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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, on Wednesday, February 10, 1954, at 4 o'clock p.m., with Mayor pro tem Smith presiding, and Councilmen Albea, Baxter, Boyd, Brown and Wilkinson present.

Absent: Mayor Van Every and Councilman Dellinger.

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INVOCATION.

The invocation was given by Dr. William M. Boyce, Pastor of Sardis Presbyterian Church.

MINUTES APPROVED.

Upon motion of Councilman Baxter, seconded by Councilman Brown, and unanimously carried, the minutes of the last meeting on February 3rd were approved as submitted.

CONSIDERATION OF ORDINANCE TO ESTABLISH SETBACK LINES ON McDOWELL AND OTHER STREETS DEFERRED UPON REQUEST OF PURE OIL COMPANY.

Mr. W. F. Wimberly, General Counsel for The Pure Oil Company, appeared before Council relative to the proposed establishment of set-back lines on South McDowell Street, which he stated would adversely effect their Service Station property at McDowell and East Morehead Street intersection. He stated they had no objections to the widening of McDowell Street but opposed the proposed establishment of the line on the east side only, on which their property is located, whereas if the line is established on the west side no damage will occur to the adjacent property as only the walkways to the property would be effected. It was pointed out to Mr. Wimberly that the establishment of set-back lines is a long-range program and does not mean that the streets will be widened for several years. However, upon the request and insistence of Mr. Wimberly that action on the proposed ordinance not be taken until his request is considered, Councilman Boyd moved that consideration of the ordinance be deferred and the request of The Pure Oil Company be given the proper consideration. The motion was seconded by Councilman Albea, and unanimously carried.

OBJECTIONS HEARD TO THE PROPOSED AMENDMENT TO THE SUNDAY OBSERVANCE ORDINANCE, AND MAYOR AND COUNCILMEN REQUESTED TO BE PRESENT AT NEXT MEETING TO VOTE ON THE AMENDMENT.

Dr. Claude Broach, Pastor of St. John Baptist Church, stated that at a meeting of the Charlotte Ministerial Association on Tuesday, a Committee, composed of Dr. Casper C. Warren, Dr. Warner Hall, Dr. Lee F. Tuttle, the Reverend Mr. Oren Hutchinson, and himself, was appointed to be present today to report back to the City Council that the Mecklenburg County Commissioners have indicated they have no legal authority in the matter of determining the schedule of operation of Motion Picture Theatres in the County outside of Charlotte. He stated that Dr. Warren has been called from the city on account of illness and Dr. Hall is engaged in Church duties, so that neither could be present.

Dr. Broach stated that the large delegation of ministers and religious laymen present today are here in the interest of no change being made in the present Sunday laws and come with the hope that they may be of assistance to the Council in deciding the question. That they are not here to speak for the churches but for themselves and they believe that the sentiment of the citizens is that the Sunday law should be allowed to remain as at present.

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Dr. Lee F. Tuttle, Pastor of The First Methodist Church, stated that he and the other Committee members are appearing today as supporters of the Ministerial Association, to express their real and spiritual convictions on the subject, and to urge that the Council take such action as it is their firm belief will be for the benefit of the entire community.

The Reverend Oren Hutchinson, Pastor of Harrison Methodist Church, advised that he represents the citizens on the fringe area of the city who look to Charlotte for leadership. That the Ministerial Association has gone on record as opposing the proposed amendment to the Sunday laws. That about the only thing the nation has the proper respect for in its laws is the Sabbath and when that goes out it will result in secularism.

Dr. James F. Wertz, Pastor of St. Paul Baptist Church, speaking for the Interdenominational Ministerial Alliance, stated they feel that the City Council is interested in the spiritual welfare of the community and that they urge that the good judgement of the Councilmen, as Churchmen, prevail and lead them to make no change in the existing law.

Mr. Ward A. Scriven, Superintendent of Parochial Schools, Carolina Conference of The Seventh Day Adventist Churches of North and South Carolina, stated he is in harmony with the sentiments of the group with regard to hours of worship being recognized, but that he is fearful of the kind of laws we have that bans the individual from carrying on his legal pursuits on any day of the week. That the Consitution of our County permits the right of freedom to all men, and we should respect man's right of conscience and not legislate against it. He advised that his appeal is that the ban on Movies on Sunday from 6 to 9 p.m., be lifted. That he is not speaking in defense of the Movie Industry but it seems to him that the Council should weigh carefully the combining of civil law and religious rights, as no law should restrict the privileges granted man under the Constitution.

