

January 12, 1976
Minute Book 62 - Page 492

The City Council of the City of Charlotte, North Carolina, met in regular session on Monday, January 12, 1976 in the Council Chamber, City Hall, at 3:00 o'clock p.m., with Mayor pro tem James B. Whittington presiding, and Councilmembers Betty Chafin, Louis M. Davis, Harvey B. Gantt, Pat Locke, Neil C. Williams and Joe D. Withrow present.

ABSENT: Mayor John M. Belk.

* * * * *

INVOCATION.

The invocation was given by Councilman Neil C. Williams.

SERVICE PINS AWARDED TO THIRTY-EIGHT CITY OF CHARLOTTE EMPLOYEES.

Mayor pro tem Whittington stated today is a highlight that all members of City Council and the Mayor look forward to, and that is recognizing personnel in the City who have served for a long time. One member has served for 40 years, two for 35 years; ten for 30 years, and twenty five for 25 years.

The following employees were recognized:

Forty Year Service Award

C. L. Ramsey, Detective Police Department.

Thirty-Five Year Service Awards

J. W. Fesperman, Sergeant Police Department
D. L. Wilson, Traffic Signal Construction Foreman, Traffic Engineering

Thirty Year Service Awards

H. L. Bandy, Lieutenant Captain, Fire Department
S. W. Bennett, Lieutenant Captain, Fire Department
P. N. Connell, Firefighter Engineer, Fire Department
F. M. Diehl, Superintendent, Parks and Recreation
G. O. Hedrick, Chief Engineering Aide, Public Works
R. P. Hoover, Sergeant, Police Department
W. G. Jetton, Sergeant, Police Department
J. B. McGuirt, Sr., Traffic Signal Foreman, Traffic Engineering
J. L. Osborne, Lieutenant Captain, Fire Department
A. W. Wallace, Captain, Police Department

Twenty Five Year Service Awards

W. T. Baker, Labor Foreman II, Utilities
C. R. Benefield, Police Officer
W. A. Bowers, Lieutenant Captain, Fire Department
J. F. Davis, Laborer I, Utilities
W. W. Davis, Lieutenant Captain, Fire Department
O. E. England, Automotive Mechanic II, Motor Transport

(Continued)

Twenty Five Year Service Awards (Continued)

- Alvaro Garcia, Equipment Operator III, Sanitation Division
- G. L. Gardner, Communication Center Supervisor, Police
- F. H. Harris, Labor Foreman II, Utilities
- R. B. Hood, Police Officer
- K. D. Jetton, Police Officer
- E. E. Johnston, Police Officer
- D. L. King, District Fire Chief
- A. D. McClain, Laborer I, Sanitation Division
- Lorraine M. Montgomery, Switchboard Operator, Central Services
- Katherine L. Owens, Clerk-Steno II, Police Department
- J. B. Polson, Utility Cuts Repair Foreman, Street Division
- Adelia M. Prophet, Police Record Clerk
- Frances S. Plummer, Switchboard Operator, Central Services
- T. E. Regans, Lieutenant Captain, Fire Department
- P. W. Sherer, Police Captain
- T. W. Russell, Treatment Plant Supervisor, Utilities
- Louise K. Theiling, Clerk-Steno II, Fire Department
- H. J. Williams, Water Distribution Supervisor, Utilities
- Z. W. Ziegler, Street Maintenance Operations Supervisor, Utilities

RESOLUTION RELATING TO THE ALLOWANCE OF CREDIT FOR PURCHASE OF MILITARY SERVICE AND REPAYMENT OF RETIREMENT CONTRIBUTIONS PREVIOUSLY WITHDRAWN FOR CITY EMPLOYEE MEMBERS OF THE LAW ENFORCEMENT OFFICERS BENEFIT AND RETIREMENT FUND, DEFERRED.

Councilwoman Locke moved that the subject resolution be deferred as requested by the City Manager for further information. The motion was seconded by Councilman Withrow and carried unanimously.

COMMUNITY DEVELOPMENT PLAN AND THE REDEVELOPMENT PLAN FOR THE FIRST WARD TARGET AREA, DEFERRED.

The hearing on the Community Development Plan and the Redevelopment Plan for the First Ward Target Area was called.

Mayor pro tem Whittington stated Council understands that Mr. Sawyer, Director of Community Development, will not recommend approval of the First Ward Community Project. But there are a number of points Mr. Sawyer would like to make that should be explained to Council, and entered into the formal records.

Mr. Sawyer stated this is a hearing on the Community Development Plan and the Redevelopment Plan for the First Ward Community Development Target Area. He stated this section of First Ward was approved as one of the nine community development target areas in the preliminary plan for the expenditure of community development funds. That was mainly because it was a part of the First Ward Urban Renewal Project area, and was eliminated because of the lack of funds; HUD could not fund the project.

He pointed out the CD Target Area on a chart and its overall boundary at one time and stated the boundary had to be adjusted because HUD would not furnish the City enough money, or there just was not enough money to match the city money to approve the project, so it was eliminated and it was eliminated for that reason and that reason only. It was a matter of money, it was not a condition or anything else.

January 12, 1976
Minute Book 62 - Page 494

Then, it was approved as one of the nine Community Development Target Areas in the Preliminary Plan for the expenditure of Community Development money. They have planned the project because it was included in that plan and Council's instructions with respect to that Plan were to move all of these nine target areas into execution this first year. So, the work that has been involved in planning this Community Development Project to date was done prior to the issuance of the Federal District Court Order on December 9th that applied directly to the First Ward Urban Renewal Project which they understand is in the vicinity, it is right across the street, and they understand the Court does not want any more relocation or any more demolition in this area until this case is settled.

He stated they also know that HUD will judge the City this first year on the basis of its activities and of how many of these projects are put into execution and how much progress we make in getting the money released of the \$10,590,000 which was made available to the City this year. That they have some options as far as the action goes.

The first option, as they recommended at the time the Council Agenda went out, was for Council to approve the project if they saw fit to do so. The other option is to approve the project with limited acquisition or no residential acquisition, and therefore no relocation, no demolition or residential structures. They think this is a reasonable option but he would like to go ahead and explain the project. The other option is to postpone, delay or take no action at this time.

Mr. Sawyer stated this is a small project area. The northern boundary is the Seaboard Railroad, the eastern boundary is Caldwell Street, the western boundary is Brevard Street, generally speaking, but the boundary does jog across Brevard, between Brevard Street and the Southern Railroad right of way to pick up residential properties and other properties that are blighted. Also some for the purpose of providing right of way for the widening of Brevard Street.

He stated the southern boundary is Eighth Street, generally speaking, and around a portion of Earle Village. There are existing conditions that cause the area to be blighted. This was determined by the Planning Commission in a finding of September of last year. That is a precedent to their continued planning.

Mr. Sawyer stated they have objectives for this project which includes the acquisition of the residential property, to remove the blighted conditions, to provide physical improvements to insure the long term maintenance of a sound non-residential area because it is a part of the plan to convert the residential portions to non-residential, to provide for the sound economic development of land and the stabilization of land uses, to clear the redevelopment and redevelop the pockets of residential structures, the majority of which are beyond any reasonable means of rehabilitation; to eliminate any incompatible land uses in this area and to protect the residential uses that are planned for the First Ward Urban Renewal Project across the way. To prevent additional undesirable land uses mixes by proper zoning, they recommend certain zoning in the area, to provide a block of land for the expansion of the First Ward Elementary School in this area, to provide small bit of land for the expansion of the City Coach Lines, which is the City's Transit Authority, to provide for the widening of Caldwell and Brevard Streets that will improve the flow of traffic to and from the downtown Charlotte area and then some other drainage improvements that will assist the area.

He stated the Redevelopment Plan contains a Land Use Plan; it contains regulations and controls for the various permitted uses. These include setback requirements, sign regulations, certain landscape treatment, off-street parking, etc.

January 12, 1976
Minute Book 62 - Page 495

Mr. Sawyer stated they have a Relocation Plan which sets forth the Relocation Assistance which will be available; relocation payments and who is eligible for these payments, both residential and business; the type of financial assistance, which includes moving expenses, direct loss of property, fixed payments in lieu of actual moving expenses, replacement housing payments for both homeowners and tenants and small business payments in lieu of moving expenses.

That there are a total of fifteen families and three individuals in the project area for a total of 18. It happens that all of these families and individuals are eligible for public housing and there are two businesses in the area that will be displaced and both of them are small businesses.

He stated for resources of the relocation of these eighteen families and individuals, they have looked to the Charlotte Housing Authority and to the private market to the extent that these families are eligible for the financial aid that is available to them to give them a choice, with the choice in private housing more limited than public housing, but the annual turnover in the Charlotte Housing Projects amounts to an average of 420 units annually and they have not planned any relocations this first year - so it would be in the second or third year, even if Council approved the project today, that they would begin relocation.

The financing plan anticipates that the money will be Community Development Block Grant Funds in the amount that Council allocated in the preliminary plans.

Councilman Gantt asked if Mr. Sawyer is asking for Council to take action on this today and Mr. Sawyer replied no.

Councilman Gantt asked if Council would not be required to have another public hearing on this matter, pending the results of whatever additional kinds of things Mr. Sawyer might be doing since he gathers that the reason he is not recommending the plan today is because he has not had a chance to evaluate this particular portion of First Ward in light of the Judge's recent decision on the First Ward Plan. Mr. Sawyer replied yes, it related to that and Councilman Gantt's comments the other day, when the public hearing date was set, and he thought his comments were very appropriate on this, this is not legally under the order and under the First Ward Urban Renewal Project, it is right across the street and therefore we should be mindful of this.

