

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, February 25, 1964, at 3 o'clock p.m., with Mayor Brookshire presiding, and Councilmen Albea, Bryant, Dellinger, Jordan, Smith, Thrower and Whittington present.

ABSENT: None.

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INVOCATION.

The invocation was given by the Reverend James E. Fogartie, Pastor of Myers Park Presbyterian Church.

MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Smith, and un-animously carried, the Minutes of the last meeting on February 17th were approved as submitted.

PLAQUE PRESENTED DEPUTY CHIEF W. O. DOWDY, CHARLOTTE FIRE DEPARTMENT, BY INTERNATIONAL ASSOCIATION OF FIRE CHIEFS IN RECOGNITION OF HIS WINNING ONE OF TWELVE SCHOLARSHIPS COMPETED FOR ON AN INTERNATIONAL BASIS.

Mayor Brookshire recognized Chief Walter J. Black, Charlotte Fire Department, who introduced Mr. Donald O'Brien of the International Association of Fire Chiefs who has come down from New York today for the express purpose of making a presentation to Deputy Chief W. O. Dowdy in the presence of the City Council.

Mr O'Brien advised that for some years the International Association of Fire Chiefs has promoted better administration in the Fire Departments in this and other countries; that Fire Engineering Magazine, of which he is Editor, has supported this program since its inception both editorially and financially and he is happy to present a Plaque to Deputy Chief Dowdy in recognition of his winning one of twelve scholarships which were competed for on an international basis. The Plaque was presented to Chief Dowdy, who stated in accepting it he does so with great humility and he will do his best to improve his department; that he feels however that this selection was made not because of himself but because he represents the most progressive Fire Department in the most progressive City in the country.

Mayor Brookshire extended his congratulations to Chief Dowdy, and welcomed Mr. O'Brien to Charlotte and presented him a Key to the City.

PROTESTS REGISTERED AGAINST ENFORCEMENT OF SUNDAY OBSERVANCE ORDINANCE.

Mr. Stanley Slesinger stated he does not understand the Sunday Blue Law which went into effect yesterday and wants some answers; that last Friday he called two Councilmen, the Chief of Police and the City Attorney for some information as to what he is supposed to do and from all of the conversation the one conclusion he reached was the Courts will have to decide; in other words he has to be arrested and go before the Court so he will know what to do, which he does not want to do as he is a law abiding citizen.

Up until Sunday he operated two drug stores, now he doesn't know what he is operating; he stated he wishes to ask some questions of Councilman Albea as he has been on the Council for a long time, 1st, does he understand the Blue Law? Councilman Albea stated he understands what a blue law is, maybe not all about this particular one. 2nd, if he puts up a gas pump in front of his drug stores, sells tires and tubes, auto parts, can he then sell everything? Councilman Albea replied that he can if it is in this Law. Mr. Slesinger said that's what he wants to know, is it in the law, and Councilman Albea asked the City Attorney to reply. Mr. Morrissey stated that is correct. Mr. Slesinger said then if he puts tires and tubes in his Drug Stores and is willing to wash cars, can he sell everything in his store? Mr. Morrissey stated he can unless the ordinance is changed to prohibit it. He stated that according to this law, the way he reads it, a Drug Store can be operated but a Sundries Store cannot be operated, he asked if he is correct? Mr. Morrissey stated if they are not excepted from the prohibition of doing business on Sunday then they cannot be opened. He asked if a Service Station can sell drugs, like B-C on Sunday? The City Attorney stated that theoretically they could; that he assumes if they did then this City Council might have treated them differently than they did when this ordinance was adopted. Mr. Slesinger stated in other words next Sunday if he puts in tires and tubes he is permitted to sell everything in the drug store. He asked what a law abiding citizen is supposed to do when he hires two attorneys and they can't interpret the law? And if they can't and neither can two of the Councilmen, the Chief of Police and the City Attorney, what is a country boy like himself going to do? That all he is asking is that Drug Stores be put in the category to sell everything. That last Sunday to sell prescriptions to his customers cost him hundreds of dollars and he will be glad to have his books checked; that he thinks a Drug Store owes it to the public to be able to give them service, and his sole interest is for Drug Stores to be able to sell everything, and he does not think it unreasonable to come before the Council and ask to be relieved of becoming a criminal for doing things he has done all his life and taught his help to do, and now he must teach them how not to sell.

Mr. James Cole, representing Clark's of Charlotte, stated he asked Mr. Shaw to come with him today and he volunteered to do so before he asked, that they are deeply concerned not with isolated instances that you can find in any law but legitimate discrimination wherever you find the valid exercise of police powers by municipal corporations, for that reason it is academic that any municipal corporation in this country has the inherent right to pass what is referred to as the Sunday Closing Ordinance or Blue Law. Rather than pointing to the problem of Clark's or Atlantic Mills or any of the other hundreds of businesses in Charlotte, they wanted to come before Council and ask that the Ordinance be repealed and that it be done when he finishes speaking. That for a year and a half they have been involved in litigation in this matter of the Blue Law and still are as it is not over, and he is not so much concerned over the eventual outcome in a Court of law after protracted litigation, that the future litigation will be in good faith; that the two questions he wants to pose to Council now are - does Charlotte need a Blue law? That Council can look in the Minutes of September or October, 1962 and only three people came before them and spoke in favor of the Sunday Blue Law - Mr Charles Dudley, Mr. W. T. Harris and Mr. Carlton Fleming, and in opposition to it was Mr. Warren Stack, Mr. Irvin Boyle, the Minister from the Seventh Day Adventist Church and in fact there were around 43 persons opposing it. As the Spearhead of the New South they see the Chamber of Commerce endeavoring to develop Charlotte into a Convention City, and yet we have the Blue Law; that we are a cosmopolitan area and no merchant in this city is more important than any other merchant and a Discount House has the same right to operate within the law as does any store or trade. That if it were not for the discrimination involved he would not have one word to say; that if Council will close everything in Charlotte on

