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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber of the City Hall, on Wednesday, June 15, 1955, at 4 o'clock p.m., with Mayor Van Every presiding, and Council members Albea, Baxter, Brown, Dellinger, Evans, Smith and Wilkinson being present.

Absent: None.

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INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Smith, seconded by Councilman Brown, and unanimously carried, the Minutes of the last meeting on June 8, 1955 were approved as submitted.

ORDINANCE NO. 265 PROHIBITING THE SALE OF BEER AND WINE DURING CERTAIN HOURS AND IN CERTAIN WAYS, AND ORDINANCE NO. 266 PROHIBITING THE PURCHASE OF BEER AND WINE BY MINORS AND THE SALE OF BEER OR WINE TO MINORS.

A large delegation of residents appeared before the City Council relative to the sale of beer in Charlotte on Sunday. The Reverend H. L. Ferguson, Pastor of Thomasboro Baptist Church, and Chairman of the Mecklenburg County Unit of the Citizens Committee for Good Government in North Carolina, asked that those citizens present who favor the sale of beer on Sunday speak first.

Mr. Henry Harkey, Attorney, representing the Charlotte Association of Wholesale Beer Distributors, stated he felt it highly irregular that the petitioners for the ban of the sale of beer in Charlotte should not wish to present their arguments first.

Mayor Van Every stated there is no such petition before the Council. That the Reverend Mr. Ferguson wishes the subject discussed and has asked that those in the audience who oppose the ban of the sale of beer be heard first.

Mr. Harkey then presented Mr. Arthur Goodman, Mecklenburg Representative to the State Legislature, who, he stated, is familiar with the subject on the State level.

Mr. Goodman stated he served on the Finance Committee of the recent session of the State Legislature who had quite a time meeting the budget; that it was finally decided to put an extra one cent tax on beer, which will produce one million dollars in revenue. That 5% of this revenue will go to the State Beer Enforcement Agency. That, in his opinion, people are going to secure beer if they wish to and instead of outlawing it and not being able to enforce the law, it would be much better to control the sale. That the control must be worked out by those in authority, and if the law regulating the sale of beer is not observed, then those violating the law must be dealt with accordingly. That the matter of juveniles drinking beer is a matter to be dealt with by parents; that you cannot legislate morals. He stated further that he was present at the hearing on the subject before the County Commissioners and did not want to see beer sold in the County and does not want any change in the regulation in Charlotte.

Reverend H. L. Ferguson stated his group is requesting that the sale of beer be banned in Charlotte, and they want action by the City Council today. That they believe the matter is vital and should not be put off, and they know that the Council cannot evade a question on morals and therefore expect an answer today. Mayor Van Every replied that the Council does not evade issues before them as intimated by Mr. Ferguson. He asked that Mr. Ferguson state his case without demanding things, that when one begins

demanding things they get into trouble; that we have the good old American system here at the City Hall. Mr. Ferguson advised that the Department of Motor Vehicles statistics for 1954 show that 47% of the fatal accidents occurred on Saturday and Sunday and that 31% of the drivers in these accidents had been drinking; that the sale of beer on Sunday is causing hazardous conditions on our highways. That it is a desecration of the Sabbath to sell beer on Sunday and causes a person to lose his sense of what is right and what is wrong; that beer is breeding crime in Charlotte. He stated further they are not making an effort to put pressure on the Council, but merely asking the Council to help them in their efforts to promote good citizenship, and he does not think the Mayor will evade the issue. Mayor Van Every stated he has no intention of evading anything. Mr. Ferguson stated further that the County Commissioners have supported his group in retaining the ban on beer on Sunday in the county and have joined with the group in asking the City Council to do likewise.