Councilman Gantt stated this is his point. In fact in reevaluating the original First Ward Plan, along the lines of the recent judicial decisions, we may be doing or suggesting some different things in the portion of the Plan than what we are looking at right now.

Mr. Sawyer stated both he and the Planning Commission are beginning to look at the First Ward Urban Renewal Area next door, however, he is not sure that any decision there would cause any re-thinking or changes here. That they would certainly think of it at the same time but this is a non-residential area.

Councilman Gantt stated he is trying to say if there are any changes, then it would seem to him that another public hearing would be in order and Mr. Underhill, City Attorney, replied that if the changes were substantial and represented a substantial departure from what has been proposed here, then the safest course of action would be to hold another public hearing and he would so recommend that if they come up with something that looks substantially different from what is being proposed here. Mr. Underhill stated this is without the benefit of really researching the thing through but it would probably be appropriate to have another hearing if we do end up with something that does change what is being proposed in the plan. Councilman Gantt asked the number of families to be relocated and Mr. Underhill replied 18 families.

January 12, 1976
Minute Book 62 - Page 496

Councilman Gantt stated what we now call adequate relocation resources may be in question since the judicial decision says our relocation resources are not adequate. A change in the plan may say we will not relocate anybody in the First Ward Area, in fact, we may be talking about rehabilitation which is not a part of that Plan and that no rehabilitation of any of these units as they exist as a part of this plan and Mr. Sawyer replied that is correct.

Mr. Underhill stated that would be a substantial departure from the plan and it would require another hearing. He stated relocation plan is a major portion of this plan, if you change that significantly, then it would certainly require another hearing.

Councilman Williams stated he is sympathetic with helping out the school and the garage and asked if the land that he is talking about expanding the school and garage into, is that occupied by residences or commercial properties and Mr. Sawyer replied this includes three commercial properties and one residential property, the residential property being 702 North Brevard Street, right at the corner of 10th and Brevard, otherwise it is vacant and for all practical purposes abandoned former Hudson Hoisery Plant which occupies the major portion of the block. There is a small tool service on the corner of 11th and Brevard and otherwise it is vacant and appears to be a part industrial property.

Councilman Williams asked about the bus garage and Mr. Sawyer pointed out the location on the map and stated it would replace one residential structure which appears to be a combination of residential and commercial; the house is a brick structure at 631 Brevard but behind it the yard is full of salvaged refrigerators and from the street appears to be a commercial operation back there.

Mayor pro tem Whittington called on Mr. Hugh Casey, Attorney, to speak to Council regarding this hearing.

Mr. Casey stated he thinks it is very appropriate that Mr. Sawyer has asked Council to defer their decision on this Plan and in concurrence with Mr. Sawyer's suggestion; he would suggest that Council form a sub-committee, perhaps one, two or three councilmembers who are particularly interested in this point would meet and invite suggestions from some of the people here in Charlotte. That he thinks Councilman Gantt has already pointed out some aspects of problems and some analysis.

Mr. Casey stated offhand it appears the purpose of this project is to clear land, to demolish everything on it and then it is to be used for light industrial purposes. That he has checked the zoning ordinances of the City and it appears this is now presently zoned for light industrial purposes. It appears that if businessmen wish to build light industrial businesses in this area, they could do so, it would not require the expenditure of \$1.9 million dollars of government money. It appears that if the school wished to expand, he would assume they could do so with condemnation which would not require the expenditure of \$1.9 million dollars. If the streets need to be widened or drainage needed to be done, they could be done without the expenditure of \$1.9 million dollars.

He stated the problem can be treated but he does not feel there is any point in doing so; the court has filed that there is not a feasible relocation program; it has found as a fact that there are 1500 eligible people in Charlotte who have been waiting for a period of two to four years to get in public housing projects and that people from this project were considered now to be put in public housing projects as they are qualified.

That he does not think a public hearing like this gives adequate time to get comments from people, since the agenda was put out on Friday and today is Monday.

January 12, 1976
Minute Book 62 - Page 497

Mr. Sawyer stated he would like to point out that he and his staff have met with the citizens in this area, the ones who reside there. There has been quite a bit of citizen's participation in the planning of this project and what is shown here today in the public hearing is fully cognizant by the residents out there. That today's public hearing has been advertised for two weeks in the local newspapers.

Councilman Gantt stated members of this Council have heard a lot in the last three or four weeks about "last resort" housing; how we can get construction of the units and there has been some concern about the ethnicity of trying to rehabilitate or restore some of the housing left in the First Ward or any of the Urban Renewal areas and that there are provisions where, if in fact we cannot get housing produced in First Ward, Greenville or any other renewal area to satisfy the relocation requirements or satisfy the judgements, that we can resort to building the housing ourselves. He asked if he could clarify "last resort" housing and does it mean if we have \$17 million dollars in Urban Renewal Plans, for instance, in First Ward, that we could replan the area and go through the complete procedure or amending the plans to take, say, \$5 million to plan the housing to be sponsored by the City of Charlotte. Mr. Sawyer replied the so-called "last resort" housing program is not funded separately from the Urban Renewal Project so this is a catch phrase; what it means is that as a last resort you can use all of the rest of your money to build housing but if you do that, there is no new money, therefore, you will not be able to do things for which that money was budgeted in the first place.

Councilman Gantt asked would this mean instead of widening the street, for example, you could build housing. Mr. Sawyer replied that is correct, but there will be no new money and there is no more money. The urban renewal program has been terminated and there is no new money.

Councilman Gantt stated he understands we are not getting any new money anywhere, but it would be a reallocation of monies which they had anticipated spending on the renewal plan. Mr. Sawyer replied that is correct.

Councilman Gantt asked if he had looked into the possibility of whether this might be feasible in terms of doing a couple of things. First of all, moving on with the development of First Ward, second, providing housing much needed in this area and we might use this course in the catapulting more development in First Ward for housing. Mr. Sawyer replied they have considered it and as a matter of fact, they communicate with HUD as did Mr. Fillette, the attorney for the plaintiffs in this case. Their answer gave them practically no hope whatsoever that HUD would voluntarily approve using the remainder of the money for "last resort" housing. It is almost a paradox that before you can begin building houses, you have to make more progress within the project because we have not really reached the point where we have accumulated enough land to make sites for housing available; not the kind of higher density housing that would be appropriate for the area.

Mr. Sawyer stated most of the sites that have been cleared are scattered all throughout the area and there is no large accumulation of land for site housing so they could not do that until we do more of what the Court is telling them to do.

Councilman Gantt asked if this means that one branch of the federal government is saying that you do not have adequate relocation facilities and the other branch, the Executive Branch, is saying no you can't take some of this money that we have already allocated for you, allowing you to build some housing so you can move the project along. Mr. Sawyer replied no, they did not say we couldn't, they gave them practically no hope whatsoever that HUD would voluntarily do that. That he would suppose the Court could order HUD to do that.

January 12, 1976
Minute Book 62 - Page 498

Councilwoman Chafin stated she did not understand what is meant by "voluntarily" approving. Mr. Sawyer replied HUD has not approved any new construction or new "last resort" housing anywhere in the country to his knowledge and they have said so; that they have said the only "last resort" housing that has been approved was some rehabilitation of existing structures which we are about to get into.

Mr. Sawyer stated if we use the money as the Court has ordered them to do, to rehabilitate these structures, then it is reversible, the money cannot be recalled to do anything else later on.

Mr. Ted Fillette, attorney, stated if they approved "last resort" housing and that was a part of the First Ward Plan, that would be the one assurance the City would have that they could demonstrate adequate relocation resources. All they would have to do is to give the people living there now the first priority to get the "last resort" housing which would presumably be standard and could be subsidized by the Federal Government under the Section 8 housing grants where it would be affordable.

He stated this is why the Court ordered the city of Hamtramck, Michigan to do when they discovered that people had been relocated illegally out of Hamtramck. The court said you are going to build some more houses and you are going to give first priority to the people who were illegally moved out from Hamtramck, even if they don't live in Hamtramck anymore; you will just have to find them.

Mr. Fillette stated he believes Mr. Sawyer's reference to the request, or his informal communication with HUD, was prior to the court's entry of the order into the Cannon Suit and it was oral and there has never been any written request by the City of Charlotte to HUD in Greensboro, Atlanta or Washington, requesting "last resort" housing; there has not been any formal request for HUD to act on. That Council cannot determine whether they are going to approve something if some concrete request has not been given for them to act on.

That it seems to him if there was ever a situation in which "last resort" housing was appropriate, it is when a court has already decided that you do not have sufficient relocation resources, if there is any possible imaginable situation that would justify "last resort" housing, it would be this situation where the court has determined you do not have adequate relocation resources. The statute that sets up the circumstances under which "last resort" housing is applicable, does not say that the court has to first determine that you don't have sufficient relocation resources, it says the project has to determine, and HUD says approve it. The local agency has to determine that at some point during the project, they do not have sufficient relocation resources.

Mr. Fillette asked why can we not just look at it for the reality that we have now and apply. If HUD doesn't approve it, then he would think it would be a gross abuse of discretion in not approving it. They have approved new projects in many other cities. In the last public hearing that was held, he gave Council a letter which had a list of "last resort" public housing that HUD had approved and he does not think that any of those projects came after a federal district court had said it had to be done. These projects were approved because the local agencies wanted "last resort" housing. We are in a more advantageous position to get "last resort" housing than these other cities and he does not see what the obstacle to applying is. How are you going to know what they are going to do until you ask for it?

Mayor pro tem Whittington asked how many residences are there now in the First Ward that are occupied and Mr. Sawyer replied approximately 242 are occupied.

