

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 Wednesday, October 2, 1957, at 4 o'clock p.m., with Mayor Smith presiding, and Council members Albea, Baxter, Brown, Dellinger, Evans, Foard and Wilkinson being present.

ABSENT: None

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INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Brown, seconded by Councilman Wilkinson, and unanimously carried, the Minutes of the last Council Meeting on September 25, 1957 were approved as submitted.

ORDINANCE NO. 414-X EXTENDING THE CORPORATE LIMITS OF CHARLOTTE BY ANNEXING 1.75 ACRES OF PROPERTY, CONSISTING OF 7 LOTS, LOCATED IN CRAB ORCHARD TOWNSHIP, ON PETITION OF TRUSTEES FOR THE PLAZA HILLS A.R.P CHURCH, ADOPTED.

The scheduled hearing was held in connection with the petition of J. C. Beagle, Jr., W. T. Flynn, Alison Simpson, F.W. Simpson, J. B. Doster and Douglas Elms, Trustees for Plaza Hills ARP Church, for the annexation to the City of Charlotte of 1.75 acres of property, consisting of seven lots, in Crab Orchard Township. No objections were expressed to the proposed annexation. Thereupon, Councilman Albea moved the adoption of Ordinance No. 414-X Extending the Corporate Limits by Annexing 1.75 acres of property in Crab Orchard Township, as requested. The motion was seconded by Councilwoman Evans, and unanimously carried. The ordinance is recorded in full in Ordinance Book 12, beginning at Page 185 and ending at Page 186.

ORDINANCE NO. 426 AMENDING THE SUNDAY OBSERVANCE ORDINANCE TO PERMIT GROCERY STORES TO BE OPENED, FOR THE SALE OF GROCERIES ONLY, BETWEEN THE HOURS OF 1 P.M. AND 6 P.M., ADOPTED.

Mr. James Caldwell, Attorney representing the grocerymen who were indicted on August 25, 1957 for operating their stores on Sunday, again appeared before Council and asked for a decision on their petition to allow the operation of grocery stores on Sunday, due to the competition by drug stores selling groceries on Sunday, the need of citizens to be able to purchase groceries on Sunday, and the dependency of the grocerymen to make a livelihood.

Councilman Dellinger stated he felt the question of the operation of business on Sunday was so far reaching that a date should be set for the Council to hear anyone who wishes to speak on the matter; therefore, he moved that a hearing be held on the Sunday issue on October 16th. The motion was seconded by Councilwoman Evans, and lost, with the votes cast as follows:

YEAS: Council members Dellinger and Evans.

NAYS: Council members Albea, Baxter, Brown, Foard and Wilkinson.

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Councilman Foard stated it appears that it is working a hardship on a great number of Charlotte citizens not to be able to purchase groceries on Sunday, and as the question has been pending before the Council for sometime, he moved that the Sunday Observance Ordinance be amended to permit any place of business that is licensed to sell groceries, to do so on Sunday from 1 o'clock p.m. to 6 o'clock p.m. The motion was seconded by Councilman Baxter.

Councilman Dellinger offered a substitute motion that the motion by Councilman Foard be tabled for discussion by the audience, which was lost for lack of a second.

Thereupon, Councilman Foard withdrew his motion for the time being, for the purpose of discussion.

Mr. M. F. Kaelke, Director of the Hardware Dealers Association requested that the Sunday Observance Law be strengthened to prevent drug stores selling hardware on Sunday; he stated the members of his Association are opposed to relaxing the law, and do not wish to remain open on Sunday; however, they are being discriminated against at present. He recommended that an open meeting be held so that all persons and groups interested, including the Ministerial Association, may be present.

Mr. B. A. Smith, member of the State Board of Food Dealers Association and President of the Charlotte Retail Food Dealers, advised they are opposed to the opening of food stores on Sunday; however, they feel the law as written is unfair.

The Reverend W. F. Mitchell, Pastor of Sunset Presbyterian Church, urged that the Sunday Laws not be relaxed, stating he hoped to see the day when everything is closed on Sunday except works of necessity and of mercy. He urged that no action be taken today and that a hearing be held so that everyone could voice their opinion.

Mr. George Yost urged that a public hearing on the question be held.

Councilman Dellinger stated he felt it was discriminatory to consider the request of the grocery store owner, while the Hardware dealers have a similar complaint, and he again moved that a hearing be set for October 16th. The motion was seconded by Councilwoman Evans, and lost.

