

October 26, 1959
Minute Book 39 - Page 97

A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber in the City Hall, on Monday, October 26, 1959, at 2 o'clock p.m., with Mayor Smith presiding and Councilmen Albea, Babcock, Dellinger, Hitch, Myers, Smith and Whittington being present.

ABSENT: None.

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INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Hitch, seconded by Councilman Babcock, and un-animously carried, the Minutes of the last meeting on October 19th were approved as submitted.

GEORGE B. LIVINGSTON, CITY ACCOUNTANT, DESIGNATED ACTING CITY MANAGER DURING ABSENCE FROM CITY OF W. J. VEEDER, CITY MANAGER.

Councilman Smith moved that Mr. George B. Livingston, City Accountant, be designated as Acting City Manager during the absence from the city of Mr. W. J. Veeder, City Manager. The motion was seconded by Councilman Hitch, and unanimously carried.

ORDINANCE NO. 632-X EXTENDING THE CORPORATE LIMITS BY ANNEXING 6.3 ACRES OF PROPERTY IN CRAB ORCHARD TOWNSHIP ON PETITION OF J.C. EVANS AND WIFE AND RALPH W. PLEDGER AND WIFE, ADOPTED.

Consideration was given the petition of J. C. Evans and wife and Ralph W. Pledger and wife for the annexation to the corporate limits of Charlotte of 6.3 acres of property in Crab Orchard Township. No objection to the proposed annexation was expressed by the public.

Councilman Whittington stated he felt the matter should be deferred until it could be discussed with the City Engineer. A letter from Mr. Cheek, City Engineer was read recommending the annexation of the property, since it is in the territory to be annexed on January 1, 1960 and their principal reason for requesting annexation at this time is an attempt to establish some priority for the installation of sanitary sewer service in the property when annexed.

Councilman Albea moved the adoption of Ordinance No. 632-X Extending the Corporate Limits by Annexing 6.3 Acres of Property in Crab Orchard Township. The motion was seconded by Councilman Babcock, and carried, with the votes cast as follows:

YEAS: Councilmen Albea, Babcock, Dellinger, Hitch, Myers and Smith.

NAYS: Councilman Whittington.

The Ordinance is recorded in full in Ordinance Book 12, beginning at Page 423.

ORDINANCE NO. 623 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF THE PERIMETER AREA, ADOPTED.

Upon motion of Councilman Smith, seconded by Councilman Whittington, and unanimously carried, Ordinance No. 623 Amending the Zoning Ordinance by Amending the Building Zone Map of the Perimeter Area changing property on the west side of York Road, from R-2 to Industrial, on petition of L. N. Brown, et al, was adopted, as recommended by the Planning Board. The ordinance is recorded in full in Ordinance Book 12, at Page 425.

ORDINANCE NO. 624 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF THE PERIMETER AREA, ADOPTED.

Councilman Whittington moved the adoption of Ordinance No. 624 Amending the Zoning Ordinance by Amending the Building Zone Map of the Perimeter Area changing property south of Interstate 85, west of the SAL Railway property, from R-2 to Industrial, on petition of Fannie L. Keistler, as recommended by the Planning Board. The motion was seconded by Councilman Hitch, and unanimously carried. The ordinance is recorded in full in Ordinance Book 12, at Page 426.

ORDINANCE NO. 625 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF THE PERIMETER AREA, TABLED FOR ONE WEEK.

Motion was made by Councilman Albea, and seconded by Councilman Smith, that Ordinance No. 625 Amending the Zoning Ordinance by Amending the Building Zone Map of the Perimeter Area changing property on Albemarle Road, near Lansdale Drive, from Rural to B-1, on petition of Easthaven Development Corp., be denied as recommended by the Planning Board. Councilman Myers stated he understood the request was to have been withdrawn, and he offered a substitute motion that the matter be tabled for one week so that the wishes of the petitioner may be known. The motion was seconded by Councilman Whittington, and carried, with the votes cast as follows:

YEAS: Councilmen Babcock, Dellinger, Hitch, Myers, Smith and Whittington.