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Sunday, he will not offer one word of criticism; but it is the discrimination that should concern us all. That political pressure is no reason to condone it to the detriment of our city. That he thinks we have come forward with the only case of retrograde legislation that has come from the City Council since he has been in Charlotte; that the citizens ordinarily are extremely proud of the City Council/^{and} Mayor Brookshire, very few cities have such a Mayor and Council, so we have been far above the average and now we come forward with a Blue Law and have taken it and converted it into a piece of legislation and used that to establish what is going to be our philosophy. We are not concerned with the Sabbath, with Churches as far as this Blue Law is concerned, we all know that it is a day of rest, and that has got to be the basis for the exercises of the Police power. That if you are going to enforce this law, you have to do it 100% or you are going to breed discontent. He stated to Mr. Morrissey if anyone of these lists of businesses or avocations or trades can operate this coming Sunday under the city ordinance he wishes he would tell him. Would he let an Abattoir operate? A Travel Agency? An Air-charter Service? Is an Architect in a business or a profession? Can a Tax Lawyer operate on Sunday? Or an Accountant? If the ordinance is enforced, the Armored Car Service cannot operate. You cannot buy an Artificial Arm or Limb. Automobile Workers cannot work and he assumes the Police Department will see that they do not do so. Bondsmen cannot operate on Sunday. The vault people cannot sell nor install a vault for Councilman Whittington or Councilman Bryant. A Caterer cannot engage in business on Sunday. That Food Stores, Restaurants and Drug Stores can sell beverages and beer, but the so-called Lounges cannot sell beer, and he assumes the City Attorney will instruct the Chief of Police to close the Lounges if they do so. Coal and Heating Oil cannot be sold on Sunday. He referred to the Merchandise Mart with its very fine clothing shows, etc, their main day being Sunday, they cannot operate on Sunday and he assumes the City Attorney will have the Police out there closing them down Sunday because they sell goods on Sunday and take orders. Mr. Cole enumerated many other businesses not exempted from the ordinance. He asked the City Attorney if he was correct in all of the businesses he named? Mr. Morrissey thanked him for asking the question and stated he assumes his questions are rhetorical and he is certain the Council enjoyed listening to them, but not as much as he did because it is the second time he has heard them, the first time was in the Court and the Judge, he thinks, has answered his questions. Mr. Cole said the only point he is making, and he wants to be corrected if he is in error and he knew of no one better to do so than Mr. Morrissey, is whether or not we are to enforce an ordinance that Council has passed, that if it is enforceable he assumes our Police Department is up to enforcing it as well as any other Police Department, but if it cannot be enforced then it is ridiculous to have it enforced against an isolated and selected few. Mr. Cole stated he thinks the Council should want to take another look now at whether or not Charlotte needs a Blue Law, it cannot be enforced in a city where we are alarmed about our crime rate, what behooves or commands us as part of the obligation to the public it serves to pass the Ordinance? It does not appear in your Minutes, unless those three gentlemen he referred to are that all-powerful. Laws come when they are demanded, and he does not think that has happened here. That he says we do not need it but we have it and it cannot be enforced and if this City cannot enforce it then he thinks the Council should admit to an error, and he respectfully asks the Council to repeal this Blue Law.

Mr. Carson Conder stated he operates a small store on W. Trade Street called Conder's Drug Store, Conder's Soda Shop and Conder's Grocery and is a licensed beer dealer; he does not have a pharmacist license and it is not a Drug Store, and he learned only today that as a Sundries Store he was not supposed to have opened on Sunday and he came to see what the reasons are. That a City Police Car came up and gave him two copies of the law as to what could be sold in his store. He finds that he is a criminal and came to complain that the Council made him a criminal last week. He made some sales, sales of necessity and he stands here guilty. He comes to complain about what Council has done to his

clientele, his neighborhood is now a replaced Brooklyn, under Urban Renewal program Council has moved to his neighborhood a very low income group and a lot of his customers work as domestic employees and common laborers, most of them six days a week and some seven days, they are proud people and he is proud to represent them, and they cannot shop during the week, it is hard for them to get their checks cashed, they work all day then go home and work with their children, but when Sunday comes they go to church, come home and do their house work and laundry so as to be ready on Monday for another week of life. You are denying them the right to clean their homes, scrub their necks and the ridiculous situation is that he had 20 cases of beer on display in his store which he could sell legitimately but not baby bottles and articles they actually needed. Mr. Conder stated he thinks Council made a mistake, this is an unworkable law, an unforcible law and he added his voice to asking that it be repealed immediately for the sake of our city. When this legislation first came before Council, he believes there were two discount houses in the city, one outside the city, because it has been tossed around in the Courts a couple of years, it has changed and two discount houses have opened outside the city and two remain inside the city, so Downtown Charlotte has not gained one iota, it has just moved the trading from the city to the county. That he does not advocate a boycott of Downtown Charlotte but he wouldn't be at all surprised to see it happen if this kind of law stays on the books. He urged Council to either repeal this law or go back to the puritanical days of the 20s and close down everything. He would welcome that, he needs the rest, you cannot change this law or modify it to make it a workable law.