The Reverend H. L. Ferguson, Pastor of Thomasboro Baptist Church, urged that a decision in the matter be made today. That the primary purpose of all churches is to build character, while that of the Movie Industry has never been stated as doing that, rather, it is to secure the admission price. That the proposed change in the present Sunday law cannot, therefore, be for the best interest of the city and he urged that those things that are Holy be treated by the Council as holy in making their decision in the matter.

Dr. W. M. Boyce, Pastor of Sardis Presbyterian Church, stated it has been argued that the Church has no business in matters of this kind, that it is a matter of civil law, but that Christian ethics and standards are a part of the common law of the nation. That however much one recognizes the separation of the Church and State when a law comes between them it behooves one to present and protect the position of the Church. That as ministers they look upon that segment of time used for religious services as the feeling of respect by the law, and its representatives, for the job that ministers are trying to do. That they are only asking that the Council help them hold the line of the liberation of Sunday laws. He stated that by the same token of the proposed amendment, the ban could also be lifted from 11 a.m. to 1 p.m.

Dr. Clyde Yates, Pastor of Allen Street Baptist Church, declared that he earnestly believes that each of the Councilmen want to do that which is best for the welfare of the community. That God has given us six days in which to ply our trades and pleasures, and one day for worship; that he pleads for that which he knows is best for our boys and girls. He stated that on last Sunday his church was filled to capacity and that upon asking for a vote of the worshippers on the question before us today, every hand was raised that no change should be made in the present law.

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The Reverend R. H. Kelly, Pastor of Matthews Baptist Church, stated he has seen the manner in which the Sabbath Day is observed in continental countries and it should be the earnest hope of everyone present that such practices never prevail here. That it should make us preserve and strengthen our ways of religious life. That this question should be decided on the basis of the majority wishes of the citizens of Charlotte and Mecklenburg County, which are overwhelmingly to protect the hours for church purposes.

Mr. John C. Shepherd, who has been a Deacon for thirty-two years in The First Baptist Church, stated he believes the further relaxing of the Sunday laws will be placing a stumbling-block in the path of our children and youths. That if the Movies are as bad as advertised, then no child should attend them.

Dr. W. A. Gamble, Pastor of St. Paul Baptist Church, stated that the Council has a tremendous responsibility before God and should keep foremost in their minds at this time the Commandment, "Remember the Sabbath Day to Keep it Holy".

The Reverend Carl J. Ashlock, Pastor of The Seventh Day Adventist Church, stated he is in agreement with the statement that the purpose of the church is to lead men to God and the Movies to make money. That his appeal is not for the Movie Theatres, which he does not attend, but he believes in the rights of the individual and the minority, and if the law in Charlotte is such that business should be closed on Sunday afternoon, then that is an interference with ones personal liberty. And when a law is made for one religious group, then it is an infringement on other similar groups. That he respects his neighbors feelings on Sunday, which they observe as the Sabbath Day, and he does not care what they do on Saturday, which day he observes as the Sabbath. He further stated that he believes we should have no law, as a religious law, to be carried out on any day whether it be Friday, Saturday or Sunday. That he believes in the Ten Commandments but that the first four show our relationship to God and the other six our relationship to man. That it is his belief that all religious laws should be erased.

Councilman Baxter stated that he brought the matter of an amendment to the Sunday ordinance before the Council to see how they felt about it. That at last week's Council Meeting and again today, the Council has gotten a consensus of opinion from the public; however, he does not see why the Ministers are so upset, as he does not believe the liberation of the Sunday law will hurt the churches. That the ordinance was put into effect in June 1941, and that during the 12 years that have elapsed, building permits have been issued for churches in Charlotte amounting to \$8,588,512.00, while those for Movie Theatres amount to only \$106,000.00. That as our mode of living has changed through the years, the laws of Moses have changed. That since the Mayor and one of the Councilmen are absent today, and it is the policy of the Council to take action on matters of importance only when a full Council is present, he would like to postpone deciding the question until everyone is present.

The Reverend Harry L. Thomas, Pastor of Calvary Baptist Church, stated the religious leaders and churchmen present would like the matter decided today. That the Council has a responsibility to the people and the matter could be deferred again and again - that in fact the people are getting "fed-up" with such tactics.

Councilmen Albea and Boyd stated they are ready to vote on the question today, and think the question should be decided without further delay.

Councilman Boyd stated that as Councilman Baxter brought the issue before the Council, which was his privilege, and as it is a matter of such public concern, he should give the people a definite idea as to just when he will present the ordinance.

