

July 27, 1949
Minute Book 33, Page 85.

A regular meeting of the City Council was held in the Council Chamber, City Hall, at 11 o'clock a.m., on Wednesday, July 27, 1949, with Mayor Shaw and Councilmen Aitken, Albea, Boyd, Coddington, Daughtry and Jordan being present.

Absent: Councilman Wilkinson.

INVOCATION.

The invocation was given by the Reverend Mr. Sherrill B. Biggers, Pastor, Kilgo Methodist Church.

MINUTES APPROVED.

Upon motion of Councilman Aitken, seconded by Councilman Daughtry, and unanimously carried, the minutes of the meetings on July 20th and 22nd were approved as submitted.

ACTION ON AMENDMENT TO ZONING ORDINANCE TO CHANGE ZONE ON PROPERTY ON COMMONWEALTH AND THOMAS AVENUES DEFERRED ONE WEEK.

A Hearing, fixed by resolution on July 6th, was held on a proposed amendment to the Zoning Ordinance, to change from R-1 and R-2 districts to B-1 district on property located on Commonwealth Avenue, between the Post Office and the New Fire Station.

Mr. J. G. McLaughlin and Mr. Ernest Dixon, owners of residential property on Commonwealth Avenue, voiced objections to the construction of business houses within this residential area. They stated this change in zoning had been objected to by them previously to the Zoning Board of Adjustment; however, they were not given an opportunity to appear before the Board prior to the present recommended change.

Upon motion of Councilman Aitken, seconded by Councilman Boyd, and unanimously carried, action on the ordinance was deferred for one week.

ACTION ON AMENDMENT TO THE ZONING ORDINANCE TO CHANGE ZONE ON PROPERTY ON EAST 35th and 36th STREETS AND PLAZA ROAD DEFERRED TWO WEEKS.

A Hearing, fixed by resolution on July 6th, was held on a proposed amendment to the Zoning Ordinance to change from a R-1 district to a B-1 district on property located on East 35th and 36th Streets and Plaza Road.

Mr. H. F. Smith, Mr. A. E. Harwell and Mr. M. R. Pickett spoke against the change from a residential zone. Mr. Smith and Mr. Pickett stated they had purchased homes in the area with the understanding it was restricted to residences only; that the opening of the Farmers Dairy and two Service Stations had already created an objectionable condition. They urged that no further business be permitted. Mr. A. C. Harwell, representing a church at Herrin Avenue and Plaza Road, expressed the opinion that the zoning change would prove harmful to the church. It was stated that no notice of the proposed change had been given them and they had no opportunity of expressing objections to the Zoning Board of Adjustment.

Mr. Francis Clarkson, representing Mrs. Oxner, owner of the property in question, who requested the zoning change, stated the property was not restricted in the deed to residential only; that the change was requested in order to sell the property as a site for a Service Station.

Upon motion of Councilman Aitken, seconded by Councilman Boyd, and unanimously carried, action on the proposed ordinance was deferred for two weeks.

ACTION DEFERRED FOR TWO WEEKS ON PROPOSED ORDINANCE TO REGULATE PUBLIC SOLICITATION OF FUNDS AND TO CREATE A SOLICITATIONS COMMISSION.

Mr. H. H. Baxter, former Mayor, advised that a movement was started in 1948, during his administration, to better regulate the public solicitation of funds for charitable purposes. That the ordinance then, and now, in effect was ineffectual. That the Chamber of Commerce was requested to study the situation and recommend a plan to better regulate public campaigns for funds for the benefit of the very generous givers in Charlotte. That an ordinance had been prepared by the Committee of Chamber of Commerce members, who would today present it for Council action. He urged its adoption.

Mr. George Ivey, member of the said Committee, and speaking also for the Committee Chairman, Colonel J. N. Pease who was not present, stated the ordinance was prepared after careful study of similar ordinances of various cities; that it was presented at a public meeting on July 13th, attended by representatives of some fifty organizations, who unanimously approved its adoption. He stated the ordinance is designed to create a Commission of citizens, appointed by the Mayor, to decide who would have the right to solicit public funds, and to control or regulate public solicitations for the benefit of the general public; that the ordinance did not rule out any organization, and it would weaken its effectiveness if any particular organization should be exempted from its control. He advised that during last year 48 applications for solicitation permits were filed with the City, 40 of which were approved and only 8 rejected.

