

A regular meeting of the City Council was held in the Council Chamber, City Hall, on Wednesday, June 21, 1950, at 11 o'clock a.m., with Mayor Shaw presiding, and Councilmen Aitken, Albea, Boyd, Coddington, Daughtry, Jordan and Wilkinson present.

INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Jordan, seconded by Councilman Aitken, and unanimously carried, the minutes of the last meeting, on June 14th, were approved as submitted.

ORDINANCE (NO. 107) AMENDING THE ZONING ORDINANCE.

A hearing was held on an Ordinance (No. 107) to Amend the Zoning Ordinance by changing the Building Zone Map from an R-2 to B-1 district on property fronting on Statesville Avenue at Dearborn Street, requested by Mr. Clarkson Jones and Mrs. Essie W. McCall, and recommended by the Zoning Board of Adjustment.

No objections were voiced against the proposed change.

Councilman Boyd moved the adoption of the Ordinance effecting the change. Motion was seconded by Councilman Wilkinson, and unanimously carried. Ordinance is recorded in full in Ordinance Book 11, at Page 138.

ORDINANCE (NO. 108) AMENDING THE ZONING ORDINANCE.

The scheduled hearing was held in connection with an Ordinance (No. 109) to Amend the Zoning Ordinance by changing the Building Zone Map from R-2 to B-1 district on Lots 5 and 6 in the 1300 block of East Morehead Street, requested by Mr. Geo. H. Talbot.

There being no expressed objections to the proposed change, Councilman Daughtry moved that the ordinance be adopted. Motion was seconded by Councilman Boyd, and unanimously carried. Ordinance is recorded in full in Ordinance Book 11, at Page 139.

ORDINANCE (NO. 110) AMENDING THE BUILDING CODE WITH RESPECT TO FIXED AWNINGS.

An ordinance entitled, "Ordinance (No. 110) Amending the Building Code with Respect to Fixed Awnings" was introduced and read, and upon motion of Councilman Wilkinson, seconded by Councilman Albea, was unanimously adopted. Ordinance is recorded in full in Ordinance Book 11, at Page 140.

ORDINANCE (NO. 111) AMENDING THE BUILDING CODE WITH RESPECT TO HOLLOW WALLS.

An ordinance entitled, "Ordinance (No. 111) Amending the Building Code with Respect to Hollow Walls" was introduced and read, and upon motion of Councilman Daughtry, seconded by Councilman Wilkinson, was unanimously adopted. Ordinance is recorded in full in Ordinance Book 11, at Page 140.

ORDINANCES AUTHORIZING \$5,750,000 CITY OF CHARLOTTE BONDS, AND RESOLUTION CALLING A SPECIAL ELECTION ON JULY 29, 1950.

Ordinances entitled, "An Ordinance Authorizing \$2,000,000 Sanitary Sewer Bonds", "An Ordinance Authorizing \$1,750,000 Water Bonds", "An Ordinance Authorizing \$1,500,000 Grade Crossing Elimination Bonds", "An Ordinance Authorizing \$250,000 Street Widening Bonds, and "An Ordinance Authorizing \$250,000 Street Improvement Bonds", were each introduced and read, and upon motion of Councilman Aitken, and seconded by Councilman Jordan, were each unanimously adopted. Whereupon, a resolution entitled, "Resolution Calling a Special Bond Election" was introduced and read, and upon motion of Councilman Aitken, and seconded by Councilman Jordan, was unanimously adopted. The five ordinances and resolution are recorded in full, as a whole, in Ordinance Book 11, beginning at Page 141 and ending at Page 153 .

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RESOLUTION AUTHORIZING PARK & RECREATION COMMISSION TO USE CITY OWNED LANDS IN CONNECTION WITH CORDELIA PARK.

A resolution entitled, "Resolution Authorizing Park and Recreation Commission to use City Owned Lands in Connection with Cordelia Park" was introduced and read, and upon motion of Councilman Albea, seconded by Councilman Wilkinson, was unanimously adopted. Resolution is recorded in full in Resolutions Book 1, at Page 291.

RENEWAL OF LEASE OF OFFICES 105 and 106 AT 123 NORTH POPLAR STREET FOR MECKLENBURG VETERANS SERVICE OFFICER.

Councilman Daughtry moved that lease on offices 105 and 106 at 123 North Poplar Street for the Mecklenburg Veterans Service Officer be renewed as of July 1, 1950, at an annual rental of \$1,020.00, contingent upon the approval of the Board of Commissioners of Mecklenburg County, with whom the rent is shared. Motion was seconded by Councilman Aitken, and unanimously carried.

