

January 7, 1942
Page 314.

The regular weekly meeting of the City Council was held in the Council Chamber, City Hall, at 4 o'clock P. M., Wednesday, January 7, 1942, with Mayor Currie presiding and Councilmen Albea, Baker, Beasley, Daughtry, Little, Painter, Price, Ross, Slye and Ward being present.

Absent: Councilman Hovis.

MINUTES READ AND APPROVED.

On motion of Councilman Little, seconded by Councilman Albea, the minutes of the meeting of December 31, 1941 were approved as read.

CIVILIAN DEFENSE COUNCIL GIVEN \$2000.00 ADDITIONAL FROM EMERGENCY FUND.

Mr. R. S. Dickson, Chairman of the Finance Committee, Civilian Defense, appeared before the Council, asking for an additional appropriation over that given at the last meeting; stating that the estimates on air raid sirens alone, with accompanying equipment, total more than \$2000.00 and that a total of \$4,000 will be needed in order to proceed with the work at this time.

Whereupon, Councilman Ross moved that \$2,000.00 in addition to the \$1000.00 given at the last meeting, or a total of \$3,000, be appropriated from the Emergency Fund for the Civilian Defense fund. Motion seconded by Councilman Albea and unanimously carried.

W.B.T. AND COLUMBIA SYSTEM PERMITTED USE OF ARMORY ON SUNDAY FEB. 15TH.

On motion of Councilman Ward, seconded by Councilman Slye, permission was granted Radio Station WBT and Columbia Broadcasting System to use the Armory Auditorium on Sunday, February 15th., when Ed Murrell, CBS war commentator will speak; this to be at the regular charge for such use. Councilman Albea voting against the passage of this ordinance.

RESOLUTION PROVIDING FOR COMPILATION OF CITY CODE.

On motion of Councilman Baker, seconded by Councilman Little, the following resolution was unanimously adopted:

WHEREAS, the North Carolina League of Municipalities is sponsor for a State wide W.P.A. project for the compilation of municipal codes, and has offered to arrange for the compilation of a code of ordinances for the City of Charlotte at a cost of \$585.00 as Charlotte's pro rata share of the sponsor's contribution; and whereas, the last published code of ordinances of the City of Charlotte bears date 1931, and since that time numerous amendments to same have been adopted and many new ordinances have been adopted with the result that the exact status of the law governing any given matter dealt with by the code and municipal ordinances is difficult of ascertainment,

A.B.McC. City Clerk

January 7, 1942
Page 315.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Clerk be, and they are authorized to enter into an appropriate agreement with the North Carolina League of Municipalities and W.P.A. officials, to be approved by the City Attorneys, for the compilation of a Code for the City of Charlotte, at a price of \$585.00, it being understood that this price will not include the cost of printing and publication in the event the Council sees fit to print and publish the Code, and that the said sum be and it is appropriated for the said purpose from the Emergency Fund.

MILK ORDINANCE.

The following Ordinance was read, and on motion of Councilman Baker, seconded by Councilman Ward, was adopted on first reading, after discussing same fully with the large delegation present:

MILK ORDINANCE

AN ORDINANCE DEFINING "MILK AND CERTAIN 'MILK PRODUCTS'", "MILK PRODUCER", "PASTEURIZATION", ETC., PROHIBITING THE SALE OF ADULTERATED AND MISBRANDED MILK AND MILK PRODUCTS, REQUIRING PERMITS FOR THE SALE AND MILK AND MILK PRODUCTS, REGULATING THE INSPECTION OF DAIRY FARMS AND MILK PLANTS, THE EXAMINATION, GRADING, LABELING, PLACARDING, PASTEURIZATION, REGRADING, DISTRIBUTION AND SALE OF MILK AND MILK PRODUCTS, PROVIDING FOR THE PUBLISHING OF MILK GRADES, THE CONSTRUCTION OF FUTURE DAIRIES AND MILK PLANTS, THE ENFORCEMENT OF THIS ORDINANCE, AND THE FIXING OF PENALTIES.

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

SECTION 1. Definitions: The following definitions shall apply in the interpretation and the enforcement of this ordinance;

A. Milk- Milk is hereby defined to be the lacteal secretion obtained from the complete milking of one or more healthy cows, excluding that obtained within 15 days before and 5 days after calving, or such longer period as may be necessary to render the milk practically colostrum free; which contains not less than 8 percent of milk solids not fat, and not less than 3.25 percent of milk fat.

B. Milk-fat or butter fat.- Milk fat or butter fat is the fat of milk.

C. Cream and sour cream.- Cream is a portion of milk which contains not less than 18 percent milk fat. Sour cream is cream the acidity of which is more than .20 percent, expressed as lactic acid.

D. Skimmed milk- Skimmed milk is milk from which a sufficient portion of milk fat has been removed to reduce its milk-fat percentage to less than 3.25 percent.

E. Milk or skimmed-milk beverage.- A milk beverage or skimmed-milk beverage is a food compound or confection consisting of milk or skimmed milk, as the case may be, to which has been added a sirup or flavor consisting of wholesome ingredients.

F. Buttermilk.- Buttermilk is a product resulting from the churning of milk or cream, or from the souring or treatment by a lactic acid or other culture of milk, skimmed milk, reconstituted skimmed milk, evaporated or condense milk, or skimmed milk, or milk or skimmed-milk powder. It contains not less than 8 percent of milk solids not fat.

January 7, 1942
Page 316.

G. Vitamin D Milk.- Vitamin D milk is milk the vitamin D content of which has been increased by a method and in an amount approved by the health officer.

H. Reconstituted or recombined milk and cream.- Reconstituted or recombined milk is a product resulting from the recombining of milk constituents with water, and which complies with the standards for milk fat and solids not fat of milk as defined herein. Reconstituted or recombined cream is a product resulting from the combination of dried cream, butter, or butter fat with cream, milk, skimmed milk or water.

I. Goat Milk. Goat milk is the lacteal secretion, free from colostrum, obtained by the complete milking of healthy goats, and shall comply with all the requirements of this ordinance. The word "cows" shall be interpreted to include goats.

J. Homogenized Milk.- Homogenized milk is milk which has been treated in such manner that after a storage period of 48 hours tests of the 100 cc portion decanted from the top of a quart bottle of milk will not show a difference in fat content over tests of the remainder of the milk after thorough mixing exceeding 5 percent of the total fat content. For example, on 4 percent milk the difference shall not exceed 0.2 percent.

K. Milk products.- Milk products shall be taken to mean and include cream, sour cream, homogenized milk, goat milk, vitamin D milk, buttermilk, skimmed milk, reconstituted or recombined milk and cream, milk beverages, and skimmed-milk beverages.

