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The regular meeting of the City Council was held in the Council Chamber, City Hall, at 4:00 o'clock P. M., Wednesday, March 2, 1938, with Mayor Douglas presiding, and Councilmen Albea, Baxter, Durham, Griswold, Hovis, Hudson, Huntley, Little, Nance, Sides and Wilkinson present.

Absent: None.

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MINUTES APPROVED.

On motion of Councilman Albea, seconded by Councilman Hudson, the minutes of the meeting of February 16th. were approved as read, and on motion of Councilman Wilkinson, seconded by Councilman Huntley, the February 23rd. minutes were approved as read.

USE OF ARMORY WITHOUT CHARGE GRANTED EBENEZER BAPTIST CHURCH (COLORED).

On motion of Councilman Griswold, seconded by Councilman Hovis, the request of the Ebenezer Baptist Church (colored) for free use of the Armory on Sunday April 29th., for a Musical Program, was granted. The proceeds from this program will be used for repairing the church.

PURCHASE OF ASPHALT.

Bids having been called for on asphalt material to be used in covering car tracks and repairing city streets within the next twelve months, and only one bid having been received, Councilman Wilkinson moved that the contract be awarded to this bidder, the Caldwell Construction Company on a unit price basis, as follows:

1,000 tons, more or less, Sheet Asphalt	
@ \$6.95 per ton	\$6,950.00
300 tons, more or less, Asphalt Binder	
@ \$5.90 per ton	1,770.00
1,000 Gallons, more or less, Asphalt Binder Paint, at .10 per gallons	100.00

and that the Mayor and Clerk execute contract on behalf of the City of Charlotte. This motion seconded by Councilman Albea and unanimously carried.

BEER LICENSE TO BE PRO RATED.

On motion of Councilman Wilkinson, seconded by Councilman Griswold and carried, the license charge for the sale of beer is to be pro rated on a quarterly basis in conformity with the City's other existing licenses.

ONE BLOCK ON CHATHAM AVENUE TAKEN OVER FOR CITY MAINTENANCE.

On motion of Councilman Nance, seconded by Councilman Albea and carried, the 1900 block of Chatham Avenue, from the point where the present City maintenance ends to Kensington Drive, approximately 300 feet, was taken over for City maintenance. This street was reported by the Engineering Department to be in good condition.

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CHARGE FOR MUNICIPAL AIRPORT AUDIT TO BE PAID.

On motion of Councilman Hovis, seconded by Councilman Huntley, the invoice of Richard Hunter and James E. Bevis, Certified Public Accountants, for \$232.50, for services rendered in making an audit of the Municipal Airport Funds, was approved for payment from unappropriated revenue.

AN ORDINANCE FOR THE DRAINAGE OF CREEKS WITHIN THE CITY LIMITS.

The following Ordinance was read by the City Manager, and on motion of Councilman Wilkinson, seconded by Councilman Hovis, was unanimously adopted on three readings, and declared to be an ordinance of the City of Charlotte by the Mayor:

AN ORDINANCE  
TO PROVIDE FOR THE DRAINAGE OF PORTIONS OF  
LITTLE SUGAW CREEK, IRWIN CREEK AND STEWART'S  
CREEK WITHIN THE CORPORATE LIMITS OF THE CITY  
OF CHARLOTTE.

The Governing Body of the City of Charlotte do resolve and ordain:

Section 1: That it has been made to appear after due investigation and it is hereby determined and found as a fact that it is necessary and/or desirable for the preservation and promotion of the health of the citizens of the City of Charlotte that the following described portions of Little Sugaw Creek, Irwin Creek and Stewart's Creek within the corporate limits of the said city be organized as and included within a drainage district under the jurisdiction of Mecklenburg Drainage Commission and be widened, deepened and dredged, to-wit:

(a) That portion of Little Sugaw Creek in the easterly part of said City extending from its intersection with East Fourth Street up to the forks of the said creek and then up each of the two prongs of the said creek to their respective intersections with the city limits.

(b) That portion of Irwin Creek beginning at its intersection with the southerly side of West Trade Street within said city and extending thence up the said creek to its intersection with the city limits.

(c) That portion of Stewart's Creek beginning at its intersection with Tuckaseege Road in the said city and extending thence up the creek to the Seaboard Air Line Railroad tracks.

Including also the several branches and tributaries of the said creeks as provided in the Mecklenburg Drainage Law.