TRANSFER OF FUNDS FROM PAVING & OPENING NEW STREETS ACCOUNT, TO TRAFFIC ENGINEERING DEPARTMENT, FOR BUS SURVEY.

Motion was made by Councilman Aitken, seconded by Councilman Coddington, and unanimously carried, authorizing the transfer of \$7,000.00 from Paving & Opening New Streets Account, Code 1513-A Hawthorne Lane Underpass, to Traffic Engineering Department Budget, Code Bus Survey.

PLAT OF DELL WOOD ACRES SUBDIVISION APPROVED.

Upon motion of Councilman Wilkinson, seconded by Councilman Aitken, and unanimously carried, the plat of Dell Wood Acres Subdivision, owned by F. B. Garrison, was approved as recommended by the Planning Board.

CLAIMS OF JAMES C. TURNER AND MRS. NANCY S. HILLIS AUTHORIZED SETTLED.

Motion was made by Councilman Boyd, seconded by Councilman Jordan, and unanimously carried, authorizing settlement of the following claims:

- (a) Claim of James C. Turner, in the amount of \$85.80 for repairs to car belonging to Johnson & Johnson, which was damaged by Garbage Truck No. 34 on June 6, 1950.
- (b) Claim of Mrs. Nancy S. Hillis, in the amount of \$50.00 for injuries on December 13, 1949 from falling into an open meter box on Moravian Lane.

CONTRACTS AUTHORIZED FOR CONSTRUCTION OF WATER MAINS.

Upon motion of Councilman Coddington, seconded by Councilman Aitken, and unanimously carried, the following contracts for the construction of water mains were authorized:

CONSTRUCTION OF NEW SANITARY SEWERS AUTHORIZED.

Motion was made by Councilman Aitken, seconded by Councilman Albea, and unanimously carried, authorizing the construction of new sanitary sewers at the following locations:

- (a) 4,080-feet of sewer and 360-feet of trunk sewer in Dublin Road, Lanier Ave., Marlowe Ave., and Ashley Road, at an estimated cost of \$9,230.00, to serve 73 vacant lots, at the request of John Crosland Company. All costs to be borne by the City and applicant's deposit of full amount to be refunded as per terms of the contract.
- (b) 1,895-feet of sewer in Mathis Drive, Bigham, Rogers, Hazel and Gaston Streets, at an estimated cost of \$5,380.00, to serve 32 family units and 12 vacant lots, at request of R. S. Echerd, 3629 Rogers Street. All costs to be borne by the City.
- (c) 452-feet of sewer in Lafayette Avenue, at an estimated cost of \$1,520.00, to serve 8 family units and 2 vacant lots, at the request of Roy L. Goode. All costs to be borne by the City.
- (d) 190-feet of sewer in Newland Road, at an estimated cost of \$350.00, to serve the Colored Recreation Center, at request of the Park & Recreation Commission. All costs to be borne by the City.
- (e) 1,724-feet of sewer in Hutchinson Avenue, at an estimated cost of \$2,980.00, to serve 15 family units and 14 vacant lots. All costs to be borne by the City.
- (f) 154-feet of sewer and 184-feet of trunk sewer in West 6th Street, at an estimated cost of \$760.00, to serve 3 buildings at request of A. Z. Price Company. All costs to be borne by the City.

CONSTRUCTION OF DRIVEWAY ENTRANCES AUTHORIZED.

Upon motion of Councilman Wilkinson, seconded by Councilman Aitken, and unanimously carried, the construction of the following driveway entrances were authorized:

- (a) One 14-foot driveway at 620 West Morehead Street.
- (b) One 20-foot driveway at 1800 Princeton Avenue.
- (c) One 30-foot driveway at 710 West Morehead Street.

SPECIAL OFFICER PERMITS AUTHORIZED ISSUED.

Councilman Aitken moved that Special Officer Permit be granted Walter W. Painter on the premises of Charlotte Fish & Oyster Company, and permit be renewed to Mrs. Stella Patterson on the premises of J. B. Ivey & Company. Motion was seconded by Councilman Jordan, and unanimously carried.

CEMETERY LOTS AUTHORIZED TRANSFERRED.

