

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, November 2, 1964 at 3 o'clock p.m., with Mayor Brookshire presiding, and Councilman Albea, Bryant, Jordan, Smith, Thrower and Whittington present.

ABSENT: Councilman Dellinger.

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INVOCATION.

The invocation was given by Reverend Paul T. Rueckwald, Minister Good Shepherd Lutheran Church.

MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Whittington, and unanimously carried, the Minutes of the last meeting on October 26th were approved as submitted.

PETITION NO. 64-64 FOR CHANGE IN ZONING OF PROPERTY ON THE SE CORNER OF CLIFFWOOD PLACE AND WEST PARK AVENUE, WITHDRAWN.

Mr. John D. Shaw, Attorney, on behalf of Mr. Raymond E. Bumgardner, Petitioner, withdrew Petition No. 64-64 for change in zoning from R-6MF to B-1 of property on the southeast corner of Cliffwood Place and West Park Avenue. He stated they have had a meeting with the Minister of the Church and it is under consideration to see what the Planning Board thinks of rezoning on Cliffwood and Kingston Avenue up to the present business district.

PALMER STREET AT SOUTH BOULEVARD REQUESTED CHANGED FROM ONE-WAY TO TWO-WAY SO THAT TENANT OF BUILDING CAN REACH REAR OF PROPERTY WITHOUT TRAVELING SEVERAL BLOCKS OUT OF WAY.

Mr. John Shaw, Attorney, stated he would again like to call Council's attention to the plight of Mrs. Morgan Heath. That she is the owner of a new building at the corner of Palmer Street and South Boulevard. That Independence Boulevard was built over South Boulevard about 40 feet in the air and goes by this property; it crosses over the railroad - the railroad comes in to it through a tunnel or goes over on a bridge - then goes on to Tryon Street; pulling off the Boulevard just west of the railroad is a ramp which comes down and diverts traffic off Independence to Palmer, and Palmer to South Boulevard; to get to South Boulevard you turn to the right. That it is a feeder for N. C. 21 and a fair amount of traffic comes down. That the Traffic Engineering Department has established Palmer Street as a one-way street with two lanes of traffic on it and he is advised by Mr. Hoose that is because of the ramp. That Mrs. Heath has this building and she now has a tenant - a national concern - provided their customers can come off the Boulevard when they find it and get to the back. That a stranger is not going to the trouble of riding around seven blocks and finding his way to it through the back. That when a truck comes down across the ramp it has to stop when it comes to the railroad track, but automobiles don't have to. That if a red blinker was

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put where the ramp comes down, it would make traffic coming east off Palmer come to a halt before it is mixed up with the ramp. That Mr. Hoose could put a "Yield" sign there, and the traffic going west on Palmer would have to stop or at least slow down. It is the position of Mrs. Heath, and those who have looked at it, they hate to see a delightful building turned into a second class piece of property when it is not necessary that this be a one way street. There is a small piece of land adjacent to it which they would be delighted to put into the street but Mr. Hoose said no to that. He presented a survey of the property showing about a 9 ft. clearance on the front and about 4 ft clearance on the back, which could be put into it and if necessary, they would do the construction. But Mr. Hoose says no he doesn't want it part way, and he says if you don't want it part way then open it up all the way and give this property relief. That the building at present is empty. Xerox was in there and moved out and they have had a couple of temporary tenants and now they have a national chain who is interested in a five or ten year lease and who are willing to spend 5 or 6 thousand dollars to fix it up, provided they can get in there at the back. Mr. Bernie Corbett, Assistant Traffic Engineer, stated his department has looked at the location very extensively and are of the opinion that to change the flow of traffic from one-way to two-way on Palmer Street would be detrimental to the public as a whole. That the turning of any traffic into Palmer Street from South Boulevard, if it were made one-way from South Boulevard back to the rear of the property in question, the normal driver going along South Boulevard would have no way of knowing that this one-way would terminate at the rear of the property in question and therein might find trucks and automobiles who turn into this street faced by a two way street suddenly ending and a driveway with no place to turn around. That the ramp was constructed in 1957 to serve as a connector between Independence Boulevard and South Boulevard to provide a connector for that traffic going from Independence to N. C. 21; that it is not part of the highway system but is a connector primarily for local traffic, used by approximately 1600 vehicles a day. The street, or the ramp, as it should be called, is 20 ft. wide and that is not sufficient space as there is only a 5 ft. right of way on either side of the curve to construct an additional lane and any two-way movement of traffic would be completely detrimental to the safety of that traffic moving along Palmer Street. That another major problem would be that traffic which might be coming from the south on South Boulevard which would attempt to turn left into Palmer Street and would have to do so in the face of south bound traffic in South Boulevard. That this south bound traffic would be coming beneath the bridge where Independence Boulevard goes over South Boulevard and would create a substantial problem due to lack of sight distance. There is an intersection almost immediately under the bridge and traffic comes from Independence Boulevard on the ramp and it comes directly down to Morehead Street. Mr. Shaw stated you could see that coming as you come up the Boulevard going north towards the underpass.

