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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, on Monday, September 26, 1966, at 3 o'clock p.m., with Mayor Stan R. Brookshire presiding, and Councilmen Claude L. Albea, Fred D. Alexander, Sandy R. Jordan, Milton Short, John H. Thrower, Jerry Tuttle and James B. Whittington present.

ABSENT: None.

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INVOCATION.

The invocation was given by Councilman Sandy R. Jordan.

MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Thrower and unanimously carried, the Minutes of the last Council Meeting on Monday, September 19th were approved as submitted.

RESOLUTION CLOSING AND ABANDONING A PORTION OF EAST TWENTY-SIXTH STREET IN THE CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA.

The scheduled hearing was held on the petition of Southern Wipers, Inc. requesting approval of the withdrawal from dedication of East 26th Street, from Sugar Creek east the full length of their property. The Petitioner having agreed to set aside the necessary rights of way reserved for utilities in the street.

Mr. Hugh Campbell, Jr., Attorney for the petitioner, stated he would be glad to answer any questions.

No objections were expressed to the petition.

Councilman Thrower moved that the subject resolution be adopted, which was seconded by Councilman Whittington, and unanimously carried.

The resolution is recorded in full in Resolutions Book 5, at Page 335.

ORDINANCE NO. 522-X EXTENDING THE CORPORATE LIMITS OF THE CITY OF CHARLOTTE BY ANNEXING 24.68 ACRES OF PROPERTY LOCATED IN MALLARD CREEK TOWNSHIP.

The public hearing was held on the petition filed by Nance-Trotter Realty, Inc. on behalf of Mr. W. H. Starrette and Miss Nancy A. Starrette for the annexation of 24.68 acres of property located in Mallard Creek Township and contiguous to the city limits of Charlotte.

Mr. W. H. Trotter, President of Nance-Trotter Realty, Inc., stated they are cooperating with the Starrettes in developing this property and have it under option to purchase and have worked with them submitting this petition. He stated this is a conservative annexation of a piece of land that lies in the path of rapid growth in the area of Hidden Valley and Kentwood. That it is adjacent to existing water and sewer facilities, and the extensions that will be required are almost entirely within the streets of this proposed subdivision.

The City Manager advised that within the framework of the existing policies, the city can handle this annexation; that it is estimated the water installations will cost under \$13,000, and the sewer will be about \$18,000.

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Councilman Short stated that the \$18,000 for sewers will be money that Mr. Trotter will have to have on hand, and he asked if Mr. Trotter has this money? Mr. Trotter replied it is available in part, but it will not all be developed at one time.

No opposition was expressed to the proposed annexation.

Upon motion of Councilman Albea, seconded by Councilman Tuttle, and unanimously carried, the subject ordinance was adopted, and is recorded in full in Ordinance Book 14, beginning at Page 388.

COUNCIL REQUESTED TO LIST URBAN RENEWAL PROJECT AS FOUR SEPARATE ITEMS ON THE BALLOT WHEN IT IS PUT TO VOTE.

Mr. Albert Pearson asked if the proposed \$5.5 million bonds for urban renewal will go on the ballot as a group for the four projects, or whether it will be separated so that it can be voted on individually, or will it have to be voted on as one? Mayor Brookshire replied the urban renewal item will be for the package of urban projects adopted by Council. Mr. Pearson stated he would like to request that the four projects be put on separately as there are people in the city who would like to vote for some and not all. That he would hate to see all of them defeated just to get one. That he suggests to the Council that the people of Charlotte have not had the opportunity to go into this and should be given the opportunity to vote on these as separate parcels. That when you compare Greenville and helping of certain people in that area, with helping people Downtown - some of whom are wealthy - when you lump them all together, then you either have to have it said about this proposal, that (1) no thought has been given to it to be fair in giving people a chance to vote on it separately; or (2) that it was done deliberately to try to force one part of it across with the help of the other.

Mr. Pearson stated he respectfully suggests again that this be given consideration and be put on the ballot separately.

REPUBLICAN CANDIDATES FOR COUNTY COMMISSION PRESENT STATEMENT TO CITY COUNCIL.

Mr. Gus Campbell, Republican candidate for County Commission, stated he has with him today most of the other Republican representatives whom he introduced - Dr. James G. Martin, Mr. Robert D. Potter, Mr. Charles W. Tull. Mr. Campbell stated this is the first of several appearances they plan to make this fall before various governmental bodies in the County.

Dr. Martin stated he would like to present the following statement:

"As citizens of Mecklenburg County, we have been concerned about the breakdown in communications between the incumbent county commission and the leadership in the other local governing bodies. This has recently been evident in such critical areas as, for example:

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- (a) The extension of city water and sewer services to areas outside the city limits;
- (b) the possibility of consolidating the city and county pet departments and animal shelters; and
- (c) the proposed formation of a city-county recreation commission and joint parks department.

As candidates for election to the county commission, we pledge ourselves to establish and maintain open lines of communication with the city council and other local governing bodies.

John A. (Gus) Campbell  
Dr. James G. Martin  
M. W. (Pete) Peterson  
Robert D. Potter  
Charles W. Tull"

ORDINANCE NO. 523-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING THE ZONING FROM O-15 TO B-2 OF A 2.22 ACRE TRACT OF LAND FRONTING APPROXIMATELY 203 FEET ON THE EAST SIDE OF NATIONS FORD ROAD, BEGINNING APPROXIMATELY 135 FEET SOUTH OF THE RIGHT OF WAY OF GENERAL YOUNTS EXPRESSWAY.

Councilman Whittington moved approval of the subject ordinance, changing the zoning from O-15 to B-2 as recommended by the Planning Commission. The motion was seconded by Councilman Tuttle and carried unanimously.

The ordinance is recorded in full in Ordinance Book 14, at Page 390.