The Reverend Lee Tuttle, Pastor of the First Methodist Church, stated he is opposed to the sale of all alcoholic beverages at any time. That he was shocked at the recent reports in The Charlotte Observer as to how easy it is for minors to buy beer, and also that cases involving such purchases by minors are so easily disposed of in our Courts. That he believes our law enforcement officers will agree that beer joints constitute the cesspools of juvenile delinquency in our city and in other cities. That he does not agree with Mr. Goodman that it is a matter of dollars and cents - that the tax dollar cannot be more important than a human life; if this is true then the churches and schools might as well close and the City Officials might as well resign, as the democratic form of government would have been done away with. That the group is asking that the Council face up to a problem which has been laid before them, and as rulers of the City of Charlotte and makers of our laws give their serious consideration to the closing of these beer joints and ban the sale of beer on Sunday. That his group is not interested in the law and logic of the question because it is strictly a moral issue. That the Legislature has said it is a matter for local option, therefore they ask that the Council not delay settling the matter.

Mr. Ferguson then introduced Mrs. J. B. Reid, President of District #8 of the Women's Christian Temperance Union, who spoke in favor of the ban. She stated that more than two-thirds of all the cases held in our Courts are due to alcohol; that all commercials on Television show the finished product they advertise with the exception of the beer commercials, and they cannot do so as their finished products are in the courts and penitentiaries. She presented a resolution which had been adopted by Nine Units of the W.C.T.U. endorsing the action of the W. C. and Government Committee in asking that beer be banned in Charlotte and Mecklenburg County. She urged that the Council ban the sale of beer on Sunday so that the many homes in Charlotte be made happier and more God-like on Sunday.

Miss Ann McRorie, President, Youth Temperance Council, stated she has a proclamation from Governor Hodges, written to the W.C.T.U. referring to their Youth Education Program, and stating that "he commends them on their stand on the subject of alcoholism, which is a threat to the moral fibre of the State." She asked how one could read the Bible commandment to Keep The Sabbath Holy, and as church members say we love the Lord, and at the same time permit the sale of beer in Charlotte? She also asked how one could expect young people in Charlotte to grow up into good citizens if they are given such a pattern of desecration to follow? She stated she believes she represents the young people of Charlotte who want to grow up in a wonderful town and not a sinful town.

A resolution was read from Hornet's Nest Camp #96, Woodmen of the World, going on record against the sale of beer on Sunday in Charlotte and requesting that intoxicating drinks of all kinds not be sold in Mecklenburg County.

Mr. Cliff Wilson asked why all of the discussion is on the sale of beer, when about \$700,000 is going out of Charlotte monthly from the sale of whiskey?

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Mr. Dick Wilmont stated it is a well known fact that crime is on the increase; however, he does not think the question of the sale of intoxicants should be decided entirely by the City Council, but that the people of Charlotte should express themselves in a public vote on the subject.

The Reverend Paul C. Duncan, Pastor, First Christian Church, referred to the statement of Mr. Goodman that you cannot pass laws to govern morals; he stated, however, the law becomes a moral one when the morals of our citizens are involved. He stated that any State that permits the sale of alcoholic beverages loses money, that the State of Massachusetts investigated this and found the State was paying out three times as much in trying to control the sale and for its rehabilitation program as they were taking in. He stated that every place that sells beer should be closed as it is a known fact that they breed more crimes than all other places put together.

Mr. Richard Stavrakas stated he operates a Soda Shop at 415 Hawthorne Lane and sells beer. That the sale to minors is not the fault of the operators, who cannot determine their age; that the real trouble lies in the fact that parents do not give the needed guidance to their children. He stated further that the persons here today requesting ban on the sale of beer represent the opinion of only a certain religious group in Charlotte, while there are citizens of other beliefs, whose religious teachings are that certain beverages are provided by God for their benefit and pleasure. He quoted passages from the Greek Bible to this effect. Mr. Stavrakas stated further that it is the duty of the Council to uphold the individual rights of all its citizens and if the request of the petitioners here today is adopted, it will be a violation of the rights of people.