Mr. John D. Shaw, Attorney representing Atlantic Mills, stated Atlantic Mills is a Union Shop and has only Union labor, labor beginning to agitate for a 35-hour week. That Council has here a law that shuts them and others down, depriving the people from their right to make a living and have jobs on Sunday, with them that would be approximately 1/7th of the jobs taken away because of the Blue Law. He stated that he thinks the Council will find across the city it is the same; that there are no exception in the Law to the small store where the people have nothing else much to do and would like to come and open their store - this is the big store and the little store, with no exceptions, and yet it is hard for him to justify that statement when he sees the numerous exceptions in the Law. A day of rest - everyone can work whose business is excepted and he fails to see the day with rest, but with us at Atlantic Mills it will be a day of rest or their jobs are gone as that is the way your law works.

Mr. Edgar Price representing the Junior Chamber of Commerce stated at their meeting today they reaffirmed a resolution which was presented to the Council sometime prior to the adoption of the so-called Blue Law in which they gave valid reasons for the defeat of the law by Council. Mr. Price read the resolution, in which it was stated that while recognizing that periodic cessation from labor is essential to the well-being of society, nevertheless believes that it is not in the best interest of our community to legislate a so-called uniform day of rest and that the lack of such a legal closing day does not in any way affect the public health, morals, order, safety or general welfare of the citizens of Charlotte; that the Junior Chamber of Commerce believes the proposed Ordinance will create unnecessary and insurmountable enforcement problems for the police and courts in that the nature of its subject matter requires it to be drafted in such vague terms as to constitute an unconstitutional invasion of the rights of certain businesses; and they believe the express purpose of the Ordinance to provide a uniform day of rest is defeated by the ordinance itself by virtue of the numerous exceptions listed therein and the number of individuals who would be affected by a Sunday closing is negligible compared to the number of individuals employed by businesses allowed to remain open by the terms of the

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ordinance; that the Junior Chamber of Commerce in keeping with the part of its creed that 'Economic Justice can best be won by Free Men through Free Enterprise' believes that the Ordinance unduly restricts free enterprise to the detriment of our total economic well being; and in the brief period following the effective date of said law the inequities resulting both to the public and to the numerous merchants involved have borne out the validity of the aforesaid objections. Therefore, the Junior Chamber of Commerce requests the Council to reconsider and repeal the said Sunday Blue Law.

Mr. G. Everett Suddreth, Executive Vice-President of Charlotte Retail Grocers Association, stated he comes before Council with the support of the majority of their Board of Directors and Officers to say that they 100% support the Sunday Blue Law. That they feel without this legislation Charlotte will become a wide-open City with Sunday a big day for doing business; therefore forcing many businesses to remain open and depriving the owners and their employees of the opportunity to be with their families and at the Church of their choice. That they commend the Council for the adoption of the Ordinance and they respectfully urge that it be retained.

Mr. Nelson Lee Kirby, Jr., operator of an Independent Maintenance & Repair Service offering 24-hour emergency service, said he is here because he feels the restrictions that have been put upon the citizens is unfair, that he feels his service is important to the people, in many cases essential, but under the terms of the Blue Law he is prohibited from operating on Sunday. That he goes to church and respects the Sabbath Day; however, he does not think even one member of the Council feels it is a necessity to drink beer on Sunday or to buy cigarettes or to buy books, but the Law permits it. That he agrees with the others who have expressed themselves if some businesses are going to be closed down, then everything non-essential should all be closed down. He thinks the law should be repealed as it is, and should be rewritten to permit the operation of only essential businesses and all others observe it as a day of rest.

Mr. Charles Reed stated he operates Park & Shop Food Stores and he would like to speak in behalf of the clerks; that it should be pointed out that the Blue Law is going to force thousands of people to work on Sunday. That at one time he operated his store on Sunday and was not proud of the fact and so he did something about it; he felt it was not right asking his salespeople to work on Sunday, taking them away from their families and from going to Church. That at that time Sunday was their second best day of business, but after closing on Sunday within six weeks time they found they were still doing as much business in six days as they had in seven days. That he is sure his some 100 clerks are happier about it and so is he. That he would like to reiterate one question that has been asked to day - Do we really need a Blue Law? Frankly, he thinks a Blue Law is just as essential to our city as the expressways the Council are working on; we are cleaning up Brooklyn to make it a better city, and that is what Council was voted in to do, and he thinks we must have some laws to govern the operation of business on Sunday. He thinks if the Council will really go for what the Blue Law is worth, it will go over; there are only a few people opposed to it and who fuss about it, and he believes the Council will get the people to join in it if it is handled in the right way. After the shock of the Law is over, people will like it and accept it. That he urges that the Law be enforced as it is.

Mr. Albert Pearson stated he would like to restate the position he took on this originally; that this Council or any legislative group has the right to pass laws of this type, they are not religious laws, they could in fact be called a social law. If we were to listen to what is right for free enterprise or for the individual, we would have some might poor places in

Charlotte not only on Sunday but during the week, like red-light districts and things of that type. There are thousands of people in Charlotte in favor of the stores being open, at the same time there are thousands in favor of them being closed; that it is unfortunate that so few came up and opposed this to start with; however, the Downtown Association and Mr. Dudley carried such weight that it overruled any other consideration that should be given to this particular law. We would all like to say we are proud of Charlotte and want to help Charlotte. But when you can go over the fringe area and all over the county and buy things that you cannot in the city, the law is not particularly good. That he would be glad to see the Council suspend the enforcement of the Blue Law and that they make their recommendations that it be made State-wide, and if it cannot be made State-wide then there should not be such law.

