

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 30, 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 Charles Milford, Pastor of Park Road Baptist Church.

MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Thrower, and un-animously carried, the Minutes of the last meeting on July 16th were approved as submitted.

ACTION ON PETITION FOR IMPROVEMENTS OF CARMINE STREET DEFERRED TWO WEEKS FOR FURTHER CONSIDERATION.

The advertised Hearing on the Petition of Charlotte-Mecklenburg Board of Education for improvements of Carmine Street, from Old Statesville Road to Pryor Avenue was held, and Mr. Brock Barkley, Attorney for the petitioner advised that their request is predicated on providing an adequate access to the new J. T. Williams Junior High School at the end of Carmine Street, which will be opened in September, as the existing street is too narrow and in such condition it cannot serve the patrons' needs; that the Board of Education cannot improve the street but has authority to pay their share of assessments for permanent improvements and the remaining property owners on the street will benefit from paying their share. He advised they own 900 feet, which is 30.6% of the total frontage.

Mr. James Cole, Attorney representing the opposition to the proposed improvement, presented a petition signed by nine owners of property abutting on the portion of the Street to be improved, representing a majority; the petition stated the improvement would offer no benefit to their property; they have not requested the improvement; the assessment would work an undue hardship on them and would constitute, in some instances, the taking of their property as the amount of the assessment would equal or exceed the total value of the land and they oppose the improvement if it is to result in any assessment on a per front foot basis of their property. He stated further these are residents of the city who have appealed for sewers without results, and have spent their own funds in providing septic tanks. That the School Board condemned property owned by them and built a multi-million dollar unit and now are not satisfied with the street, although it is paved. He advised this is a poor section, so much so that they cannot get an FHA loan to build or repair a home, and there is also a Church involved in the proposed assessment area. That in face of this to be assessed \$10.90 per front foot and some of them own 150 feet, would indeed be a hardship; he called attention that the petition states the property will benefit by at least as much as the cost of the assessment, which cannot be true in the face of the following assessed valuations which he secured from the Tax Office today; the property of

Luther Hawkins valued at \$2,025.00 will be assessed \$1,090.00 for the Street improvement; property of J. J. Walden valued at \$750.00 with assessment to be over \$1,000.00; property of Mr. Case valued at \$965.00, with only a life estate in the property, assessment of \$1,035.00; therefore, this cannot be a fair and equitable situation.

Mr. Cole called attention that the General Statutes requires a majority of the land owners to present a petition for permanent improvement, and stated the Charlotte Charter requirement of only 25% probably envisioned a street where there was equal land owners involved, with property of equal values, all in agreement, but not a situation such as this, with only one property owner with the wealth of the School Board coming in and building a million dollar unit and then saying the abutting poor property owners must share in the cost of benefits. He stated these people cannot pay these assessments and if this is a means of forcing them to move without legal condemnation then it is illegal. That this is a situation that is grave and the section is just as deserving of Council's careful consideration as if it were Queens Road West.

Councilman Dellinger asked if the street is paved all the way down, and Mr. Cole advised it is paved all the way to Pryor, which is a non-existent street and all the way to the entrance to the school. He stated that roughly the paving width is 20 feet.

Mr. Bobo advised that since Carmine Street is under city maintenance, we do have a policy that the city can bear part of the cost for the construction of the additional pavement and the property owner would only be paying for the curb and gutter and drains, and the price would then be \$5.62 per front foot, instead of \$10.90.

Mayor Brookshire asked Mr. Cole what his clients would think of the assessment based on the \$5.62, and Mr. Cole stated this is a good discount, but there is a principle involved because these people cannot afford to pay even \$1.00 per front foot.

Councilman Whittington advised the reason for the sewer line not having been laid in this area was because of the Lift problem, as it is in the low area off Statesville Road, and many people have come in with petitions for sewer lines and engineering practicality will not allow putting in sewer lines because they have to pump it to the Statesville Road level.

Mr. D. H. Ross, President of the School PTA, stated the parents of the students are for the street improvement 100%. That he disagrees with the statement that the street is paved, it is not wide enough for two cars to pass and is not conducive to traffic; that they must have City bus service for their children to the school; that if the street is not improved then the city will have a million dollar Junior High School with a mud hole leading up to it. That this is a poor precinct and it is a wonderful opportunity for the children to have this fine new school provided for them, and the people of the area should do their part to make it available to the children of the area.

Councilman Dellinger stated he feels when the School Board has put up a million dollar structure they should have a street into the property, and if the City is going to have to contribute to it, the Council should go out and look at the situation and probably something could be worked out with the School Board. He moved that the matter be taken under advisement and decision deferred for two weeks. The motion was seconded by Councilman Whittington, and unanimously carried.

July 30, 1962
Minute Book 42 - Page 90

206EJ

Mr. Barkley stated the School Board has no authority to build public streets and he understood the policy of the city heretofore has been that it would build one entrance to a school. Councilman Dellinger stated he did not think so at all if there was already an entrance provided, and Mr. Barkley stated the existing entrance may be there but it is not adequate.

Mr. Morrissey, City Attorney, stated he is satisfied that the School Board does not have authority neither to condemn an existing public street nor to spend funds for the construction of what would be a public street, that he is equally satisfied that the School Board does have authority to provide a driveway access on a public thoroughfare to the school building itself. That he would also suggest to Council that this is the first time this particular Charter provision has been followed, and this is the kind of case for which this provision was written. That the \$10.60 per front foot assessment came from the Engineering Department for the reason that a portion of this street is not city maintained and at a later time it was determined exactly how much was maintained, and then it was that Council's attention was directed to the fact that you could apply the policy that applies to city maintained streets, under which the City bears the total cost of resurfacing and assesses only the cost of curb and gutter and storm drainage against the abutting properties, in which case the abutting properties would be assessed not \$32,000.00 but \$16,500.00 and the City's cost would be not \$4,500.00 but \$20,000.00.

NO ACTION TAKEN ON REQUEST THAT COUNCIL REQUEST DEPARTMENT OF LABOR TO WITHDRAW MEDIATION IN DISPUTE BETWEEN EASTERN AIRLINES AND PILOTS UNION.

Mr. Kenneth E. Hinson appeared before Council stating he was a Flight Captain with Eastern Airlines until he was furloughed due to the present dispute, however he is appearing as a private citizen and not as a spokesman for Eastern Airlines to solicit Council's aid in helping bring the dispute to a successful conclusion. That the information he will give Council will show them how they can assist in doing this. That representatives of Eastern Airlines, the Pilots Union and the Flight Engineers Union have been meeting for the past week with Mr. Arthur Goldberg, Secretary of Labor and it is the opinion of people in Washington representing the Pilots that this dispute would have been settled three weeks ago had it not been for Government interference and that is the point he wishes to emphasize now. That Government interference in private business, and in this case, has placed unwarranted burdens on Eastern Airlines. That among the things that have been brought out in the negotiations in Washington during this past week by Mr. Goldberg was that he wanted certain things settled and these things would place an economical hardship on the Company so far as settling monetary gains by the Flight Engineers. That he is recommending that these monetary gains be given them retroactive, including the strike period. That the Company was well on its way to settling this problem in direct negotiations with the Flight Engineers and this Government interference has bogged it down. That he is soliciting the aid of the City Council to help them by asking the Labor Department to withdraw from this dispute and let Eastern Airlines handle this by private negotiations, which would be voluntary and would be permanent and not by dictation. That some of the things Mr. Goldberg has used to threaten Eastern Airlines with is the fact that he could impose economic conditions on the government due to the regulatory functions of the government that would hurt them; even now Eastern Airlines is in the process of paying people to take the place of the Flight Engineers on strike, and Mr. Goldberg has put his thumb on the FAA in an attempt to get them to harass Eastern to get them to stop this. Mr. Hinson stated that Mr. Malcolm McIntyre, President of Eastern Airlines, has told representatives of the Pilots Assoc. that if the strike continues too long the Company is considering giving up its twin-engine routes and

July 30, 1962

Minute Book 42 - Page 91

stopping all twin-engine service throughout Eastern Airline System. This is not in retribution but an economic necessity. That this would take approximately 200 people from the Charlotte area with a two and one-half million dollar payroll as only twin-engine planes are flown from here.

