

May 25, 1955
Minute Book 36 - Page 49

A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber of the City Hall, on Wednesday, May 25, 1955, at 4 o'clock p.m., with Mayor Van Every presiding, and Council members Albea, Baxter, Brown, Dellinger, Evans, Smith and Wilkinson being present.

Absent: None.

INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Smith, seconded by Councilman Wilkinson, and unanimously carried, the Minutes of the last meeting on May 11, 1955, were approved as submitted.

DECISION RELATIVE TO PROTESTS AGAINST PROVISIONS OF INDUSTRIAL WASTE ORDINANCE SCHEDULED FOR NEXT WEDNESDAY MEETING.

Attorneys for commercial Laundries and Poultry houses appeared before Council and requested that the provisions of the Ordinance Regulating the Discharge of Substances into the City's Sanitary Sewerage System, to become effective on June 1st, be eased and the enforcement date be delayed.

Mr. Paul Ervin, Attorney representing Charlotte Laundry, Domestic Laundry, New Way Laundry, Sanitary Laundry, Arrow Laundry, Julian's Laundry, North State Laundry, Snow-White Laundry, Wright's Laundry and Mecklenburg Laundry, stated that his clients take great pride in Charlotte and wish to cooperate with the Council in trying to make Charlotte the best place possible. That the ordinance adopted by the Council in July 1950 with reference to the usage of sewers has not been enforced because the sewerage facilities were unable to take care of the outfall that would go into it. That most of the laundries are already out of the creek and into the sewers. That in the first place, the laundries never got into the creeks on their own initiative but were ordered to do so because the sewer facilities were not sufficient to take care of their discharge. That under the provisions of the ordinance they are faced with two serious problems: first, if the consumption of water is more than 40,000 gallons a day the laundry will be required to have a holding tank to permit the discharge to dribble into the sewer slower than ordinarily, the cost of such tank being a minimum of \$8,000.00, added to which will be the cost of buying additional property on which to construct the tank as practically none of these concerns have space on their present property. Secondly, the construction of a testing station at each laundry, accessible to the City for testing the outfall, will cost a minimum of \$2,500.00; again, many laundries do not have sufficient outside space on which to construct the station, and they feel it should be possible for the City to obtain a sample of the discharge from inside the Plant in lieu of from such station.

Mr. Ervin stated further that they do not feel the laundries should be classified as "industrial establishments", they do not manufacture anything; their sole purpose is to process soiled fabrics; they use the same ingredients that are used in laundering in the home, in laundriettes and hand-laundries, and to enforce the provisions of the ordinance against them will be discriminatory. He requested the indulgence of the Council for a few days to allow the laundries to get out of the creeks and into the sewers, and secondly, that the Council give serious consideration to eliminating the necessity of the laundries constructing the Holding Tanks and the Testing Stations.

May 25, 1955
Minute Book 36 - Page 50

Mr. William Abernathy, attorney representing Pierce Poultry Company, Hanline Poultry and Carriker Poultry Company, stated his clients are not emptying waste into the creeks and they do not have the problem of neutralizing acid before making the discharge but Pierce Poultry Company, who uses under 40,000 gallons of water per day, is confronted with building a \$2,500.00 weir so that the City can make a test four or five times a year. That Hanline Poultry Company and Carriker Poultry Company are confronted with building Holding Tanks. That they cannot understand a classification that permits the usage up to 40,000 gallons of water per day without a holding tank while the usage of 41,000 and over must have a tank to hold 80% of the water on the premises. That his clients were unable to secure information as to how the tanks should be constructed until last week, and they were then advised to build any type of tank they wish to meet the City's requirements.

Mr. Abernathy asked that the Council give his clients additional time to see how these problems can be met. Also, that a different classification be made for Poultry Companies to allow them to use up to 50,000 or 60,000 gallons of water per day without holding tanks, and let the present provisions apply to those using 100,000 or more gallons per day.

Mr. Paul Jamison, attorney, stated he concurs in Mr. Abernathy's remarks and urges consideration of the requests.

Councilman Brown advised that he went over the Disposal Plant on yesterday with the Engineers and there are so many things that concern all parties involved, he moves that the Council take the matter under advisement and have a conference with the Engineers, Chemists and Water Department officials as to the affect these requests would have on the City's \$3,500,000.00 investment in the plants and bring back their findings at the meeting on next Wednesday. The motion was seconded by Councilman Dellinger, and unanimously carried.

It was decided that the conference would be held in the office of the Mayor on Tuesday evening, May 31st.

JUNIOR CHAMBER OF COMMERCE REQUESTS THAT INDUSTRIAL WASTE ORDINANCE BE ENFORCED.