Councilman Baxter stated that hearings have previously been held on the Sunday question without results, and he moved that the previous motion by Councilman Foard, which was tabled, now be reconsidered. The motion was seconded by Councilman Wilkinson, and carried, with the votes cast as follows:

YEAS: Councilmen Baxter, Brown, Foard and Wilkinson.

NAYS: Council members Albea, Dellinger and Evans.

Councilman Foard then restated his motion that the Sunday Observance Ordinance be amended to permit any place of business that is licensed to sell groceries, to do so on Sunday from 1 o'clock p.m. to 6 o'clock p.m. The motion was seconded by Councilman Baxter.

Councilman Dellinger offered a substitute motion that the present Sunday Observance Ordinance remain as it is and the Police Department be instructed to enforce the law. The motion was seconded by Councilman Albea, and lost, with the votes cast as follows:

YEAS: Council members Albea, Dellinger and Evans.

NAYS: Council members Baxter, Brown, Foard and Wilkinson.

Councilwoman Evans stated she thinks the Council is getting lost in the heckling and as the controversy is so far reaching, that she favors the appointment by the Mayor of a Study Group.

The vote was then taken on the motion by Councilman Foard to amend the Sunday Observance Ordinance, and carried, with the votes cast as follows:

YEAS: Councilmen Baxter, Brown, Foard and Wilkinson.

NAYS: Council members Albea, Dellinger and Evans.

The Reverend Mitchell then asked if this would permit grocerymen to sell beer and wine on Sunday? The City Attorney stated that he could do so if he has a beer license. The Reverend Mitchell then urged that the Council go on record that beer is not a grocery.

Mrs. Maurice Whitaker, operator of a grocery store on Seigle Avenue, asked for a definite ruling as to whether she and other grocery stores could sell packaged drugs and soft drinks on Sunday, as they are licensed to sell these articles.

Councilman Baxter moved that the motion made by Councilman Foard, be amended by inserting the word "only" after the word "groceries", The motion was seconded by Councilman Foard and carried, and Chapter 19, Article III, Section 46, SUNDAY OBSERVANCE of the City Code, as amended, was amended by inserting after the clause beginning "Dairy Products", a new classification reading as follows: "Grocery Stores, for sale of groceries only, from 1 p.m. to 6 p.m." effective from and after its adoption, was adopted. The votes cast were as follows:

YEAS: Councilmen Baxter, Brown, Foard and Wilkinson.

NAYS: Council members Albea, Dellinger and Evans.

The Ordinance is recorded in full in Ordinance Book 12, Page 187.

PAYROLL DEDUCTIONS OF UNION DUES FOR SANITARY, STREET AND FIRE DEPARTMENT EMPLOYEES AUTHORIZED.

Upon motion of Councilman Albea, seconded by Councilman Brown, and un-animously carried, the City Manager and City Accountant were authorized to make payroll deductions of Union dues for Sanitary, Street and Fire Department employees, upon the written authorization of the employee.

SETTLEMENT OF STREET PAVING ASSESSMENT ON EAST STONEWALL STREET WITH MRS. CARRIE MARSHALL GALLOWAY.

Councilman Dellinger moved the settlement of street paving assessment on East Stonewall Street of Mrs. Carrie Marshall Galloway, less 6% interest. The motion was seconded by Councilman Baxter.

The City Attorney explained in detail the assessment against Mrs. Galloway's property, stating he did not feel the interest should be waived, as requested, as he did not think the petitioner was entitled to it legally. Councilman Dellinger then withdrew his motion.

Councilman Albea then moved that in accordance with a 1957 Act of the General Assembly of North Carolina, the Collector of Revenue be authorized to cancel the street paving assessment on East Stonewall Street of Mrs. Carrie Marshall Galloway, upon the payment of \$1,761.43, with interest at 6% from July 23, 1955 to date of payment. The motion was seconded by Councilman Brown, and unanimously carried.

JOB CLASSIFICATION POINTS INCREASED FOR E.G. DAVIS, ENGINEERING DEPARTMENT EMPLOYEE.

Upon motion of Councilman Wilkinson, seconded by Councilman Brown, and unanimously carried, the Job Classification points of Mr. E. G. Davis, Engineering Department Employee, were increased from 660 to 800, effective today in order to make his salary equal to employees in the department in like positions.

SETTLEMENT OF CLAIM OF MRS. R. V. KENNEDY FOR PERSONAL INJURIES.

Councilman Dellinger moved that the claim of Mrs. R. V. Kennedy, in the amount of \$94.50, for injuries on May 2nd from falling on the sidewalk in front of 508 East Kingston Avenue, be paid as recommended by the City Manager and City Attorney. The motion was seconded by Councilman Wilkinson, and unanimously carried.