He introduced Mr. Pride Basinger of Charlotte who uses Eastern Airlines and who flew some 450,000 miles last year in his work. Mr. Basinger stated he has made his living flying since 1945 throughout 28 states and the situation as he sees it, and from talking with various Airline and Union Officials last week in Chicago and other places, is that if the twin-engine service is cut off, a trip from Charlotte to Columbia or Roanoke or other places in one day would be impossible; that in his business of bringing in frozen foods machinery and other commodities they have to have service around the clock either by commercial or chartered plane, and he would like to suggest that Council ask that Eastern and the Pilots settle this in their own way so that the planes can start in service permanently and thereby give service to business people like himself; that he thinks Charlotte deserves Eastern's fine service and hopes the Council will do everything to help solve the strike.

Councilman Bryant moved that Council request by wire Mr. Jonas, Senator Erwin and Senator Jordan to request the Secretary of Labor to withdraw government mediation in the dispute between Eastern Airlines and the Engineers Union at the earliest possible moment.

Councilman Albea called attention that two or three weeks ago they came down here asking Council to get the Federal Government to help them, and asked the County Commissioners to do the same thing, and we all voted for it and now they come down here today and want us to ask the Federal Government to get out and it is inconsistent to him.

Captain Hinson stated when the dispute started Eastern Airlines was backed completely by the Federal Government and they told the Federal Government that they would accept what they recommended; then behind the scenes negotiations began and political pressure changed it and they went the other way and now they are condemning Eastern Airlines because they are trying to settle the strike.

Mr. Albert Pierson stated he hates to sit in an audience and hear our representatives in Washington, whom we have asked to help, be condemned and asked to withdraw their aid. That he realizes this is a serious situation but that Washington has some intelligence and he thinks they know what they are doing, which is evidenced by one Airline having accepted Government recommendation, and he does not think the City Council should take a stand on this without all of the facts being obtained.

Councilman Bryant stated the situation is not quite as it appears here; that the City Council asked for Government help in settling the strike and that was the original idea he is sure of Eastern Airlines, however, since then the treatment that all mediation has received from the Department of Labor has been a bit unethical he feels and should be remedied, and if they think they can settle it without that particular mediation he thinks the Council should urge that they do so.

Mayor Brookshire reminded Council that the action taken in contacting the President and our Legislators in Washington was at the request of Eastern Airlines.

Councilman Whittington stated that unless Mr. McIntyre, President of Eastern Airline, should ask the Council to help with this problem, he thinks Council would be a little amiss to do so at this point.

The motion by Councilman Bryant did not receive a second and lost.

20001

REQUEST PRESENTED BY MEMBERS OF MEMORIAL HOSPITAL STAFF THAT BOND FUNDS BE USED FOR RENOVATION OF GOOD SAMARITAN HOSPITAL AS A CHRONIC DISEASE AND CLINICAL HOSPITAL IN LIEU OF RECONSTRUCTION OF HOSPITAL FOR GENERAL USE.

Dr. Raymond Wheeler appeared before Council and introduced Dr. James Alexander, Dr. Clinton McKay, Dr. Luther Kelly, Jr., Dr. Thomas McMillan, Dr. Lester Brooks and Dr. Luther Kelly, Sr., whom he stated are unanimously interested in the problem of bringing the best possible medical care to the citizens of the community, which is the responsibility of the physicians of the community. They regret it is necessary to ask Council to reopen a question which they realize was, in all good faith in Council's opinion, settled two weeks ago in their decision to let a contract for Good Samaritan Hospital; however, they are forced to ask Council's reconsideration of the matter because the Medical profession was not consulted before it was announced that a decision had been made to abandon completely the previous plan to bring Good Samaritan Hospital up to minimal medical standards under the \$800,000 Bond Issue. That they had no knowledge of the change to abandon those plans and to propose new construction until they read it in the newspaper; therefore they have to come at this time to ask for Council reconsideration of that decision.

He stated he is sure Council is familiar with events leading up to today and he will briefly recapitulate what he thinks are the most important points. Dr. Wheeler stated that in 1955 the Social Planning Council Committee, appointed by the Mayor, found and reported to Council that Good Samaritan Hospital was totally inadequate to provide medical care for negro citizens of this community and recommended that a new 250-bed wing be constructed at Memorial Hospital to provide adequate medical facilities for all the citizens of the community, which was to replace Good Samaritan Hospital as an acute general hospital. That subsequently there was a long period of inaction and eventually a Bond Issue was voted upon and passed by the citizens authorizing the construction of 250 new beds at Memorial and in the campaign the Hospital Authority attempting to sell this Bond Issue to the citizens, it was clearly and unequivocally stated by the Authority that with the opening of the 250 beds the Hospital would be opened to all citizens of the community. In 1959 while the 250-bed wing was being constructed representatives from the Board of Directors of Good Samaritan Hospital and Board of Charlotte Memorial Hospital appeared before the City Council with the information that a state of emergency existed at Good Samaritan which required a crash program of an expenditure of funds immediately to bring that hospital up to the very minimum standards necessary to provide medical care for its patients during the interim period while the beds at Memorial were being completed. That this record is filed in the Appendix to the Rankin Report. At that point there was recommended to the community an expenditure of approximately a million and a half dollars which would include approximately \$600,000 for a crash program and an additional sum to be spent for permanent long term construction. The furor among community leaders who were informed was so great that this plan was dropped and in its place it was decided that \$800,000 would be an adequate figure to bring Good Samaritan up to standards that would permit its use until other facilities were available elsewhere. At the same time this group recommended that a Bond Issue be voted upon to permit the construction of an additional 250 beds. Since 1959 there have been many delays so that nothing has been done there. He stated he certainly agreed with the Committee in 1959 that an emergency did exist at Good Samaritan and says that emergency still exists, the only difference is that now it is worse. Sick people have been and are still being admitted to Good Samaritan to a dirty, crowded, hot, inadequate facility, without adequate staff, without adequate personnel and without adequate equipment, and are being treated, they are sick there and they are dying there, in a setting so medieval that he is sure it would shock the conscience of anyone who saw it.

July 30, 1962

Minute Book 42 - Page 93

Now the plans have been changed, and to him it would be ridiculous were the consequences not so tragic. In the presence of an existing emergency, admitted by all, the Hospital Authority has decided to rock along with the emergency for a while and abandon the crash program to remedy the situation, and proposed to spend the next year building a completely new facility which would require the expenditure of almost the total \$800,000 Bond Funds, which were voted by the citizens for renovation and repair and equipment of the old Hospital. When it is finished, possibly a year from now, the hospital will not have a staff and it will not be equipped, it will simply be a brand new permanent type structure with which nothing can be done without further expenditure of funds. He stated he cannot see how Council can go along with such a request, if they are concerned at all with human lives. He stated further he believes Council must realize that Memorial Hospital Authority will come back to Council for more and more money. They will do so to equip the building, and to obtain personnel and for the renovation of the old structure, which has been estimated to cost approximately a quarter of a million dollars. If \$775,000.00 is spent there now this will be only the beginning of a long period of expenditure of funds.

Dr. Wheeler stated that the matter has been brought up that the bonds have already been sold and the money is on hand and the community is paying interest on the money. That it seems obvious to him that this money, on which not quite 3% is being paid in interest, can be easily and safely invested to earn enough interest to pay the interest owed by the community until the money is returned.