January 12, 1976
Minute Book 62 - Page 499

Mr. Fillette stated he would suggest that the City Attorney gave Councilmembers a copy of the one page statute on "last resort" housing and after their examination of what situation they are in in First Ward and see if you qualify for "last resort" housing and then if you do, make an application to HUD. Secondly, since this may be the only hearing on this project, it seems it may not be in the best interest to maintain the First Ward as a residential area and to widen more streets. It is dangerous enough to have children in the area now with all the four lane streets going east and west and to widen two more streets to go north and south. It seems to him that Council is making a decision in an area that is family project with a lot of children being subjected to more automobiles.

Mr. Robert G. Courtney, 526 Lamar Avenue, stated he and his mother own a house and a small business in the First Ward area. That his mother lived in the house for as long as she could but the house was in a very bad condition. He stated they are located on the corner of 8th and Brevard and have a tractor and farm equipment business located there in the backyard.

He asked if the City will still pay them for the house and also for their business, or will they just pay for the business. Mr. Sawyer replied the zoning there is B-2 and the appraisers will appraise the property for its highest and best use, which under the zoning will be business. Mr. Sawyer stated he could not tell Mr. Courtney what the value would be until it was appraised.

Mr. Sawyer asked if the house was vacant and Mr. Courtney replied yes. It was still his mother's home, but at the present time she was living with him. Mr. Courtney asked if his mother would receive any money for her home and Mr. Sawyer replied she would be paid for her home and any improvements located there. That it would be appraised as structure and land with a business value.

Councilwoman Chafin stated she had a chance to review the preliminary order of the Court recently and it raised some serious questions in her mind as to whether the City should proceed at all on the First Ward Community Development Project until such time as Council has a chance to review all the implications of that order and until such time as Council has a chance to explore the options which may be available to them such as "last resort" housing.

She stated she does not know what Council is going to do today on the Committee System but she likes the idea of several members of Council forming a committee to study this problem in depth.

Councilwoman Chafin moved to defer action of any kind on First Ward Community Development Plan today. The motion was seconded by Councilwoman Locke.

Mayor pro tem Whittington stated Council needs to get an immediate first-hand presentation of this whole picture, as brief as possible, which would be helpful to all of them. He realizes how long we have been working with First Ward and now we are only talking about a small sector, but a lot of people are saying one thing and Council has raised a lot of questions and it would be helpful if Mr. Sawyer could get this information to Council in another presentation. He stated Council is not doing anything today because Mr. Sawyer has not asked them to take any action.

Mr. Underhill, City Attorney, stated as part of the Cannon Suit and where we go from here, certain members of the staff, including himself, Mr. Sawyer and the Housing Authority Personnel, have a meeting scheduled in Greensboro with people from the HUD area and regional offices and the HUD attorneys. That HUD is a defendant in the lawsuit also, so we must consult with them as to what our position will be now. He stated we have as an obligation under the court order to prepare and submit to the Court a revised relocation plan in

January 12, 1976
Minute Book 62 - Page 500

order to proceed to the point of a hearing on the merits of the case, so part of the meeting will be taken up with discussing the elements that might go into such a revised plan and to really determine for the first time since the order has been issued, HUD's thinking and position at this time on the project and the law suit's effect upon the project.

He stated he is sure one of the things that will be discussed will be "last resort" housing, a very obvious alternative, and he would like to make this point to Council that such a meeting has been scheduled for a couple of weeks. They have not dropped the ball since the Court Order came down, but have been trying to work on it, leading towards some sort of presentation to Council so they can get a better understanding of both the law suit and the project itself.

Mr. Burkhalter, City Manager, stated he would like to call Council's attention to two items. First of all, Council is being spoken to today by the Attorneys for the Plaintiffs in this case who are telling Council what to do and he feels Council should be very careful before taking any action, which is in the bosom of the Court, without consulting Council's attorney. Secondly, the staff has recommended to Council that they not take any action on this matter today.

He stated in all of the years of Urban Renewal, the most criticism that has come upon cities and counties who have used it has been the delay, the putting off, the referrals, the slowing down, the attacking, and all this sort of thing and this is where the people who are involved in the areas have become most upset. It involves people going out and saying we believe we are going to have an Urban Renewal Project, then you go out and study it for about a year or a year and a half, then you drive stakes and you tell people you are thinking about taking this place, you are thinking about it. You spend at lease another year going through all the procedures in doing this. Then you make application for funds. The application for this project was made over 5 years ago, the First Ward; it was funded in 1973. This delay of doing things when we thought it was going to be the greatest blessing of community development when we could make decisions and Council could take action and affirmatively move on into these programs and get these things done.

Mr. Burkhalter stated it has been six months since Council initially said to go ahead with the project and now we are going to delay it by order of the Federal Court so the federal government is still not letting us do it. Then Council will get all the blame for the delay. That the waiting and not knowing is the thing that most people who live there, who have to move or not move, to sell or not sell, they are the ones that have been going through this for five years in First Ward.

Mayor pro tem Whittington stated Mr. Sawyer has not asked Council to do anything today and he has asked Mr. Sawyer to give Council an update of the Plan; that Councilwoman Chafin has made a motion to delay and we need the City Attorney to tell Council what to do with the attorneys for the plaintiffs sitting in the audience.

Mr. Underhill stated he thought the passing of the motion would be in order.

After further discussion, a vote was taken on the motion to defer action on First Ward and carried unanimously.

CONTINUATION OF REVIEW OF STREET IMPROVEMENTS ON MEDIAN CONSTRUCTION ON RANDOLPH ROAD, FROM CRANBROOK ROAD TO SARDIS ROAD.

Mayor pro tem Whittington asked Mr. Bernie Corbett, Traffic Engineer, to make another presentation today on the median planned for Randolph Road so that those in the audience who would like to speak for or against it will have the facts.

Mr. Corbett stated this is one of the 1973 Bond Fund Projects and it has been designed for a multi-lane facility beginning on Randolph Road at Cranbrook on the left and extending all the way out to Sardis Road. He pointed out the route on a wall chart.

He stated the basic design of the facility is a four lane roadway with two lanes in each direction and a median on specific parts; the median to be planted in certain areas and to be concrete in the other areas. The project will begin at Cranbrook Road and will be four lanes wide across the creek. At that point much of the roadway is on a fill and the construction of a median would do little good to deter a vehicle from turning left across the center line of the roadway.

That at the intersection of Orange Street, the five lane section would be utilized by two lanes in each direction with a left turn lane into Orange Street. From that point, a full width median section, which will be planted, extends all the way down to Billingsley Road. There at Billingsley Road, the planted median would be dropped and they would put up the fifth lane which left turns into Billingsley Road. Just beyond Billingsley Road, the median would be terminated.

At that point, Randolph Road is on a fill for the most part and there is a creek at the bottom; there is a very steep hill presently and the plans of the project calls for the roadway to be raised approximately four feet, which would permit the construction of a new culvert and would raise the road higher above the abutting roadways and would reduce the necessity of a median.

Mr. Corbett stated from that point on down beyond Meadowbrook, over to Wendover Road, there is the same condition; very few driveways, the houses which exist, for the most part, are served by driveways from the side streets - in this case, Meadowbrook. At Wendover Road, we would pick up the fifth lane for a left turn to the north on Wendover and coming from opposite direction, we would have a left turn lane which would extend back beyond Coddington to Canterbury. That would be for inbound traffic on Randolph Road, coming in to turn left onto Wendover Road which is proposed to be built in the future.

He stated the intersection of Canterbury Road, north and south, would not have a median opening because of the left turn storage lanes for left turns into Wendover and into McAlway Road, which is the main connection road on over to Monroe Road. From McAlway Road, down across Heatherwood and all the way to Woodlark, there would be no median. Again, the roadway is of such a design and the houses are so located that the median is not necessary because of the scarcity of places to turn left. Another factor is the houses which are there are so close to the roadways, that in the event that we attempted to widen the extra width to get the median in such as this, it would do considerable damage to the abutting property. That, in fact, the estimates of the right of way for that purpose would cost \$1 million dollars alone and would not result in a benefit to the City and would substantilly affect the roadway.

Mr. Corbett stated beginning at Woodlark Lane, they would then pick up the median, basically in concrete, and a left turn lane into Greenwich, where the traffic signal is at the present time - Greenwich goes down and serves abutting

property on the east side of Randolph Road and also the entrance which comes into Cotswold Shopping Center. The plans at the present time propose for the median to be continued from that point all the way to Sharon Amity Road without any breaks and in designing this, they did meet with some of the property owners in the area and talked to them about alternatives.

He stated there are several alternatives available. The first alternative is to build it as it is shown on the map - a continuous median without openings between Greenwich and Sharon Amity Road. He stated he told some of the property owners when they met with them that because this block is some 1100 feet, they would consider the placing of an opening approximately in the middle of the block.

Mr. Corbett stated they told them if they put the opening in the middle of the block, they would then shorten the left turn lane into Sharon Amity Road, put in the curb with a left turn storage land to turn left and a driveway would have to be relocated; in other words, they would just pick the half way point for the break and the abutting property would have to meet that. He stated this alternative did not seem to suit the property owners.

He stated he told them the next alternative would then be to locate a median opening at a point that would serve the most people; that he selected a main entrance into Cotswold Shopping Center and the main entrance into the offices which are located near the INA Building.

Mr. Corbett stated the third alternative was to build no median at all and to have a continuous five lane section, the median would stop at Greenwich, and at that point on down to Sharon Amity there would be no median, but would be a five lane section.

He stated Traffic Engineers are skeptical about five lane sections because in a five lane section, it assumes that any one vehicle can go in either direction and another vehicle could be going in the opposite direction. So you set up what amounts to a fifth lane, with a very high potential for head on collisions.