ORDINANCE NO. 524-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING THE ZONING FROM O-6 TO B-1 OF A TRIANGULAR SHAPED PARCEL OF LAND FRONTING APPROXIMATELY 150 FEET WEST OF PARK ROAD AND HAVING A DEPTH OF 118 FEET.

Motion was made by Councilman Whittington and seconded by Councilman Tuttle to adopt the subject ordinance changing the zoning from O-6 to B-1 as recommended by the Planning Commission.

Councilman Thrower asked Mr. Horack, Attorney for the petitioner, what they plan to do with the remainder of the property, and Mr. Horack replied he does not know, but it will remain O-6.

The vote was taken on the motion and carried unanimously.

The ordinance is recorded in full in Ordinance Book 14, at Page 392.

DECISION ON PETITION NO. 66-79 BY STEVE FERGUSON TO GRANT CONDITIONAL APPROVAL FOR OFF-STREET PARKING FOR OFFICE PURPOSES ON A LOT NOW ZONED R-6MF AT 2051 SHENANDOAH AVENUE, DEFERRED PENDING FURTHER STUDY BY THE PLANNING COMMISSION.

Upon motion of Councilman Jordan, seconded by Councilman Alexander and unanimously carried, the subject petition was deferred by Council pending further study by the Planning Commission.

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DECISION ON PETITION NO. 66-80 BY GIBSON L. SMITH AND JOE FRANK WHITLOW FOR A CHANGE IN ZONING FROM O-6 TO B-1 OF TWO LOTS FRONTING 100 FEET ON THE SOUTHEAST SIDE OF SHAMROCK DRIVE, BEGINNING APPROXIMATELY 120 FEET SOUTHEAST OF EASTWAY DRIVE, AND CHANGE FROM R-9MF TO O-6 AND FROM O-6 TO B-1 TWO LOTS FRONTING 166 FEET ON THE EAST SIDE OF EASTWAY DRIVE BEGINNING APPROXIMATELY 120 FEET SOUTH OF SHAMROCK DRIVE, DEFERRED PENDING FURTHER STUDY BY THE PLANNING COMMISSION.

Councilman Tuttle moved that decision on the subject petition be deferred pending the further study of the Planning Commission. The motion was seconded by Councilman Alexander and carried unanimously.

PETITION NO. 66-81 BY O. M. GULLEDGE FOR A CHANGE IN ZONING FROM R-9 TO R-6MF OF A 5.046 ACRE TRACT OF LAND LOCATED AT THE DEAD END OF LANTANA AVENUE, APPROXIMATELY 1,800 FEET EAST OF SHARON AMITY ROAD, DENIED.

Councilman Albea moved that the subject petition for a change in zoning from R-9 to R-6MF be denied as recommended by the Planning Commission. The motion was seconded by Councilman Tuttle and carried unanimously.

PETITION NO. 66-73 BY W. F. EZELL, JR. FOR A CHANGE IN ZONING FROM R-6MF TO B-1 OF A LOT 50' X 150' AT 1932 NORTH HARRILL STREET, DENIED.

Councilman Jordan moved that the subject petition for a change in zoning from R-6MF to B-1 be denied as recommended by the Planning Commission. The motion was seconded by Councilman Whittington.

Councilman Thrower asked if this would qualify for the Board of Adjustment? Mr. Kiser, City Attorney, replied the petitioner could apply for a building permit, and if it is denied, he could appeal to the Board of Adjustment for a variance. That the Code provides that the Board of Adjustment is not authorized to issue a variance to extend a non-conforming use; and to the extent that is involved here would have to be a matter decided by the Board of Adjustment when the case is heard before them.

Councilman Thrower stated in the case of a certain building on Park Road, they wanted to do much the same as Mr. Ezell, and they went to the Board of Adjustment, and it was approved. Mr. Kiser replied this is a judicial type hearing before the Board, and they could take the action they feel is necessary within the confines of the ordinance requirements.

The vote was taken on the motion to deny the petition and carried by the following vote:

YEAS: Councilmen Jordan, Whittington, Albea, Alexander, Short and Tuttle.

NAYS: Councilman Thrower.

ANNUAL REPORT OF PROGRESS UNDER THE WORKABLE PROGRAM FOR COMMUNITY IMPROVEMENT APPROVED.

Councilman Tuttle moved approval of the annual review of progress under the Workable Program for community improvement to be submitted to the Department of Housing and Urban Development. The motion was seconded by Councilman Whittington and carried unanimously.

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RESOLUTION FIXING THE DATE OF PUBLIC HEARING ON OCTOBER 24 ON PETITION FOR LOCAL IMPROVEMENTS ON SHENANDOAH AVENUE, FROM HANOVER STREET TO LORNA STREET.

Motion was made by Councilman Jordan, seconded by Councilman Albea and unanimously carried, adopting the subject resolution.

The resolution is recorded in full in Resolutions Book 5, at Page 338.

CONTRACTS FOR INSTALLATION OF WATER MAINS AUTHORIZED.

Upon motion of Councilman Thrower, seconded by Councilman Albea and unanimously carried, the following contracts for the installation of water mains were authorized:

- (a) Contract with Nance-Trotter Realty, Inc. for the construction of 1,840 feet of mains and two fire hydrants, to serve Kentwood II Subdivision, inside the city, at an estimated cost of \$6,100.00. The City to finance all costs and the applicant to guarantee an annual gross water revenue equal to 10 per cent of the total construction cost.
- (b) Contract with John Crosland Company for the construction of 3,800 feet of main and three fire hydrants, to serve Stonehaven No. 9 Subdivision, inside the city, at an estimated cost of \$13,700. The City to finance all costs and the applicant to guarantee an annual gross water revenue equal to 10 per cent of the total construction cost.

