

February 5, 1968
Minute Book 50 - Page 36

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 5, 1968, at 3:00 o'clock p.m., with Mayor Stan R. Brookshire presiding, and Councilmen Fred D. Alexander, Sandy R. Jordan, Milton Short, Gibson L. Smith, James B. Stegall, Jerry Tuttle and James B. Whittington present.

ABSENT: None.

The Charlotte-Mecklenburg Planning Commission sat with the City Council, and as a separate body, held its public hearings on Petitions for changes in zoning classifications concurrently with the City Council, with the following members present: Chairman Toy, and Commissioners Albea, Gamble, Sibley and Tate.

ABSENT: Commissioners Ashcraft, Godley, Stone, Turner and Wilmer.

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INVOCATION.

The invocation was given by Reverend Rudolph A. Hendricks, Minister of South Tryon Presbyterian Church.

MINUTES APPROVED.

Upon motion of Councilman Smith, seconded by Councilman Short, and unanimously carried, the minutes of the last meeting, on January 29, 1968, were approved as submitted.

HEARING ON PETITION NO. 68-12 BY CHARLOTTE PARK AND RECREATION COMMISSION FOR A CHANGE IN ZONING FROM O-6 TO B-2 OF PROPERTY BOUNDED BY KINGS DRIVE, PARK DRIVE, INDEPENDENCE BOULEVARD, SEVENTH STREET, PROPERTY NOW OCCUPIED BY MEMORIAL STADIUM.

The scheduled hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated the subject area is occupied by the stadium which is bounded by Independence Boulevard, Park Drive, Kings Drive and Armory Drive. The land uses in the area is the stadium, Park Center, a miscellaneous group of uses along Seventh Street, a mixture of business and residential, and Jordan's Motel, located on the corner of Armory and Seventh Street. There are two or three other businesses in the block, including a used furniture store and dry cleaners. Other than that there are some single family and multi-family uses as well.

He stated Piedmont College owns the property from Park Drive all the way over to Elizabeth Avenue and zoning at the present time as is the area along Seventh Street is B-2. There is business zoning along Kings Drive and also along Elizabeth Avenue, going out of town. Other than that the College property, the subject property and the Independence Park area is zoned O-6.

Mr. Bryant advised the purpose for this request is to permit the enlarging of the stadium.

Councilman Whittington asked who owns the property adjacent to the stadium along Seventh Street; if it is individual parcels and if the Recreation Commission owns any of it? Mr. D. R. Martin, Chairman of the Park and Recreation Commission, stated the Commission owns one lot and the rest of it is owned by individuals.

Councilman Whittington asked the City Attorney if the Park and Recreation Commission has the right to condemn property for the purposes of the use of a stadium or for expansion? Mr. Henry Underhill, Assistant City Attorney, replied he did not know if the Park and Recreation Commission itself has this authority but the City perhaps as the governing body controlling the Park and Recreation Commission would have the right.

Mr. Bryant stated this area along Seventh Street is included in the First Ward Urban Renewal Project area and when this gets started, will be some possibilities.

No objections were expressed to the petition.

Council deferred decision until later in the meeting.

DECISION ON PETITION BY AMBULANCE SERVICE OF CHARLOTTE, INC., FOR CHANGES IN AMBULANCE SERVICE RATES, DEFERRED FOR ONE WEEK.

The scheduled hearing was held on the subject petition.

Mr. John Thrower stated he is not here to oppose the increase in the ambulance rate as he realizes this is perhaps a necessary evil to continue the service that we have been getting. But it has been his basic contention for several years the primary function of the city government would be for the prevention, protection and preservation of property and lives.

He asked the Mayor and Council if they would appoint a Committee to survey this situation. That the public does not have full access to all of the information and statistics necessary to form a conclusion but he believes that this service could be best administrated by the Fire Department, by strategically locating these ambulances throughout this city and maintaining them with fire personnel on a 24 hour a day basis.

Mr. Thrower stated there has been some concern about cost. This is not to say it will be done free of charge but it would be done with a practical charge. Private enterprise must pay ad valorem tax; they must pay licenses, fees, and also must show a profit. From this standpoint, he again requested that Council authorize the Mayor to appoint a committee to report back to this body with more information than we have at this time.

Mr. Roddy Brandes, owner of Ambulance Service of Charlotte, Inc., stated on July 10, 1960, the Ambulance Service of Charlotte commenced operation after intensive study of many types of ambulance service. On November 19, 1961, Council enacted into Ordinance a chapter dealing with ambulances. That this ordinance has been appraised by national groups as one of the best ever written; it has been copied in many cities and is now being used as a guide line by many states. That he has mailed out over 500 copies of this ordinance. The American College of Surgeons has engaged this ambulance service for the production of free training films to be used nationwide in training emergency personnel.

He stated the new state law for ambulances in North Carolina does not equal the one in Charlotte. That it has been their intention to affect an ambulance service second to none and at a fee reasonable enough to be afforded all citizens. That he feels they have accomplished this in the rates and services performed when compared with other cities of like size or larger.

That in most cities where rates are \$20 or higher, subsidies of \$40,000 and up are not uncommon. One metropolitan southern city subsidizes the operation \$286,000 per year with the operator having the option to retain all of its collections. Mr. Brandes requested the proposed increase based not on what the other cities are doing, but what he has found to be necessary not only to continue their service but to constantly seek means to improve it.

That the primary substance of good ambulance service is personnel which is his greatest expense as is that of government and industry. They must compete with industries for wages and hours worked, remembering where most industries employ an 8 hour working day - theirs is a 24 hour working day. To try to circumvent federal labor laws with cheap labor is pure folly, not to mention that the city would receive inadequate service.