Mr. Charles N. Briley, President of the Junior Chamber of Commerce presented a resolution, adopted by the organization today, requesting that the Industrial Waste Ordinance, adopted on July 19, 1950 and postponed for five years, be enforced as contemplated, and calling attention to the bond issue voted on favorably by the electorate to enable the City to fulfill its obligation under the ordinance and the funds that have been spent on the disposal plants in order to process industrial waste.

SUPPLEMENT TO LEASE WITH U. S. GOVERNMENT FOR ADDITIONAL LAND FOR USE OF AIR FORCE NATIONAL GUARD AT DOUGLAS MUNICIPAL AIRPORT.

Upon motion of Councilman Smith, seconded by Councilman Wilkinson, and unanimously carried, a Supplement to Lease No. W-09-133-eng-1097 with the U. S. Government for facilities at Douglas Municipal Airport for use by the Air Force National Guard, was authorized covering additional land adjacent to that presently used, and described in the said supplement and map attached thereto.

RESIGNATION OF D. L. LEFEVERS FROM PARK & RECREATION COMMISSION ACCEPTED.

Councilman Brown advised that Mr. D. L. LeFevers has moved from the city to the county and therefore submits his resignation from the Park & Recreation Commission as he would not be eligible to continue serving on the Commission. He moved the acceptance of the resignation with regrets and that a letter be addressed to Mr. LeFevers thanking him for his service. The motion was seconded by Councilman Baxter, and unanimously carried.

May 25, 1955
Minute Book 36 - Page 51

APPOINTMENT OF STANLEY CROPLEY TO THE PARK & RECREATION COMMISSION.

Councilman Dellinger moved the appointment of Mr. Stanley Cropley to the Park & Recreation Commission for the unexpired term of Mr. LeFevers, resigned. The motion was seconded by Councilman Wilkinson.

Councilman Smith offered a substitute motion that the appointment be held in abeyance as the Council has just been advised of the vacancy. The motion did not receive a second.

The vote was then taken on the main motion and unanimously carried.

ZONING BOARD OF ADJUSTMENT REQUESTED TO HOLD SECOND HEARING ON PETITION OF E. C. GRIFFITH COMPANY AND THE P & N RAILWAY COMPANY FOR CHANGE IN ZONING ON VACANT PROPERTY OFF WEST TRADE STREET ALONG IRWIN CREEK.

Ordinance No. 258 Amending the Zoning Ordinance to change the zoning from R-2 to Industrial on vacant property off West Trade Street along the westerly border of Irwin Creek and the right-of-way of the P & N Railway, upon petition of E. C. Griffith Company and the P & N Railway Company, was introduced. Following the reading thereof, a Resolution Providing for a Public Hearing was presented and read. Councilman Wilkinson moved the adoption of the resolution, which was seconded by Councilman Baxter.

Mr. J. W. Alexander, Attorney, requested that the petition be referred back to the Zoning Board of Adjustment for another hearing before it is considered by the Council. He stated that the Zoning Board has not held a second hearing, as requested by the Council on April 6th when he advised that the fifty clients he represents, who are opposed to the change, were not present at the first hearing as they had no information that the change was contemplated. Mr. Alexander urged that they be given an opportunity to be heard by the Zoning Board.

Councilman Brown offered a substitute motion that the matter be referred back to the Zoning Board of Adjustment with request that the Board hold another hearing thereon. The motion was seconded by Councilman Dellinger, and unanimously carried.

PLAT OF RENFROW PROPERTY SUBDIVISION APPROVED.

Councilman Albea moved approval of the Plat of Renfrow Property Subdivision, as recommended by the Planning Commission. The motion was seconded by Councilman Baxter, and unanimously carried.

STREETS TAKEN OVER FOR MAINTENANCE.

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

- (a) Spruce Street, from Dunkirk Drive to end of present pavement.
- (b) Sterling Road, from Wellesley Avenue to Maryland Avenue.
- (c) Sterling Road, from Princeton Avenue to Westfield Road.
- (d) Maryland Avenue, from East Boulevard to Wellesley Avenue.

TREE REMOVAL AT 2029 EAST 7TH STREET AUTHORIZED.

Motion was made by Councilman Dellinger, seconded by Councilman Baxter, and unanimously carried, authorizing the removal of a tree from the planting strip at 2029 East 7th Street, at the request of Mr. W. B. Shannon.

ERVIN CONSTRUCTION COMPANY AUTHORIZED TO CONNECT SANITARY SEWER LINES TO CITY'S SANITARY SEWERAGE SYSTEM.

