

A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, on Wednesday, July 11, 1951, at 4 o'clock p.m., with Mayor Shaw presiding, and Councilmen Albea, Baxter, Boyd, Coddington, Dellinger, Jordan and Van Every present.

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INVOCATION.

The invocation was given by Councilman Philip L. Van Every.

MINUTES APPROVED.

Upon motion of Councilman Jordan, seconded by Councilman Van Every, and unanimously carried, the minutes of the meetings on June 27 and 28 were approved as submitted.

ADJUSTMENT IN SALARY OF DR. H. H. HENRY, DIRECTOR OF V. D. CLINIC, HEALTH DEPARTMENT.

Dr. M. B. Bethel, City Health Officer, advised that the City is faced with losing Dr. H. H. Henry, Director of the Venereal Disease Clinic unless an adjustment can be made in his compensation to replace the salary that has been paid him by the State Board of Health for his services in connection with the Western Medical Center at Morris Field which has recently been closed. He advised that it was an economy measure for the City to permit Dr. Henry to spend part of his time at the Center in the venereal disease work. He stated that Dr. Henry is outstanding in his field and the loss of his services to the City would be exceedingly great and the employment of someone to replace him would involve a salary of as much, if not more, than the combined salary that the City and State have been paying him. He advised that as of June 30th the City was paying Dr. Henry \$7,200.00 and the State \$3,240.00, making a total salary of \$10,440.00. Dr. Bethel urged that an adjustment be made in order that a salary of \$10,440.00 may be paid Dr. Henry.

Councilman Baxter moved that the adjustment be made and that the salary of Dr. Henry be fixed at \$10,440.00. The motion was seconded by Councilman Van Every, and unanimously carried.

EXTENSION OF 30-DAYS ALLOWED NEW-WAY LAUNDRY RELATIVE TO VIOLATION OF SMOKE ABATEMENT ORDINANCE, AND CITY MANAGER AND SMOKE ABATEMENT ENGINEER DIRECTED TO STUDY PROBLEM AND REPORT TO COUNCIL.

Mr. W. M. McClain, resident of 624 Stephens Street, was spokesman for a Committee of residents within the vicinity of the New-Way Laundry at 925 East 9th Street, and stated that the ash and smoke from the Laundry is intolerable and is damaging their property to the extent that their houses must be repainted. He asked that corrective measures be taken by the City.

The City Manager stated that on February 21st the City granted the New-Way Laundry 90-days for testing the operation of their new boiler and equipment and making the adjustments necessary to come up to standard, after Mr. J. E. Campbell, Smoke Abatement Engineer had reported the Smoke Abatement Ordinance was being violated by them with regard to the control of fly-ash. Mr. Yancey further advised that the 90-days period expired on May 22nd but due to the absence of Mr. Howard Arbuckle, Attorney for the Laundry, from the city, the matter had been carried over until today.

Mr. Arbuckle stated that it was their understanding that the 90-days period was for the purpose of testing the operation of their new installation and not for the purpose of making adjustments; that he was not aware that the matter would be further pursued until he was advised by Mr. Campbell, that it would come before the Council today. He stated that he understood that the Smoke Abatement Engineer was to have worked with the Laundry in an effort to secure an acceptable operation of the equipment; however, the Engineer had not visited the plant during the 90-days period.

He stated that at the hearing on February 21st they had asked that Sub-section 6 of Section 394 of the Smoke Abatement Ordinance be waived and the installation be judged on the basis of the requirements of Sections 383 and 384 of the Ordinance. That their alleged violation of the Ordinance in not securing a Permit for the installation is an error as the Ordinance does not require the owner to secure a permit but rather this is the duty of the contractor installing and/or supervising its installation.

Mr. Campbell, Smoke Abatement Engineer, stated that he had a conference with Mr. P. E. Pugh of the American Coal Burner Company, who supplied the laundry equipment, immediately after the hearing on February 21st, and that Mr. Pugh asked him to keep out of the matter, that he and Mr. Duncan, laundry owner, could handle the matter without any outside help. Mr. Campbell stated that he was left with the impression that if they could not do so that his assistance would be requested. He submitted photographs of the smoke and ash being emitted from the Laundry and of property in the neighborhood being affected by the smoke and fly-ash; also, specimens of the ash that is being emitted.