Mr. Brandes stated the increase he has requested is based on good accounting procedures as Council will note from the articles presented earlier which speak the need better than he can express.

Councilman Smith moved approval of the request for rate increases, which was seconded by Councilman Stegall.

Councilman Short stated an increase is probably in order but before approving a 33-1/3 percent increase and applying this upon the public, he would appreciate having the opportunity of studying the audit and financial statement for another week; that Council has not had this opportunity because the statement was not available to them for one reason or another heretofore. Councilman Short made a substitute motion to defer this matter for one week and be placed on the docket again next week. The motion was seconded by Councilman Tuttle, and carried unanimously.

PETITIONS REQUESTING DOG LEASH LAW FOR CHARLOTTE PRESENTED TO COUNCIL.

Mrs. Betty Owen stated she has several petitions to present to the City Council as an expression of great concern regarding untended dogs in the City of Charlotte with the request for the immediate passage of a dog leash law which is adequate and enforceable. That she has received hundreds of phone calls in response to the article in The Charlotte News and the Charlotte Observer about a dog leash law. That well over 3/4 of the calls come from dog owners who keep their dogs up but are constantly bothered by dogs that are turned loose in their neighborhood.

Mrs. Owen stated she has received calls from the SPCA; from people in the Humane Society, from members of Kennel Clubs and generally from citizens who are dog lovers but who believe that dogs should have good homes, should have proper care and should be kept in their own premises. She stated she has had calls from young mothers who are afraid to get out and stroll their babies or walk their toddling children up the street because dogs follow them, nipping at their heels and generally being a nuisance; mothers and fathers of school age children who are afraid for their sons and daughters to walk to and from the schools in Charlotte

because of vicious dogs who attack them, take their lunches away from them and generally intimidate them, even on the school grounds; disabled people who cannot enjoy a walk on their own block because they are threatened by dogs; retired people who cannot work in their own yards or step out in their own yards without fear of a dog lunging at them and intimidating them.

She stated older people like to take walks; that the older citizens in Charlotte have complained to her about not being able to take a walk safely on the public streets of Charlotte without being intimidated. That she has had calls from young couples who would like to enjoy the privacy of their own patio, who cannot cook out and have their children on their own patio without having frequent interruptions and invasions by bands of neighborhood dogs who are untended and unwatched. Mrs. Owen stated she has had calls from people who have smaller pets, cats and dogs, who are afraid to let them out in their own yards, even with fences, because they are attacked by bands and packs of roving, prowling dogs.

That paper boys cannot safely deliver to many homes in Charlotte because a dog on the street follows them from house to house, nipping at their heels and tearing their pants; mailmen at the East Branch Post Office signed one petition because they cannot deliver mail; deliverymen cannot deliver packages without the aid of dog spray which does not even do the job. That she has had calls from people who live near the railroad tracks who tell her that dogs are born, grow up, scavenge along those tracks, reproduce and die along those tracks, essentially wild dogs who are never tended or picked up.

That she has had calls from people all over Charlotte who object to having their yards used as a waste depository for the neighborhood dogs; calls from people who report repeated damage to shrubbery, trees uprooted; from a woman who reported she and her husband planted a flowering crab apple tree and the next morning it was down in the street, dug up by a band of dogs.

She stated she has had calls from husbands who are thoroughly tired of picking up the garbage after it has been turned over; that she has pictures to show overturned garbage cans; that it seems to her that some of the major litterers in this town are untended and unwatched dogs.

Mrs. Owens stated she has received calls from people who have found that their only recourse is to take a warrant against their neighbor to get any satisfaction; they cannot go to that neighbor and say put your dog up; that they have no legal right to insist that the dog be put up as a nuisance to the neighborhood.

That the last category consists of people who would not give her their names - they are afraid to complain because their neighbors have dogs and children and other things that would in some way intimidate them; they are afraid for their names to be used - they are afraid to sign a petition. That bands of four or more dogs are a common thing in the City of Charlotte; they constitute a public nuisance, a public health problem and a public menace.

She stated the people of Charlotte have a right to expect legal protection by means of an adequate dog leash law; they cannot afford to wait any longer; they have been patient, they have put up with this for 25 years. They cannot afford to wait until a child or adult is attacked or mutilated or killed. That the petitioners main concern is bands of dogs, there is no question about it. The she understands that much of the ground work for a dog leash law has been done - and the petitioners want to know about that ground work - they want the Council to take positive action, give them a public hearing, but give them something to have dog control in the City of Charlotte.

Mayor Brookshire stated a number of the things Mrs. Owen has complained about are covered by City ordinances. Mrs. Owen stated the names and addresses on the petitions are from all over Charlotte - they have not made a concerted effort to get a great number of names - they have no organized crusade - they simply have responded and these are the names that have come in due to the article in the paper recently.

Colonel George Poole, Somerset Drive, stated they have lived in the area for some twenty years and in the last two years, the dog problem has gotten completely out of hand. They have prided themselves on a street that had good lawns and good homes on it and now the lawns are being torn up by these dogs. That retired people get a lot of enjoyment out of raising small gardens in the summer time. You sow the gardens and the next day the dogs are in there and have torn them up again. In the interest of neighborhood amity, they have talked to them nicely and their attitude is one of "what are you going to do about it?" He urged Council to consider a dog leash law. If cities like Concord and Gastonia can have such laws, a city like Charlotte can do it as well.