Mr. Corbett stated there are other alternatives, partial medians - any number Council might suggest, but the first three alternatives were the three main ones, continuous median from Greenwich to Sharon Amity, one opening, approximately halfway in between, or no median at all.

He stated from that point on, the median would extend from Sharon Amity down to Gaynor Drive and there it would be terminated, with no median from that point all the way down to Sardis Road. The situation being that the land which is developed is developed to very low density and there are very few driveways which intersect with Randolph Road and they felt with the cost that was involved of \$1 million, they could not justify the cost because of the benefits which would obtain.

Councilman Gantt asked if Mr. Corbett considered the alternative of putting a median at the intersection of Greenwich and Randolph and an opening in the block and the rest being five lanes and Mr. Corbett replied that is one of the alternatives he mentioned.

Mr. Alfred Murchinson, attorney, presented Council with some memorandum booklets and placed a wall chart for his presentation. He stated he would like to thank Council for being given the opportunity to appear before them today.

That he represents four independent businessmen near the intersection of Sharon Amity Road and Randolph Road. The businesses are Crown Service Station, operated by Mr. Don Brown, Woody's Cotswold Amoco, operated by Mr. Jimmy Woody, which is at the northwest corner of the intersection, Mr. Ralph Schrum, operator

of Schrum's Cotswold Gulf Service, which is on the southwest corner and Mr. Don Creason, owner and operator of Randolph Road 76, which is at the southeastern corner.

He stated the intersection as it now exists is substantially as represented in the proposed plans with the exception of slightly wider roadway and the addition of the median strips as shown on the proposed plan. There is a left turn lane and storage capacity for traffic traveling into town on Randolph Road at the intersection of Sharon Amity and there is a left turn lane and storage capacity for traffic traveling into town on Randolph Road at the intersection of Sharon Amity off of Randolph Road and for that reason there is ease of access from Randolph, from Randolph into and across the traffic into Sharon Amity to the other sections of Randolph Road, the businessmen he represent are private entrepreneur that have been in this business for some 20 years collectively; they have built successful businesses, and devoted their time, their investment and their personal fortunes in the success, and have been quite successful to this point. They are very concerned at the prospects of the installation of a median strip as represented in the proposed plan, and presented as the first alternative by Mr. Corbett.

They have delineated their exceptions and three basic contentions. The booklets passed out substantially encompass their argument; they also have certain charts.

The first contention is that the installation of the median strip will severely affect the possibility of station operations. He stated included in the booklet are the statements of the four individuals involved, and the statements of some of their accounts. Three points are under contention one.

(a) These men are primarily dependent upon vehicular traffic entering, exiting on Randolph Road. The Crown Oil Company was formerly the Peoples Service Station and that is the station that they indicated to be the only business to be denied total access to the northbound traffic. They say northbound; actually it is better for their purposes to understand that Sharon Amity runs in a northsouth direction and Randolph Road runs in an east and west direction. The traffic into town would be west bound, and outbound would be east bound. The Crown Service Station is the only station that would be denied in these plans, access at all to the northbound traffic lane. Indications in an informal survey is that 30 percent of their volume depends on people turning across the southern line of Randolph Road.

In the booklet are extensive facts on the gallonage of gasoline sold at these locations, and how much of their business depends on the sale of gasoline, and labor and accessories. The Union Station on the southeast corner indicates by informal survey that they depend substantially on the sale of repair services and sale of accessories; that 95 percent of their business is derived from vehicles approaching their station from the east. This station would be severely affected by the deletion of the traffic flow into his station.

The Gulf Oil Station is a station primarily dependent upon gasoline sales. Informal opinion was that 75 percent of the business depends on the sale of gasoline; by informal survey he indicates that 40 percent of his business approaches from Sharon Amity; and 60 percent approaches from Randolph. That is the highest figure they have of the stations they represent on traffic coming off Sharon Amity. Part of that may be people coming in from the Sardis intersection to Sharon Amity in the left turn lane, turn south on Sharon Amity and turn into the Station without complications. The Amoco Station across the street from the Gulf Station in the northeastern corner is about 50-50 on its business from net profit from sale of gasoline and accessories. An informal survey indicated that 75 percent of the business entered from Randolph Road intersection.

(b) These stations are primarily dependent upon neighborhood trade, regular and repeat customers who depend on convenient and safe access to the station. This is one of the few service centers for automobiles in that portion of Charlotte. It serves an area which lies roughly south of Wendover Road, between Providence Road and Monroe Road, almost to the Union County Line, and is supplemented by some traffic on the Carmel Road area. Traffic Engineering has indicated that these stations would still have access. That access is so contoured and so dangerous that one of two things will happen. Number one, they will stop trading there, or Number two, they are going to increase the risk on Sharon Amity. They submit that the movements that will be required with the installation of these median strips will be so unsafe and so inconvenient that the stations will have substantial decrease in profits. Of the stations he represents, only Crown Oil indicates they do not indicate they depend on their regular trade; they do not know their customers by name as they do not do repair work. Other stations say they are substantially dependent upon their regular receipt customers as much as 85 percent.

(c) These stations are run by small private businessmen whose investments should be considered as a counter balance to any marginal basis of the installation of median strips. They employ 23 full time persons, and 14 part-time employees. They have invested their fortunes in 20 years of their business lives.

Contention Number two is that installation of the median will not increase the aesthetic appeal of the roadway; nor will it improve the control of traffic in the region.

Section (b) is that the accident reports show that the safety problem in the area lies not on Randolph Road, but on Sharon Amity Road. Traffic Engineering has the only accumulated set of the accident reports - they have been very cooperative; however, they could not obtain total copies of all their accident reports. Over the four year period of time - January 1, 1972 up through the end of December, 1975 - they took these reports and on a chart attempted to display where the accidents occurred. There were approximately 180 wrecks; 80 of those automobile accidents occurred in the intersection of Randolph Road and Sharon Amity - an area where Traffic Engineering plans no installation of left turn signals; no installation of median strips.

Mr. Murchinson referred to the chart, stating the dots indicate where the accidents occurred. He stated the chart indicates that the accidents occur at the intersection of Sharon Amity Road and Randolph Road and at Greenwich Road and Randolph Road, which is controlled with a traffic signal. With an improved traffic control that may be one point where the automobile accidents may decrease. Another area is the present entrance into Cotswold. That is also the area where Mr. Corbett says it is permissible to leave an opening in the median strip. Of the total 180 accidents that occurred in that period, 135 of those accidents occurred in those three points.

The other indications are that there are points along that route that have been relatively free of automobile accidents. Those are the points where they object to the installation of the median strips.

He stated if they will look at the chart they will see that the points of conflagration of vehicles and the resulting accident rate is not occurring where the medians are intended to be installed.

The third point under Point No. 2 is the installation of medians on Randolph Road will shift left turns from relatively safe movements across the traffic on Randolph to roughly dangerous movements across left turns on Sharon Amity.

He stated the chart indicates on the left hand side the present traffic configuration for people attempting to enter the Amoco Service Station, and the traffic they will have to cross; the vertical red lines on the chart are the points where they are moving left across the traffic lanes of Randolph Road and the figures are the average daily traffic according to the figures supplied that they would encounter. On the left hand chart, traffic turning into the Amoco in the present configuration encounters 15,700 cars a day; with the median strip they will not be able to make that left turn off Randolph and in turn will be making left turns off Sharon Amity, in fact forcing them into the area where all the red dots, indicating traffic accidents, are located. The average daily traffic they would be exposed to would be 23,300 as opposed to the present 15,700. Likewise with the Crown Station; their present indications are that they encounter 15,700 cars in an average day of traffic under the present configuration; if they were south bound out of Charlotte they would have to go in a merry go round configuration. The total traffic count under the revised planned median strip would be 33,800.

The next chart is that of Union 76 which indicates 12,000 cars a day they have to cross. Under the revised configuration with median strips turning left at Sharon Amity back into the midst of the red dots would be 21,600 cars at that point.

The next to last chart in the booklet shows the left turns they are attempting to prohibit into the Union 76 Station - left hand side of the chart - shows an average movement through that point of 838 cars per hour moving north bound into the city. At the same time there are only 95 cars per hour coming out. There he does not think is any danger at that intersection as there are very few accidents in that area, and only one or two of which they thought would be prevented by the installation of these median strips.

He stated there is the same indication for Gulf. In each case they are avoiding vertical red marks and are encountering the red marks on Sharon Amity which is the danger point.

He submitted petitions from customers and people who use this area in opposition to the median. Mr. Murchison stated they are indicating at the major point 11,000 cars or vehicular traffic a day - 1972 count and is slightly less than the 1974 count. The petitions contain the signatures of 13,068 customers who operate on those four intersections opposing the installation of those traffic median strips. That they assume each of these handle two movements through the intersection a day; and that would be over 26 percent of the vehicular traffic on Randolph Road.

Mr. Beverly Webb, Attorney, stated he represents Exxon, and the service station on the other corner which is owned by the Exxon Company.

He referred to a chart stating presently traffic coming out from town going into the Exxon Station would make a move into the station and back out by Randolph Road. That would be a total of 9,600 cars - 4800 coming in one way would have to cross twice. If the median is put in those cars will turn in the intersection, make a left turn into the station, back out of the station, merge for the stop light, and back out Randolph Road. Coming out of the station they would encounter 8,400 exposures, or almost the same amount they do both ways at present, then cross back over another 6,100. That is 50 percent more exposures than a car would have to make if he decided to stand in the lane, back up traffic, take a left turn, and take a merge lane.