NAYS: Councilman Albea.

ORDINANCE NO. 626 AMENDING CHAPTER 21, ARTICLE I, SECTION 2 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF CHARLOTTE, ADOPTED.

Upon motion of Councilman Albea, seconded by Councilman Babcock, and unanimously carried, Ordinance No. 626 Amending the Zoning Ordinance by Amending the Building Zone Map of Charlotte changing property on the west side of Remount Road, from R-2 to B-1, on petition of Oliver J. Davis, was adopted as recommended by the Planning Board. The ordinance is recorded in full in Ordinance Book 12, at Page 427.

ORDINANCE NO. 627 AMENDING CHAPTER 21, ARTICLE I, SECTION 2 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF CHARLOTTE, DENIED.

Councilman Albea moved that Ordinance No. 627 Amending the Zoning Ordinance by Amending the Building Zone Map of Charlotte by changing property on the east side of Berryhill Street, from R-2 to Industrial, on petition of W. O. Flowe, be denied as recommended by the Planning Board. The motion was seconded by Councilman Hitch, and unanimously carried.

ORDINANCE NO. 628 AMENDING CHAPTER 21, ARTICLE I, SECTION 2 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF CHARLOTTE, ADOPTED AS AMENDED.

Motion was made by Councilman Smith, seconded by Councilman Albea, and unanimously carried, that Ordinance No. 628 Amending the Zoning Ordinance by Amending the Building Zone Map of Charlotte changing property of the P & N Railway Company west of Parkway Avenue, from R-2 to Industrial, on petition of Duke Power Company, was adopted with the exception of that portion of the property lying between Parkway Avenue and the transmission lines, as recommended by the Planning Board. The ordinance, as amended, is recorded in full in Ordinance Book 12, at Page 428.

ORDINANCE NO. 629 AMENDING CHAPTER 21, ARTICLE I, SECTION 2 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF CHARLOTTE, DEFERRED UNTIL NOVEMBER 23, 1959.

Upon motion of Councilman Hitch, seconded by Councilman Albea, and un-animously carried, Ordinance No. 629 Amending the Zoning Ordinance by Amending the Building Zone Map of Charlotte changing property at 1511 East 7th Street, from R-2 to Office-Institution, on petition of F.W.A. Campbell and wife, was deferred until November 23, 1959 upon request of the Planning Board for their further study.

STREET NAME CHANGES ADOPTED AS APPROVED BY RESIDENTS TO ELIMINATE DUPLICATED NAMES.

The list of twenty-six streets, with duplicated names, and the new names requested by the residents of the streets, was considered by Council. Councilman Whittington was of the opinion there are other streets with duplicated names whose residents have requested new names, and he did not wish to close the door on those. Mayor Smith stated if there are such, they will be considered at the meeting on October 30th.

Councilman Smith moved the adoption of the following new street names as approved by the residents. The motion was seconded by Councilman Babcock, and unanimously carried. Mayor Smith stated the effective date would be fixed when all street names changes are decided after the October 30th meeting:

PRESENT NAME OF STREET	FROM	TO	NEW NAME OF STREET
1. Beverly Way	Briarwood Road	Beverly Drive	Rensford Ave.
2. Bigham Street	Credenza Road	Dead End	Karendale Ave.
3. Brook Road	Mecklenburg Ave.	Belvedere Ave.	Peppercorn Lane
4. Brookside Dr.) Thomas Road)	Monroe Road	Commonwealth Ave.	Brookhurst Dr.
5. Carmel Street	Beatties Ford Rd.	End	Campus Street
6. Crescent Ave. Ext.	Old Sardis Road	Old Sardis Road	Cranbrook Lane
7. Dilworth Drive	Ordermore Avenue	Ideal Way	Fernwood Drive
8. Emerson Drive) Reid St.)	Tuckaseegee Rd.	29 Bypass	Tennyson Dr.
9. Fairway Circle	Normandy Rd.	Picardy Place	Pender Place