The Reverend Sam Zealy, Minister of Thomasboro Presbyterian Church, stated they are respecting the Council's office and also the Council members personally, and he stands here not representing either the majority nor minority but he believes God is concerned and he believes we are in a moral world. That the Mayor spoke at his church a number of months ago and one of the statements he made that impressed his men was he is not so much interested in this being the best city in the sense of bigness as he is in that it be best in the sense of morality. That these attorneys who have spoken know that all law derives itself from God and the Ten Commandments are the basis of law. That they are grateful for what the Council has done and ask that they come up with a Blue Law that will glorify God and help us individually as citizens of this city.

Mr. Carson Conder who had previously spoken, stated he identified himself as a licensed retail beer dealer, now he would like to identify himself as a lay-speaker in the Methodist Church, a teacher of a large Sunday School class, two Sundays ago he lectured his class on temperance and there was no hypocrisy there. Jesus said the sick needs a physician, and he tries to counsel with his customers and has been successful in some cases. That he has led an alcoholic into a church, who served for nine years on the official board before he got on another drunk and disappeared from the church. So, he does not stand here to condemn what the Minister said for he really believes that the Ministerial Association will regret their action when they realize they have endorsed a law that favored a privileged few. That he, too, would like a Blue Law; that he has never kept an employee from going to church, and he does so without loss of time or pay, so don't let anybody characterize all licensed beer dealers as operators of a beer joint or someone seeking only personal gain.

The Reverend Don Beatty, a Methodist Preacher, stated the reason some preachers are here is because they are trying to put christianity into the hearts of our citizens; that they are not particularly interested in the economic arguments of the Blue Law but they are grateful to see the issue of Sunday raised and that someone is interested in it besides Preachers, and they hope it will be extended. That he has sat here and listened to some very foolish arguments about the sale of beer on Sunday; that he respects the good judgment of the Council to see how ridiculous it is to permit its sale. Why not just extend the Blue Law to other areas, and not go back, not backslide and undo what has been done so far. That he would like to encourage the Council to stick to their guns, he realizes it is difficult with the pictures that are presented but he asks that they do so.

The Reverend Jim Armstrong, a Methodist Minister, stated he is very much concerned over this question, not that we legislate morality for that cannot be done but that we think to legislate against the wrongs in our city that are able to come up. Some of the statements that have pointed out in the

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Newspapers, for example that you cannot enforce this law 100% - he does not know of any law that we have that can be enforced 100%, not even the law against murder, and he does not think this is an argument for repealing the Blue Law. He stated he thinks that our entire government needs to start standing on what is right and not altogether what others come in and say about us. Charlotte is a fine city, we are fortunate to have the Council and Mayor that we have, and we might be able to pioneer in this Blue Law, and it might reach into the State if the Council has the strength to stand for what it has already enacted, because there are many, many people in Charlotte standing with the Council, and that is one of his real reasons for being here today and to say there are many, many people here who are proud of the stand the Council has taken.

Mayor Brookshire expressed his appreciation for the people coming to the meeting who are concerned with this question, and he stated it is obvious there is a division of opinion on the so-called Sunday Blue Law and what Council does about it is a matter for their own consideration.

Councilman Albea stated that up to 1932 we had what he called a good Sunday Blue Law. In 1932 the depression was at its height and many people came before the Council wanting to open the Sabbath Day for business reasons, and the majority of the Council began to loosen up and with one exception he has voted since 1932 until now against an open Sabbath Day, and as long as he lives and has the opportunity to do so he is going to continue to do so. That he has told Council every time it came up they were going to piece-meal it to death and the first thing we know we will have no law at all, and three or four years ago that is what happened. The Council at that time, by majority vote, voted the entire Blue Law out and that is what we are coming to today. With the one exception, in 1932 or 1933, he voted for one compromise and realized the first week he had made a mistake and came back next time to rescind that, and he has voted consistently against opening the Sabbath Day. That he is ready to vote today or any time to close up everything in Charlotte on the Sabbath Day except what the Supreme Court has said are necessities - drugs and food etc, and he is not going to buck the Supreme Court.

Councilman Jordan stated he appreciates these people coming in today and giving the Council their pros and cons on this question and he has made notes and is sure all of the Council has and will take this under consideration. That personally, he took practically his whole Sunday and made a tour to see if there were inequities etc and there were some inequities and he does not think that anyone could go into a Drug Store with the many thousands of items that they have and say it is correct to sell this or not correct, and he did find it so, and also he took some abuse from some people who recognized him, at the same time some were commendable. That his telephone rang continuously all day and until the wee hours of the morning when he had to finally take it off the hook to get some sleep. That he did not think it was quite fair, although it was a citizen's prerogative to do so to put out these pamphlets listing the telephone numbers of the Council etc and having people call them day and night, which they are still doing; that the Council can take the calls and are not shirking any of them. That he is going to give everything that has been said today a lot of consideration.

REQUEST THAT ENTRANCE TO DALEBROOK SUBDIVISION BE RETAINED AS IT IS NOT IN CONFLICT WITH THE SITE-VISIBILITY ORDINANCE.

Mr. L. Augustus Paige, Sr. stated he represents the Dalebrook Community, and they have had it brought to their attention that someone with the city has said the entrance going into Newland Road leading from Crestdale is a blind

entrance. Having had a meeting of the Dalebrook Neighborhood Association on Sunday, there were 25 to 50 people there who voiced opposition to this, proving that it is not a blind entrance. He has brought a picture of the entrance with him to leave proving that when a car is lined up directly with the curb, you can still see in both directions. He stated that Dalebrook is approximately two years old and they are very proud of it, and it has an attractive entrance and is a nice neighborhood and the people residing out there are the same type of the people with him today, Mr. Howard C. Barnhill with the City Health Department, Dr. James F. Wertz of St. Paul Baptist Church, the Rev. J. W. Teamer of Teamer School of Religion and Mr. Fred Tatum who is with the Extension Department of the State. He stated they would like very much to retain the entrance to Dalebrook, and they have noted that many other subdivisions have similar entrances. He stated they have canvassed the residents and they all want to keep the entrance as it is.