He stated regarding the fifth lane, he saw the pictures in the paper after last Monday's meeting. Those pictures showed what could be a very confusing situation. It occurred to him that a remedy would be much more palatable trying to resolve any kind of traffic situation that might exist, might be reflected type strips as used in South Carolina, which glare back at you and

January 12, 1976
Minute Book 62 - Page 506

show you exactly which lanes you are suppose to be in. It would be considerably less expensive than putting in a median strip that would result in the loss of this business and a saving of two accidents. He stated they recommend this be restudied.

Mr. Will Graves, Attorney, stated he represents two clients who have an interest in this stretch of road - one being Crown Central Petroleum Company, which has already been referred to. They also represent Mutual Savings and Loan, which owns a Savings and Loan building located on Randolph Road. The way the traffic pattern is set up to use that building is to have people coming from town, down Randolph, turn left on Gaynor, and come in and come to the drive-in window on the other side of the building, and exit on Randolph Road going back towards Sardis Road. With the median they would be cut off from that. That the man shows only three accidents having occurred anywhere near this area; none involving a left turn. He believes one was even off the street. That he very strongly urges Council not to install the median to control the traffic to cut off their left turn lane and to cut off the right of people to exit and turn left.

Another alternative that occurred to him in controlling these points of intersection at Sharon Amity and Greenwich is the installation of traffic islands, as opposed to medians along that line, and would give some control in tripping the left turn lane signal controls, and would give some control of the people turning left from Randolph on Sharon Amity.

Mr. Murchison stated Mr. Boyle had planned to be present today on behalf of the landowner of Hardees. He had an emergency at the last minute and asked him to indicate his opposition.

Mayor pro tem Whittington commended Mr. Murchison for the presentation. That he thinks it is the best presentation that he has seen in a long, long time.

Councilman Gantt stated he is having a little difficulty trying to understand all of this. He asked Mr. Murchison if he is saying the yellow dots on the map are the ones where they are not sure those are people trying to make left turns from the other lane? Mr. Murchison replied according to the accident reports that the Traffic Engineering Department has accumulated this is a four year history. He stated they reviewed the accident reports to make a determination of which ones occurred by people making left turns. The yellow dots are indicative of accidents that occurred while people were making left turns across the center line of Randolph Road, or immediately after they got into the process of making the turn. There are not that many yellow dots on the chart; there are none in the intersection of Sharon Amity and Randolph Road. Councilman Gantt stated then all the accidents shown in red are in line accidents where someone bumps someone.

Councilman Gantt asked if there has ever been a fatality? Mr. Murchison replied there has never been a fatality in the whole route. Councilman Gantt asked if most of the accidents even at the intersection are rear end collisions along Sharon Amity? Mr. Murchinson replied none of them that are not on the fringe of the map; most of them are at the bottom of the chart. The rest of them are indicative of where the accidents occurred. You gain nothing in the intersection.

Councilman Gantt stated whether the road is widened or not, there will still not be a safety factor in the intersection. With the median or without the median we are still likely to have the rear end collisions that are apparently occurring here within that intersection? Mr. Corbett replied that depends. One of the things that Mr. Murchison has not explained is the fact that these rear end collisions which occurred, the vehicle hit could have been trying to make a left turn. He may not have been making a left turn but he could have been stopped in the process of making a left turn. This is usually the type that happens mid-block. They are usually making a left turn and hit in the rear while waiting to clear on-coming traffic.

Councilman Gantt stated he is not a Traffic Engineer, but in some cases it seems that we are expecting that we are going to get more traffic along this particular road and that is why it is to be widened. Mr. Corbett stated it is predicted that the traffic will double by 1992. Councilman Gantt stated this will increase the likelihood of conflicts in left turns going up substantially on Randolph Road.

He asked if the contention that businessmen will lose business is an immediate thing that might occur simply because people cannot orient themselves as to how to move into these locations and Mr. Murchison replied history shows this is a permanent type of thing and a recent editorial in a local newspaper stated Independence Boulevard has done well businesswise but there are very few successful service stations on the entire stretch of Independence Boulevard. That several people have indicated service stations just do not do well out there.

Councilman Gantt stated what he is trying to get at is that we are going to have many, many more cars and these guys are sitting on a very important intersection so their capture rate may be higher in the future. Some of them have regular customers who have been coming to them for years and by placement of the median there and they will lose their business, but if he had a mechanic in town who could fix his car, he would figure anyway possible to get to him. Mr. Murchison stated that is exactly right and what you are going to have to do is to make a left turn across all the red dots.

Later in the meeting, Mayor pro tem Whittington asked that this item be placed back on the Council Agenda in two weeks.

APPLICATION FOR FEDERAL PLANNING GRANT TO UP-DATE THE TRANSIT DEVELOPMENT PROGRAM, APPROVED.

Councilwoman Locke moved approval of the subject application for federal planning grant to up-date the Transit Development Program, which motion was seconded by Councilman Williams.

After discussion, a vote was taken on the motion and carried unanimously.

PROPOSED PREDETERMINATION SETTLEMENTS OF ALLEGED EMPLOYMENT DISCRIMINATION, DENIED.

Mayor pro tem Whittington stated he would like to ask two questions about this item. First, is this the same as what was presented to Council last week; secondly, before Council gets into the consideration of these settlements, should Council ask the people in the audience who want to speak to this item and Mr. Burkhalter replied he has asked Mike Boyd, Assistant City Attorney to explain this item.

Mr. Burkhalter stated Council recently asked him to give them a review of the whole procedure and they will do this week after next. He would like to emphasize to Council why these cases are before them. One of the cases was developed several years ago and since he is not empowered to sign a contract for the City to enter into an agreement, these cases required contact approval with the EEOC; they have given Council the facts; they have tried to go into all the details; to gather all the information available and bring it all to their attention and then let Council make the decision. That as he pointed out to Council earlier, they should hear these facts and decide if the case is warranted or not warranted. He stated he would hope Council will look at it two ways - one, if the case is warranted and Council wants to take action, the action proposed by EEOC, is it in the best interest of the City, and does it take into consideration what the city has been doing in these areas subsequent to years ago when they were operating in a different way. That he would hope Council will take all these things into consideration when they listen to this because the decision to approve this or not to approve it is Council's decision and it can only be made by Council - it is not an administrative decision which is left up to the City Manager to do.

He stated Mike Boyd is an attorney in the Legal Department and has been in all of these predetermination cases and will discuss these cases with Council at this time.

Mr. Boyd stated he would like to briefly review some of the facts behind some of the charges involved. That on September 9, 1974, the City and Community Relations Committee entered into an Affirmative Action Commitment with the Equal Employment Opportunities Commission. The preliminary step to actually entering into that commitment had been in negotiation by the City and the Community Relations Committee of charges of discrimination that were then pending with the EEOC. Such investigation was conducted without EEOC training assistance or supervision and as noted in Addendum #1, to the Affirmative Action Commitment, the City and the Community Relations Committee had already submitted on September 9 its "findings and conclusions" to the EEOC. Those findings and conclusions were basically to the effect that no illegal discrimination had occurred.

He stated he would stress that those "findings and conclusions" were based solely on the investigation conducted prior to entering into the Affirmative Action Commitment. Since no voluntary settlement was affected in those charges, they were continued with EEOC pursuant to the time of the Affirmative Action Commitment. The Commission then conducted its own investigation and at the conclusion of it, the Commission conducted what they called an "exit" interviews. In the exit interview, representatives of the Commission briefly reviewed the results of their investigation with the City and from this interview, they came rapidly to the conclusion that it was apparent that the Commission was prepared to determine that the City had discriminated against each charging party in violation of Title VII of the Civil Rights Act of 1964.

Mr. Boyd stated in the Building Inspection charge, the charging party was one of several black applicants referred to Building Inspection by the Personnel Department. Prior to this time, Building Inspection had conducted its own "in-house" recruitment for employees internally. All of the Building Inspection Department's clerical positions at that time were held by white persons.

The position in question was actually filled by a white applicant who was then working in Building Inspection Department as a temporary employee. The EEOC viewed the black applicants who had been referred to Building Inspection as being at least as well qualified as the white applicant who filled the position. At the present time, of the two divisions in the Building Inspection Department, the Clerical Division and the Housing Inspection Division, are, in the opinion of the EEOC, adequately presented by minorities.

The charge of discrimination against the Fire Department must be viewed in context of the Department's past employment practices. Prior to 1967, no black person had ever been employed by the Fire Department. A second black person was not hired until 1971. This is no dispute involved in the City's or the Commission's investigation that the charging party's vision did not meet the minimum standards at the time of his rejection. Prior to the charging party's rejection in 1972, the EEOC was able to identify seven persons who were hired between 1954 and 1970 whose vision was as bad, if not worse, than the charging party's.

Since January 1, 1972, over 27% of the persons hired as firefighters have been black which has resulted in increasing the percentage of blacks as firefighters to almost 16%. In the last two years, one third of the firefighters hired by the City of Charlotte have been black.

In the Police Department charge, a series of events occurring close in time are incriminating in the view of the EEOC. The charging party was examined by the City for medical examination and then referred to a physician because of difficulties in meeting the visual requirements; that was done on January 30, 1974. One physician examined him on February 6, 1974 and subsequently on March 20, 1974 and they both forwarded their reports to the City. Subsequently the charging party was informed to report for work as a police officer on March 27, 1974. On March 26, the day before, the charging party signed a form to the effect that he was being hired pending receipt of a medical evaluation for this condition. On March 29, 1974, the charging party was contacted by a city employee and a staff member of the Community Relations Committee who were then investigating the charging party's charge of discrimination against the Fire Department. The charging party refused to talk with them and viewed the contact as an act of intimidation.