Mr. J. P. Quist, stated as he understands the issue before the Council today, the responsibility is not with the Council or the beer dealers but with the parents. Mr. Nick Pappas stated he is speaking in favor of the sale of beer on Sunday as it is now. That he operates a restaurant and sells beer along with food. That he is made to believe from the discussion that if he drinks beer then he is not a christian; however he belongs to a church in Charlotte and is a christian and drinking beer has nothing to do with it. That if the sale of beer is prohibited in restaurants, then it will go straight to the bootlegger and the City has a much better chance to control it through legal outlets.

Mr. Henry Harkey, Attorney for the Wholesale Beer Distributors of Charlotte, stated that a large number of the persons in the audience are with him in favoring the sale of beer in Charlotte at all times. He called attention to the fact that the sale of beer was legalized in 1934 and is legal today all over North Carolina under local option. That he is not arguing morals as he does not think the function of the government is to legislate what is right or wrong, but that which is best for the welfare of all the citizens. He stated further that this whole fracas came about from a well written series of articles in The Charlotte Observer by a reporter who took a 17 year old boy and visited among the retail beer places; however, the reporter did not say how many of the 300 legally operated local beer outlets were visited. That during the last six months there have been 300 suspensions of beer license and 100 revocations. That there are today no more beer license in Charlotte than there were five years ago. That all applicants for license are checked by the Charlotte Police Department and the State, a Sticker is put on the window of every retail outlet and all such license are issued in Raleigh and taken away in Raleigh, and it is his understanding that in the future Raleigh will revoke the license of all flagrant violators. Mr. Harkey stated further that it is his opinion that the group advocating the ban of beer are endeavoring to start blue laws in Charlotte. That insofar as the County Commissioners wishing to equalize conditions in Charlotte and in the County, it must be remembered that theatres and grocery stores remain open on Sunday outside of Charlotte and no opposition to this has been expressed by the reformers here today. He asked that the City Council leave the local law as it is at present or take action forbidding anyone under 18 years from buying beer and also make it unlawful for any minor to pose as being of age.

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Mr. Sam McNinch, Commissioner of Mecklenburg County, stated he would like to answer as to why the County Commissioners cannot go along with the City on closing Movie Houses and Grocery Stores on Sunday - that they do not have the authority to do so and most assuredly would close these places on Sunday if they could. He stated further there is only one agent for the State Malt Beverage Division in Charlotte, while the A.B.C. Division have six agents who could help with the beer situation if there were not a controversy between the two agencies. He stated that unless the sale of beer to minors in Charlotte is cleared up quickly, he personally will ask for a referendum on the continued sale of beer.

The Reverend C. C. Benton, Pastor of Central Avenue Methodist Church stated he saw no difference in drinking on Sunday from other days. That he is wondering if Mr. McNinch and the County Commissioners will call a referendum and do anything about the use of alcohol all over Mecklenburg County. He stated further that he is willing to leave the matter with the City Council, who he believes will do the right thing.

Mayor Van Every stated that one of the first duties of a Mayor is to be active in law enforcement. That on last Friday he held a conference with representatives of all state and local agencies concerned with the control of beer sales, together with Chief Littlejohn and members of the A.B.C. Board. That everyone is willing to cooperate together and are cooperating in the control of the beer situation. He stated further that the law will be strictly enforced.

Councilman Baxter introduced the following ordinance and moved its adoption, which was seconded by Councilman Wilkinson:

"AN ORDINANCE PROHIBITING THE SALE  
OF BEER AND WINE DURING CERTAIN  
HOURS AND IN CERTAIN WAYS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That, the City Code of the City of Charlotte, Chapter 19, Article I, Section 17 thereof, be amended by striking out said Section 17 in its entirety, and substituting in lieu thereof, the following:

"Section 17. A. SALE OF BEER AND WINE PROHIBITED DURING CERTAIN HOURS. It shall be unlawful for any person, firm or corporation licensed to sell beer and/or wine, to sell or offer for sale, by curb service and/or car hop, any beer and/or wine, in the corporate limits of the City of Charlotte from the hour of 11:30 P. M. on Saturday until 7:00 A. M. on the following Monday.