He stated further if he and the other doctors present thought the new facility as planned would provide adequate medical care, then they would not be here today. But an adequate, efficient hospital to guarantee the right medical care takes devoted medical staff of all types. That they also know there is no adequate supply in this country of such people to staff an all-negro hospital - the supply does not exist. This is the problem that the Hospital Authority has not discussed with the Medical Profession in spite of their protest and they have not faced it with the City Council.

He stated he thinks, with certainty, he can assure Council that the medical standards at Good Samaritan are not going to be improved by the erection of new buildings. People will continue to suffer and to die there unnecessarily. This can be prevented, and that is why they are here today. That they think there is an economically and sound solution to the problem. At the present time there are at Memorial Hospital more than 100 beds under renovation which are not being used by patients; these beds are far more than would be needed to assume the entire acute medical and surgical load at Good Samaritan. That one bed at Memorial can do the work of two at Good Samaritan because of the better facilities and better trained personnel. That the waiting list at Memorial at the present time is negligible and this would not precipitate a crisis in hospital beds in Charlotte now or in the near future. That in the opinion of the doctors here today, these beds should be made available to Good Samaritan patients as they are renovated, and then Good Samaritan should be closed as an acute general hospital. That they think Council should set a definite date for this closing, and as it is closed as an acute general hospital, then the money voted by the community can be spent for the purpose for which it was intended - to convert Good Samaritan into a chronic care facility - which would provide beds for the chronically ill patient for years, with private nursing home care; the hospital could also provide facilities for normal obstetrics and serve an extremely necessary function in providing for out-patient clinics, well-baby clinics and similar clinics, which would be near the people who would use them, and would relieve the acute general hospitals of this load.

Dr. Wheeler stated they think that any money Council spends for permanent hospital construction ought to be applied where it can be matched by Hill-Burton Funds. That a new general hospital will be needed shortly, and planning should be under way for that now.

He stated in the light of the mounting evidence against the advisability of rebuilding Good Samaritan Hospital, they hope Council will withhold authority for letting of the contract, as it is unlikely that again such an opportunity will present itself to settle effectively a problem that has long troubled this community.

Councilman Smith stated that the thing that has influenced several of the Council members in this situation is Memorial says that 73 beds will cost approximately \$800,000, but for \$1,800.00 more per bed it can be increased to 150 beds, which looks to us to be a straight saving over the normal cost. From a practical cost standpoint, realizing the terrific taxes that has to be put on the citizens anyhow, Council thought this was a new approach for a permanent hospital, intergrated, with no idea of being a colored hospital, because no one on the Council wants a segregated hospital, and as a business proposition it looked good. Now, Dr. Wheeler says the Staff would not go there, Memorial says they will.

Dr. Wheeler stated this is a serious error in calculation, and he cannot go along with these figures at all. First, they must have been referring to the beds in the present nursing residence, which could be renovated as hospital beds, perhaps the actual renovation of these 73 beds as hospital beds would not cost \$1,800.00, but a prerequisite for renovating those beds will be the construction of this new building, with all the facilities it will be necessary to have in order to put the 73 beds for general hospital use; therefore, you have to figure the cost per bed on the total cost of the construction. These beds are going to continue to be inadequate beds.

Councilman Dellinger asked if Dr. Wheeler could tell Council a date Good Samaritan Hospital should be terminated? Dr. Wheeler replied that, as he has said, as the 100 beds at Memorial become open, the acute patients from Good Samaritan should go into them, and in a very short time as more beds become available there would be no further acute patients at Good Samaritan, and only those chronically ill would remain.

Councilman Bryant stated he does not believe that anyone has advocated the complete closing of Good Samaritan Hospital as a unit, but that it should not be closed in the foreseeable future. Dr. Wheeler stated they are not advocating closing it at all, except as an acute general hospital taking care of seriously ill medical and surgical patients.

Mayor Brookshire stated he thinks that is the position that everyone takes; that the question that might logically be asked is if it is not in the best interest of the community to bring it up to first class status if it is going to be operated at all? Dr. Wheeler stated in the opinion of the doctors present, and many others, this cannot be done - that it can be brought up to first-class status in terms of architecure and new equipmet, but not in supplying good medical care for the patients. Mayor Brookshire asked if he is not suggesting that no money be spent at Good Sam now, and Dr. Wheeler replied he is suggesting that no money be spent there on permanent construction that can be utilized for long-term acute general hospital care; that it is alright to spend whatever portion of the \$800,000 that is necessary to make the hospital into a chronic care facility, utilizing those buildings which are still feasible to be used.

Councilman Dellinger asked Dr. Wheeler within what period of time he meant Charlotte would need a fourth hospital? Dr. Wheeler stated the Rankin Report

July 30, 1962

Minute Book 42 - Page 95

projects it by 1970. Councilman Dellinger asked if Good Samaritan as planned could not be the nucleus for this hospital, and Dr. Wheeler stated it can not, that the N. C. Medical Care Commission says it is economically unfeasible to render Good Samaritan Hospital into a new hospital; the location, the amount of land, the structure itself, its position are all against such a project.

Councilman Thrower moved that the execution of the contracts for Good Samaritan improvements be deferred until Council can look further into the matter. The motion did not receive a second, and was lost.

Dr. Luther Kelly, Jr., Dr. James Alexander and Dr. G. A. Lowe, President of Charlotte Medical Society, concurred in the statements by Dr. Wheeler as being the best method for providing adequate medical care. Dr. Alexander also stated that it is most difficult to obtain a house staff for a non-university hospital, and Good Samaritan on Hill Street will never be approved by the rating agencies as a hospital for training and we have to depend on doctors in training, and for either white or colored doctors in training, facilities must be provided that meet the standards that are getting more and more exacting yearly. He asked that Council look at the problem as a health program and not to prolong this institution as an acute hospital. Dr. Lowe also stated he would like to see Good Samaritan hospital closed today and patients moved to Memorial.

Councilman Bryant moved that Council reinstruct the Board of Governors of Good Samaritan Hospital to come back with revised plans that would convert Good Samaritan into a chronic-care facility, one that would also furnish an out-patient clinic, a dental clinic, emergency facilities and other facilities that were mentioned that would be feasible. The motion was seconded by Councilman Thrower.

Mr. Albert Pierson stated to him it is not a question as to whether this or that can be made out of Good Samaritan, but rather is Good Samaritan acceptable to all the citizens of Charlotte; or has it got a name now where the colored people cannot accept it because it represents to them segregation? That he thinks the Council as a Judge and Jury must make up its mind as to whether they want Good Samaritan as a white hospital or a colored hospital - and now is the time to decide, or hold up the expenditure of the money until you do decide.

Dr. Wheeler stated if Mr. Bryant's motion is defeated and Council authorizes the expenditure of \$775,000 for a new building now, which will take another year to complete, they will not be doing anything about the emergency situation that exists and has existed there since 1959 - this is not a solution to the problem, and this will not be the proper use of those funds in the sense the community voted them because the community was sold on the idea that an emergency existed, that there needed to be an immediate expenditure of funds to take care of a deplorable situation, and this situation will continue if the money is spent as it is now planned.

Councilman Dellinger asked Dr. Wheeler if he thinks his group could get together with Memorial Hospital Authority and discuss this matter and work out some solution if Council held up for a week or two? Dr. Wheeler stated he would certainly be glad to try, that they have had conferences with the Authority before indicating their feelings, and the hospital Staff is on record in 1960 as approving the expenditure of funds only for repair and renovation and for use as an interim institution, as stated in a resolution passed almost unanimously by Memorial Staff. Councilman Dellinger stated he meant if Dr. Wheeler would ask the Authority to meet with them as a group. Dr. Wheeler stated if it is the wishes of the Council that the members of the

July 30, 1962

Minute Book 42 - Page 96

206EJ

Authority meet with the members of the Staff, he is sure it would be done. Councilman Dellinger asked how many on Memorial Staff, and Dr. Wheeler replied more than 300 doctors, of which approximately 275 are active voting members.

