

March 25, 1968  
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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, March 25, 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.

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#### INVOCATION.

The invocation was given by Reverend Thomas L. Edge, Minister of the Reformation Lutheran Church.

#### APPROVAL OF MINUTES DEFERRED.

Upon motion of Councilman Jordan, seconded by Councilman Alexander, and unanimously carried, approval of the minutes of the Council Meeting on March 18th, and the Special Meeting on March 20th, were deferred for one week.

#### CHAIRMAN OF PARKS AND RECREATION COMMISSION PLEDGES SUPPORT OF COMMISSION IN WORKING WITH COUNCIL AND DR. MILLER IN IMPROVING THE PARKS AND RECREATION SYSTEM OF THE CITY.

Mr. Daniel Martin, Chairman of the Charlotte Park and Recreation Commission, stated Mr. Clarence Walker and he met with Councilman Whittington yesterday and discussed the summer playground situation as it relates to Charlotte. After checking with the members of the Commission, he has been asked to come to Council to say they stand ready, willing, and able to cooperate with Council and with Dr. Barry Miller, or any other group, who is interested in improving the parks and recreation system of this City in any cooperative manner that Council might deem fit. This afternoon they have made several quick surveys of properties they think would be suitable for temporary work.

Councilman Whittington stated last Monday in the conference session this subject was discussed and he asked if he might meet, as a representative of Council, with some of the members of the Park and Recreation Commission. They met yesterday and the Commission representatives offered their full cooperation.

Councilman Whittington suggested that Council ask Mr. Martin and members of his Commission he thinks are necessary and his staff to meet with Mr. Veeder and his staff this week and bring back to Council next Monday, and that the City might have that the City and the Parks and Recreation Commission, jointly and in cooperation with each other, could prepare for temporary places of recreation this summer.

Mayor Brookshire stated without objections, Mr. Veeder will be directed according to the suggestions.

Mr. Ernest Sifford, member of the Parks and Recreation Commission, stated he has read in the papers about the parks in the city, and not one word was mentioned about the Parks & Recreation Commission - Doctor Miller was going to meet with businessmen in the City of Charlotte to raise funds and have it done.

Mr. Sifford stated they are loaded down with work and cannot possibly do what they have to do; he feels the Commission and staff are better able to say what should be laid aside and what should be taken up to be done this summer. They are working with the City trying to beautify the parks; they have a program now on Hawthorne Lane which he thinks will be one of the finest things in Charlotte. They have other parks they want to plant, but they are so far behind and whether they get the planting done or not, they have to get on with other work. They have to start on the baseball diamonds and the tennis courts.

Mr. Sifford stated something has been said about putting a park opposite Pearl Street playground; that he sees no need for a park at this location because there is a park at Second Ward School at the corner of McDowell and Independence, then Morgan Street School across from the Mall. In that particular district they are surrounded with parks. That all the small children have moved from this section. That a mini-park is for small children; the older teenagers can go to the other parks and play baseball.

Mr. Sifford stated the Park Commission is going to cooperate to the fullest extent, but he warned Council not to expect too much from them this summer because they are loaded down.

He stated they have been notified by the City Treasurer that they can get no more money until after September, and they are shy of money now to carry on their summer program; if someone will raise the money so they can hire additional crews and buy equipment, he is for it 100 percent.

ORDINANCE NO. 824-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING ORDINANCE BY AMENDING THE ZONING MAP CHANGING ZONING OF A TRACT OF LAND LOCATED SOUTH AND EAST OF ROLLINGWOOD SUBDIVISION AND NORTH OF THE ROSELAND APARTMENT SITE.

Upon motion of Councilman Jordan, seconded by Councilman Alexander, and unanimously carried, the subject ordinance was adopted, changing the zoning from I-2 to R-9MF and O-6 of a tract of land containing approximately 31.6 acres located south and east of Rollingwood Subdivision and north of the Roseland Apartment site, as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 15, at Page 237.

PETITION NO. 68-22 BY C. DOUGLAS STAMPLEY, ET AL, FOR A CHANGE IN ZONING FROM R-6 TO R-6MFH OF A TRACT OF LAND SOUTH OF WOODLAWN ROAD, EXTENDING FROM PINEHURST PLACE TO SUGAR CREEK, DENIED.

