

A regular meeting of the City Council was held in the Council Chamber, City Hall, at 11:00 a.m., on Wednesday, May 18, 1949, with Mayor Shaw presiding, and Councilmen Aitken, Albea, Boyd, Coddington, Daughtry, Jordan and Wilkinson present.

INVOCATION.

The Reverend Cecil J. Lawrence, Associate Pastor of Myers Park Presbyterian Church, gave the invocation.

MINUTES APPROVED.

Upon motion of Councilman Jordan, seconded by Councilman Wilkinson, and unanimously carried, the minutes of the last meeting, on May 11th, were approved as submitted.

HEARING IN CONNECTION WITH PERMANENT IMPROVEMENTS ADJACENT TO CERTAIN CITY SCHOOL PROPERTIES, AND ADOPTION OF ORDINANCES ASSESSING BENEFITS IN IMPROVEMENT DISTRICTS.

The following Report, having been filed with the City Clerk by the Board of Appraisers appointed by the City Council to determine the benefits and damages to certain school properties before and after permanent improvements were made, was presented by the City Clerk:

"April 21, 1949

We, the undersigned appraisers, appointed by the City Council have inspected the following school properties before and after the permanent improvements were made and we find no damages either to the City or the School Property.

We find benefits, costs to be divided as follows:

	<u>City</u>	<u>School</u>
Morgan School, South Torrence Street		100% - \$347.26
The Plaza School, The Plaza	40% - \$889.56	60% - \$1,334.33
Eastover School, Cherokee Road	50% - \$266.22	50% - \$266.23
Fairview School, Burton Street	10% - \$ 85.77	90% - \$771.89
Midwood School, Central Avenue	40% - \$1464.31	60% - \$2,196.48
North Alexander Street School	10% - \$ 34.39	90% - \$309.54
Villa Heights School, Catawba Ave.	20% - \$ 323.76	80% - \$1,295.05
Seversville School, Sumter Ave.	60% - \$1,225.92	40% - \$338.89
Glenwood School, Clay Ave.	10% - \$ 73.28	90% - \$659.52
Isabel Wyche School, S. Poplar St.	40% - \$ 278.14	60% - \$417.21

The improvements consist of grading, catch basins, drain lines, sidewalks and curbing.

Above calculations are based on cost figures furnished the Committee by the City Engineers Office.

Respectfully submitted,

Kirby Smith, Chairman
J. H. Carson
J. E. Barrentine
John F. Durham
F. E. Harlan "

Mayor Shaw announced this was the time fixed, and so advertised, to hear persons interested in the said assessments, as provided in Section 51 of the City Charter. No objections were voiced.

Whereupon, the following ordinances were introduced and read:

An Ordinance entitled, "An Ordinance Assessing Benefits in the Improvement District on Clay Avenue in Front of Glenwood School Property". Councilman Atkins moved the adoption of the ordinance. Motion was seconded by Councilman Jordan, and ^{was} unanimously adopted. Ordinance is recorded in full in Ordinance Book 11, at Page 50.

An ordinance entitled, "An Ordinance Assessing Benefits in the Improvement District on Sumter Avenue in Front of Seversville School Property", Councilman Albea moved the adoption of the ordinance. Motion was seconded by Councilman Wilkinson, and unanimously carried. Ordinance is recorded in full in Ordinance Book 11, at Page 51.

An Ordinance entitled, "An Ordinance Assessing Benefits in the Improvement District on Academy Street, The Plaza, and Anderson Street in Front of Plaza School". Councilman Jordan moved the adoption of the Ordinance. Motion was seconded by Councilman Wilkinson, and was unanimously adopted. Ordinance is recorded in full in Ordinance Book 33, at Page 52.

An Ordinance entitled, "An Ordinance Assessing Benefits in the Improvement District on Cherokee Road and Huntley Avenue in Front of East-over School Property". Councilman Albea moved the adoption of the ordinance. Motion was seconded by Councilman Coddington, and was unanimously adopted. Ordinance is recorded in full in Ordinance Book 11, at Page 53.

An Ordinance entitled, "An Ordinance Assessing Benefits in the Improvement District on Central Avenue, Nandina Avenue and Peachtree Street in Front of Midwood School". Councilman Jordan moved the adoption of the ordinance. Motion was seconded by Councilman Daughtry, and was unanimously adopted. Ordinance is recorded in full in Ordinance Book 11, at Page 54.

