problem of the review of all city positions, in terms of salaries, the review has been completed and he has copies of it to submit to Council this afternoon for study and adoption as Council sees fit in the new fiscal year, but he does think that the salaries of the major department heads should be effected in advance of any changes Council may see fit in other salaries, otherwise we end up with a very poor situation in terms of internal relationship.

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

YEAS: Councilmen Bryant, Jordan, Smith, Thrower and Whittington.

NAYS: Councilmen Albea and Dellinger.

The resolution is recorded in full in Resolutions Book 4 at Page 192.

Councilman Albea stated he wants it made plain that he is not voting against salary raises but thinks that all of these salary questions should be brought up at budget time, as has been done in the past.

The City Manager then presented each Council member with a report with recommendations on the balance of review of the salary structure of all city positions, for review and study. Councilman Dellinger asked why it is necessary to revise the Pay Plan now when we have it set up on five steps? Mr. Veeder replied that we have been proceeding on the annual review of the Pay Plan and this will be the third year this has been done, that he personally believes that all salaries should be reviewed annually, in light of existing rates in the community, existing rates in other governmental jurisdictions and in the nation.

PAYMENT OF ADDITIONAL COURT COST IN CONDEMNATION PROCEEDINGS OF PROPERTY ACQUIRED FOR EAST 5TH AND EAST 6TH STREET CONNECTORS.

The City Manager advised that on September 11, 1961 the City Council approved the condemnation proceedings of property acquired from Green William Holsey for right of way for East 5th Street, the Court proceedings followed and the appointed Commissioners set a value of \$14,706 and after the Commissioners set this value the City deposited this amount with the Clerk of Court. Subsequent to this, the Clerk of Court set aside the Commissioner's report and appointed new Commissioners to place a value on the property, who set the value at \$18,663.00, leaving a difference of \$3,957.00 that we are now required to pay to the Court, and it means that unless this is paid we cannot proceed with the project construction.

Councilman Dellinger moved that the \$3,957.00 be deposited. The motion was seconded by Councilman Thrower, and unanimously carried.

CITY MANAGER AUTHORIZED TO RECEIVE BIDS ON CERTAIN TYPE SHOE FOR ALL POLICE OFFICERS.

The City Manager stated that some weeks ago, Chief Hord asked his approval

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to outfit Police Officers with a uniform type of shoe, a 3/4 high shoe. In making the request Chief Hord pointed out several things that had a bearing on his request, basically, he is very interested in having all of the Officers make a sharp appearance, at present they are using all styles and quality of shoes, and he would like a uniform shoe, which will cost \$4,400.00. Mr. Veeder stated he asked Chief to provide additional information on this request as to what other law enforcement agencies in this area are doing in this connection; he has provided the information and it is almost a universal practice that the Highway Patrol do this and also in many Carolina cities and other cities expect to do it next year. He stated after going into the matter he is 100% in favor of it, and would like to suggest that Council permit him to get bids to outfit all of the Officers with such shoes; he stated the Department has the funds available. Council concurred in the suggestion and authorized the City Manager to receive bids on the shoes required.

SETTLEMENT OF CLAIM OF MRS MARTHA SWANSON FOR DAMAGES TO CAR.

Councilman Jordan moved the settlement in the amount of \$32.81 of the claim of Mrs Martha Swanson for damages to her car, sustained when a large rock rolled off a City truck and struck the car, on April 18, on Louise Avenue, as recommended by the City Attorney. The motion was seconded by Councilman Smith, and unanimously carried.

OFFER OF BID ON LOT ON KENILWORTH AVENUE IN LINE OF EXPRESSWAY REFERRED TO CITY MANAGER FOR REFERRAL TO LAND SURVEY COMMITTEE.

Councilman Smith advised the City Manager that Mr. C. L. McCuller has offered a bid of \$4,500.00 for a lot or two lots on Kenilworth Avenue and he is wondering if the City would be interested in selling as they are in the line of the new Expressway through this area. Councilman Smith suggested that this be turned over to the Land Survey Committee for recommendation. Mr. Veeder stated he would like the Committee to look into this, and will take it up with them.

ADJOURNMENT.

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


Lillian R. Hoffman, City Clerk