Section 2: That Mecklenburg Drainage Commission be, and it hereby is, requested to set up, organize and establish the aforesaid portions of the aforesaid creeks as a separate drainage district or include same as part of a drainage district under the jurisdiction of said Drainage Commission and under the authority of Chapter 387 of the Public Local Laws of North Carolina of the Session of 1937 and the several acts therein referred to, and to widen, deepen and dredge said portions of said creeks.

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Section 3: That the drainage of the said creeks having been approved by Works Progress Administration as a project under the sponsorship of the City of Charlotte and Mecklenburg Drainage Commission and said Works Progress Administration having agreed to provide for payment of a portion of such project, and Mecklenburg County and/or Mecklenburg Drainage Commission having agreed to pay or provide for a portion of the cost of the said drainage project, that the City of Charlotte, as its contribution towards the cost of such project, shall pay and/or provide towards the cost of same the following:

(a) All engineering services in connection with the said project; )b) the removal and/or reconstruction and/or alteration so as to conform to the engineering requirements of the said project of all city water lines and mains, city sewer lines and mains, city storm drains, abutments and/or foundations of any bridges over city streets which might form obstructions to the proper drainage of said portions of said creeks; and (c) contribute and pay to Mecklenburg Drainage Commission, upon demand, the sum of Two Thousand Dollars (\$2,000.00) to be used by it in defraying the costs of the accomplishment of such drainage, such part of the said \$2,000.00 not necessarily used upon the said project to be refunded to the City of Charlotte, and for the purpose of providing such sum a sufficient tax shall be levied in the next fiscal year of the City of Charlotte to provide such sum.

INVOICE OF J. M. SCARBOROUGH APPROVED.

On motion of Councilman Wilkinson, seconded by Councilman Huntley and carried, the invoice of Mr. J. M. Scarborough, fr attorney's fees in filing, preparing and trial of case of Strickland vs. City of Charlotte, and special court proceedings in Alice Taft Estate, amounting to \$250.00, was approved for payment.

ARMORY-AUDITORIUM GRANTED FOR SCHOOL BOXING MEETS WITHOUT CHARGE.

Councilman Hovis, on behalf of Mr. Bob Allen, Director of Physical Education, Central High School, asked that the Armory-Auditorium be granted free of charge for the school boxing meets being held on March 1, 2 and 3rd., and on motion of Councilman Hovis, seconded by Councilman Durham, and carried, this request was granted.

TAXES OF E. C. GRIFFITH ET AL.

The City Attorney reported that the Finance Committee, City Manager Marshall, Mr. Armstrong, Collector of Revenue, and the City Attorney had gone into the matter of taxes and street assessments owed by E. C. Griffith Company, et al, in the City of Charlotte, and that they desired the Council to authorize him to employ the service or services of attorney or attorneys to handle the matter of an equitable receivership for the property of E. C. Griffith Company et al, for the purpose of attempting to collect the street assessments and taxes due the City of Charlotte, with the understanding that the cost relative to the receivership and attorney's fees should come out of the receivership and not to be paid directly by the City of Charlotte.

Mr. Boyd was asked to explain what he meant by an equitable receivership, which was done, and after discussion by the Council, Councilman Durham, Chairman of the Finance Committee, moved that the recommendation of the Finance Committee be approved, which motion was seconded by Councilman Griswold and carried.

Later on in the meeting, Mr. John Shaw appeared before the Council asking that the above motion be rescinded by the Council until

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the matter could be discussed with Mr. Griffith, who was out of the City, stating that such action on the part of the City would ruin this Company. Mr. C. W. Todd, of the E. C. Griffith Company, stated he would like to have the privilege of showing the Council just what the plans of his company are before being thrown into receivership, and after hearing the above gentlemen, Councilman Durham moved that the above motion be rescinded and no action taken in the matter until Mr. E. C. Griffith returned to the city. Motion seconded by Councilman Wilkinson and carried.

SUNDAY ORDINANCES PRESENTED.

