

The City Council of the City of Charlotte met on Tuesday, April 26, 1977 at 3:30 o'clock p.m., in the Council Chamber, City Hall, with Mayor John M. Belk presiding, and Councilmembers Betty Chafin, Louis M. Davis, Pat Locke, James B. Whittington, Neil C. Williams and Joe D. Withrow present.

ABSENT: Councilman Harvey B. Gantt.

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MEETING CALLED TO ORDER.

Mayor Belk called the meeting to order and stated the purpose of the meeting to hold public hearings on the proposed annexation areas. He advised that each speaker would be limited to five minutes. If anyone did not complete their statements in that time, they would be provided with additional time after everyone else had been heard.

EXPLANATION OF AREAS PROPOSED FOR ANNEXATION.

Mr. McIntyre, Planning Director, reviewed the ten areas proposed for annexation, describing the boundaries of each.

CITIZENS HEARD.

Malcolm B. Blankenship, Jr., 425 S. Ellis Street, Salisbury, N.C.

Mr. Blankenship stated he is a property owner in the proposed annexation Area No. 1 appearing today in opposition to the annexation of a part of the area. That he is an attorney in Salisbury, and is appearing today on his own behalf. Charlotte-Mecklenburg is a very progressive community, and from a practical standpoint he can see that annexation is essential for the city to continue to survive without strangulation. In other states where the law requires approval of persons to be annexed results in a lot of stagnated cities. In North Carolina we do not have this as we have a pretty substantial power within North Carolina to annex without the approval of the persons to be annexed.

He stated his family has owned property in Area No. 1 for approximately 30 years. This proposed area constitutes an inappropriate mix of both urban and rural areas, and he suggests that Area No. 1 is in need of some fine tuning before passing the annexation ordinance.

He referred to aerial photographs and stated it is a composite of maps he purchased from the County's Engineering Office, which were taken in February, 1975. Put together they represent the entire annexation area No. 1. He pointed out Interstate 85 running north at the Sugar Creek Road intersection, working north to the Northside Baptist Church on up to Highway 29 and Tryon Street; then Tryon Street intersection with Highway 49, and out to UNCC at Charlotte. North Tryon Street as it comes out with Eastway Drive down; the present boundary with Highway 29 running two miles on out as sort of the dividing line right down the axis of the proposed annexation area.

The most striking characteristic of the area is the significant amount of undeveloped land that lies east of Highway 29. This is a 4.75 square mile of the overall area. The rural area he is talking about east of 29 is at least 1,000 acres. This is not appropriate for annexation for the following reasons:

(1) Area east of 29 constitutes the urban-rural interface; area west is much more obviously qualified for annexation with much room and growth, housing developed and particular right near the boundary of the portion to be taken in are a significant number of apartment complexes. You just almost have to concede that the area overall does qualify for annexation due to the two persons per acre standard. The thing the Planning Board may have failed to consider is the extremely abnormal and adverse impact this extensive apartment development along the area has had in creating a population density which naturally will average out and take an undue amount of rural land.

Mr. Blankenship stated he has familiarized himself with these apartments and will give an idea of how these unduly affect the population. Along 85 and Sugar Creek is the Difference Apartments. That he has checked with the Apartment Managers of each of the complexes and overall the Difference, Somerset, Orchard Trace, Countryside, Canterbury Manner, Canterbury Manner West, Timberline and Woodland Hall he calculates as being 6,200 people based on three per unit of the overall 9,800 people in this area. That you have to take into consideration the adverse and abnormal impact of these apartment complexes. This is generally rural to the right. The Statute does not take into consideration and the Planning Board he does not think did - but if you do not consider population density abnormality created by apartments, you could run this in any way several thousand acres. In Council's discretion he thinks it would be appropriate to take a careful look before annexing this entire area.

He passed around a summary of his information to members of Council and the City Clerk.

Irvin Hankins, Jr., Attorney, 1100 Cameron Brown Building.

Mr. Hankins stated he is here on behalf of Mr. Roy Smart and his company, Variety Enterprises, which owns a 41-acre tract of land in the Seaboard Annexation Area, which he will refer to as Area 9.

He stated Mr. Smart's land is located approximately in the center of Annexation Area 9 and presented a chart of the area that noted the 41-acre tract and the center part of the upper section of Annexation Area 9. That it is the center area that he particularly wants to refer to.

He pointed out approximately a 200-acre tract that runs from North Hoskins Road up to the upper limits of the Annexation Area and noted the characteristics of this area which Council needs to review with respect to perhaps some refinement of the annexation area.

He stated he realizes that the statutory provisions for the inclusion into the city provides a broad range of tools but the main intent of the State Statutes is to permit the City to incorporate into its newness what is essentially land that is urban in character.

Mr. Hankins stated if members of Council would go out and take a close look at the land he is talking about, they would see that it is far from urban in character; it is vacant, it is unhabited, it produces no income, it has no services running to it other than a sewer line running across the back of it, it is essentially unaccessible except on foot; there is no road frontage, no roadways into it and you really have to walk down in there to take a look at it.

That as Mr. McIntyre pointed out, this Area has been qualified in three ways as opposed to the other areas. He stated they think there are significant legal problems in light of a recent North Carolina Supreme Court decision regarding the legal method used for this qualification, but above and beyond that, they think there is definite equitable considerations that ought to receive some attention regarding the way the criteria will apply.

He pointed out on the left side of the annexation area there is developed industrial park; on the right hand side, you have some subdivided residential property; and down in the center, you have the vacant land. That the vacant land is zoned industrial and yet an essentially residential criteria was used in qualifying the land for annexation. In a recent article in the Charlotte Observer in which Mr. Burkhalter was explaining why some other

Mr. Troutman stated the boundary line goes down Sullens Road, in front of his house. He stated they have a 12-foot road out there and they promised them a new state road 22 feet wide six weeks after school started last Fall; they have finally got the trees removed but they have not done anything else. If they take him in, the City still would not have streets to maintain because they are on a state-maintained road.

He stated he would appreciate it very much if Council would exclude his land from the proposed annexation area.

Councilman Williams asked how much land Mr. Troutman owned and he replied 25.5 acres. He asked what intersection Sullens Road was near and Mr. Troutman replied he was one block up from Pawtucket Road, as it enters into the golf course.