An Ordinance entitled, "An Ordinance Assessing Benefits in the Improvement District on Allen Street and Catawba Ave. in Front of Villa Heights School Property". Councilman Boyd moved the adoption of the ordinance. Motion was seconded by Councilman Jordan, and was unanimously adopted. Ordinance is recorded in full in Ordinance Book 11, at Page 55.

An Ordinance entitled, "An Ordinance Assessing Benefits in the Improvement District on Burton Street in Front of Fairview School Property". Councilman Coddington moved the adoption of the ordinance. Motion was seconded by Councilman Albea, and was unanimously adopted. Ordinance is recorded in full in Ordinance Book 11, at Page 56.

An Ordinance entitled, "An Ordinance Assessing Benefits in the Improvement District on South Torrence Street in Front of Morgan School Property". Councilman Boyd moved the adoption of the ordinance. Motion was seconded by Councilman Albea, and was unanimously adopted. Ordinance is recorded in full in Ordinance Book 11, at Page 57.

An Ordinance entitled, "An Ordinance Assessing Benefits in the Improvement District on North Alexander Street in Front of North Alexander Street School". Councilman Albea moved the adoption of the ordinance. Motion was seconded by Councilman Jordan, and unanimously adopted. Ordinance is recorded in full in Ordinance Book 11, at Page 58.

An Ordinance entitled, "An Ordinance Assessing Benefits in the Improvement District on West Hill and South Poplar Streets in Front of Isabel Wyche School Property". Councilman Boyd moved the adoption of the ordinance. Motion was seconded by Councilman Albea, and was unanimously adopted. Ordinance is recorded in full in Ordinance Book 11, at Page 59.

OBJECTIONS REGISTERED BY GEO. S. COBLE OF COBLE DAIRIES, INC., TO PROPOSED AMENDMENT TO MILK ORDINANCE PROVIDING THAT ONLY GRADE A MILK BE HANDLED BY DAIRY PLANTS SUPPLYING MILK TO CHARLOTTE MARKET.

The City Health Officer and Health Advisory Committee of the City of Charlotte recommended the adoption of an Amendment to the Milk Ordinance, to read as follows:

"Amend Chapter 10, Article 1, of the City Code of the City of Charlotte, by adding a new subsection as follows:

(d) No milk or fluid milk product shall be sold to the final consumer, or to restaurants, soda fountains, grocery stores, or similar establishments by any producer or processing plant where two or more grades of fresh fluid milk, as defined in this ordinance, are received."

Objections to the adoption of such amendment were registered by Mr. George S. Coble, head of Coble Dairies, Inc. of Lexington, N. C., on the grounds that it would bar the sale of their products at their \$300,000.00 plant to be presently opened in Charlotte. Mr. Coble and his attorney, Mr. Don Walser of Lexington, stated they had not been advised of the language of the amendment but from information received they believed it to be pointed at the Coble Dairies and proposed by the Health Officials of Charlotte upon the request of local dairymen because of the recent reduction of one cent in the price of Coble milk. They contended that the purchase by Coble Dairies of 100,000 gallons of milk daily from 8,000 North Carolina farmers was preferable than under the Charlotte Milk Ordinance permitting the purchase of manufactured or powdered milk from out of the state for use in dairy by-products. That they had a surplus of milk produced in North Carolina and felt it unfair to be forced by a Charlotte Ordinance to have to go out of the State to purchase it in a manufactured or powdered form, for use in their by-products. As to the possible use in plants of other than Grade A milk to the consumer, Mr. Coble stated that no restriction on this was necessary, as the Inspectors from the State Health Department made minute inspections of the quantity of Grade A milk that came into the plants and that which was distributed.

Mr. Vernon Niven, Manager of Foremost Dairies in Charlotte state there was no economics involved in the question; that the entire matter rested on the question of whether Coble Dairies will be permitted to handle Grade A milk for retail sale and Grade C milk for processing, when the other eleven Dairies now operating in Charlotte were voluntarily governed by a "gentlemen's agreement" with the City Health Department not to receive in their plants other than Grade A fluid milk for distribution to the consumer.