L. Pasteurization.- The terms "pasteurization", "pasteurized", and similar terms shall be taken to refer to the process of heating every particle of milk or milk products to at least 143 deg. F., and holding at such temperature for at least 30 minutes, or to at least 160 deg. F. and holding at such temperature for at least 15 seconds, in approved and properly operated equipment; provided that nothing contained in this definition shall be construed as disbaring any other process which has been demonstrated to be equally efficient and is approved by the State Health Authority.

M. Adulterated Milk and Milk Products.- Any substance claimed to be any milk or milk product defined in this ordinance, but not conforming with its definition as given in this ordinance, or which carries a grade label unless such grade label has been awarded by the health officer and not revoked, shall be deemed adulterated and misbranded.

N. Milk Producer.- A milk producer is any person who owns or controls one or more cows, a part or all of the milk or milk products from which is sold or offered for sale.

O. Milk Distributor.- A milk distributor is any person who offers for sale or sells to another milk or milk products for human consumption as such.

P. Dairy or Dairy Farm.- A dairy or dairy farm is any place or premises where one or more cows are kept, a part or all of the milk or milk products from which is sold or offered for sale.

Q. Milk Plant.- A milk plant is any place or premises or establishment where milk or milk products are collected, handled, processed, stored, bottled, pasteurized, or prepared for distribution.

R. Health Officer. The term "Health Officer" shall mean the health authority of the City of Charlotte, N. C., or his authorized representative.

S. Average Bacterial Plate Count, Direct Microscopic Count, Reduction Time and Cooling Temperature.- Average bacterial plate count shall be taken to mean the logarithmic average of the bacterial plate counts of the last four consecutive samples, taken upon separate days, irrespective of periodic grade announcements. Average direct microscopic count shall be taken to mean the logarithmic average of the direct microscopic counts of the last four consecutive samples, taken upon separate days, irrespective of periodic grade announcements. Average reduction time shall be taken to mean

January 7, 1942
Page 317

the arithmetic average of the reduction times of the last four consecutive sample, taken upon separate days, irrespective of periodic grade announcements. Average cooling temperature shall be taken to mean the arithmetic average of the temperatures of the last four consecutive samples, taken upon separate days, irrespective of periodic grade announcements.

T. Grading Period.- The grading period shall be such period of time as the health officer may designate within which grades shall be determined for all milk and milk products, provided that the grading period shall in no case exceed 6 months.

U. Person. - The word "person" as used in this ordinance shall mean "person, firm, corporation or association".

V. And/or. - Where the term "and/or" is used "and" shall apply where possible, otherwise "or" shall apply.

SECTION 2. The sale of adulterated, misbranded or ungraded milk of milk products prohibited.- No person shall within the City of Charlotte, N. C., or its police jurisdiction, produce, sell, offer or expose for sale, or have in possession with intent to sell, any milk or milk product which is adulterated, misbranded or ungraded. It shall be unlawful for any person, elsewhere than in a private home, to have in possession any adulterated, misbranded, or ungraded milk or milk product.

SECTION 3. Permits.- It shall be unlawful for any person to bring into or receive into the city of Charlotte, or its police jurisdiction, for sale, or to sell or offer for sale therein, or to have in storage where milk or milk products are sold or served, any milk or milk products defined in this ordinance, who does not possess a permit from the health officer of the City of Charlotte.

Only a person who complies with the requirements of this ordinance shall be entitled to receive and retain such a permit.

Such a permit may be suspended by the health officer, or revoked after an opportunity for a hearing by the health officer, upon the violation by the holder of any of the terms of this ordinance.

SECTION 4. Labeling and Placarding.- All bottles, cans, packages, and other containers enclosing milk or any milk produce defined in this ordinance shall be plainly labeled or marked with (1) the name of the contents as given in the definitions in this ordinance; (2) the grade of the contents if said contents are graded under the provisions of this ordinance; (3) the word "pasteurized" only if the contents have been pasteurized; (4) the word "raw" only if the contents are raw; (5) the phrase "for pasteurization" if the contents are to be pasteurized; (6) the name of the producer if the contents are raw, and the name of the plant at which the contents were pasteurized, if the contents are pasteurized; and (7) in the case of Vitamin D milk, the designation "Vitamin D Milk" and the source of the Vitamin D. The label or mark shall be in letters of a size, kind and color approved by the health officer and shall contain no marks or words which are misleading.

Every restaurant, cafe, soda fountain, or other establishment serving milk or milk products shall display at all times, in a place designated by the health officer, a notice approved by the health officer, stating the lowest grade of milk and/or products served.

SECTION 5. Inspection of Dairy Farms and Milk Plants for the purpose of Grading or Regrading.- At least once during each grading period the health officer shall inspect all dairy farms and all milk plants whose milk or milk products are intended for consumption within the City of Charlotte, or its police jurisdiction. In case the health officer discovers the violation of any item of sanitation, he shall make a second inspection after a lapse of such time as he deems necessary for the defect to be remedied, but not before the lapse of 3 days; and the second inspection shall be used in determining the grade of milk and/or milk products. Any violation of the same item of this ordinance on two consecutive inspections shall call for immediate degrading.

One copy of the inspection report shall be posted by the health officer in a conspicuous place upon an inside wall of one of the dairy farm or milk plant buildings, and said inspection report shall not be defaced or removed by any person except the health officer. Another copy of the inspection report shall be filed with the records of the health department.

SECTION 6. The Examination of Milk and Milk Products.- During each grading period at least four samples of milk and cream from each dairy farm and each milk plant shall be taken on separate days and examined by the health officer. Samples of other milk products may be taken and examined by the health officer, as often as he deems necessary. Samples of milk and milk products from stores, cafes, soda fountains, restaurants, and other places where milk or milk products are sold shall be examined as often as the health officer may require. Bacterial plate counts and direct microscopic counts shall be made in conformity with the latest standard methods recommended by the American Public Health Association. Examinations may include such other chemical and physical determinations as the health officer may deem necessary for the protection of adulteration, these examinations to be made in accordance with the latest standard methods of the American Public Health Association and the Association of Official Agricultural Chemists. Bacterial plate count, microscopic count, reductase test, and cooling temperature results shall be given to the producer or distributor concerned as soon as determined if said results fall without the limits prescribed for the grade then held. Samples may be taken by the health officer at any time prior to the final delivery of the milk or milk products. All proprietors of stores, cafes, restaurants, soda fountains and other similar places shall furnish the health officer, upon his request, with the names of all distributors from whom their milk and milk products are obtained. Bio-assays of the vitamin D content of Vitamin D milk shall be made when required by the health officer in a laboratory approved by him for such examinations.