Mr. C. C. Duncan, Laundry owner, advised that he has personally supervised the operation of the stoker since the hearing on February 21st and has endeavored to make it acceptable and that many residents in the vicinity of the Laundry will testify that the condition has greatly improved since the installation of the new equipment. He stated that he does not believe that either Mr. Campbell or Mr. Pugh can improve the operation. He invited the Council to come down and view the equipment and its operation and stated if they did not then agree that it is one of the cleanest operations in Charlotte that he will do whatever the City wishes. He stated further that the it would cost \$5,000.00 additional to install the fly-ash collector and damper required by the Smoke Abatement Ordinance and that he cannot afford the expense.

During the discussion, it was pointed out by the Council that from the photographs it would appear that the emission of fly-ash and smoke is excessive; that the condition has reached the nuisance stage and the residents should be protected from such condition; that during the 90-days interim apparently no corrective measures have been taken by Mr. Duncan; that the assistance of the City's Engineer has not been requested and that the requirements and standards of the ordinance for such installation should be met.

Mayor Shaw stated that the Council wishes to be helpful in the matter and does not wish to work a hardship on anyone, at the same time it is a matter of concern to the Council that Mr. Duncan has taken no steps within the 90-days period to correct the condition. He suggested that it would not be well to make a decision in the matter today but that a thorough investigation be made.

Councilman Baxter moved that an extension of 30-days be allowed for the City Manager, Smoke Abatement Engineer, and the Engineer or Contractor who made the installation, to make an investigation and report to the Council. The motion was seconded by Councilman Dellinger, and unanimously carried.

#### RESOLUTION PROVIDING FOR THE RENEWAL OF \$100,000 AUDITORIUM BOND ANTICIPATION NOTES.

A resolution entitled, "Resolution Providing for the Issuance of \$100,000 Auditorium Bond Anticipation Notes" was introduced and read, and upon motion of Councilman Albea, seconded by Councilman Dellinger, was unanimously adopted. The resolution is recorded in full in Resolutions Book 1, at pages 412-415.

#### RESOLUTION RELATIVE TO SETTING TENTATIVE TAX RATE FOR FISCAL YEAR BEGINNING JULY 1, 1951.

A resolution entitled, "Resolution Relative to Setting Tentative Tax Rate for the Fiscal Year Beginning July 1, 1951" was introduced and read. Councilman Boyd moved the adoption of the resolution. The motion was seconded by Councilman Coddington, and unanimously carried. The resolution is recorded in full in Resolutions Book 1, at Page 411.

SETTLEMENT OF CONTRACT WITH GIBSON PIPING AND CONSTRUCTION COMPANY WITHOUT PENALTY.

Councilman Boyd moved that settlement be made with the Gibson Piping and Construction Company for sewer construction contract, without penalty, as recommended by the City Manager, City Attorney and City Engineer, who advise that the project has been satisfactorily completed and the City has suffered no financial loss. The motion was seconded by Councilman Coddington, and unanimously carried.

PURCHASE OF SANITARY SEWERAGE SYSTEM IN MYERS PARK MANOR FROM GEO. S. GOODYEAR.

Motion was made by Councilman Coddington, seconded by Councilman Boyd, and unanimously carried, authorizing the purchase of the sanitary sewerage system in Myers Park Manor from Geo. S. Goodyear and wife, at a price of \$4,900.00, subject to the approval of deed and/or bill-of-sale by the City Attorney.

STREETS TAKEN OVER FOR MAINTENANCE.

Upon motion of Councilman Albea, seconded by Councilman Coddington and unanimously carried, West 30th Street from Poplar Street 300 feet west was taken over for limited maintenance, and Forest Road from Country Club Drive 700 feet west to the end of the present maintenance was taken over for full maintenance.

CONSTRUCTION OF NEW SANITARY SEWERS.

Motion was made by Councilman Boyd, seconded by Councilman Coddington, and unanimously carried, authorizing the construction of new sanitary sewer mains at the following locations:

- (a) 132 feet of 8 inch sewer in Westover Street, at a cost of \$305.00, to serve 2 family units, at the City's expense.
- (b) 330 feet of 8 inch sewer in Waverly Place, at a cost of \$590.00, to serve 2 family units and 7 vacant lots. All costs to be borne by the City and applicant's deposit of \$190.00 to be refunded as per terms of the contract.