Mayor Brookshire stated his request will be taken under consideration, that it is in connection with the Site-Visibility Ordinance.

Councilman Whittington advised the gentlemen residing in Dalebrook Subdivision that they will be notified if there is a hearing held to take down the entrance.

The City Manager stated that the most drastic thing that might be considered toward the entrance to their subdivision, based on viewing the photograph submitted, would simply be a possible lowering of it; there is nothing in the Ordinance that would require the absolute removal of it in no sense of the word.

RESOLUTION EXTENDING CONGRATULATIONS TO CHARLOTTE MERCHANTS ASSOCIATION ON SIXTIETH ANNIVERSARY.

A resolution entitled: "Resolution Extending Congratulations to Charlotte Merchants Association on Sixtieth Anniversary" was introduced and read, and upon motion of Councilman Dellinger, seconded by Councilman Whittington, was unanimously adopted. The resolution is recorded in full in Resolutions Book 4, at Page 361.

PETITION NO. 64-7 BY CARL C AND DAVID S. ALLISON FOR CHANGE IN ZONING OF 7.3 ACRE TRACT OF LAND ON NORTH SIDE OF INTERSTATE 85, DENIED.

Councilman Whittington moved that Petition No. 64-7 by Mr. Carl C. Allison and Mr. David S. Allison for change in zoning from R-12 to B-2 of a 7.3 acre tract of land on the north side of Interstate 85, beginning 1400 feet west of Little Rock Road, be denied as recommended by the Planning Commission. The motion was seconded by Councilman Albea, and unanimously carried.

CITY ATTORNEY ADVISES APPLICATION OF LLOYD H. RAYE FOR LICENSE TO OPERATE A DANCE HALL IN ERROR, AS PLACE OF BUSINESS WILL BE A LOUNGE FOR WHICH NO LICENSE IS NECESSARY.

At the request of Mayor Brookshire for a report as to his findings in connection with the application of Mr. Lloyd H. Raye for a license to operate a place of business classified by the City-County Tax Office as a "Dance Hall", the City Attorney advised the reason for the classification given the application, it appears when Mr. Raye went to the Tax Department they asked him what kind of business he was going to operate and what he described to

them sounded to them like a dance hall; he stated he has discussed it with the Tax Department people and they have concluded with him that it is not a dance hall, and therefore, the Council does not need to pass any further on his application. Councilman Dellinger asked if he is going to operate a Lounge and Mr. Morrissey replied that is correct.

PAYMENT OF CHANGE ORDER NO. 2 AUTHORIZED IN CONTRACT WITH REA CONSTRUCTION COMPANY FOR GENERAL CONSTRUCTION OF MCALPINE CREEK WASTES TREATMENT PLANT, COVERING ADDITION OF CONCRETE AND STEEL IN LOWER SECTIONS OF MAIN PUMP STATION WALLS.

Motion was made by Councilman Albea, seconded by Councilman Whittington, and unanimously carried, authorizing the payment of Change Order No. 2 in contract with Rea Construction Company for the General Construction of the McAlpine Creek Wastes Treatment Plant, covering the addition of concrete and steel in the lower sections of the main pump station walls, made necessary because of changes in finished grades and soil design data, representing an increase in the general contract of \$3,671.20.

PAYMENT OF CONTRACTS AUTHORIZED FOR APPRAISAL OF RIGHTS OF WAY FOR NORTHWEST EXPRESSWAY.

Upon motion of Councilman Dellinger, seconded by Councilman Jordan, and unanimously carried, payment of the following contracts for appraisal of rights-of-way for the Northwest Expressway was authorized:

- (a) Contract with Leo H. Phelan for the appraisal of 2 tracts on 10th Street.
- (b) Contract with L. H. Griffith for the appraisal of 5 tracts on Stephens Street and Seigle Avenue.
- (c) Contract with O. D. Baxter for the appraisal of 6 tracts on Ross, Maple and Kendricks Streets.
- (d) Contract with Al Smith for the appraisal of 10 tracts on Long Street and Elizabeth and Beaumont Avenues.
- (e) Contract with John H. Gallagher for the appraisal of 4 tracts on Pharr Street.

STREETS TAKEN OVER FOR MAINTENANCE.

Councilman Albea moved that the following streets be taken over for continuous maintenance by the City, which was seconded by Councilman Bryant, and unanimously carried:

STREET	FROM	TO
Markland Drive	Kenhill Drive	140 ft. east
Markland Drive	Kenhill Drive	130 ft. west
Kenhill Drive	Markland Drive	Parkmont Drive
Kenhill Drive	Parkmont Drive	Danlow Place
Kenhill Drive	Danlow Place	Denview Lane
Kenhill Drive	Denview Lane	Fordwood Drive
Kenhill Drive	Fordwood Drive	Wedgefield Drive
Kenhill Drive	Wedgefield Drive	Markland Drive
Kenhill Drive	Markland Drive	End at property line
Markland Drive	Kenhill Drive	150 ft. west
Wedgefield Drive	Kenhill Drive	160 ft. west
Fordwood Drive	Kenhill Drive	150 ft. west
Danlow Place	Kenhill Drive	End 145 ft.
Denview Lane	Kenhill Drive	Markland Drive