Mrs. Mary Bogguss, 5406 Wales Street.

Mrs. Mary Bogguss stated she wishes to speak for the annexation of the North Tryon-Hunter Road area. That they live in the triangle formed by I-85, Derita Road and Sugar Creek Road. In this area the sub-soil is what is commonly known as "bull-tallow", a type of soil in which it is very difficult to maintain workable septic tanks.

She stated they have lived there for twelve years and have had to add two fields to their system. They have no more yard to give; last year, when they added their third pit, she talked to a representative from the Health Department and asked him to please pass on to the city, their desperate need for sewer lines. The representative said then that their area was definitely on the top of their list as to need.

Mrs. Bogguss stated several years ago they received letters from the Water and Sewer Department, asking if they would tap on if given the opportunity and they quickly replied, yes. Then, after several months, they heard nothing further and she inquired as to the status and was told no lines would be put in because the lay of the land was such that it would be too expensive. She asked what is the value of good health? That their neighbors above them have been having trouble with their septic system and they are very worried about seepage into their well, their only source of water. One family across the street has begun wondering about the purity of their well.

She stated all of them in this area have already spent a small fortune trying to maintain their homes. That she and her husband like their community and their home very much and plan to stay there until they die but it is going to become a health hazard very soon unless they get sewer lines. If the only way to get these sewer lines is for the City to annex them, then they beseech the City to do so as soon as possible.

Mr. Hugh Casey, Attorney for W.H.O.A., Law Building.

Mr. Hugh Casey stated four persons who signed up to speak to Council today have given their time to him and he would ask Council's indulgence in his presentation.

He stated he represents a group known as WHOA, who oppose annexation, and many of them are present today; he asked everyone who opposed annexation to stand up.

Mr. Casey stated the opposition to annexation does not come only from those who are to be annexed but it has also been evidenced by the people of Charlotte in times past when bond issues have been voted down which are necessary for it; the last one, which was a repeat of a Fall bond issue, was just passed by a small majority. That the main thrust of his talk today is a very simple concept - that there is an inverse correlation

between the cost of providing municipal services per capita and population density. That taxes are rising in the City of Charlotte and the people of Charlotte have seen a steady increase and this is due to several causes, such as inflation, but one of the primary causes is the cost of providing municipal services.

He stated as our population density decreases, the cost of delivering municipal services per person rises. Before the 1974 annexation, the population density of the City of Charlotte was 6 per acre, it has now sunk to 3 per acre and as this urban sprawl continues, the cost of providing municipal services will rise.

This idea was presented to members of the Planning Commission in a deposition which was taken under oath on the 23rd of January, 1973 and present at that deposition and being questioned were Mr. Schneiderman and Mr. McIntyre, of the Planning Commission, and Mr. Fennell and Mr. Coffman of the Budget Office of the Finance Department. The following questions were put to them:

QUESTION: (To Mr. Schneiderman) Does the cost of providing municipal services to each person in a given area become greater as the density of the population becomes less?

ANSWER: That is a very complicated question, which I don't think I'm prepared to answer.

Further in the deposition:

QUESTION: I'm going back to my hypothetical question - does it not cost more to provide services to 2,000 people, spread out over 1,000 acres than to provide the same services to 2,000 people spread out over 666 acres, or can you not answer that question?

ANSWER: (Mr. Schneiderman) Yes sir.

QUESTION: You cannot answer this?

ANSWER: (Mr. Schneiderman) No, I don't know the answer.

QUESTION: Do you have any tables, graphs, or formulas in your office which would have a bearing on that question?

ANSWER: No.

QUESTION: Are there any people in your office who can discuss this question?

ANSWER: Not to my knowledge.

QUESTION: Do you know of any studies that have been made on this question by your office?

ANSWER: I don't think so, have they Bill?

ANSWER: (Mr. McIntyre) No.

QUESTION: Do I understand that your office has not computed the additional costs of the annexed area?

ANSWER: (Mr. Schneiderman) That is correct.

Mr. Casey stated in April 1974, approximately one year later, the Council on Environmental Quality, Department of Housing and Urban Development and Environmental Protection Agency, came out with a publication known as The Costs of Sprawl, the very concept which was questioned to the Planning Commission in the deposition of January 19, 1973 and put forward in this publication.

The Cost of Sprawl is tremendous and it is going up all the time and the more you spread out your city, the more your taxes and cost will go up. No mention of the cost of urban sprawl is found anywhere in the Charlotte Mecklenburg Planning Commission Report of March 26, 1976 relative to the annexation which is under consideration today.

That the government of the City of Charlotte has encouraged sprawl; they have encouraged these people to go out into these areas which they will later annex.

Mr. Casey read from a memorandum which he submitted to City Council in November 1976, as follows:

"To the counter argument that the City will inevitably grow, the evidence so far is that growth has been encouraged by the policies of our local government. Developers would not begin real estate projects outside of the city, where land is cheaper, unless they knew the city would, by explicit or implicit promises, furnish municipal services either presently or in the future. If it were the established policy of the City that no roads, sewer service, water or other municipal services would be available to outlying areas, real estate developers could turn their attention to those vast areas lying empty within our city limits where land is more expensive than outside the city limits. It should be clearly understood that development outside the city limits has been encouraged and subsidized by the policies of our local government."

He asked why the city has encouraged sprawl in the outlying areas; that he thinks one of the reasons is that people in government are oriented for sprawl. For example, the Chairman of the Planning Commission is a real estate developer so naturally, he is going to look toward that; he is a real estate developer outside the city. Now, what will be the final result if this city continues to expand, the population density declines, the cost of providing municipal services rises and taxes continue to rise - the final result can be seen in those great cities lying to the north that are now facing bankruptcy. Areas in New York City have been abandoned for municipal services. An article in the New York Times by one of the government officials point to that.

That if Council will look down the road and think of the future, think of what your city may be in a few years from now - and you should not encourage annexation and certainly not encourage any more urban sprawl.

Mr. Casey stated he will submit a copy of this memorandum, which was previously submitted to Council on November 10, 1976 for the record.

Mr. Seth Plemmons, 6013 Tuckaseegee Road.

Mr. Seth Plemmons stated he is retired and living on a fixed income. That his home is on Tuckaseegee Road, just beyond Mulberry Church Road. He stated he moved there 18 years ago because he did not care to live in the City of Charlotte at that time.