Councilman Albea asked if there is any chance of Mr. Shaw getting together with the Traffic Engineering Department; and Mr. Corbett stated they agreed to go along with an earlier suggestion and they have an alternate suggestion now. That one block south there is an alleyway which connects Templeton with Palmer Street and they would suggest that Mr. Shaw might attempt to get an easement to come through there and meet directly with the driveway to his parking lot and this would cure his problem. Mr. Shaw stated he is advised there is no alley there; that it has been closed. Mr. Corbett stated further they agreed at one time to give him a driveway entrance on the north side of the building so that southbound traffic could turn right into the driveway, but upon Mr. Shaw's examination he found a high retaining wall there separating the property from Independence Boulevard could not

be moved without extreme cost. That they feel the situation is entirely adequate and will not make a great hardship on Mr. Shaw's client. That it has been this way for some time and they can travel two or three blocks out of their way with the aid of traffic signals and not encounter any great difficulty in reaching the property.

The City Manager stated he has had occasion to discuss this with Mr. Shaw and the Traffic Engineering Department and has looked at it himself several times and he believes that Mr. Hoose and Mr. Corbett are correct traffic wise; that safety wise it would not be to the best interest of the general public to make this a two way facility and the only desirable thing to do from the city's point of view of traffic safety is to leave the situation as it is.

Mr. Shaw stated further when they went down to see about going to the right of the building - that it is backed up now by a wall that is about 15 feet high - Mr. Burgin stated that to come in there they would have to have a base on their retaining wall at least 6 to 8 ft. wide and they would be building a dam and holding up the entire weight and safety of Independence Boulevard and it would cost more than the building is worth. That if they could make this wide enough to go through it would be fine but it would have to be in the way of a tunnel because they would be holding up all of Independence Boulevard and the only thing left is to come to the other side where they have land and would donate it for street purposes. That it may be too dangerous and if it is then the individual has to give way for the public good.

Mayor Brookshire stated he is sure Council would like to give relief to Mr. Shaw's client if it was possible without doing injury to safe traffic conditions at that point and it looks as if he will have to find a way that will be satisfactory with Mr. Hoose's office.

Councilman Jordan asked Mr. Shaw if it would not be worthwhile to look into the alleyway which has been discussed to see if it can't be used and Mr. Shaw stated he can find out but he has been told that it isn't there.

Councilman Albea stated he would like to help but he wants someone to tell him how.

CONVERSION OF CHARLOTTE COMMUNITY HOSPITAL TO CHRONIC DISEASE HOSPITAL DISCUSSED BY DR. J. L. BUTLER.

Dr. J. L. Butler stated he practices medicine in the City and what he has to say is neither in favor of, nor against, any decision Council may have in reference to Community Hospital. That what he is concerned with is the methods by which they have gained information that may have lead them to make the decision which they are to make today. That in recent days, several propositions have been discussed among themselves and with interested people and particularly with the authorities of Memorial Hospital. That the propositions which have been submitted have been following close upon each other - either close or convert Community Hospital to a chronic disease hospital; following close on this, it has been suggested if the emergency load or acute load should become big enough we can build another emergency room at Memorial, if necessary; and following hard on the heels of this is the suggestion to convert the chronic disease hospital at Huntersville to an acute hospital, and this is at a place 15 miles away from Memorial Hospital. That if such a course is taken it will be well staffed and adequately administered. All of these propositions at the

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expense of the taxpayers. He asked how it follows in an effort to convert or close the hospital, and at the same time reconvert another hospital in another area nearby where the need or demand has not yet become manifested. That there is no physical logic in it whatsoever. In the past he has been one of the loudest advocates of closing the Community Hospital. He stated that Council is probably completely out of touch with a large segment of the population in this city - the negro population - who are either indigent or the moment they become sick they become indigent. By that he means sick enough to require either hospital care or the care of a physician who is adequately prepared to take care of their case. They cannot afford it. He stated those are the people they treat. That as long ago as one year it would take one of these patients as long as two months to get an appointment at the medical clinic at Memorial Hospital.

Dr. J. S. Nathanel Tross asked if Council is prepared to make a decision on the Community Hospital and Mayor Brookshire advised the majority of the members of Council have expressed themselves as being in favor of acting today to accept the recommendations of the Hospital Authority. The matter of converting Community Hospital to a chronic disease unit and holding it in reserve for conversion again back to an acute hospital if the need in the community arises at a later time.