CONSTRUCTION OF DRIVEWAY ENTRANCES.

Upon motion of Councilman Coddington, seconded by Councilman Dellinger, and unanimously carried, the construction of driveway entrances was authorized at the following locations:

- (a) One 10-ft. entrance at 118 East 9th Street.
- (b) One 18-ft. entrance at 1880 Maryland Avenue.
- (c) One 15-ft. entrance at 806 South Tryon Street.
- (d) One 15-ft. entrance at 2117 Hastings Drive.
- (e) One 20-ft. entrance at 1808 Lombardy Circle.
- (f) One 16-ft. entrance at 1408 Harrill Street.
- (g) One 15-ft. entrance at 1404 Harrill Street.
- (h) One 30-ft. entrance on 36th Street and Two 30-ft. entrances on The Plaza, for the Atlantic Refining Company.

APPLICATION FOR LOCATION OF SHED AND OFFICE BUILDING AT 2010 S. TRYON STREET APPROVED.

Upon motion of Councilman Dellinger, seconded by Councilman Albea, and unanimously carried, an application for the location of a shed and office building at 2010 South Tryon Street to be used as a lumber yard, was approved.

SPECIAL OFFICER PERMITS GRANTED.

Motion was made by Councilman Coddington, seconded by Councilman Boyd, and unanimously carried, authorizing the renewal of Special Officer Permits to Mr. Henry D. Price on the premises of Lance, Inc., and to Mr. John H. Holden on the premises of the City's cemeteries.

## LEASE OF AIRPORT BUILDING #47 TO WINTON PRODUCTS COMPANY.

The City Manager reported that lease had been concluded with Winton Products Company for Airport Building #47, at a monthly rental of \$25.80, for a period of one year from July 1, 1951.

## SALE AND TRANSFER OF CEMETERY LOTS.

Councilman Boyd moved that the Mayor and City Clerk be authorized to execute deeds for the sale and transfer of the following cemetery lots, which motion was seconded by Councilman Coddington, and unanimously carried:

- (a) Deed with Mrs. W. W. Gillis, for southeast quarter of Lot #140, Section 3, Evergreen Cemetery, at a price of \$26.00.
- (b) Deed with Mrs. Elizabeth S. Culbreath, for Lot #299, in Section 3, Evergreen Cemetery, at a price of \$122.85.
- (c) Transfer from Mrs. Florence S. Houston to Mrs. Sara R. Sheats of southwest quarter of Lot #9, in Section H, Elmwood Cemetery, at \$1.00 for transfer.

## RESOLUTION ABANDONING SEWER RIGHT-OF-WAY IN BLOCK A, OF A PORTION OF MORNINGSIDE HILLS.

A resolution entitled, "Resolution Abandoning Sewer Right-of-Way in Block A, of a Portion of Morningside Hills;" According to a Map Thereof Made by J. W. Spratt, C. S., Dated June 1951" was introduced and read, and upon motion of Councilman Boyd, seconded by Councilman Jordan, was unanimously carried. Resolution is recorded in full in Resolutions Book 1, at Page 417.

## OFFER OF SALE OF THREE LOTS ON EAST 4th STREET TO CITY DISCUSSED AND NO ACTION TAKEN.

Mr. Yancey, City Manager, advised that the three lots on the south side of East 4th Street, between Davidson and Alexander Streets, across from the City Hall property and adjacent to the City owned lot at the intersection of 4th and Davidson Streets, have been offered for sale to the City at prices ranging from \$10,000 to \$12,000 each. He further stated that, in his opinion, it would be well for the City to purchase the lots for expansion purposes; however, he did not believe it would be wise to spend the money from the Emergency Fund, which has been established for the year 1951-52 at \$50,000.00. The matter was discussed but no action taken.

## APPOINTMENT OF J. H. SAXON, W. W. HANKS AND A. G. ODELL, JR., TO PLANNING BOARD.

Mayor Shaw suggested that appointments be made to fill the three vacancies on the Planning Board. He presented a list of names that have been submitted by citizens for appointment to the said Board.

Councilman Coddington moved the nomination of Mr. A. G. Odell, Jr.

Councilman Jordan moved the nomination of Mr. J. H. Saxon, which was seconded by Councilman Boyd.

Councilman Dellinger moved the nomination of Mr. Irvin Belk.

