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A Special Meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, on Wednesday, August 4, 1954, at 4:15 o'clock p.m. by and with the unanimous consent of the City Council and with all members present.

Mayor Van Every presided and Councilmen Albee, Baxter, Boyd, Brown, Dellinger, Smith and Wilkinson were present.

ABSENT: None.

PURPOSE OF MEETING EXPLAINED BY CITY MANAGER AND CITY ATTORNEY.

Mr. Yancey, City Manager, stated that the Carriker Poultry Company located on Central Avenue is discharging its waste matter, containing a great number of feathers into the sanitary sewer system and the practice is endangering the operation of the Sugar Creek Disposal Plant and will result in a complete breakdown if not abated and that the new \$300,000.00 filter bed is in immediate danger. Mr. Yancey stated that Mr. R. S. Phillips, Assistant Superintendent of the Water Department and Mr. Tom Bivens, Chief Sanitarian of the Health Department Engineering & Inspection Division are present to substantiate the statement. He stated further that the Poultry Company has repeatedly been warned of the danger to the Plant and that he is violating the law.

Mr. John Shaw, City Attorney stated that the General Statutes gives the City authority to abate anything injurious to the health of its citizens. That the feathers from the Poultry Company go through the screens at the Filter Plant and the Plant cannot function, and the Plant will break down unless the practice ceases, and it will be a positive danger to the health of the citizens, and will mean a cost to the City of some \$200,000.00 to get the feathers out of the filter bed. He stated further that something must be done to summarily abate the nuisance.

The following resolution was introduced and read:

"RESOLUTION AUTHORIZING THE ABATEMENT
OF A HEALTH HAZARD CREATED BY CARRIKER
POULTRY COMPANY

WHEREAS, the Health and Water Departments of the City of Charlotte have called the attention of Carriker Poultry Company to its violation of law in discharging feathers into the City's sewer system, and have further called the attention of Carriker Poultry Company to the fact that such feathers cause the City's Sugar Creek Disposal Plant to fail to operate properly; and

WHEREAS, Carriker Poultry Company has taken no steps to prevent feathers from its poultry processing plant on Central Avenue in this city from entering the City's sewers; and

WHEREAS, this City Council is advised that the continued discharge of feathers into the City sewer system by Carriker Poultry Company is prejudicial and dangerous to the public health in that the same prevents the Sugar Creek Disposal Plant from properly operating;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That, it is hereby found as a fact that the discharge of feathers into the City's sewer system by Carriker Poultry Company from its poultry processing plant on Central Avenue in this city is prejudicial and hazardous to the public health.

Section 2. That, said Carriker Poultry Company after having been warned of the situation, has continued to discharge feathers into the City's sewer system.

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Section 3. That, the City Engineer is hereby authorized, empowered and directed to prevent further discharge of feathers into the City sewer system by Carriker Poultry Company from its plant on Central Avenue in this City by plugging the sewer connection of the Carriker Poultry Company's plant into the City's sewer system, to the end that no further feathers will enter said sewer system from said plant.

Section 4. That, the Superintendent of the City Water Department as an additional safety measure and to further prevent the discharge of feathers by said Carriker into the City's sewers and to prevent further operation of said plant until proper precautions are taken with respect to this problem, is hereby authorized, empowered and directed to refuse to furnish said Carriker Poultry Company at its plant on Central Avenue in this city, City water, and he is hereby directed to cut off City water to said plant.

APPROVED AS TO FORM:

John D. Shaw
City Attorney "

Mr. Phillips was requested by the City Manager to discuss the matter. He stated that Carriker Poultry Company started the practice a year ago and the Water Department solicited the aid of the Health Department. That the new equipment at the Filter Plant is ready to be put into operation and it will not take care of these feathers, and if parts of the machinery are clogged with the feathers it will mean they must start all over. That Carriker Poultry Company has been inspected and they have a trapping system into which everything goes and discharges through a submerged pipe. That the Water Department wrote the Company two weeks ago and asked that the practice be abated by August 2nd. That today he went out and found they are continuing the practice.

Councilman Brown asked if other poultry companies are doing the same thing?

Mr. Phillips replied that they are. That three other poultry companies are on the Sugaw Creek Outfall System and they are unable to determine precisely about them. That Carriker's is the only company on the Briar Creek and it can definitely be pin-pointed to him.

Councilman Dellinger suggested that all plants be made to cease the practice, not just the one company because the City happens to be able to determine the feathers are from his plant. That he is not in favor of putting one man out of business and allowing the others to continue to operate.

Councilman Albea stated that he wanted to know if this is the only way to handle a matter of this kind?

Mr. Shaw, City Attorney, stated that the Council has the law. That the Council could indict Mr. Carriker or get a restraining order but that could take months and in the meantime the City would realize a great financial loss and the lives of its citizens be endangered. That positive tests have been made that the feathers from the Carriker Company are going into the sewerage system. That by adopting the resolution, the Council will summarily put them out of business.

Councilman Smith asked if this action is not in the form of an ultimatum that unless Mr. Carriker ceases the practice he will be closed up? The City Attorney replied that is correct. He suggested that the Council adopt the resolution, effective tomorrow, and also adopt another resolution relative to the Poultry Plants that we do not have pin-point evidence on, that the other plants be investigated to see if they are also violating the law.

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Mr. Yancey, City Manager, stated that it is perfectly possible for the Carriker Plant to be fixed to take care of the feathers. That another poultry plant is operating from which the City is getting no feathers.

Councilman Wilkinson asked how many time the Carriker Plant has been inspected, to which Mr. Phillips replied he has personally been to the Plant twice and Mr. Bivens once this week.

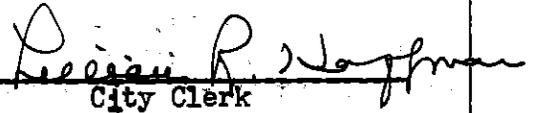
Mr. Phillips was asked how long it would take to make the investigation of the other plants and determine if they are in violation of the law? He replied that if he is given the proper assistants, he can complete it within 24 hours.

Councilman Smith moved the adoption of the resolution as presented. The motion was seconded by Councilman Boyd, and was unanimously adopted.

Councilman Boyd moved that the proper authority be given to immediately investigate the other poultry plants in Charlotte to determine if they are dumping feathers into the sewerage system and if so that the Mayor be notified so that he can call a meeting of the Council to summarily abate the nuisance. The motion was seconded by Councilman Wilkinson, and unanimously carried.

ADJOURNMENT.

Upon motion of Councilman Brown, seconded by Councilman Boyd, the meeting was adjourned.


City Clerk