Mr. Plemmons stated he sees nothing that the City of Charlotte has to offer him, other than increasing his taxes. He has an adequate water and sewer system,

police and fire protection and he does not need any street lights - so the City has nothing to offer him but to increase his taxes which would work a hardship on him on his limited income. That all of his income is spent in Charlotte so Charlotte is gaining from his living there at this time.

He stated he understands extensions of the water and sewer lines into the area are to be largely paid for through revenues from water and sewer services to be furnished to the area. That it was also his understanding that the people to be annexed will be permitted to use their present water and sewer systems for a period of time or until they become inoperable. He stated his system is quite adequate and he intends to use it as long as possible. He imagines that most of the people to be annexed are in the same position.

Mr. Plemmons stated as long as these systems are operable, new revenue will be very much limited. That he thinks this is a mistake on the part of the City of Charlotte - that this growth is necessary. Recent history throughout this country has proven this and he beseechs Council to reconsider the annexation and let the people live as they have chosen to live without interference.

Mr. Richard Backus, 7027 Old Concord Road.

Mr. Backus stated he lives in Area 1, on the corner of Branch Hill Circle and Old Concord Road and is still in the country and wants to keep it that way. That he cannot see any point to the City's annexation in his area and he speaks for the other people who live in his area.

He stated fire protection is adequate as there is a fire department right up the street from them which could respond to his home in case of fire in five minutes; the County Police Department responded in ten minutes to his home when he had a break-in; they have a septic tank that is adequate for his usage and he cannot see at the present time the City could offer him anything, except a higher tax rate, which would cause his house payments to increase.

That as far as garbage collection, he has a private contractor who comes every week and he has no complaints with that. The area out there is sparse, Branch Hill Circle is sparse; he owns an acre and a half; Mr. Fred Godley and his family own several acres and there are a few other families scattered around the Circle. That Ferguson's Horse Farm is next door and he has about 40 acres with nothing on them but horses - there is not an average of one person per acre out there to be honest and he just cannot see why annexation there is going to give the city anything.

He stated if the City wants to broaden its tax base, he does not see how they can do it on vacant land. Branch Hill Circle, out Rocky River Road, has a few houses, but you could count them all on one hand. There is another family that has about four horses who lives south of them. That he is opposed to the whole thing because he just cannot see where it is going to do him any good whatsoever. He enjoys living in the country and if he wanted to live in the city, he would live in the city, but he does not like the city and he wants to stay out of it and if push comes to shove, he will have to sell his home and move somewhere else.

Mrs. Nell Riggs, 4021 Wilson Lane.

Mrs. Riggs stated she did not want to live within the City of Charlotte. That if they wanted to live within the city, they would have bought a home in Charlotte when they first moved to North Carolina in 1971.

She stated the City could not offer them any service that they did not already have. That her husband works in the county and they only go into the City of Charlotte when they need groceries, clothing or something for their home. Since they, as citizens of this State and County, do not have a chance to vote on this issue, she feels that her rights as a citizen of the United States has been violated. If the City of Charlotte had anything to offer the county residents, they would be begging to be annexed.

Mrs. Riggs stated members of City Council should stop to think that people who are caught in their trap will fight them the same as an animal caught in a trap. She asked why should she pay \$1,227 to join on to the city's water and sewer line; she has water and sewer facilities now and they cost about \$5 per month for the electricity to run the well pump; her garbage is picked up twice a week for \$6 per month. Her garbage does not have to be put into special bags and tied - just put in a can.

She asked what happened to their basic rights - by the people and for the people - and stated if necessary she will fight being annexed all the way to the Supreme Court.

Mr. Donald Trivette, 7020 Crossridge Road.

Mr. Trivette stated he is a member of WHOA, which Council will probably be hearing from now until December. He stated he resides in Mecklenburg County, Area No. 9, proposed for annexation, where he chose to live five years ago.

That he has no desire to become a resident of the City of Charlotte and he will fight to the bitter end his right of choice as to where he wants to live. He stated when he was looking for a place to live and raise a family, the homes inside the City of Charlotte did not appeal to him. There are several renewal projects under construction and it appears to him they will forever remain under construction; there were slum areas where it was not appealing for a homesite.

He stated if the City of Charlotte had undertaken a project several years ago to make this City more attractive to home buyers, then the slum areas and areas now barren could be tax producing areas and not a burden to the city residents as they are now.

That he can see no reason for Charlotte to trod the path that other cities have trodden; the City should read the newspapers and listen to the news broadcasts - we are supposed to learn the benefits from the mistakes of others. Does Charlotte not want to be a model city for other cities; apparently not. Is the City aware of what happened to New York City and what is now happening in Chicago, Detroit, Atlanta and other monstrous cities; the population density of some of these cities is dropping daily because the cost of providing required police protection, fire protection and countless other services is rising daily.

He stated apparently we are not satisfied with the United States of America - we would rather have it the United States of Charlotte. He would like to know when Rock Hill, Monroe, Gastonia, Salisbury are scheduled for annexation - this may sound ridiculous, but at this time annexation of any kind is ridiculous. Do we not know that this country is facing a serious energy crisis; we should start reading the newspaper and listening to the newscasts.

Mr. Trivette asked who will pay for the high cost of this energy crisis - the taxpayer - that is who. That apparently they do not see the human beings in the proposed area for annexation - all they see is dollar signs. They say that guy cannot live outside the city limits and enjoy all the city services without paying through the nose, so let's annex and see how long he has a smile on his face. It does not matter if he is a good, law

abiding citizen; all they want is his money, forgetting that he comes inside the city to purchase all his needs. He asked if this was a republic or a dictatorship? That what needs to be done is to have this arbitrary, outrageously unreasonable law repealed so they cannot act as a God and alter the lives of countless millions of people. Is Charlotte going broke? Then why is Charlotte annexing so often. This raises questions as to what the dollars are being used for. It is time the citizens of Charlotte woke up and put a stop to this folly before they go the way of New York City.

Mr. Trivette stated he has a petition, submitted to only twelve city residents, eleven of whom signed it, calling to a halt to all thoughts of annexation. If annexation plans are planned to be continued, then he plans to carry this petition to all city residents and seek their support in an effort to keep Charlotte from becoming another statistic in the cost of sprawl, as pointed out by Attorney Casey.

