

A regular meeting of the City Council was held in the Council Chamber, City Hall, on Wednesday, May 31, 1950, at 11 o'clock a.m., with Mayor Shaw presiding, and Councilmen Aitken, Albea, Boyd, Coddington, Daughtry Jordan and Wilkinson present.

INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Jordan, seconded by Councilman Albea, and unanimously carried, the minutes of the last meeting were approved as submitted.

ACTION DEFERRED ONE WEEK ON PROPOSED ORDINANCE TO REGULATE THE USE OF SEWERS AS RELATING TO THE DISPOSAL OF INDUSTRIAL WASTE.

An ordinance entitled, "An Ordinance to regulate, restrict and limit, in the interest of the public health and safety, the deposit or discharge of certain substances into any sanitary sewer now maintained and/or owned by, or which may become the property of the City of Charlotte", was introduced and read.

Mr. C. W. Tillett, Attorney, was spokesman for a large delegation of representatives of industry who opposed the adoption of the ordinance setting up minimum standards for the type of waste that would be acceptable for the sewerage system. He urged the adoption of the plan that the City design its disposal plants to handle untreated industrial waste, as well as domestic waste, as recommended in the Survey Report of Alford-Burnick & Howson, Engineers employed by the City to study the matter. He stated it is the belief of industrial leaders that the Council intends to disregard and discard the Survey recommendations, for which the City paid \$5,000.00, on the grounds of its impracticability and cost. He recommended that unless the City will adopt the recommended plan, that Mr. L. R. Howson be brought back to Charlotte to explain and answer questions regarding his recommendations.

Mr. Tillett stated it is agreed that in the solution of the problem of removing objectionable odors from Sugaw Creek, that industrial waste must be eliminated from the creek. That when the existing ordinance was adopted prohibiting the discharge of industrial waste into streams, the City realized it could not be enforced without providing some means for the disposition of the waste matter; therefore, the ordinance has not been enforced. That in 1949 a proposed ordinance was circulated to industries, setting forth the biological limitations of waste to be discarded into streams, which industry could not meet. He asked that the Council keep before them the fact that the question is a matter of increased volume and increased strength of the waste. That the Planning Board, in its Master Plan for Charlotte, recommended as Item No. 1. that a Survey of the matter of Industrial Waste disposition be conducted by a competent person; that the Survey by Alford-Burdick & Howson provides three methods and their costs as solutions to the problem, and that one of the methods should be adopted. That under the plans industries discharging waste into the streams be charged on the basis of the volume discharged, which would reduce the plant improvement costs to 6¢ per 1000 gallons of sewage handled, and would distribute the cost among the City and industry that would not be prohibitive for either. He further stated if the ordinance proposed today is adopted, industries will be required to install and operate facilities for pre-treating waste, as well as install on their premises holding tanks, the cost of which will be prohibitive.

Mr. W. H. Barnhardt of Barnhardt Manufacturing Company, and Mr. Henry Benoit of The Charlotte Laundry spoke in opposition to the proposed ordinance. Mr. Barnhardt stated it would cost his company some \$25,000.00 to install the holding tanks and twice as much to install/pre-treatment plant besides the cost of an engineer to operate the plant. Mr. Benoit stated his

company uses 80,000 gallons of water per day and has no space for the erection of holding tanks of the required capacity. He further stated the removal of odors from Sugaw Creek into holding tanks will merely mean spreading the odors all over Charlotte.

Mr. Robert Phillips, Supt. of the City's Disposal Plants, stated it would cost the City Government \$20,000.00 a year for acids to neutralize waste if treatment is undertaken at the plants. He cited the facts that Durham and High Point governments have endeavored to handle all industrial waste at their plants without pre-treatment, and are having to erect new plants because of the damage, and also to defend themselves against many law suits.

Mr. Hunter Jones, representing Royster Guano Company, stated the acidity has been removed from their waste, and they wish to continue discharging into the streams.