Councilman Baxter moved that the request of Ervin Construction Company be granted to connect 2,227-feet of 8-inch sanitary sewer lines to the City's sanitary sewerage system, upon condition that they comply with all laws, rules and regulations now in effect, or which may hereafter become effective relative to property similarly situated. The motion was seconded by Councilman Dellinger, and unanimously carried.

CONSTRUCTION OF SANITARY SEWER LINES AUTHORIZED.

Upon motion of Councilman Brown, seconded by Councilman Baxter, and unanimously carried, the construction of sanitary sewer lines was authorized at the following locations:

- (a) 1,123-ft. of 18 and 20-inch sewer trunk in Cedar Street, to replace an old inadequate line, at an estimated cost of \$27,400.00, to be paid by the city.
- (b) 343-ft. of 7-inch sewer trunk and 1,427-ft. sewer mains in Biddleville, at request of Novella McCrorey Flannigan, to serve 6 family units and 14 vacant lots, at an estimated cost of \$4,030.00. All costs to be borne by the City, and the refund of the applicant's deposit of \$2,830.00, as per terms of the contract.
- (c) 660-ft. of 8-inch sewer mains and 347-ft. sewer trunk in Biddleville, at request of Novella McCrorey Flannigan, to serve 3 family units and 15 vacant lots, at an estimated cost of \$2,480.00. All costs to be borne by the City, and the refund of the applicant's deposit of \$1,880.00, as per terms of the contract.

CONSTRUCTION OF DRIVEWAY ENTRANCES APPROVED.

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

- (a) One 30-ft. entrance at 415 Pecan Avenue.
- (b) One 30-ft. entrance at 2109 Hutchinson Avenue.
- (c) One 20-ft. entrance at 1423-25 East 5th Street.
- (d) One 40-ft. and One 35-ft. entrance at 2124 Independence Blvd.
- (e) Two 30-ft. entrances at 1901 Commonwealth Avenue.
- (f) One 8-ft. entrance at 4642 Addison Drive.
- (g) One 10-ft. entrance at 3233 Selwyn Avenue.
- (h) One 15-ft. entrance at 503 South Graham Street.
- (i) One 8-ft. entrance at 2719 Bucknell Avenue.
- (j) One 10-ft. and One 7-ft. entrance at 409-11 Clarice Avenue.
- (k) One 10-ft. entrance on Clarice Avenue and One 7-ft. on East 7th Street, for a duplex at 2029 East 7th Street.

SALE OF 13 BUILDINGS AT MORRIS FIELD TO HOME SALES COMPANY.

Councilman Baxter moved approval of the sale of 13 buildings at Morris Field to the high bidder, Home Sales Company, at a total sum of \$3,612.00. The motion was seconded by Councilman Wilkinson, and unanimously carried.

BIDS FOR PAINTING INTERIOR AREAS OF POLICE BUILDING REJECTED.

Upon motion of Councilman Smith, seconded by Councilman Baxter, and unanimously carried, all bids submitted for painting certain interior areas of the Police Building were rejected, due to exceeding the estimated cost, and authority was given to receive new bids at a later date.

CONTRACTS RENEWED WITH J. N. PEASE & COMPANY FOR ENGINEERING SERVICES FOR COMPLETION OF THE DESIGN AND CONSTRUCTION OF WATER AND SEWER FACILITIES.

Motion was made by Councilman Brown, seconded by Councilman Baxter, and unanimously carried, authorizing the renewal of contracts with J. N. Pease & Company for engineering services for the completion of the design and construction of water and sewer facilities.

QUIT-CLAIM DEED TO GUY M. BEATTY FOR TRIANGULAR TRACT OF LAND ON WEST 5TH STREET EXTENSION.

Councilman Dellinger moved approval of a Quit-Claim Deed to Mr. Guy M. Beatty for a small triangular tract of land on the extension of West 5th Street, in consideration of paying street pavement assessments against same. The motion was seconded by Councilman Smith, and unanimously carried.

TRANSFER OF CEMETERY LOTS.

Upon motion of Councilman Alba, seconded by Councilman Brown, 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. W. R. Ward, for Graves #5 and #6, Lot 119, Section 3, Evergreen Cemetery, at \$80.00.
- (b) Deed with Lemuel J. Merritt, for Lot 324, Section 4-A, Evergreen Cemetery, at \$81.90.
- (c) Deed with Ray L. Davis and wife, for Lot 75, Section 2, Evergreen Cemetery, at \$156.00.