A group of members of the Chamber of Commerce Committee and interested citizens, together with the members of the present Solicitations Commission were presented by Mr. Ivey, all of whom favored the adoption of the new ordinance.

Mr. Charles Dudley, Chairman of the present Solicitations Commission for the past four years, stated he spoke from experience in saying the present ordinance was ineffective and the proposed ordinance would greatly aid in better control of the solicitation situation, and would be a means of protecting the citizens from "fly by night" organizations requesting funds from our citizens.

Mr. J. B. Vogler, representing the Retail Grocers Association, endorsed the creation of a Commission to enforce a stronger solicitations control.

Mr. Jas. R. Bryant spoke in favor of the ordinance.

Mrs. Paul Hamilton, representing the Auxilliary of Hornets Nest No. 9 American Legion Post, expressed vigorous opposition to the ordinance. She stated the Auxilliary was not represented at the meeting on July 13th, referred to by Mr. Ivey. She advised that funds derived from Poppy Day Sales of the Legion, on Saturday before Memorial Day, were used for rehabilitation and child welfare among veterans and their families; that this campaign is fixed by their National Organization in cities throughout the United States, and its grouping with other organizations in a large solicitation would not fit their program, neither would they realize an appreciable amount of funds needed for their most worthy work.

Mr. Bill Timmons, Commandar of the 25th American Legion District, also expressed opposition to the terms of the ordinance. He stated he believed it to be discriminatory against the American Legion, and he objected to the regimentation of the proposed ordinance.

Mr. Francis Clarkson stated he believed it to be unamerican to regiment charity; that it was his opinion that this type ordinance would lead to federated giving; that contributions to charity should be on a voluntary basis; that under the provisions of the proposed ordinance donations to charity will be discouraged; that each individual should be permitted to decide in his own mind how much to give and to whom it should be given. He explained to the inquiry of Councilman Aitken as to what was

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meant by "federated giving" that the Commission under this ordinance could group various drives together into one big drive, from which no one worthy organization would derive sufficient funds for its needs. He stated a similar plan was tried in Michigan and failed; that the Red Cross made a study of the federated plan and will not go under it in any community.

Mr. Geo. Westbrook, speaking in favor of the ordinance, stated that 21 agencies came into the Community Chest when it was organized, and are still in and have benefitted from their grouping together. That the various organizations are killing off each other through so many drives. That our main interest should be in seeing that each worthy organization receives its fair share and no more.

Mr. Joe Grier speaking in opposition to the ordinance, stated it will reduce giving to worthy causes; will reduce campaigns; will put the power into the hands of a few to pass upon the merits of an organization seeking public assistance and can limit their campaign goals. He expressed opposition to any American citizen being told to whom he may give his money or for what purpose.

Mr. C. W. Gilchrist expressed the opinion that the campaigns are supported by a few citizens who have the right to know the merits of the campaign he is supporting, which can only be made possible by a central group investigating each and every drive before the public is exposed to it. He urged the adoption of the proposed ordinance.

Mr. George F. Faille expressed approval of a portion of the ordinance in that it would control overlapping campaigns; however he was of the opinion that the present ordinance could be amended to include this provision and thereby omit the adoption of the remainder of the so strict regulations.

Councilman Daughtry presented the following statement in regard to the proposed ordinance:

"I am of the opinion that the passing of this ordinance to regulate solicitations within the City and the creation of an Advisory Public Commission will do quite a lot to curb and consolidate many of the ever increasing demands for donations of this sort and that, in my opinion should be supervised and approved by a board who will work to the best interest of the various educational, religious, ^{and} fraternal organizations, and at the same time keeping in mind the constant demands that are being made upon the individual and business firms of Charlotte.

After the Commission has formulated its plans, together with the adoption of any regulations for effecting the purpose and intent of this ordinance, I think they should be submitted to this Council for its final approval and then may function in its normal operations without Council interference.

It is also my opinion that any individual or group desiring to make solicitations who feel that the decision of the Solicitation Commission has been unjust in their opinion, should have the right to appeal to the City Council in an open meeting, which may also be attended by the Solicitation Commission, and after hearing both sides of the question, the Council should make the final decision."

Councilman Aitken moved the adoption of the ordinance, which motion was lost for lack of a second.