He stated there was a hornet's nest stirred up by the last annexation and that will only be a taste of what will follow in the wake of this annexation. District Representation is only beginning of what is changing the course of politics in the City of Charlotte.

Mrs. Zorayda Riner, 4025 Wilson Lane.

Mrs. Riner stated she lives in the North Tryon Street area and she would like to ask each Councilmember if they really think the people still have a privilege and freedom today that our forefathers fought for and our Constitution stands for. If so, how can they see annexation when so many people are opposed to it and so many lives will be disrupted. It is constitutional to at least allow people to vote on an issue which is so important, and they will not allow this to happen without a fight.

Mrs. Mary Ellen Page, 2622 Toddville Road.

Mrs. Mary Ellen Page stated she lives on Toddville Road, just off Tuckaseegee Road, in Area No. 8. That all the members of their organization, WHOA, have banded together to fight annexation. They think it is wrong and they do not want to be a part of it.

She stated each member of that organization has his, or her, own individual reasons for wanting to remain outside the city limits; she has her own personal reasons. One is the fact that she does not care to pay taxes for services that are not needed. She has heard a lot of people here this afternoon say that Charlotte does not have anything to offer to county residents in this proposed annexation area. She would like to say they do not have anything to offer to Charlotte; they have rural areas that are being taken in at a very much increased rate of extending these services to residents of these areas. In Area 8 in particular, the City is covering several hundred acres of land - land that is used for farming, land that is lying vacant, acreage though to extend beyond the acreage to pick up one subdivision which qualifies the entire area for annexation, only to pick up Pawtuckett, which is the subdivision. That the people who own acreage along Toddville Road and other roads between the existing city limit line and the densely populated subdivision are having to pay the consequences, but the taxpayers of the City of Charlotte are also going to have to pay the consequences, and she does not feel Council is being completely fair with them as to completely

informing them of the dangers and the additional expenses which means more taxes they are going to have to pay. That she does not believe the city residents understand this; the ones who do understand these facts, agree with the county residents and are helping them fight this annexation. She would urge Council to reconsider annexation.

Mr. Ralph Williams, Box 95, Newell, North Carolina.

Mr. Williams stated he lives on Rockland Drive, a short, dead-end street in Area 1, just north of Rocky River Road West. He asked a staff member to point out his street on the map before Council.

That Rockland Drive is a dead-end street, leading off Rocky River Road West and there are seven homes on Rockland Drive and seven homes on the south side of Rocky River Road West. He stated if he gets in his car to go driving, within a mile, he will pass only fourteen houses at the most. That he feels he has very good directional senses but to show what type of area they have behind them, away from the highway, he would say just a few years ago he went berry-picking and it is not easy for him to get lost but he got lost in there and not a house has been built in there since then, not a one.

In fact, in the area he is speaking of, seven houses have been abandoned and either torn down or used for fire training within the past five or six years. If Council were to take this area and separate it from the balance of Area 1, they would have less than 25 homes and more than several hundred acres. It would seem to him that this has been an arbitrary decision, just to go down Rocky River Road and it is unclear to him and he would like to ask if the people on the north side of Rocky River Road, adjoining Rocky River Road, to be included in the annexation area? Mr. McIntyre replied they are not.

Mr. Williams stated then since they see in the booklet that they have 3.2 persons per acre, it would seem to him, if they are being arbitrary about it, they could have gone on out and included more of Newell, more of Knollwood Circle and still not have had the legal requirement of 2 persons per acre. That maybe the City is looking ahead and saving these dwellings so that the next big bite will include them and reach further out. At any rate, this is an area which can contribute virtually nothing to the tax base and it is used for farming, horses; it is not being developed; it is not growing and he just cannot see how they can justify including this in the annexation area.

Mayor Belk asked Mr. McIntyre to explain the facts concerning this area. Mr. McIntyre stated he would identify, in general terms, the services and facilities that are discussed and described in each annexation report and to which the City will be committed to when it takes annexation. That rather than go through all the individual plans, this can be illustrated by a very brief review of the Albemarle-Delta Road area.

He stated in the report it says "All the municipal services of the City of Charlotte will be extended to the area proposed for annexation, immediately upon the effective date of the annexation on substantially the same basis and the same manner as provided in the City, except for water, sewer and fire protection services which will be provided in compliance with G.S. 160A-47(2). The City shall provide said services as described in the following statements."

Mr. McIntyre stated the following statements in the report are particularly relevant to this discussion - the statement on police protection and how the police protection of the city is to be expanded into this area - expanded immediately upon annexation and its effective date, indicating additional personnel, equipment which will be acquired and trained in advance to provide these services on the effective date of annexation; fire protection is identified and what will be done to provide equal fire protection into this area as required by the State Statute which will involve the building of a new fire station for that area ultimately, and as soon as the water

systems are extended into the area and they have hydrants, then a conventional fire protection system will be established, the same as in the city. Meanwhile an interim fire protection system will be provided in accordance with the provisions of the State Statute by providing fire protection services through the most immediately existing stations in the vicinity.

The Building Inspection Department will be providing its services on day one, and financial plans to augment the budget of that department throughout all the areas where additional personnel will be required, financial plans have been stated and set forth here. The Transit System is an important municipal service and the statement in the report indicates that transit service in the annexation areas will be provided equal to the service that is provided in the existing city. That Animal Control, which is not a function of the city government, will be provided and this indicates, by way of illustration, approximately \$3,700 of general revenues will be appropriated from the time the initial expenditures are made in preparation of annexation of the area. He stated Traffic Engineering facilities and services equal to those provided in the city are committed in all of the annexation reports and funding for those traffic engineering services is identified in each area.

Mr. McIntyre stated the Public Works Department has several functions, including street maintenance, right of way acquisition, landscaping, community improvements, sanitation, administration, residential collection of waste, commercial collection of waste, street cleaning function are identified and related to the financial plans for providing services, including trash collection. That Motor Transport Division of the City's Motor Transport Department will be elaborated so that it will be able to provide equal services once the City's Motor Vehicle group is enhanced.

He stated the water and sewer facilities are committed by specific plans that are identified on maps and reports for the trunk line facilities that will be required for both water and sewer systems; where they are required in some places throughout the ten areas, water and sewer systems already existing in whole or in part.

