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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, on Wednesday, February 17, 1954, at 4 o'clock p.m., with Mayor Van Every presiding, and Councilmen Albea, Baxter, Boyd, Brown, Dellinger, Smith and Wilkinson present.

Absent: None.

INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Smith, seconded by Councilman Albea, and unanimously carried, the meeting was adjourned.

ORDINANCE NO. 198 AMENDING ZONING ORDINANCE CHANGING ZONING ON SOUTHEAST CORNER LOT AT WEST BOULEVARD AND SHUMAN AVENUE.

The scheduled hearing was held with regard to Ordinance No. 198 Amending the Zoning Ordinance to change the zoning from Residence-2 to Business-1 on the southeast corner lot of West Boulevard and Shuman Avenue, upon the petition of Mr. and Mrs. C. B. Parks, 1512 Shuman Avenue, Messrs. James M. and John W. Hatcher and Mrs. E. G. Thrower, 1641 West Boulevard to the Zoning Board of Adjustment, who recommended the change in zoning. No objections were expressed to the proposed change in zoning. Councilman Albea moved the adoption of the ordinance, which was seconded by Councilman Smith, and unanimously carried. The ordinance is recorded in full in Ordinance Book 11, at Page 338.

CONSIDERATION OF ORDINANCE AMENDING SETBACK ORDINANCE AND ORDINANCE PERTAINING TO THE ESTABLISHMENT OF BUILDING SETBACK LINES, DEFERRED ONE WEEK AT REQUEST OF PURE OIL COMPANY.

Consideration of the Ordinance Amending the Setback Ordinance and Ordinance Establishing Building Setback Lines was deferred for one week upon the request of Mr. H. B. Wilmer, representative of The Pure Oil Company, who advised their Attorney was unable to be present today to further discuss their objections to the proposed setback line on South McDowell Street.

PROPOSED AMENDMENT TO THE SUNDAY OBSERVANCE ORDINANCE WITHDRAWN.

A large delegation of religious leaders was present in opposition to the proposed amendment to the Sunday Observance Ordinance and Dr. Lee F. Tuttle, Pastor of The First Methodist Church requested that a formal vote be taken by the Council on the proposal, as was promised at the last Council Meeting.

Miss Corinne Tucker quoted from the Consolidated Statutes of North Carolina as to it being the natural and inalienable right of all persons to worship God according to the dictates of their own conscience and no one shall control nor interfere with these rights. Miss Tucker stated she believes the ordinance is in opposition to this law.

Mrs. W. L. Martin, Jr., stated she is opposed to theatres being opened during church hours, as it may draw young people away from the religious training programs that are carried on by the churches during the early evening hours.

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Councilman Baxter stated that when he suggested to the Council a few weeks ago that they consider the proposed change in the ordinance, there was a vote of 5 to 2 in favor of the amendment, and that Councilman Wilkinson suggested that no action be taken until the Ministers were informed of the proposal, which was done. That at the next Council Meeting the Ministers and proponents of the change were heard and requested to ask the County Commissioners to have the rural theatres conform to the theatre schedule in Charlotte. Then at the last meeting, it was reported that the Commissioners had no authority in the hours of operation in the rural area, and a vote on the question was demanded by the opposition in a most uncharitable spirit.

Councilman Baxter stated further that being a realist and facing changes as our civilization progresses, he thinks a "tempest out of a teapot" has been made of the issue. That he tries to live his religion every day, with the Golden Rule as his guide. That he has committed a few sins in his life and has grown to know the Lord, Jesus Christ, better through His forgiveness and guidance towards a better life. That the Lord said "the Sabbath was made for man and not man for the Sabbath" and that he believes Him. That his conscience dictates to him that he is right and that he, as a member of a Governing Body, does not have the right to legislate this issue against the rights and wishes of any person. That during the period the issue has been under discussion the votes favoring the change have dropped by the wayside until there is no point in presenting the amendment today, as it would probably not even get a second, and until sufficient strength has been gained to insure its passage he will not present it unless some Minister demands that it be put to a vote today. Dr. Tuttle stated a vote was promised today and they would like to have the matter settled so they would not be compelled to attend every Council Meeting in the future in order to be present to voice their opposition. The Reverend Harry Thomas, Pastor of Calvary Baptist Church stated he wanted the issue voted on today so that the people will know how the individual Councilmen stand on the question, that it may not be important to the politicians but it is to the people.