SECTION 7. The Grading of Milk and Milk Products.- At least once every six months the health officer shall announce the grades of all milk and milk products delivered by all producers or distributors and ultimately consumed within the city of Charlotte or its police jurisdiction. Said grades shall be based upon the following standards; the grading of milk and milk products being identical, except that the bacterial standards shall be doubled in the case of cream and omitted in the case of sour cream and buttermilk. Vitamin D milk shall be only of a Grade A or Grade B pasteurized, certified or Grade A raw quality.

January 7, 1942
Page 319.

Certified Milk- Raw. - Certified milk-raw is raw milk which conforms with the requirements of the American Association of Medical Milk Commissions in force at the time of production and is produced under the supervision of the Medical Milk Commission of the Medical Society of Mecklenburg County, and of the State Board of Health, or of the City or County Health Officer of Charlotte.

Grade A Raw Milk - Grade A raw Milk is raw milk the average bacterial plate count of which as determined under sections 1(S) and 6 of this ordinance does not exceed 50,000 per cubic centimeters, or the average direct microscopic count of which does not exceed 50,000 per cubic centimeters if clumps are counted, or 300,000 per cubic centimeter if individual organisms are counted, or the average reduction time of which is not less than 8 hours, provided that if it is to be pasteurized the corresponding limits shall be 200,000 per cubic centimeter, 200,000 per cubic centimeter, 800,000 per cubic centimeter, and 6 hours, respectively; and which is produced upon dairy farms conforming with all of the following items of sanitation.

ITEM 1r. Cows, tuberculosis and other diseases.- Except as provided herein after a tuberculin test of all herds and additions thereto shall be made before any milk therefrom is sold, and at least once every 12 months thereafter, by a licensed veterinarian approved by the State Livestock Sanitary authority. Said tests shall be made and any reactors disposed of in accordance with the requirements approved by the United States Department of Agriculture, Bureau of Animal Industry, for accredited herds. A certificate signed by the veterinarian or attested to by the health officer and filed with the health officer shall be evidence of the above test. Provided that in modified accredited counties in which the modified accredited area plan is applied to the dairy herds the modified accredited area system approved by the United States Bureau of Animal Industry shall be accepted in lieu of annual testing.

All milk and milk products shall be from herds or additions thereto which have been found free from Bang's disease, as shown by blood serum tests for agglutinins against Brucella abortus made in a laboratory approved by the health officer. All such herds shall be retested at least every twelve months and all reactors removed from the herd. A certificate identifying each animal by number, and signed by the laboratory making the test, shall be evidence of the above test.

Cows which show an extensive or entire induration of one or more quarters of the udder upon physical examination, whether secreting abnormal milk or not, shall be permanently excluded from the milking herd. Cows giving bloody, stringy or otherwise abnormal milk, but with only slight induration of the udder, shall be excluded from the herd until re-examination shows that the milk has become normal.

For other diseases such tests and examinations as the health officer may require shall be made at intervals and by methods prescribed by him, and any diseased animals or reactors shall be disposed of as he may require.

January 7, 1943
Page 330.

ITEM 2r. Dairy Barn, Lighting.- A dairy or milking barn shall be required and in such sections thereof where cows are milked windows shall be provided and kept clean and so arranged as to insure adequate light properly distributed, and when necessary shall be provided with added supplementary artificial light.

ITEM 3r. Dairy Barn, Air Space and Ventilation.- Such sections of all dairy barns where cows are kept or milked shall be well ventilated and shall be so arranged as to avoid overcrowding.

ITEM 4r. Dairy Barn Floors.- The floors and gutters of such parts of all dairy barns in which cows are milked shall be constructed of concrete or other approved impervious and easily cleaned material, and shall be graded to drain properly, and shall be kept clean and in good repair. Water shall be piped into the dairy barn under pressure. No horses, pigs, fowls, calves, etc., shall be permitted in parts of the barn used for milking.

ITEM 5r. Dairy Barn Walls and Ceilings.- The walls and ceilings of all dairy barns shall be white-washed once each year or painted once every two years, or oftener if necessary, or finished in an approved manner, and shall be kept clean and in good repair. In case there is a second store above that part of the barn in which cows are milked, the ceiling shall be tight. If the feed room adjoins the milking space, it shall be separated therefrom by a dust-tight partition and door. No food shall be stored in the milking portion of the barn.

ITEM 6r. Dairy Barn, Cow Yard.- All cow yards shall be graded and drained as well as practicable and kept clean.

ITEM 7r. Dairy Barn, Manure Disposal.- All manure shall be removed and stored or disposed of in such manner as best to prevent the breeding of flies therein or the access of cows to piles thereof.

ITEM 8r. Milk House or Room Construction.- There shall be provided a milk house or milk room in which the cooling, handling, and storing of milk and milk products and the washing, bactericidal treatment, and storing of milk containers and utensils shall be done. (a) The milk house or room shall be provided with a tight floor constructed of concrete or other impervious material, in good repair, and graded to provide proper drainage. (b) It shall have walls and ceilings of such construction as to permit easy cleaning, and shall be well painted or finished in an approved manner. (c) It shall be well lighted and ventilated. (d) It shall have all openings effectively screened, including outward-opening, self-closing doors, unless other effective means are provided to prevent the entrance of flies. (e) It shall be used for no other purposes than those specified above except as may be approved by the health officer; shall not open directly into stable or into any room used for domestic purposes; shall have water piped into it under pressure, and shall be provided with adequate facilities for the heating of water for the cleaning of utensils; shall be equipped with a two-compartment stationary wash and rinse vat, except that in case of retail raw milk, if chlorine is employed as the principal bacterial treatment, the three compartment type must be used; and in case of milk for pasteurization, if chlorine is employed as the principal bactericidal agent, three compartment vats shall be required for replacements and new construction; and shall, unless the milk is to be pasteurized, be partitioned to separate the handling of milk and the storage of cleansed utensils from the cleaning and other operation, which shall be so located and conducted as to prevent any contamination of the milk or of cleaned equipment.

January 7, 1943
Page 321

ITEM 9r. Milk House or Room, Cleanliness of Flies-
The floors, walls, ceilings, and equipment of the milk house or room shall be kept clean at all times. All means necessary for the elimination of flies shall be used.

ITEM 10r. Toilet.- Every dairy farm shall be provided with one or more flush toilets conveniently located, and connected to an approved sewage disposal system, or with one or more sanitary privies conveniently located, constructed, operated and maintained in accordance with the recommendations of the State Board of Health.