Motion was made by Councilman Whittington, seconded by Councilman Tuttle, and unanimously carried, denying the subject petition as recommended by the Planning Commission.

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DECISION ON PETITION NO. 68-23 BY ED GRIFFIN DEVELOPMENT CORPORATION FOR CHANGE IN ZONING FROM R-9 TO R-9MF OF A TRACT OF LAND NORTH OF MILTON ROAD AND EXTENDING FROM BARRINGTON ROAD TO A POINT WEST OF HICKORY GROVE-NEWELL ROAD, DEFERRED.

Councilman Tuttle moved that decision on subject petition be deferred pending further study by the Planning Commission. The motion was seconded by Councilman Alexander and unanimously carried.

DECISION ON PETITION NO. 68-24 BY BRAKE SERVICE COMPANY OF CHARLOTTE, INC. FOR CHANGE IN ZONING FROM R-9 TO B-2 OF A TRACT OF LAND ON THE WEST SIDE OF STATESVILLE ROAD, NORTH OF NEVINS ROAD AND EXTENDING NORTHWARD TO A POINT NORTH OF CINDY LANE, DEFERRED FOR TWO WEEKS.

Upon motion of Councilman Stegall, seconded by Councilman Whittington, and unanimously carried, the subject petition was deferred for two weeks at the request of the attorney for the petitioner.

PETITION NO. 68-25 BY HALL M. JOHNSTON FOR A CHANGE IN ZONING FROM R-12 TO R-12MF OF A TRACT OF LAND ON THE EAST SIDE OF SUGAR CREEK, SOUTH OF ARCHDALE DRIVE, ADJACENT TO INCARNATION LUTHERAN CHURCH, DENIED.

Motion was made by Councilman Tuttle, seconded by Councilman Stegall, and unanimously carried, denying the subject petition as recommended by the Planning Commission.

ORDINANCE NO. 825-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING ORDINANCE BY AMENDING THE ZONING MAP CHANGING ZONING OF MAJOR PORTION OF AN AREA BOUNDED BY SHARON AMITY ROAD, NORFOLK SOUTHERN RAILWAY, CAMPBELL CREEK AND CENTRAL AVENUE.

Upon motion of Councilman Stegall, seconded by Councilman Jordan, and unanimously carried, the subject ordinance was adopted changing the zoning from R-9 and R-9MF to R-12 of the major portion of the area bounded by Sharon Amity Road, Norfolk Southern Railway, Campbell Creek and Central Avenue, except for an area around Shamrock Drive and Sharon Amity Road, which will remain R-9MF.

The ordinance is recorded in full in Ordinance Book 15, on Pages 247 and 248.

ORDINANCE NO. 826-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING ORDINANCE BY AMENDING THE ZONING MAP CHANGING ZONING OF A TRACT OF LAND FRONTING ON THE EAST SIDE OF PARK ROAD, SOUTH OF FAIRVIEW ROAD.

Petition No. 68-13 by T. F. Black, W. Frank Black, and Joseph A. Scales for a change in zoning from R-12 and R-12MF to O-15 of a 24.9 acre tract of land fronting 813 feet on the east side of Park Road, beginning 862 feet south of Fairview Road was presented to Council for decision.

Councilman Smith moved that Council rezone to O-15 all the property requested except for a triangle consisting of the land located south of a line extended from the southeast corner of the Joe A. Scales lot to the southwest corner of an existing R-12MF district in the rear line of Lot 13 in Block 4 of Fairmeadows as shown on map recorded in Map Book 8, Page 49, in the Mecklenburg Registry. The motion was seconded by Councilman Stegall.

Councilman Whittington stated the area to be excluded is now zoned R-12 and the only way that it can be changed is for the petitioners who own the property to come back and ask that this be conditional zoning for any other purpose than the R-12. As Council has requested in other zoning matters - namely, City Chevrolet and others - he would hope this property would be recorded in the register of deeds office as being restricted for anything other than R-12 as far as the future is concerned. That every member of Council is aware of this tremendous complex that Eastern and others have started and wish to continue, and at the same time, every member of Council is concerned that everything be done to protect the residents and the subdivision known as Fairmeadows, and the people who live on Pine Valley Road. He stated this is only a suggestion.

Councilman Short stated Mr. Whittington is suggesting that Eastern stipulate in the Register of Deeds their own intentions or obligate themselves not to change this particular property.