Motion was made by Councilman Albea, seconded by Councilman Jordan, and unanimously carried, authorizing the Mayor and City Clerk to execute deeds for the transfer of the following cemetery lots:

- (a) Deed to Mrs. J. Will Kesterson, for east half of Lot 166, in Section 3, Evergreen Cemetery, at \$52.00.
- (b) Deed to Miss Helen Alexander, for Lot 339, in Section 3, Evergreen Cemetery, at \$122.85.
- (c) Deed to Woodmen of the World Life Insurance Society, for Perpetual Care on Lot 7, Section A, Elmwood Cemetery, at \$144.00.

EXPENSES OF L. R. HOWSON TO CHARLOTTE TO DISCUSS REPORT OF INDUSTRIAL WASTE SURVEY AUTHORIZED BY ATTORNEY FOR INDUSTRIALISTS.

By and with the unanimous consent of the Council, Councilman Boyd presented for discussion and disposition the matter of the proposed visit of Mr. L. R. Howson of the firm Alvord-Burnick & Howson, Engineers of Chicago, to discuss the recommendations contained in his report of their Industrial Waste Survey.

Councilman Boyd reviewed the events which have transpired since the appointment of the Committee by the Council, composed of Councilmen Aitken and Wilkinson and himself as Chairman, to study the report. He stated the Committee meet with the Mayor, the other members of the Council, the City Manager, Messrs. Franklin and Phillips of the Water Department and representatives of J. N. Pease & Company and discussed the report. That action on the Ordinance to Regulate the Disposal of Industrial Waste at the Council Meeting on May 31st, was deferred at the request of Mr. C. W. Tillett, Attorney for a group of industrialists who opposed the adoption of the ordinance as presented; and, upon the further request of Mr. Tillett that Mr. Howson be invited to return to Charlotte to explain and discuss the recommendations contained in the report, that the City Manager was directed to invite Mr. Howson to Charlotte. That pursuant to the City Manager's telephoned invitation to Mr. Howson, that the following letter was received from Mr. Howson under date of June 15th:

Mr. Henry A. Yancey
City Manager,
Charlotte, N. C.

Dear Mr. Yancey:

Following our telephone conversation this morning and in view of the conflict between your statements and my recollection of the newspaper accounts, I reviewed some of the Charlotte clippings. In our discussion regarding my appearing before the Council with respect to our report, I stated that I had learned from newspaper clippings that our report had been submitted to and discussed by other consulting engineers without anything having been said to us relative to that matter. You questioned my recollection of the newspaper accounts and assured me that other engineers had not seen our report nor had it been discussed with them.

A procedure such as stated in the press reports is so unethical as to raise the question as to whether our advice will now be of use. In view of this situation I would like to review our connection with the work from the start.

When at your request, I first visited you in Charlotte I inquired specifically as to whether we were to make an independent report, and whether the City was under obligation to other engineers at that time. After being advised that our investigation was to be de novo, and that the City had obligations with others for the design and supervision of construction of the intercepting sewers but not of the sewage treatment plant, (as no policy had yet been determined with respect to that,) I returned to Chicago and submitted a proposal for an investigation and report on sewage treatment. I never inquired as to whether or what others may have reported, did not want to see any report made by others or discuss any prior work. Our work was strictly de novo.

Our report was submitted in accordance with the contract. We believe it outlines a proper approach to the Charlotte domestic and industrial waste disposal problem with the fullest utilization of existing facilities and the greatest economy to the community as a whole.

Under date of March 24th, 1950 the Charlotte Observer states, "City Manager Henry A. Yancey called in technical assistants yesterday in evaluating a survey report on industrial waste pollution of local streams. He distributed copies of the 43 page report, prepared by a Chicago engineering firm, to Water Superintendent W. M. Franklin, Superintendent of Plants R. S. Phillips, and J. B. Marshall and George S. Rawlins of J. N. Pease & Co. engineering staff. At the same time he indicated the group will meet to discuss the survey findings in about a week, after which a recommendation may be drafted for city governing heads to consider."

Under date of April 11th the press reports:

"City Manager to meet with engineers and with Water Department officials to discuss Chicago firm's report".

"Recommendations for eliminating the discharge of industrial wastes into Charlotte's streams will be reviewed later this week by City Manager Henry A. Yancey in a conference with engineers and Water Department officials Mr. Yancey said he will ask Water Superintendent W. M. Franklin, Superintendent of Plants R. S. Phillips, and engineers J. B. Marshall and George S. Rawlins of the J. N. Pease & Co. staff to meet with him in a discussion of the survey report on local trade wastes as compiled by a Chicago engineering firm."