Mr. David Harris, President of the Junior Chamber of Commerce, stated they have adopted as a project the matter of stream pollution; he introduced Dr. Carlton, who urged that the matter of the pollution of the streams in Charlotte be given serious thought and action by the Council as to its effect on the water supply of the City.

Mr. Floyd Kay of the Chamber of Commerce, urged that the problem of taking care of industrial waste be settled in order that the Chamber of Commerce may have an acceptable answer to industries interested in locating in Charlotte.

Councilman Boyd, Chairman of the Committee to Study the Survey by Alford-Burnick & Howson, stated the Council is endeavoring to work out a solution to the problem that will be for the best interest of all concerned. That the Survey has been thoroughly studied by the Council and other City Officials. That the City's own experts in the matter of industrial waste disposal advise that the Survey Report costs are too high; too, that the expenditure of from two to four million dollars of tax payers' money for the construction of facilities at the disposal plants would be necessary.

Mayor Shaw advised that the Survey has not been discarded nor disregarded; that he did not convey to the Council the request of Mr. Tillett that Mr. Howson be asked to come back to Charlotte and explain the details of the recommendations of the Survey; however, the Council agrees not to decide the issue today.

Councilman Daughtry moved that action on the proposed ordinance be deferred for one week. Motion was seconded by Councilman Wilkinson, and carried, with the votes cast as follows:

AYE: Councilmen Albea, Coddington, Daughtry and Wilkinson.
NAY: Councilmen Aitken and Boyd.

Councilman Jordan left the meeting during the discussion, and was not present for the remainder of the session.

CONSTRUCTION OF NEW FIRE STATIONS ENDORSED BY JUNIOR CHAMBER OF COMMERCE, AS RECOMMENDED BY THE CHIEF OF THE FIRE DEPARTMENT.

Mr. W. H. Heindenrich, representing the Junior Chamber of Commerce, stated they wished to urge the construction of the three new fire stations as recommended to the Council by the Chief of the Fire Department.

MAYOR PRO TEM PRESIDES FOR REMAINDER OF MEETING.

At this time Mayor Shaw left the meeting, and Mayor pro tem Aitken presided for the remainder of the session.

RESOLUTION PROVIDING FOR PUBLIC HEARING, ON JUNE 21, 1950, ON A PROPOSED AMENDMENT TO THE ZONING ORDINANCE TO CHANGE THE ZONE FROM RESIDENCE-1 TO BUSINESS-1 ON LOTS 5 AND 6 IN THE 1300 BLOCK OF EAST MOREHEAD STREET.

Councilman Boyd moved that the Council review the request of Mr. George H. Talbot for a change in zoning from R-1 to B-1 on Lots 5 and 6, in the 1300 block of East Morehead Street, which was denied by the Zoning Board of Adjustment. Motion was seconded by Councilman Coddington, and unanimously carried. Whereupon, a resolution entitled, "Resolution Providing for a Public Hearing on a Proposed Amendment to the Zoning Ordinance", setting the date of hearing on the requested change on June 21, 1950, was introduced and read. Councilman Boyd moved the adoption of the resolution, which was seconded by Councilman Wilkinson, and unanimously carried. Resolution is recorded in full in Resolutions Book 1, at Page 285.

REVENUE ORDINANCE, LEVYING, ASSESSING, IMPOSING AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF CHARLOTTE FOR THE FISCAL YEAR BEGINNING JULY 1, 1950 AND ENDING JUNE 30, 1951.

An ordinance entitled, "Revenue Ordinance, Levying, Assessing, Imposing and Defining the License and Privilege Taxes of the City of Charlotte for the Fiscal Year beginning July 1, 1950 and ending June 30, 1951", was introduced and read. Councilman Wilkinson moved the adoption of the ordinance. Motion was seconded by Councilman Albea, and unanimously carried. Ordinance is recorded in full in Ordinance Book 11, at Pages 136 and 137.