(continued)

STREET	FROM	TO
Parkmont Drive	Kenhill Drive	Markland Drive
Markland Drive	Parkmont Drive	Denview Lane
Markland Drive	Denview Lane	North 210 ft.
Unnamed Street	Kenhill Drive	150 ft. east
Audrey Street	300 ft. north of Eastway Dr.	to end
Audrey Street	Eastway Drive	300 ft. north
Olinda Street	Kildare Drive	Ilford Street
Rollinghill Dr.	End of present maintenance	to end
Holly Street	Newland Road	to end

SUPPLEMENTAL CONTRACT AUTHORIZED WITH WALKER & WHITESIDE, INC., ELECTRICAL CONTRACTORS FOR AIRPORT LIGHTING PROJECT, COVERING INSTALLATION OF FORCED AIR VENTILATION OF THE FIELD LIGHTING TRANSFORMER VAULT.

Upon motion of Councilman Jordan, seconded by Councilman Albea, and un-animously carried, a Supplemental Contract was approved with Walker and Whiteside, Inc., Electrical Contractors, for the Airport Lighting Project, for the installation of forced air ventilation of the field lighting transformer vault, at a cost of \$486.00.

CONSTRUCTION OF SANITARY SEWER MAIN AUTHORIZED IN BERRYHILL ROAD.

Councilman Smith moved approval of the construction of 100 feet of 8-inch sanitary sewer main in Berryhill Road, at the request of P. C. Godfrey, Inc., at an estimated cost of \$690.00. All costs to be borne by the Applicant, whose deposit of the full amount of the cost will be refunded as per terms of the contract. The motion was seconded by Councilman Albea, and unanimously carried.

RESOLUTION FIXING DATE OF PUBLIC HEARING ON MARCH 9TH ON PETITION FOR LOCAL IMPROVEMENTS ON CHESTERFIELD AVENUE, FROM ST. JULIAN STREET TO PECAN AVENUE.

Councilman Whittington moved the adoption of a Resolution Fixing the Date of Public Hearing on March 9th on Petition for Local Improvements on Chesterfield Avenue, from St. Julian Street to Pecan Avenue, by installing storm drainage facilities and constructing roll type curb and gutter on petition of 56.4% of the abutting property owners, representing 51.5% of the lineal feet of frontage. The motion was seconded by Councilman Jordan, and unanimously carried.

The resolution is recorded in full in Resolutions Book 4, at Page 362.

CONTRACT AUTHORIZED WITH ROBERT G. POWELL, JR, FOR INSTALLATION OF WATER MAINS IN KILDARE DRIVE AND OLINDA STREET.

Motion was made by Councilman Albea, seconded by Councilman Whittington, and unanimously carried, authorizing a contract with Robert G. Powell, Jr., for the installation of 880 feet of water mains and one fire hydrant in Kildare Drive and Olinda Street, at an estimated cost of \$2,570.00. The City to finance all construction costs and applicant to guarantee an annual gross water revenue equal to 10% of the total construction cost.

3MBD

TRANSFER OF CEMETERY LOTS.

Upon motion of Councilman Thrower, seconded by Councilman Jordan, 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 W. R. Bennett, for Grave 5, Lot 119, Section 2, Evergreen Cemetery, at \$60.00.
- (b) Deed with Mrs Joan Bridges Lanier, for Graves 7 and 8, Lot 120, Section 2, Evergreen Cemetery, at \$120.00.
- (c) Deed with Mr and Mrs N. W. Wallace, Jr., for Lot 336, Section 2, Evergreen Cemetery, at \$360.00.

ORDINANCE NO. 233 TO AMEND SECTION 20-15.1(g) (3), ARTICLE I, CHAPTER 20 OF THE CODE OF THE CITY OF CHARLOTTE RELATIVE TO PUBLIC HEARINGS ON OBSTRUCTIONS TO CROSS-VISIBILITY AT INTERSECTIONS.

The City Manager advised that the proposed Amendment to the Cross-visibility at Intersections is making no changes whatsoever in the restrictions of the ordinance, it is only designed to provide a way of getting a matter before Council when the property owner involved does not see fit to appeal a judgment to Council. It provides a way for the Traffic Engineer to bring it to Council's attention for Council action.

Councilman Dellinger asked how the ordinance would affect the request of Mr. L. A. Paige earlier in the meeting today with respect to the entrance to Dalebrook Subdivision which they claim has adequate site distance now? Mr. Veeder advised the ordinance would not be altered by virtue of the amendment which is merely a procedural matter, and with or without the change in the ordinance, Mr. Paige's request is something that would come before Council for decision at a later date. In other words, if the Traffic Engineering Department views this intersection and says it does not meet the provisions of the ordinance, this will be conveyed to the owner and he would have the option of coming to Council and saying he objects to the request of the Traffic Engineering Department or if the owner of the property did not come to Council, the amendment before you now would permit the Traffic Engineer to bring the issue before Council for its decision. Councilman Bryant moved the adoption of the Ordinance amending the Code, which was seconded by Councilman Whittington, and unanimously carried.

The ordinance is recorded in full in Ordinance Book 13, at Page 500.

TRAFFIC ENGINEER REQUESTED TO VIEW ENTRANCE TO DALEBROOK SUBDIVISION WITH REGARD TO ITS OBSTRUCTING CROSS VISIBILITY AND MAKE REPORT TO COUNCIL.

Councilman Smith moved that the Traffic Engineer view the entrance to Dalebrook Subdivision with regard to its obstructing cross visibility, and bring back his report to Council. The motion was seconded by Councilman Albea, and unanimously carried.