Councilman Whittington asked Dr. Wheeler if this group of physicians here today represent the thinking of the majority of the Staff at Memorial? Dr. Wheeler replied that he cannot say that - that what he has said represents the thinking of the doctors with him - that he has already stated the official position the Staff took in 1960 and it has not met and discussed the question since, assuming that plans would be carried out as originally projected.

Mayor Brookshire stated he thinks it might as well be recognized that unfortunately there is a difference of opinion among our very fine doctors and he would say it is an honest division of opinion, and he has a letter from Dr. Thomas Wright, Chief of Staff at Memorial, and in fairness to the subject being discussed, he thinks he should read it:

"I would like to drop you a note concerning my personal opinion concerning the refurbishing of the Good Samaritan Hospital. Although I am Chief of Staff at Memorial Hospital, this does not represent the opinion of the Hospital. First, I would like to say that I trust the judgment of Mr. Charlie Ritch and his Committee. It is my understanding there might be some additional funds to bring Good Samaritan up to the minimum standards in order to have this hospital licensed. I feel this hospital should be kept open. If the recommendations of Mr. Ritch and his Committee are not accepted, I feel that we will lose the beds at Good Samaritan Hospital. Charlotte is growing rapidly and we certainly do need these beds for an indefinite period of time. The Charlotte Memorial Hospital will not be able to absorb all of the patients from the Good Samaritan Hospital. As of yesterday, Memorial Hospital was completely filled and has a long waiting list. I am sure when Memorial's building program is completed, which will give us 250 more beds, that they will rapidly be filled, I would like to urge you and the City Council to seriously consider the recommendations of Mr. Ritch and his Committee, they have done much work and I think understand the problem much better than most of us. Though honestly we have three opinions, two of them expressed in the Medical profession itself and Hospital Administration, those are the things Council has to consider."

Councilman Bryant stated as long as there is any necessity for delay and any talks would produce any worthwhile result, he would certainly be for it, but this is a matter that was discussed very thoroughly before the Bond Issue, but would like to take action today if possible. That his motion before the Council would instruct them to bring back plans for a chronic disease hospital.

Mr. Morrisey, City Attorney, suggested that the time for the award or rejection of bids for the construction at Good Samaritan was technically on Saturday and if the bids are to stay firm they will have to be executed today, otherwise you cannot expect to hold the contractors, unless they want to be held.

Mrs Luther Kelly stated she wished to ask a question as to the legality of this, that she voted for the Bond Issue against her better judgment in a way but did it because she thought it was a crash program, to do something then to bring Good Samaritan up to minimum standards, and she understood the money was to be spent for that one purpose, and it does not seem to her that it is legal to spend it for anything else.

July 30, 1962

Minute Book 42 - Page 97

Councilman Dellinger stated he was on the Council at the time the matter was started, and at no time that he recalls was there anything said about a "crash program" - there was certainly no intention on the part of Council as to putting the hospital into operation for a few months or few years.

Councilman Whittington asked the City Attorney about Mrs Kelly's question as to the legality of it?

Mr. Morrissey stated that Council has been advised that the award of the contract on July 16th was within their legal authority.

The vote was then taken on the motion by Councilman Bryant, and lost by the following recorded vote:

YEAS: Councilmen Bryant and Thrower.

NAYS: Councilmen Albea, Dellinger, Jordan, Smith and Whittington.

Dr. R. A. Hawkins stated he thinks the whole point has been missed in the discussion, that saving money and the feasibility of Staff has been talked of but he has heard nothing about the people who have suffered and died for the lack of medical facilities that only Memorial Hospital can provide, and he thinks it is a shame to ignore this problem that has been before us for years, and he asks is it because they are negroes who are involved? That when the Council voted to continue Good Samaritan as it is, they really slapped the negroes in the face. Mayor Brookshire stated the Council did not vote to continue it as it is. Dr. Hawkins said that is what was done in his opinion.

He stated that he really came down to talk about a problem the Council can do something about - that they wrote the Council on July 26th pointing out the deplorable conditions at Good Samaritan and asked that an investigation be made by an impartial group to alleviate the conditions that exist at Good Samaritan. That it is of general knowledge that these things do exist at Good Samaritan and Council's Board claims it came into being on February 26th and is not responsible for anything that happened before; he knows and can certify that these things are still in existence, and if the Board does not want to take responsibility for them, that is another matter. That he thinks this City Council is authorized to investigate for all departments, and here is a matter they can also investigate and do something about, where charity cases are being sent to the County without authorization of the patient, that anyone who goes into the hospital without a fist full of money is declared an indigent. It is also known there has been charges about the money in the emergency program, and also been charges of short blanks, which smacks heavily into the idea there might be fraud and perjury being committed. That they also know this Board knows about the deplorable condition at the hospital, the filth, dirt, insects. And this Board does now operate Good Samaritan on its own, and they do not feel this Board is competent to do so, and they feel that they as negro doctors and members of the Staff are accused of the conditions that exist at this hospital, and they are willing to say to the world or any impartial group that they are clean - come and investigate the situation. Anybody who does not have anything to hide would not be afraid of an impartial investigation. Public monies are being squandared, activities beyond recognition in any type of hospital are being carried on, and they know that the City Council can bring forth an impartial investigation of these conditions. Now that the Council has said they are going to continue Good Samaritan as it is, an investigation should be made in a proper fashion, and they are against the way things are being done at the hospital, and beg the Council for the sake of human decency to investigate this situation.

Councilman Dellinger stated that Dr. Hawkins has made some accusations that

July 30, 1962
Minute Book 42 - Page 98

206E3

he thinks he should substantiate and bring to Council, then Council would be in position to order an investigation; that he thinks it is up to the Board at Good Samaritan to handle this, but if Dr. Hawkins has information as to fraud, then he should bring it to us. There is a right way of doing this where people would be willing to stand up and be counted.

Dr. Hawkins stated he does not want the investigation made before the City Council but probably by the Grand Jury.

Mayor Brookshire advised Dr. Hawkins that his letter was received and was brought to Council's attention and Council took the position that it has a right to hold the Board of Governors of Good Samaritan Hospital responsible for its proper operation, and has been assured by the Board's Chairman that any irregularities or discretions on the part of anyone at the Hospital will be recognized and handled, and Council must necessarily depend upon the Board for the proper operation of the Hospital. Now, if there are any criminal or other laws being violated down there, and the correction is not made by the Board, Dr. Hawkins would have a right to go to the Courts with anything that has been or is being done illegally.

Dr. Hawkins replied that the Board of Governors is not competent to investigate itself. That the Mayor is asking the citizens of Charlotte to allow something to be done that has never been done before. That nobody is going to investigate themselves. That the Doctors are clean, and they are tired of hearing these charges and want an investigation by an impartial party. Mayor Brookshire stated that Dr. Hawkins is now saying that the Board is neither competent nor honest. That if Dr. Hawkins has any charges and can substantiate them, then it is his right and duty to press those charges.

Councilman Bryant asked if the Courts are not the proper place for Dr. Hawkins to bring matters of perjury and fraud, as he intimated, and Mayor Brookshire stated he would certainly think so.