Mr. John Warlick, 3312 Barry Drive.

Mr. Warlick stated he resides in Area 8, just off Wilkinson Boulevard. That he is appearing in opposition to the proposed annexation for several different reasons.

That most of the reasons have already been mentioned but there are several he would like to point out. As he understands it, the proposed annexation line bordering on Wilkinson Boulevard, would be approximately one mile long. That this would be rather strange if we had a car coming in from Gastonia and he comes upon a sign that says you are now entering the Queen City, then that automobile travels approximately one mile farther and he sees a sign saying you are now leaving the Queen City; then he drives about two miles farther and sees another sign, you are now entering the Queen City. To the people out in that area, this is a little on the ridiculous side although the City may have good reasons for drawing those lines at that point.

Another point he would like to bring out to Council is that the people out there in that area are quite upset about reaching out and getting them in the City limits and the large area near Barry Drive, all the way to Mulberry Road, which will be excluded from this annexation and will therefore remain in the county. That most of the Council are familiar with Wilkinson Boulevard, or Massage Parlor Alley, as they have a number of massage parlors, all the way

from Mulberry Road and about a half dozen of them are within rock-throwing distance of the proposed line. That one thing that really disturbs a lot of people in that community is how those lines have been so conveniently drawn to eliminate all those massage parlors in that area, although there may have been good reasons for doing it.

Mrs. Joe Cathey, 6428 Virginia Avenue.

Mrs. Cathey stated there is one thing she would like described and that is why skip this portion, from city to county and then back to city, within a mile or a mile and a half.

Mayor Belk asked the location of Virginia Avenue and Mrs. Cathey replied Virginia Avenue is in Moores Park No. 1. That they have lived there for 30 years.

Mr. McIntyre stated the map does not show Virginia Avenue but it extends in an easterly direction from Barry Drive. That in answer to her question about skipping a portion, it is because this area does not qualify because it does not meet any of the qualifying characteristics that the state statutes stipulates.

Mrs. Cathey stated there are a lot of elderly people out there in that community who have retired and have lived there for many years. That they had no expectation of ever having to pay more taxes than what the county taxes are already. She stated it seems a great injustice to the people of Mecklenburg County who have been here their lifetime, or a number of years. That she is sure that Charlotte must grow, it cannot stand still and no one in their organization would want it to stand still but why can't they find another portion of the county that could be taken in without so many homes being affected by this particular thing. That people who are on fixed incomes will have to raise more money in order to pay city taxes. She stated the people out there would appreciate Council's sincere consideration in this area.

Mrs. Brenda Hendricks, 6112 Paw Creek Road.

Mrs. Hendricks stated she lives on Paw Creek Road, in Area 8, and she would like to give her personal reasons for opposing annexation.

That four years ago, she and her husband purchased thirteen acres of land on Paw Creek Road, with the hopes of having a home and farm, and in a small way, some livestock. The land is very good pasture land and this is one of the main reasons they bought it. They moved into their home two years ago, at which time they spent \$3500 for a new well and septic tank. Now, they tell them they will not be able to have their livestock and want them to get rid of what they do have which will mean they will never get to use their land for what it was meant to be used. They are not alone in this problem; they are others on their street and in the area who have livestock and use it as a means of livelihood, not as sole means, but as a means of helping with the cost of living.

She stated besides this, they will have to pay extra taxes on land which they will not be able to use to its full extent and this is not fair when they can tell them that they cannot do this with their own land.

Mr. McIntyre stated the livestock regulation is primarily a Health Department regulation.

Mrs. Hendricks stated she has checked with the City Attorney's Office and was told she would not be allowed to have any goats, cows or pigs and that if they had these animals when they were annexed, they would have to get rid of them.

Another point she would like to bring up is one of the arguments used for annexation - that they use all the city streets, they use the hospitals and

facilities so why shouldn't they help pay for them. That when she comes to town to shop or to go to the hospital, it is much closer and safer for her to go to Gastonia because of the way the hospitals in Charlotte are situated. They do not use the health services in Charlotte, although they live in Mecklenburg County. She stated she does not understand why they cannot have a payroll tax for those who work in the City of Charlotte but live elsewhere. That personally, her husband works in the city and he would be more than happy to pay a payroll tax, rather than be brought into the city limits and have their rights taken away from them. Then, the City would not have to give these people who work in the city any more facilities, such as water, sewer, police and fire protection but would be getting the revenue in the form of a payroll tax.

Councilman Williams explained this would have to be done in Raleigh, by the State Legislature and they are not planning on doing this at this time, because they just are not interested in this kind of tax.

Mr. Jim McLaughlin, Old Concord Road.

Mr. McLaughlin stated he has an 80-acre farm and part of it is his old farm place which he was not strong enough to leave. There is a section on the corner of Newell-Hickory Grove Road and Orr Road and he lives on Old Concord Road, across from it.

He stated his basic occupation is a railroad engineer and he runs a train from Charlotte to Salisbury and he wants to be honest with Council so they will be honest with him. That according to the information he received from the Secretary to the City Attorney, he could not run his cattle on his land, after it was brought into the city.

Mr. McLaughlin stated there are 34 houses on Branch Hill Circle around to Tryon Street which is roughly 2 miles. That he realizes that they have to draw some lines and when they start drawing lines, somebody has to do the job and this sort of thing goes on, and they have to follow it. He is not trying to tell them he is going to be put in the bread lines if he cannot keep his cattle; he has his cows by choice. In the 34 houses, there are roughly 16 retirees living in these houses.

He stated he and his son can walk back to the creek behind his house and shoot a rifle and do not have to worry about it hitting a house because it only has a range of one mile. His son can carry his rifle when he wants to and he does not have to worry about it because it is safe. That he is not trying to stifle the city, he is not trying to hurt anyone, he is not trying to holler and scream. One of the things that hurt him more than anything else was back several years ago when one of the developments started having problems and everybody starting screaming and no one gave them answers; they all came down here but no one gave them the answers.

Mr. McLaughlin stated he cannot give them an answer either. He knows what his opinion is and that is to come down beyond the apartment and bring the city limit line straight across Grier Road and cut from Grier Road somewhere across Tryon Street; there would be roughly a square mile and a half of property and you would only be leaving out in the neighborhood of 44 houses. This is 1,000 acres and 44 houses.