The vote was taken on the motion and carried unanimously.

The ordinance is recorded in full in Ordinance Book 15, at Page 239.

RESOLUTION PROVIDING FOR PUBLIC HEARINGS ON APRIL 22 ON PETITIONS FOR ZONING CHANGES.

Motion was made by Councilman Alexander, seconded by Councilman Jordan, and unanimously carried, adopting the subject resolution setting date of hearing on Petitions No. 68-28 through 68-37 for zoning changes.

The resolution is recorded in full in Resolutions Book 6, at Page 71.

CLAIM OF C. G. LITTLE FOR PERSONAL PROPERTY DAMAGES AUTHORIZED.

Councilman Whittington moved approval of a claim as recommended by the City Attorney, in the reduced amount of \$199.00, to Mr. C. G. Little of 1841 West Boulevard, for damages to his personal property as a result of sewage overflow. The motion was seconded by Councilman Tuttle, and carried unanimously.

ORDINANCE NO. 827-X AMENDING ORDINANCE NO. 655-X, THE 1967-68 BUDGET ORDINANCE, AUTHORIZING THE TRANSFER OF A PORTION OF THE GENERAL CONTINGENCY APPROPRIATION FOR DEMOLITION OF UNFIT HOUSING.

Upon motion of Councilman Tuttle, seconded by Councilman Whittington, and unanimously carried, the subject ordinance was adopted transferring \$750 from the contingency fund to the Building Inspection Budget to be used for the demolition of unfit structures.

The ordinance is recorded in full in Ordinance Book 15, at Page 240.

AGREEMENT WITH STATE HIGHWAY COMMISSION AND NORFOLK AND SOUTHERN RAILWAY COMPANY FOR CONSTRUCTION AND FUTURE MAINTENANCE OF PROPOSED 30TH STREET BRIDGE STRUCTURE.

Motion was made by Councilman Jordan approving the subject agreement. The motion was seconded by Councilman Alexander, and carried unanimously.

RIGHT OF WAY AGREEMENT BETWEEN CITY, STATE HIGHWAY COMMISSION AND AMERICAN INVESTMENT COMPANY FOR INSTALLATION OF WATER MAINS ACROSS PROVIDENCE ROAD.

Councilman Whittington moved approval of the subject right of way agreement for the installation of 6 inch water mains across Providence Road (N. C. Highway 16). The motion was seconded by Councilman Stegall, and carried unanimously.

ENCROACHMENT AGREEMENT WITH PIEDMONT & NORTHERN RAILWAY COMPANY FOR RELOCATION OF IRWIN CREEK OUTFALL UNDER THE TRACKS FOR I-77 EXPRESSWAY.

Councilman Tuttle moved approval of the subject encroachment agreement for the relocation of sanitary sewer mains in Irwin Creek Outfall under Piedmont and Northern Railway Company tracks in connection with the I-77 Expressway Project. The motion was seconded by Councilman Stegall and carried unanimously.

CONSTRUCTION OF SANITARY SEWER TRUNK, AUTHORIZED.

Upon motion of Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, construction of 422 feet of 8-inch trunk line in Rockbrook Drive, inside the city, at the request of Mr. and Mrs. Clarence E. Beeson, at an estimated cost of \$2,700 was authorized with all cost of construction to be borne by the applicant whose deposit in the full amount will be refunded as per terms of the agreement.

AGREEMENT BETWEEN FIRST BAPTIST CHURCH AND CITY OF CHARLOTTE FOR CITY'S USE OF PORTION OF ALEXANDER STREET FOR A DETOUR AUTHORIZED.

Councilman Tuttle moved approval of the subject agreement covering the city's use of that portion of Alexander Street which has been previously withdrawn from dedication, for a detour to carry public vehicular traffic during the period necessary to make proposed street improvements to McDowell Street, Third Street and Second Street. The motion was seconded by Councilman Stegall, and carried unanimously.

APPRAISAL CONTRACT WITH L. H. GRIFFITH FOR APPRAISAL OF PARCEL OF LAND FOR THE POPLAR STREET WIDENING PROJECT.

Motion was made by Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, approving the subject appraisal contract.

APPOINTMENT OF WILLIAM R. OLIVER TO THE PARK AND RECREATION COMMISSION FOR TERM OF FIVE YEARS.