Reverend Givens, Pastor of Biddleville Presbyterian Church, stated he has been a minister in Charlotte for a number of years, and has had the opportunity to be a patient at Good Samaritan Hospital and has visited patients at Memorial Hospital and the Catholic Hospital. He does not know if the Council members have really had an opportunity to look at what is going on in the negro community - when the \$800,000 Bond Issue was under way he appeared on the Radio and T.V. opposing it because exactly what is happening now, he predicted then; he knew once the Bond Funds were voted the City would continue to operate Good Samaritan Hospital as a Negro Hospital and negroes would not have an opportunity to get in at Memorial where they rightfully belong. Negroes are helping to pay for Memorial Hospital as a city hospital by paying their taxes - their taxes are high and they are high because they are helping to pay for Memorial Hospital. He appealed to Council, as City Fathers, to look at this matter from the humane standpoint - to go to Good Samaritan just one time and walk through it and he believes they will be willing to do something about it. That it is behind most of the cities in the South, and we are the largest city in the two Carolinas.

Dr. F. R. Jackson stated that about three months ago he attempted to bring to Council a few of the substandard conditions under which they operate; that he doubts seriously if many of the Councilmen have visited Good Samaritan Hospital recently and if he had the privilege of escorting them over there, then there would be no further necessity of doing more talking, for the situation would present its own self. He asked how Council wanted them to present the facts of those things going on at Good Samaritan?

July 30, 1962

Minute Book 42 - Page 99

Councilman Dellinger reiterated that he told Dr. Hawkins if he had information that fraud was being practiced, then he should bring it to this Body in writing and it would be referred to the proper authority, because the Council would certainly not tolerate anything that is proven unethical and improper.

Dr. Clinton McKay stated he has only one brief thing to say - when the Bond Issue was brought before the public, as a result of the recommendation by the Sub-Committee to Council, he believes that the public appraisal of the Bond Issue was that the money was really to be raised for an interim program at Good Samaritan and he thinks if a public poll were taken, it would be learned that the largest number of voters thought they were voting for money to be spent for temporary purposes. That he realizes the Ballot did not so state, but there was a great deal of newspaper publicity and speeches made for the Bond Issue and he believes the public by a big majority believed the funds were to be used as he has stated.

Mayor Brookshire stated that the members of Council are very much concerned with furnishing first rate medical attention for all Charlotte citizens, regardless of color or race.

PETITION NO. 62-25 FOR CHANGE IN ZONING OF PROPERTY ON SOUTHWEST SIDE OF LACHICOTTE ROAD, DENIED.

Upon motion of Councilman Thrower, seconded by Councilman Albea, and un-animously carried, Petition No. 62-25 for change in zoning from R-12 to R-6MF of property on the southwest side of Lachicotte Road, on petition of Mr. A. B. Gettys, was denied as recommended by the Planning Commission.

ORDINANCE NO. 109-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING ZONING OF PROPERTY ON SOUTHWEST SIDE OF 3000 BLOCK OF ROZZELLS FERRY ROAD.

Upon motion of Councilman Whittington, seconded by Councilman Jordan, and un-animously carried, Ordinance No. 109-Z Amending Chapter 23, Section 23-8 of the City Code, changing zoning from B-2 to I-2 of 405 feet of property on the southwest side of the 3000 block of Rozzells Ferry Road, on petition of Mr. F. T. Williams, was adopted as recommended by the Planning Commission. The ordinance is recorded in full in Ordinance Book 13, at Page 293.

ORDINANCE NO. 110-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING ZONING OF PROPERTY AT 417, 421, 425 and 427 HAWTHORNE LANE.

Motion was made by Councilman Dellinger, seconded by Councilman Smith, and un-animously carried, adopting Ordinance No. 110-Z Amending Chapter 23, Section 23-8 of the City Code changing zoning from R-6MF to O-6 of property at 417, 421, 425 and 427 Hawthorne Lane, on petition of Mrs Emily F. Bell and Mr. Harry C. Sherrill, as recommended by the Planning Commission. The ordinance is recorded in full in Ordinance Book 13, at Page 294.

ORDINANCE NO. 111-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING ZONING OF PROPERTY AT 1025 SOUTH TRYON STREET.

Councilman Jordan moved the adoption of Ordinance No. 111-Z Amending Chapter 23, Section 23-8 of the City Code, changing the zoning of property at 1025 South Tryon Street, from I-2 to B-3 on petition of Mr. J. H. Carson, as recommended by the Planning Commission, and that the establishment of

206EJ

the setback lines along this block of the street be taken up later, as recommended by the Planning Commission. The motion was seconded by Councilman Albea.

Mr. Tom Lockhart, Attorney for the petitioner, advised that the Planning Commission referred the matter to the City Engineer to see what setback would be required if South Tryon Street south of Morehead Street is widened, and Mr. Hoose recommended a 2 1/2 foot setback, which is acceptable to the property owner, and the property can be developed as they wish with a 2 1/2 ft. setback. There is no question, however, of Mr. Carson's not giving 2 1/2 feet of his property to the city.

The vote was taken on the motion, and unanimously carried. The ordinance is recorded in full in Ordinance Book 13, at Page 295.

ORDINANCE NO. 112-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING ZONING OF PROPERTY AT THE SOUTHEAST CORNER OF EAST MOREHEAD AND SOUTH TRYON STREET.

Councilman Bryant moved the adoption of Ordinance No. 112-Z Amending Chapter 23, Section 23-8 of the City Code, changing the zoning of property at the southeast corner of East Morehead Street and South Tryon Street, from I-2 to B-3 on petition of Stone Realty & Investment Corporation, as recommended by the Planning Commission, and that the establishment of the setback lines along this block be taken up later, as recommended by the Planning Commission. The motion was seconded by Councilman Dellinger, and unanimously carried. The ordinance is recorded in full in Ordinance Book 13, at Page 296.

ORDINANCE NO. 113-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE, CHANGING ZONING OF PROPERTY AT NORTHEAST CORNER OF NC #49 AND MALLARD CREEK CHURCH ROAD.

Councilman Dellinger moved the adoption of Ordinance No. 113-Z Amending Chapter 23, Section 23-8 of the City Code, changing zoning of property at the northeast corner of NC #49 and Mallard Creek Church Road, from R-12MF to B-1, on petition of Mr. Calvin R. Starnes. The motion was seconded by Councilman Whittington, and carried by the following recorded vote:

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

The ordinance is recorded in full in Ordinance Book 13, at Page 297.

REQUEST THAT CITY BUS BE TAKEN OFF TRENT STREET DEFERRED FOR TWO WEEKS.

The Petition filed by Mr. Charles Knox, Attorney, and signed by residents of Trent Street requesting the discontinuance of City Coach Line Bus routing over Trent Street was presented. Mr. Bobo, Administrative Assistant, advised he has talked with Mr. Caze of City Coach Lines and he stated this bus route was agreed upon by the Traffic Engineering Department as it is nearest the center of the area served. That they are willing to cooperate with the City if it is Council's desire to have it changed, but they feel the present route is the best.

Councilman Whittington moved that the Bus be taken off Trent Street as requested as they state there are no customers living on Trent Street and the Bus is objectionable and also as the Bus Company has no objections to changing the route. The motion did not receive a second and lost.

July 30, 1962
Minute Book 42 - Page 101

Councilman Albea moved that the matter be deferred for two weeks and the Council have both parties down here. The motion was seconded by Councilman Smith, and unanimously carried.

STREETS TAKEN OVER FOR CONTINUOUS MAINTENANCE BY CITY.