Councilman Albea moved the nomination of Mr. W. W. Hanks and Mr. Pete (C.A.) McKnight.

Councilman Van Every moved the nomination of Mr. Stowe Moody and Mr. Walter D. Toy.

Ballots were then verbally cast on the seven nominees, with the agreement that the three nominees receiving the highest number of votes be appointed to the Planning Board, and the poll of the votes was announced as follows:

For Mr. J. H. Saxon	6 votes
For Mr. W. W. Hanks	6 votes
For Mr. A. G. Odell, Jr.	4 votes
For Mr. Walter D. Toy	2 votes
For Mr. Irvin Belk	1 vote
For Mr. Stowe Moody	1 vote
For Mr. Pete (C.A.) McKnight	1 vote

Messrs. J. H. Saxon, W. W. Hanks and A. G. Odell, Jr., were then declared duly appointed as members of the Charlotte Planning Board.

CITY ATTORNEY DIRECTED TO BRING SUIT AGAINST MECKLENBURG COUNTY RELATIVE TO CITY SCHOOL BOND OBLIGATION.

Councilman Boyd moved that Mr. John D. Shaw, City Attorney, be directed to begin legal proceedings to compel Mecklenburg County to assume the City School Bond obligation. Mr. Shaw advised that suit has been instituted in Mecklenburg County Superior Court and an answer has been filed but the case has not been put on trial. Councilman Boyd then moved that the City Attorney expedite the matter so that it may be placed on the Docket for the fall term of court. The motion was seconded by Councilman Coddington, and unanimously carried.

REGULAR COUNCIL MEETINGS TO BE HELD EVERY OTHER WEDNESDAY AT 3 O'CLOCK P.M. AFTER JULY 18TH THROUGH LABOR DAY.

Councilman Van Every moved that the regular Council Meetings be held every other week on Wednesday at 3 o'clock P.M., after the meeting on July 18th through Labor Day. The motion was seconded by Councilman Coddington.

A substitute motion was offered by Councilman Albea that these meetings during the period after July 18th through Labor Day be held on Wednesday at 7:30 o'clock P.M. instead of 3 o'clock P.M. The motion was seconded by Councilman Dellinger. The following votes were cast on the substitute motion, which did not carry:

AYE: Councilmen Albea and Dellinger.  
NAY: Councilmen Baxter, Boyd, Coddington, Jordan and Van Every.

The vote was then cast on the main motion, and unanimously carried.

ADJUSTMENTS IN SALARIES OF CERTAIN DEPARTMENT HEADS AND THREE INSPECTORS IN BUILDING INSPECTION DEPARTMENT.

Councilman Dellinger stated that inasmuch as some adjustments have been made in salaries since the percentage increases were authorized, he moved that the salaries of all department heads which are presently \$6,480.00 be increased to \$7,500.00, and that the salary of Mr. W. M. Franklin be increased from \$6,799.00 to \$7,500.00, and that the salaries of Mr. P. H. McGuirt, Mr. R. H. Haley and Mr. K. B. Black in the Building Inspection Department be increased to \$4,800.00 plus 15 percent. The motion was seconded by Councilman Boyd.

A substitute motion was made by Councilman Coddington that the salaries of Messrs. P. H. McGuirt, R. H. Haley and K. B. Black be adjusted to the same salary as received by Mr. C. W. Edge, and that all employees making a salary over \$4,800.00 be given a flat increase of \$500.00 instead of the 5 percent previously authorized. The motion was seconded by Councilman Albea.

Following the discussion, the vote was taken on the substitute motion which did not carry, with the votes cast as follows:

AYE: Councilmen Albea, Coddington and Van Every.  
NAY: Councilmen Baxter, Boyd, Dellinger and Jordan.

The vote was then taken on the main motion by Councilman Dellinger, and carried, with the votes cast as follows:

AYE: Councilmen Albea, Baxter, Boyd, Dellinger and Jordan.  
NAY: Councilmen Coddington and Van Every.

Councilman Coddington explained his vote by stating that he did not feel that the employees between the \$4,800.00 bracket and the department head status were treated fairly.

ADJOURNMENT.

Upon motion of Councilman Baxter, seconded by Councilman Boyd, and unanimously carried, the meeting was adjourned.

Lillian R. Hoffman  
City Clerk