AGREEMENT BETWEEN THE CITY OF CHARLOTTE AND THE NORTH CAROLINA STATE HIGHWAY COMMISSION IN CONNECTION WITH THE RELOCATION OF WATER FACILITIES CAUSED BY THE CONSTRUCTION OF U. S. 21 SOUTH AUTHORIZED.

Councilman Whittington moved approval of an agreement between the City of Charlotte and N. C. State Highway Commission in connection with the relocation of certain water facilities caused by the construction of U. S. 21 South, Project U-29-1(9), and State Project No. 8.1654704, reimbursing the City for certain portions of the work by the Highway Commission in an estimated amount of \$7,784.92. The motion was seconded by Councilman Alexander and carried unanimously.

CONTRACTS FOR APPRAISAL OF RIGHTS OF WAY FOR THE SIXTH STREET IMPROVEMENT PROJECT AUTHORIZED.

Upon motion of Councilman Jordan, seconded by Councilman Albea and unanimously carried, contracts were authorized with A. H. Carrier, Jr. and Stuart Elliott for appraisal of three parcels of land in connection with the Sixth Street improvement project.

CHANGE ORDER NO. 1 IN CONTRACT WITH R. MARRET WHEELER COMPANY FOR GENERAL CONSTRUCTION OF MINT MUSEUM ADDITION AUTHORIZED.

Motion was made by Councilman Jordan, seconded by Councilman Thrower and unanimously carried, authorizing Change Order No. 1 in contract with R. Marret Wheeler Company, general contractor for the Mint Museum Addition, increasing the contract price by \$2,444.00.

The City Manager advised that the Mint Museum has deposited this amount of money with the City.

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CLAIM OF MRS. CORA S. MORRIS FOR PERSONAL INJURIES DENIED.

Councilman Whittington moved that claim of Mrs. Cora S. Morris in the amount of \$346.50 for personal injuries resulting from a fall on a city sidewalk on Rozzells Ferry Road on January 14, 1965, be denied as recommended by the City Attorney. The motion was seconded by Councilman Thrower and carried unanimously.

CONTRACT WITH HOUSING AUTHORITY FOR WATER AND SEWER SERVICES AUTHORIZED.

Upon motion of Councilman Tuttle, seconded by Councilman Whittington and unanimously carried, contract between the City of Charlotte and the Housing Authority of the City of Charlotte providing for the City to furnish water and sewer services to the Authority and that the Authority pay the scheduled rates for such services as specified in Section 16-12 of the City Code, was authorized.

CONTRACT AWARDED LOWDER COAL & OIL COMPANY FOR STOKER COAL.

Councilman Whittington moved award of contract to the low bidder, Lowder Coal & Oil Company, for 550 tons of stoker coal in the amount of \$6,798.00, on a unit price basis. The motion was seconded by Councilman Albea and carried unanimously.

The following bids were received:

Lowder Coal & Oil Co.	\$ 6,798.00
Patterson Electric Coal Co.	7,874.35

CONTRACT AWARDED OSHKOSH B'GOSH, INC. FOR WORK CLOTHING.

Upon motion of Councilman Thrower, seconded by Councilman Whittington and unanimously carried, contract was awarded the only bidder, Oshkosh B'Gosh, Inc. for 9,602 pieces of work clothing, in the amount of \$28,789.98, on a unit price basis.

Councilman Tuttle asked why there is only one bid? Mr. Veeder replied they have attempted to find out why on this, and there are at least four points on this which has been pointed out. (1) So many of the manufacturers have large commitments to the army, and this is limiting their bidding on other projects. (2) scarcity is making some smaller bidders afraid to bid and give performance bonds as they wonder if they will be able to get the material to make the items; (3) so many manufacturers are switching from pure cotton to polyester cotton to keep pace with the change in non-press materials; and (4) we need this material now and deliveries have been quoted for 45 days and think any delay would hamper the operation.

CONTRACT AWARDED BELK BROTHERS COMPANY FOR WORK CLOTHING.

Councilman Jordan moved award of contract to the only bidder, Belk Brothers Company, for work clothing in the amount of \$5,979.85, on a unit price basis. The motion was seconded by Councilman Thrower, and carried unanimously.

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AMENDMENT TO THE COOPERATION AGREEMENT BETWEEN THE HOUSING AUTHORITY OF THE CITY OF CHARLOTTE AND THE CITY, DATED MARCH 21, 1963, AUTHORIZED.

Councilman Alexander moved approval of an amendment to the cooperation Agreement between the Housing Authority of the City of Charlotte and the City, dated March 21, 1963, adding to the original agreement the 1,000 public housing units as approved by Council on July 11, 1966. The motion was seconded by Councilman Tuttle and carried unanimously.

TRANSFER OF CEMETERY DEED.

Councilman Albea moved that the Mayor and City Clerk be authorized to execute a deed with the Estate of Marion P. Spigener, for Lot No. 380, Section 5, Evergreen Cemetery, at \$240.00. The motion was seconded by Councilman Short and carried unanimously.

CONTRACT AWARDED RICHLAND SHALE PRODUCTS COMPANY, DBA COLUMBIA PIPE COMPANY FOR VITRIFIED CLAY PIPE.

Motion was made by Councilman Thrower awarding contract to the low bidder, Richland Shale Products Company, d/b/a Columbia Pipe Company, for 50,000 lineal feet of vitrified clay pipe in various sizes, in the amount of \$46,433.74, on a unit price basis. The motion was seconded by Councilman Jordan and carried unanimously.

The following bids were received:

Richland Shale Products Co.	
d/b/a Columbia Pipe Co.	\$ 46,433.74
Oconee Clay Products Div. of	
Griffin Pipe Co.	46,823.60
Pomona Pipe Products	47,943.41

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BOND PACKAGE IN THE AMOUNT OF \$13.9 MILLION APPROVED AND REFERRED TO APPROPRIATE PARTIES FOR STUDY AND PREPARATION LEADING TO BOND REFERENDUM: AND CHAMBER OF COMMERCE AND OTHER ORGANIZATIONS THANKED FOR THEIR WORK ON THIS PROGRAM.