Councilman Alexander moved the appointment of Mr. William R. Oliver to the Park and Recreation Commission for a term of five years. The motion was seconded by Councilman Smith.

Councilman Stegall made a substitute motion for the appointment of Mr. Fred Severs to the Commission for a five year term. The motion was seconded by Councilman Jordan.

Councilman Smith stated both these gentlemen are fine people with good reputations, but he feels the Negro community should have more representation

on the Boards and Commissions, and especially on Parks and Recreation.

Councilman Jordan stated he has known Mr. Severs for many, many years and he understands from the Parks & Recreation that he is doing a tremendous job.

The vote was taken on the substitute motion for the appointment of Mr. Severs, and lost by the following vote:

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

The vote was taken on the original motion for the appointment of Mr. Oliver and carried by the following vote:

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

CONTRACT AWARDED CROWELL CONSTRUCTION COMPANY FOR DEMOLITION OF STRUCTURES.

Councilman Jordan moved award of contract to the low bidder, Crowell Construction Company, in the amount of \$17,215.00 for demolition of 77 structures within Redevelopment Areas N.C. R-43, R-60 and R-37, and West Third Street Connector. The motion was seconded by Councilman Whittington and carried unanimously.

The following bids were received:

Crowell Construction Co.	\$ 17,215.00
Big Chief, Inc.	17,889.00
D. H. Griffin Wrecking Co.	18,199.00
Max Berrier Wrecking Co.	21,585.00
S. E. Cooper Company	23,315.00
S.A.S. Equipment Co., Inc.	25,250.00
H. & W. Demolition Co., Inc.	29,740.00
Tar Heel Grading Company	30,364.00
Hercules Demolition Corp.	31,010.00
Suggs Wrecking, Inc.	39,020.00

ORDINANCE NO. 828 AMENDING CHAPTER 11, ENTITLED "LICENSES" SECTION 6, and 7 OF THE CODE OF THE CITY OF CHARLOTTE, AND ORDINANCE NO. 829 AMENDING CHAPTER 11, ENTITLED "LICENSES".

Upon motion of Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, the subject ordinances amending Chapter 11 were adopted and are recorded in Ordinance Book 15, beginning at Page 240.

AGREEMENT AUTHORIZED WITH WESTON & SAMPSON FOR STUDY OF WATER AND SEWER RATES.

Councilman Smith moved that the firm of Weston & Sampson be engaged at \$11,500 to make a water and sewer rate study. The motion was seconded by Councilman Whittington, and carried unanimously.

REPORT ON POLICY REGARDING ACCRUAL OF LEAVE BENEFITS.

Mr. Robert Earle, Personnel Director, stated city employees accrue leave benefits of sick leave, vacation and holidays. If an employee is actively on the payroll then the accrual of the benefits continue. If he is off the payroll the accrual is discontinued until the employee returns to the payroll.

In connection with leave because of on the job injury, the City has a policy of paying the full salary for the first seven days of the absence; there is no loss of benefits during this absence. Then workman's compensation comes into being and the employee has the option of accepting workman's compensation, or if he wishes, using accrued sick leave to supplement this payment, or of continuing his full salary. If he takes the sick leave option, he remains on the payroll and there is no loss of accrual. If the employee exhausts his sick leave, written into the regulations is the authorization of an extension of sick leave up to 90 additional days if needed. Any employee may continue on the payroll at the least 90 days, and in most cases, many more days depending upon the amount of sick leave accrued.

Mr. Earle stated in the case of police and fire personnel, both have benefit funds controlled by members of the respective departments. It is the policy locally to supplement workman's compensation out of these funds so the policeman or fireman injured on the job will continue at full salary, but the source of the full salary would be the workman's compensation plus the supplemental payments from the particular benefit fund. Under these conditions most police and fire personnel would not use accrued sick leave during this time and would go off the payroll.

Councilman Whittington asked if the department heads in fire and police departments are aware the employees have the option to use the accrued sick leave as a supplement, or to go to their benefit for additional funds? Mr. Earl replied there is a general awareness; there may be specific instances that are not aware of the policy; this has been a city policy since at least 1962. In these two departments the choice is quite clear from an individual standpoint to the extent that it would be foolish to use accrued sick leave when there is another benefit available; they would not logically elect to use sick leave. Councilman Whittington stated suppose there is an injury that would keep a person out over 90 days, where does he stand then? Mr. Earle stated if he did elect to use his accrued sick leave - perhaps 60 days - and at the end of that time, if he needed further help, he could request an additional 90 days extension and he could continue at his full salary for 150 days without resorting to benefit funds at all.