ITEM 11r. Water Supply.- The water supply for the milk house or room and dairy barn shall be properly located, constructed and operated, and shall be easily accessible, adequate, and of a safe, sanitary quality.

ITEM 12r. Utensils, Construction.- All multi-use containers or other utensils used in the handling, storage or transportation of milk or milk products must be made of smooth, non-absorbent material and of such construction as to be easily cleaned, and must be in good repair. Joints and seams shall be soldered flush. All strainers shall be equipped with sterilized single-service filter discs. Woven wire cloth shall not be used for straining milk. All milk pails shall be of a small-mouth design approved by the health officer. The manufacture, packing, transportation and handling of single-service, containers and container caps and covers shall be conducted in a sanitary manner.

ITEM 13r. Utensils- Cleaning.- All multi-use containers, equipment and other utensils used in the handling, storage or transportation of milk and milk products must be thoroughly cleaned as soon as practicable after each usage.

ITEM 14r. Utensils, Bactericidal Treatment.-
All multi-use containers, equipment, and other utensils used in the handling, storage or transportation of milk or milk products shall between each usage be subjected to an approved bactericidal process with steam, chlorine or hot air.

ITEM 15r. Utensils, Storage.- All containers and other utensils used in the handling of milk or milk product shall be so stored as not to become contaminated before being used. Filter discs shall be kept in the original container and stored in closed cabinets.

ITEM 16r. Utensils, Handling.- After bactericidal treatment no container or other milk or milk product utensil shall be handled in such manner as to permit any part of any person or his clothing to come in contact with any surface with which milk or milk products come in contact.

ITEM 17r. Milking, Udders and Teats, Abnormal Milk.-
The udders and teats of all milking cows shall be cleansed and rinsed with a bactericidal solution at the time of milking. Abnormal milk shall be kept out of the milk supply and shall be so handled and disposed of as to preclude the infection of the cows and the contamination of milk utensils.

ITEM 18r. Milking, Flanks- The flanks, bellies, hind legs and tails of all milking cows shall be free from visible dirt at the time of milking.

January 7, 1942
Page 33.

ITEM 19r. Milkers' Hands.- Milkers' hands shall be clean, rinsed with a bactericidal solution, and dried with a clean towel immediately before milking and following any interruption in the milking operation. Wet-hand milking is prohibited. Convenient facilities shall be provided for the washing of milkers' hands.

ITEM 20r. Clean Clothing.- Milkers and milk handlers shall wear clean outer garments while milking or handling milk, milk products, containers, utensils or equipment.

ITEM 21r. Milk Stools.- Milk stools shall be kept clean.

ITEM 22r. Removal of Milk.- Each pail of milk shall be removed immediately to the milk house or straining room. No milk shall be strained or poured in the dairy barn.

ITEM 23r. Cooling.- Milk must be cooled immediately after completion of milking to 50 deg. F or less, and maintained at that average temperature, as defined in Section 1(S), until delivery. If milk is delivered to a milk plant or receiving station for pasteurization or separation, it must be delivered within 2 hours after completion of milking or cooled to 70 deg. F or less and maintained at that average temperature until delivered.

ITEM 24r. Bottling and Capping.- Milk and milk products shall be bottled and capped by means of an approved combination bottling and capping machine. Caps or cap stock shall be purchased in sanitary containers and kept therein in a clean, dry place until used. Cap containers shall be stored so as to prevent contamination. Hand capping is prohibited.

ITEM 25r. Personnel, Health.- The health officer or a physician authorized by him shall examine and take a careful morbidity history of every person connected with a retail raw dairy, or about to be employed, whose work brings him in contact with the production, handling, storage or transportation of milk, milk products, containers, or equipment. If such examination or history suggests that such person may be a carrier of or infected with the organisms of typhoid or paratyphoid fever or any other communicable disease likely to be transmitted through milk, he shall secure appropriate specimens of body discharges and cause them to be examined in a laboratory approved by him or by the State health authorities for such examinations, and if the results justify, such person shall be barred from such employment.

Such persons shall furnish such information, submit to such physical examinations, and submit such laboratory specimens as the health officer may require for the purpose of determining freedom from infection.

ITEM 26r. Miscellaneous.- All vehicles used for the transportation of milk or milk products shall be so constructed and operated as to protect their contents from the sun and from contamination. All vehicles used for the transportation of milk or milk products in their final delivery containers shall be constructed with permanent tops and with permanent or roll-down sides and back, provided that openings of the size necessary to pass the delivery man may be permitted in the sides or back for loading and unloading purposes. All vehicles shall be kept clean and no substance capable of contaminating milk or milk products shall be transported with milk or milk products in such manner as to permit contamination. All vehicles used for the distribution of milk or milk products shall have the name of the distributor prominently displayed.

January 7, 1942
Page 523.

The immediate surroundings of the dairy barn shall be kept in a neat, clean condition.

Grade B Raw Milk.- Grade B raw milk is raw milk which violates the bacterial standard of Grade A raw milk, provided that its average bacterial plate count, as determined under sections 1(s) and 6, does not exceed 1,000,000 per cubic centimeter, or its average direct microscopic count does not exceed 1,000,000 per cubic centimeter if clumps are counted or 4,000,000 per cubic centimeter if individual organisms are counted, or its average reduction time is not less than 3-1/2 hours, and which complies with all other requirements for grade A raw milk except the provision for abortion testing of Item 1r.

Grade C Raw Milk.- Grade C raw milk is raw milk which violates any of the requirements for grade B raw milk.

Certified Milk- Pasteurized.- Certified milk-pasteurized is certified milk raw which has been pasteurized, cooled, and bottled in a milk plant conforming with the requirements of grade A pasteurized milk.

Grade A Pasteurized Milk.- Grade A pasteurized milk is grade A raw milk, with such exceptions as are indicated if the milk is to be pasteurized, which has been pasteurized, cooled and bottled in a milk plant conforming with all of the following items of sanitation and the average bacterial plate count of which at no time after pasteurization and until delivery exceeds 30,000 per cubic centimeter, as determined under sections 1(S) and 6.

The grading of pasteurized milk supply shall include the inspection of receiving and collecting stations with respect to items 1p to 15p inclusive, and 17p, 19p, 22p and 23p, except that the partitioning requirement of item 5p shall not apply.

ITEM 1p. Floors.- The floors of all rooms in which milk or milk products are handled or stored or in which milk utensils are washed shall be constructed of concrete or other equally impervious and easily cleaned material and shall be smooth, properly drained, provided with trapped drains, and kept clean.