PETITION NO. 64-61 BY NANCE-TROTTER REALTY, INC. FOR CHANGE IN ZONING OF SIX LOTS ON THE NW SIDE OF NAOMI STREET POSTPONED FOR ONE WEEK.

Councilman Jordan stated he has had calls from some people regarding Petition No. 64-61 for change in zoning of six lots on the northwest side of Naomi Street, and he had promised he would look at it before voting and due to illness he has not had the opportunity and he would like to have the opportunity to see if this week.

Upon motion of Councilman Albea, seconded by Councilman Whittington and unanimously carried, consideration of the petition was postponed for one week.

SUPPLEMENTARY CONTRACT WITH CHARLOTTE DEVELOPMENT COMPANY FOR INSTALLATION OF WATER MAINS TO SERVE GREENTREE GARDENS SUBDIVISION APPROVED.

Councilman Thrower moved approval of a supplementary contract, to contract dated June 13, 1960, with Charlotte Development Company for the installation of 1,630 feet of water mains and 2 fire hydrants to serve Greentree Gardens Subdivision, inside the city, at an estimated cost of \$5,268.00, with the City to finance all costs and applicant to guarantee an annual gross water revenue equal to 10% of the total construction cost. The motion was seconded by Councilman Bryant, and carried unanimously.

CHANGE ORDER NO. 1 IN CONTRACT WITH C. W. GALLANT, INC. IN CONNECTION WITH INSTALLATION OF CONTROL VALVES TO ELEVATED WATER TANKS, AUTHORIZED.

Upon motion of Councilman Albea, seconded by Councilman Bryant, and unanimously carried, Change Order No. 1 in contract with C. W. Gallant, Inc. in the amount of \$825.19 to increase depth of control building at Dilworth Water Tank Site together with other changes authorized.

CONTRACTS FOR RIGHT OF WAY APPRAISAL FOR NORTHWEST EXPRESSWAY AUTHORIZED.

Motion was made by Councilman Bryant, seconded by Councilman Jordan and unanimously carried, authorizing the following right of way appraisal contracts in connection with the Northwest Expressway:

- (a) Contract with Gerald Hutchinson for one parcel of land on 7th Street.
- (b) Contract with D. A. Stout for one parcel of land at 215, 217, 221, 225 N. Morrow Street and 118 Haley Place.

RESOLUTION APPROVING PRELIMINARY ASSESSMENT ROLL FOR IMPROVEMENTS COMPLETED AND PROVIDING FOR NOTICE AND PUBLIC HEARINGS ON CONFIRMATION ON CHESTERFIELD AVENUE, FROM BASCOM STREET TO WESTOVER, CHESTERFIELD AVENUE, FROM ST. JULIAN STREET TO WESTOVER AND REMBRANDT CIRCLE, FROM RANDOLPH ROAD TO MEADOWOOD LANE.

Upon motion of Councilman Whittington, seconded by Councilman Jordan and unanimously carried, Resolutions Approving the Preliminary Assessment Roll and Providing for Notice and Public Hearings for each of the following Petition Improvements Projects, were authorized:

- (a) Chesterfield Avenue, from Bascom Street to Westover Street
- (b) Chesterfield Avenue, from St. Julian Street to Westover Street
- (c) Rembrandt Circle, from Randolph Road to Meadowood Lane

The Resolutions are recorded in full in Resolutions Book 4, beginning at Page 435, and ending at Page 437.

RESOLUTIONS APPROVING PRELIMINARY ASSESSMENT ROLL FOR IMPROVEMENTS COMPLETED AND PROVIDING FOR NOTICE AND PUBLIC HEARINGS ON CONFIRMATION ON HOLLY STREET, FROM NEWLAND ROAD TO END, ROLLINGHILL DRIVE FROM CURVE TO END OF STREET, SPRINGVIEW ROAD, FROM WELLINGFORD STREET TO EXISTING PAVEMENT AND WESTFIELD ROAD, FROM HILLSIDE DRIVE TO TRANQUIL AVENUE.

Upon motion of Councilman Jordan, seconded by Councilman Whittington and unanimously carried, Resolutions Approving the Preliminary Assessment Roll and Providing for Notice and Public Hearings for each of the following Petition Improvements Projects, were authorized:

- (a) Holly Street, from Newland Road to end
- (b) Rollinghill Drive from curve to end of street
- (c) Springview Road from Wellingford Street to existing pavement
- (d) Westfield Road, from Hillside Drive to Tranquil Avenue

The Resolutions are recorded in full in Resolutions Book 4, beginning at Page 438.

