

April 24, 1940
Page 167

The City Council met in regular weekly session at 4 o'clock P.M., Wednesday, April 24, 1940, with Mayor Douglas presiding and Councilmen Baxter, Britt, Hudson, Huntley, Little, Nance, Sides and Wilkinson being present.

Absent: Councilmen Albea, Hovis and Ward.

On motion of Councilman Sides, seconded by Councilman Nance the reading of the minutes was dispensed with at this time.

GASOLINE TRUCK ORDINANCE.

Attorney H. L. Taylor and a number of representatives of the gasoline trucking industry were present and the Mayor asked if the Council was ready to present the ordinance regulating the operation of trucks in Charlotte at this time.

Councilman Little, seconded by Councilman Nance, made a motion that it be deferred for three weeks, but after discussion this motion failed to carry, most of the Council feeling that the representatives of gasoline concerns had been notified that the Council would take some action at this particular meeting and that since many of them were from out of town it should not be further deferred.

Whereupon, the ordinance which was drawn up in the office of the City Attorney when the committee from the Council, the Mayor and Mr. Taylor met in that office a short time ago, was read by the City Attorney. This ordinance contained the safety measures prescribed by the Fire Underwriters as well as the routing of the trucks through the City, and this re-routing clause met with strong opposition from Councilman Hudson. Councilman Wilkinson moved the adoption of the ordinance as written, which was seconded by Councilman Baxter, but lost on a three to five vote.

Mayor Douglas stated that he felt that it was necessary to adopt the safety measures for the operation of these trucks immediately and that the re-routing could be worked out later and he asked the City Attorney to retire from the meeting and re-draft the ordinance, confining it to the safety measures only and present before the meeting adjourned.

This was done and the following ordinance was brought in and presented thirty minutes later by the City Attorney, which reads as follows:

AN ORDINANCE
TO REGULATE TRANSPORTATION OF INFLAMMABLE
PETROLEUM PRODUCTS ON THE STREETS OF THE
CITY OF CHARLOTTE.

THE CITY COUNCIL OF THE CITY OF CHARLOTTE, IN REGULAR SESSION,
DO ORDAIN:

Section 1. That for the purposes of this Ordinance, inflammable products shall be liquids having a flash point below 187° F. (closed cup test), which for the purposes of this Ordinance shall be divided into two classes, viz:

April 24, 1940
Page 168

Class "A": embracing those inflammable liquids having a flash-point below 70° F. (closed cup test).

Class "B": embracing those inflammable liquids having a flash-point of from 70° F. to 187° F., inclusive (closed cup test).

Section 2. It shall be unlawful for any person, firm or corporation to drive or cause to be driven on the streets of Charlotte any tank truck or tank trailer or a combination of either which is designed or used for the purpose of transporting any inflammable petroleum products unless the same are in good repair, clean and free of leaks, and such tank truck or trailer shall be equipped with rubber tires, and all such trucks or tank trailers shall not be equipped with any artificial light other than electricity, and the wiring shall have sufficient carrying capacity and mechanical strength, and shall be suitable secured, insulated and protected against physical damage.

Section 3. It shall be unlawful for the driver, operator or tenant of any tank truck or trailer to leave the vehicle while it is being filled or discharged and the delivery hose, when attached, to said tank truck or trailer shall be considered a part of the vehicle and the truck drivers or their helpers shall not smoke or be permitted to smoke while they are driving their truck on the road or while they are making deliveries or filling truck tanks or making any repairs to trucks and the motors of all such truck tanks or trailers shall be shut down while making or breaking hose connections and if loading or unloading is done without the use of a power pump on tank truck, the tank truck motor shall be shut down throughout such operation, and no truck or tank compartment shall be loaded to a volume in excess of 99-1/4% of its capacity.

Section 4. It shall be unlawful to operate any such tank truck or tank trailer in the City of Charlotte unless the same shall be equipped and maintained with at least one approved hand fire extinguisher of a type suitable for extinguishing inflammable liquid fires, said fire extinguisher shall be kept in good operating condition at all times and shall be located in an accessible place on such tank truck or trailer.