Councilman Baxter stated that he felt that due to the absence of a member of the Council at the last meeting when an ordinance was presented which would permit outdoor sports, he again wished to present such an ordinance but that before doing so, Councilman Sides wished to introduce a motion. Thereupon, Councilman Sides moved that the question of Sunday observance as to ordinances proposed by the Council be tabled until such time as an official referendum could be held. This motion seconded by Councilman Huntley. A discussion was held as to this motion, there being no ordinance before the Council at this time. Councilman Hovis asked that the motion be tabled until he could present an ordinance which he had. Councilman Sides, with the consent of Councilman Huntley, withdrew his motion, and the following ordinance was presented by Councilman Baxter, who moved its adoption, which motion was seconded by Councilman Griswold:

AN ORDINANCE  
TO AMEND AN ORDINANCE PROHIBITING THE  
PERFORMANCE AND OPERATION OF CERTAIN  
BUSINESS AND COMMERCIAL SPORTS AND AMUSE-  
MENTS ON SUNDAY.

BE IT ORDAINED by the City Council of the City of Charlotte:

Section 1. That that certain ordinance passed by the City Council of the City of Charlotte July 24, 1935 and recorded in Ordinance Book 7, at Page 120-A in the office of the City Clerk, entitled, "AN ORDINANCE TO PROHIBIT THE PERFORMANCE AND OPERATION OF CERTAIN BUSINESS AND COMMERCIAL SPIRITS AND AMUSEMENTS ON SUNDAY", be amended by repealing and striking out of said ordinance the following provisions:

"Or to engage in or operate any place of amusement, show, game, or sport where a fee is charged for admission as a spectator, or to participate in any game, sport or amusement where an admission fee is charged, whether such admission fee be upon a club basis or otherwise,"

and substituting therefor the following:

"Or to engage in or operate any place of indoor amusement or show where a fee is charged for admission as a spectator, or to participate in any indoor amusement or show where an admission fee is charged, and it shall be unlawful to operate any pool room or bowling alley in the City of Charlotte on Sunday, it being the purpose, intention and effect of this amendment to legalize outdoor games, sports and amusements on Sunday where an admission fee is charged."

Section 2. That this amendment, when duly adopted by the

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City Council according to law, shall be and become a part of that certain ordinance adopted by the City Council on July 24, 1935 and recorded in Ordinance Book 7, at Page 120-A in the office of the City Clerk.

Section 3. That this amendment, when so adopted, shall become effective from and after the date of its first publication in the Charlotte News.

Councilman Sides, seconded by Councilman Huntley, offered a substitute motion that the matter be tabled until an official referendum could be held as authorized by the Legislature, with the following result:

For the motion: Councilmen Sides, Albea, Nance, Hudson, Wilkinson and Huntley.

Against: Councilman Baxter, Durham, Hovis, Griswold and Little.

The Mayor declared the motion carried. Thereupon, Councilman Hovis presented and moved the adoption of the following Ordinance which would close the City entirely with the exception of necessities, but no second was received to this motion:

ORDINANCE

BE IT ORDAINED by the City Council of the City of Charlotte:

Section 1. That all Ordinances and clauses of Ordinances heretofore adopted by the Governing Body of the City of Charlotte relative to Sunday Observance are hereby repealed.

Section 2. That from and after the adoption and first publication of this Ordinance it shall be unlawful for any person, firm, corporation or association of individuals to carry on, operate, engage in or keep open for business within the City limits of the City of Charlotte on the Sabbath Day, commonly called Sunday, any store, shop, or any place of business of any nature except:

Hotels, Restaurants, Cafes and Boarding Houses for the purpose of supplying meals and lodging only; Drugstores for the sale of drugs, medicines, medical supplies and ice cream and milk; cigars, cigarettes and tobacco only; Newspapers and the sale thereof, and Newspaper and Magazine Stands for the sale of newspapers only; Emergency Repair Service; Public Utilities, including Street Railways, Railroads, Buses; Taxicabs for the purpose of transporting passengers only and trucks for the transportation of perishable articles only and trucks engaged in inter-State Commerce; Telephone, Telegraph and Radio Service; Dairy Products; Ice and Ice Cream and the sale thereof; provided it shall be unlawful for any person, firm or corporation to sell or serve without meals any soft drinks, beer or wine.

Or to engage in or operate any place of amusement, game or sport where a fee is charged for admission as a spectator or to participate in any game, sport or amusement where an admission fee is charged, whether such admission fee be upon a club basis or otherwise, and it shall be unlawful to operate any poolroom or bowling alley in the City of Charlotte on Sunday.

Section 3. That Sunday shall include the time from 12:00 Midnight Saturday to 12:00 o'clock Midnight Sunday.

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Section 4. That any person, firm, corporation or association of individuals violating any of the provisions of this Ordinance shall, upon conviction, be subject to a penalty of \$50.00 for each and every violation and conviction.