Upon motion of Councilman Smith, seconded by Councilman Dellinger, and unanimously carried, the following streets were taken over for continuous maintenance:

- (a) Malta Place, from 180 ft. north of Oak Forest Drive, to 330 ft. east of Slagle Drive.
- (b) Oak Forest Drive, from Malta Place to 170 feet west.
- (c) Litchfield Drive, from Craig Avenue to Craig Avenue.
- (d) Richland Drive, from Craig Avenue to 200-ft. southwest of Litchfield Drive.
- (e) Squirrel Hill Road, from Log Cabin Road to 170 ft. north.
- (f) Mt. Kisco Drive, from Squirrel Hill Road to 170 ft. east.
- (g) Thornwood Road, from Squirrel Hill Road to 445 ft. south.
- (h) Log Cabin Road, from Hidden Valley Road to 165-ft. east of Squirrel Hill Road.

PAYMENT OF CHANGE ORDER FOR ADDITIONS TO CONTRACT WITH LEE CONSTRUCTION COMPANY FOR CONSTRUCTION OF PAW CREEK SEWAGE LIFT STATION, AUTHORIZED.

Councilman Thrower moved approval of a Change Order for additions amounting to \$581.29 in the contract with Lee Construction Company for the construction of Paw Creek Sewage Lift Station, dated October 30, 1961. The motion was seconded by Councilman Whittington, and unanimously carried.

PAYMENT AUTHORIZED TO CLERK OF SUPERIOR COURT IN CONDEMNATION PROCEEDINGS TO ACQUIRE PROPERTY IN VICINITY OF PATTON AVENUE AND FAIRMONT STREET.

Upon motion of Councilman Dellinger, seconded by Councilman Bryant, and unanimously carried, payment of \$11,500 was authorized to Mr. J. Edgar Stukes, Clerk of Superior Court, representing Commissioners assessed valuation of property in condemnation proceedings for the acquisition by the City of property in the vicinity of Patton Avenue and Fairmont Street, required to replace a portion of existing Water Works property within the proposed Northwest Expressway.

CONSTRUCTION OF SANITARY SEWERS AUTHORIZED.

Motion was made by Councilman Whittington, seconded by Councilman Albea, and unanimously carried, authorizing the construction of sanitary sewer mains at the following locations, inside the city limits, and the refund of applicants' deposits as per terms of their contracts:

- (a) Construction of 355-ft. of main in Randstone Court, at request of S. C. & T. Development Company, at an estimated cost of \$1,875.00.
- (b) Construction of 2,310-ft of main in Wandawood Acres, at request of C. D. Spangler Construction Company, at an estimated cost of \$7,915.00.
- (c) Construction of 3,941-ft. of main in Hidden Valley, at request of Hidden Valley Builders, Inc., at an estimated cost of \$11,990.00.
- (d) Construction of 120-ft. of main in Irma Street, at request of Mr. Lark Ardrey, at an estimated cost of \$535.00.

CONTRACTS AUTHORIZED FOR THE INSTALLATION OF WATER MAINS.

Upon motion of Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, the following contracts were authorized for the installation of water mains:

- (a) Contract with T. A. Sherrill Construction Company, for the installation of 1,870-ft. of mains in Valleydale Subdivision, inside the city limits, at an estimated cost of \$3,000.00. The City to finance all costs and applicant to guarantee an annual gross water revenue equal to 10% of the total cost.
- (b) Contract with C. D. Spangler Construction Company, for the installation of 11,195 ft. of mains and 7 hydrants in Wandawood Acres Subdivision, inside the city limits, at an estimated cost of \$34,500.00. The City to finance all costs and applicant to guarantee an annual gross water revenue equal to 10% of the total cost.
- (c) Contract with Nance-Trotter Realty, Inc. for the installation of 830-ft. of mains in Thera Drive, inside the city limits, at an estimated cost of \$1,350.00. The City to finance all costs and applicant to guarantee an annual gross water revenue equal to 10% of the total cost.
- (d) Supplement to Contract with W. C. Kenley, dated May 16, 1960, for 1,900 feet of additional mains in Greenbriar Wood Subdivision #3, outside the city limits, at an estimated cost of \$5,300.00.

ACTION DEFERRED ON RECOMMENDED EXECUTION OF SUPPLEMENTAL AGREEMENT WITH FEDERAL GOVERNMENT WHEREBY PROPERTY CONSTRUCTED ON LAND LEASED FOR RADAR CONTROL STATION WOULD BE TRANSFERRED TO CITY.

The recommendation of the Airport Manager that the Mayor and City Clerk execute a Notice of Cancellation of Lease with the Federal Government for a parcel of land on which they have operated a Radar Control Station, and of a Supplemental Agreement whereby the property constructed by the Government on the said parcel, consisting of a chain link fence and frame building would be transferred to the City for the sum of \$266.50 was presented. Councilman Jordan moved that the Lease be cancelled and Agreement be executed as recommended. The motion was seconded by Councilman Thrower.

Councilman Smith asked why the City should pay for the improvements ~~they~~ ^{the Federal Government} made on the property? The City Attorney advised that he understood from the Airport Manager the City would be getting valuable property for a nominal sum; that the original lease must have provided for their right to remove the improvements if they so wished.

Councilman Smith offered a substitute motion that the matter be deferred for two weeks and the City Attorney check the lease and give Council a report. He stated he thinks matters of this type should ^{always} be checked by the City Attorney or City Manager, as a matter of principle. The motion was seconded by Councilman Albea, and unanimously carried.

RESOLUTION ORDERING THE MAKING OF LOCAL IMPROVEMENTS ON LABURNUM AVENUE AND PUBLICATION OF NOTICE.

Motion was made by Councilman Dellinger, seconded by Councilman Bryant, and unanimously carried, adopting Resolution Ordering the Making of Certain

July 30, 1962

Minute Book 42 - Page 103

Improvements on Laburnum Avenue, from Hanover Street to the end, and the publication of notice thereof. The resolution is recorded in full in Resolutions Book 4, at Page 211.

COUNCIL MEETING AUTHORIZED HELD ON AUGUST 20TH IN LIEU OF AUGUST 27TH.

In view of the fact that the American Municipal Association convention will be held in Philadelphia on August 25 through 29, it was unanimously agreed upon motion of Councilman Albea and seconded by Councilman Dellinger that the Council Meeting scheduled for August 27th not be held, and a meeting be held on August 20th.

RESOLUTION PROVIDING FOR PUBLIC HEARINGS ON PETITIONS NO. 62-32 THROUGH 62-40 FOR CHANGES IN ZONING CLASSIFICATIONS ON AUGUST 20, 1962.

Councilman Albea moved the adoption of Resolution Providing for Public Hearings on Petitions No. 62-32 through 62-40 for Changes in Zoning Classifications, on August 20, 1962. The motion was seconded by Councilman Dellinger, and unanimously carried. The resolution is recorded in full in Resolutions Book 4, at Page 209.

RENEWAL OF SPECIAL OFFICER PERMITS AUTHORIZED.

Upon motion of Councilman Bryant, seconded by Councilman Thrower, and unanimously carried, the renewal of Special Officer Permits was authorized to Mr. C. C. Austin, Mr. R. A. Smith and Mr. Claudis Mills for use on the premises of Highland Park Manufacturing Company, and to Mr. G. C. Rimmer and Mr. Thomas Tanner for use on the premises of Perfecting Service Company.

SETTLEMENT OF WORKMAN'S COMPENSATION CLAIM OF PAUL E. JOHNSON AUTHORIZED.

Councilman Dellinger moved approval of the settlement of Workman's Compensation Claim of City Employee Paul E. Johnson for injury to finger, on the basis of 70% permanent disability, in the amount of \$539.00, as recommended by the City Attorney. The motion was seconded by Councilman Bryant, and unanimously carried.

RESOLUTION FIXING DATE OF PUBLIC HEARING ON SEPTEMBER 10, 1962 ON PETITION OF D. L. PHILLIPS, INC. TO CLOSE A PORTION OF SOUTH COLLEGE STREET.