Mr. Frances L. Peterson, 2427 Cornell Avenue, stated he has lived at this address since 1953. That it has only been in the last two years that the problem has accentuated. Up to that time they had no dog problem. That he is a dog lover; that he grew up with dogs as a child but he lived on a farm where they were not a problem and they were kept where they were not a problem. That no less than fifty times he took a shovel and cleaned up the depositories in his front yard this past summer; that he did not say a word to a neighbor; that he made up his mind it was his problem until the city code protected him. Yesterday he and his wife drove a huge dog out of the back yard which was digging up one of their shrubs. Mr. Peterson stated he reads of these experiences in neighboring states of children being attacked by dogs and he hopes that this does not occur in Charlotte.

Mr. J. V. Barrett, 522 Wellingsford Street, stated he has a neighbor who has a good fence and keeps his dog in it; that they have not had a natural night's sleep in three months. That dog starts barking about 2:00 A.M.; he sits fifteen feet from his bedroom. That the leash law is well and good to keep a dog from biting someone, but the fence proposition does not relieve the person that has his sleep disturbed at night.

Mr. Barrett stated \$2.00 a year is not enough to support the dog compound. He suggested that a tax of \$10.00 be placed on each dog that weighs under ten pounds and \$1.00 a pound for every pound over ten. He stated dog owners should keep their dogs in their houses from 7:00 P.M. to 7:00 A.M. That his neighbor has been notified three different times by the dog pound about their dog. That he is told he has to sign a warrant, and get the neighbors to sign. Mr. Barrett stated this is happening all over the city not just as his house.

Mrs. Susan Watkins, 6308 Kelsey Drive, stated the city needs to do something about the leash law immediately, and not wait until something happens as it did in Virginia when the two little boys were torn apart and killed in front of their father. She asked how long we will have to wait in Charlotte until something is done?

Mrs. A. J. Selzer, Sr., 828 Sedgefield Road, stated she has the same problem as Mr. Barrett with the barking dog. That she has been bothered for five solid years with a dog awaking them at one o'clock, two o'clock and four o'clock; that she gets on the phone and calls the owner and they never hear the dog. That she has called the pound and Mr. Roberts and his people are very nice, and most cooperative. They come out and check it but they cannot do anything as long as the dog is in the owner's yard. She asked what good is a law when it is a nuisance and they cannot pick up the dog? They tell her she has to swear out a warrant and declare it a nuisance.

Mrs. Thelma Weddington, 5719 Barrington Drive, stated she has the same problem everyone else has and she would appreciate it very much if Council would take some action.

Mr. J. N. Yandle, 234 South Trade Street, Matthews, North Carolina, stated he is an animal lover and has both dogs and cats and he knows they are a nuisance at times. He stated the ordinance dealing with the Pet Department and the care and control of dogs should take care of a lot of the damage to gardens or vegetables or in any way they conduct themselves to be a nuisance. That Section 3-32 of Chapter 3 states it shall be unlawful for any dog owner to keep or have within the city a dog that habitually or repeatedly barks in such a manner or to such an extent that it is a public nuisance. Section 3-25 of the same chapter states a dog must not run loose or at large between 7:00 at night and 7:00 in the morning.

Mr. Yandle stated he is an investigator for the Mecklenburg County Humane Society and he goes all over the county; that he is also State Representative for the American Humane Association, Denver, Colorado. He stated he believes our laws are adequate to cover these situations if they were enforced. That Mr. Roberts does a wonderful job gathering the stray dogs up. That before a leash law is passed he hopes that the laws which are already written will be enforced. If the laws which are already written cannot be enforced, why put more laws on the books?

Mr. Yandle stated he has had at least 100 calls from people asking him to come down and appeal to the Council regarding the leash law; that a lot of people cannot fence their property to keep the dogs in.

Mr. G. Richard Davidson, 1124 Dade Street, stated after spending six weeks in a hospital with a coronary thrombosis, he was instructed to get a least ten hours sleep at night and to take a nap every day, and start the first week and walk around the block. The first morning home he was waked up at 5:30 in the morning by an explosion under his window by a dog that follows the paperboy around, trying to flush a cat from under the shrubbery; that became a morning occurrence. He talked to the boy and he asked him what he was going to do about it; and tried to explain his position to him and his father who said they could not keep the dog in. When he tried to take his walk there was a big police dog that shook him up badly that he stood and faced him but he did not come nearer than about 20 feet and just barked at him; so he eased on up the street and he got up to the corner and a little dog ran up and almost grabbed him and he started to shake him off and the big dog got closer with his hackles up and he was defending the little dog. That he was frozen for at least five minutes, and he was wet with sweat. That he thought he was going to die right there. The woman who owned the dog came out on the porch and told him not to pay any attention as he would not bite.

He asked if it is necessary to wait until a dog tears someone to pieces before something is done; should it be necessary when they pay taxes and get little use for it.

Mrs. Zeda Mayberry stated she lives in the Westover Hills Section, just beside the Westover Baptist Church, and the people in that area have been through everything that has been said here today. That recently dogs congregate in the parking lot of the Church, and a number of them have lost their cats. They drag the cats from their homes and tear them apart in the parking lot. That she had one big Persian cat for ten years and a big dog, of the German Shepard type, killed it at 3:00 o'clock in the morning at their own door steps. That at the present time they keep their cats enclosed on a porch and take them out on a leash as they do their little dogs. That they would not dare let them out alone.

Mrs. Owens asked if the things mentioned by Mr. Yandle are not the things that require a warrant; that this is the kind of thing that creates a great deal of ill will; that they would like to avoid that if they can.