(Continued)

PRESENT NAME OF STREET	FROM	TO	NEW NAME OF STREET
10. Forest Road	Matheson Ave.	E. Ford Rd.	Stonybrook Rd.
11. Jefferson St.	Westwood Dr.	Worthington Ave.	Wickford Pl.
12. Kentucky Ave.	Shamrock Drive	Brook Street	Attaberry Dr.
13. Lee Avenue	Cosby Place	Arnold Drive	Graybark Ave.
14. Madison St.	Tennessee Ave.	Bellhaven Blvd.	Plainwood Dr.
15. Norwood Pl.	Mimosa Ave.	Mecklenburg Ave.	Norcross Pl.
16. Oak Street) Lennox St.)	Norwood Drive	Lander Street	Kalynne St.
17. Park Terrace	Independence Blvd.	Sunnyside Dr.	Rose Garden Terrace
18. Peachtree St.	Clement Ave.	Firth Court	Hamorton Pl.
19. Plaza Court	Belvedere Ave.	End	Thurmond Pl.
20. Providence Dr.	Providence Rd.	Vernon Dr.	Havencrest Dr.
21. Randolph Circle	Randolph Road	Meadowood Lane	Rembrandt Cir.
22. Randolph St.	Tuckaseegee Rd.	Dead End	Fern Avenue
23. Robinson Circle	Silas Avenue) Atando Avenue)	Dead End) Silas Avenue)	Robinson Circle Silas Avenue
24. Sardis Rd. Cir.	Randolph Road	Sardis Road	Shasta Lane
25. Scotland Ave.	Derita Road	Dead End	Amble Drive
26. Tanglewood Dr.	Sharon Amity Rd.	Doster Place	Tangle Dr.

SALVATION ARMY GRANTED PERMISSION TO PLACE KETTLE-HOUSE ON WEST TRADE STREET AT THE SQUARE TO RECEIVE CHRISTMAS FUNDS.

Councilman Hitch moved that the request of the Salvation Army be granted to place their Kettle-house on West Trade Street at The Square to receive funds to aid in their Christmas work for the needy. The motion was seconded by Councilman Whittington and unanimously carried.

SICK LEAVE EXTENSION GRANTED EMPLOYEES OF POLICE DEPARTMENT.

Motion was made by Councilman Hitch, seconded by Councilman Albea, and unanimously carried, granting extension of sick leave to the following employees of the Police Department:

Jackie Blackwelder to October 12, 1959.
Mildred Fierens to October 20, 1959.
W. T. Renfro to October 20, 1959.
Maude Seabrooks to October 20, 1959.
C. L. Sykes to October 30, 1959.

RIGHT-OF-WAY AGREEMENT AUTHORIZED WITH SOUTHERN RAILWAY COMPANY FOR INSTALLATION OF WATER MAIN BENEATH THEIR TRACKS IN DONALD ROSS ROAD CROSSING.

Councilman Smith moved that the Mayor and City Clerk be authorized to execute a right-of-way agreement with the Southern Railway Company for the installation of an 8-inch water main by the City beneath their main line and spur tracks in Donald Ross Road crossing, off Wilkinson Boulevard, in connection with the extension of water mains in the Perimeter Area. The motion was seconded by Councilman Hitch, and unanimously carried.

REQUEST THAT GRANDALL EXCAVATOR NOW ON RENTAL BASIS BE PURCHASED OUT-RIGHT FROM H.B. OWSLEY & SON, INC., DEFERRED FOR STUDY.