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Councilman Baxter replied that he will do so when there is a full Council present, that he had expected to present the ordinance today but in line with the policy of the Council he could not do so.

Mr. D. W. Reid stated it is the responsibility of the Council, who represents the citizens, to pass on questions of public interest when they come up, particularly with as many citizens as are present today. That Councilman Baxter could go on and on and take a year on the matter. The Reverend Harry Thomas again spoke and stated it is unfair to the people present to defer action and he demanded that a definite time be fixed for taking action on the ordinance.

Councilman Baxter then moved that we inform each Councilman and the Mayor to be present next week to vote on this issue. The motion was seconded by Councilman Boyd, and unanimously carried.

Dr. Tuttle then asked Councilman Baxter if the action meant that he intends to present the ordinance at next week's meeting, and Councilman Baxter replied that the motion means just that, if all of the Council is present.

**CERTIFICATE OF PUBLIC NECESSITY AND CONVENIENCE FOR OPERATION OF TAXICAB AUTHORIZED ISSUED TO TROY L. BROWN.**

Motion was made by Councilman Albea, seconded by Councilman Baxter, and unanimously carried, authorizing the issuance of a Certificate of Public Necessity and Convenience to Mr. Troy L. Brown for the operation of a taxicab under the Victory Cab Company, being purchased from Mr. Julius T. Hornback.

**RESOLUTION EMPLOYING FIRM OF TURNEY & TURNEY, ATTORNEYS, TO REPRESENT CITY OF CHARLOTTE IN HEARING BEFORE CIVIL AERONAUTICS BOARD.**

A resolution entitled: "Resolution Employing Firm of Turney & Turney, Attorneys, to Represent City of Charlotte in Hearing Before Civil Aeronautics Board", was introduced by Councilman Baxter. Following the reading thereof, Councilman Baxter moved the adoption of the resolution, which was seconded by Councilman Brown, and unanimously carried. The resolution is recorded in full in Resolutions Book 2, at Page 174.

**COUNCILMAN BROWN COMMENTS ON HARSH TREATMENT OF COUNCILMAN BAXTER WITH REGARD TO STAND ON SUNDAY OBSERVANCE LAW AMENDMENT.**

Councilman Brown commented that some of our colleagues have been a little harsh with Councilman Baxter with regard to the Sunday observance question. That it has been his understanding that matters of major importance would be handled only when there was a full attendance of the Council. That he would like for Mr. Baxter to present his ordinance at next week's meeting. He stated further that he would hate to think that anyone would try to cash in on the few votes that are represented here today.

Councilman Albea stated that if Councilman Brown is referring to him, the records will show that he has always voted against any liberation of the Sunday laws. That he most certainly is not playing politics and not doing anything in a Council Meeting to get a few votes. That he resents anyone casting such reflections on his scruples.

**RESOLUTION DETERMINING POLICY OF THE CITY WITH RESPECT TO SEWER MAINS OUTSIDE THE CITY.**

A resolution entitled: "Resolution Determining Policy of the City with Respect to Sewer Mains outside the City", was presented and read. Councilman Wilkinson moved the adoption of the resolution, which was seconded by Councilman Baxter, and unanimously carried. The resolution is recorded in full in Resolutions Book 2, at Page 175.

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**PURCHASE OF RIGHTS-OF-WAY FOR WIDENING SOUTH CALDWELL STREET.**

Upon motion of Councilman Brown, seconded by Councilman Baxter, and unanimously carried, the purchase of the following property for use as rights-of-way for the widening of South Caldwell Street, was authorized:

- (a) Strip of land 72-feet along the northwesterly margin of South Caldwell Street, from Kathleen T. Webb, at a total price of \$5,250.00.
- (b) Strip of land 59.50-feet along the southeasterly margin of South Caldwell Street, from Y. L. Honey and Rose Marie Honey, at a total price of \$1,150.00.
- (c) Lot at 829-31 S. Caldwell Street, from Eunice Brown, Leonard Brown, William Kinsey and Adelaide Lawson, at a total price of \$9,800.00.
- (d) Strip of land 107-ft. along northwesterly margin of South Caldwell Street, from Lenora Byers Sims, at a total price of \$6,203.50.
- (e) Strip of land 47.50-ft. along the southeasterly margin of South Caldwell Street, from Laura E. Flynn Phelps, at a total price of \$4,288.33.
- (f) Strip of land 56-ft. off of Nos. 820-22 South Caldwell Street, from Helen McNeilis Phelan, at a total price of \$1,615.00.
- (g) Strip of land 49.50-ft. on the southeasterly side of South Caldwell Street, from John Henry and Cora Mae Gaither, at a total price of \$2,416.30.