Councilman Dellinger moved the adoption of Resolution Fixing the Date of Public Hearing on September 10, 1962 on Petition of D. L. Phillips, Inc. to close a portion of South College Street, between Independence Boulevard and Palmer Street. The motion was seconded by Councilman Whittington, and unanimously carried. The resolution is recorded in full in Resolutions Book 4, at Page 210.

TRANSFER OF CEMETERY LOTS.

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

- (a) Deed with Mrs Helen I. Rochelle, for Lot 129, Section 2, Evergreen Cemetery, at \$240.00.

July 30, 1962
Minute Book 42 - Page 104

SUBJECT

- (b) Deed with A. M. Keefe, for Graves 1 and 2, Lot 25-B, Section 3, Evergreen Cemetery, at \$120.00.
- (c) Deed with Mrs Margie F. Harrington, for Lot 309, Section 3, Evergreen Cemetery, at \$283.50.
- (d) Deed with Ben E. Douglas, Administrator of Estate of Carolyn W. Douglas, for perpetual care on Lot 23, Section A-Annex, Elmwood Cemetery, at \$145.95.
- (e) Duplicate Deed with Joseph Flynn Elliott for Lot 41, Section M, Elmwood Cemetery, at \$3.00.
- (f) Deed with Mrs Nell Cave Cansler, for Lot 114, Section X, Elmwood Cemetery, at \$3.00 for transfer from W. T. Harding, Jr. and wife.
- (g) Deed with Miss Alice Sue Russell, for Lot 200, Section 4-A, Evergreen Cemetery, at \$3.00 for transfer from Mrs Lewis M. Morgan and husband.

CONTRACT AWARDED MCKESSON & ROBBINS DIVISION, BURWELL & DUNN COMPANY, FOR 2,900 VIALS OF INSULIN.

Councilman Dellinger moved the award of contract to the only bidder, McKesson & Robbins Division, Burwell & Dunn Company, for 2,900 Vials of Insulin, as specified, on a unit price basis, at their bid price of \$2,926.23. The motion was seconded by Councilman Bryant and unanimously carried.

CONTRACT AWARDED INTERSTATE EQUIPMENT COMPANY FOR TANDEM ROLLER FOR AIRPORT.

Upon motion of Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, contract was awarded the low bidder, Interstate Equipment Company, for a 3-5 Ton Tandem Roller, as specified, on their Alternate Bid in the amount of \$3,980.95.

The following bids were received:

	4-6 Ton	3-5 Ton
	<u>Base Bid</u>	<u>Alternate</u>
Interstate Equipment Co.	\$ 4,573.20	\$ 3,980.95
Buck Equipment Co.	5,236.85	4,279.37
Western Carolina Tractor Co.	4,532.00	4,429.00
E. F. Craven Co.		4,648.00
Spartan Equipment Co.		4,990.35
Mitchell Distributing Co., Inc.	7,139.50	5,605.00

CONTRACT AWARDED A. E. FINLEY & ASSOCIATES, INC. FOR FIVE LEAF LOADERS.

Motion was made by Councilman Whittington, seconded by Councilman Dellinger and unanimously carried, awarding contract to the low bidder, A. E. Finley & Associates, Inc., for Five Leaf Loaders, as specified, at their bid price of \$11,345.45.

The following bids were received:

A. E. Finley & Associates, Inc.	\$11,345.45
Interstate Equipment Company	12,725.85

July 30, 1962

Minute Book 42 - Page 105

CONTRACT AWARDED N. C. LEAGUE OF MUNICIPALITIES FOR AUTOMOBILE AND MOTOR-CYCLE TAGS.

Upon motion of Councilman Bryant, seconded by Councilman Jordan, and un-animously carried, contract was awarded the low bidder, N. C. League of Municipalities for 70,000 automobile tags and 400 motorcycle tags, as specified, at their bid price of \$6,526.08.

The following bids were received:

N. C. League of Municipalities	\$ 6,526.08
Dixie Seal & Stamp Co.	7,221.60
The Keyes-Davis Company	11,646.36

CONTRACT AWARDED GRAY & CREECH, INC. FOR RENTAL OF OFFSET DUPLICATOR WITH OPTION TO PURCHASE.

Upon motion of Councilman Whittington, seconded by Councilman Dellinger, and unanimously carried, contract was awarded Gray & Creech, Inc., the low bidder, on their Base Bid for the rental of an A. B. Dick Offset Duplicator for a period of 6 months at \$607.01 per month, 100 percent to apply on purchase price if and when option to purchase is exercised.

The following bids were received:

	<u>12 Months Rental</u> <u>Alternate Bid</u>	<u>6 Months Rental</u> <u>Base Bid</u>
Gray & Creech, Inc. (A.B. Dick)	\$ 3,860.61 321.72 rent per mo.	\$ 3,642.08 607.01
Addressograph-Multigraph Corp.	4,433.52 369.46 rent per mo.	4,308.12 718.02
Addressograph-Multigraph Corp. Alternate #2	3,915.72 326.31 rent per mo.	3,804.90 634.15

CONTRACT AWARDED HOWIE CRANE SERVICE FOR CONSTRUCTION OF SANITARY SEWER TRUNKS AND MAINS IN VARIOUS RESIDENTIAL SUBDIVISIONS.

Councilman Whittington moved the award of contract to the low bidder, Howie Crane Service, for the construction of Sanitary Sewer Trunks and Mains in Various Residential Subdivisions, as specified, at their bid price of \$63,902.55. The motion was seconded by Councilman Dellinger, and unanimously carried.

The following bids were received:

Howie Crane Service	\$63,902.55
C. D. Spangler Construction Co.	64,921.95
C. M. Allen & Company, Inc.	69,607.80
A. P. White & Associates	71,149.10
Noll Construction Company	77,034.50
Ray D. Lowder, Inc.	84,969.30

CONTRACT AWARDED FRANK H. CONNER COMPANY FOR CONSTRUCTION OF STEEL BUILDING ON IRWIN CREEK DISPOSAL PLANT PROPERTY.

Councilman Albea moved the award of contract to the low bidder, Frank H. Conner Company, for the construction of a steel building on Irwin Creek

July 30, 1962
Minute Book 42 - Page 106

206EJ

Disposal Plant Property, at their bid price of \$2,393.00. The motion was seconded by Councilman Thrower, and unanimously carried.

The following bids were received:

Frank H. Conner Company	\$ 2,393.00
Armco Drainage & Metal Products	2,497.08

The following bid did not meet specifications:

Custom-Craft Home Improvements	\$ 1,501.55
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RECOMMENDATION OF CHARLOTTE BOARD OF REALTORS TO FILL VACANCY ON REDEVELOPMENT COMMISSION.

Mayor Brookshire advised that the Charlotte Board of Realtors in recognizing the resignation of Mr. Nat Speir from the Redevelopment Commission, has submitted the names of Mr. Lex Marsh, Mr. J. H. Carson and Mr. Claude Freeman from the Board for Council consideration in filling the vacancy.

ACTION OF COUNCIL ON JULY 16TH AWARDING CONTRACTS FOR IMPROVEMENTS TO GOOD SAMARITAN HOSPITAL AFFIRMED.

Mayor Brookshire asked if the award of the contracts for the improvements to Good Samaritan on July 16th stands and he should sign the contracts?