Upon motion of Councilman Hitch, seconded by Councilman Albea, and un-animously carried, the request of the City Engineer for the outright purchase with Powell Bill funds of the Grandall Model 2460 Multi-Purpose Excavator at a price of \$19,965.00, being the remainder of the original price of \$31,980.00 of the lease-agreement submitted by them on March 25, 1959, on a rental basis with option to purchase at a later date with full credit for rental payments of \$12,015.00 which have been made sub-sequently, was deferred for study, it being the opinion of some of the Council that the Powell Bill funds should be reserved for needed street paving and that the rental of the machine is sufficient.

CONTRACT AWARDED KNOXVILLE FOUNDRY COMPANY FOR MANHOLE RINGS AND COVERS.

Councilman Whittington moved the award of contract to the low bidder, Knoxville Foundry Company for 175 Manhole Rings and Covers, as specified, at a net delivered price of \$4,375.00. The motion was seconded by Council- man Babcock and unanimously carried.

The following net delivered bids were received:

Knoxville Foundry Company	\$ 4,375.00
Sunter Machinery Company	\$ 4,990.65

CONTRACT AWARDED DARLING VALVE & MFG. COMPANY FOR 150 GATE VALVES.

The recommendation of the Purchasing Agent and Superintendent of the Water Department that contract be awarded the third low bidder, Darling Valve and Mfg. Company for 150 Six inch Gate Valves was discussed, and Councilmen Dellinger and Whittington expressed objections to receiving bids from companies whose products were known to be unacceptable to the using Departments; that it would seem much more desirable to just say the departments have a standarized system and use only certain products, and the Council would not be placed in the embarrassing position of continuously rejecting low bids on products the departments do not want. Mr. Franklin, Superintendent of the Water Department, stated that the bid of the lowest bidder, M & H Valve & Fitting Company, does not meet our specifications, and the City has not used any of the valves manufactured by the second lowest bidder, Home-Wilson, Inc. and does not wish to take on another line due to having to stock parts, which are not interchangeable with other make valves. He stated the City does, from time to time, take on new valves from reputable, first-class manu- factures, and the valve of the third lowest bidder, Darling Valve & Mfg. Company was taken on about a year ago and has proved most satis- factory, and their parts have been stocked. Mr. Franklin stated further that he tells the representatives of companies that their bids on products we are not using will not be acceptable to him, but it is their privilege to bid in face of this if they so wish. Councilman Hitch moved

the award of the contract to the Darling Valve & Mfg. Company as recommended for 150, six inch hub end Gate Valves, as specified, at a total price of \$6,598.50, subject to \$131.97 cash discount, representing a net delivered price of \$6,466.53. The motion was seconded by Councilman Smith, and unanimously carried.

All net delivered bids received are as follows:

M & H Valve & Fitting Company	\$ 5,997.60
Horne-Wilson, Inc.	\$ 6,216.63
Darling Valve & Mfg. Co.	\$ 6,466.53
Industrial Piping Company	\$ 6,512.10
Grinnell Company, Inc.	\$ 6,585.00
Crane Company	\$ 7,460.25
A. P Smith Mfg. Company	\$ 7,479.36

CONTRACT AWARDED REPUBLIC STEEL CORP. FOR STEEL BRIDGE PLANT, END DAMS AND GUARD RAILS & WINGS FOR BRIDGE OVER STEWART CREEK ON WEST TRADE STREET.

Upon motion of Councilman Dellinger, seconded by Councilman Smith, and unanimously carried, contract was awarded Republic Steel Corporation for steel bridge plant, end dams, guard rail and wings, as specified, f.o.b. job site, at a total price of \$2,616.97, subject to \$13.08 cash discount, representing a net delivered price of \$2,603.89.

The following net delivered bids were received:

Republic Steel Corporation	\$ 2,603.89
Carolina Culvert & Metal Company	\$ 2,787.20
Armco Drainage & Metal Products Co.	\$ 2,822.78

CONTRACT AWARDED GOODYEAR PAINT & VARNISH COMPANY FOR 1,000 GALLONS WHITE TRAFFIC PAINT.