RESOLUTION FIXING DATE OF PUBLIC HEARING ON PETITION TO CLOSE PORTIONS OF EAST FIRST STREET AND EAST SECOND STREET.

Councilman Bryant moved approval of Resolution Fixing Date of Public Hearing on Petition to Close Portions of East First and East Second Street. The Motion was seconded by Councilman Whittington, and carried unanimously.

The resolution is recorded in full in Resolutions Book 4, at Page 442.

RENEWAL OF SPECIAL OFFICER PERMITS TO JAMES C HART AND MURREL MAJOR HANNAH AUTHORIZED.

Upon motion of Councilman Bryant, seconded by Councilman Jordan, and unanimously carried, renewal of the following Special Officer Permits were authorized:

- (a) Renewal of Permit to Mr. James C. Hart, 118 Martin Street, to serve on the premises of Johnson C. Smith University. Mr. Hart has been satisfactorily checked by the Police Department.
- (b) Renewal of Permit to Mr. Murrell Major Hannah, 3009 Morson Street, to serve on premises of Pinewood, Fifth Street, Elmwood, Evergreen and Oaklawn Cemeteries. Mr. Hannah has been satisfactorily checked by the Police Department.

TRANSFER OF CEMETERY LOT.

Motion was made by Councilman Jordan authorizing the Mayor and City Clerk to execute a cemetery deed with Mrs. Frances S. Fort for Graves 3 and 4, Lot No. 137, Section 2, Evergreen Cemetery, at \$120.00. The motion was seconded by Councilman Thrower and carried unanimously.

JAMES A MALCOLM REAPPOINTED TO REDEVELOPMENT COMMISSION FOR 5 YEAR TERM.

Councilman Alba moved that Mr. James A. Malcolm be reappointed to the Redevelopment Commission for a term of 5 years. The motion was seconded by Councilman Thrower, and unanimously carried.

CONTRACT AWARDED SANCO CORPORATION FOR TWO STREET SWEEPERS WITH CABS.

Councilman Jordan moved award of contract to the low bidder Sanco Corporation in the amount of \$18,962.00 for two street sweepers with cabs, as specified. The motion was seconded by Councilman Whittington.

Mr. Chuck Motley, with A. E. Finley & Associates stated they bid the Elgin sweeper and he asked that the sweepers be re-bid again. That when the bids were first out, they were the only people to bid and through a mistake the Sanco Corporation did not get an official bid. But they sent their bid in and it was openly read and the bids were recommended to be re-bid again. That when they bid again they were beaten by Sanco with the Wayne sweeper. That Finley bid what is called a "white-wing" and this was the machine Mr. Davis wanted and this is the machine they bid. That they consider it a machine which is comparable to the machine they call their custom machine which doesn't cost as much and has some features on it that are not on their white wing. They wish they had put in an alternate bid, and is probably what they should have done, as the custom could have met specifications; and because of this he would like to suggest that the city re-bid these sweepers as they would like an opportunity to bid again as it would be in the taxpayers interest as they know their price would be lower than that given by the competition, and they think the city would get a much better price.

Mr. Veeder advised the first bids were rejected. That the Purchasing Office normally notifies all possible interested bidders by personal communication to them in addition to the ad in the paper. That if Council recalls, Mr. Beatty recommended that the first bids be thrown out because we had neglected sending a notice to Sanco Corporation in Winston Salem.

Mr. Motley stated he is not here in any criticism; they have a very fine relationship with Mr. Beatty and Mr. Davis, and living in Charlotte, he certainly appreciates having someone like Mr. Davis who they feel is probably the best Motor Transport Superintendent around. That they would just like to have the opportunity to rebid.

Councilman Whittington asked what type of equipment is being used to do this job now and how many many the city has? Mr. Davis, Motor Transport Superintendent, stated they have five sweepers - 1 Wayne and 4 Elgins - all similar to those bid today. The City Manager asked Mr. Motley if anyone in North Carolina uses the other model - the custom - which he would like to bid and Mr. Motley stated they sell more customs than white wings.

Mr. Davis stated they have used both units of equipment which are being considered today. That there is very little to choose from the job that each can do; the last three times they bought this equipment they used basically the same specifications with slight changes and have gotten bids on the white wing units every time. That he is not familiar with the custom lines which Mr. Motley mentioned other than some literature which has been furnished to him. That apparently the difference in the units - the white wing and custom - lies in the way the broom is mounted on the unit, the white wing having a little better broom suspension, and therefore is a little heavier unit. That his preference in the matter is the white wing.