Councilman Tuttle stated in the event of a leash law you would still need a warrant on a barking dog. Councilman Smith stated under a leash law if a dog was seen abusing property then you could call the dog pound and have it picked up if he is not leashed. That it gives the owner the change to protest to the government rather than the individual.

Councilman Smith moved that the City Manager have the legal department study a leash law, not only for dogs but for cats also, and study some of the ordinances that have been passed in Greensboro and other comparable towns to Charlotte, and present it to Council for study; that he would think there would be a public hearing later and perhaps a referendum. The motion was seconded by Councilman Whittington.

Councilman Short requested the investigation include some survey of those ordinances that pertain to the number of dogs a family may have, whether with or without a leash law. That this matter has been brought up by some people. That with or without the leash law perhaps this matter could be studied and there would be no additional trouble to study it along with the other.

Councilman Whittington commended Mrs. Owens and the others who have come to Council today to tell how they feel about this particular ordinance. That Council needs to know how the citizens of this community feel about this particular ordinance; it is brand new and something that has been talked about often. This gives Council an indication of what the citizens feel and a public hearing would give a further indication of what the citizens want and from that we could go to a referendum, and have this resolved one way or another.

The vote was taken on the motion and carried unanimously.

Councilman Alexander asked what ordinances are on the books at present and not being enforced; if there is any problem the city has in trying to enforce what ordinances we do have? Mr. Veeder, City Manager, replied he does not believe there is any problem; that the city is required to enforce the barking dog portion on a basis of a warrant; and does not have the option of doing this. Councilman Alexander asked if there is an ordinance that says a dog must be kept up during certain hours, and Mr. Veeder replied yes, between 7 PM and 7 AM. Mr. Veeder stated there were as many as 12,000 dogs picked up last year and this came about in some large measure by this type of enforcement; that this does not get at the problem Mrs. Owen and the others are talking about.

RESOLUTION CONFIRMING THE ASSESSMENT ROLL FOR LOCAL IMPROVEMENTS ON SHENANDOAH AVENUE, FROM WESTOVER STREET TO BASCOM STREET, ADOPTED.

The hearing on the preliminary assessment roll for improvements completed on Shenandoah Avenue, from Westover Street to Bascom Street, by installing storm drainage facilities and constructing standard curb and gutter, at a total project cost of \$15,264.34, of which the city's share is \$9,755.54, and the share to be assessed against the abutting properties is \$5,508.80, at an assessment rate of \$5.008 per front foot, was continued from the last Council meeting.

Mr. Josh Birmingham, Assistant City Engineer, stated he has talked with Mr. Joseph T. Nassar at length and has gone over the whole procedure of the street assessment with him; that he also talked with the person handling this particular petition assessment. Apparently there was some misunderstanding on Mr. Nassar's part; however, he says now he understands it, but is not pleased with it; he admitted he did not read the notice when it was sent out on October 8th which listed the improvements and did not list the sidewalks. Mr. Nassar has asked the Engineering Department to help him get some additional prices so that he may put the sidewalk in himself, which they have agreed to do. As far as the petition is concerned, he does understand it at this time.

Councilman Whittington stated the Engineering Department could do a good job in public relations and good will as far as the city is concerned and the people who live in the block above and block below and the subject block. In the three blocks, the majority of the people are widows, old people who are retired without too much income and they did not sign these petitions. That they are confused that they are paying for storm sewers in their block and the people above are not. They also do not understand and said they were not told that they have to pay 6 per cent interest on their costs in front of their particular property. That this should be a part of the record and that the City should go house to house out there and try and let these people know why you have to do one thing in one block and not do it in the block below them, so they will understand; particularly those who did not sign the petition but must pay.

The City Manager asked if in lieu of a house to house visit the City could prepare a simple written statement explaining this and mailing it to them. Councilman Whittington stated he does not know how it can be done, he brings it as a suggestion hoping the people could be given more information.

Councilman Tuttle suggested that on street paving, guttering and some of the things that are more or less standard where things happen to people as a result of petitioning by a majority that a little pamphlet be drawn up and mailed to people in all these circumstances.

Councilman Whittington moved the adoption of a Resolution confirming the assessment roll for local improvements on Shenandoah Avenue, from Westover Street to Bascom Street. The motion was seconded by Councilman Tuttle and carried unanimously at 4:15 o'clock p.m.

The resolution is recorded in full in Resolutions Book 6, at Page 52.

ORDINANCE NO. 789-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING ORDINANCE BY AMENDING THE ZONING MAP TO CHANGE THE ZONING OF PROPERTY EXTENDING FROM 1417 TO 1445 EAST SEVENTH STREET, AND FROM 415 TO 417 BEAUMONT AVENUE, FROM R-6MF AND O-6 TO B-1.

Councilman Stegall moved the adoption of the subject ordinance changing the zoning from R-6MF and O-6 to B-1. The motion was seconded by Councilman Whittington for discussion.

Councilman Whittington asked Mr. Kinzie to make his drawings a part of his presentation.

Mr. T. T. Kinzie, one of the petitioners, stated he has a design showing the new building to be put on his property which is 181 feet on East Seventh Street. Everything on the property will be cleared off. This will be a new building 70 x 70 on the first floor and 70 x 70 on the second floor. He pointed out the parking area which will comply with the city code; that the neighbors are very anxious that this might be a starter for something new.

Councilman Whittington stated at the time of the hearing Council asked Mr. Kinzie and his attorney to go back to the people in the neighborhood between Beaumont Avenue, Seventh and Independence to see if they could not come back with some plan to develop the whole area rather than the particular block. He asked if any effort was made? Mr. Kinzie replied there was and the people are very eager for something to happen; they just do not have clients who are interested.