The recommendation of the Purchasing Agent and Traffic Engineer that contract be awarded the third low bidder, Goodyear Paint & Varnish Company for 1,000 Gallons of white Traffic Paint was discussed. Mr. Hoose, Traffic Engineer, stated samples of paint are submitted to them and tests run twice a year, and the Goodyear paint meets the test as to wearability far in excess of that of Spartan and Glidden paints, and the savings to the City by use of the more durable paint is high. Following the discussion, Councilman Myers asked Mr. Hoose if he has the facts and figures on the tests to show the manufactures and to support the decision of the Council if they approve his recommendation? Mr. Hoose stated that he does have. Councilman Babcock then moved the award of contract to Goodyear Paint & Varnish, Inc. for 1,000 gallons of white Traffic beaded pre-mixed Paint, to be delivered in 5-gallon containers, as specified, at a total price of \$3,200.00, subject to cash discount of \$64.00, representing a total net delivered price of \$3,136.00, as recommended by the Traffic Engineer. The motion was seconded by Councilman Whittington, and unanimously carried.

All net delivered bids received are as follows:

Spartan Paint Company	\$ 2,695.00
The Glidden Company	\$ 3,069.00
Goodyear Paint & Varnish, Inc.	\$ 3,136.00
Cataphote Corp.	\$ 3,180.00
Prismo Safety Corp.	\$ 3,200.00

CONTRACT AWARDED FRANK WOODS, INC. FOR WILLYS JEEP FOR AIRPORT DEPARTMENT.

Consideration was given the recommendation that the contract for the purchase of a Jeep be given the second low bidder, the Purchasing Agent having stated the low bid of Young Motor Company on a Ford Pick-up Truck does not meet the specifications nor will it serve the purpose for which the equipment is required by the Airport Department. Councilman Hitch moved that the contract be awarded the lowest bidder meeting the specifications, Frank Woods, Inc., for One Willys Jeep, as specified, at a net delivered price of \$2,941.52, as recommended. The motion was seconded by Councilman Babcock, and unanimously carried.

All net delivered bids received are as follows:

Young Motor Company	\$ 2,259.36
Frank Woods, Inc.	\$ 2,941.52
Hutton-Scott Company	\$ 2,858.82

CREATION OF SIX DETECTIVE POSITIONS IN POLICE DEPARTMENT.

Councilman Dellinger moved that six Detective positions be created in the Police Department, in order to provide proper service to the perimeter area when annexed January 1, 1960, to which present personnel will be promoted and for which funds are available in the current budget. The motion was seconded by Councilman Smith, and unanimously carried.

TRANSFER OF CEMETERY LOTS.

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

- (a) Deed with Giles H. Hinson, Sr. and wife, for Lot 324, Section 3, Evergreen Cemetery, at \$189.00.
- (b) Deed with Mr & Mrs U.S. Gabriel, for Lot 149, Section 2, Evergreen Cemetery, at \$160.00.
- (c) Deed with Dr. W. B. Bradford and wife, for northwest portion of Lot 11, Section D, Elmwood Cemetery, at \$1.00 for transfer from Mrs. J. B. Joy.
- (d) Deed with Mrs. J. B. Joy for northeast portion of Lot 11, Section D, Elmwood Cemetery, at \$1.00 for new deed.

REQUEST OF KEETER TRAILER & BODY COMPANY TO RENT OLD INCINERATOR BUILDING REFERRED TO CITY MANAGER.

Mr. Livingston, Acting City Manager, presented a proposal from Keeter Trailer & Body Company to rent the old incinerator building at \$100.00 per month, payable in advance beginning December 1, 1959, subject to a two year lease with the privilege of renewal and they will replace the approximately 400 broken window panes at their expense. Councilman Smith called attention that the Park & Recreation Commission has requested the use of the building for storage purposes and he moved that the request be referred to the City Manager for a report as to the exact proposal of the Park & Recreation Commission, which was referred to him on September 21st. The motion was seconded by Councilman Hitch, and unanimously carried.