ITEM 2p. Walls and Ceilings.- Walls and ceilings of rooms in which milk or milk products are handled or stored or in which milk utensils are washed, shall have a smooth, washable, light-colored surface and shall be kept clean.

ITEM 3p. Doors and Windows.- Unless other effective means are provided to prevent the access of flies, all openings into the outer air shall be effectively screened and doors shall be self-closing.

ITEM 4p. Lighting and Ventilation.- All rooms shall be well lighted and ventilated.

ITEM 5p. Miscellaneous protection and contamination.- The various milk plant operations shall be so located and conducted as to prevent any contamination of the milk or of the cleaned equipment. All means necessary for the elimination of flies shall be used. There shall be separate rooms for (a) pasteurizing, processing, cooling and bottling operations, and (b) the washing and bactericidal treatment of containers. Cans of raw milk shall not be unloaded directly into the pasteurizing room.

January 7, 1942
Page 324.

Pasteurized milk or milk products shall not be permitted to come in contact with equipment with which pasteurized milk or milk products have been in contact, unless such equipment has first been thoroughly cleaned and subjected to bactericidal treatment. Rooms in which milk, milk products, cleaned utensils or containers are handled or stored shall not open directly into any stable or living quarters. The pasteurization plant shall be used for no other purposes than the processing of milk and milk products and the operations incident thereto, except as may be approved by the health officer.

ITEM 6p. Toilet Facilities.- Every milk plant shall be provided with toilet facilities conforming with the ordinances of the City of Charlotte. Toilet rooms shall not open directly into any room in which milk, milk products, equipment or containers are handled or stored. The doors of all toilet rooms shall be self-closing. Toilet rooms shall be kept in a clean condition, in good repair, and well ventilated. No privies shall be permitted at any milk plant.

ITEM 7p. Water Supply.- The water supply shall be easily accessible, adequate and of a safe, sanitary quality.

ITEM 8p. Hand-washing Facilities.- Convenient hand-washing facilities shall be provided, including warm running water, soap, and approved sanitary towels. The use of a common towel is prohibited.

ITEM 9p. Sanitary Piping.- All piping used to conduct milk or milk products shall be "sanitary milk piping" of a type which can be easily cleaned with a brush. Pasteurized milk and milk products shall be conducted from one piece of equipment to another only through sanitary milk piping.

ITEM 10p. Construction and Repair of Containers and Equipment.- All multi-use containers and equipment with which milk or milk products come in contact shall be constructed in such manner as to be easily cleaned and shall be kept in good repair. The manufacture, packing, transportation and handling of single-service containers and container caps and covers shall be conducted in a sanitary manner.

ITEM 11p. Disposal of Wastes.- All wastes shall be properly disposed of.

ITEM 12p. Cleaning and Bactericidal Treatment of Containers and Equipment.- All milk and milk products containers and equipment, except single-service containers, shall be thoroughly cleaned after each usage. All containers shall be subjected to an approved bactericidal process after each cleaning and all equipment immediately before each usage. When empty and before being returned to a producer by a milk plant each container shall be effectively cleaned and subjected to bactericidal treatment.

ITEM 13p. Storage of Containers and Equipment.- After bactericidal treatment all bottles, cans and other multi-use milk or milk products containers and equipment shall be stored in such manner as to be protected from contamination.

ITEM 14p. Handling of Containers and Equipment. Between bactericidal treatment and usage, and during usage, containers and equipment shall not be handled or operated in such manner as to permit contamination of the milk.

ITEM 15p. Storage of Caps, Parchment Paper, and Single-service Containers.- Milk bottle caps or cap stock, parchment paper for milk cans, and single-service containers shall be purchased and stored only in sanitary tubes and cartons, respectively, and shall be kept therein in a clean, dry place.

January 7, 1942
Page 325.

ITEM 16p. Pasteurization.- Pasteurization shall be performed as described in section 1(L) of this ordinance.

ITEM 17p. Cooling. All milk and milk products received for pasteurization shall immediately be cooled in approved equipment to 50 deg. F. or less, and maintained at that temperature until pasteurized, unless they are to be pasteurized within 2 hours after receipt; and all pasteurized milk and milk products shall be immediately cooled in approved equipment to an average temperature of 50 deg. F. or less, as defined in section 1(S) of this ordinance and maintained thereat until delivery.

ITEM 18p. Bottling.- Bottling of milk and milk products shall be done at the place of pasteurization in approved mechanical equipment.

ITEM 19p. Overflow Milk.- Overflow milk and milk products shall not be sold for human consumption.

ITEM 20p. Capping.- Capping of milk and milk products shall be done by approved mechanical equipment. Hand capping is prohibited. The cap or cover shall cover the pouring lip to at least its largest diameter.

ITEM 21p. Personnel, Health. The health officer or a physician authorized by him shall examine and take a careful morbidity history of every person connected with a pasteurization plant, or about to be employed, whose work brings him in contact with the production, handling, storage or transportation of milk, milk products, containers, or equipment. If such examination or history suggests that such person may be a carrier of or infected with the organisms of typhoid or paratyphoid fever or any other communicable diseases likely to be transmitted through milk, he shall secure appropriate specimens of body discharges and cause them to be examined in a laboratory approved by him or by the State health authorities for such examination, and if the results justify, such person shall be barred from such employment.

All persons shall furnish such information, submit to such physical examinations and submit such laboratory specimens as the health officer may require for the purpose of determining freedom from infection.

ITEM 22p. Personnel, Cleanliness.- All persons coming in contact with milk, milk products, containers or equipment shall wear clean outer garments and shall keep their hands clean at all times while thus engaged.

ITEM 23p. Miscellaneous. All vehicles used for the transportation of milk or milk products shall be so constructed and operated as to protect their contents from the sun and from contamination. All vehicles used for the transportation of milk or milk products in their final delivery containers shall be constructed with permanent tops and with permanent or roll-down sides and back, provided that openings of the size necessary to pass the delivery man may be permitted in the sides or back for loading and unloading purposes. All vehicles shall be kept clean, and no substance capable of contaminating milk or milk products shall be transported with milk or milk products in such manner as to permit contamination. All vehicles used for the distribution of milk or milk products shall have the name of the distributor prominently displayed.

The immediate surroundings of the milk plant shall be kept in a clean, neat condition.

Grade B. Pasteurized Milk.- Grade B pasteurized milk is Grade B milk which has been pasteurized, cooled, and bottled in a milk

January 7, 1942
Page 326.

plant conforming with all of the requirements for Grade A pasteurized milk, except the provision of lip-cover caps in Item 20p, and the average bacterial plate count of which at no time after pasteurization and before delivery exceeds 50,000 per cubic centimeter, as determined under Sections 1(S) and 6.