Section 17. B. SALE OF BEER AND WINE PROHIBITED BY CAR HOP AND/OR CURB SERVICE. At all times other than as provided in Section A hereof no beer or wine shall be sold to and/or delivered to the purchaser or anyone else by car hop and/or curb service."

Section 2. Severability. Should either of the above sections be declared contrary to law such declaration should not affect the validity of the other section hereof, such sections being hereby declared severable.

Section 3. This ordinance shall be in full force and effect from and after its adoption."

Councilman Dellinger stated that the ordinance only deals with curb service, which leaves all other places accessible.

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

YEAS: Council members Baxter, Brown, Evans, Smith and Wilkinson.

NAYS: Councilmen Albea and Dellinger.

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Councilman Smith then introduced the following ordinance, and moved its adoption, which was seconded by Councilman Baxter, and unanimously carried:

"AN ORDINANCE PROHIBITING THE PURCHASE  
OF BEER OR WINE BY MINORS AND THE  
SALE OF BEER OR WINE TO MINORS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That the City Code of the City of Charlotte (O. B. 10) Chapter 19, Article I, be, and the same is hereby amended by inserting at the end of said Article I a new Section #29.

'Section 29. SALE TO OR PURCHASE BY MINORS OF BEER OR WINE UNDER 18 YEARS OF AGE FORBIDDEN. It shall be unlawful for any person, firm, or corporation to sell or give any beer or wine to any minor under 18 years of age, and it shall be unlawful for any minor under 18 years of age to purchase or receive any beer or wine.'

Section 2. This Ordinance shall be in full force and effect after its adoption."

CONTRACT AUTHORIZED WITH DUKE POWER COMPANY FOR STREET LAMPS FOR INDEPENDENCE BOULEVARD, FROM MOREHEAD STREET NORTH-EASTERLY TO THE CITY LIMITS, AND ON THE PROPERTY OF THE AUDITORIUM-COLISEUM.

Upon motion of Councilman Dellinger, seconded by Councilman Albea, and unanimously carried, a contract was authorized with the Duke Power Company for sixteen 6000 lumen street lamps and 234, 15,000 lumen mercury electric street lamps on Independence Boulevard, from East Morehead Street north-easterly to the city limits and on the property of the Auditorium-Coliseum.

CONTRACT SUPPLEMENT AUTHORIZED WITH STATE OF NORTH CAROLINA RENEWING CONTRACT FOR USE OF AIRPORT FACILITIES BY N. C. AIR NATIONAL GUARD.

Motion was made by Councilman Smith, seconded by Councilman Dellinger, and unanimously carried, authorizing Supplement to Contract with the State of North Carolina for the use of Airport facilities by the N. C. Air National Guard, renewing contract for a period of one year from July 1, 1955, at a monthly rental of \$400.00.

CHANGE ORDERS TO CONTRACTS WITH TOOMEY BROTHERS AND R. H. BOULIGNY, INC. AT IRWIN CREEK SEWAGE TREATMENT PLANT AUTHORIZED.

Councilman Wilkinson moved approval of the following Change Orders to contracts, which was seconded by Councilman Baxter, and unanimously carried:

- (a) Change Order No. 1, in the amount of \$617.71 to Contract with Toomey Brothers, at Irwin Creek Disposal Plant.
- (b) Change Order No. 3, in the amount of \$1,272.90 to Contract with R. H. Bouligny, Inc. at Irwin Creek Disposal Plant.
- (c) Change Order No. 4, in the amount of \$883.42 to Contract with R. H. Bouligny, Inc. at Irwin Creek Disposal Plant.