CONSTRUCTION OF SANITARY TRUNK AND SEWER IN KOHLER AVENUE, AUTHORIZED.

Upon motion of Councilman Albea, seconded by Councilman Brown, and unanimously carried, the construction of 376 feet of sanitary trunk and sewer was authorized in Kohler Avenue, as requested by Helms Construction Company, to serve 15 family units and 5 vacant lots, at an estimated cost of \$1,225.00, and the City to pay all construction costs.

CONTRACT AWARDED REA CONSTRUCTION COMPANY FOR ASPHALT RESURFACING OF VARIOUS STREETS.

Motion was made by Councilman Brown, seconded by Councilman Dellinger, and unanimously carried, awarding contract to the low bidder, Rea Construction Company for asphalt resurfacing various streets in the City of Charlotte, as specified, on a unit price basis, representing a total price of \$128,907.00.

Bids received on this project were as follows:

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| Rea Construction Company | \$128,907.00 |
| Blythe Bros. Company | \$140,684.00 |

CONTRACT AWARDED W. J. COOLEY & COMPANY FOR CITY AUTOMOBILE AND MOTOR-CYCLE LICENSE PLATES.

Councilman Albea moved the award of contract to the low bidder, W. J. Cooley & Company, for 46,000 metal Automobile Tags and 400 metal Motorcycle License Plates, as specified, on a unit price basis, representing a total price of \$3,823.00, subject to cash discount of \$19.12, or a net delivered price of \$3,803.88. The motion was seconded by Councilman Brown, and unanimously carried.

The following bids were received on this material:

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| W. J. Cooley & Company | \$3,803.88 |
| Dixie Seal & Stamp Company | \$4,542.12 |
| Geo. J. Mayer Company, Inc. | \$4,628.00 |
| The J.F. W. Dorman Company | \$5,580.00 |

CONTRACT AWARDED PARNELL MARTIN SUPPLY COMPANY FOR CAST IRON SOIL PIPE.

Upon motion of Councilman Wilkinson, seconded by Councilman Baxter, and unanimously carried, contract was awarded the low bidder, Parnell Martin Supply Company for 20,000 lineal feet 4" single-hub and 2,000 lineal feet 4" double-hub cast iron soil Pipe, 5' joints, as specified, on a unit price basis, representing a total price of \$13,073.60, subject to cash discount of \$261.47, or a net delivered price of \$12,812.13.

The following bids were received on the said Pipe:

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| Parnell Martin Supply Company | \$12,812.13 |
| Hajoca Corporation | \$12,873.28 |
| Horne-Wilson, Inc. | \$12,942.47 |
| Atlas Supply Company | \$13,140.43 |
| Noland Company, Inc. | \$13,140.43 |
| Grinnell Company | \$13,416.20 |

CONTRACT AWARDED HORNE-WILSON, INC. FOR SMALL PIPE FITTINGS.

Motion was made by Councilman Dellinger, seconded by Councilman Baxter, and unanimously carried, awarding contract to the low bidder, Horne-Wilson, Inc., for schedule of 66 different type Small Pipe Fittings, representing a total of 13,966 Fittings, all as specified, and in accordance with letter quotation of September 18, 1957, on a unit price basis, at a total price of \$2,594.91, subject to cash discount of \$51.90, or a net delivered price of \$2,543.01.

Bids received on the Pipe Fittings were as follows:

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| Horne-Wilson, Inc. | \$2,543.01 |
| H. E. Pennigar Company | \$2,543.93 |
| Baker-Mitchell Company | \$2,587.54 |
| Parnell Martin Supply Company | \$2,639.04 |
| Atlas Supply Company | \$2,719.72 |
| Industrial Piping Supply Company | \$2,918.53 |
| Hajoca Corporation | \$2,945.94 |
| Matthews Morse Sales Company | \$3,191.15 |
| Grinnell Company, Inc. | \$3,388.94 |
| Crane Company | \$3,419.15 |

CONTRACT AWARDED SUPERIOR STONE COMPANY FOR CRUSHED STONE.