RECOMMENDATION OF CITY ENGINEER THAT INSTALLATION OF REQUIRED DRAINAGE PIPE ON PRIVATE PROPERTY AT 814 IDEAL WAY BE DENIED REFERRED TO CITY ATTORNEY FOR CONCURRENCE.

Mr. Livingston, Acting City Manager, submitted a report from Mr. Cheek, City Engineer, on the request of Mr. W. W. Finley, 814 Ideal Way, relative to his drainage problem, in which the City Engineer advised that the pedestrian guard rail along the sidewalk in the 800 block of Ideal Way is in the process of being installed. Regarding the installation of drainage pipe, the problem is on private property, that the 190 acres of watershed area is drained naturally through the culvert and stream, and a 78-inch diameter pipe costing approximately \$30.00 per lineal foot, would be required to accomodate the probable run-off; that the expenditure of public funds for this improvement would constitute a special emolument for one individual and in accordance with the State Statutes and our Charter, he recommended that the requested improvement be denied. Councilman Babcock suggested that the matter be referred to the City Attorney for his concurrence with Mr. Cheek as to the use of public funds. The Council concurred in the suggestion.

MEETING RECESSED FOR TEN MINUTES.

Mayor Smith stated that the meeting would be recessed for ten minutes.

MEETING RECONVENED AT 3 O'CLOCK P.M.

The meeting reconvened at 3 O'clock p.m., and was called to order by Mayor Smith.

HEARING RELATIVE TO THE SUNDAY OBSERVANCE LAWS.

Mayor Smith opened the hearing of interested persons regarding the City's Sunday Observance Law, stating the proponents would be heard first and then the opponents, with rebuttal permitted if desired. He asked that in order to enable everyone to speak who so wished, that the individual statements be brief as possible.

The Reverend Mr. H. L. Ferguson, Chairman of the Mecklenburg Baptist Pastor's Association presented a resolution adopted by the Mecklenburg Baptist Pastor's Association in meeting on September 29th, requesting Council's consideration that (1) our laws respecting Sunday as a Special Day safeguard and promote moral and spiritual values, (2) that the trend today brought about by pressure from individuals and groups toward an unrestricted use of the Lord's Day if continued could lead to full employment of all citizens on Sunday, and (3) that one of the major issues lies in the sale of non-essential items such as beer and the tightly restricted sale of certain basis and essential food items such as milk, and because of these, it is possible that some changes and adjustments may be necessary; however, it is requested that any changes it is found necessary to make in the present laws may be in the direction of fairness to all and in the direction of reversing the trend toward a wide-open, completely commercialized and irreverent Lord's Day.

The Reverend James F. Wertz, President of the Mecklenburg Christian Ministers Association, stated they had not come today to request legislation to encourage church attendance, as that obligation belongs to them; however, they are concerned over the trend toward a total disregard of Sunday as a special day and have passed a resolution which Dr. Claude U. Broach, member of the Special Committee of the Association on the subject, will present.

October 26, 1959
Minute Book 39 - Page 105

Dr. Broach stated the resolution he will present was adopted unanimously by the Association; that they do not want an outdated blue law Sunday; that it is well known that the present laws are unfair, and we are headed toward a secular wilderness of seven-day competition in which those who wish to observe the Sabbath may be prevented from doing so because of the necessity to work; that the enforcement of the observance of the Sabbath is the duty of the Church, at the same time the community has a responsibility to the religious man in protecting his right to worship instead of being obliged to work. Dr. Broach presented the following resolution: "Whereas the question of Sunday observance laws is a very complex problem, and Whereas there is no simple solution which can do justice to all parties involved, and Whereas the City Council is composed of men who are well aware of both the religious and legal complexities involve, Therefore, be it resolved that the Mecklenburg Christian Ministers' Association express to the Council our support and concern as they seek a just solution to this most complex problem, and Request the City Council to appoint a study committee representing business, labor, church, government and other groups, in an effort to arrive at a fair and equitable solution."