Councilman Whittington moved that Council approve the bond package in the amount of \$13.9 million as recommended and that it be referred to the appropriate parties for study and preparation leading to the bond referendum. The motion was seconded by Councilman Jordan and carried unanimously.

Councilman Jordan moved that the Chamber of Commerce and the other organizations who have been putting so much effort into the bond program be given the Council's and the City's vote of thanks. The motion was seconded by Councilman Tuttle and carried unanimously.

ORDINANCE NO. 525 AMENDING CHAPTER 11 OF THE CODE OF THE CITY OF CHARLOTTE RELATING TO LICENSES AND BONDS FOR LOCKSMITHS.

Upon motion of Councilman Thrower, seconded by Councilman Whittington and unanimously carried, the subject ordinance was adopted.

The ordinance is recorded in full in Ordinance Book 14, at Page 393.

ACQUISITION OF PROPERTY IN CONNECTION WITH THE PLAZA ROAD WIDENING PROJECT.

Upon motion of Councilman Albea, seconded by Councilman Short and unanimously carried, the following property transactions were authorized:

- (a) Acquisition of 128 square feet of property at 4207 The Plaza, from Hubert C. Moody and wife, in the amount of \$1.00, in connection with the Plaza Road Widening Project.
- (b) Acquisition of 120 sq. ft. of property at 4220 The Plaza, from James Alton Bentley and wife, in the amount of \$100.00, for easement in connection with the Plaza Road Widening Project.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR ACQUISITION OF PROPERTY OF NORTH CAROLINA NATIONAL BANK, TRUSTEES FOR MARY ALLEN HEAFNER ESTATE, LOCATED AT EASTWAY DRIVE AT THE PLAZA FOR THE PLAZA ROAD WIDENING PROJECT.

Councilman Albea moved the adoption of a resolution entitled: Resolution Authorizing Condemnation Proceedings for Acquisition of Property of North Carolina National Bank, Trustees for Mary Allen Heafner Estate, Located at Eastway Drive at The Plaza for The Plaza Road Widening Project, which was seconded by Councilman Short and carried unanimously.

The resolution is recorded in full in Resolutions Book 5, at Page 339.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR ACQUISITION OF PROPERTY OF LAWRENCE H. MAYE AND WIFE, LOCATED AT 3408 EASTWAY DRIVE, FOR THE EASTWAY DRIVE WIDENING PROJECT.

Motion was made by Councilman Albea, seconded by Councilman Short and unanimously carried, adopting a resolution entitled: Resolution Authorizing Condemnation Proceedings for Acquisition of Property of Lawrence H. Maye and wife, Located at 3408 Eastway Drive, for the Eastway Drive Widening Project.

The resolution is recorded in full in Resolutions Book 5, at Page 340.



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RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR ACQUISITION OF PROPERTY OF SAMUEL YATES CLONINGER AND WIFE, LOCATED AT 3421 EASTWAY DRIVE, FOR THE EASTWAY DRIVE WIDENING PROJECT.

Upon motion of Councilman Albea, seconded by Councilman Short, and unanimously carried, a resolution entitled: Resolution Authorizing Condemnation Proceedings for Acquisition of Property of Samuel Yates Cloninger and Wife, Located at 3421 Eastway Drive, for the Eastway Drive Widening Project, was adopted and is recorded in full in Resolutions Book 5, at Page 341.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR ACQUISITION OF PROPERTY OF JAMES C. GREEN AND WIFE, LOCATED AT 2840 EASTWAY DRIVE, FOR THE EASTWAY DRIVE WIDENING PROJECT.

Councilman Albea moved the adoption of a resolution entitled: Resolution Authorizing Condemnation Proceedings for Acquisition of Property of James C. Green and Wife, Located at 2840 Eastway Drive, for the Eastway Drive Widening Project. The motion was seconded by Councilman Short and carried unanimously.

The resolution is recorded in full in Resolutions Book 5, at Page 342.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR ACQUISITION OF PROPERTY OF FLOYD L. DAVIS AND WIFE, LOCATED AT 3414 EASTWAY DRIVE, FOR THE EASTWAY DRIVE WIDENING PROJECT.

Upon motion of Councilman Albea, seconded by Councilman Short and unanimously carried, a resolution entitled: Resolution Authorizing Condemnation Proceedings for Acquisition of Property of Floyd L. Davis and Wife, Located at 3414 Eastway Drive, for the Eastway Drive Widening Project, was adopted and is recorded in full in Resolutions Book 5, at Page 343.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR ACQUISITION OF PROPERTY OF JAMES EDWARD GOINES AND WIFE, LOCATED AT 3418 EASTWAY DRIVE, FOR THE EASTWAY DRIVE WIDENING PROJECT.

Motion was made by Councilman Albea, seconded by Councilman Short and unanimously carried, adopting a resolution entitled: Resolution Authorizing Condemnation Proceedings for Acquisition of property of James Edward Goines and Wife, Located at 3418 Eastway Drive, for the Eastway Drive Widening Project.

The resolution is recorded in full in Resolutions Book 5, at Page 344.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR ACQUISITION OF PROPERTY OF FRED CLIFTON DAVIS, LOCATED AT 2911 EASTWAY DRIVE, FOR THE EASTWAY DRIVE WIDENING PROJECT.

Councilman Albea moved the adoption of a resolution entitled: Resolution Authorizing Condemnation Proceedings for Acquisition of Property of Fred Clifton Davis, Located at 2911 Eastway Drive, for the Eastway Drive Widening Project, which was seconded by Councilman Short and carried unanimously.

The resolution is recorded in full in Resolutions Book 5, at Page 345.