Dr. Bethel, Charlotte Health Officer, stated the proposed amendment is not aimed at anyone in particular. Simply that the present Dairy Companies must be given the privilege of handling two grades of fluid milk if the Coble Dairy is accorded this right, or all Dairies must conform to the high standard now realized, and it is recommended that this be made mandatory by the adoption of the amendment.

Mr. Dan Hood, Dairyman, Mr. Hugh Ashcraft of the Ashcraft Farms, and Mr. L. L. Cauble of Biltmore Dairies spoke in favor of the amendment.

Mr. Geo. F. Faille, Charlotte Groceryman and Mr. D. G. Mullis, Cafe Operator, voiced the desire for both the high standard of milk and a cheaper price.

At the conclusion of the discussion, Councilman Boyd moved that action on the amendment be deferred temporarily. Motion was seconded by Councilman Wilkinson, and unanimously carried.

During the discussion, Mayor Shaw left the meeting to address a Convention group, and Mayor pro tem Aitken assumed the Chair. Mayor Shaw stated to Mr. Coble that he and the Council had only been in office for ten

days and were not previously acquainted with the milk problem presented today. He assured Mr. Coble that he and the Council had no idea of discriminating against him or anyone, and that each person concerned would be treated fairly and justly.

Mr. Coble expressed his appreciation to the Mayor for the courtesy and consideration shown him.

MAYOR PRO TEM AITKEN PRESIDES.

Mayorpro tem Aitken presided for the remainder of the meeting, having assumed the Chair during the discussion of the last matter: namely, Amendment to the Milk Ordinance, and prior to the vote thereon.

REQUEST OF JACK N. STROUPE FOR ADJUSTMENT IN SANITARY SEWER CONSTRUCTION TO SERVE HIS APARTMENT BUILDINGS.

Mr. Jack N. Stroupe requested an adjustment in the cost of the sanitary sewer constructed by the city in Briarwood Road for him to serve the new apartment buildings he is erecting on Sharon Road. He stated the City had estimated the cost at \$963.42, allowing him the usual \$200.00 per housing unit, and he was now advised the actual cost amounted to \$1,062.50.

Upon motion of Councilman Boyd, seconded by Councilman Jordan, and unanimously carried, the matter was referred to the City Manager and City Attorney for investigation and report to Council.

REVENUE ORDINANCE FOR FISCAL YEAR BEGINNING JULY 1, 1949 AND ENDING JUNE 30, 1950.

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, 1949, and Ending June 30, 1950" was introduced and read. Councilman Albea moved the adoption of the ordinance. Motion was seconded by Councilman Jordan, and was unanimously adopted, and declared to be an ordinance of the City of Charlotte. The Ordinance is recorded in full in Ordinance Book 11, at Pages 60 and 61.

LOCATION OF COTTON MANUFACTURING BUSINESS IN BUILDING AT 2745 COTTAGE WAY.

Motion was made by Councilman Jordan, seconded by Councilman Coddington, and unanimously carried, approving the application to locate a cotton manufacturing business, consisting of two looms, in a building situated at 2945 Cottage Way.

AGREEMENT WITH STATE HIGHWAY & PUBLIC WORKS COMMISSION FOR RIGHTS-OF-WAY FOR WATER MAINS.

Upon motion of Councilman Albea, seconded by Councilman Jordan and unanimously carried, agreements were authorized with the State Highway & Public Works Commission for rights-of-way across Plaza Road for the opening of pavement to install a 6-inch water main and for the construction of a 6-inch main along Potters Road.

CONTRACT WITH D. L. PHILLIPS FOR WATER MAIN CONSTRUCTION IN MORNINGSIDE SUBDIVISION.

Councilman Albea moved that contract be authorized with Dwight L. Phillips for the construction of 2,350 feet of water mains in Morningside Subdivision, at an estimated cost of \$5,800.00. Construction costs to be borne by the applicant, and the City to furnish material and lay the main and maintain and operate it. The first cost of the project to be refunded, without interest, when mains produce a revenue equal to 5% of said cost within any 12 months continuous period. Motion seconded by Councilman Jordan, and unanimously carried.

NEW SANITARY SEWER CONSTRUCTION AUTHORIZED.