Mr. J. B. Vogler, Director of the Charlotte Retail Grocers Association, stated this is a universal problem and one that is hard to resolve, and while they do not think the small grocers who operated during hours other than specified in the ordinance, should have been arrested, at the same time the Association does not have a suggestion to make.

Mr. Everett Suddreth, President of the Charlotte Retail Grocers Association, stated a telephone poll of their members has been taken with the following results: 25 for and 60 against Sunday laws as they are now (1 p.m. to 6 p.m.); 21 for and 52 against The Greensboro Plan to Open at 1 p.m. for the Day; 12 for and 48 against The Repeal of all Blue Laws so as to allow all stores to remain open at will, and 22 for and 89 against Opening their own Store on Sunday if the law permits.

Mr. Charles Reed, owner and manager of Park & Shop, outside the city limits, stated they operated all Sunday for seven years, and they felt it was absolutely necessary financially; however, after careful study they decided to close on Sunday and in seven weeks they had absorbed the Sunday Business, and now do more business in six days than in the seven, besides reducing their personnel expenses, and they recommend it and say a store can operate more economically six days a week than seven.

Dr. Nathaniel Tross spoke of the necessity of the grocer to the poorer residents, who must purchase their food from meal to meal because of lack of refrigeration. He asked that these grocers not be penalized for their kindness; that the sin does not lie in the act but in the conscience.

Mr. Jimmy Webber, small grocer who was recently arrested for operating his business in violation of the Sunday Observance law, stated he is only asking for justice, and the same law that is applied to him be also applied to others. He called attention to the fact that construction of Charlottetown was in progress all day last Sunday, which is a violation of our local laws and no arrests were made, and asked why. He urged that a fair law be enacted and applied to everyone alike.

The Seventh Day Adventist Church was represented by Mr. Henry J. Curubba, Pastor of the First Seventh Day Adventist Church, Mr. L. F. Snyder, church member and Mr. J. M. Johnson, Treasurer of the Carolina Conference of Seventh Day Adventist Church. Mr. Curubba stated that as people they are proponents of the separation of church and state, which is the only principal we can stand by; that the Sunday Blue Law is a civil law

and not a religious one, and they believe its enforcement is unconstitutional; that there are many minority groups, such as theirs, who observe another day without fuss or fanfare as to the operation of business by others. He stated they do not believe the Charlotte Blue Laws are equitable and think the problem can be determined so as to be fair to everyone. Mr. Johnson stated there is no place in the Bible where it is stated that the day of rest and worship shall be the day on which Christ was resurrected; that for 100 years after the birth of Christ, Saturday was observed as the universal day of rest. He urged the repeal of the Blue Laws and the recognition of the fact that by the enforcement we are breaking the laws of the first principal according to the Constitution of the United States in its beginning. Mr. Snyder stated as a church-going man he cannot advocate a completely open Sabbath but the present Charlotte Blue Laws are disgraceful in prohibiting the sale of food when drugstores sell what they please, and beer is sold all over town; that it appears to him that the whole Blue Law structure needs revising.

Mr. Sidney Freeman, Pastor of the Unitarian Church stated he has spoken from his pulpit on the subject and he feels very strongly that our Blue Laws are discriminatory. He suggested that the Council seriously consider that government is concerned with the action of men and not their attitudes and convictions, and the only solution is for the individual to present it to his own conscience.