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RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR ACQUISITION OF PROPERTY OF FLOYD L. KLUTTZ AND WIFE, LOCATED AT 2717 EASTWAY DRIVE, FOR THE EASTWAY DRIVE WIDENING PROJECT.

Upon motion of Councilman Albae, seconded by Councilman Short and unanimously carried, a resolution entitled: Resolution Authorizing Condemnation Proceedings for Acquisition of Property of Floyd L. Kluttz and Wife, Located at 2717 Eastway Drive, for the Eastway Drive Widening Project, was adopted and is recorded in full in Resolutions Book 5, at Page 346.

ORDINANCE NO. 526 AMENDING CHAPTER 5, ARTICLE IV, DIVISION 2 OF THE CODE OF THE CITY OF CHARLOTTE TO PERMIT THE USE OF ACRYLONITRILE-BUTADIENE-STYRENE PIPE AND FITTINGS FOR DRAIN, WASTE AND VENT, ADOPTED.

Councilman Thrower requested the City Attorney to explain the subject ordinance.

Mr. Kiser advised that the proposed ordinance would add a new section to the Charlotte Plumbing Code to authorize the use of acrylonitrile-butadiene-styrene pipe and fittings for drain, waste and vent conforming to Commercial Standard CS270-65 and bearing the seal of approval of the National Sanitation Foundation; that this would be approved for use in one, two and three family dwellings units. It would be conditioned upon compliance with three requirements - (1) that there should be no stack heights exceeding 36 feet; (2) the pipe and fittings should meet all the requirements of Commercial Standard CS 270-65 for marking and labelling; and (3) that the pipes and fittings could not be installed under concrete slab on-grade. That it would be subject to the further provision that this authority would be granted for a two-year period only, which period would terminate September 13, 1968. Mr. Kiser stated further the ordinance contains the provisions that are contained in the resolution adopted by the State Building Code Council when it granted its approval on an interim basis for the use of this ABS pipe.

Mr. Tony Kiriakos, business manager for the Plumbers and Pipe Fitters local union in Charlotte, stated the local union objects to the use, of or change in the code for the use, of plastic pipe; they do not think it for the best; if it could be used in one house or duplex, he does not see why it could not be used in all houses; that plumbing is plumbing whether it is a building or a house. Mr. Kiriakos stated he is speaking for the union, and they have 400 members.

Councilman Thrower asked what they base their objections on to a trial basis, and Mr. Kiriakos replied there are two different pipes there, and they do not think it has been tested enough. That it is argued it is used in trailers, and it would be cheaper, but trailers are built like automobiles to last just a few years; homes are built to last fifty years or better, and they do not think it is good for the people. They say it is cheaper but they do not think so after a period of so long.

Councilman Short stated this product has been used as a drain pipe and authorized in Connecticut, Florida, New Jersey, Indiana, North Dakota, Idaho, California and some other miscellaneous towns; he asked if it has proved unsatisfactory? Mr. Kiriakos replied that Mr. Howell and the plastic people say it has not; that it was satisfactory. Mr. Kiriakos stated they have not used it here but they do not think it will be satisfactory; that according to the newspaper, the Plumbing Inspection Department has been against this all the way through.

Councilman Thrower asked Mr. Jamison, Superintendent of the Inspection Department, if he is on record as opposing this form a scientific or on

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what basis? Mr. Jamison replied he is not on record as opposing the material personally or speaking for his department; that they have advisory boards who hear the pros and cons concerning any material or any code changes; they are people who are experts in the field, and they have made a decision, and it is not the decision of the department.

Mr. Logan Howell, Counsel for Celanese Corporation, stated the product has been in use for about twenty years in many exacting applications such as gas and oil pipe lines, water lines and in chemical plants and chemical processes; it has been used in the City of Chicago's sewage disposal system for about eighteen years, both above ground and underground with completely successful results; they have taken up samples and found all they need to do is wipe it off and put it back; it has been in the sanitary drainage field for about six years, and is in most all of the mobile homes in the country; that it has been approved in about eight states and in many individual cities and towns in sanitary drainage and is highly successful in its application. That the material has been considered four times by the Plumbing Advisory Board, and each time they unanimously endorsed it, and twice by the Building Standards Board, and at their most recent meeting unanimously recommended that Council take the action it has been requested to take today.

Councilman Albea asked if there are any journeymen plumbers on the Advisory Board who will use this product, and Mr. Howell replied the Board unanimously endorsed it to be passed by the State Building Code Council, which has been done; and whether they will use it or not, he does not know; this does not require anyone to use it, it is just made available for use. Mr. Jamison advised there is a journeyman plumber on the Advisory Board - Mr. Webb Godfrey.

Councilman Tuttle asked Mr. Jamison what other cities have approved the use of this plastic, and he replied the only one in North Carolina is Thomasville, that he does not know of any who have turned it down.

Mr. Howell stated most of the cities have adopted the State Code, and they have been under the impression until quite recently that they do not have the legal authority to approve the material for any two-family dwellings in the city; so no action was requested or taken; that the Building Code Council in Raleigh has within the last six or eight months publically stated its interpretation to be that the cities do have this authority, and the City of Charlotte recognize they have this authority now, and so there has been no effort to get it approved by cities throughout North Carolina until it got into the state building code.

Councilman Tuttle asked if this has been presented in Richmond, Birmingham or Atlanta? Mr. Howell replied he could not answer about all of them, but it has been submitted in Richmond and accepted, and has been in and out once or twice because of the opposition from certain interest which has caused the City of Richmond to suspend it until it was satisfied from the standpoint of the fire code; that in view of the fact that the fire provisions of the state building code would prevent any material from being used where it would be a fire hazard, they recognize that this is no problem from the standpoint of the State of North Carolina; it is in use and approved for use in eight states, including Florida, Louisiana and some hundreds of individual cities and counties; there has been no concerted effort made to get local approval primarily because of the time. The commercial standards of this product was issued a year and a half ago, and it is a slow process to get through the state and local building codes.