Mr. McIntyre stated the criteria which was followed in defining the annexation areas uses the population density of the area and spreads that population over the maximum area that could be annexed and still sustain the 2.0 persons per acre, in other words, this is a criteria that has been used in delineation of these annexation areas with the criteria that was used in the previous major annexation and as a matter

this criteria has been used ever since this State Statute was put into effect and applied to annexations of this city.

Mr. Underhill, City Attorney, stated his Legal Assistant was probably the one who talked with Mr. McLaughlin and she gave him the correct answer to his question about his cattle, and he cannot really add to what she said.

Mr. McLaughlin stated he is not the first person who has had this problem. It was back when Mr. King had to sell his cattle when the City annexed Hidden Valley, but there were houses in there, a large number of houses, and this explained it. That he can name other people - Harvey Hunter had to move some cattle for the city's convenience. He stated he has no qualms about the loss; he will just have to comply but he does not see where it is advantageous to the City and in the brochure, it states forty feet north of Rocky River Road West. He asked if the people who live on the north side of Rocky River Road West were going to have to pay a portion on their property in property taxes, if so, they are not aware of this. That this is the first time he has heard of this. It states on the next to last page of the report that it extends forty feet north of Rocky River Road West.

Mr. Coulter stated this refers to the 10 feet strip that the City took last time and will take this time - 10 foot north of the right of way. In the last incidence, the City had to relinquish any taxing powers on the 10 feet north of the right of way; that he believes this will be the same on this proposal.

Mr. McLaughlin stated he understands what is being said but these people have a right to know they are included. That the news media might be as guilty of misrepresentation of the plan as anybody else because he feels sure they knew about it.

Mayor Belk stated we should not blame the news media if these people did not know it.

Mr. McLaughlin stated he is not trying to blame anybody but here we are with a situation where no one knows.

Mr. Coulter stated in the last annexation when they used a road as the state law requires, but when a road is used as a boundary, they are required to take in the entire road and based on conversation with the City Attorney's office last time, the determination was made to take in a ten foot strip north of an existing right of way for maintenance purposes and propriety. That last time the City had to relinquish all taxing power within that 10 foot strip, in other words, those people that have property within that 10 foot strip would not be paying any city taxes.

Mr. McLaughlin asked if this would be true with this annexation and Mr. Coulter replied that is correct. Mr. McLaughlin stated this is what he did not understand because there is a large number of people there. That he is not trying to stop city progress of anything of this nature; he is glad to see the City make progress. He stated when he was a kid he sat and watched them weld the top ring on the coliseum and he has enjoyed lots of basketball there.

That the City has kept unemployment at a low level and Charlotte has done a good job but somewhere in this expansion, they could have expanded those lines on a narrow strip all the way to Harrisburg, had they done it the way the man said. They could have taken a narrow strip and gone all the way.

Mr. McIntyre stated the reason this is not possible under the Statute is that the Statute says that the boundary of the area proposed to be annexed has to be one-eighth contiguous with the existing city boundary, therefore, assume that you might want to run a strip on both sides of a road, the strip would adjoin the city limits for 300 feet, for about a mile; this is impossible because the Statute says you cannot do it.

Councilwoman Chafin asked about the zoning of the land out there and Mr. McLaughlin replied it is all residential on the west side of Southern Railroad; on the east side of Southern Railroad, from Grier Road to the railroad, it is industrial property and there are four developments, three of them north of Grier Road. There is one small mobile home park north of Grier Road and nine houses in the area that is triangled by Grier Road, Newell-Hickory Grove and Southern Railroad.

He was told by Mr. McIntyre's assistant that this area was taken into the city because of the convenience of drawing a straight line on Newell-Hickory Grove Road. The complexion of the land changes because it is in the Rocky River water basin and it is industrial property and is not developed. This is industrial property and not residential property and is the highest taxed property in the area. The land is open and he is farming it.

Mr. McLaughlin stated this would create an undue hardship on his family because it is still in his family's estate, it is not his personal property. If it goes into the city, he has got to stop farming this land and would have to sell it for less than face value because industrial property does not develop like residential in that when it develops, it develops all at one time, it does not develop like when a man goes out and cuts streets and so forth.

Mayor Belk asked the location of the fall line and Mr. McLaughlin replied the fall line runs along Grier Road and would come up four roads basically.

Councilman Davis stated one citizen commented about the power to annex with or without their consent was an awesome one and he feels it puts upon Council an awesome burden to be fair to everyone. That as long as Council has instructed Mr. McIntyre to annex everything that meets the bare minimum legal qualifications, we are going to find ourselves hurting a lot of people who do not deserve to be hurt and Council should consider some alternatives.

That Number One, he feels we should set our sites somewhere above the bare legal minimum for annexation or we should discuss with the Planning Commission when they are drawing these lines, and he feels they have done an skillfull, expert job of doing what the majority of Council has told them to do, and that is to take in everything they could get, and Council should instruct them otherwise to take into consideration the use of the land as it now exists and do some gerrymandering in reverse to eliminate such areas as has been called to their attention in Area No. 1. That he has been out to see some of the areas and this does seem to be a rural area and the other areas which represents undue hardship and Council should look again at the lines that have been drawn.

Mr. Paul Yancey, 151 Sardis Road North.

Mr. Yancey asked what is the obligation of the City with respect to unpaved roads that are being annexed; that he lives on the corner of Sardis Road North and Ritter Drive and Ritter Drive is the one in question.

Mr. Hopson, Public Works Director, replied if the road is the right width, or a 60-ft wide street, it would be eligible for paving and would have to be put into a Capital Improvement Program and paved; if it is already improved up to the point of just needing asphalt, then the asphalt resurfacing program would help take care of it. If it is less than a properly-dedicated right-of-way, then Council has adopted a policy which would take several years probably to do the whole annexed area. Mr. Hopson asked if this street was in the annexed area and Mr. Yancey replied yes, it is a 60-foot right-of-way. Mr. Hopson stated it would be eligible for paving. Mr. Yancey stated it is a hard surface road, but it is aggregate. Mr. Hopson stated this would come under the resurfacing possibility, would be put into their operating budget and paved routinely as the months and years roll along.

Mr. Hopson stated they surface about 90 miles per year in the older part of the city so it would not be too long before it would be paved.

Mayor Belk asked Mr. Yancey to make a special request for this paving.