Councilman Jordan moved that action in the matter be deferred for two weeks. Motion was seconded by Councilman Coddington, and unanimously carried. ✓

REQUEST FOR STREET OPENING FROM GREEN STREET TO CAMP GREEN STREET FOR BENEFIT OF CHILDREN ATTENDING GLENWOOD SCHOOL, REFERRED TO COMMITTEE FOR REPORT AT NEXT MEETING.

A delegation of residents of the Camp Green area, with Mrs. Ralph Reichard as spokesman, requested the immediate opening of a street from Green Street to Camp Green Street, to eliminate the necessity of some 94 small children within the area from walking the $1\frac{1}{2}$ to $2\frac{1}{2}$ miles to the Glenwood School. Mrs. Reichard stated this area was taken into the City on January 1st, therefore the bus facilities that was furnished by the State last year would not be available to transport children within the city limits. She advised that should Duke Power Company provide bus facilities along the route now necessary to reach the Glenwood School, it would still mean that the children would have to cross Wilkinson Boulevard to board the Bus and then cross Thrift Road after disembarking from the Bus at the school.

Mr. J. Murray Atkins, Chairman of the Board of Education, Dr. E. H. Garinger, Supt. of the City Schools, and Mr. John P. White, former Councilman urged that the street be opened and the work done prior to the opening of the fall school term.

Mayor Shaw appointed Councilmen Albea and Jordan as a Committee to make an investigation of the matter and report to Council at next week's meeting.

MAYOR PRO TEM AITKEN PRESIDES FOR REMAINDER OF MEETING.

Mayor Shaw left the meeting at this time, and Mayor pro tem Aitken presided for the remainder of the meeting.

RESOLUTION AUTHORIZING REQUESTED DONATION FOR CONTAGIOUS DISEASE HOSPITAL UNIT AT MEMORIAL HOSPITAL, SUBJECT TO THE PROVISIONS OF PARAGRAPHS NO. 1 and 2 THEREOF.

A resolution entitled, "Resolution Authorizing Requested Donation for Contagious Disease Hospital Unit at Memorial Hospital, Subject to the Provisions of Paragraphs No. 1 and 2 Thereof" was introduced by Councilman Boyd. Following the reading thereof, motion for adoption was made by Councilman Boyd, seconded by Councilman Albea, and unanimously carried, and the resolution was adopted as read. Resolution is recorded in full in Resolutions Book 1, beginning at Page 184 and ending at Page 186.

CONSIDERATION OF AN ORDINANCE AMENDING THE CITY CODE ESTABLISHING RULES GOVERNING PRIVATE DRIVEWAYS, ETC., DEFERRED ONE WEEK.

Upon motion of Councilman Jordan, seconded by Councilman Albea, and unanimously carried, consideration of a proposed Ordinance amending the City Code Establishing Rules Governing Driveways, etc., was deferred one week.

CONSIDERATION OF AN ORDINANCE AMENDING THE PARKING METER REGULATIONS DEFERRED ONE WEEK.

Upon motion of Councilman Daughtry, seconded by Councilman Coddington, and unanimously carried, consideration of a proposed Ordinance amending the Parking Meter Regulations was deferred one week.

RESOLUTIONS PROVIDING FOR THE ISSUANCE OF \$1,710,000.00 WATER, SANITARY SEWER, RECREATIONAL FACILITIES AND FIRE ALARM SYSTEM BOND ANTICIPATION NOTES, AND FIXING FORM AND MANNER OF EXECUTION OF NOTES AND RATIFYING APPLICATION FOR THE ADVERTISEMENT AND SALE OF SAID NOTES.

A Resolution Providing For The Issuance of \$565,000 Water Bond Anticipation Notes, was introduced and read, and upon motion of Councilman Jordan, seconded by Councilman Albea, was unanimously adopted. Resolution is recorded in full in Resolutions Book 1, at Page 187.

A Resolution Providing for the Issuance of \$500,000 Sanitary Sewer Bond Anticipation Notes, was introduced and read, and upon motion of Councilman Jordan, seconded by Councilman Coddington, was unanimously adopted. Resolution is recorded in full in Resolutions Book 1, at Page 188.

A Resolution Providing for the Issuance of \$495,000 Recreational Facilities Bond Anticipation Notes, was introduced and read, and upon motion of Councilman Jordan, seconded by Councilman Daughtry, was unanimously adopted. Resolution is recorded in full in Resolutions Book 1, at Page 188.