PURCHASE OF TRAFFIC SIGNAL AERIAL LADDER AND TRANSFER OF FUNDS FROM CONTINGENCY FUND AUTHORIZED.

Councilman Jordan moved approval of the purchase of a new Aerial ladder unit for the Traffic Engineering Department at an estimated cost of \$1,542.00, and the transfer of \$1,542.00 from the Contingency Account for this purpose. The motion was seconded by Councilman Albea, and unanimously carried.

ACQUISITION OF THREE TRACTS OF LAND FOR RIGHT-OF-WAY FOR NORTHWEST EXPRESSWAY.

Upon motion of Councilman Albaea, seconded by Councilman Bryant, and un-animously carried, the acquisition of the following tracts of land was authorized for right-of-way for the Northwest Expressway:

- (a) Acquisition of 12,580 sq. ft. of property at the corner of Graham and 11th Streets, from Faith Ball, at a total price of \$33,225.00.
- (b) Acquisition of 4,192 sq. ft. of property at 723 North Pine Street, from Ralph Hood and Delphia C. Hood, at a total price of \$6,300.00.
- (c) Acquisition of 6,000 sq. ft. of property at 1010-12 Pharr Street, from Alma Russell Ranson, at a total price of \$1,700.00.

GEORGIA INDUSTRIAL REALTY COMPANY AUTHORIZED TO GRANT RIGHT-OF-WAY TO STATE HIGHWAY COMMISSION FOR NORTH-SOUTH EXPRESSWAY ACROSS CROSSLINE RAILROAD SURPLUS LAND.

Upon motion of Councilman Thrower, seconded by Councilman Albaea, and un-animously carried, Georgia Industrial Realty Company was authorized to grant right-of-way to the State Highway Commission for the North-South Expressway across four parcels of crossline residual property designated as follows:

Parcel No. 51	300 square feet
Parcel No. 51-A	1925 square feet
Parcel No. 51-B	9350 square feet
Parcel No. 64-A	3600 square feet

INCREASE IN SALARY OF EXECUTIVE MANAGER OF AUDITORIUM-COLISEUM.

Councilman Bryant moved approval of an increase in salary of Mr. Paul Buck, Executive Manager of the Auditorium-Coliseum, from \$14,000 to \$16,500, which he understands comes out of their funds but requires Council approval. The motion was seconded by Councilman Whittington, and un-animously carried.

Councilman Albaea stated he is voting for this but wants to remind Council that at budget time he is going to bring up some pay raises for some employees who he does not think is making a living.

CITY MANAGER REQUESTED TO HAVE AREA OF NORTH CHURCH AND WEST 8TH STREET GIVEN ATTENTION BY POLICE AS A SAFETY MEASURE.

Councilman Dellinger called attention that last week-end there were a couple of attacks by people loitering on the streets - one lady was molested at Church and West 8th Street, which is one place where panhandlers hang out and sit on the steps of the Church at this location; that he has been down there and been approached by beggars several times. That he would like the Chief of Police to be asked to assign some men to this area and clean it up and he believes it could be done by concentrating on it for a while; that it is an area that is deteriorating and it should be given some attention.

COUNCIL MEMBERS TO CONFER WITH CITY ATTORNEY IF SUNDAY BLUE LAW CAN BE INTERPRETED AS PROVIDING FOR THE SALE OF SMALL HYGENIC AND MEDICAL ITEMS.

Councilman Smith asked the City Attorney if many of the articles, such as

toilet paper, referred to by many of the speakers today as not obtainable under the Sunday Blue Law, could not be interpreted as medical or hygienic supplies and their sale permissible under the ordinance? Mr. Morrissey stated where you draw the line he does not know. Councilman Smith asked if it would come under the law if the Council instructed the Police that it is alright to sell articles of this type that are so commonly used? Mr. Morrissey stated he does not think it would be appropriate if it is not in the law to so instruct them. Councilman Smith stated he would like to get more assistance from Mr. Morrissey on what the Council can do to correct these obvious things that were not intended excluded from the law. Mr. Morrissey stated if Council will tell him what some of these things are, he will be more than happy to study them and come back with a recommendation. Councilman Smith stated they might be considered something of a medical supply, that he does not want to butcher the law nor does he want to suggest doing anything right now that would hurt it, but the Police should not be sitting in judgment on what they can or cannot sell, this should originate from the City Council and City Attorney. Mr. Morrissey stated the Council received all of the questions Sunday and he did not, and it would be very helpful if they would tell him what some of those items are and he will see what we can work out. He asked if most of the questions did not seem to revolve around medical or surgical supplies? Councilman Dellinger stated it bothers him that you can buy aspirin at a Service Station but not at a Sundries Store, as one person told him was his experience, that what he wants is clarification of the law. He stated further that he is a little embarrassed that he cannot interpret the law, and one person called him and said that neither could his attorney. Councilman Smith stated he thinks it should behoove Mr. Brookshire as Mayor of Charlotte to maybe get these items together; Mayor Brookshire stated it is a Council proposition and actually the responsibility for interpreting the law is Mr. Morrissey's, and Mr. Morrissey has asked Council's help in listing those items that have been questioned, and he supposes that is the most logical way to follow through for all of us could think of a great many items, no doubt, that are necessities of life, it is just a question of whether you want to do so individually and pass them on to Mr. Morrissey or to ask Mr. Morrissey to spend a little time in trying to think of those items that might be legally interpreted as coming under the provisions of the law. Mr. Morrissey stated it should be understood now that we should not attempt to list specific items in an ordinance of this nature; that what he wants to know is, in a general sense, what kind of items they are in order that he might determine a reasonable classification.