Section 5. That if any clause, sentence, paragraph or any part or provision of this Ordinance shall, for any reason, be adjudged by a Court of Competent Jurisdiction to be invalid, such Judgment shall not affect, impair or invalidate the remainder of said Ordinance, but shall be confined in its operations to the clause, section or provision or part thereof directly involved in such Judgment.

Section 6. That this Ordinance shall become effective on and after its adoption and first publication.

Councilman Hovis asked that the newspapers take notice that he had advocated a closed Sunday and received no support.

BIDS TO BE PLACED BY MUNICIPAL AIRPORT FOR REFUELING OF GOVERNMENT PLANES.

Mr. W. States Lee, Chairman of the Municipal Airport Commission, advised the Council that the Commission had received an invitation to bid on supplying gasoline for Government ships, which would require that a bond or certified check be furnished, and that the Commission could not furnish such bond, but that he was endeavoring to find out if the Government would accept the bid without such bond and if not, or if the Government required the bid be placed by the City of Charlotte instead of the Airport Commission what action the Council could take in the matter. Mr. Lee stated that it would mean quite a lot to the Airport to receive this business and that he was very anxious to get the contract. He was informed by the Mayor that if it was necessary for the City to place the bid that a special meeting would be called for the purpose of going into the matter.

CEMETERY DEEDS.

On motion of Councilman Albea, seconded by Councilman Huntley, the following cemetery deeds and perpetual care agreement were ordered approved and recorded:

Mrs. Paul Mangrum,	Lot No. 74, Section "Y" , Elmwood	\$35.00
Mrs. Marie Wolfe,	East Half Lot No. 37-B, "D Annex"	56.00
Mrs. Richard A. Payne,	Lot No. 75, Section "Y"	35.00
Robert E. Helms,	East Half Lot No. 342, Section "U"	35.00
Mrs. Francis Herron,	Lot No. 8, Section "Y"	63.00
Mrs. Mary D. Smith,	Perpetual care on S. Half Lot No. 21, Sec. "J"	50.00

AN ORDINANCE TO REPEAL ALL ORDINANCES NOW IN EFFECT RELATIVE TO SUNDAY OBSERVANCE.

Councilman Hovis again brought up the Sunday question by stating that an effort had previously been made to get the Legislature to give authority to hold a referendum on the Sunday question but without success, and in an effort to get such authority at the next session of the Legislature, he wished to offer the following motion, and moved its adoption, which was seconded by Councilman Baxter:

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AN ORDINANCE  
TO REPEAL ALL ORDINANCES AND CLAUSES OF  
ORDINANCES NOW IN EFFECT IN THE CITY OF  
CHARLOTTE RELATIVE TO SUNDAY OBSERVANCE.

BE IT ORDAINED by the City Council of the City of Charlotte:

Section 1: That all Ordinances and clauses of Ordinances heretofore adopted by the Governing Body of the City of Charlotte prohibiting the carrying on of any business, trade, profession, game, sport, show or amusement on Sunday are hereby repealed, whether the same be referred to herein specifically or not.

Section 2. That all of the provisions of that certain Ordinance adopted by the City Council of the City of Charlotte on the 24th day of July 1935 and recorded in Ordinance Book 7, at page 120-A in the office of the City Clerk, entitled "AN ORDINANCE TO PROHIBIT THE PERFORMANCE AND OPERATION OF CERTAIN BUSINESS AND COMMERCIAL SPORTS AND AMUSEMENTS ON SUNDAY" be, and the same hereby is repealed and all of the provisions thereof.

Section 3. That all ordinances and clauses of ordinances in conflict herewith are hereby repealed.

Section 4. That this Ordinance and each section hereof shall become effective when adopted, from and after the date of its first publication in the Charlotte News.

Councilman Hovis explained that this would leave Charlotte with only the State law, which provides for \$1.00 penalty for violation of the Sabbath.

The following vote was taken on the motion to adopt this ordinance, and the Mayor declared the ordinance failed to carry:

For: Councilmen Hovis, Baxter, Durham, Little and Griswold

Against: Councilmen Sides, Albea, Nance, Hudson, Wilkinson and Huntley.

ADJOURNMENT.

On motion of Councilman Wilkinson, seconded by Councilman Albea, the meeting then adjourned.

*Alice B. McConell*  
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City Clerk