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Regular meeting of the City Council, held in the Council Chamber, City Hall, at 4:00 o'clock P. M., Wednesday, December 18, 1940, with Mayor Douglas presiding, and Councilmen Albaea, Barter, Britt, Hovis, Huntley, Little, Nance, Sides, Ward and Wilkinson being present.

Absent: None.

GARDEN CLUB GRANTED FREE USE OF ARMORY-AUDITORIUM IN MAY 1941.

Mrs. M. L. Church, President of the Charlotte Garden Club, appeared before the Council at this time, requesting use of the Armory-Auditorium for the week of May 20th. through the 24th., without cost, for the annual Flower Show.

After discussion regarding the 20th. of May, at which time there is a possibility that the Armory may be needed for a Celebration, Councilman Huntley made a motion that the request be granted, which was seconded by Councilman Little and carried, it being understood that should the 20th. be needed, the Garden Club will make arrangements to give up that date.

NO MEETING OF CITY COUNCIL UNTIL JANUARY 8, 1941.

On motion of Councilman Ward, seconded by Councilman Wilkinson and unanimously carried, no meetings of the Council will be held until January 8, 1941, due to the Christmas and New Year holidays.

PURCHASE OF FLEXIBLE SEWER ROD FOR ENGINEERING DEPARTMENT.

On motion of Councilman Ward, seconded by Councilman Albaea and unanimously carried, the Mayor and Clerk were authorized to sign a contract with The Flexible Sewer Rod Equipment Company of California, for 500 feet of 3-ft. flexible rod and accessories, to be used in unstopping sewers, at a net delivered price of \$581.45.

PURCHASE OF ELGIN SWEEPER PARTS.

On motion of Councilman Little, seconded by Councilman Albaea, the Mayor and Clerk were authorized to sign a contract with the North Carolina Equipment Company for one complete Elevator Belt Assembly and two sprockets, for repairing and reconditioning one of the City's Elgin street sweepers, at a net delivered price of \$311.11.

SEWER AGREEMENT WITH E. C. GRIFFITH COMPANY.

The City Manager reported that E. C. Griffith Company had installed an 8" sanitary sewer main in Cherokee Road for a distance of 1365 feet, more or less, said sewer being laid under city ordinances, at an estimated cost of \$1,331.35. In accordance with the City's usual practice,

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this amount will be refunded to E. C. Griffith Company when as many as seven houses are erected and served by this line.

Also, that this same company installed 1629 feet of sewer line to serve Lockey Drive, estimated by the City Engineering Department to cost \$1629.44, which will be refunded when as many as nine houses are built and served by the line, and on motion of Councilman Sides, seconded by Councilman Huntley and unanimously carried, the Mayor and Clerk were authorized to execute a contract with the E. C. Griffith Company covering these two installations, on those terms.

REPLACEMENT OF SANITARY SEWER IN EAST TREMONT AVENUE.

On motion of Councilman Sides, seconded by Councilman Albea, unanimous approval was given the recommendation of the City Manager to replace sewer line at the intersection of East Tremont and Euclid Avenues, where the old 8" line has settled under the pavement and causes frequent stop-ups. Estimated cost of this replacement is \$317.35.

AGREEMENT WITH SOUTHERN RAILWAY COMPANY FOR WATER MAIN ACROSS TRACKS AT JUNEAU.

The Mayor and Clerk were authorized to sign an agreement with the Southern Railway in connection with the crossing of the Railway Company's right of way and tracks with an 8" water main to be laid to the Municipal Airport, at Juneau, on motion of Councilman Wilkinson, seconded by Councilman Britt and unanimously carried.

SEWER EXTENSION - BETHEL ROAD.

On motion of Councilman Huntley, seconded by Councilman Albea, unanimous approval was given for the extension of the sanitary sewer in Bethel Road from the end of the present sewer west 200 feet to Osmond Street, to serve three houses now started. Estimated cost of work \$269.50.

EXTENSION OF SEWER IN ACADEMY STREET.

On motion of Councilman Wilkinson, seconded by Councilman Albea, approval was also given for the extension of the 8" sanitary sewer in Academy Street from Holt Street 175 feet north towards Oakwood Avenue, to serve two houses already started, at an estimated cost of \$159.40.