Councilman Tuttle asked if New York and Pennsylvania have accepted this, and Mr. Howell replied they have not. That he has no personal experience

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with any efforts to get it approved in any place other than Charlotte, but in conversation he has been told that it is pretty difficult getting materials of this kind approved in New York City because of the strength of the Building Trade Council.

Councilman Short asked if the product is a fire hazard or if any government, state or city determined it to be or decided that it is a fire hazard? Mr. Howell replied that has not been determined; that our Building Code Council has determined that it is not and our state insurance department has determined that it is not, and quite a number of cities in California have had complete demonstrations where they have had a full-fledge demonstration with fire marshals and building officials and all interested groups in attendance and conducted by engineers, and it was fully demonstrated not to be a fire hazard. That, of course, where ever you find this material, as it is now being considered, it will be surrounded by wood which is a great deal more combustibile than this material is.

Councilman Albea asked why it is confined to one, two or three units, why would it not be safe in a twelve story building? Mr. Howell replied they think it is; that he discussed it with the State Building Code Council, and they put it on this limited approval basis because they felt the experience in the field and the data on it fully justified its use in residential construction throughout the State of North Carolina, and they would like to have it tried out in these areas in order to determine whether it would be suitable for other types of construction; they also voted to request money to have their own test made to determine this point. Mr. Howell stated from their standpoint they see no reason why it cannot be used in all construction; the only place he knows that it could not be used is between the fire walls and between the floors of fire-proof structures; it cannot be used there because it is combustibile. He stated it is in a nine-story building in Canada right now.

Councilman Whittington asked if a plumbing contractor had a contract to do the plumbing on a single-family home in the city, where would he go to get this plastic, and how would anyone in the trade know they were getting this particular type plastic? Mr. Howell replied that Par and Davis sell through the recognized wholesalers and supply houses in the area, so you could go to any of them; that this is manufactured under the Department of Commerce of commerical standard, and commerical standards consist of very specific standards to be followed in the manufacture; every section of the pipe and every fitting has to be manufactured in accordance with the ASTM Standards certified in the commercial standard, so when you buy it, every piece has this commercial standard number printed on it in addition to the manufacturer's name and the seal of approval of the National Sanitation Foundation, which polices these products in the field for the manufacturers of ABS pipe.

Mr. H. F. Porter, Plumbing Contractor, stated his purpose for objecting is it is a new product on the market, and he does not think it has been tested to the satisfaction of the plumbing contractors who, he thinks, should be well versed on its qualifications and service. During the latter part of WWII there was a product used in the City of Charlotte - non metallic - and it was suppose to give satisfactory service over a period of years. That young couples go out and buy these homes and are under the impression they are getting materials that have been proved; they buy this home and the possibilities are they have obligated themselves on payment for the home, raising a family, trying to educate their children; then these materials begin to decay and give away and give them trouble. They are not able to have this material removed and replaced. That he has customers in his area, and he sends out and unstops the sewers, and they will have to try to get by as they are not able to replace it. Mr. Porter stated further this plastic, as he knows it, has not been proved; these young people will not be able to rip out and redo the bathrooms, and they will have a health hazard because of leaks and defects in the material.

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Mr. Porter stated he knows that some of it has not been satisfactory. A swimming pool was put in on Eastway Drive, and someone closed a valve and the pump was running, and it collapsed - this same material - that it was only about five feet long and when the man had it repaired, it cost \$87.00 just to replace that piece of material. He stated he thinks we should move a little slow on it and not just jump in and get the City loaded with something that will cost the community with something prohibitive to use.

Mayor Brookshire called attention that Mr. Howell has stated it is not a new material and has been on the market some twenty years. Mr. Porter replied he has read and seen pictures in magazines with sworn affidavits showing the bottom of the pipe as being deteriorated.

Councilman Alexander asked Mr. Porter if the pipe used in the swimming pool was the same make pipe as being discussed today? Mr. Porter replied he understands it is labeled with the initials and all as being discussed.

Councilman Whittington stated the Council members are all laymen and are not technical people and have to depend on the people who are technical to advise them what to do; that there are two sides here - one says its good and one says it is not. The thing he is concerned about is some of the statements that have been made. Suppose he had a big maple or oak tree in his front yard - all of the pipe, other than copper pipe, in the city roots can get into the pipe and stop it up - can the roots get into the plastic pipe?

Mr. Howell stated before answering this, he would like to add that Celanese Corporation guarantees its material for fifty years on the cost, and twenty years on the label; that Celanese will pay any homeowner \$5 per fitting or per section of pipe for any that goes bad; that this material has been on the approved materials list of the Federal Housing Administration since 1961, and not long ago the FHA conducted a nationwide survey of every field office to determine if they had received a single complaint on all of the installations of FHA approved mortgages during that period of time, and they discovered that not one single complaint had been made.

Councilman Tuttle asked what effect "Drano" would have on this product, and Mr. Howell replied it would have no effect.

Mr. M. L. Davis, Parr & Davis, stated in the plastic industry there are well over a thousand different plastics. That he has been selling plastics for over 20 years and cannot identify one plastic from another by appearance. To overcome this the Commercial Standard requires that the manufacturers name and part number NSF and ABS - DWV be marked on both sides of each fitting and both sides of each barrel.

Mayor Brookshire asked if identifying this plastic would not exercise an undue hardship on the City's inspectors, would it not let someone use an inferior or non-standard product in buildings if this amendment is adopted?