Mayor Van Every stated that although each Council Meeting is a separate meeting and a matter can be presented at any time the Councilmen wish, he will assure Dr. Tuttle that he will be notified if and when the matter will again be presented for consideration.

Councilman Baxter stated there is no use in him presenting the amendment, which he firmly believes to be right and fair, knowing that it will be beaten, however, he will probably not bring it up again for another year under the circumstances.

REQUEST FOR FUNDS FOR ENLARGEMENT OF SPASTIC HOSPITAL REFERRED TO CITY ATTORNEY FOR RULING AS TO LEGALITY OF EXPENDITURE.

Mr. H. S. Strawn was spokesman for a delegation of representatives of the Spastic Hospital requesting funds to be used for the enlargement of the hospital facilities. Mr. Strawn stated that the 32-bed hospital was opened in 1950 and is now overflowing with patients and the expansion of the building and facilities is imperative. He advised there are 66 patients being treated today, 27 being in-patients, 31 out-patients and 8 day-care patients, and in addition thereto, there are 46 persons who have been patients in the hospital who must come back at regular intervals for care, and also 14 applicants awaiting entrance. That in view of this great need, plans have been drawn for the enlargement of the building by the architects who drew the plans for the present building. Mr. Strawn presented and explained these plans. He advised that the overall cost of the proposed building is \$134,025.00, and requested the City Council to authorize the expenditure, as the hospital and the grounds are owned by the City. The City Attorney expressed grave doubt as to the legality of the expenditure while the hospital property remains under a lease arrangement.

Mayor Van Every pointed out that the City has many important problems that must be worked out, namely the proposed new Health Center, Good Samaritan Hospital expansion and others that are equally of a critical nature, and the request should be considered along with all others.

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Councilman Boyd stated he had within the last few days seen the hospital and feels that the work is wonderful and of vital importance and deserving of the City's aid. That if it came to a choice between the Health Center and this request, he would favor spending the money on the Spastic Hospital. Councilman Albea stated that he believes the Council will find the money if the City Attorney rules that the expenditure is legal.

Councilman Boyd moved that the City Attorney and City Manager confer with the Hospital officials and see if some way cannot be found whereby the building can be financed legally by the City. The motion was seconded by Councilman Albea, and unanimously carried.

REQUEST FOR TRAFFIC SIGNAL AT 1300 WEST MOREHEAD STREET AT U. S. MARINE RESERVE TRAINING CENTER REFERRED TO CITY MANAGER.

Captain Richard O'Dowd, of the U. S. Marine Reserve Training Center at 1300 West Morehead Street, requested that a traffic signal be installed at Morehead and Calvert Streets to assist with their grave traffic problem. He advised that many of their trainees come to the Center by Bus and the pedestrian problem in crossing Morehead Street is terrific. Councilman Smith moved that the request be referred to the City Manager for handling with the Traffic Engineer. The motion was seconded by Councilman Albea, and unanimously carried.

PETITION FOR TRAFFIC SIGNAL AT UNION STREET AND PARKWOOD AVENUE REFERRED TO CITY MANAGER.

Councilman Boyd stated he has a Petition from citizens requesting the installation of a traffic signal at Union Street and Parkwood Avenue and he moved that the City Manager have a traffic count made at this location. The motion was seconded by Councilman Baxter, and unanimously carried.