MAINTENANCE CHEROKEE ROAD AND HUNTLEY PLACE.

On motion of Councilman Hovis, seconded by Councilman Albea, the City took over for maintenance Cherokee Road, from Middleton Drive to Huntley Place, and Huntley Place from Cherokee Road to the edge of the Eastover property.

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STREET MAINTENANCE - RINGWOOD STREET.

On motion of Councilman Wilkinson, seconded by Councilman Albea, Ringwood Street, from Camp Green Street to Alice Avenue, was taken over by the City for maintenance.

ARMORY-AUDITORIUM TO BE GIVEN TO WEST CHARLOTTE HIGH SCHOOL, FOR BASKETBALL GAMES SEVEN NIGHTS WITHOUT CHARGE.

On motion of Councilman Albea, seconded by Councilman Hovis, the West Charlotte High School teachers (colored) were granted free use of the Armory Auditorium for seven nights during January, February and March for high school basket ball games, provided that none of the dates wanted by them will be rented at the regular fee.

POLICE AND FIRE DEPARTMENT RULES AND REGULATIONS ADOPTED.

At the last Council meeting a motion was made that each Councilman be furnished a copy of the proposed Rules and Regulations governing the Police Department, which was done and the Council having studied these rules, the matter was brought up for adoption. Councilman Wilkinson stated that the Fire Department Rules and Regulations having been drafted and studied a year or more ago, he would make a motion that the Council adopt the said Rules and Regulations for both Departments, as submitted by the respective Chiefs. This motion was seconded by Councilman Albea and unanimously carried.

COPY OF BUDGET STATEMENT FOR FIVE MONTHS PERIOD FURNISHED.

A copy of the Budget Statement for five months ending November 30, 1940, was furnished each member of the Council.

ENGINEER FOR WORK ON INCINERATOR REPLACEMENT UNIT EMPLOYED.

Mr. Armstrong stated that the special committee to go into the replacement of one of the incinerator units had talked to an experienced incinerator man, Mr. Allen, and that Mr. Allen will assist the Engineering Department in preparing specifications for bids on this unit for the sum of \$200.00; that if the specifications prepared by Mr. Allen are accepted by the City then the City of Charlotte will have to pay to Mr. Allen the sum of \$200.00 for patent rights, and then if he supervises the work to pay him \$400.00 for his services, making a total of \$800.00. An agreement will be entered into with Mr. Allen on the above basis, the City retaining the right to stop at anyone of the above three steps.

On motion of Councilman Wilkinson, seconded by Councilman Little and carried, the City Manager was authorized to proceed on the above basis.

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APPOINTMENT OF RAYMOND WILSON AS SPECIAL POLICE OFFICER.

Mr. Armstrong stated that at the last meeting the Council had denied the request of the Miller-Smith Market for appointment of Raymond Wilson as a Special Police Officer, but that he had received a letter from the Probation Commissioner of the State of North Carolina regarding the character of this man and that his appointment had been approved by the Chief of Police.

After discussion, Councilman Sides made a motion that Raymond Wilson be appointed a Special Officer on the premises of the Miller Smith Market. Seconded by Councilman Wilkinson and carried.

After considerable discussion regarding activities of a certain Special Officer, Councilman Nance moved that Special Police Officers be prohibited from wearing Police uniforms or uniforms resembling those of the Police Department, and that their duties be confined to the premises on which they are authorized to police. Motion seconded by Councilman Baxter and carried unanimously.

DISCUSSION REGARDING THE COUNCIL'S APPOINTMENT OF MR. R. B. MCKNIGHT TO SERVE PAPERS.

In connection with a letter which was written to the City Council some time ago relative to the appointment by the Council of Mr. R. B. McKnight to serve papers, the Council asked the opinion of the City Attorney regarding this appointment. Mr. Scarborough reported that he had found no law or passage of law anywhere that would restrict the appointment in anyway.

After discussion, Mayor Douglas stated that the City Attorney should be instructed to get a ruling from the Attorney General regarding the matter.

PASSAGE OF SMOKE ORDINANCE FOR CITY OF CHARLOTTE.

The following ordinance was presented and read by Councilman Sides, who moved its adoption:

AN ORDINANCE
TO PROVIDE FOR THE ABATEMENT AND CONTROL OF THE POLLUTION
OF AIR IN THE CITY OF CHARLOTTE BY SMOKE AND OTHER FOREIGN
SUBSTANCES.