Councilman Dellinger suggested, if agreeable with the contractor, that it be held up for two weeks. Councilman Thrower stated that Mr. Thomas gave Council a price of \$1,098,000 and all the City has is the \$800,000 bond funds. He asked what would happen should the \$800,000 be spent and then the Authority said the City still owns the hospital - finish it or what? Councilman Dellinger stated we have an agreement with them that when the \$800,000 is spent it is their hospital. Mr. Morrissey, City Attorney, advised that must be merely an understanding Council has with the Hospital Authority, as he has not found anything in writing to that effect. Councilman Dellinger asked if that is the case could the City not get a statement in writing from the Authority to that effect, and would it be any good - since it is just taking money from one pocket and putting it in another. Councilman Smith stated he would insist that they take the Deed when the money is turned over. He asked the City Attorney if we cannot have them accept the Deed along with the Contract? Mr. Morrissey advised that we cannot - we have to keep it until the money is spent for the improvements authorized by the voters - the Bond Attorneys have so ruled. Councilman Dellinger stated he would like to get an agreement from them in writing that immediately upon expenditure of the bond money they accept the deed. Mr. Morrissey stated he thinks that the understanding is probably just as strong, and worth more than to put it on paper because he cannot conceive of what the City's remedy would be if they decided that they didn't want the hospital when it is completed. Councilman Albea stated he thinks they would have to accept it and Mayor Brookshire pointed out they have said they would. Mr. Morrissey stated in other words, the City would have to sue them for specific performance of something that is without actual consideration in that the City is doing only that which it is legally bound to do already. Now, if Council wants a statement from them to that effect, then he certainly will ask them for it. Councilman Smith suggested that he ask them to pass a resolution to that effect, and give it to the City. Mr. Morrissey stated he will do so.

Mr. Morrissey called attention that when the contracts were awarded on July 16th the motion specified that the contracts be executed by the Mayor and

July 30, 1962
Minute Book 42 - Page 107

Clerk and also by the Chairman and Secretary of the Hospital Authority, but when he sat down with the contract itself, it became obvious that they have no business executing the contracts themselves, and so if Mr. Smith, who made the motion to authorize the contracts, will amend that part of his motion the City can go ahead with the proper execution of the contracts.

Councilman Smith moved that the action of Council on July 16th awarding contracts to the low bidders for Improvements to the Good Samaritan Hospital be affirmed, and that the Mayor and Clerk be authorized to execute the contracts, and further that the contracts not be executed by officers of the Charlotte-Mecklenburg Hospital Authority notwithstanding the action of Council on July 16th, since they are not principals to these contracts. The motion was seconded by Councilman Dellinger. Mr. Morrissey stated the contract will designate the Hospital Authority as the Agent.

Councilman Thrower stated he did wish Council would consider postponing the matter, it has waited this long and can wait a little longer, and if acted on today he is compelled to vote against it although he thinks it is a good idea.

Councilman Whittington asked if the Mayor is going to ask for a resolution in writing that they will take over the Deed upon the completion of the alterations, renovations and new construction? Mayor Brookshire advised that the City has their word for it, made in the presence of all the members of Council. Councilman Smith stated it will be something for the record and he would like to have it.

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

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

REPORT REQUESTED SECURED FROM BUILDING SUPERINTENDENT AS TO PROCEDURES AND FORMS FOR FILING APPLICATIONS FOR BUILDING PERMITS.

Councilman Bryant advised that two or three contractors have spoken to him about the possibility of reviewing the matter of the procedure of getting building permits and he would like, if it is agreeable with Council, to appoint a temporary Committee to meet with the Building Inspectors and go over some of the procedures and forms, etc., and he would like to nominate one Architect and three Contractors representing commercial building, large home builders and single home builders, who would be Ervin Laxton, Thomas E. Rickenbacker, Bob Broadway and J. E. Templeton. That this is a minor matter but he thinks it would be good relations if it were done. At the question of Councilman Whittington as to the purpose, Councilman Bryant explained the details of the complaints regarding the present procedures.

Councilman Whittington suggested that Mr. Bobo be asked to confer with Mr. Jamison, Acting Building Superintendent, first and bring Council a report. Councilman Bryant stated this would be satisfactory with him, that he is merely acting for several persons who have talked with him and if Council prefers that Mr. Bobo discuss it with Mr. Jamison first and bring a report to Council, it is alright.

ACTION ON PROPOSED AMENDMENT TO PAY PLAN DEFERRED FOR TWO WEEKS IN ORDER THAT OTHER AMENDMENTS MAY BE MADE AT SAME TIME IF DESIRED.

Councilman Bryant moved that on Page 12 of the Pay Plan, Classifications

July 30, 1962
Minute Book 42 - Page 108

413 and 414 be advanced from 25D to 26D and from 26D to 27D. He stated he feels the pay range between Classifications 410 and 414 are too close together, that they do not offer sufficient incentive to move from one to another, and as you go up numerically, the number of decisions are increased drastically and he thinks it would be a good move. The motion was seconded by Councilman Thrower.

Council expressed objections to opening up the Pay Plan so soon after its adoption, some members stating if this is to be done then they may also have some changes to present.

Councilman Dellinger offered a substitute motion to delay action for two weeks, and if other Councilmen have changes they wish to present they may do so. The motion was seconded by Councilman Whittington, and carried by the following recorded vote:

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

REPORT ON EXTENSION OF SEWER SERVICE IN MIDLAND STREET AND SURROUNDING AREA REQUESTED AT NEXT COUNCIL MEETING.

Councilman Dellinger asked if Mr. Bobo has the figures on the estimated cost for extending the sewer to serve the property of Mr. Jack King on South Midland Street, which he requested two weeks ago. Mr. Bobo replied that he does not have the figures with him but believes it is approximately \$2,000.00.

At the suggestion of Mayor Brookshire, Councilman Dellinger stated it will be agreeable to have a report on this at the next meeting, and also the cost of extending the service to serve the surrounding area in the Wilkinson Boulevard area, which has been in need of this service and which has not until recently been possible due to the lack of a Lift Station in the area.

ACTION ON PERSONNEL POSITION ALLOCATIONS AND PROMOTIONS TO PAY PLAN DEFERRED UNTIL NEXT MEETING.

Councilman Smith moved that action on the Personnel Position Allocations and Promotions to the Pay Plan be deferred until next meeting. The motion was seconded by Councilman Dellinger, and unanimously carried.

REQUEST FOR ALLEGHANY STREET IMPROVEMENTS DEFERRED UNTIL NEXT MEETING.

The proposal of C. D. Spangler Construction Company in connection with his Wandawood Subdivision development, to widen Alleghany Street to a width of 45 feet, in conjunction with the City to provide a needed connection from Ashley Road to Wilkinson Boulevard, with the City participating to the extent of \$10,500.00 was presented by Mr. Bobo, who stated this is seasonal work and should be completed while the weather is good.

Following the discussion, Councilman Dellinger moved that it be deferred until the next meeting for study. The motion was seconded by Councilman Albea, and unanimously carried.

July 30, 1962
Minute Book 42 - Page 109

APPROVAL OF COMMISSIONERS REPORT ON CONDEMNATION OF OVERHILL LAND COMPANY PROPERTY.

The City Attorney reported to Council on the Commissioners Report in the condemnation of property of the Overhill Land Company for the Pineville Sewage Treatment Plant site.


Councilman Bryant moved approval of the payment of \$200,742.00, the amount of the Commissioners Report, into the Clerk of Superior Court's office, provided that the City Attorney negotiate with the Overhill Land Company so as to make clear that no part of the amount to be paid represents damages by nuisance but rather severance damages. The motion was seconded by Councilman Dellinger, and unanimously carried.

LEASE OF SPACE AT AIRPORT TO WILLA HOLTHOUSER FOR OPERATION OF BRANCH POST OFFICE.

Upon motion of Councilman Whittington, seconded by Councilman Thrower, and unanimously carried, approximately 175 square feet of space located adjacent to the west concourse of the Airport Terminal Building was leased to Willa Holthouser for a period of one year, at a monthly rental of \$15.00, for the operation of a Branch Post Office.

ADJOURNMENT.

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



Lillian R. Hoffman, City Clerk