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The regular weekly meeting of the City Council was held at 4 o'clock P. M., Wednesday, March 18, 1942, in the Council Chamber, City Hall, with Mayor Currie presiding and the following members of the Council present: Albea, Baker, Beasley, Daughtry, Hovis, Little, Painter, Price, Ross, Slye and Ward.

Absent: None.

On motion made by Councilman Little, seconded by Councilman Albea, the minutes of the regular meeting of March 11th. were approved as read, and on motion of Councilman Baker, seconded by Councilman Ross, the minutes of the special meeting of March 16th. were also approved as read.

ORDINANCE APPROPRIATING FUNDS FOR USE IN COLLECTION OF DELINQUENT TAXES AND STREET ASSESSMENTS.

The following ordinance was introduced by Councilman Ross, who moved its adoption:

ORDINANCE APPROPRIATING FUNDS FOR  
USE IN COLLECTION OF DELINQUENT TAXES AND STREET  
ASSESSMENTS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE, N. C.:

Section 1. That the Appropriation Ordinance adopted July 23, 1941 be, and it is, amended by transferring from the Emergency Appropriations Fund set up under the Department of General Government to the funds appropriated for the Collector of Revenue under the Department of Accounts and Finance the sum of \$1000.00, which shall be used for the collection of delinquent taxes and assessments.

Section 2. This Ordinance shall be and become in full force and effect upon its adoption.

APPROVED AS TO FORM:

Tillett & Campbell  
City Attorneys

On motion of Councilman Ross, seconded by Councilman Little, the above ordinance was unanimously adopted on three readings and declared to be an ordinance of the City of Charlotte, this the 18th day of March, 1942.

REASSESSMENT PETITION FOR PROPERTY ON SEIGLE STREET REFERRED TO FINANCE COMMITTEE.

Mr. Flack, City Manager, reported that a petition had been filed by The Orr Land Company requesting that property on Seigle Street be re-subdivided and reassessed, and he presented a resolution which had been prepared covering this reassessment. Mr. Lloyd Ross, City Engineer, explained to the Council why this request was being made, but after hearing Mr. Ross and after discussion, the Mayor referred the matter to the Finance Committee for further investigation and report back to the Council.

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PURCHASE OF COMMINUTOR.

On motion of Councilman Baker, seconded by Councilman Slye, the Mayor and Clerk were authorized to sign a contract with the Chicago Pump Company, for Comminutor, to be used at the Sugaw Creek Disposal Plant, at a net delivered price of \$4,024.00. The Manager explained that this Comminutor was needed to cut up the solids going through this plant, taking the place of screening which is badly worn and which will be expensive to replace, and that the Chicago Pump Company is the only manufacturer of this equipment.

ENLARGEMENT OF STORM DRAIN AT BAY STREET AND CLARICE AVENUE.

The City Manager reported that the storm drain at Bay Street and Clarice Avenue intersection is inadequate and must be enlarged to take care of the drainage, and that it is estimated by the Engineering Department that the labor and material will cost \$707.30 to do this.

The City Engineer also explained to the Council just why this work was needed, this section being thickly built-up.

Councilman Daughtry moved that the City proceed with this work, which was recommended by the City Manager and Engineering Department. Motion seconded by Councilman Albea and carried.

RENEWAL OF SPECIAL OFFICER PERMIT FOR L. A. HUNNICUTT FOR CHARLOTTE PARK & RECREATION COMMISSION.

On motion of Councilman Beasley, seconded by Councilman Albea, the special officer permit for Mr. L. A. Hunnicutt was renewed for the Charlotte Park & Recreation Commission; this renewal having the approval of the Chief of Police.

PARKING METER ORDINANCE.

The following Ordinance was introduced by Councilman Beasley and read by the Clerk:

AN ORDINANCE  
CREATING A PARKING METER ZONE ON TRADE STREET  
BETWEEN GRAHAM AND BREVARD STREETS, AND ON  
TRYON STREET BETWEEN FIRST AND SEVENTH STREETS,  
AND PROVIDING FOR THE REGULATION OF PARKING  
THEREIN.

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA:

Section 1. Between the hours of 9:00 a. m. and 6:00 p. m., except on Sundays, that part of Trade Street between Graham and Brevard Streets, and that part of Tryon Street between First and Seventh Streets is hereby designated as a parking meter zone; in such zone, where parking has heretofore been allowed or may hereafter be allowed, parking shall be regulated by parking meters in the manner hereinafter set forth.