Motion was made by Councilman Albea, seconded by Councilman Wilkinson, and unanimously carried, authorizing the construction of new sanitary sewers as follows:

- (a) Contract with Mr. Haywood Robbins for the construction of a sanitary sewer main, for 1,675 feet in Providence Road, at an estimated cost of \$4,528.03. The entire cost to be borne by the City. Applicant's deposit of the full amount to be refunded in accordance with the terms of the contract.
- (b) Construction of sanitary sewer in South Myers Street, a bran estimated cost of \$710.82; to serve 10 houses constructed. All costs to be borne by the City.

CONTRACTS FOR PURCHASE OF WATER MAINS AND FIRE HYDRANT IN ANNEXED AREA.

Upon motion of Councilman Coddington, seconded by Councilman Jordan, and unanimously carried, the following contracts for the purchase of water mains and a fire hydrant, were authorized:

- (a) Contract with Mr. John L. Wilkinson for 5,768 feet of mains in Tranquil Avenue, Brandywine Ave., Wales Ave., Dellwood Ave., Hillsdale Ave., and Chelsea Drive, at a price of \$1,283.48.
- (b) Contract with Mr. E. H. Newcombe for a fire hydrant located at Belvedere Avenue and St. Andrews Lane, at a price of \$150.81.

LEASE OF AIRPORT BUILDINGS REPORTED.

The City Manager reported that the following leases for buildings at Douglas Municipal Airport have been concluded:

BUILDING NO.	LESSEE	MONTHLY RENTAL	DATE AND TERM OF LEASE
288	A. W. Elliott	\$21.30	5-1-49 1 year
287	Furman Abernethy	\$14.00	5-1-49 5 years

UNANIMOUS CONSENT GIVEN TO CONSIDER PERSONNEL APPOINTMENTS.

Upon motion of Councilman Jordan, seconded by Councilman Boyd, and unanimous consent of Council was given to consider the appointments of city personnel.

APPOINTMENT OF HENRY A. YANCEY AS CITY MANAGER.

Councilman Jordan moved the appointment of Mr. Henry A. Yancey as City Manager. Motion was seconded by Councilman Daughtry, and unanimously carried.

ORDINANCE FIXING SALARY OF HENRY A. YANCEY AS CITY MANAGER.

Councilman Daughtry moved the adoption of the following ordinance fixing the salary of Mr. Henry A. Yancey, as City Manager:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That the salary of Henry A. Yancey as City Manager of the City of Charlotte shall be, and the same is, hereby fixed at \$16,000.00 annuum, payable semi-monthly at the rate of \$666.667.

Section 2. That this ordinance shall be in full force and effect and after its adoption.

Motion was seconded by Councilman Coddington and carried, with the votes cast as follows:

AYE: Councilmen Albea, Coddington, Daughtry, Jordan and Wilkinson.

NAY: Councilman Boyd.

Councilman Boyd stated that he desired to have the salary of the City Manager fixed at \$14,000.00 instead of \$16,000.00. He stated further that he thought that Mr. Yancey was an exceedingly fine City Manager.

APPOINTMENT OF MRS. LILLIAN R. HOFFMAN AS CITY CLERK.

Councilman Boyd moved the appointment of Mrs. Lillian R. Hoffman as City Clerk, at her present salary. Motion was seconded by Councilman Jordan, and unanimously carried.

APPOINTMENT OF JOHN D. SHAW AS CITY ATTORNEY.

Councilman Coddington moved the appointment of Mr. John D. Shaw as City Attorney, at a salary of \$8,400.00 per annum, plus one-half the salary of his Secretary not to exceed \$750.00 per year. Motion seconded by Councilman Wilkinson, and unanimously carried.

RENEWAL OF BEER LICENSE TO B. L. PENDLETON REQUESTED BY RAY FARRIS, ATTORNEY.

Mr. Ray Farris, Attorney, requested the renewal of a Beer License to Mr. B. L. Pendleton for use at his place of business at 627 Belmont Avenue. Mr. Farris stated that Captain Yandle of the City Police Department had refused to approve the application for the renewal of the License. He stated further that Mr. Pendleton operated a respectable place of business, caused no annoyance and that he had neither been arrested or indicted. Motion was made by Councilman Jordan, seconded by Councilman Boyd, and unanimously carried, that the matter be referred to the City Manager for investigation and report at the next Council Meeting.

ADJOURNMENT.

Upon motion of Councilman Jordan, which unanimously carried, the meeting was adjourned.


City Clerk