THE CITY COUNCIL OF THE CITY OF CHARLOTTE IN REGULAR SESSION DO
ORDAIN:

SECTION I.

It is hereby declared that the emission of dense smoke and fly-ash into the atmosphere in the City of Charlotte creates a menace to the health, comfort and well being of the citizens of Charlotte and that

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it is the purpose of this ordinance to regulate and control the emission of dense smoke and fly-ash so as to minimize their injurious effects upon the health and property of the citizens of Charlotte.

SECTION II.

There is hereby created the Department of Smoke Abatement and the Office of Smoke Abatement Engineer, the duties connected therewith to be as hereinafter specified. The Smoke Abatement Engineer shall be appointed by the City Manager of the City of Charlotte, and shall perform the duties of his office until removed therefrom.

SECTION III.

The Smoke Abatement Engineer shall be qualified by training and experience in the design, construction and operation of steam boilers and heating furnaces and in the practice of smoke abatement. He shall be familiar with different types of fuel and know their application to different types of heating equipment. The power to enter all sorts of residences, apartment houses, hotels, plants or any buildings where dense smoke is created within reasonable hours shall be accorded him for the purpose of making inspections and in the performance of his duties.

SECTION IV.

The Smoke Abatement Engineer shall be responsible for the enforcement of the Smoke Ordinance; he shall issue all permits, certificates and notices, keep on file applications, permits, plans, reports of violations, complaints and other records. It shall be his duty to notify in person, or writing, all owners, operators or lessees of all existing plants of any defect in the installation of said plant, and to recommend improvements. He shall make reports of his work and the work done under his direction to the City Manager the first of every month.

SECTION V.

No person shall construct, install, reconstruct, alter or repair any boiler, water-heater, furnace, stoker, or other apparatus connected with the boiler, breeching or stack, or any apparatus which may cause dense smoke, cinders, dust or objectionable odors to be discharged into the air, or make changes or additions to the heating systems, domestic hotwater load, process work or other load, whereby the load on the boiler is materially increased, until he shall have made application and obtained permit from the Smoke Abatement Engineer.

The application shall be made out on the form provided, showing the nature of the work to be done, the size and make of the boiler, square feet of grate surface, rated capacity, square feet of water or steam radiation to be installed, and the height and size of the flue to serve boiler or furnace, as well as the provision that is made for the prevention of smoke. It shall further state the kind of fuel it is designed to use and whether a mechanical device is to be installed for feeding the fuel to the fire, and other information pertinent to the installation.

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Minor repairs which do not increase the load on, or the capacity of such boiler or furnace, or do not involve any major alteration or addition to such boiler, furnace or apparatus, or which do not involve any alteration to the method of smoke prevention, may be made without a permit.

Upon the approval of any application, the Department of Smoke Abatement shall issue a permit for the work shown on the application. The Smoke Abatement Engineer shall inspect after completion the work as outlined in the permit and if found to be in accordance with the approved plans, a certificate of inspection shall be issued.

SECTION VI.

The stacks or chimneys when new buildings are being constructed must be of sufficient height in cross-section areas to provide the necessary draft for the proper operation of the boiler or heating device, and shall comply with all requirements of the Building Code. The top of the stack must be of such height in relation to the adjoining buildings that the gas as discharged shall not become a nuisance to adjacent buildings and that down-drafts shall be prevented. The stack must be located in reference to the boiler as to permit a well designed breeching of adequate size, with a minimum number of bends or turns and with the shortest practicable length. A clean-out door must be provided at the base of the stack and provisions must be made to permit the unrestricted admission to the boiler-room of a sufficient amount of air to secure smokeless combustion of the fuel and to properly ventilate the room in which the fuel burning equipment is located.

SECTION VII.

Any person or persons operating or in control of any steam boiler, both high-pressure and low-pressure, including warm-air furnaces, water heaters, and all other types of heating devices, must use mechanical firing equipment, or such oil, gas, coke, low volatile coal or a method of hand-firing as will insure that the smoke emitted from their stack will be within the limits allowed by this ordinance.

SECTION VIII.