The charging party was then called for a re-examination by the City Nurse on April 2, 1974; on April 3, 1974, the Police Department was given the results of that examination. On April 4, 1974, the charging party was terminated. He then filed a charge of discrimination against the City based on reprisal as a result of his termination. Past practices were identified by the Commission dating back to 1963 to show that at least ten persons had been hired whose vision was as bad as, or worse than the charging party's. Nine of those persons were white and one was black.

He stated at this point in time, the City sought to explore the possibilities of settling these charges of discrimination prior to the Commission's issuance of a formal determination of the City's discrimination against these individuals. Negotiations then proceeded for several months and the result is the proposals for Pre-Determination Settlements which are quoted in today's agenda.

Mr. Boyd stated these proposals do represent the Commission's bottom line and if these Pre-Determination Settlements are not entered into, the Commission will proceed, in all probability, to issue formal letters of determination that the City has discriminated against each of the charging parties. A formal invitation will then be issued by the Commission to the City to attempt to settle these charges by the formal process of conciliation. If conciliation is not successful, the Commission will then refer the charges to the Department of Justice for any legal action which the Attorney General may deem appropriate. Also, each charging party will be advised of his or her right to begin their own suit.

He stated Council should be aware that these charges of discrimination which are presently before them all arose prior to the Affirmative Action Commitment. Charges of discrimination such as these can arise with or without an Affirmative Action Commitment and independent of any policy to affirmatively hire minorities and women in accordance with any special goals and timetables might be involved.

That he would also advise Council that the Commission is pressing for a decision as early as possible in these matters. He has been asked to tell Council that if a decision has not been reached today, it may not be possible to resolve these charges at all in a pre-determination settlement context.

Councilman Gantt asked what Mr. Boyd would recommend and Mr. Boyd replied as has been stated in each of these cases, there are facts which if released into evidence and found in court to be factually correct, would be a basis upon which the charging party could prove discrimination.

January 12, 1976
Minute Book 62 - Page 510

Mayor pro tem Whittington asked for a recommendation on the document which Council received last week and Mr. Burkhalter stated those were his comments last week and said in the two cases involved, his recommendation to Council was that there were grounds for some action on the part of the individual. That the difficulty that he had and the departments had with this is that the EEOC will not accept the settlement with the individuals; that the City has reached an agreement with the individuals and the individuals would accept the settlement that the City has offered but EEOC will not accept it because they say this is not good enough, you cannot buy your way out of this, in addition, you are going to have to employ up to a quota.

He stated the great difference is the departments involved feel that the requirements being made are being made for reasons other than to correct the situation and there is very strong feeling in the departments, particularly in the case of where some very, very definite work has been made to improve the situation over the last few years. That is the feeling that exists in the departments.

Mr. Burkhalter stated prior to about March of 1972, all of the employment of the City departments was done more at the department level. Department heads were given choices but they were able to exercise a considerable amount of judgement in these matters and select and employ the people that they thought were best qualified for the job. Now, when EEOC went into effect for municipalities, Council gave the City some additional personnel and they brought this attention to light and they started having sessions with the department heads as to what they could do and what they could not do. After many years in a manner in which the department could exercise its judgement, no longer could this be true and this brought some great consternation and some very sharp differences between Personnel and the departments. This is not an easy thing to overcome and they have been working very strongly to overcome this difference and there is still some resentment on the part of the departments because Personnel now says no, you cannot hire the man that you think is the best man, you must hire the man because he is black, or you must hire them because it is a lady, or you must hire because of a situation of this kind. If these things are true, the department head no longer has this choice; they have got to do it this way and that is what the law says.

He stated this is what they have been trying to do and they are making a very sincere effort but the lawyers tell him that once you enter into one of these investigations there would be very few people where you would not find that they had violated some of these rules or regulations, once you get involved in it.

That the City has made a radical change and he is quite proud of the positive action we are beginning to get on the part of the departments. The Fire Department now has black officers in the Department and all this has been done voluntarily so you can understand what happens when somebody says well, now we have caught you, so you are going to have to do this or that.

He stated it is Council's prerogative to make these decisions and he has indicated to Council that it is quite possible that the City may be found to have discriminated against these people. The penalties involved, as far as money is concerned, in each of these cases, the person does not want a job so all Council has to do, in the way of penalties is to pay the difference which they have lost in pay during the time it actually took place until now.

Councilman Williams asked if this is an "all or nothing" situation in each of these three settlements. Mr. Burkhalter replied we have been deleting paragraphs for about four months and this is the final thing we could come up with. Councilman Williams asked if Council could approve one of the settlements, but not the other two. Mr. Burkhalter replied yes.

Mr. Boyd stated it would be possible, but we would still have two outstanding claims against the City.

Councilman Gantt stated monetary back payment in all three of these cases is really somewhat insignificant, but the problem concerns settlements which require some quota in at least two of the cases. That this gets into telling your department heads what they ought to do and what they ought not to be doing in regard to hiring minorities. Mr. Burkhalter stated it is a little more than that; that he did not mean insignificant, it is quite considerate in one of the cases.

Councilman Gantt asked if the settlements would run around ten thousand dollars and Mr. Burkhalter stated that is pretty good money to settle the case. That his concern was that if the individual was wronged, the City ought to correct it and put him back to work tomorrow.

Councilman Gantt stated this predetermination settlement thing is essentially saying "you did the charging party wrong, now pay them the back pay which they normally would have been getting and let us try to see if we can avoid this situation later on and we will tell you how to hire your people" and we do not have anything to go on in terms of saying "hey, wait a minute... why tell us to hire 25% of minorities for the Fire Department, we have a plan for how we want to do this, but we have been unable to show them other than from 1972, 33% of the people hired in the Fire Department have been black."

Councilman Gantt asked what is likely to be gained should we not settle and we decide to go into court? Is the City Manager suggesting that there is a good possibility that the Judge in a case such as this will find for the City and will not, in fact, impose any form of quota; is this not a little contrary to what we have been finding in these cases and Mr. Burkhalter replied no one could really answer these questions; that he is glad Council is making this decision. Mr. Burkhalter stated personally he feels that the investigators in the office of the EEOC have certain criteria and things to go by that set them up, that when you do this, you must have this and this is the kind of answer you would get.

Mr. Burkhalter stated in light of what Mike Boyd has said, he does not feel the City was given due consideration for the improvements and the things the City is doing in some of these areas and he believes that a Judge or a Court would take into consideration that factor. That he personally does not believe a Judge would be as strict in requiring kinds of reporting and such that they require because of these minimum standards in which they have in such situations that treats you "if you did it, you are wrong, therefore you have to do it." The Judge might say your experience in this case indicates a quota is not necessary, if you will continue your employment practices as you have in the last three years, if you do it in this way and you can come back to me in a year and we will see if you are.

Councilman Gantt stated in having read the Affirmative Action Commitment as we have it up to 1974 when it was agreed upon by EEOC and the City, he personally feels we leave ourselves somewhat wide open in the kinds of Affirmative Action Commitments by virtue of the fact that we have no hiring goals, or quotas, and he feels we are running the risk here of in reality being asked to do much more. That if we are already complying with a 33% hiring rate in the Fire Department, he does not see where 25% would bother anyone since we are already doing better than that.

That he is really suggesting here that we go ahead and settle all three cases without going through the court on this and note to the EEOC that this City Council will want to review its entire Affirmative Action Program for possible revisions. He stated he does not see anything to be gained by going to Court; that he would prefer to be on the offensive; he prefers to say that we are going to restudy the Affirmative Action Commitment in light of the need to upgrade our system. That he is aware that we have made substantial progress

January 12, 1976
Minute Book 62 - Page 512

in areas of City employment, but he is saying we need to do more - let's not stop here, we have made substantial progress, let's make some more. He would just as soon settle these three cases and then move forward from that point to take a look at all our departments and see how we go about determining our goals.

He stated he does not look at quotas as taking in people who are unqualified, but it does talk about an aggressive program of going out and recruiting minorities and women as an Affirmative Action Plan.

After further discussion and explanation, Councilman Gantt moved approval of the proposed predetermination settlements of alleged employment discrimination, which motion was seconded by Councilwoman Locke.

Councilman Williams stated he is not going to vote for settlement of these cases on this basis. That quotas can reach the point of reverse discrimination, with equally qualified people but because of the color, the other person is hired. That sooner or later the High Court of this country is going to have to come to grips with this problem of reverse discrimination. He stated he has no quarrel with these settlements except for the quota system. He is in agreement with the part that requires Affirmative Action and that is to go out and deliberately seek minority people for positions and notify the Security Employment Commission of the positions available and post the positions that are available so people can see them.

He stated he also favors upgrading minority people who are already employed by the City - like giving them special notice of openings that might be coming available and even giving them special training in their careers. It is just the quotas that give me a problem in accepting.

Mr. Burkhalter stated the City Personnel Department does seek out minority applicants in certain areas.

Councilman Davis stated he agrees with Councilman Williams about the quota system which distorts the process of hiring to the point where we may have to hire a less qualified person for the job just by putting the quota as the prime consideration.

Councilwoman Locke stated if we go to Court, they might impose an even stricter quota system than the EEOC would; it has in other cases.

Mr. Burkhalter stated we have three distinct cases before us and each one can be acted upon separately. Council can decide to settle one or two or three as they proposed or none. But Council cannot change any of the three. That Mike Boyd has explained to them that they would not want to change any of the settlements at this time.