RESOLUTION PROVIDING FOR A PUBLIC HEARING, ON JUNE 21, 1950, ON A PROPOSED AMENDMENT TO THE ZONING ORDINANCE, AFTER INTRODUCTION OF AN ORDINANCE (NO.107) TO AMEND THE ZONING ORDINANCE TO EFFECT A CHANGE IN ZONING ON PROPERTY FACING ON STATESVILLE AVENUE AT DEARBORN STREET.

An ordinance entitled, "An Ordinance (No. 107) Amending the Zoning Ordinance" was introduced and read, to change from R-2 to B-1 property fronting on Statesville Avenue at the northerly margin of Dearborn Street, was introduced and read. Following which a resolution entitled, "Resolution Providing for a Public Hearing on a Proposed Amendment to the Zoning Ordinance", was presented and read, fixing the date of hearing on June 21, 1950. Councilman Coddington moved the adoption of the resolution. Motion was seconded by Councilman Albea, and unanimously carried. Resolution is recorded in full in Resolutions Book 1, at Page 286.

TRANSFER OF FUNDS FROM GENERAL FUND TO WATER AND SEWER FUND.

Upon motion of Councilman Coddington, seconded by Councilman Albea, and unanimously carried, the transfer of \$63,000.00 was authorized from the General Fund, Reserve for Unappropriated Income, to Water & Sewer Fund, Reserve for Construction of Water Mains, to be used for the following projects:

Devonshire Place for Paul Younts	\$10,250.00
Marsh Estates for Marsh Realty Company	7,600.00
Double Oaks Development Co. for C. D. Spangler	7,270.00
Morningside Apartments, Inc. for D. L. Phillips	2,500.00
Wendover Hills for Sam H. McDonald	3,050.00
Griertown	16,930.00
Newland Road	10,000.00
Eastway Drive	4,400.00
Celia Street	<u>1,000.00</u>
Total	\$63,000.00

TRANSFER OF FUNDS FROM WATER & SEWER EMERGENCY FUND TO WATER MAINS CONSTRUCTION ACCOUNT.

Motion was made by Councilman Coddington, seconded by Councilman Albea, and unanimously carried, authorizing the transfer of \$2,000.00 from the Water & Sewer Emergency Fund (Code 613) to Water Mains Construction Account (Code 1610-G-31), to be used for individual home owners who will require water mains between this date and July 1, 1950.

CONSTRUCTION OF NEW SANITARY SEWERS AUTHORIZED.

Councilman Wilkinson moved approval of the construction of new sanitary sewers at the following locations, which was seconded by Councilman Albea, and unanimously carried:

- (a) 797-feet of 8-inch sewer in Waterman Avenue, at an estimated cost of \$1,820.00, to serve 10 family units and 2 vacant lots. All costs to be borne by the City.
- (b) 564-feet of 8-inch sewer in Eastway Drive, at an estimated cost of \$1,280.00, to serve 8 family units and 9 vacant lots. All costs to be borne by the City.
- (c) 683-feet of 8-inch sewer in Westmoreland Avenue, at an estimated cost of \$1,210.00, to serve 18 family units. All costs to be borne by the City.
- (d) 179-feet of 8-inch sewer in Hill Street, at an estimated cost of \$380.00, to serve 4 family units. All costs to be borne by the City.
- (e) 1,103-feet of 8-inch sewer in North Tryon Street, at an estimated cost of \$1,990.00, to serve 9 family units and 10 vacant lots. All costs to be borne by the City, and applicant's deposit of \$190.00 to be refunded as per terms of the contract.
- (f) 1,190-feet of 8-inch sewer in South Tryon Street, at an estimated cost of \$2,050.00, to serve 9 family units and 21 vacant lots. All costs to be borne by the City, and applicant's deposit of \$250.00 to be refunded as per terms of the contract.

STREETS TAKEN OVER FOR MAINTENANCE.

Upon motion of Councilman Wilkinson, seconded by Councilman Albea, and unanimously carried, the following streets were authorized taken over for maintenance:

- (a) Parson Street, from Everett Place to Drummond Avenue.
- (b) Idlewood Circle, from end of pavement to Salem Drive.
- (c) East 24th Street, from Yadkin Avenue to Pinckney Avenue.
- (d) Yadkin Avenue, from 24th Street to 25th Street.