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Section 2. In the places where parking is allowed in said zone, the City Traffic Engineer is directed to have marked off and maintained parking spaces parallel to the curb; said spaces shall each be 22 feet in length, except that the four end spaces in each block, and such spaces as immediately adjoin openings where parking is not allowed shall be eighteen feet in length. It shall be unlawful for any vehicle to be parked in such manner that its over-all dimensions are not entirely within a parking space as marked off.

Section 3. A parking meter shall be placed on the curb or sidewalk immediately adjacent to each parallel parking space hereinbefore described, and shall be used to regulate parking in that space. Each meter shall display a signal clearly showing legal parking upon deposit therein of the proper coin as hereinafter provided; said legal parking signal shall remain in full view until the expiration of the legal parking period, at which time the signal shall clearly indicate illegal parking.

Section 4. As soon as any vehicle is parked next to a parking meter during the times provided in Section 1, the owner, operator, or person in control of said vehicle, shall deposit in said meter a 5-cent coin of the United States which shall allow the vehicle to remain legally parked for one hour, or a one-cent coin of the United States which shall allow the vehicle to remain legally parked for twelve minutes. The maximum time that a vehicle may legally remain in any one parking meter space at any one time shall be one hour. Any vehicle parked next to a parking meter which displays an illegal parking signal shall be considered to be parked overtime and beyond the period of legal parking.

Section 5. Obedience to this ordinance is chargeable to the person actually operating or in control of the vehicle at the time that it is parked within the parking meter zone; provided that proof of ownership of any vehicle found parked in violation of this ordinance shall be prima facis evidence that such owner parked said vehicle.

Section 6. It shall be unlawful for any person to deposit in any parking meter any slug or other substitute for a five-cent or one-cent coin of the United States.

Section 7. It shall be unlawful for any person to deface, injure, tamper with, open, or wilfully break, destroy, or impair the usefulness of any parking meter, except that duly authorized persons may make the necessary collections and repairs.

Section 8. For the purposes of this ordinance, the following definitions shall apply:

1. Vehicle:- Every device in, upon, or by which any person or property is or may be transported or drawn upon a street or highway, except those operating upon rails or tracks.

2. Parking:- The stopping or standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.

3. Person:- Any person, firm, association or corporation.

Section 9. The violation of any of the provisions of this ordinance shall be a misdemeanor and punishable as provided by law for the violation of ordinances.

Section 10. All ordinances and clauses of ordinances in conflict herewith are hereby repealed.

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Section 11. The Clerk shall certify to the passage of this ordinance and cause the same to be published.

Section 12. This ordinance shall take and be in effect on and after the 15th. day of April, 1942.

Councilman Beasley moved that the ordinance be adopted, which was seconded by Councilman Slye, and carried, with Councilmen Albea and Hovis voting "No" and Councilman Price not voting.

Councilman Beasley then moved that the rules be suspended and the ordinance be placed upon its second reading. Motion seconded by Councilman Slye and carried, with Councilmen Albea and Hovis voting "No", Councilman Price not voting.

Councilman Beasley moved that the rules be suspended and the ordinance be placed upon its third and final reading. Motion seconded by Councilman Slye and carried, with Councilmen Albea and Hovis voting "No" and Councilman Price not voting.

The Mayor declared the ordinance adopted, this the 18th day of March 1942.

CEMETERY DEEDS.

On motion of Councilman Baker, seconded by Councilman Ross, the following cemetery deeds and perpetual care agreement were approved for transfer:

W. A. Matthews and wife, Clara B. Matthews, Lot No. 15-B, Section "X", Elmwood Cemetery.....	\$59.15
Perpetual care for this lot.....	50.85
George T. Bradley and wife, Ruth Bradley, Lot No. 258, Sec. "Y", Elmwood	\$35.00

MILK ORDINANCE ADOPTED ON THIRD AND FINAL READING.

At this time Councilman Ross moved that the Milk Ordinance presented at the March 11th. meeting and at that time adopted on two readings, be adopted upon its third and final reading. This motion was seconded by Councilman Baker.

Mr. D. E. Henderson, Counsel for the Buttermilk Dealers, then presented the following protest:

"TO THE CITY COUNCIL,  
CHARLOTTE, N.C.