Mr. Davis replied this is the reason why they insist that the product be marked properly on both sides, and he thinks it would be safe to say that any inspection which you would run into should be with new material. If it is old material, it is still easily identified by the markings on the product. This is done not only for the reason mentioned but for the various code bodies who have approved this material. He stated this material has been used in rural areas for water lines for about twelve or fifteen years, and Celanese has over 35 stocking distributors in the Carolina's alone and sell in the areas where it is not prohibited by Code. That

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Celanese Corporation along with U. S. Rubber Company and along with Standard Oil and Phillips Petroleum are reputable companies, and he does not think that anyone would expect them to recommend a product for service knowing it would not do the job. Celanese puts its name on the product and on the warranty, and they do over a billion dollars of business a year; and for the small amount of plastic this would represent, they would not prostitute their name; they would not put the warranty out unless they were positive this product would do the job. Mr. Davis stated after selling ABS-BWV for over five years in the Carolinas, he has never seen a failure. As to whether roots would get into the plastic, this material is joined by using keytone which desolves some of the pipe and some of the fitting; when the keytone evaporates, then you have a chemical weld; if it were cut on the bias, you would have difficulty seeing which is the weld on the pipe and which is the fitting; it is material that will not absorb water; is not affected by grease and is impervious to roots; the only time a root should ever give anyone any trouble if plastic pipe is used properly would be possibly in a leach bed where it is necessary to have holes or leaks in a pipe. That any pipe that is solidly welded together is guaranteed to be root proof.

Councilman Short asked if Celanese has ever been called on this guarantee? Mr. Davis replied no as the warranty is rather new; they have always put a material warranty, but have never placed a time limit on it before; the reason for doing this is because the legal department says the Corporation likes a time limit and fifty years is it. That this material is guaranteed against rot, rust or corrosion.

Councilman Short asked what would be the effect in terms of labor and materials on the price of a small home - a lower price, five to six room home - in using this product as against metallic drain? Mr. Davis replied there would be very little difference in the material cost; it is a labor saving device primarily; the engineers are interested in it because it only weighs 1/25 as much; and therefore, the structural load is less; the homebuilder likes it because since it installs faster, the plumber gets out of the way a little quicker; the net results of its use in the areas where it has been used, has been for additional plumbing to be installed, instead of cutting the price as the price of the house has been set. That this has been used in an attempt to put in more plumbing. Mr. Davis stated they think they are the best thing going on drainage in residential.

Councilman Short asked Mr. Porter to comment about the price of a home where this product would be used as against the metallic? Mr. Porter stated it has not been in the code, and he has not put in any of the waste pipe. He has heard remarks about this, and it would cost practically the same amount as cast iron. Concerning the root problem, he does not think the roots will actually go into the joints of the pipe as it is sealed up, but the root growing in the ditch will close it up and you cannot get it open without digging it up and cutting it out; it will close the pipe up so that a rod cannot be run through it.

Mr. Davis stated here again Mr. Porter is talking about sewer pipe, not about drainage beyond the five feet from the foundation; there is a pipe which is non-metallic which is permissible to use from the five feet of the foundation to the sewer line, which is affected by grease and, also, detergent, and a root next to it will crush it, but that is fiber pipe; it is not plastic as plastic will not absorb water and will not collapse; that it has over 2,000 lbs. stress, and it has to have over 60-foot pound impact.

Mr. T. C. Brown, Soil Pipe Institute, stated the Southern Building Code has turned this pipe down for the past five years. That it is one of the largest codes in the nation and is very progressive; it covers the states south of here with 1,132 adoptions of the Code. That Ft. Lauderdale tried an experience with plastic piping and scrapped it; that termites will go

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through the plastic to see what is on the inside, and the Department of Agriculture has found this to be true.

Mr. Brown stated in 1964 in North Carolina there were eleven hot water heater explosions. Ten of those were attributed to failure of plastic, not all were ABS; there was one that the crumbs were found and thought to be ABS; it had been completely dissolved. That all of the plastics, and ABS is one, soften with heat. He called attention to a statement from Chicago in which they say they have made tests and have never successfully found a method of drawing it because it tends to creep upon expansion and contraction. That in October, 1965, the North Carolina National Bank of Charlotte had a fire, and again it was attributed to plastic material in the electrical system, and what he is pointing out is that it softened and got hot enough to give off toxic fumes. He stated he has a sworn statement from a laboratory indicating that ABS is toxic, and if you breathe enough of it, it will put you to sleep.

Councilman Thrower asked Mr. Davis for information on the coefficient of expansion that contracts on a 1/2-inch line in 30 feet and 50°? Mr. Davis replied this particular drainage - 1-1/4 inch - is roughly three times that of metal; that 100 feet of this with 100° temperature would move about three inches.

Mr. Brown stated the Yardly Company of Columbus, Ohio, made a plea before the Building Standards Board for approval of ABS plastic, and after examination of many, many facets of its failures - in West Virginia, 10,000 feet went bad, in South Hill, Virginia, 3,000 feet went bad - decision was held in abeyance pending a study by the Ohio State University; that this study will be completed and in published form this week, hopefully.

Mr. Bert Garner, Plumbing Inspector, stated he has been opposed to this pipe on the grounds as previously stated; it is untried; it is something we know nothing about; it will be difficult for an inspector to make an inspection - they say it will be easy to inspect and check because of the markings on the pipe - if you have ever tried to crawl under an 18-inch house off the ground in the mud, 40 or 50 feet under some ducts to check a marking; whereas, if you have a flashlight, you can go to the ventilator and shine it back under there and tell about the pipe rather than having to crawl up and read the information. Another problem will be that the inspector will have absolutely no way of knowing once the joint is put together whether the joint is all the way through or whether it has been stuck in and wiped on the outside. That you can stick this together, and this solvent sets up in about eight seconds, and, in order to align a pipe and plumb it on a proper grade, a plumber would have to work pretty fast to put it together and plumb it and align it before it sets up. After it is wiped the inspector has no way of knowing whether it has been properly made or just stuck together on the outside, unless he cuts it. Mr. Garner stated that normal household chemicals will have affect on it; finger nail polish remover will affect it; Drano will not affect it, but the sun rays will. He stated he tested it that way - he left a piece in the sun for 30 days, and then he mashed it up and actually pulled it apart with his hands in a demonstration. That when he did, the seams on the side ruptured, and he pulled it apart.