Section 5. Each said truck or trailer shall be provided with a vacuum and pressure operating vent with a minimum effective opening of 0.44 square inches and each compartment carrying Class "A" liquids shall be provided with venting facilities so constructed as to provide a minimum free opening equivalent to a circular hole 1 and 29.32 inches in diameter for the purpose of relieving such internal pressures as may be created by exposure fires. If the emergency venting facilities incorporate a fusible element, the fusing temperature of the element shall not exceed 200° F. All draw-off valves or faucets shall have discharge and threaded or shall be so designed as to permit being tightly connected to hose extending to fill pipe and all draw-off valves or faucets projecting beyond frame at rear of vehicle shall be adequately protected against collision, by steel bumpers or other means of equal protection.

Section 6. That every such tank truck or trailer shall have the tank, chassis, axles and springs metallically interconnected and shall be equipped with drag chains or other flexible metallic device long enough to reach the ground in order to ground such static charges as may be present and during the filling operation metallic contact shall be maintained between the fill pipe and the tank truck. That the fuel lines of such tank truck or trailer shall be of proper material, having all connections made with suitable fittings; it shall be equipped with shut-off valve, and shall be supported to prevent chafing and vibration and the exhaust system, including muffler and exhaust line, shall have ample clearance from the fuel system and combustible materials, and shall not be exposed to accumulations of grease, oil or gasoline.

April 24, 1940
Page 169.

Section 7. It shall be unlawful for any person, firm or corporation to park or cause to be parked on any street in the City of Charlotte, at any time, any tank truck or tank trailer whether loaded, partly loaded or empty, which is being used for the purpose of transporting gasoline.

Section 8. That it shall be the duty of the Chief of the Fire Department and his assistants to make due inspections of all such tank trucks or trailers and if the provisions of this Ordinance are violated to report the same to the Police Department of the City of Charlotte so that the violator may be prosecuted.

Section 9. That any person, firm or corporation violating the provisions of this Ordinance shall be fined the sum of \$25.00 for each and every violation of this Ordinance.

Section 10. That this Ordinance shall be in full force and effect from and after May 1, 1940, and other ordinances or clauses of ordinances which are in conflict herewith are hereby specifically repealed.

Councilman Baxter, seconded by Councilman Wilkinson, moved that the foregoing ordinance be adopted on first reading, which was unanimously carried. The rules were suspended and the ordinance was placed upon its second reading and unanimously carried, and on motion of Councilman Baxter, seconded by Councilman Wilkinson, the rules were suspended and the ordinance was placed upon its third and final reading and unanimously carried; whereupon the Mayor declared the ordinance adopted.

REQUEST OF SECOND WARD SCHOOL FOR USE OF ARMORY MAY 10TH GRANTED.

On motion of Councilman Sides, seconded by Councilman Hudson and carried, the Second Ward School (colored) was granted free use of the Armory Auditorium on May 10th. for a school affair.

JUDGE REDD GIVEN TEN WEEKS VACATION.

Commissioner Harvey Morris, of the County Board, appeared before the Council on behalf of Judge Redd, of the Juvenile Detention and Domestic Relations Court, who is ill. Mr. Morris stated that Judge Redd had been Judge of this court for five years and that during that time he had given it his whole time and devotion, taking no vacations, and that the Board of Commissioners had granted Judge Redd a ten weeks vacation with pay, representing the vacation time due him for a five-year period, and he was asking that the City Council also grant this vacation period to Judge Redd, the City of Charlotte participating in the operation of this Court on a fifty-fifty basis.

On motion of Councilman Sides, seconded by Councilman Huntley, the City agreed to allow Judge Redd this ten-weeks vacation as the County Board had done.

It was brought out that the budget of the Court was ample to take care of this amount without coming from another fund.

April 24, 1940

Page 170.

COMMITTEE APPOINTED TO INVESTIGATE REQUEST OF ST. MARTIN'S CHURCH FOR STRIP OF CITY LAND.