Councilman Smith asked what type of building Mr. Kinzie's clients proposes to build and for what use? Mr. Kinzie replied it will be a brick building for organ and piano display room and he also teaches music; that he has franchise for six piano manufacturers and two organ manufacturers. Councilman Smith asked if he has a price on what it will cost to build and if so, is he prepared to proceed with it? Mr. Kinzie replied he has worked out finances with his brother who is a chemical engineer and the other brother who is in the United States service; they have worked out financing for this building and have a very good prospect who would lease the second floor. Councilman Smith asked if in Mr. Kinzie's judgement the building will be built as presented within the reasonable near future? Mr. Kinzie replied yes; his client's lease is up and he has to make a change by early summer at least.

Councilman Stegall asked if permission is granted to change the zoning today, has there been any conversation about/^{when} the old house will be torn down and the new building will be started? Mr. Kinzie replied just as soon as the financial arrangements are worked out.

Councilman Tuttle stated if Council grants this zoning and they do not get the financial aspect worked out, then he has B-1 and he could convert it or operate just as he is in the old building; there are situations all over the city where people with very good intentions are going to do a certain thing; notably at the corner of East Boulevard and Kenilworth where Council finally granted a petition for a shopping center, a filling station is going up there now. That he does not believe on that busy corner, Council would have allowed a filling station. What this Council wants to know if this is zoned B-1 is this building going up? Mr. Kinzie replied it will because his client has already talked to the people about financing it; that he is working on this just as fast as he can; but the zoning is what is holding it up as he cannot go to a finance office without the proper zoning.

Councilman Short stated the price range of this particular house, as well as the price range of houses generally along Seventh Street, and in the Elizabeth Area is the most needed price range for housing in the City of Charlotte; that we have a housing committee now trying to find this range of housing in the City; there is a Council committee working very hard on this problem. That he does not believe there is anything wrong with this house for residential use and this location as well as the Elizabeth area in general is a suitable location for residential use. That in older neighborhoods it is left to the Council to think of the needs of the entire city because the neighbors themselves do not come in as readily as they would if we were thinking of putting a B-1 out on Providence Road. That it is up to Council to be the ones who think of the overall city situation in these housing needs and he cannot personally vote for this particular zoning.

Councilman Smith stated he is going to vote for the petition but it is a kind of test case in his mind/^{and} if it is not followed through like it is presented, then Council will have to do something about this type of situation; that he is voting for it with reservations that it be followed out the way it is presented today.

Councilman Short stated he is afraid that Mr. Kinzie used the right word exactly when he said "starter"; this is getting into the Elizabeth area; it is an inviolate residential area almost and one of the ones that is somewhat older but it has a glorious past and it is still good housing.

Councilman Stegall stated we will keep driving these people to the county, and out of the city, and the city has to grow and if you are going to grow you have to build buildings, and you cannot do it any other way. That he agrees with everything that is said, but on the other side, you have to let people rezone, and let them build.

The vote was taken on the motion, and carried by the following vote:

YEAS: Councilmen Stegall, Whittington, Alexander, Jordan, Smith and Tuttle.
NAYS: Councilman Short.

The ordinance is recorded in full in Ordinance Book 15, at Page 202.

RESOLUTION AUTHORIZING THE REFUND OF CERTAIN TAXES.

Upon motion of Councilman Whittington, seconded by Councilman Tuttle, and unanimously carried the subject resolution was adopted authorizing the refund of certain taxes in the total amount of \$721.95 which was levied and assessed in error against various taxpayers.

The resolution is recorded in full in Resolutions Book 6, at Page 53.

ORDINANCE NO. 790-X ORDERING THE REMOVAL OF AN ABANDONED VEHICLE AT 2517 CELIA AVENUE PURSUANT TO ARTICLE 13-1.2 OF THE CODE OF CHARLOTTE AND CHAPTER 160-20-(43) OF THE GENERAL STATUTES OF NORTH CAROLINA.

Councilman Tuttle moved adoption of the subject ordinance ordering the removal of an abandoned 1956 blue Oldsmobile. The motion was seconded by Councilman Jordan.

Councilman Stegall stated this morning he was apprised of a situation where

a man had an automobile in his driveway which does not have a current tag; it is a 1959 Cadillac and is sitting in his yard where he cranks it up once in a while and drives it with a dealer tag. That it is a collector's item and he wants to keep it. That he moves the car and keeps the grass cut under it. The City agency went out to his house and sent him a letter saying he had to have the car moved out of his yard by a certain date or it would be towed away. Councilman Stegall stated if this is the case and it was a complaint from a neighbor saying this man had his car in his driveway and did not have a tag, this is not the purpose or intent of the ordinance. That he thought the intent of the ordinance was on abandoned automobiles and not on someone's property. The City Manager replied you need this type of ordinance to get at vehicles not on city property and not on city right of way.

Mr. Veeder stated on the subject vehicle there are photographs and information that is required that would preclude the type of thing Mr. Stegall is talking about.

Councilman Alexander stated some 18 months ago he was told the city could not go onto anyone's property and remove a car regardless of what condition it was in; if the car was in the street it was a different story. He asked if we now have an ordinance where we can go on private property and move a vehicle? Mr. Veeder replied only when City Council authorizes it by a specific ordinance for a specific vehicle in a specific location.