A Resolution Providing for the Issuance of \$150,000 Fire Alarm System Bond Anticipation Notes, was introduced and read, and upon motion of Councilman Jordan, seconded by Councilman Coddington, was unanimously adopted. Resolution is recorded in full in Resolutions Book 1, at Page 188.

A Resolution Fixing the Form and Manner of Execution of \$1,710,000 Bond Anticipation Notes and Ratifying Application for the Advertisement and Sale of Said Notes, was introduced and read, and upon motion of Councilman Jordan, seconded by Councilman Albea, was unanimously adopted. Resolution is recorded in full in Resolutions Book 1, at Pages 189, 190 and 191.

CHANGE IN NAME OF WILLOW DRIVE, BETWEEN LYNWOOD DRIVE AND TRANQUIL AVENUE, TO WESTFIELD ROAD.

Upon motion of Councilman Albea, seconded by Councilman Daughtry, and unanimously carried, the name of Willow Drive was changed to Westfield Road, between Lynwood Drive and Tranquil Avenue, as recommended by the Planning Board and Assistant City Engineer.

STREETS TAKEN OVER FOR CITY MAINTENANCE.

Motion was made by Councilman Jordan, seconded by Councilman Albea, and unanimously carried, authorizing maintenance by the City of the following streets:

Daniel Street, from Stratford Avenue to Brook Road.

Brook Road, from Virginia Ave. to north side of Lot 11, Block 3.

Virginia Avenue, from Brook Road to northeast side of Lot 6-A, Block 4.

Bryant Street, from South Summit Ave., to and across its intersection with Walnut Avenue.

CONTRACT APPROVED FOR NEW SANITARY SEWER CONSTRUCTION.

Councilman Albea moved that the following contracts for the construction of new sanitary sewers be approved. Motion was seconded by Councilman Coddington, and unanimously carried:

- (a) Contract with Marsh Realty Company, for construction of 657-feet of 8-inch sewer in Barringer Drive, at an estimated cost of \$1,319.78, to serve 11 vacant lots. Said cost to be borne by the City. Applicant's deposit of full amount to be refunded in accordance with the terms of the contract.
- (b) Contract with Everett Connelly, Myrtle Apartments, City, for construction of 68-feet of 8-inch sewer in Sunset Drive, at an estimated cost of \$199.76, to serve one house erected and to complete connection of dead-end sewers. Said construction cost to be borne by the city.

SETTLEMENT OF CLAIM OF PLATO D. TURBYFELL FOR DAMAGES TO CAR.

Upon motion of Councilman Jordan, seconded by Councilman Albea, and unanimously carried, the settlement of claim of Mr. Plato D. Turbyfill, in the amount of \$36.05, for damages to his car by Garbage Truck No. 70 on June 9th, was authorized.

RIGHT-OF-WAY FOR TRUNK SEWER LINE PURCHASED FROM CHARLOTTE COUNTRY CLUB.

Motion was made by Councilman Jordan, seconded by Councilman Coddington, and unanimously carried, authorizing an Agreement with the Charlotte Country Club for the purchase of right-of-way across their property, at a price of \$3,500.00, for the construction of a trunk sewer line.

UNANIMOUS CONSENT GIVEN THE PRESENTATION OF AN UNDOCKETED ITEM.

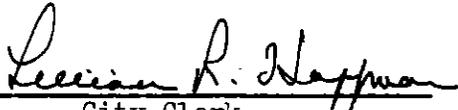
Upon motion of Councilman Coddington, seconded by Councilman Albea, the unanimous consent of Council was given for the presentation of the following resolution not included in the Docket.

RESOLUTION APPROVING THE WITHDRAWAL OF CERTAIN LAW ENFORCEMENT OFFICERS OF THE CITY OF CHARLOTTE FROM THE NORTH CAROLINA LOCAL GOVERNMENT EMPLOYEES' RETIRMENT SYSTEM, AND THE WITHDRAWAL OF FUNDS WITH RESPECT TO SUCH OFFICERS.

A resolution entitled, "Resolution Approving the Withdrawal of Certain Law Enforcement Officers of the City of Charlotte from the North Carolina Local Government Employees' Retirement System, and the Withdrawal of Funds with Respect to such Officers", was introduced, and read. Councilman Coddington moved the adoption of the resolution. Motion was seconded by Councilman Jordan, and unanimously carried. Resolution is recorded in full in Resolutions Book 1, at Pages 192-193.

ADJOURNMENT.

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



City Clerk