Upon motion of Councilman Brown, seconded by Councilman Wilkinson, and unanimously carried, contract was awarded the low bidder, Superior Stone Company for 6,000 tons #7 Crusher Run, 6,000 tons #10, 12,000 tons #4-A, 3,000 tons #11-B and 3,000 tons #12-A, all as specified, on a unit price basis, f.o.b. Seigle Avenue Siding Delivery, and 6,000 tons delivered to Zone 1, 6,000 tons delivered to Zone 2, 6,000 tons delivered to Zone 3 and 6,000 tons delivered to Zone 4, all as specified, on a unit price basis, for truck delivery, at a total net delivered price of \$147,420.00.

Bids received were as follows:

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| Superior Stone Company | \$147,420.00 |
| Concrete Supply Company | \$153,615.00 |
| Concrete Materials, Inc. | \$154,350.00 |

CONTRACT AWARDED ATLANTIC ALUMINUM & METAL DISTRIBUTORS, INC. FOR 100 SHEETS ALUMINUM ALLOY.

Councilman Albea moved the award of contract to the low bidder, Atlantic Aluminum & Metal Distributors, Inc., for 100 Sheets Aluminum Alloy, as specified, on a unit price basis, representing a total price of \$2,445.00, subject to cash discount of \$3.06, or a net delivered price of \$2,441.94. The motion was seconded by Councilman Dellinger, and unanimously carried.

The following bids on this material were as follows:

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| Atlantic Aluminum & Metal Distributors, Inc. | \$2,441.94 |
| Production Metals, Inc. | \$2,486.49 |
| Edgcomb Steel Company | \$2,582.58 |
| Kaiser Aluminum & Chemical Sales, Inc. | \$2,648.45 |

CHANGE ORDER #4 IN CONTRACT WITH REA CONSTRUCTION COMPANY FOR CONSTRUCTION OF HOSKINS FILTER PLANT, APPROVED FOR PAYMENT.

Councilman Wilkinson moved approval of the payment of Change Order #4 in contract with Rea Construction Company for the construction of Hoskins Filter Plant, covering revision, additions and alterations in the project in the amount of \$18,712.56. The motion was seconded by Councilman Brown, and unanimously carried.

TRANSFER OF CEMETERY LOTS.

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

- (a) Deed with R.C. May and wife, for Lot 117, Section 2, Evergreen Cemetery at \$160.00.
- (b) Deed with T.S. McPheeters, for east half of Lot 105, Section V, Elmwood Cemetery, transferred from Heirs of W.M. Anderson, at \$1.00 for transfer.
- (c) Deed with Heirs of W.M. Anderson, for west half of Lot 105, Section V, Elmwood Cemetery, at \$1.00 for new deed.
- (d) Deed with Mrs. Sara K. Edwards, for Lot 31, Section L-Annex, Elmwood Cemetery, transferred from W. Atwood Edwards and wife, at \$1.00 for transfer.
- (e) Deed with Mrs. Sara K. Edwards, for Perpetual Care on Lot 31, Section L-Annex, Elmwood Cemetery, at \$100.00.
- (f) Deed with Heirs of John Hill, for Lot S, 1/2-85, Section E, Elmwood Cemetery, at \$1.00 for new deed.

REFUND OF OVERPAYMENT OF INTANGIBLE TAXES TO STATE BOARD OF ASSESSMENT AUTHORIZED.

Motion was made by Councilman Brown, seconded by Councilman Wilkinson, and unanimously carried, authorizing the refund of \$41,673.60 to the State Board of Assessment, representing overpayment on intangible taxes to the City of Charlotte.

SUPPLEMENT NO. 1 TO LEASE-AGREEMENT WITH DELTA AIR LINES, INC. TO PERMIT THE CONSTRUCTION OF AN AIR CARGO BUILDING, AUTHORIZED.

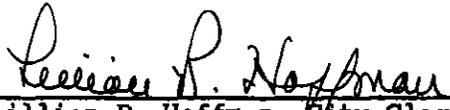
Councilman Brown moved that the Mayor and City Clerk be authorized to execute a Supplement to the Lease-Agreement with Delta Air Lines, Inc., by which they will be permitted to construct an air cargo building at Douglas Municipal Airport. The motion was seconded by Councilman Wilkinson, and unanimously carried.

TRANSFER OF FUNDS FROM EMERGENCY FUND TO CITY ATTORNEY, BUDGET TRAVEL ACCOUNT.

Upon motion of Councilman Baxter, seconded by Councilman Dellinger, and unanimously carried, \$50.00 was authorized transferred from the Emergency Fund (Code 110) to the City Attorney Budget, Travel Expenses account.

ADJOURNMENT.

Upon motion of Councilman Brown, seconded by Councilman Dellinger, and unanimously carried, the meeting was adjourned.



Lillian R. Hoffman, City Clerk