Mr. Underhill, Assistant City Attorney, advised the city has an ordinance adopted in March 1966 that deals specifically with abandoned motor vehicles on private property. It sets up certain requirements and conditions that are necessary to be met before an automobile is deemed to be abandoned; if it has no current state license plate or is wholly or partially wrecked or junked, dismantled or ⁱⁿinoperative condition shall be deemed to have been abandoned for the purpose of this section of the ordinance when it has been left on private property for a period of not less than seven days.

The vote was taken on the motion, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 15, at Page 203.

CHANGE ORDER NO. 1 IN CONTRACT WITH CROWDER CONSTRUCTION COMPANY FOR EDWARDS BRANCH OUTFALL.

Change Order No. 1 in contract with Crowder Construction Company for the general construction of Edwards Branch Outfall by adding \$28,025.00 to the total contract price to provide for additional concrete piers, additional concrete riprap, one additional five foot diameter manhole and 20 LF of 36-inch corrugated metal pipe was considered by Council.

Mr. Josh Birmingham, Assistant City Engineer, stated this is in the location of the Coliseum from Briar Creek Road extending up the branch and crossing Independence Boulevard. When the outfall was designed there were three choices - they could lay the line in the water of the creek, put it in the slope of the bank or put it over on the side which was in the parking lot. At the time, they felt it would save money by putting it in the slope of the bank because of the depth of the cuts in the side of the parking lot; they felt if they put the line in the creek it could impede the flow of the water. In the bank of the parking lot it was determined they would be in a 15 to 17 foot cut which was in fill dirt that would have to be treated solidly for about 1200 feet which they felt would cost too much money. They made the judgement this was the best place to put it and if their judgement was correct they could save

this \$28,000. Had they moved the line over into the bank it would have been a little more. Mr. Birmingham stated the city is still a little ahead of the game as far as the actual cost. He stated the bank has been sluffing off; they had hoped to go in and cut a straight line ditch in the slope and put it back, but due to the rain and bad weather the bank has been undermined and sluffing off and they have not been able to stabilize it.

Councilman Stegall asked if this is a mistake on the part of the Engineering Department in taking the bid or is it a mistake on the part of the bidder not being able to see this when he bid? Mr. Veeder, City Manager, replied this is a situation where the Engineering Department had some alternative ways of designing this. In designing they made the judgement to go into the bank of the creek, recognizing the possibility could exist they would have to do some additional work to stabilize it in the bank. The judgement was made that even if they had to come up with a change order to stabilize it they would still be ahead money-wise, than if they had tried to put the whole thing in a new cut section.

The Engineering Department took a calculated risk and if it had worked we would have been ahead of the game even more, but even though it did not work, we are still ahead of the game than what it would have been if it had gone the straight cut section.

Upon motion of Councilman Jordan, seconded by Councilman Alexander, and unanimously carried, Change Order No. 1 in contract with Crowder Construction Company was approved.

CONSTRUCTION OF SANITARY SEWER MAIN AUTHORIZED.

Councilman Jordan moved approval of the construction of 80 feet of 8-inch sanitary sewer main to serve Rollinghill Drive, inside the city, at the request of Merwin E. Foard at an estimated cost of \$720.00, with all cost of construction to be borne by the applicant whose deposit in the full amount has been received and will be refunded as per terms of the agreement. The motion was seconded by Councilman Stegall, and carried unanimously.

APPRAISAL CONTRACTS AUTHORIZED.

Motion was made by Councilman Tuttle, seconded by Councilman Stegall, and unanimously carried, approving appraisal contracts as follows:

- (a) Contract with Wallade D. Gibbs for appraisal of two parcels of land in connection with the Airport Terminal Area;
- (b) Contract with Harry G. Brown for appraisal of one parcel of land for the South Boulevard Intersections.

SPECIAL OFFICER PERMIT APPROVED.

Councilman Tuttle moved approval of the renewal of Special Officer Permit for one year to Mr. Robert Calvin Gale, for use on the premises of Johnson C. Smith University. The motion was seconded by Councilman Alexander, and unanimously carried.

UTILITY RELOCATION AGREEMENT AUTHORIZED WITH STATE HIGHWAY COMMISSION FOR WATER MAIN.

Upon motion of Councilman Short, seconded by Councilman Alexander, and unanimously carried, the Mayor and City Clerk were authorized to execute a utility relocation agreement with the North Carolina State Highway Commission for the Water Department to relocate approximately 160 feet of 6" cast iron water main in the West Sixth Street Extension, between Summit Avenue and I-77 in connection with the proposed construction of Interstate Highway 77.

UTILITY RELOCATION AGREEMENT AUTHORIZED WITH STATE HIGHWAY COMMISSION FOR RELOCATING AND ADJUSTING SANITARY SEWER LINES.

Councilman Whittington moved that the Mayor and City Clerk be authorized to execute a utility relocation agreement between the City and the North Carolina State Highway Commission covering the cost of relocating and adjusting sanitary sewer lines in the vicinity of Interstate No. 77, between Independence Boulevard and the P & N Railway with the city's share of the cost at \$21,196.08, the Highway Commission's share \$204,846.43, and the total project cost \$226,042.51. The motion was seconded by Councilman Tuttle, and carried unanimously.

CONTRACT AWARDED RADIO CORP. OF AMERICA FOR RADIO EQUIPMENT.

Motion was made by Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, awarding contract to the low bidder, Radio Corporation of America, in the amount of \$9,220.56, on a unit price basis, for 16 portable radio units, 2 battery chargers, and 32 batteries.

The following bids were received:

Radio Corp. of America	\$ 9,220.56
DuMont Mobile Communications	9,700.54
Motorola Communications & Electronics, Inc.	13,172.46

CONTRACT AWARDED GRAYBAR ELECTRIC CO., INC. FOR UNDERGROUND CABLE.