Councilman Albea asked if the ordinance can be amended in any way without ending up back in the Courts?

Councilman Smith stated he is trying to find out how we can include these small necessities of life without amending the present ordinance, or how we can so interpret the ordinance that our Police will know that this is it.

Councilman Jordan stated he made a list of the many things that were called to his attention Sunday, and he suggests it would be to our best interest to get with Mr. Morrissey sometime during the week and go over these items and let him figure out whether they come under a certain classification or not. Councilman Smith asked Mr. Morrissey if he prefers that Council members come to him individually and discuss this? Mr. Morrissey stated he could best serve the Council in that way. Councilman Whittington stated it will surely land back in the Courts if it is modified.

SUGGESTION TAKEN UNDER CONSIDERATION THAT COMMITTEE BE APPOINTED OF MEMBERS OF DOWNTOWN BUSINESSES AND SUBURBAN BUSINESSES, MERCHANTS ASSOCIATION AND CHAMBER OF COMMERCE IN INTEREST OF ALLAYING DISSENSION AND BICKERING.

Councilman Jordan told the Mayor he was present at the dinner the other evening when he was presented the Silver Medallion for his service to the City and Community, which he thought was a great honor, and certainly he felt most privileged to be present.

That for the past several weeks he has been hearing about the different dissensions between the Downtown Association and Suburban Stores and organizations; it seems each is fighting the other and he does not think this is good or good for the city; that the suburban people feel that Council is trying to help the Downtown Association and they are being left out. That he has had people more or less insinuate that we are interested in only the downtown people or Ivey's or Belk's. That he would like to suggest - and he would have had a resolution ready but he did not think Mayor Brookshire would be present at this meeting - that the Mayor appoint a Committee, maybe of one or two from each of these organizations such as the Suburban people and Downtown Association, Merchants Association and Chamber of Commerce and from the City Council, and let them get together and see if this bickering cannot be stopped, as we are trying to build the city up and get new enterprise to come in, still you hear it every day, downtown, down here, in the press, people call you. That this is just a suggestion he would like to offer to the Mayor and see what he and the Council think of it.

Councilman Albea expressed the opinion that if the Mayor wants to appoint a Committee from the groups mentioned well and good, but he is opposed to anything less than the whole Council being put on a Committee of any kind. Councilman Jordan stated the Council members can be left off as far as he is concerned, and feels that it should not be allowed to continue without some effort being made to clear it up. He asked that it be considered. Councilman Dellinger wondered if recognizing it to the extent of appointing a Committee would not just magnify it?

Mayor Brookshire stated the Council cannot please everyone, which has been learned. He can offer his own individual testimony that the Council tries to do what it thinks is in the best interest of the total city, however, he does not think you would ever be able to convince everyone that is true. He stated further that when the public is divided on a controversial matter that comes before the Council on certain issues, it is perfectly reasonable to expect arguments will be advanced on both sides.

Councilman Jordan stated both the Mayor and Council know that this has been going on for sometime and it was just his idea that maybe if some level headed persons in each of these organizations could get together, this would stop.

Councilman Bryant stated he thinks Mr. Jordan's idea is not particularly naive and that it has some merit to it, and it may be that no more than the mention of it might stir some efforts by these people who are involed in the groups named. Some mention of it through the News Media would at least call attention to it.

Mayor Brookshire stated the idea appeals to him and he thinks we might have some kind of Committee, which might include representatives of the Chamber of Commerce, Downtown Association and Shopping Centers Associations, who might get together and discuss these coming problems of the City and it might be real helpful. Councilman Dellinger stated he thinks this should come on a voluntary basis and not come from the Council to begin with, maybe someone should talk with them individually.

Councilman Jordan stated one of the reasons he enjoyed the Dinner so much where the Mayor was honored was the Speaker was one of the finest he ever heard and he spoke of the way people should get together, both in races, creeds and colors and certainly those that are fighting and bickering with one another.

Mayor Brookshire replied that there is no question but there is strength in unity and we can do anything that would keep all of our citizens working together and he thinks it is a good suggestion and would like to think about it further.

CITY MANAGER ASKED TO MAKE INVESTIGATION REGARDING THE YOUNG HIGH SCHOOL BOY WHO RESCUED A MAN FROM A BURNING HOUSE RECENTLY, WITH THE VIEW OF PRESENTING HIM THE CITY'S AWARD OF MERIT.


Councilman Whittington called attention that two weeks ago this young High School boy, Floyd Boyce, rescued this man from a burning house in Thomasboro, and he asked the City Manager if he would investigate it and ask Chief Black regarding it, and see if he is not entitled to this Award that the City gives.

CITY AUTHORIZED TO JOIN AS PLAINTIFF IN TAX SUIT FOR COLLECTION OF TAXES.

Mr. Morrissey, City Attorney, advised that Council is requested by the County Attorney's office to authorize the City to join as a plaintiff in a tax suit for the collection of taxes. That this is an unusual circumstance in that it will be a Civil action in the Federal Court. He explained that Mr. Hamlin Wade handles the tax litigation for the County and City and he made the request. That the case involves property which is in a Warehouse, represented by Warehouse receipts, it defies collection under our present State Collection laws and requires action in the Federal Court; that it involves attaching the property and you cannot attach it until you file the suit. Councilman Dellinger moved that the request be granted, which was seconded by Councilman Whittington, and unanimously carried.

ADJOURNMENT.

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


Lillian R. Hoffman, City Clerk