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**CONTRACT AUTHORIZED WITH MARSH REALTY COMPANY AND J. A. JONES CONSTRUCTION COMPANY FOR THE INSTALLATION OF WATER MAINS.**

Upon motion of Councilman Smith, seconded by Councilman Baxter, and unanimously carried, the following contracts for the installation of water mains were authorized:

- (a) Contract with Marsh Realty Company for the installation of 1,120-feet of water mains and one fire hydrant in Biscayne Drive, to serve residential property and school in Eastway Park area, at an estimated cost of \$2,700.00. All cost to be borne by the applicant, who will be reimbursed the said cost if and when the main shall produce a revenue equal to 5% of the cost during any 12-months continuous period.
- (b) Contract with J. A. Jones Construction Company for the installation of 940-feet of water mains and one fire hydrant in Pelton Place and Clanton Road, to serve industrial property, at an estimated cost of \$3,600.00. The City to finance all cost and applicant will guarantee a gross, annual water revenue equal to 10% of the total cost.

**ERVIN CONSTRUCTION COMPANY AUTHORIZED TO CONNECT SANITARY SEWER MAINS AND TRUNK SEWERS TO CITY'S SANITARY SEWERAGE SYSTEM.**

Councilman Dellinger moved that Ervin Construction Company be authorized to connect 645-ft. of 12-inch trunk sewer, 1,810-ft. of 10-inch trunk sewer and 3,760-ft. of 8-inch main, to the City's Sanitary Sewerage System, upon condition that they comply with all laws, rules and regulations now in effect, or which may hereafter become effective relative to property similarly situated.

**CONSTRUCTION OF NEW SANITARY SEWER MAINS AUTHORIZED.**

Upon motion of Councilman Dellinger, seconded by Councilman Baxter, and unanimously carried, the construction of new sanitary sewers was authorized as follows:

- (a) Construction of 261-ft. of sewer main in Lamar Avenue, at request of First Bible Presbyterian Church, to serve three church units and two houses, at an estimated cost of \$1,000.00, to be borne by the City.
- (b) Relocation of 3,509-ft. of sewer trunk and main serving a portion of Eastover, upon request of E. C. Griffith Company, at an estimated cost of \$8,210.00. All cost to be borne by the City, and applicant's required deposit of \$6,810.00 to be refunded as per terms of the contract.
- (c) Construction of 2,528-ft. of sewer trunk and main in Eastway Drive and Biscayne Drive, at request of Marsh Realty Company, to serve 11 vacant lots and two city schools, at an estimated cost of \$6,570.00. All costs to be borne by the City, and applicant's deposit of \$5,770.00 to be refunded as per terms of the contract.

**RIGHT-OF-WAY AGREEMENT BETWEEN STATE HIGHWAY COMMISSION AND J. A. JONES CONSTRUCTION COMPANY FOR INSTALLATION OF WATER MAINS IN CLANTON ROAD AUTHORIZED CO-SIGNED BY THE CITY.**

Upon motion of Councilman Brown, seconded by Councilman Albea, and unanimously carried, the Mayor and City Clerk were authorized to co-sign an agreement between the State Highway Commission and J. A. Jones Construction Company for the installation and maintenance of water mains in Clanton Road.

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RIGHT-OF-WAY AGREEMENT BETWEEN STATE HIGHWAY COMMISSION AND ERVIN CONSTRUCTION COMPANY FOR CONSTRUCTION OF SANITARY SEWER TRUNK IN SOUTH HOSKINS AVENUE, AUTHORIZED CO-SIGNED BY CITY.

Upon motion of Councilman Albea, seconded by Councilman Dellinger, and unanimously carried, the Mayor and City Clerk were authorized to co-sign an agreement between the State Highway Commission and Ervin Construction Company, for the construction of a sanitary sewer trunk in South Hoskins Avenue.

CONTRACT AWARDED J. A. JONES CONSTRUCTION COMPANY FOR CONSTRUCTION OF SANITARY SEWERS IN CLANTON ROAD DEVELOPMENT.