Upon motion of Councilman Alexander, seconded by Councilman Short, and unanimously carried, contract was awarded the low bidder, Graybar Electric Company, Inc. in the amount of \$1,575.90 on a unit price basis for 35,000 feet underground cable.

The following bids were received:

Graybar Electric Co., Inc.	\$ 1,575.90
Mill-Power Supply Company	1,587.22
U. S. Distributors Company Shelby Supply Division	1,684.07
Union Supply & Elec. Co.	1,705.56
General Electric Supply Co.	1,766.45
Westinghouse Elec. Supply Co.	1,825.45

PROPERTY TRANSACTIONS AUTHORIZED.

Motion was made by Councilman Tuttle, seconded by Councilman Whittington, and unanimously carried, authorizing the following property transactions:

- (a) Acquisition of 930 square feet of property at 4314 The Plaza, from Realty Development Company, at \$5,950.00, for the widening of the Plaza;
- (b) Acquisition of easement .35 acres lying along Kings Branch, adjacent to Lance, Inc., from H. G. Nash, Jr. at \$2,000 for the Kings Branch Pumping Station;
- (c) Acquisition of easement 29,301.50 square feet near corner of Pineville Road and Sharon Road West, from Hebron Ranch, a partnership, at \$2,930.15 for Kings Branch Pumping Station.

ORDINANCE NO. 791-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING ORDINANCE BY AMENDING THE ZONING MAP TO CHANGE THE ZONING OF PROPERTY BOUNDED BY KINGS DRIVE, PARK DRIVE, INDEPENDENCE BOULEVARD, SEVENTH STREET WHICH IS PROPERTY OCCUPIED BY MEMORIAL STADIUM.

Mayor Brookshire advised the Planning Commission recommends approval of the change in zoning from O-6 to B-2 of the subject property.

Councilman Jordan moved the adoption of the subject ordinance changing the zoning from O-6 to B-2 as recommended by the Planning Commission. The motion was seconded by Councilman Tuttle, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 15, at Page 204.

OPERATION REPORT FROM AUDITORIUM AND COLISEUM AUTHORITY.

Mayor Brookshire advised a report was made in the Conference Session from Mr. Arthur R. Newcombe, Chairman of the Auditorium Coliseum Authority and from Mr. Paul Buck, Manager.

It was reported the Authority is operating in the black and made more profit last year than they made the year before, and the profit the first five months of this fiscal year is good, and they are able to take care of their maintenance out of the profits. They indicated an interest in working with the Chamber of Commerce Committee to get into some details of capital improvements which will come to Council for consideration at a later date.

CITY MANAGER REQUESTED TO MAKE PROGRESS REPORT ON STREET WIDENING PROGRAM.

Councilman Whittington requested the City Manager to give Council a progress report next week of where the city stands on the street widening program downtown; what dates contracts will be let on a particular street and particular block; also a report on where we stand and what action needs to be taken on the acquisition of street widening for Fifth Street, between College Street and Tryon Street.

CITY MANAGER REQUESTED TO CHECK WITH MR. KURALT, WELFARE DIRECTOR ON THE AVAILABILITY OF WORKERS, FEASIBILITY COST AND OTHER FACTS RELATING TO THE POSSIBILITY OF CITY CREATING A DEPARTMENT TO HELP KEEP THE CITY CLEAN.

Councilman Tuttle stated he drove to town on Independence Boulevard beginning at the intersection of Sharon Amity Road; that it was a beautiful, sunny and bright morning, but the brightness was too well emphasized by the reflection of the sun on thousands of beer cans, cellophane wrappers, tin foil and debris forming almost a solid blanket on the median for about a mile beginning with the Ervin Building. He stated it is a shame Charlotte has a slogan as the clean city when in reality it is now a very dirty city. All over town, no neighborhood is an exception, litter and beer cans mar the beauty of our trees and grass. That something must be done and can be done.

Councilman Tuttle stated we now have several agencies working from all angles in an attempt to find gainful employment for people with no skills and people who due to illiteracy or emotional disturbances cannot find or hold regular jobs. That we have an opportunity to help some of these people and in turn help ourselves.

Councilman Tuttle stated that Mr. Wallace Kuralt, of the County Welfare Department, tells him there are literally thousands of families where someone is a little too old, a little too infirm or too illiterate to hold a job. That many of these families are the ones who cannot afford lunch money for their children and who are just before becoming our wards under the welfare program. That we have an opportunity to put some of these people to work in a separate department falling under something like the Motor Transport Department. Councilman Tuttle stated there was a day when people were regularly employed to keep the streets clean. The City has regular pick ups of garbage and he can see little difference in picking it up at home and not picking it up off the streets.

He stated a big part of the trouble lies in the attitude of some of our people. They see debris everywhere and wonder how a little more can hurt. White coated sanitary employees seen engaged in picking up the mess can have a psychological effect on the offenders. That everyone is a little reluctant to begin a trash heap, but he can hardly see where anyone would be reluctant to throw trash on some of our streets as it would go unnoticed in the pile.

He stated many cities have sanitary details whose job it is to pick up trash. Notably is the ultra clean city of Montreal. With this in mind and considering the fact that we have an opportunity to put to work some of the real problem cases we have, and possibly keep them off the welfare roles, and at the same time, add some degree of dignity to their living, he urged Mr. Veeder, City Manager, to check with Mr. Kuralt on the availability of workers, the feasibility, the cost and other facts relating to the possibility of our creating a department to help keep this city clean - and that the cost be related to the potential savings to the taxpayers in saving some homes from the relief roles. He hopes that we remember "all work is honorable".