The emission of dense smoke within the city limits of Charlotte, from any stack whatsoever, except for a period of, or periods of two minutes in any fifteen minutes, or aggregation of six minutes in any one hour, during which time the fire box is being cleaned out, or a new fire is being built, is prohibited.

For the purpose of grading the density of smoke, the Ringlemann Smoke Chart, as published and used by the United States Geological Survey shall be the standard of comparison and is hereby approved and ordained to be the official standard for the City of Charlotte. Smoke shall be considered dense when it is of equal or greater density than No. 2 on the Chart.

SECTION IX.

All persons or corporations owning, operating or controlling steam railroads, or locomotives, such locomotives used principally for shifting and making up trains in the Charlotte Yards, shall use a smokeless fuel, or oil or diesel or locomotives equipped with mechanical fuel burning equipment while operating their locomotives within the railroad yards in the City of Charlotte.

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SECTION X.

Any person, firm or corporation violating any of the provisions of any section of this Ordinance shall be subject to a penalty of Twenty-five Dollars (\$25.00) for each and every such violation.

SECTION XI.

Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of said Ordinance shall not be effected hereby.

This Ordinance shall be in full force and effect from its adoption.

On motion of Councilman Sides, seconded by Councilman Wilkinson, the above Ordinance was unanimously adopted on three readings and declared by the Mayor to be an Ordinance of the City of Charlotte.

RESOLUTION ON DEATH OF MR. FRED SEVERS.

On motion of Councilman Wilkinson, seconded by Councilman Albea and unanimously carried, the following Resolution was adopted.

RESOLUTION

WHEREAS, in the Providence of The Almighty God and in His Divine Wisdom, He has called H. Frederick Severs from the Church Militant to the Church Triumphant; and

WHEREAS, Mr. Severs has loyally and faithfully served the City of Charlotte, as Superintendent of Elmwood Cemetery, and it is with deep appreciation and respect that we honor his memory:

NOW, THEREFORE, BE IT RESOLVED: First, that we, the members of the City Council of the City of Charlotte, bow in humble submission to His will, knowing that He is too kind to willingly afflict without cause.

Second: That we extend to his family our deepest sympathy.

Third: That a copy of this Resolution be spread upon the Minutes of this meeting, a copy sent to the family of the deceased and copies furnished to the newspapers of the City of Charlotte, N. C.

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ORDINANCE RELATIVE TO SEWER CHARGES OUTSIDE CITY.

On motion of Councilman Albea, seconded by Councilman Nance, the following Ordinance was unanimously adopted on three readings, and declared by the Mayor to be an Ordinance of the City of Charlotte:

AN ORDINANCE
ENTITLED "A REGULATION OF CHARGES FOR SEWER
SERVICE BEYOND THE CITY LIMITS OF THE CITY
OF CHARLOTTE.

THE CITY COUNCIL OF THE CITY OF CHARLOTTE IN REGULAR
SESSION DO ORDAIN:

SECTION I.

That the City of Charlotte shall charge for sewer service to all houses and buildings that connect to the sewer system of the City of Charlotte, which houses and buildings are located beyond the City limits of the City of Charlotte, the following rates:

Fifteen (15¢) Cents per month for each fixture located in a house or building the waste from which is emptied into the sewer system of the City of Charlotte, but in no instance shall the monthly rate be less than One (\$1.00) Dollar.

The said charges are only for the purpose of compensating the City for the cost of treating said sewage in its disposal plants and the City does not hereby undertake to maintain or keep in repair any sewage lines except those now owned and maintained by the City.

SECTION II.

That the said charges for sewer service shall be made and collected when the monthly charges for water are made and collected and that upon failure to pay said sewer charges at the time water charges are due, the City of Charlotte is authorized to disconnect the water service from the premises for which the sewer charges have not been paid.

SECTION III.

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

SECTION IV.

That this ordinance shall be in full force and effect from and after its adoption by the Council.

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CEMETERY DEEDS.

On motion of Councilman Albea, seconded by Councilman Ward, the following Cemetery Deeds were approved:

Joseph Fadel, Jr., Lot No. 41, Section "Y", Elmwood Cemetery	\$63.00
Mrs. O. L. Wentz, " " 217, " " " "	35.00
J. C. Porkorny, " " 219, " " " "	35.00

ADJOURNMENT.

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

Alice B. McConnell
City Clerk