Councilman Whittington asked if the Wayne parts and Elgin parts are interchangeable? Mr. Davis stated they got very good services from each of these companies and therefore stock only a few items.

Mr. Dick McCracken of Sanco Corporation stated they were not aware of the first bid openings as they were not personally informed of it and did not bid. That they are trying to give their best sweeper and the one the city has bought more of at the same price. That they meet the specifications to the letter.

The vote was taken on the motion and carried unanimously.

The following bids were received:

Sanco Corporation	\$18,962.00
A. E. Finley & Associates	20,940.00

CONTRACT AWARDED FOWLER'S OFFICE SUPPLIES & EQUIPMENT FOR OFFICE CHAIRS.

Upon motion of Councilman Thrower, seconded by Councilman Albea, and unanimously carried, contract was awarded the low bidder meeting specifications, Fowler's Office Supplies and Equipment, in the amount of \$1,707.01, for 53 office chairs.

The following bids were received:

Fowler's Office Supplies & Equipment	\$ 1,707.01
Modern Office Supply Co., Inc.	1,709.71
Shelby Printing Company	1,733.53
Bill Shaw Company	1,740.35
Kale Lawing Company	1,953.29

Bids received not meeting specifications:

Millers Office Equipment Co. \$1,503.10

CONTRACT AWARDED MODERN OFFICE SUPPLY CO., INC. FOR METAL FILING CABINETS.

Councilman Bryant moved award of contract to Modern Office Supply Company, the low bidder, in the amount of \$1,218.96, for 14 metal filing cabinets as specified. The motion was seconded by Councilman Jordan, and carried unanimously.

The following bids were received:

Modern Office Supply Co., Inc.	\$ 1,218.96
Fowler's Office Supplies & Equipment	1,226.14
Millers Office Equipment Co	1,268.42
Bill Shaw Company	1,288.09
Shelby Printing Company	1,522.14
Kale Lawing Company	1,530.58

CONTRACT AWARDED FOWLER'S OFFICE SUPPLIES & EQUIPMENT FOR COMBINATION FURNITURE.

Motion was made by Councilman Albea awarding contract to the low bidder meeting specifications, Fowler's Office Supplies & Equipment, in the amount of \$2,471.13, for combination furniture for the Airport as specified. The motion was seconded by Councilman Whittington, and carried unanimously.

The following bids were received:

Fowler's Office Supplies & Equipment	\$ 2,471.13
Millers Office Equipment Co	2,589.89
Kale Lawing Company	2,987.00

Bids received not on specification:

Modern Office Supply Co., Inc.	\$ 1,400.81
Fowler's Office Supplies & Equip. Design Craft and United Chairs)	2,244.88 -(Alternate bid from

CONTRACT AWARDED MILLERS OFFICE EQUIPMENT COMPANY FOR TYPEWRITERS.

Upon motion of Councilman Jordan, seconded by Councilman Bryant, and unanimously carried, contract was awarded Millers Office Equipment Company, the low bidder, for 2 electric and 6 manual typewriters, as specified in the amount of \$1,773.98.

The following bids were received:

Millers Office Equipment Company	\$ 1,773.98
Underwood Corporation	1,811.07
Royal McBee Corporation	1,833.00

CONTRACT AWARDED MILL POWER SUPPLY COMPANY FOR AERIAL CABLE.

Councilman Whittington moved award of contract to Mill-Power Supply Company, the low bidder, for 3,000 ft. aerial cable, as specified, in the amount of \$1,445.25. The motion was seconded by Councilman Albea, and carried unanimously.

The following bids were received:

Mill-Power Supply Company	\$ 1,445.25
Westinghouse Electric Supply Co	1,514.84
Jules J. Dreyfuss' Sons	1,523.94
General Electric Supply Co	1,619.16
Graybar Electric Company	1,809.37
Superior Cable Corporation	2,020.27
Samuel Kass, Inc.	2,767.50

CONTRACT AWARDED LYNCHBURG FOUNDRY COMPANY FOR CAST IRON PIPE.

Upon motion of Councilman Albea, seconded by Councilman Jordan, and unanimously carried, contract was awarded the low bidder meeting specifications, Lynchburg Foundry Company for cast iron pipe, as specified, in the amount of \$52,324.00.

The following bids were received:

Lynchburg Foundry Company	\$ 52,324.00
Glamorgan Pipe & Foundry Company	52,736.00
U. S. Pipe & Foundry Company	52,942.00
James B. Clow & Sons, Inc.	53,560.00
Griffin Pipe Products Company	54,590.00

Bids received not on specifications:

American Cast Iron Pipe Company	52,324.00
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CHARLOTTE COMMUNITY HOSPITAL AUTHORIZED CONVERTED TO A CHRONIC DISEASE FACILITY.