Councilman Stegall stated the Sanitary Department now has such crews going through the city picking up trash with sticks. That he sees them occasionally on Randolph Road. That he thinks the City needs to do something about the trash and littering up and down the highway. That several weeks ago he requested the City Manager to look into the possibility of beefing up the community improvements even to the point

of putting uniform men - not police officers - with police power out to make physical arrest of the offenders. That the men in the police department do not have enough time to wait until someone throws a beer can out on the median strip on Independence Boulevard, on Thursday, Friday and Saturday nights. That a lot of this is coming from the kids going into the drive-ins and throwing the beer cans out. Until we catch some of these people and bring them into the courts and prosecute them, we are not going to stop the problem. The kids are not the only ones doing this. That behind any shopping center you will find rubble thrown out; they do not bother to put them in the dumpster-dumpster; they simply open the back door and throw it out.

COUNCILMAN TUTTLE LEFT THE MEETING AT THIS TIME.

Councilman Tuttle left the meeting at this time and was absent for the remainder of the session.

SUGGESTION BY COUNCILMAN ALEXANDER THAT SOMETHING BE DONE TO GET EVERY CITIZEN INVOLVED IN THE BICENTENNIAL CELEBRATION.

Councilman Alexander stated this is the second month of our bi-centennial and he is surprised at the seemingly lack of interest and knowledge of the general public about our being in the midst of our bi-centennial. That he feels we should not lose sight of the fact that something needs to be done where everyone will be involved. That spring is on us and we will be in the middle of the year and still be trying to whip up enthusiasm for the celebration. That perhaps we can give it some thought and see if we can come up with something that is not being done to get everyone involved - the whole town involved so we can begin moving on it and begin to feel the celebration in the air.

AGREEMENTS AUTHORIZED WITH SOUTHERN RAILWAY COMPANY AND RALPH WHITEHEAD AND ASSOCIATES AND TRANSFER OF FUNDS AUTHORIZED IN CONNECTION WITH PHYSICAL SURVEYS AND TITLE WORK RELATING TO RIGHT OF WAY FOR CONVENTION BOULEVARD.

The City Manager advised the Southern Railway has now approved the signing of an agreement on a 50-50 basis on the physical survey and title work relating to the right of way that will be needed for the facility that will bi-sect the central city, and it will be necessary for Council to approve an agreement with the Southern Railway, as well as an agreement to do half the work which is an agreement between the City and Ralph Whitehead and Associates.

Upon motion of Councilman Smith, seconded by Councilman Whittington, and unanimously carried, an agreement was authorized with the Southern Railway Company for engineering and legal services in connection with the surveying and mapping of railroad properties along the proposed route of Convention Boulevard, and an agreement with Ralph Whitehead and Associates for the survey of the railway property from Twelfth Street to Bland Street, and the adoption of an Ordinance amending the 1967-68 Budget Ordinance transferring a portion of the Poplar Street Widening Project Account to cover cost of mapping and surveying property in connection with the proposed route of Convention Boulevard.

The ordinance is recorded in full in Ordinance Book 15, at Page 205.

RESOLUTION AUTHORIZING SUPPLEMENTAL AGREEMENT WITH STATE HIGHWAY COMMISSION TO COVER CHANGING, ADJUSTING AND RELOCATION OF UTILITY LINES STIPULATING THE ESTABLISHMENT OF TRAFFIC OPERATING CONTROLS FOR NORTH-SOUTH EXPRESSWAY.

Councilman Alexander moved the adoption of the subject resolution authorizing a supplemental agreement with the State Highway Commission relating to the North-South Expressway which relates to the establishment of traffic operating controls on the section between Independence Boulevard and I-77 north to Oaklawn Avenue. The motion was seconded by Councilman Jordan, and unanimously carried.

The resolution is recorded in full in Resolutions Book 6, at Page 54.

MANAGEMENT STUDY OF FIRE DEPARTMENT BY MCCANN & ASSOCIATES AUTHORIZED.

Mr. Veeder, City Manager, stated sometime ago Council expressed interest in the possibility of having a management study of the fire department operations, and Chief Black earlier requested a similar type of study.

Since then he has received and reviewed some proposals on this type of work. That he now has a proposal to recommend to Council which would have this work done in a time phase that would permit the City to have the finished product so that any changes can be reflected in the 1968-69 budget.

He stated the study would be done by McCann & Associates who would use a recognized leading fire chief as a part of the survey team. The management study as he recommends it to Council will cost \$11,085 and it would evaluate the types of things Council has discussed. That it will be useful and timely. That they can start two weeks after the proposal is accepted and will have the report in the city's hands so that the 1968-69 budget may reflect any recommendations Council may wish, and they see no difficulty in having the report submitted the latter part of May.

Mr. Veeder stated this is a personnel consulting firm that has done some of this type work; they have done work for the City on some other minor things through the Civil Service Commission, Police Department and Fire Department on some examination activities. He stated he knows something about the firm and thinks it has the capability of doing the job.

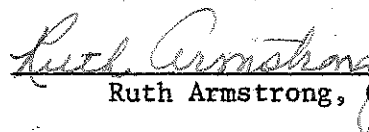
Councilman Smith moved approval of the proposal as recommended by the City Manager. The motion was seconded by Councilman Stegall.

Councilman Stegall stated this study does not deal with any personality. It simply deals with policies and procedures and is very similar to the studies made by IACP for the Police Department.

The vote was taken on the motion, and carried unanimously.

ADJOURNMENT.

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


Ruth Armstrong, City Clerk