The following Resolution was presented by Mayor Douglas in connection with the request of St. Martin's Church that the City sell them a triangular strip of land of the Charlotte Park and Recreation Commission at the corner of East Seventh Street running back to Armory Drive:

R E S O L U T I O N

WHEREAS, the vestry of St. Martin's Episcopal Church, on March 17, 1939, offered to purchase from the Charlotte Park and Recreation Commission, a small triangular strip of land, hereinafter described, for the sum of \$50.00; and whereas, the Charlotte Park and Recreation Commission duly approved and consented to the sale of said strip of land, which approval and consent was given on March 18, 1939 and is duly recorded in Book 1 of the Minutes of the Charlotte Park and Recreation Commission at page 318.

NOW, THEREFORE, be it resolved that the City Council of Charlotte, same being the governing body of the City of Charlotte, in meeting duly assembled on April _____ 1940, in accordance with Chapter 366 of the Private Laws of the State of North Carolina for the year 1939, does hereby give its consent for the sale to the vestry of St. Martin's Episcopal Church for the sum of \$50.00, the following described parcel of land:

"Lying and being in the City of Charlotte, Mecklenburg County, North Carolina, beginning at a point formed by the southerly side of the concrete sidewalk of East Seventh St. and the westerly side of Armory Drive, as now laid out, said point being the northeastern corner of the present property owned by the vestry of St. Martin's Episcopal Church, and runs thence with the present property line of the property belonging to the vestry of St. Martin's Episcopal Church S. 75-43 W. 159.56 ft. to a point; thence continuing with the said present property line N. 52-15 W. 70 ft. to a point; thence N. 89-03 W. 40.41 ft. to a point; thence N. 52-15 W. 101.14 ft. to a point, the present southwestern corner of the property belonging to the vestry of St. Martin's Episcopal Church; thence a new line S. 37-45 W. 42 ft. to a point on the northerly margin of Armory Drive, as now laid out; thence with the northerly margin of Armory Drive, as now laid out, S. 52-15 E. 20 ft. to a point; thence with a curve with a radius to the left of 200.87, 49.74 ft. to a point; thence S. 66-26 E. 67.05 ft. to a point; thence with a curve with a radius to the left of 150.67, 103.70 ft. to a point; thence N. 74-07-30 E. 140 ft. to the point or place of beginning, and containing 0.165 acres."

Be it further resolved that the City Clerk be and she hereby is authorized and directed to deliver a certified copy of this resolution to the Charlotte Park and Recreation Commission.

Councilman Hudson moved the adoption of ~~of~~ the above resolution, which was seconded by Councilman Little, but Councilman Sides offered a substitute motion that the matter be held over one week for further investigation, which motion was seconded by Councilman Baxter and carried. Mayor Douglas then appointed Councilmen Sides and Hudson to serve as a committee to investigate this offer and report back to the Council, with Councilman Hudson acting as Chairman.

April 24, 1940
Page 171.

CAMBRIDGE ROAD ACCEPTED FOR CITY MAINTENANCE.

On motion of Councilman Huntley, seconded by Councilman Britt, the City took over for maintenance Cambridge Road from Avondale Avenue to the city limits.

EMERSON, DOTGER AVENUE AND DEACON STREET TAKEN OVER FOR MAINTENANCE.

At the request of Elythe Bros., and on motion of Councilman Baxter, seconded by Councilman Sides and carried, the City took over for maintenance a portion of Emerson Avenue and Dotger Avenue between Kenmore and Deacon Streets, and Deacon Street from Emerson Avenue to Dotger, a distance of three blocks, which streets are a part of the Little Homes development.

WATER MAIN CONSTRUCTION IN SUNSET DRIVE AND WINDSOR AVENUE.

On motion of Councilman Sides, seconded by Councilman Baxter, the application of Mrs. W. T. Rowland for the construction of a water main in Sunset Drive and Windsor Avenue was approved, the applicant agreeing to enter into a contract with the City to guarantee a revenue of \$66.00 annually, which is 10% of the cost of the proposed extension.