On April 25th the Charlotte Observer reported that the conference had been held in the following terms:

"Those attending the conference yesterday included Mr. Yancey, Water Superintendent W. M. Franklin, Superintendent of Plants Bob Phillips, and engineers George Rawlings and J. B. Marshall of the J. Norman Pease & Co. staff. They will lead the discussions when the survey report is submitted to the City Council."

Possibly these newspaper reports are incorrect but they indicate a procedure which is so at variance with sound professional ethics, but yet which once started is so logically consecutive as to at least warrant the assumption on our part that they were a correct record of what transpired. Whether or not the clipping service covered all newspaper articles relating to the study and discussion of our report, of course we have no way of knowing.

Under the conditions as reported by the last quoted clipping, we do not see wherein attendance at a meeting of the council and discussion of the report by us will be helpful and certainly it will not be as helpful as it would have been before our report was submitted to other consulting engineers for comment.

Our report which reflects the accumulated experience from 40 years of specialization in domestic and industrial waste treatment, we believe outlines the various procedures available to Charlotte and points out the most economical solution, one that we know will clean up the creeks and dispose of all wastes at least cost, and with a minimum of friction between the City and its industries.

Our contractual obligations have been complied with. The responsibility for following or disregarding our recommendations likewise is not ours any more than that of a doctor to his patient. However, if it is felt that our further advice would be helpful and if such a conference can be devoted to a discussion of policies and procedures we will endeavor to

subject adjust an already congested schedule so as to visit Charlotte at some mutually convenient date within the next two weeks. Our charge will be \$150 per day plus expenses.

Yours very truly,

ALVORD, BURNICK & HOWSON,

By L. R. Howson

LRH:MD

CC: Hon. Victor Shaw
Mayor
Charlotte, N. C.

P.S. We have just wired you as follows:

"Sending today airmail letter regarding visit to discuss report. Will try to schedule time within two weeks but cannot advise date today". "

Councilman Boyd stated that upon receipt of Mr. Howson's letter from the City Manager, as Chairman of the Committee he discussed the matter with Mr. Tillett in an effort to expedite and conclude the matter, and asked Mr. Tillett if the industrialists wished to pay the expenses and salary of Mr. Howson, as stated in his letter, if the Council did not see fit to do so. He further stated that Mr. Tillett advised him by letter that the industrialists he represented will reimburse the City for Mr. Howson's charges at \$150 per day plus expenses, if action on the ordinance is deferred until after the proposed visit.

Councilman Boyd further stated that speaking for himself only, in view of all that has transpired and in view of the circumstances and the importance of the matter to the City and citizens, if Mr. Tillett and the industries he represents want to bring Mr. Howson to Charlotte to discuss the report, it would not be unwise to do so. He pointed out that it is understood that High Point and/or Durham have within the past few years built plants to do what is proposed in Mr. Howson's report, and these plants have not worked out too well.

Mr. Yancey, City Manager, stated that inasmuch as the letter from Mr. Howson has been publically read, and if it is to become a part of these minutes, he wished to correct two erroneous statements therein; that he did not state to Mr. Howson by telephone that other engineers had not seen the report. He simply told him that the newspaper articles which were referred to by Mr. Howson were innocent in themselves, and there had been no public discussion of the report by himself nor others connected with the City. Also, concerning Mr. Howson's statement regarding his first visit to Charlotte, that at the first and only conference with a Mr. Howson, he inquired as to whether or not the making of the report of the survey would possibly lead to the City of Charlotte placing additional work with his company, to which Mr. Yancey had replied that it would not. That he very positively told him that J. N. Pease & Company were already under contract with the City as consultants for the design and construction of outfall sewers and sewage disposal plants. That regarding Mr. Howson's allegation of unethical practices in the handling of his report, Mr. Yancey stated he was constrained to wonder what possible use he could make of the Report if ethical practice prohibited its discussion with the City's own technicians, who are on the City's payroll and with Consulting Engineers who are now and were under contract with the City prior to the furnishing of the report.

Councilman Albea stated that insofar as he was personally concerned he did not care to confer further with Mr. Howson nor to cause his return to Charlotte for a conference, and in his opinion he felt the City's actions have been entirely ethical.

The Council agreed to discuss the report with Mr. Howson on either Wednesday June 28th or Wednesday July 5th if Mr. Tillett and the industrialists brought him back to Charlotte. Mr. Tillett was present at the

meeting and stated he would contact Mr. Howson by 'phone and advise Mayor Shaw the date of his visit.

ADJOURNMENT.

Upon motion of Councilman Aitken, seconded by Councilman Jordan, and unanimously carried, the meeting was adjourned.

Lillian R. Hoffman
City Clerk