Grade C Pasteurized Milk.- Grade C pasteurized milk is pasteurized milk which violates any of the requirements for Grade B pasteurized milk.

SECTION 8. GRADES OR MILK AND MILK PRODUCTS WHICH MAY BE SOLD.

From and after the date on which this ordinance takes effect, no milk or milk products shall be sold to the final consumer, or to restaurants, soda fountains, grocery stores, or similar establishments except Grade A pasteurized, Grade A raw, Certified milk-raw, and Certified milk-pasteurized; provided, however, that those sections of this ordinance requiring the grading of raw buttermilk shall not be in effect until 12 months after the date on which this ordinance was adopted.

This section shall not be construed as forbidding the sale of lower grades of milk and milk products during temporary periods of degrading not exceeding 30 consecutive days, or in emergencies such longer periods as the health officer may deem necessary.

SECTION 9. SUPPLEMENTARY GRADING PRESCRIBED AND REGRADING AUTHORIZED.

If, at any time between the regular announcements of the grades of milk or milk products, as the result of the findings of two consecutive inspections of any dairy or milk plant, or because the average bacterial plate count, the average direct microscopic count, the average reduction time, or the average cooling temperature exceeds the limit fixed for the grade currently held by the milk supply in question, a lower grade shall become justified, in accordance with Section 7 of this ordinance, the health officer shall immediately lower the grade of such milk or milk products, and shall enforce proper labeling and placarding thereof.

Any producer or distributor of milk or milk products the grade of which has been lowered by the health officer, and who is properly labeling his milk and milk products, may at any time make application for the regrading of his product.

Upon receipt of a satisfactory application, in case the lowered grade is the result of an excessive average bacterial plate count, direct microscopic count, reduction time or cooling temperature, the health officer shall take further samples of the applicant's output, at a rate of not more than two samples per week. The health officer shall immediately regrade the milk or milk products upward whenever the average of the last four consecutive samples results indicate the necessary equality.

In case the lowered grade of the applicant's product is due to a violation of an item of the specifications prescribed in Section 7, other than average bacterial plate count, direct microscopic count, reduction time, or cooling temperature, the said application must be accompanied by a statement signed by the applicant to the effect that the violated item of the specifications has been conformed with.

January 7, 1942
Page 327.

Within one week of the receipt of such application and statement, the health officer shall make a re-inspection of the applicant's establishment, and thereafter as many additional re-inspections as he may deem necessary to assure himself that the applicant is again complying with the higher grade requirements, and, in case the findings justify, shall regrade the milk or milk products upward, but not before the lapse of two weeks from the date of degrading.

SECTION 10. TRANSFERRING OR DIPPING MILK: DELIVERY CONTAINERS: HANDLING OF MORE THAN ONE GRADE: DELIVERY OF MILK AT QUARANTINED RESIDENCES.-

Except as permitted in this section, no milk producer or distributor shall transfer milk or milk products from one container to another on the street, or in any vehicle or store, or in any place except a bottling or milk room especially used for that purpose. The sale of dipped milk is hereby prohibited.

All pasteurized milk and milk products shall be placed in their final delivery containers in the plant in which they are pasteurized, and all raw milk and milk products sold for consumption in the raw state shall be placed in their final delivery containers at the farm at which they are produced. Milk and milk products sold in the distributor's containers in quantities less than 1 gallon shall be delivered in standard milk bottles or in single-service containers. It shall be unlawful for hotels, soda fountains, restaurants, groceries and similar establishments to sell or service any milk or milk product except in the original container in which it was received from the distributor or from a bulk container equipped with an approved dispensing device; provided that this requirement shall not apply to cream consumed on the premises, which may be served from the original bottle or from a dispenser approved for such service.

No milk or milk products shall be permitted to come in contact with equipment with which a lower grade of milk or milk products has been in contact unless such equipment has first been thoroughly cleaned and subjected to bactericidal treatment.

Bottled milk or milk products, if stored in water, shall be so stored that the tops of the bottles will not be submerged.

It shall be the duty of all persons to whom milk or milk products are delivered to clean thoroughly the containers in which such milk or milk products are delivered before returning such containers. Apparatus, containers, equipment, and utensils used in the handling, storage, processing or transporting of milk or milk products shall not be used for any other purpose without the permission of the health officer.

The delivery of milk or milk products to and the collection of milk or milk products from quarantined residences shall be subject to the special requirements of the health officer.

SECTION 11. MILK AND MILK PRODUCTS FROM POINTS BEYOND THE LIMITS OF ROUTINE INSPECTION OF THE CITY OF CHARLOTTE.

Milk and milk products from points beyond the limits of routine inspection of the City of Charlotte may not be sold in the city

of Charlotte, or its police jurisdiction, unless produced and/or pasteurized under the provisions equivalent to the requirements of this ordinance; provided that the health officer shall satisfy himself that the health officer having jurisdiction over the production and processing is properly enforcing such provisions.

SECTION 12. NOTIFICATION OF DISEASE.

Notice shall be sent to the health officer immediately by any producer or distributor of milk or milk products upon whose dairy farm or in whose milk plant any infectious, contagious or communicable disease occurs.

SECTION 13. FUTURE DAIRIES AND MILK PLANTS.

All dairies and milk plants from which milk or milk products are supplied to the city of Charlotte which are hereafter constructed, reconstructed or extensively altered, shall conform in their construction to the requirements of this ordinance for Grade A dairy farms producing milk for consumption in the raw state, or for Grade A pasteurization plants, respectively. Properly prepared plans for all dairies and milk plants which are hereafter constructed, reconstructed or extensively altered shall be submitted to the health officer for approval before work is begun. In the case of milk plants signed approval shall be obtained from the health officer and/or the State health department.

SECTION 14. PROCEDURE WHEN INFECTION SUSPECTED.

When suspicion arises as to the possibility of infection from any person concerned with the handling of milk or milk products, the health officer is authorized to require any or all of the following measures: (1) The immediate exclusion of that person from milk handling. (2) The immediate exclusion of milk supply concerned from distribution and use; (3) Adequate medical and bacteriological examination of the person, or his associates, and of his and their body discharges.

SECTION 15. ENFORCEMENT INTERPRETATION.

This ordinance shall be enforced by the health officer in accordance with the interpretation thereof contained in the 1939 edition of the United States Public Health Service Milk Code, a certified copy of which shall be on file in the office of the City Clerk of the City of Charlotte.