He stated the Staff's thinking was the penalty in money might be more severe in two of these cases if they went to court but that the penalty for the other items suggested probably would not be more severe, it could be less severe. The Court will probably do something in the way of hiring practice but they might not require the City to tell them every time we call a man in to pat him on the wrist and they run back to see if there is some reason for investigation.

Mr. Jack Bullard, Director of Community Relations Committee, stated this has not come before his committee but after studying the situation and the attorney's position, he has given his personal advice to the City Manager that it would be well to settle these three cases.

January 12, 1976
Minute Book 62 - Page 513

After further discussion, Mayor pro tem Whittington called for a vote on Councilman Gantt's motion to approve the proposed determination settlements, as submitted by EEOC on the three cases before Council at this time. The vote was as follows:

YEAS: Councilmembers Gantt, Locke and Chafin.
NAYS: Councilmembers Withrow, Williams and Davis.

Mayor pro tem Whittington broke the tie with a no vote, causing the motion to fail.

ORDINANCE NO. 9-X AMENDING ORDINANCE NO. 662-X, THE 1975-76 BUDGET ORDINANCE PROVIDING FUNDS FOR THE RENOVATION OF THE THOMPSON ORPHANAGE CHAPEL.

Upon motion of Councilwoman Locke, seconded by Councilman Williams, and unanimously carried, the subject ordinance was adopted providing funds for the renovation of The Thompson Orphanage Chapel, in the amount of \$32,000.00.

The ordinance is recorded in full in Ordinance Book 23, at Page 6.

AMENDMENT TO THE ORIGINAL AGREEMENT BETWEEN THE CITY OF CHARLOTTE AND C. L. HELT AND ASSOCIATES, ARCHITECTS, APPROVED.

Motion was made by Councilman Gantt and seconded by Councilman Williams, to approve an Amendment to the original Agreement between the City of Charlotte and C. L. Helt and Associates, Architects, for study and design for a new Traffic Control Shop on property owned by Charlotte-Mecklenburg Utility Department at the water tower off Craig Avenue.

After discussion and explanation by Mr. Corbett, a vote was taken on the motion and carried unanimously.

LOAN AGREEMENT BETWEEN NORTH CAROLINA NATIONAL BANK, AS AGENTS FOR PARTICIPATING BANKS, AND THE CITY AND A SERVING AGREEMENT BETWEEN NORTH CAROLINA NATIONAL BANK MORTGAGE COMPANY AND THE CITY, APPROVED.

Councilman Withrow moved approval of subject Loan Agreement between NCNB, as agents for participating banks, and the City and a servicing agreement between NCNB Mortgage Company and the City to provide funds for the renovation and preservation of qualifying structures which will be used for principal residences in Fourth Ward, allowing the City to borrow \$700,000 from participating banks at an interest rate of 5 1/4%. The motion was seconded by Councilman Davis and unanimously carried.

Councilman Davis stated he would like to commend out Staff for the very innovative piece of development work and also think it would be in order for the Mayor pro tem Whittington to make some public recognition of the participating banks.

Mr. Underhill, City Attorney, stated the lion's share of the credit should go to Mr. Bob Sink, who is primarily the author of the financing technique and the loan agreement itself. That in his review of it, he sent it to the Institute of Government as he routinely does with things of this sort and they thought so highly of it, they wanted a copy of it to keep on file as a model for future types of financing.

He stated the banks involved are: City National Bank, First Citizen's Bank, First Union Bank, North Carolina National Bank, Northwestern Bank, Southern National Bank and Wachovia Bank.

Mayor pro tem Whittington stated in response to what Councilman Davis said, he would like to thank the banks, and Mr. Sink, but feels Council should get some credit for this because for years now they have zeroed in on this. They didn't know how to go about it and now we have reached this and the idea is good and the significant thing about it all is we are moving forward together and that is the only way we got it worked out and everyone should be commended.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE AUTHORIZING USE OF CERTIFICATIONS RELATIVE TO ESTABLISHMENT OF JUST COMPENSATION AND FAIR REUSE VALUES AS RECOMMENDED BY THE COMMUNITY DEVELOPMENT DIRECTOR.

Upon motion of Councilman Gantt, seconded by Councilman Williams, and unanimously carried, subject resolution authorizing use of certifications relative to establishment of Just Compensation and Fair Reuse Value, was adopted.

The resolution is recorded in full in Resolutions Book 11, at Page 252.

OPEN NON-EXCLUSIVE CONTRACT FOR REAL ESTATE BROKER'S SERVICES WITH MR. RUSSELL KINNEY IN FIRST WARD PROJECT NO. N. C. R-79, APPROVED.

Motion was made by Councilman Gantt and seconded by Councilman Williams for approval of subject open non-exclusive contract for Real Estate Broker's Services with Mr. Russell Kinney in First Ward Project No. N. C. R-79.

After explanation by the City Manager, the City Attorney, and Mr. Sawyer, the vote was taken on the motion and carried unanimously.

ORDINANCES AFFECTING HOUSING DECLARED "UNFIT" FOR HUMAN HABITATION UNDER THE PROVISIONS OF THE CITY'S HOUSING CODE.

Councilwoman Locke moved adoption of the following ordinances affecting housing declared "unfit" for human habitation under the provisions of the City's Housing Code, which motion was seconded by Councilman Williams, and carried unanimously

- (a) Ordinance No. 10-X ordering the dwelling at 800 Woodside Avenue to be closed.
- (b) Ordinance No. 11-X ordering the dwelling at 519 W. 8th Street to be demolished and removed.
- (c) Ordinance No. 12-X ordering the dwelling at 2624 Sims Road to be demolished and removed.

The ordinances are recorded in full in Ordinance Book 23, beginning at Page 7, and ending at Page 9.

PROPOSED SETTLEMENT IN CITY VS. PAPPAMIHIEL DEVELOPMENT CORPORATION FOR PARCEL ONE, CAMPBELL CREEK SANITARY SEWER OUTFALL, APPROVED.

Motion was made by Councilman Williams and seconded by Councilman Withrow to approve the proposed settlement in City vs. Pappamihiel Development Corporation, in the amount of \$700.00, as recommended by the City Attorney, for Parcel One, Campbell Creek Sanitary Sewer Outfall Project.

After explanation by Mr. Underhill, the vote was taken on the motion and carried unanimously.

CHANGE ORDER NO. 1, IN CONTRACT WITH RAY D. LOWDER, INCORPORATED, FOR CONSTRUCTION OF SEWER MAINS IN ANNEXATION AREA I (1) AND I (12), APPROVED.

After explanation by Mr. Lee Dukes, Director of Charlotte-Mecklenburg Utility Department, Councilwoman Locke moved approval of Change Order No. 1, in contract with Ray D. Lowder, Incorporated, for the construction of main sewers in Annexation Area I (1) and I (12), adding \$1,650.00 to the contract. The motion was seconded by Councilwoman Chafin.

After discussion, the vote was taken on the motion and carried unanimously.

CHANGE ORDER NO. 1, IN CONTRACT WITH PORT CITY ELECTRIC COMPANY, FOR ELECTRICAL WORK ON THE WASTEWATER COLLECTION DIVISION, APPROVED.

After explanation by Mr. Lee Dukes, motion was made by Councilman Withrow, seconded by Councilman Williams and unanimously carried, approving subject Change Order No. 1, in contract with Port City Electric Company, for electrical work on the Wastewater Collection Division, reducing the contract price by \$429.00, to reflect several minor modifications negotiated with the contractor during the course of the project.

CHANGE ORDER NO. 1, IN CONTRACT WITH GODLEY CONSTRUCTION COMPANY, FOR GENERAL CONSTRUCTION WORK ON THE WASTEWATER COLLECTION DIVISION, APPROVED.

Upon motion of Councilman Williams, seconded by Councilwoman Chafin, and unanimously carried, subject Change Order No. 1, in contract with Godley Construction Company, for the general construction work on the Wastewater Collection Division, adding \$2,074.57 to the contract to adjust the contract quantities for testing and unsuitable material removal and for minor modifications negotiated with the contractor during the course of the contract.

SEWER CONTRACT WITH D. A. DAVIS CONSTRUCTION COMPANY, INC. FOR SANITARY SEWER CONSTRUCTION TO SERVE WALLACE ROAD AT INDEPENDENCE BOULEVARD, APPROVED.

Motion was made by Councilman Davis, seconded by Councilman Withrow, and unanimously carried, approving subject sewer contract with D. A. Davis Construction Company, Inc. for construction of 80 lin. ft. of 8-inch sanitary sewer to serve Wallace Road at Independence Boulevard, inside the city, at an estimated cost of \$2,060.00.

CONTRACT AWARDED ALLIED SAFETY SUPPLY COMPANY FOR RUBBER RAINSUITS FOR VARIOUS DEPARTMENTS OF THE CITY.

Councilman Davis moved award of contract to the low bidder, Allied Safety Supply Company, in the amount of \$8,127.10, on a unit price basis, for rubber rainsuits for various departments of the City for protection during rainy weather. The motion was seconded by Councilman Withrow, and unanimously carried.

The following bids were received:

Allied Safety Supply Co.	\$ 8,127.10
Goodall Rubber Company	10,494.23
Zimmerman-Evans Supply Co.	15,472.72

STAFF INSTRUCTED TO WRITE LETTER OF COMMENDATION TO THE STATE UTILITIES COMMISSION ON THEIR ACTION REGARDING DIRECTORY ASSISTANCE.

Councilman Williams moved that the Staff be instructed to write a letter of commendation to the State Utilities Commission for their recent action on a special exemption for the blind on Directory Assistance Calls, which motion was seconded by Councilwoman Chafin, and unanimously carried.

RESOLUTION CREATING STANDING COMMITTEES OF COUNCIL, APPROVED.