On behalf of the farmers of Mecklenburg County who produce churned country buttermilk and sell the same in the City of Charlotte, and the many citizens of Charlotte who daily use the same as a wholesome food product, we most seriously protest the passage of the proposed milk ordinance now before you prohibiting the sale of raw buttermilk after a period of one year, for the following reasons, among others:

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1. That it is a wholesome and much needed food product, healthful and economical, and in many instances prescribed by Doctors for medicinal purposes.
2. That health is not involved as no sickness in Mecklenburg County has been charged to the use of country buttermilk.
3. That the ordinance is class legislation, creates a monopoly in favor of the milk plants in the city that manufacture and sell cultured buttermilk, and deprives the little man, who has no representation on this Council, of his property and rights without due process of law.
4. That we are now involved in a great war and in need of more wholesome food instead of less, and there is no sign of the war being at an end within twelve months.
5. That it is well known that the farmers cannot get the equipment required under the proposed ordinance on account of the war conditions, and if they could, it is also well known that they could not afford to buy it at a cost of approximately \$1500.00 when they only have a few cows.
6. That the ordinance, if enforced, would not only put the farmers out of the buttermilk business, but deprive hundreds of people in the city of this valuable food product which is daily used and the price within the reach of the average citizen.
7. That the ordinance is not a uniform one, used throughout the State, but in fact, is the only one of its kind in the State. That the only benefits derived from the passage of the ordinance inures to the benefit of the milk plants that deal in cultured buttermilk, which is of far less food value, but much more expensive in price, due to the fact that competition will be destroyed.
8. That the proposed ordinance permits the sale of B-Grade and C-Grade sweet milk to the milk plants alone, and yet the farmers will not be permitted to sell country buttermilk in the city, which will again inure to the benefit of the milk plants.
9. That the farmers we represent sell their country buttermilk under a permit from the City Health Department, which permit could not be obtained if the product was not produced and sold under sanitary conditions. That if health were involved, this Council would not allow country buttermilk to be sold in the city for twelve months before the ordinance is to become effective.
10. That the proposed ordinance as originally drawn, was not only an attempt to put the farmer out of the buttermilk business, but would have repealed many clauses of the present milk ordinance with reference to food value and health protection; all of which would have inured to the benefit of the milk plants, and would have passed but for the fight made against it by the independent sweet milk dealers in the county. In fact, it had passed on the first reading.

If the City Council insists on passing this proposed ordinance, which they seem determined to do, we have but two other forums to which we can appeal:

(a) The courts will protect the constitutional rights of every citizen. It will guarantee equal rights to all, and special privileges to none. Class legislation will not stand up. Monopolies in favor of the mighty will not prevail as against the weak.

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(b) This is a Democratic Country, and the people can and will speak. Yes, the Democrats who went to sleep in the last city campaign will rise up in righteous indignation, and the milk plants benefitting by this ordinance and the Republicans on this Council who are responsible for this ordinance will have to answer for this and more.

This March 18, 1942.

D. E. Henderson  
Attorney for Mecklenburg County  
Buttermilk Association."

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Mr. Long, a milk producer then took the floor and strongly protested the passage of the ordinance, after which a vote was taken on the motion to adopt on third and final reading, which voting was as follows:

AYE: Councilmen Baker, Beasley, Painter, Price, Ross and Slye.

NO: Councilmen Albea, Daughtry, Hovis, Little and Ward.

The Mayor declared the ordinance adopted.

RECESS:

The Mayor declared a recess for the purpose of meeting with the Council in his office, and at 5:20 the Council reconvened.

RESOLUTION WITH REGARD TO EMPLOYING ATTORNEYS TO BRING TAX AND SPECIAL ASSESSMENT LIEN FORECLOSURE ACTIONS.

The following resolution was introduced and on motion of Councilman Price, seconded by Councilman Baker, was unanimously adopted:

RESOLVED that the tax foreclosure committee be and it hereby is authorized and directed to employ one or more attorneys for the purpose of instituting actions for the foreclosure of tax and special assessment liens of the City of Charlotte; said attorneys to furnish the City with a certificate of title for all property purchased by the City at the foreclosure sale; said attorneys shall be paid such fee for their services as may be agreed upon by the committee.

ADJOURNMENT.

On motion of Councilman Baker, seconded by Councilman Albea, the meeting then adjourned.

*Alice B. McNeill*  
City Clerk