SECTION 16. PENALTY. Any person who shall violate any of the provisions of this ordinance shall, upon conviction, be fined not more than fifty dollars, or imprisoned not more than thirty days, or both, in the discretion of the court. Each and every violation of the provisions of this ordinance will constitute a separate offense.

SECTION 17. REPEAL AND DATE OF EFFECT. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed; and this ordinance shall be in full force and effect immediately upon its adoption and its publication, as provided by law.

SECTION 18. UNCONSTITUTIONALITY CLAUSE. 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 affected thereby.

January 7, 1942.
Page 329.

Mr. Dwight Phillips, County Home Demonstration Agent, protested the adoption of the above ordinance, stating that the dairymen cannot get materials to convert their equipment to comply with the buttermilk requirements.

Mr. John Floyd, District Milk Sanitarian, State Board of Health, advised that most of the larger cities in the state now have this ordinance in event, it being the ordinance approved by the State Board of Health; stating that the ordinance is approved by the U. S. Department of Agriculture, Bureau of Animal Industry, North Carolina Exchange Service, State Department of Agriculture, State Board of Health and the North Carolina Grange.

After passage of the above ordinance on first reading, the following motion was made by Councilman Ross, duly seconded by Councilman Slye and carried: Moved that a copy of the Milk Ordinance be mailed as soon as possible to every dairyman in Mecklenburg County who is holding a license to sell dairy products in the City of Charlotte.

A letter from the Mecklenburg County Medical Society was presented, in which that organization endorsed the proposed milk ordinance, and on motion of Councilman Albea, seconded by Councilman Painter, was ordered placed on record:

January 7, 1942

Members of the City Council,
Charlotte, N. C.

Gentlemen:

The Mecklenburg County Medical Society, at its regular meeting on January 6, 1942, adopted the following resolution and instructed its committee to place this resolution in your hands.

- 1: Resolved that the Mecklenburg County Medical Society urges the adoption by Charlotte and Mecklenburg County of the United States Public Health Service Standard Milk Ordinance now under consideration by the City Council;
- 2: That we advocate the elimination from the Charlotte market of all ungraded milk and milk products;
- 3: That the Mecklenburg County Medical Society appoint a committee whose duty it will be to collect and furnish to those who seek it, data of a scientific nature on the question of adequate milk control.

(Signed) E. J. Wannamaker, M.D.

RESOLUTION EMPLOYING PAUL GUTHERY AND LEROY DULIN TO APPRAISE PROPERTY ON SEIGLE AVENUE.

On motion of Councilman Ross, seconded by Councilman Albea, the following resolution was adopted:

RESOLVED, that for a fee of \$100.00 each, Paul Guthery and Leroy Dulin, be, and they are, employed to appraise each lot separately on Seigle Avenue upon which the City has a street assessment lien for the purpose of determining the market value of each lot, this appraisal to be used by the Committee heretofore appointed by the Council as the Committee sees fit in determining the prices to be bid by the City for these lots if, as and when same are offered for sale in foreclosure proceedings instituted by the City.

January 7, 1942
Page 330.

USE OF ARMORY-AUDITORIUM ON DECEMBER 20TH. GRANTED AT COST TO OBSERVER FRESH AIR FUND.

On motion of Councilman Albea, seconded by Councilman Baker, the use of the Armory-Auditorium by the Charlotte Observer Fresh Air Fund, last December 20th., when Dickens' Christmas Carol was presented by Prof. Koch, of Chapel Hill, was granted at cost (\$35.00). Councilman Ross voted against this action.

SEWER RODS PURCHASED FOR ENGINEERING DEPARTMENT.

At the December 3rd. meeting of the Council, authority to purchase necessary sewer rods for the Engineering Department, at a total cost of \$162.68 was granted, but inasmuch as the current budget did not carry an appropriation for this item, it was moved by Councilman Albea, seconded by Councilman Little and carried, that this charge be made against the Water Fund Emergency Appropriation.

INSTALLATION OF SANITARY SEWER IN HULL DRIVE.

On motion of Councilman Little, seconded by Councilman Albea, authority was given to construct a sanitary sewer in Hull Drive, from Statesville Avenue east 380-feet towards Edison St., at an estimated cost of \$390.50.

WATER LINE IN DRUID CIRCLE.

Authority was given for the installation of a 6" water line in Druid Circle, for a distance of 980 feet, between Statesville Avenue and Edison Street, to serve 27 home sites, two houses now being under construction; at a estimated cost of \$1,228.00, on motion made by Councilman Albea, seconded by Councilman Little and carried.

An agreement covering this installation, between Druid Hills, Incl, and the City of Charlotte, is to be signed, wherein applicant requests that the work be done by the City on a revenue basis and guarantees that the City will be reimbursed within 12 months 10 percent of the cost of the installation, payments to begin 60 days after date main is laid, and similar payments to be made every 12 months until the total amount of the installation has been realized by the City.

WATER LINE IN PERRIN PLACE.

On motion of Councilman Albea, seconded by Councilman Little, a 6" water main in Perrin Place, beginning on the main in Providence Road and running in an easterly direction for a distance of 1000 feet, is to be laid; the applicant, J. P. Quarles, guaranteeing payments to the City within 12 months period after the main is laid, to equal 10% of the cost, and that for each succeeding 12 months this amount will be equalled until the cost is reimbursed in full.

COAL FOR FIRE DEPARTMENT.

The City Manager reported that under date of September 17, 1941, the City entered into a contract with Cochran & Ross Coal Co. to furnish the year's supply of coal of various types, representing a total of 1315 tons; that of this amount 200 tons of Pocahontas Pea Coal, at \$7.70 per ton was for the Fire Department; 60 tons of which have already been delivered and found to be unsatisfactory for stokers in that Department. And that after discussing the matter with Mr. McGuire, Smoke Abatement

January 7, 1942.
Page 331

Engineer, he recommends Corlew Coal instead of Pocahontas Pea coal for this stoker. Cochran & Ross Coal Co. agree to furnish the remainder of this order with Corlew Coal at the same price of \$7.70 per ton. He requested the Council to amend the contract by substituting the Corlew Coal in lieu of Pocahontas Pea coal for the remaining 140 tons undelivered.

On motion of Councilman Slye, seconded by Councilman Beasley, this substitution was authorized by unanimous vote.

SPECIAL OFFICER PERMITS.