TRANSFER OF FUNDS FROM EMERGENCY FUND TO POLICE DEPARTMENT FOR FURNITURE FOR JUVENILE DETENTION QUARTERS.

Upon motion of Councilman Smith, seconded by Councilman Wilkinson, and unanimously carried, \$1,500.00 was authorized transferred from the Emergency Fund (Code 110) to the Police Department, Capital Outlay Account (Code 1401-G-6) for furniture and fixtures for the Juvenile Detention quarters.

CONSTRUCTION OF SANITARY SEWER MAINS.

Motion was made by Councilman Brown, seconded by Councilman Smith, and unanimously carried, authorizing the construction of sanitary sewer mains at the following locations:

- (a) Construction of 528-ft. of sewer main in Wayt and West Streets at an estimated cost of \$995.00, to serve 12-family units and 6 vacant lots. All costs to be borne by the City.
- (b) Construction of 180-ft. of sewer main in Bolling Road, at an estimated cost of \$460.00, to serve 1 business unit and 1 vacant lot. All costs to be borne by the City and applicant's deposit of \$260.00 to be refunded as per terms of the contract.
- (c) Construction of 1,530-ft. of sewer main in Bucknell Avenue and Chilton Place, at an estimated cost of \$3,840.00, to serve one family unit and 30 vacant lots.

CONTRACT AWARDED HARDY & NEWSOM, INC., FOR VALVE BOXES.

Councilman Wilkinson moved that contract be awarded the low bidder, Hardy & Newsom, Inc., for 100, No. 1 and 100, No. 2 Valve Boxes, complete, as specified, at a total price of \$1,300.00, less cash discount of \$26.00, or a net delivered price of \$1,274.00. The motion was seconded by Councilman Smith, and unanimously carried,

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TRANSFER OF CEMETERY LOTS.

Upon motion of Councilman Albea, 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. Karl M. Waters, for Lot 232, Section 3, Evergreen Cemetery, at \$156.00.
- (b) Deed with Mrs. Mary M. Perry, for Lot 292, Section 2, Evergreen Cemetery, at \$104.00.
- (c) Deed with Mrs. Nora D. Stroud, for Graves #1 and #2, on Lot 160, Section 3, Evergreen Cemetery, at \$52.00.

PURCHASE OF TRACT OF LAND FOR RIGHT-OF-WAY FOR SOUTH CALDWELL STREET WIDENING, FROM ELLIOTT REALTY COMPANY.

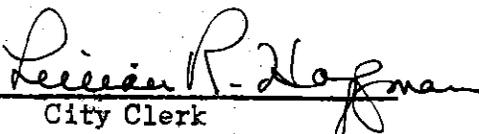
Councilman Smith moved that a strip of land 200-ft. along the north-westerly margin of South Caldwell Street be purchased from Elliott Realty Company, at a price of \$18,995.00 for right-of-way for the widening of South Caldwell Street, as recommended by the City Manager. The motion was seconded by Councilman Wilkinson, and unanimously carried.

PURCHASE OF TRACTS OF LAND FOR RIGHTS-OF-WAY FOR EXTENSION OF INDEPENDENCE BOULEVARD FROM E. O. BACON AND WIFE, O. R. BLACK AND WIFE AND HY HELBEIN AND WIFE.

Motion was made by Councilman Dellinger, seconded by Councilman Baxter, and unanimously carried, authorizing the purchase of tracts of land for rights-of-way for the extension of Independence Boulevard from Mr. E. O. Bacon and wife, at a price of \$18,500.00, from Mr. O. R. Black and wife and release from Messrs. John Contos and Christina Economos, at a price of \$18,000.00 and from Mr. Hy Helbein and wife, at a price of \$34,500.00, totaling \$71,000.00, as recommended by the City Manager.

ADJOURNMENT.

U^pon motion of Councilman Smith, seconded by Councilman Wilkinson, and unanimously carried, the meeting was adjourned.


City Clerk