**SETTLEMENT OF CLAIM OF SYDNEY L. RISDON FOR DAMAGES TO PERSONAL PROPERTY.**

Councilman Baxter moved that the claim of Mr. Sydney L. Risdon for damages to his clothing on a City Waste Receptacle in the first block of South Church Street on January 10, 1954, be settled in full in the amount of \$19.40, as recommended by the City Attorney. The motion was seconded by Councilman Wilkinson, and unanimously carried.

**SUBDIVISION PLATS APPROVED.**

Motion was made by Councilman Baxter, seconded by Councilman Wilkinson, and unanimously carried, approving the following Subdivision Plats:

- (a) Plat of Part of Sedgefield Subdivision, at request of Marsh Realty Company.
- (b) Plat of Eastway Park Subdivision, at request of Ervin Construction Company.

**ERVIN CONSTRUCTION COMPANY GRANTED PERMISSION TO CONNECT PRIVATE SANITARY SEWER LINES OUTSIDE THE CITY, TO THE CITY'S SEWERAGE SYSTEM.**

Councilman Baxter moved that Ervin Construction Company be granted permission to connect certain private sanitary sewer lines, outside the city limits, to the City's sanitary sewerage system, at the city limits on Arnold Drive, provided they comply with all laws, rules and regulations now in effect, or which may hereafter become effective relative to property similarly situated. The motion was seconded by Councilman Brown, and unanimously carried.

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SUPPLEMENTAL CONTRACT WITH SHARON WATER COMPANY FOR CONSTRUCTION OF WATER MAINS IN FOXCROFT SUBDIVISION.

Councilman Baxter moved that a supplemental contract be authorized to contract dated October 29, 1952, with Sharon Water Company for the construction of 6,630-feet of additional water mains and 4 fire hydrants in Foxcroft Subdivision, outside the city, at an estimated cost of \$16,150.00; and that all costs be borne by the applicant under the terms of the Agreement between the City and Sharon Water Company. The motion was seconded by Councilman Wilkinson, and unanimously carried.

BIDS RECEIVED ON JANUARY 26TH ON MOBILE CRANE UNIT REJECTED, AND AUTHORIZED READVERTISED.

Upon motion of Councilman Brown, seconded by Councilman Baxter, and unanimously carried, all bids on a Mobile Crane Unit for the Water Department which were received on January 26th, were rejected, and the readvertisement for this machinery was authorized.

CONSTRUCTION OF DRIVEWAY ENTRANCES AUTHORIZED.

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

- (a) One 30-ft. driveway on South Brevard Street and One 30-ft. one on Stonewall Street, for 314 East Stonewall Street.
- (b) One 15-ft. driveway at 1110 Bolling Road.
- (c) One 12-ft. driveway at 2133 Kenilworth Avenue.

TRANSFER OF CEMETERY LOT APPROVED.

Councilman Brown moved that the Mayor and City Clerk be authorized to execute a deed with Mrs. W. M. Lineberger, for the transfer of Evergreen Cemetery Lot 211, in Section 4-A, at a price of \$81.90. The motion was seconded by Councilman Baxter, and unanimously carried.

CREATION OF POSITION OF ADDITIONAL SERGEANT IN POLICE DEPARTMENT AUTHORIZED.

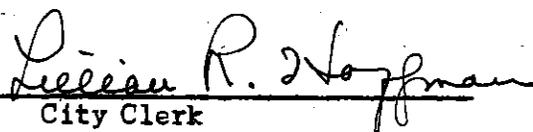
Upon motion of Councilman Baxter, seconded by Councilman Wilkinson, and unanimously carried, the creation of the position of an additional Sergeant in the Police Department was authorized, as recommended by the City Manager and Chief of Police.

AIRPORT RUNWAYS WEIGHT LIMITATIONS AND CARRYING CAPACITIES AUTHORIZED DETERMINED BY CITY MANAGER.

Councilman Albea moved that the City Manager be authorized and directed to take the necessary steps to determine the weight limitations and carrying capacities of the runways at Douglas Municipal Airport, at a cost not to exceed \$1,000.00, as recommended. The motion was seconded by Councilman Baxter, and unanimously carried.

ADJOURNMENT.

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

  
City Clerk