Councilman Stegall stated to him the City is wrong in the approach taken in this regard. That he does not think any City employee, regardless of where he works, ever intends to be hurt on the job. If a man goes out on the fire or police department, they are fortunate more so that the rest of the City employees to have some benefit program to supplement their salary. Persons in other departments do not have this. Once they do go out, and if they are out three, four or six months and is out during Christmas, New Years, Fourth of July and Labor Day or any day that would be a holiday, he is penalized because he loses a day. He also loses his benefit as far as his vacation is concerned. He stated this is a mistake to take away these days. Suppose he comes back from his injury leave and several months later suffers a heart attack which is not job related, then the time he would normally build up could not be used. That he does not think it is fair to use a man's holidays or

vacation time when he is injured on the job. It is the city's responsibility to take care of him and give him what is coming to him.

Councilman Stegall moved that the policy be changed and give the people these sick days and vacation days just as they normally would get them if they were on duty. The motion was seconded by Councilman Whittington for discussion purposes.

Mr. Earle stated the fireman's relief fund is funded from insurance premiums; the policeman's fund as far as additional funds is frozen and is being maintained on its own interest at present. All the city's benefits are extended equally to all the employees; the additional benefits are beyond the city's control. That he agrees that perhaps the city could do more for employees injured on the job. The fair and equitable approach would be to provide some form of injury leave, apart and separate from sick leave, and it would have to have some limitation in time in order to control the use.

Councilman Tuttle made a substitute motion to give Mr. Earle 30 days to come back with a suggested remedy by way of injury leave or whatever he would recommend. The motion was seconded by Councilman Alexander.

Councilman Stegall stated he was not talking about fire and police only; he is talking about the total city employees.

Mr. Veeder, City Manager, stated Mr. Earle can come back with recommendation and if there are cases in the interim, it can be made retroactive.

Councilman Short asked if it is possible to fit together the relief fund payment with what the city does. That it might be the reverse of what Mr. Earle has mentioned. Would it not be possible that the city's sick leave and fringe benefits could come first and be supplemented to the extent necessary to give 100% payment to the injured individual; and when the city's benefit runs its course, the relief fund could then move forward? Mr. Earle replied as far as major cities in North Carolina are concerned, Charlotte is the only one where the police and fire fund pick up this liability from the beginning. The policies of other cities are applied first. In one instance sick leave usage is employed and in another injury leave is employed. The relief funds for these two cities do not come into being. Insofar as the use of these relief funds are concerned, all we can do is suggest as they are under the control of the departments. That the departments would probably be very happy if the city picked up the liability as it would help their funds.

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

#### PROPERTY TRANSACTIONS AUTHORIZED.

Upon motion of Councilman Whittington, seconded by Councilman Stegall, and unanimously carried, the following property transactions were authorized:

- (a) Acquisition of 524 square feet of property at 1108 Wesley Avenue, from Elroy Griffin and wife, at \$250.00 for the East 30th Street Project.
- (b) Acquisition of 739 square feet of property at 814 Wesley Avenue, from Mrs. Vera Thornburg Watts (widow), at \$300.00, for the East 30th Street Project.
- (c) Acquisition of 665 square feet of property at 1001 Wesley Avenue, from Leon F. Brooks, Sr. and wife, Gladys A., at \$300.00, for the East 30th Street Project.