Councilman Bryant stated as far as he can determine there are only two practical alternatives as to the future use of Charlotte Community Hospital. First there are 150 beds available in Memorial Hospital that are not now in use and this is in an existing first class general hospital with all of the finest facilities available and it appears to him the best move would be to close Charlotte Community Hospital, use the qualified available staff at Memorial, and use the 150 beds that are available. That he has been told they would need to reopen Charlotte Community Hospital by the fall of 1966 or the spring of 1967 for use as a general hospital but he finds he has little support on Council to make the move and he therefore would go a second choice to the only other alternative and that is to take the recommendation of the Hospital Authority. Councilman Bryant moved that the recommendation of the Hospital Authority to convert Charlotte Community Hospital to a Chronic Disease Facility be followed; that the conversion be made as soon as possible and the time to be determined by the City Manager and the Hospital Authority. The motion was seconded by Councilman Jordan.

Councilman Thrower moved that the motion be qualified by adding to the motion that the City appropriate the \$75,000 as requested by the Hospital Authority, but failed to receive a sound.

Councilman Smith stated after a strong recommendation by the Memorial Authority, the City Council requested that a bond issued be approved by the public to convert Good Samaritan Hospital into a first class acute hospital. This was done, and in addition, the Council at the request of the Hospital Authority raised additional funds to add up to 150 beds for this purpose. When Memorial Hospital was desegregated, many of the Negro patients began using Memorial, and as a consequence, Good Samaritan did not receive enough patients to make it self-supporting - in fact it became a big liability to Council. The name was changed to Community Hospital to give it a better image. As late as July, 1964, the Memorial Authorities requested additional funds to add personnel to the staff of Charlotte Community Hospital stating that this was necessary to get acceptance for the hospital. A short time later they indicated that they were having difficulty obtaining personnel for the Memorial Staff of approximately 200 beds which they were not able to use in the new wing. It became obvious until they could completely staff Memorial that there was little hope in trying to staff Charlotte Community as an acute hospital. It now seems that the only solution is to convert the Charlotte Community into a chronic hospital. That he believes it should be confined to pre-approved welfare patients or chronic patients who can afford to pay. The emergency rooms and the operating rooms should remain intact so the facility can be used as an acute hospital when Memorial is full and the need for an additional acute hospital becomes apparent.

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

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

Mayor Brookshire commended the Council for making the decision at this time and stated in his opinion they made the most logical decision possible in the current situation.

ORDINANCE AUTHORIZING AND PRESCRIBING THE TERMS OF AN INTER-FUND TRANSFER OF \$200,000 FROM WATER AND SEWER RESERVES TO THE AIRPORT FUND AND APPROPRIATING SAME FOR FINANCING CONSTRUCTION OF AIR CARGO FACILITIES AT DOUGLAS MUNICIPAL AIRPORT.

Councilman Albea presented an ordinance entitled "Ordinance No. 288-X Authorizing and Prescribing the Terms of an Inter-Fund Transfer of \$200,000 from Water and Sewer Reserves to the Airport Fund and Appropriating Same for Financing Construction of Air Cargo Facilities at Douglas Municipal Airport", and moved its adoption. The motion was seconded by Councilman Whittington.

Councilman Whittington stated in the reports they are talking about 17,000 square feet. That perhaps we can't do anything else because of the limited amount of funds but over the long range in the planning that is being done out there at the new air strip and the addition to the North-South Runway and the predicted traffic that we are going to have there by 1970 - a million people - he asked if we are talking about enough space? The City Manager advised we are talking about enough space for now. That the location of the structure would be such and the structure itself would be such that it could be added to. That the building will be located generally between the metered parking lot and the road that goes to the Police Club.

The vote was taken on the motion and carried unanimously.

The ordinance is recorded in full in Ordinance Book 14, at Page 73.

AMENDMENT TO CONTRACT WITH HOSPITAL CARE ASSOCIATION TO PROVIDE FOR A \$10 OR \$14 ROOM ALLOWANCE APPROVED.

Councilman Bryant moved approval of the amendment to the City's Hospital Care contract to provide for a \$10 or \$14 room allowance as recommended by the Personnel Director. The motion was seconded by Councilman Albea, and carried unanimously.

ACQUISITION OF RIGHT OF WAY IN CONNECTION WITH WEST SIDE GRADE CROSSING PROJECT AT W. 5TH STREET AND W. 6TH STREET JUNCTION.

Upon motion of Councilman Albea, seconded by Councilman Bryant, and unanimously carried, acquisition of 191.6 sq. ft of right of way at West 5th Street and West 6th Street Junction from Southern Electric Service Company, Inc. at a purchase price of \$981.75 was authorized.