Mr. Malcolm B. Blankenship, Jr., 425 S. Ellis Street, Salisbury, N. C.

Mr. Blankenship stated he would like to add to his statement earlier today. He pointed out the complete Area No. 1 and several people have commented today the inescapable conclusion that this is rural in nature. He noted Highway 29 East and Old Concord Road.

That the bare 2 person per acre standard is met but there is a great deal of inequity when you have so many apartments. There are more apartments in this area than he can think of anywhere else.

He stated he had inquired at each of these apartment complexes to get an idea to get an idea of how many units there were and there were enough units multiplied by three per unit to create a population in these apartments along a strip that would total 6,200 people, out of the 9800 people in the overall area.

That no one has spoken against annexing the western portion of Area 1, which again, is much more developed, it is not apartment-level development, but is pretty heavily urbanized, some industrial growth along Derita Road. The Statute that permits the annexation of 2 per square mile may be subject to some dispute and some vulnerability because it is a little bit vague because it does not take into consideration the common phenomena like high density apartments.

He stated as several persons had commented you can take these apartments with the high density of population in them, you can run it out a long way. That he agrees with Mr. McIntyre that there are boundary limits as well but perhaps even under the present law, this might be vulnerable because it does not take into consideration the really heavy impact of apartments in that area.

That City Council does have within its power, acting upon the annexation power and acting upon the feed-back given in the public hearing, ability to modify the proposed boundaries and he feels an appropriate modification, taking into the consideration the rural nature of this property, would be to delete that portion or North Tryon at the present limits on out two miles along Rocky River Road and back down to this area, certainly not more than the Old Concord Road.

He stated there are several farms along in there; one has about 160 acres and the rest of this area is just virgin timber. That he has been out there on many occasions recently and the character of the area has changed very little over the years. That he would hope City Council will consider his suggestion.

Mayor Belk thanked the audience for coming today and making their comments.

Councilwoman Chafin stated considering some of the comments which have been made, Council might want to take another look at Area No. 1 and Area No. 8. That she would hope before the City does annex, they will arrange in all the areas, meetings with the residents to explain what is going to take place, what services they would be eligible for, what procedures are involved in obtaining various kinds of services; there are different procedures, some are automatic and some have to be petitioned for and it has come to her attention that a number of areas which have been previously annexed, the people simply do not understand what services they are eligible for and why they are receiving some and not others.

Mrs. Ruth Chesire, 2811 Dunlavin Way.

Mrs. Chesire stated she would like to speak to the Delta Road-Albemarle Road annexation. That they have a similar situation in that area because they have a lot of uninhabitable land, close to 200 acres. She stated in looking at the type of services that could be extended and in talking with the Engineering Department, the proposed sewer lines would not come within the vicinity of Delta Road; they would come to Albemarle Road, and come to Dogwood Road, but Delta is left out of the picture. It would be a very expensive situation to get into Delta Road. According to the Engineering Department, they have not gone far enough to know about the fall there and what could be done.

She stated they do not anticipate any development in that area, the way it is at the present time. That they would like them to give some consideration to join that area with that adjacent to it, which includes Trysting Road, which is also quite vacant and is somewhat gerrymandered in the upper corner.

Mr. Campbell, Assistant Director of Utilities, stated feasibility is the key word here and if there is a significant amount of vacant land, it would not be feasible to bring the lines in at this time.

Mrs. Chesire stated she was told that nothing much would be done beyond the concentrated area and the services would not come into the Delta Road area at all so she feels that area should be joined with the Trysting Road area and excluded from this annexation.

Councilman Williams stated he is hearing two different schools of thought. One point of view says we are opposed to annexation, without a vote on philosophical grounds no matter where it is and another school of thought that is saying let us look at some of the specific areas because the criteria might not exactly fit in those instances.

That the point made in the latter case is well taken and he is willing to look at some of the areas in Areas 1 and 8.

In the former case where people seem to oppose annexation without a vote on philosophical grounds, this also bothered him when he first got in city government, too, because it seemed unfair, or undemocratic, that somebody could be dragged into the city against his will, screaming, kicking and yelling. But there is another side to that coin and that is if a city cannot expand and cannot get an expanded tax base, sooner or later it is going to encounter serious financial trouble. Charlotte and North Carolina are lucky because they have such an enlightened annexation law that permits that kind of growth; keeps ahead of the financial troubles which have been referred to in New York, Atlanta and Louisville; these cities are locked in and are not able to grow because of other small municipalities surrounding them or because of annexation laws which are not as enlightened as ours.

He stated the point was also made that we cannot pass the payroll tax because the State Law does not permit that so this Council has to work with what it has - which is the annexation law and that is all.

Councilman Williams stated with regard to the comments of Mr. Casey and others said about annexation not being profitable to the City, he contends that just the opposite is true, even in the first year, the revenues derived from these areas will exceed operating costs and in the second year, the gap is going to widen. The argument is a little bit beguiling about the density of the population, the more it costs to provide the service, and he would agree with that premise but somehow that premise breaks down when you add up the figures of what you are going to get from annexed areas compared to what you have to spend to provide the services. It may actually be that the city needs these people more than these people need the city and if they have their septic tanks and wells, this may be so but the City does need them. That Charlotte, financially, has been very fortunate and all you have to do is look at the Bond rating

in the city - the city has the highest bond rating that any municipality can have, which indicates it is on sound financial basis. That he would suggest that part of the reason is because of its ability to annex areas that are really urban in nature; the theory behind this being what is urban in nature should also be municipal.

That the City cannot dictate where the grow goes beyond its borders, growth seems to go there. The point was made that annexation encourages urban sprawl, but he thinks just the opposite is true. He feels if the city limits are compact and narrow that encourages the developers to go just beyond the city limits where the land is cheaper, where the taxes are less and where the regulations are fewer to do their developing. If you look at Eastland Mall, which is just beyond the city limits right now, and SouthPark, which was developed at a time when it was outside the city limits, just beyond, it proves this point. If you look at cities like Atlanta, Louisville and New York, just because they do not have such an enlightening annexation law does not prevent urban sprawl in those areas, they are sprawling over several counties. If anything, just the reverse is true, if you have an aggressive annexation policy and the city limits are expanded to cover a large area, it becomes less profitable for the developer to go just beyond the perimeter of the city because the people who are going to be using his facility would have to go that much farther to get to it. That this would encourage him to come back inside the city limits to develop.