Mr. Henry Harkey, Attorney, stated he represents a group of small merchants in both the white and colored sections who are not members of the Association but are one-horse operators, who, in many cases do not even have a cash register. Among his remarks he stated history reveals that Blue Laws, started about 1680 by the Puritans, were purely matters of Church and not civil laws; that most laws endeavor to keep people from hurting others, while Blue Laws try to make people do right even when the welfare of others is in no way involved; that through amendments to the Charlotte Sunday Ordinance many inconsistencies have developed; that Mecklenburg County, as such, has no Blue Laws and business is operated at will outside the city limits of Charlotte to the detriment of no one; that the beer and wine question is not involved here today, as it is controlled by the County and enforced on a statewide basis, however, under the City's Blue Laws the privilege of buying bread is prohibited and replaced with beer. He pointed out that the Christian Ministerial Association has resolved that our Blue Laws are arbitrary and unfair and that the Christian should be created from the pulpit rather than by government. He stated further that the large stores have no desire to operate on Sunday as their overhead and operation would exceed the volume of business done as their customers do not care to trade on Sunday, but it is a different matter with the grocer who serves the less fortunate customer, who has neither funds nor refrigeration to stock and preserve their food for the weekend; but the purchase of his food on Sunday morning does not restrict him going to Church. He stated he does criticize the merchants who have a sign on their stores that they are Drug Stores, while they sell fewer drugs than other commodities ranging from fertilizer to perfume. He pointed out the many business operations on Sunday in violation of the Blue Laws, where no arrests are made, such as local factories operating seven days a week, the Nike Plant, construction of many buildings, the sale of real estate, golf courses, et cetera. Mr. Harkey stated that our local newspapers advocate repeal of the existing Blue Laws and say that laws regulating personal habits cannot be fairly written or impartially enforced. That the Chief of Police has been quoted as stating he is, in fact, duty bound to enforce the Sunday Ordinance the same as other laws, however, he cannot take his detectives from murder cases nor his officers from regulating heavy traffic and have them seek out persons in supposed violation of our ambiguous and unfair laws and then waste a day in Court testifying to

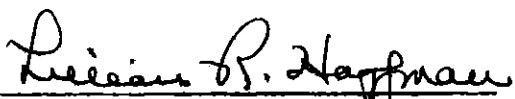
their wrongdoing that does not affect the moral, religious or economic welfare of Charlotte. He stated that the 45 different sections of Chapter 19 of the Charlotte Code protect us on Sunday, and that Section 14-275 of the General Statutes of North Carolina provides protection of religious worship without mention as to any specific day. Mr. Harkey stated he respectfully submits that a governmental body should not try to define, and cannot define what is a proper observance of Sunday. He urged the repeal of the existing unfair ordinance and that no Committee be appointed, as requested by the Christian Ministerial Association representative, to settle the question; that no one ever got anywhere passing the buck to someone else; that as the duly elected representatives of the people of Charlotte, the City Council is a Committee of Seven to decide the matter. In closing, Mr. Harkey quoted from the Bible, Mark 2-27 -"and Jesus said the Sabbath was made for man and not man for the Sabbath". In rebuttal, the Reverend H. L. Ferguson, Pastor of Thomasboro Baptist Church, stated the Mecklenburg Baptist Pastors Association is greatly concerned over the trend for a wide-open Sunday; that if we have no laws restricting Sunday activities, many people will be deprived of teaching the word of God to our children. He asked that "the house not be burned down just because there is a mouse in it".

The Reverend Mr. E. E. Newberry, Pastor of South Tryon Street Presbyterian Church, stated he represents a conviction instead of a group; that his concern is whether we are catering to the exception or to the rule; that he does not have the answer to the problem nor do the ministers as a whole, but he personally, says let the people make the choice.

Others speaking on the question were the Reverend C. W. Russell, Miss Ann Wood and Mrs. Link, who stated as a democratic country the citizens should vote on the question and it should not be decided by the small group of Councilmen.

ADJOURNMENT.

Upon motion of Councilman Hitch, seconded by Councilman Whittington, and unanimously carried, the meeting was adjourned until 1 o'clock on October 30th, for the purpose of hearing petitions relative to the elimination of duplicate street names, jointly with the Planning Board.


Lillian R. Hoffman, City Clerk