RESOLUTION AUTHORIZING THE EXECUTION OF A GRANT AGREEMENT WITH RESPECT TO DOUGLAS MUNICIPAL AIRPORT WITH THE CIVIL AERONAUTICS ADMINISTRATION ACCEPTING GRANT OF \$62,086.00 FOR IMPROVEMENTS TO PORTION OF PARALLEL TAXIWAY TO NE-SW RUNWAY.

A resolution entitled: "Resolution Authorizing the Execution of A Grant Agreement With Respect To Douglas Municipal Airport With The Civil Aeronautics Administration" was introduced and read. Councilman Wilkinson moved the adoption of the resolution, which was seconded by Councilman Dellinger, and unanimously carried. The resolution is recorded in full in Resolutions Book 2, at Page 302.

RESOLUTION AUTHORIZING THE EXECUTION OF AGREEMENT WITH THE CIVIL AERONAUTICS ADMINISTRATION WITH RESPECT TO DOUGLAS MUNICIPAL AIRPORT ACCEPTING INCREASE IN GRANT FROM \$400,000 TO \$440,000 ON AIRPORT TERMINAL PROJECT NO. 9-31-017-206.

A resolution entitled: "Resolution Authorizing the Execution of Agreement With The Civil Aeronautics Administration With Respect To Douglas Municipal Airport" was introduced and read. Councilman Smith moved the adoption of the resolution, which was seconded by Councilman Barter, and unanimously carried. The resolution is recorded in full in Resolutions Book 2, at Page 303.

RESOLUTION AUTHORIZING THE EXECUTION OF AGREEMENT WITH THE CIVIL AERONAUTICS ADMINISTRATION WITH RESPECT TO DOUGLAS MUNICIPAL AIRPORT ACCEPTING INCREASE IN GRANT FROM \$261,000 TO \$287,100 ON AIRPORT TERMINAL PROJECT NO. 9-31-017-307.

A resolution entitled: "Resolution Authorizing The Execution of Agreement With The Civil Aeronautics Administration With Respect To Douglas Municipal Airport" was introduced and read. Councilman Dellinger moved the adoption of the resolution, which was seconded by Councilwoman Evans, and unanimously carried. The resolution is recorded in full in Resolutions Book 2, at Page 304.

ORDINANCE NO. 262-X LEVYING, ASSESSING, IMPOSING AND DEFINING LICENSE AND PRIVILEGE TAXES FOR THE FISCAL YEAR JULY 1, 1955 THROUGH JUNE 30, 1956.

Upon motion of Councilman Alba, seconded by Councilwoman Evans, and unanimously carried, an ordinance entitled: "Ordinance No. 262-X Levying, Assessing, Imposing and Defining License and Privilege Taxes for the Fiscal Year July 1, 1955 Through June 30, 1956" was adopted, following the reading thereof. The ordinance is recorded in full in Ordinance Book 11, at Page 427.

CONSIDERATION OF RAISING STANDARDS OF STREETS PRIOR TO TAKING THEM OVER FOR MAINTENANCE.

Councilman Brown stated that in his opinion the City's requirements for streets prior to being taken over for maintenance are entirely too low, and repairs and improvements are immediately necessary, and are costing the tax payers too much money. That stricter standards should be required, and perhaps the Planning Commission could see that the requirements are met by the developers when they submit plats of subdivisions. That within

May 25, 1955
Minute Book 36 - Page 54

the last few days he has seen streets with the bottom falling out and the City goes ahead and takes them over for maintenance.

Mr. Yancey, City Manager, stated that the present requirements are that proper drainage and top soil be provided; that there is no practical way of forcing developers to build better streets; that they will go ahead and sell lots on dirt streets and then the property owners will demand that the streets be improved and the Council will yield to the demands, and we will be right where we started.

Councilman Brown moved that the City Manager be requested to submit a new set of requirements for a better street base. The motion was seconded by Councilman Baxter, and unanimously carried. Mr. Yancey stated that he will have specifications worked out for roadways suitable for residential areas and present them to the Council for consideration.

RADIO STATION WWOK AUTHORIZED TO CONTINUE TAPE RECORDING COUNCIL MEETINGS UNTIL NOTIFIED TO DISCONTINUE PRACTICE.

The first tape recording of the entire proceedings of the Council Meeting having been made today by Radio Station WWOK, Mr. Carter Jones, representing the Station expressed his appreciation for the privilege and advised that the recording would be broadcast at 6:30 o'clock this afternoon and every Wednesday if they are permitted to continue making the recordings. Councilman Brown moved that the Station continue to cover the meetings unless notified to discontinue the practice. The motion was seconded by Councilwoman Evans, and unanimously carried.

ADJOURNMENT.

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

Lillian R. Hoffman
City Clerk