- (d) Acquisition of 967 square feet of property at 1019 Wesley Avenue, from Mary M. Shipman (widow), at \$400.00, for the East 30th Street Project.
- (e) Acquisition of 665 square feet of property at 909 Wesley Avenue, from James B. Stegall, Jr. and wife, Doris M., at \$400.00, for the East 30th Street Project.
- (f) Acquisition of 986 square feet of property at 1029 Wesley Avenue, from Essie Wallace Howard and husband, at \$525.00, for the East 30th Street Project.
- (g) Acquisition of 7163 square feet of property at 500 N. McDowell Street, from William Marcus Bynum (widower), at \$10,100.00, for the McDowell Street Project.
- (h) Acquisition of 2292 square feet of easement at Irwin Avenue Junior High School, at \$152.80 for the Irwin Creek Outfall Sewer Relocation.
- (i) Acquisition of 1402.8 square feet of easement lying along P & N tracks off Summit Avenue and Calvert Street from Piedmont and Northern Railway at \$200.00 for Irwin Creek Outfall sanitary sewer relocation.
- (j) Acquisition of 1725 square feet of easement lying along P & N tracks off Summit Avenue and Calvert Street, from Piedmont & Northern Railway at \$200.00, for Irwin Creek Outfall sanitary sewer relocation.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY OF QUEEN CITY COACH COMPANY, LOCATED AT 417 WEST FIFTH STREET FOR THE PINE STREET CONNECTOR PROJECT.

Councilman Whittington moved the adoption of the subject resolution which was seconded by Councilman Stegall, and carried unanimously.

The resolution is recorded in full in Resolutions Book 6, at Page 72.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY OF JOSEPH J. GAYNOR AND WIFE, JUDITH L. GAYNOR, LOCATED AT 2912 CLEMSON AVENUE FOR THE EAST THIRTIETH STREET PROJECT.

Upon motion of Councilman Whittington, seconded by Councilman Stegall, and unanimously carried, the subject resolution was adopted, and is recorded in full in Resolutions Book 6, at Page 73.

TRAFFIC ENGINEER TO INVESTIGATE AND REPORT ON TRAFFIC MOVING EAST ON EAST MOREHEAD STREET TURNING LEFT INTO SOUTH TRYON STREET.

Councilman Alexander requested the City Manager to have the Traffic Engineer investigate the traffic movement going east on East Morehead Street at South Tryon Street. That the traffic cannot turn left into South Tryon Street going north. One car in the left hand lane may be able to turn left into South Tryon Street.

ORDINANCE NO. 830 AMENDING CHAPTER 3, ARTICLE II OF THE CODE OF THE CITY OF CHARLOTTE - DOG LEASH LAW.

Councilman Smith stated there has been a lot of discussion on the dog leash law and Councilman Stegall has something he would like to say about cats, and the way the ordinance is written now it just pertains to dogs. He asked the Assistant City Attorney if he can suggest some way to include the control of cats - not necessarily on a leash? Mr. Underhill replied it would require a new section to the code.

Councilman Stegall stated he has said before that he is in favor of doing something about the cats, and his position has not changed. He stated he has had many calls and perhaps more than some of the other council members because of his position on cats. At the moment we have control over most every kind of animal in the City except cats. That putting a cat on a leash is probably far fetched because it probably will not work that way. As a matter of fact, he does not think the dog leash ordinance is going to work unless the people in Charlotte comply with it themselves. If the responsible people do not adhere to this law, then we will not have anything more than we have now. We now have an adequate law if people would pen their dogs up at 7:00 at night until 7:00 in the morning, and do the other things the ordinance calls for.

Councilman Stegall stated he thinks cats should be included up to a point - they should be vaccinated as cats carry certain types of diseases; they should be put under some form of public nuisance as dogs are and as stated in the present ordinance, if a dog becomes a nuisance you can call on the Pet Department and they will come and do something about it. They should be regulated on bites and scratches if it is done to someone else other than the owners. If the next-door neighbors' child is bitten or scratched by a cat you cannot do anything about it under the present laws. He requested Mr. Underhill to think in terms of the present ordinance and the ordinance being considered this afternoon and add cats wherever practical, except for putting a cat on a leash. He stated he has said if the majority of Council wanted to vote the leash law today he would go along, but he feels that last Tuesday at the public hearing, Council did not get a representation of the City of Charlotte with 125 people at the most. Some were there who did not represent the voters, they represented the Humane Society and various other animal societies. So with 125 people to represent 250,000 people, he does not think it was a fair representation. While he realizes his position is to vote his convictions and to represent all the people of the city, he feels a referendum would be more representative of the peoples' feelings. If the people vote on a leash law and pass it, then it would mean more to them, and they would comply with it.

Mayor Brookshire stated two other factors have been introduced in addition to the ordinance as prepared - one, consideration of the control over cats and the recommendation that before acting in the matter that Council refer this to a vote of the citizens on a referendum.