Councilman Williams stated he would convey the thanks of the City Council for being sympathetic and understanding to their problems, too.

Mr. Larry Freeman, 5625 Mallard Dr.

Mr. Freeman stated he came today to find out what was going to happen; that he has been a resident of Mecklenburg County since about 1973. That he has a choice of anywhere in the southeast to live and he selected Mecklenburg County because of the transportation available, the central geographic location and several other factors.

He stated the City Council has been the guiding force through the 40s, 50s, and 60s and has lead Charlotte to develop into such a great area and this is the reason he selected it. He selected outside the city limits for a number of reasons; higher tax rate is one reason, predominately larger land, freedom to let the dog run, freedom to let the kids run. They have heard quite a few arguments one way or the other and he could probably support either way but he did want to state his opposition since no one from Area 2 really has stated their opposition.

That he is really not prepared but he has looked through the report and the map and sees basically the Eastland Mall Area which is largely developed and using city services; then, some undeveloped areas which he pointed out on the map.

That back during the 50s and 60s, when we had so much growing going on, it was the thing to grow, to use more energy, everything got bigger, but now we can no longer do that. Charlotte in its wisdom might want to consider staying small, with a smaller area to maintain. They heard about the bigger base - this was the concept social security was founded on and quite a few people are getting along quite well on social security, his grandmother who was glad to get on social security because that is the only way some of the people can support themselves, but he will never get on it. Instead of being more efficient with the services we want, some want a bigger and bigger base and when we cannot afford that, we can take some more. That he totally opposes being brought in without any say about it. He stated if the majority of his neighbors had voted for it, he would either go along with it or move, which he may still do, but he feels they should have a bigger say in it, and in the light that we cannot keep expanding forever, the concept should be studied more.

Councilman Davis stated this is the only annexation hearing he has ever attended and he would like to know when Council will have an answer for these people and in what form will it be delivered to them.

Mayor Belk stated that would be up to Council.

Mr. Underhill stated Council has voted to consider the annexation of these areas. That a timetable has been worked out and is scheduled to come back to Council on May 9.

Councilman Davis asked if instructions could be given to the Planning Commission about developing detailed answers to specific complaints that have been brought before Council today and Mayor Belk replied they have a list of the people who appeared today.

Councilman Davis asked Mr. McIntyre if he intended to communicate with these folks and Mr. McIntyre replied he had no specific intentions of communicating since he did not know how Council will decide what should be done as a result of this hearing. He would suggest one thing which occurred to him during the hearing and that is if we want to depart from the criteria that we used as a population base to qualify adjacent undeveloped area, then a very clear alternative criteria that would be generally applicable should be defined, otherwise we can end up being comparatively arbitrary and Council would not like to be put in that position.

He stated before the Planning Commission staff attempts to make any adjustments at all, we should have a policy under consideration which has been established by Council. From what he has heard today, it seems there are many areas where the objection was that the City was taking in vacant land which was undeveloped.

Councilman Davis asked how long it would take to re-study these areas with a view toward conformance to existing land uses in areas of some reasonable sizes. Mr. McIntyre replied the last criteria does not really speak to the question for areas of some reasonable size, and he thinks it would have to be established as part of the criteria for the Planning Commission staff to follow. He thinks the Planning Staff could probably apply that policy in not too great a length of time.

Councilman Davis stated he thinks there is some considerable sentiment on the Council for looking again at area specifically like Numbers one and eight where from looking at these maps the areas do not appear to be developed. He would like to suggest the Council schedule another meeting on this, and ask the Planning Commission in the interim to re-study these areas, and come back to Council with any recommendation they can come up with that would relieve this particular type problem.

Mayor Belk asked the time schedule for annexation? Mr. Underhill replied there is nothing binding about the time table. If the City Council desires to annex all or part of the areas being considered, it cannot be done any earlier than seven days from the date of public hearing, or no later than 60 days following the public hearing. If it is the Council's desire to annex the property at that time the Council can adopt an ordinance which would extend the corporate limits to include all or part of these areas which are under consideration today. But it will have to be done not later than 60 days from this date, nor earlier than seven days from it.

A Gentleman in the audience stated when he looks at Area No. 1 he sees the population has been set up at 3.24, and yet the guidelines say a minimum of two, so someone already has been arbitrary. You have established an arbitrary figure there somewhere. In another area, in Wilkinson Boulevard area, you find a population density of 2.42; perhaps that would be sufficient to extend it across the little gap that is not there. Someone has been arbitrary.

Mayor pro tem Whittington stated to the audience that the Mayor and several members of Council have had to leave the meeting because of previous commitments, so the meeting will be adjourned. That he is going to suggest to the members of Council present that we ask the City Manager to plan a tour so that Council can go into these areas and see what these citizens have brought to their attention today as quickly as it can be done. Members of Council can see for themselves

what has been talked about today. He stated as a member of Council who has been in on annexation cases before this is no different than any others. The one three years ago, and the one in 1960 and all since that time have been under the state annexation laws. He can remember when the people said SouthPark was left out. SouthPark was left out according to the Planning Commission because it did not comply with the state statutes at that time. We were told that we left out people off Sharon Amity Road and Eastland Mall. Now these areas comply.

One person spoke about Area No. 8 where there is 240 acres of land of Mr. Smart's in the middle; the gentleman from Salisbury, Mr. McLaughlin and Mr. Williams talked about land that does not have this many people living on it - two per acre. That Mr. McIntyre explained to the audience how that worked.

He stated Council should go into these areas and see if the law should apply as it relates to what Mr. Hankins said, what Mr. Smart is concerned with and Mr. Williams, Mr. McLaughlin, and Mr. Plemmons, from Tuckasegee Road and others. Then we will have a picture of what these people are concerned about.

Mayor pro tem Whittington stated as far as annexation is concerned he does think annexation is absolutely necessary in this city. It is orderly growth; it is a way to protect the tax base for the people who have lived in these city limits all these years. He does not know any other way to do it. When we look at some of the cities Mr. Casey referred to earlier, he can say he is thankful he lives in Charlotte, Mecklenburg County. That is no example of good government or efficiency as he sees it and knows it.

  
Ruth Armstrong, City Clerk