INVITATION TO THE CITY-COUNTY AND TOWNS QUARTERLY MEETING ACCEPTED WITH PLEASURE.

Mayor Brookshire read the following letter:

"The Town of Pineville and the Town of Matthews would like for you, your Council, your Attorney and Manager to be our guest for the regular quarterly meeting of the City-County and Towns. This meeting will be held on November 17, at 7 P.M. We plan to have the meeting at the Redwood House which is located one half mile west of Matthews on Old Highway No. 74 in front of the Bartman-Bixer Company. Will you please notify me as soon as possible so that we may confirm your reservations.

I am,

Yours sincerely,

Hoyt Wiggonton, Jr.
Mayor "

Councilman Bryant moved that the invitation be accepted with pleasure. The motion was seconded by Councilman Albea, and carried unanimously.

CLAIM OF DETECTIVE GIBSON FOR DAMAGE TO CAR WHILE PARKED IN CITY LOT REVEIUED AND COUNCIL ADVISED NO NEGLIGENCE ON PART OF CITY: DISCUSSION OF LIABILITY INSURANCE ON CITY PARKING LOT.

Councilman Smith stated that sometime ago he requested a review of Detective Gibson's claim of damage to his car when two trees blew down on it while parked in the city parking lot. That the trees were obviously old and rotten and he thinks there was some negligence on the part of the city to leave the tree there. The trees have been removed now which would indicate they were due to be removed and he was parking with permission of the city. If the City Attorney says we can't appropriate, we can't, but it seems to him that equity is on Detective Gibson's side. He believes if you are parking in a public lot and paying so much a month

and a tree blew down on your car, there would be liability on a private ownership.

Mr. Morrisey, City Attorney, stated Mr. Kiser has reviewed this file intensively. He has talked personally with every individual involved or alleged to be involved and they are unable to find any change in the circumstances upon which their original recommendation was based, in that there was no negligence on the part of the City and the City therefore has no legal authority to compensate the man.

Councilman Smith asked that Detective Gibson be advised there is no way the City can pay it out of any fund.

Councilman Smith then asked what will be done about the people parking in the City lot now? If they park there at their own risk? The City Attorney advised so far as the present lots are concerned where the City charges for the use of the lots, it is considered to be a proprietary function and the City would have a liability to them for the regular maintenance of conditions that would be safe for parking and that is all.

Councilman Jordan asked if this should not be referred to the Insurance Committee? Mr. Veeder stated he seems to recall that Mr. Allen, Executive Secretary of the Committee, has been working on something along these lines with Mr. Earle. That he will find out how this has been concluded.

Councilman Smith stated he thinks the City should follow whatever the standard practice of commercial parking lots is on the lot if there is to be a charge for parking.

T. L. DARBY ADVISED IT MAY BE POSSIBLE TO CUT PORTION OF LOT AT CORNER OF DARBY DRIVE AND NELSON AVENUE TO MAKE SEPARATE LOT FOR EXISTING BUILDING.

Mr. Veeder presented photographs of property of Mr. T. L. Darby, 3501 Darby Drive, who has requested aid of Council in connection with building on back of his lot being condemned by City for use as residence. Mr. Veeder stated the photograph shows on the lot a house, two apartments plus the third building. That the property is located at the corner of Darby and Nelson Street. In May two years ago Mr. Darby was issued a permit to enlarge an accessory building in the rear of the principle building and the improvements were to be used for residential storage only and this was stated on the permit. Upon inspection they found that Mr. Darby intended to use the building for residential purposes and this resulted in the job being stopped and he was asked not to occupy the building for living purposes. At present there are three buildings on the lot - the principle building for one family, a garage apartment with two families, and the building in question, and the property is zoned R-6MF. The zoning calls for only one principle building on the residential lot unless it is a planned project. That one approach he might consider is the possibility of splitting his property into more than one lot, and this would perhaps open the door for him to do something with the third building other than he can do now under the zoning regulations.

Councilman Smith asked Mr. Veeder if he means they can cut this lot off in the back where the building is as an individual lot. Mr. Veeder stated the possibility exists - the area where the well house and the addition he has put on is located - to cut this off and make it a separate piece of property. This might give him more flexibility in terms of zoning regulations to cut this off so that this is not all the same piece of property. Councilman Smith then stated to Mr. Darby this is pretty clear cut. That he can separate this from the other piece of property. Mr.

Veeder stated he believes Mr. Darby has talked to some attorneys before and perhaps one of them would call the Manager's office and they will try to explain to them what they think the possibility is in his behalf.