Councilman Smith stated it is his opinion the majority of the people want some curb on dogs, and cats possibly. This is becoming a large city and growing every day. That he does not think Council should ask the public to vote on it; as the legally elected representatives, Council should make the decision.

Councilman Whittington stated the problem is here and it is not getting any better and while the referendum would let more people speak on the issue, the decision is Council's even after a referendum, and he is ready to vote for the Ordinance.

Mr. Veeder, City Manager, stated responding to Mr. Smith's observations of perhaps a week to find out what can be done about cats, he is a little apprehensive that we can get the best thinking available to the City in a period of one week. There is such an ordinance for a city so what Mr. Stegall is suggesting is not out of line - Pinellos Park, a community of some 16,000 people in Florida, has adopted an ordinance that covers cats and dogs.

Councilman Smith stated it will be necessary to have a time lag for people who will need to put up fences and he has in mind June 1st; it is essential to get this rolling so that it can be effective by that date. Mr. Veeder suggested that Council consider any effective date to be something other than June 1st as there are two factors involved. One of giving everyone adequate time to provide facilities for their dogs on their own premises; and second, the staffing up by the City to administer the ordinance; that he would recommend August 1st, but preferably September 1st. This would give them a chance to staff up to get the additional personnel to administer the ordinance and revise working schedules as this will be a 24-hour operation; plus giving the homeowner an opportunity to do what he wishes in terms of providing facilities on his premises.

Councilman Alexander asked if there is anything in the ordinance to prevent carrying a dog in your car? Mr. Underhill replied the ordinance provides the dog can be off the property as long as it is under the control of a competent person.

Councilman Whittington stated when Mrs. Rawlins said she would reluctantly advocate and vote for a leash law, she stated his sentiments. That he believes Council has no other choice but to pass this ordinance, and pass it today effective at a date the City Manager thinks he and the staff can be ready. That in all the communications he has had, along with the public hearing, it has been about 5 or 6 to 1 for the leash law. That he is aware a lot of people are opposed to it, but he thinks Council will have to pass it. He stated he would like to make some suggestions relating to the ordinance. One is the one suggested by the Humane Society that maybe a leash six foot long is too short for a collie or a larger dog such as a German Shepard. Next, after passing this ordinance, it is the responsibility of this City Council and the local government to develop an educational program through the news media and through the billing from the Water Department to acquaint the citizens of the effective date and what they must expect from a leashed dog who was friendly prior to being tied or leashed. This is what concerns him about the leash law - the little child who had a very friendly relationship with the dog next door as a pet, and two weeks after that he goes over to pet the same dog and could be severely bitten. It is Council's responsibility to see that every citizen is aware of what could happen with the leash law.

Councilman Short stated a part of the education should be directed towards getting the citizens to realize there are various offenses and problems set out in the animal sections of our code with reference to dogs - one is running at large. This is essentially what is proposed to be handled in the leash law 24 hours a day, seven days a week, and it is this fact they propose to treat by means of having additional personnel who will go around and see if they can find dogs running at large and take them in to the animal shelter from which they can be retrieved. Some of the other problems that cover dogs involve things as habitual barking, snapping at pedestrians, turning over garbage pails, damage to gardens, vegetables and flowers, female dogs running at large in heat, and other conduct to constitute a public nuisance. In all these various things, other than just running at large, it will be necessary for the citizens themselves to get in on these offenses because they will require legal proof and will require testimony and the ordinance provides this will be done before a justice of the peace. That citizens should realize there will be cases when they will have to appear against their neighbor.

Mayor Brookshire asked whether or not it may pay to make further effort to enforce the ordinances we have relating to dogs and other animals, rather than to enact another ordinance without considerable amount of personnel and equipment; that perhaps the extra money should be spent for the police department in an effort to control and reduce crime.

Mr. Veeder stated they have a suggested change in the ordinance different from the first draft presented to Council, and that is in the length of the leash. The draft they recommend now does not specify the length of the leash, it just specifies they shall be on a leash.

Councilman Smith moved the adoption of the subject ordinance amending Chapter 3, Article II of the Code of the City of Charlotte regarding the dog leash law to be effective August 1st. The motion was seconded by Councilman Whittington.