STREETS TAKEN OVER FOR LIMITED MAINTENANCE.

Motion was made by Councilman Coddington, seconded by Councilman Wilkinson, and unanimously carried, authorizing taking over for limited maintenance, the following streets:

- (a) Bowley Street, from Highland Avenue to Ridgemont Boulevard.
- (b) Spencer Street, from 35th Street approximately 200 feet south.

REFUND OF DEPOSIT TO DIXIE HOMES, INC. FOR WATER MAINS INSTALLATIONS IN DIXIE HOMES AREA.

Councilman Daughtry moved that refund of \$3,995.68 be made to Dixie Homes, Inc., C. D. Spangler, President, representing the final payment of deposit, in the amount of \$13,185.59, for the installation of water mains in Dixie Homes area, under contract dated February 2, 1949; \$9,189.91 of said amount having been authorized refunded on May 24, 1950. Motion was seconded by Councilman Wilkinson, and unanimously carried.

CONSTRUCTION OF DRIVEWAY ENTRANCES AUTHORIZED.

Upon motion of Councilman Wilkinson, seconded by Councilman Daughtry, and unanimously carried, the construction of driveway entrances was authorized at the following locations:

- (a) One 22-foot driveway extension of an existing 8-foot drive at 1500-02 South Boulevard.
- (b) One 30-foot driveway on Churchill Road for 3801 Wendover Road.
- (c) Two 30-foot driveways on Central Avenue and two 30-foot drives on Westover Street, for 1918 Central Avenue.

CLAIMS FOR DAMAGES REFERRED TO CITY ATTORNEY.

Upon motion of Councilman Coddington, seconded by Councilman Wilkinson, and unanimously carried, the following claims for damages were referred to the City Attorney:

- (a) Claim of Miss Corrine Agnew, in the amount of \$2,500.00, filed by Mr. Guy T. Carswell, Attorney, for personal injuries sustained from stepping into a hole on Laurel Street, between Kenmore and Fifth Streets, in December, 1949.
- (b) Claim of Mrs. Winnie Austin Carpenter, in the amount of \$500 to \$600 for damages to trees and shrubbery by City trucks in the 1200 block of Ordermore Avenue.

CEMETERY LOT TRANSFERRED.

Motion was made by Councilman Albea, seconded by Councilman Wilkinson, and unanimously carried, authorizing the Mayor and City Clerk to execute a deed for the transfer of the southwest quarter of Lot 171, in Section 3, in Evergreen Cemetery, to Fred A. Jenkins, at a price of \$26.00.

UNANIMOUS CONSENT GIVEN PRESENTATION OF UNDOCKETED ITEMS.

Upon motion of Councilman Albea, seconded by Councilman Coddington, the unanimous consent of Council was given the presentation of the following undocketed items.

TRANSFER OF FUNDS FROM CAPITAL OUTLAY, HAWTHORNE LANE UNDERPASS, TO MUNICIPAL AIRPORT BUDGET, REPAIRS TO BUILDINGS.

Councilman Coddington moved that \$3,600.00 be transferred from Capital Outlay, (Code 1513-A) Hawthorne Lane Underpass Account, to the Municipal Airport Budget (Code 506-A) Repairs to Buildings Account, as recommended by the City Manager. Motion was seconded by Councilman Albea, and unanimously carried.

RESOLUTION AUTHORIZING THE CITY ATTORNEY TO CONTACT BOND ATTORNEYS WITH RESPECT TO \$5,750,000.00 BOND ELECTION.

A resolution entitled, "Resolution authorizing the City Attorney to Contact Bond Attorneys with respect to \$5,750,000.00 Bond Election" was introduced and read. Councilman Coddington moved the adoption of the resolution as read. Motion was seconded by Councilman Wilkinson, and unanimously carried, and the resolution was adopted. Resolution is recorded in full in Resolutions Book 1, at Page 287.

ADJOURNMENT.

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

Leccian R. Hoffman
City Clerk