CITY MANAGER REQUESTED TO CHECK INTO ISSUING A TEMPORARY PERMIT FOR PLACEMENT OF TRAILER ON REAR OF LOT IN MOORES PARK.

Councilman Smith stated he has received a request from a gentleman, in Moores Park off Wilkinson Boulevard. That the man has cancer and doesn't have too long to live and he wants to be near his daughter and son-in-law and wants to put a trailer temporarily at the rear of the lot; that he wants to buy an additional 100 ft. to put it on. That the neighbors go along with it, and he asked if the City can give him temporary permits - 6 months at a time - for living facilities. That he doesn't want a permanent facility. That he recalls one time a permit was issued temporarily to a drug store to put in a trailer. The City Manager stated he would check into the matter and advise Councilman Smith.

CITY OF CHARLOTTE MEDAL OF MERIT TO BE AWARDED PALMER F. LINKER.

Councilman Thrower moved that the City of Charlotte Medal of Merit be awarded to Mr. Palmer F. Linker. That on October 31st Mr. Linker was driving his truck along Seigle Avenue and saw a child who was on fire; that he jumped out of his truck, took his shirt off and threw it around the child and tore the burning clothes off the child. That the Police reports states Mr. Linker did not talk about the matter very much as he was modest about the whole story and stated he did it unconsciously and would have done it again to any human being in such a dangerous predicament. The motion was seconded by Councilman Jordan, and carried unanimously.

RESOLUTION ACCEPTING AMENDMENT NO. 2 TO GRANT AGREEMENT NO. FA-SO-2441 DATED JUNE 5, 1963, MADE BY THE DIRECTOR, SOUTHERN REGION, FEDERAL AVIATION AGENCY, ON BEHALF OF THE UNITED STATES OF AMERICA TO THE CITY OF CHARLOTTE, NORTH CAROLINA, IN THE SUM OF NOT TO EXCEED (NO CHANGE) AS AN AID IN THE DEVELOPMENT OF THE DOUGLAS MUNICIPAL AIRPORT.

The City Manager advised when Council approved the Grant Agreement with the FAA for the improvement of the North-South Runway there was money included in the project cost, including Uncle Sam's money, to provide for taxiway lighting. Inadvertently reference to taxiway lighting was left out of the language of the agreement and the FAA now has requested that this inadvertent omission be corrected by putting some reference to taxiway lighting for which money has already been provided in the basic cost.

Upon motion of Councilman Bryant, seconded by Councilman Thrower, and unanimously carried, Resolution Accepting Amendment No. 2 to Grant Agreement No. FA-SO-2441 Dated June 5, 1963, Made by the Director, Southern Region, Federal Aviation Agency, on Behalf of the United States of America to the City of Charlotte, North Carolina, in the Sum of Not to Exceed (no change) as an aid in the Development of the Douglas Municipal Airport was adopted.

The resolution is recorded in full in Resolutions Book 4, at Page 443.

CITY MANAGER REQUESTED TO CHECK COMPLAINT OF RESIDENT OF 1405 THOMAS AVENUE CONCERNING DEAD TREE ON NEIGHBORS LOT AND REPORT BACK TO COUNCIL.

Mr. Marvin Kirkpatrick, 1405 Thomas Avenue, passed around a picture of a tree which he stated has been dead approximately 5 years. That to the best of his ability he has tried to cooperate with the owner of the property, Mr. Dewitt Davis. That the tree has dropped off on three or four places and hit the power line and he has called Duke Power Company and Southern Bell Telephone Company and they stated they will check into it. That he felt it is his duty to come to Council and reveal these facts to them. That he did not call the Health Department as the last time he called he was talked to in a very rude and indecent way. Councilman Thrower asked if this is the same lot which he was called about 9 months ago and asked if that situation has been taken care of. Mr. Kirkpatrick advised it is not the same lot and that has not been taken care of. That the grass has been cut one time this year, and at that time it was approximately 4 to 4 $\frac{1}{2}$ feet high. That the man over there says they can't cut it but one time a year.

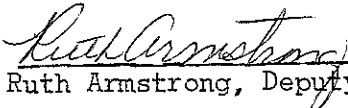
Councilman Bryant requested the City Manager to check and see if there is anything Council can do as far as the rights of the City is concerned and report to Council.

CITY MANAGER TO APPEAR ON PROGRAM OF NATIONAL ASSOCIATION OF COUNTIES ON CAMPUS OF WILLIAM AND MARY COLLEGE.

Upon motion of Councilman Albea, seconded by Councilman Bryant, and unanimously carried, the City Manager was granted permission to appear on program sponsored by National Association of Counties on campus of William and Mary College later this month.

ADJOURNMENT.

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


Ruth Armstrong, Deputy City Clerk