Councilwoman Evans moved that contract be awarded J. A. Jones Construction Company for the construction of sanitary sewers in Clanton Road Development, as specified, on a unit price basis, representing a total price of \$22,036.70. The motion was seconded by Councilman Smith, and unanimously carried.

CONTRACT AWARDED GRINNELL COMPANY, INC. FOR BRASS FITTINGS FOR WATER DEPARTMENT.

Motion was made by Councilman Wilkinson, seconded by Councilman Smith, and unanimously carried, awarding contract to Grinnell Company, Inc., for a Schedule of 6,884 Brass Fittings, for the Water Department, as specified, at a total price of \$6,362.74, subject to 2% cash discount.

CONTRACT AWARDED BOYD & GOPORTH, INC., FOR THE CONSTRUCTION OF THE UTILITY BUILDING AT SUGAW CREEK SEWAGE TREATMENT PLANT.

Councilman Brown moved that contract be awarded Boyd & Goforth, Inc., for the construction of a Utility Building at the Sugaw Creek Sewage Treatment Plant, at a total price of \$29,110.00. The motion was seconded by Councilman Smith, and unanimously carried.

TRANSFER OF CEMETERY LOTS.

Upon motion of Councilman Smith, seconded by Councilman Wilkinson, and unanimously carried, the Mayor and City Clerk were authorized to execute deeds for the transfer of the following cemetery lots:

- (a) Deed with Mrs. Minnie Harvell, for Grave #3, on Lot 118, Section 3, Evergreen Cemetery, at \$40.00.
- (b) Deed with C. B. Porter and wife, for north half of Lot 37, Section BB, Elmwood Cemetery, transferred from Mrs. Dorothy A. Potter et al, at \$1.00 for transfer.
- (c) Deed with Heirs of R. L. Alexander and wife, for south half of Lot 37, Section BB, Elmwood Cemetery, transferred from Mrs. Dorothy A. Potter et al, at \$1.00 for transfer.
- (d) Deed with Mrs. Wilma Clontz, for Lot 161, Section 4-A, Evergreen Cemetery, at \$126.00.
- (e) Deed with Mrs. Edna T. Clark, for Graves #4 and #5, Lot 117, Section 3, Evergreen Cemetery, at \$80.00.

CONTRACTS AWARDED FOR AUDITORIUM-COLISEUM EQUIPMENT.

Motion was made by Councilman Smith, seconded by Councilman Albea, and unanimously carried, awarding contracts for Auditorium-Coliseum Equipment, as follows:

- (a) Contract awarded Ideal Seating Company, for Chairs for Coliseum, at their total bid price of \$85,212.65.
- (b) Contract awarded Long Engineering Company, for Sound Systems for Auditorium and Coliseum, at their total bid price of \$18,500.00.
- (c) Contract awarded F. E. Robinson Company, for Stage Lighting and Wiring for the Auditorium, at their total bid price of \$36,750.00.

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RESOLUTION RELATIVE TO REFERENDUM ON OCTOBER 26, 1955 TO DETERMINE IF N. C. LOCAL GOVERNMENTAL EMPLOYEES RETIREMENT SYSTEM SHALL BE COORDINATED WITH OLD-AGE AND SURVIVORS INSURANCE PROVISIONS OF THE FEDERAL SOCIAL SECURITY ACT.

A resolution entitled: "Resolution Relative to Referendum on October 26, 1955 To Determine if N. C. Local Governmental Employees Retirement System shall be Coordinated with Old-Age and Survivors Insurance Provisions of the Federal Social Security Act" was introduced and read. Upon motion of Councilman Brown, seconded by Councilman Albea, and unanimously carried, the resolution was adopted. The resolution is recorded in full in Resolutions Book 2, at Page 311.

ADJOURNMENT.

Upon motion of Councilman Albea, seconded by Councilman Smith, and unanimously carried, the meeting was adjourned until 3 o'clock p.m., on Wednesday, June 22, 1955, in the Council Chamber.

  
City Clerk