Councilman Stegall made a substitute motion to defer action for two weeks on the adoption of the subject ordinance to give the City Manager and his staff a chance to study the cat laws and the various things as he has mentioned such as vaccination and public nuisance. As this is discussed Council can see there are many ramifications to the leash law and passing the law today is not going to automatically solve the problems. The motion did not receive a second.

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

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

The ordinance is recorded in full in Ordinance Book 15, at Page 246.

## ISLAND AT CENTRAL AVENUE AND MEDFORD DRIVE REQUESTED INVESTIGATED.

Councilman Stegall stated at Central Avenue and Meford Drive an island has been erected and people turn at the end of the island to go into Medford Drive and it is about 20 feet from the intersection and they run into the side yard. He requested the City Manager to have this investigated and report back to Council.

## "NO PARKING" SIGNS REQUESTED REPLACED ON WATERMAN AVENUE.

Councilman Stegall stated on the street directly across from the Coliseum, Waterman Avenue, there were no parking signs before the construction of the Holiday Inn and the Dobbs House Restaurant. Cars are parking on both sides of the street and it cuts down to a one-way street and if you meet a car one of the other has to give. That parking should be taken off both sides of the street.

## RESOLUTION EXPRESSING SYMPATHY ON THE DEATH OF MARSHALL GLENN PETTUS.

Upon motion of Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, the following resolution was adopted.

WHEREAS, it is with deep regret that the City Council of the City of Charlotte takes note of the passing of Marshall Glenn Pettus; and

WHEREAS, Marshall Glenn Pettus was a dedicated and devoted employee of the Charlotte Fire Department for over 32 years, during which time he served as Captain of a Ladder Company,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Charlotte, in regular session assembled on this 25th day of March, 1968, does hereby extend its deepest sympathy to the members of the family of Marshall Glenn Pettus as a testimonial of sincere appreciation for his public service to the citizens of the City of Charlotte; and

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the family and that this resolution be spread upon the Minutes of this meeting.

## PLANNING COMMISSION REQUESTED TO REVIEW ZONING SITUATION AT 1008 CATAWBA AVENUE WITH A RECOMMENDATION TO COUNCIL.

Councilman Whittington stated at 1008 Catawba Avenue there is a Soda Shop listed as Ezell in a non-conforming situation. Through his attorney, the owner petitioned for a change in zoning from R-6 to Business about a year ago and was turned down. He stated he has been out there on several occasions and observed the place and the people are standing out in the street trying to get served. The owner has been notified by the Building Inspection Department that this building will have to be demolished because it is in a non-conforming situation.

Councilman Whittington asked Council to set the site and building for a zoning hearing at the next hearing date, April 22.

Mr. Underhill, Assistant City Attorney, stated the time limitation under which Mr. Ezell is working was imposed by the Court. Mr. Ezell was tried in City Recorders Court and was convicted of enlarging a non-conforming use and with erecting a structure without a permit. At the time it was tried, the Judge gave him until sometime in May to correct the situation. Mr. Underhill stated he talked with Mr. Ezell's attorney at that time and suggested to him that because of the two year requirement he could not petition for a change in zoning unless he fell under the exception listed in the ordinance which says that a petition for an amendment which has been denied shall not be again instituted sooner than two years from the date of the denial unless the City Council, after considering the advice of the Planning Commission, shall find that there has been substantial changes in conditions or circumstances bearing on the application. Mr. Underhill stated the City Council can ask the Planning Commission to consider this, and after considering the advice of the Planning Commission, could allow the petition for rezoning.

Councilman Whittington moved that the Council request the Planning Commission to review the situation with a recommendation to Council. The motion was seconded by Councilman Tuttle, and carried unanimously.

COUNCILMAN TUTTLE NAMED TO COMMITTEE ON ALCOHOLIC REHABILITATION HOSPITAL.

Mayor Brookshire stated the temporary committee on the Alcoholic Rehabilitation Hospital has been dissolved and the request has been made that a permanent committee be set up with one councilman, one county commissioner, one ABC member, one doctor, etc. making a committee of seven. That Mr. Jerry Tuttle served on the temporary committee, and has agreed to serve on the permanent committee, and he therefore names Mr. Jerry Tuttle to membership on the permanent board.

ADJOURNMENT.

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

*Ruth Armstrong*

Ruth Armstrong, City Clerk