Mr. Davis stated the cast iron soil pipe people have been opposed to this product and have been before the Plumbing Advisory Board on three occasions; and on one occasion before the City's Building Standard Board and, also, before the State Board in Raleigh. That these Boards are comprised of engineers and plumbers who have heard all the arguments, and Council has the benefit of their thinking on it; that the Plumbing Advisory Board and

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the Building Standards Board have given this considerable thought; that nothing has been rushed; it has been well discussed. That Mr. Brown has tried to lump all plastics together, but they have not tried to lump all metals together, and it is just as unfair to lump polyethylene. That Mr. Brown is probably talking about polyethylene in West Virginia as it has been mentioned before, and they went back to Celanese to find if they are aware of any of this and they recall an incident of about eight or ten years ago with polyethylene pipe. That on one occasion, Mr. Garner stated before the Plumbing Advisory Board that he put some of this material in his dishwasher, and it sagged and turned to a "glob". At the end of that meeting, two members of the Board took some of the same samples of pipe home and boiled it for thirty minutes, and, at their suggestion, he also boiled some of it. He stated this material has a temperature range of minus 40 to roughly 250°, and four and a half hours of boiling water through this pipe will give you .16 of an inch deflection. As to putting it outside in the sunlight and crushing it with his hands, Celanese is very much aware of what ultraviolet rays will do to certain plastics and that is the reason why pipe is black; they put carbon black in it and this reflects ultraviolet rays, so this material is not affected by sunlight. Mr. Davis stated this has been before the City Boards and has been before the State; it is a product made by reputable manufacturers and carries a guarantee and will benefit the homeowners and will help in efforts to get lower priced housing - it is not an inferior product; it is a quality product, well guaranteed, and they feel they have the right to compete in the market place and let the homeowners make the final decision.

Mr. Howell stated when the Plumbing Committee did not accept this material in the Southern Building Code Congress, they could find nothing whatsoever to object to about the material as their comment in their official report when they failed to accept it was simply "no comment"; the previous year they said they had not received all its standards which was true, as the Commercial Standards did not issue until a year and half ago. That the Building Code Council in Raleigh realized that this was not being handled on its merits in the Southern Building Code Congress, and since the product has been approved by the only other general building code, they accepted that standard, that approval and all the other standards as sufficient for them to approve it. That Mr. Garner discussed the difficulty this might give the Inspection Department - this point was fully discussed by the Plumbing Advisory Board, and they told Mr. Garner this was no concern if the material is satisfactory from the standpoint of public demonstration, it should be in the code, and if it presents any difficulty or burden on the department, sufficient personnel would be hired and means taken to have it inspected.

Councilman Short moved the adoption of the subject ordinance approving the use of this product for drain, waste and vent as he believes the City can rely on the State Authority. The motion was seconded by Councilman Alexander.

Councilman Tuttle stated he is going to vote against it simply because he thinks everybody here has attempted to make an honest effort to present their case; and by their own admission, they are asking for an experiment, and we are experimenting with the peoples' money - the integrity of Celanese, he cannot doubt, but a fifty-year guarantee on such as this, he cannot go along with. That he can picture someone five or six years from now having trouble, the plumber dies, and they do not know who put it down and who is going to crawl down there and see whether it is defective or not. That he is afraid of experimenting with these little people, and he would like to have some positive evidence that this will stand up for fifty years.



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Councilman Thrower stated he is going to vote for the approval for the admission of this as we are not compelling anyone to use this product, it is merely making it possible for its availability on the market; that he has had a little experience with plastic (pipe), and used in its proper place it excels in some areas and is not sufficient in others. That unless someone can show him a mechanical reason for not using this product, he sees no reason why it should not be used; that in the inspection, the same problems could exist with any type union.

Mr. Brown stated that ABS expands 9.4 times as much as cast iron or steel; that the plastic industry has put out a NO. 270-65 Commercial Standard. In the regular materials which are approved - copper, fiber, cast iron, etc. - standards are required to give the physical and chemical constituent forces, but they will not tell you the percentage of acrylonitrile-butadiene-styrene; they will not tell you the percentage of other things that approved materials must put in their standards. That he has a book entitled "ABS Plastics", and it is pointed out there are 44 different ABS's manufactured in the United States today; how can an inspection department be expected to sort out from 44 sources of ABS, the one that is to be used here.

Mr. Howell stated on the matter of who would repair the plumbing for the homeowner, he does not know but the owner would have a written warrantly directly from Celanese to him, and not to a contractor or plumber; that he would not have any difficulty having his repairs made.

The vote was taken on the motion to adopt the subject ordinance and carried by the following vote:

YEAS: Councilmen Short, Alexander, Jordan, Thrower and Whittington.  
NAYS: Councilmen Alba and Tuttle.

The ordinance is recorded in full in Ordinance Book 14, at Page 394.

POLICE DEPARTMENT COMMENDED FOR DETECTIVE WORK FOR DR. MARTIN LUTHER KING'S VISIT TO CHARLOTTE.

Councilman Alexander stated he would like to commend the City Police Department under Chief Ingersoll, and especially Major Harkey and Captain Porter, under whose supervision and direction most of the detective work for Dr. Martin Luther King was so organized in his visit to Charlotte last week; that an admiral job was done and everyone was well pleased with the work of our Police Department. Commendations certainly should be long ranged as the Department does excellent work as well as the criticisms they get.

ADJOURNMENT.

Upon motion of Councilman Thrower, seconded by Councilman Short and unani-  
mously carried, the meeting was adjourned.

  
Ruth Armstrong, City Clerk