On motion of Councilman Albea, seconded by Councilman Slye, the following men were appointed Special Officers on the premises of the Charlotte Quartermaster Depot:

Claude Thomas Earnhardt	James Richard Johnson
Dock Huneycutt	Benjamin H. Huneycutt
John W. Williams	John C. Winebarger
Henry J. Sloop	Horace D. House
John H. O'Kelly	Joseph R. Phillips
Alvin Rankin	

J. E. Phillips was appointed Special Officer on the premises of Pettit Motor Company, on motion made by Councilman Slye, seconded by Councilman Painter.

RECESS FOR 30 MINUTES TAKEN

At this time the Council took a recess pending the arrival of the City Attorney, Mr. C. W. Tillett, before taking up the proposed Taxicab Ordinance.

RECONVENED AT 6:10 P.M.

At 6:10 P.M., the Council reconvened, Mr. Tillett having arrived, and the following Ordinance was read by Mr. Tillett:

AN ORDINANCE

AMENDING AN ORDINANCE ENTITLED: "AN ORDINANCE TO REQUIRE JITNEY BUS AND TAXICAB OPERATORS CARRYING PASSENGERS FOR HIRE WITHIN THE CITY OF CHARLOTTE TO TAKE OUT AND CARRY LIABILITY INSURANCE OR PROVIDE SURETY BONDS OR MAKE A DEPOSIT OF SECURITIES WITH THE TREASURER OF THE CITY OF CHARLOTTE".

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

Section 1: That the ordinance adopted Sept. 2, 1936, entitled:

"AN ORDINANCE TO REQUIRE JITNEY BUS AND TAXICAB OPERATORS CARRYING PASSENGERS FOR HIRE WITHIN THE CITY OF CHARLOTTE TO TAKE OUT AND CARRY LIABILITY INSURANCE OR PROVIDE SURETY BONDS OR MAKE A DEPOSIT OF SECURITIES WITH THE TREASURER OF THE CITY OF CHARLOTTE"

and amended by amendments adopted May 25, 1938 and July 13, 1938 be, and it is, further amended by striking from Section 1 of said ordinance the figure "\$2500", and inserting in lieu thereof "\$5000", by striking from said section the figure "\$5000" and inserting in lieu thereof "\$9500".

January 7, 1942
Page 352.

Section 2: That the said ordinance be further amended by striking from Section 2 thereof which was adopted by amendment July 13, 1938 the figure "\$2500", and inserting in lieu thereof the figure "\$5000", and striking therefrom the figure "\$5000" and inserting in lieu thereof the figure "\$9500".

Section 3: That the said ordinance be further amended by striking from Section 2 thereof which was adopted by amendment July 13, 1938 the following: "\$5500 for the first vehicle or taxicab so operated and increase this amount \$100 for each additional taxicab so operated", and inserting in lieu thereof: "\$10,000 for the first vehicle or taxicab so operated; \$700 each for the next five vehicles or taxicabs so operated; \$400 each for the next five vehicles or taxicabs so operated; \$300 each for the next five vehicles or taxicabs so operated; \$200 each for the next five vehicles or taxicabs so operated and \$100 each for every additional vehicle or taxicab so operated".

Section 4: Every person, firm or corporation who or which has heretofore deposited funds or securities under the ordinance of Sept. 2, 1936 or the amendment of July 13, 1938 shall, on or before the 5th day of February, 1942, sign an agreement amending any and all agreements theretofore made by him or it so as to provide that the said funds or securities shall be deemed deposited under this amending ordinance.

Section 4(a): Every person, firm or corporation desiring to deposit funds or securities for one or more persons operating taxicabs under the aforesaid ordinance as amended shall accompany the said deposit with an agreement substantially as contained in sub-section 2(a) of the amendment adopted July 13, 1938, except that after the words and figures "July 13, 1938" as contained in said agreement, there shall be added the words and figures "or the amendment thereto of Jan. 7, 1942".

Section 5. Sections 1, 2, 4 and 4(a) of this ordinance shall take effect at 12:01 A.M., Eastern Standard Time, Feb. 6, 1942, and Section 3 of this ordinance shall take effect at 12:01 A.M., Eastern Standard Time, April 7, 1942.

Section 6. The City Clerk shall certify to the passage of this ordinance and cause the same to be published.

APPROVED AS TO FORM:

Tillett & Campbell
City Attorneys.

On motion of Councilman Ross, seconded in each instance by Councilman Baker, the above ordinance was read, approved and adopted on three readings and declared by the Mayor to be an ordinance of the City of Charlotte, this 7th day of January 1942.

PARKING METERS.

After some discussion regarding the financial status of the Buckeye Meter Company, named in the following resolution, and after an amending clause to take care of this point was written into the resolution by the City Attorney, the following Resolution was adopted by the City Council, on a vote of 8 affirmatives and 2 negatives, Councilmen Albea and Baker voting against the adoption of same:

January 7, 1942
Page 333

RESOLUTION AWARDING TO BUCKEYE METER COMPANY
AND MICHAEL'S ART BRONZE COMPANY CONTRACTS
FOR INSTALLATION OF PARKING METERS.

RESOLVED that the contracts to install parking meters on Tryon and Trade Streets, in the City of Charlotte, in accordance with the advertisement for bids, instructions to bidders, proposal and specification for parking meters be, and they are, awarded to Buckeye Meter Company and Michael's Art Bronze Company in accordance with their respective bids, upon the following conditions:

1. Each bidder is awarded the contract for the installation of 150 meters for a trial period of six months, with the privilege on the part of the City of an additional three months. The meters to be installed by the Buckeye Meter Company shall be those described in its bid; the meters to be installed by Michael's Art Bronze Company shall be its Model No. 5, being the two-coin, progressive meter described in its bid. The City Manager shall designate at what points on Tryon and Trade Streets the meters of these companies shall be installed between First and Seventh Streets on Tryon, and Graham and Brevard Streets on Trade.
2. The aforesaid bidders shall meet all of the requirements set forth in paragraph 4 of the specifications which were issued by the City in connection with the advertisement for bids.
3. Each contract shall provide that in the event there is a delay in the installation of these meters due to strikes, riots, national emergencies, acts of God or other causes beyond the control of the bidder for more than 30 days beyond the installation date specified in the bid, the City will have the option to cancel the contract without thereby incurring any liability of any sort to the bidder.
4. The bidders shall furnish **bonds** as required by the specifications above referred to, and shall execute contracts in form to be approved by the City Attorneys.
5. If either bidder does not meet the conditions of this resolution, such bidder shall acquire no rights hereunder.
6. The award to Buckeye Meter Company is made subject to the provision that its contract obligations and undertakings shall be guaranteed by the Buckeye Incubator Company.

ADJOURNMENT.

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

Alice Y. M. Powell
City Clerk