PURCHASE OF BONDS FOR SINKING FUND.

On motion of Councilman Huntley, seconded by Councilman Baxter and carried, approval was given for the purchase of \$8,000.00 Columbus County Road and Bridge Bonds, due 3-1-41 to yield 1%, subject to the approval of the Local Government Commission.

CHANGE OF STREET NAME.

Complying with the petition request of a number of residents in the vicinity of Avondale Avenue that the name of Edgehill Avenue in that section of the City be changed to Windsor Avenue, due to conflicting with Edgehill Road, another street in Charlotte, Councilman Baxter moved that this name be changed. Motion seconded by Councilman Huntley and unannimously carried.

REPLACEMENT OF CITY EMPLOYEE.

The City Manager reported that he had employed Mr. Henry Wolking in the Radio Division to replace Mr. Tom Brandon, resigned.

STREETS NAMED IN COLORED LOW-COST HOUSING AREA.

The City Manager advised that the Housing Commission have asked that the streets serving the Colored Low-Cost Housing area be designated Earle Street, Lloyd Street and Edwin Street, in order that they may get out their publications, etc. on this project, and on motion of Councilman Hudson, seconded by Councilman Britt, these streets were so named.

April 24, 1940
Page 172.

FENCE TO BE PLACED AROUND OLD ROCK QUARRY PROPERTY.

Mr. Marshall advised the Council that the owners of the old rock quarry on West Tremont Avenue had agreed to fence in the property and to allow the City to dump trash in the hole.

REQUEST TO USE SOUND TRUCK ON CITY STREETS DENIED CANDIDATE FOR GOVERNOR, TOM COOPER.

The request of Mr. Tom Cooper, of Wilmington, a candidate for Governor, that he be allowed to bring in and use on the streets of Charlotte a sound truck, was presented and brought up quite a discussion, this being prohibited by City ordinance.

Councilman Wilkinson made a motion that the ordinance be complied with, which was seconded by Councilman Sides. Councilman Hudson offered a substitute motion that he be allowed to come in to Charlotte and use the sound truck on the City streets, which motion was seconded by Councilman Little and failed to carry, when it was pointed out that this would require an amendment to the present ordinance. A vote was then taken on the original motion of Councilman Wilkinson and this motion carried, with Councilman Hudson voting "No".

DAYLIGHT SAVING TIME DISCUSSED.

A brief discussion was held on the advisability of having the City of Charlotte go on Day-light Saving Time, several members of the Council favoring this, while others opposed it, but no action was taken at this time.

MINUTES OF PREVIOUS MEETING READ AND APPROVED.

On motion of Councilman Baxter, seconded by Councilman Wilkinson, the minutes of the meeting of April 17th. were read and approved.

REPORT BY COUNCILMAN BAXTER ON FIRE INSPECTIONS.

Councilman Baxter, a member of the committee on Fire Defense Survey, reported satisfactory progress being made on this survey, stating that in a short time the committee will have a complete analysis of fire conditions in Charlotte, excluding residences, and that the Council will be asked to establish a Fire Prevention Bureau for keeping these records, also a new building code for adoption.

INVITATION TO COUNCIL TO ATTEND MEETING FOR ESTABLISHING DIAGNOSTIC CLINIC.

Mayor Douglas extended to the Council an invitation to a meeting to be held at the Chamber of Commerce at 6:30 P.M. this date, which is being held for the purpose of establishing a Diagnostic Clinic in Charlotte, and asking as many to attend as possible, since he felt that it would be a good idea for the Council to go on record as endorsing this movement after hearing the details to be brought out at this meeting.

April 24, 1940
Page 173

CEMETERY DEED.

On motion of Councilman Barter, seconded by Councilman Huntley, the following cemetery deed was approved for transfer:

Miss Mary Hewitt, Lot No. 11, Section "Z", Elmwood Cemetery \$35.00

ADJOURNMENT:

On motion of Councilman Huntley, seconded by Councilman Barter, the meeting adjourned.


City Clerk