Councilman Williams moved adoption of a resolution creating Standing Committees of Council. The motion was seconded by Councilman Davis.

Councilman Withrow stated he felt this is an item that a full Council should vote on at a time when the Mayor is present and he would like to make a statement regarding this resolution.

He stated he has given a lot of thought to Councilman Williams' proposed resolution and he has some concerns he would like to express. First, the basic issue that Council is wrestling with here is the need for more information, not the need for setting up Standing Committees that can get out of hand. That he knows Council has read in the newspaper where this happened in one particular instance.

Councilman Withrow stated he wants to preserve the basic form of government that we now have and not do anything that will make this less effective. He stated Standing Committees are not the answer. He would rather see committees pull together on the basis of need to get into major issues like transportation, housing, and such things as this.

He stated let them be set up to cover certain issues, like the one today, to have an Ad Hoc Committee on this particular one that was set up today, but not a committee that would be continuous, but an Ad Hoc Committee to take care of that issue which is at stake at that time. Let them be assigned to a duty and have such and such a time to give their findings to Council.

Councilman Withrow stated this will allow Council to get at the issues in being a better informed Council, without accidently doing harm to our form of government.

Secondly, Council might also consider establishing more formal relationship with some of the Boards and Commissions that serve the City - like Councilwoman Locke keeps them informed on COG, for example. Why not have specialists on the Park and Recreation Committee, the Civil Service Board, Auditorium-Coliseum-Civic Center Authority, Housing Authority, etc. which will give us a chance to know the various parts of our government better.

He stated when he first got on City Council six years ago, he was in a dilemma as to how one Councilmember could know all about the city and he has gone on the premises that "everybody's business is nobody's business" but that if one Councilmember could be assigned one specific job that he would go and attend all of those meetings, then Council could set up a workshop at 1:30 or so. That any Councilmember could go to all the meetings if he want but one Councilmember would be assigned that particular job and he will either see that some Councilmember goes or he will go himself and report back to the workshop his findings.

Councilman Withrow stated he felt Council could cover more things this way than they could any other way. That he does not know how anyone could attend all the committee meetings if you do not have the time for regular Council Meetings once a week. Are you not putting more work on each Councilmember when you have three extra meetings? The one man concept could be better to report back.

Finally, before Council even begins thinking about Standing Committees, Council should explore all the other alternatives and see if there isn't something else that is better. That he is not saying what he thinks is better, but he feels this is so important that Council should do what is right for the City and what is best. He asked what would these Committees really do; what are their functions; how would they operate; how could we keep them from confusing the department heads? That we need to think about these things before Council jumps into this and give it a little more thought.

Councilwoman Locke stated Council could think about this for two years. Council has been talking about this for two years and it was on the agenda on December 18, 1973 and was discussed at length and Council has had two years to think about it and two years to talk about it and it is now time to act.

Councilman Withrow asked about the Ad Hoc Committee and Councilman Williams replied when you say Ad Hoc Committee, this is almost an Ad Hoc Committee because they would not have any function unless the Manager, Mayor or this Council referred something to them. This works the same as an Ad Hoc Committee would. If there were mandatory referrals to the Committee, he could see Councilman Withrow's objection to this.

Councilman Williams stated we have heard a great deal about this during the campaign and the way it would work is we would create three committees of three members each. He has given some thought to how many committees we should have and how many members should serve on any one committee and it is not an easy thing to work out when there are only seven Councilmembers and their time is limited, there is no question about that.

He stated if you take three committees of three members each, you would create nine positions and that would mean that two people would have double duty to do. On the other hand, you have to have a certain number for it to be a committee at all. That Councilman Withrow mentioned having a one member committee but you do not have two opinions that way and he has heard during the last few years of talking about it that to have one member on the committee going around to the departments, he might start getting politically involved in the departments, but if you had at least two or three members, you could minimize that to a certain extent.

Councilman Williams stated if the Committee System starts to be abused, Council can always abolish it if it gets out of hand. This is a rather modest step toward restoring this balance between the Council and the Manager. He stated he understands the Manager's problems about not wanting the Council to usurp his authority and he does not want to do that. That if we had mandatory referrals to Standing Committees, especially long-standing committees, we might be in danger of doing that but this mild proposal of a reference-only to certain issues would not erode the Manager-Council form of government which we have. He is not asking Mr. Burkhalter to speak on this because he knows it puts him in a rather delicate position, but he had considered Mr. Burkhalter's reservations about it in drafting the resolution and that is why it is as modest as it is.

Councilwoman Chafin stated during the campaign, Committees were discussed, and her preference was for the Ad Hoc Committees that Mr. Withrow has described. But when she read Councilman Williams' proposal, she saw it as a compromise between the idea of Standing Committees, which she agrees could do violence to the Council-Manager form of government, and perhaps be inclined to get involved in the day to day operations. This she does not think any of them want to see. The committees should function as policy making committees to help Council review certain controversial or difficult issues in depth. After a very short period on this Council she sees the need for that. She has already seen issues emerge which require further studying. Council can use some of this structure in its discretion. It offers flexibility to insure that we have a committee; but also to permit them to use the committee system in an ad hoc way.

January 12, 1976
Minute Book 62 - Page 518

Councilman Davis stated he does not see the committee system as participating in the policy making role. He does not think Council wants to give up that. That it will be to advise this Council in decisions made by the Council.

He asked what difference it would be if today a councilmember would go to a department of city government - that he has done this in a number of departments and been given every piece of information he has asked for - and tomorrow if there is a committee system? What would be the difference in an individual councilman going to the department to study a situation, and a committee doing it? Mr. Burkhalter, City Manager, replied he would hope the Committee would not go to the Department Heads and start holding an investigation. This would be contrary to our system. That would be very wrong.

Councilman Davis asked Councilman Williams what the difference would be under his proposal for an individual councilmember going through the proper channels to a department versus a Committee on Operations, or some other committee? Councilman Williams replied he would hope it would be a little more formalized than that. That they would not just arrange a time and go to some unsuspecting Department Head. Rather announce when a hearing would be held on a certain matter to the department head as well as the City Manager. Mr. Burkhalter stated he would hope if they want to maintain the integrity of this form of government that they would not dare go to the departments and start holding hearings; that they would come to him when they meet and he will furnish whatever is needed for the Committee. That Mr. Davis has reference to what he has told all councilmembers that he hopes individually they feel free to call any department head - that he has no objections to this. But he asks that Council not tell the department head to do anything. That is the difference. When they start having a committee investigation, then the idea of a department head begins to say this is a representative of Council telling me what to do.

Mr. Burkhalter stated he has dealt with hundreds of committees and he has no hangups about committees as such. He stated he does have hangups about what they hope that committee to accomplish at times. From experience the only objection he has is the standing function. That is good and it is bad, and it has some ill effects because certain councilmembers can believe they own and operate certain areas. They do not do that after the first three or four times, but if you stay on the council five or ten years and do this, then everyone thinks that is true. If you make it standing you cannot change this without offending the councilmember. This is just like Council has with its committees and boards. That he thinks Council will decide itself that this is not what it wants.

Mr. Burkhalter stated if the committee system is good, then his suggestion to Council would be to have a committee to study the best committee system this Council should have. That he thinks they could do this and hear all the pros and cons in detail and then come back to Council. Then it would be interesting to see if Council accepts the committee's proposal on how to handle committees.

Councilman Gantt stated he is on record as being essentially against the committee system simply because it might impede the integrity of the City Manager form of government. In reading the proposal, he had a number of questions that related more to why these particular standing committees. That standing committees have been the question throughout this thing. Then when he got down to Item Number Four, he decided what it really is is an ad hoc committee, and Council would decide whether or not to refer anything to the committees at all. This left some room for debate.

Councilman Gantt stated he is still against it. The broader question to be asked is how to get more information so that Councilmembers can make good decisions for the City. If it can be done better through the committee system, then he would like to know in more precise terms how this would work? Why these particular committees in light of how the city government is organized? There are three members per committee, and can they hold secret meetings without worrying about the press?

Councilwoman Locke stated even with ad hoc committees the Public Relations Office has to advise the press of the meetings.

Councilman Gantt stated Mr. Withrow has a good point about the meetings. Maybe they are proposing that every other week the committees meet, and that Council Meetings be held every two weeks. He might even suggest that might be the approach the city should take to get more information to allow Council more time. That he starting reading the proposal on the loan agreement with the bank about 6:00 o'clock Saturday evening and it went right on into the night. After reading it he wanted a couple of days to think about it, but it was on the agenda for Monday. Council does have the right to defer, but does not do that very often. So it seems it might be well to have the two week period. Some Councils have three readings of different kinds of items simply because it allows the legislative body an opportunity to deliberate very carefully on important issues. We do not do that. These are other alternatives to a committee system that we might want to think of. That he wants to keep this open and not kill it with a vote this afternoon one way or the other. Mr. Burkhalter has suggested a committee to study the committees. He stated he just wants more information from the people who are proposing this.

Councilman Williams replied the reason for these three committees is that these were the broadest functioning committees he could think of. That they would need seven to twelve committees to get more specific; but we do not have the person power to staff or fill positions on that many committees. This is the reason for the broadness of these three. That public works and planning are self-explanatory. What he had in mind were the capital type projects - the airport expansion, the civic center, parking garages, streets and highways. The finance committee is pretty self-explanatory, too. They deal with budget and money matters. The operations committee is sort of a catch-all and is almost the miscellaneous committee. He stated not every miscellaneous matter would go to that committee; it would be up to Council to refer matters to the committees.

He stated there was a good example on the agenda today for the Public Works Committee and that is First Ward. Why have committees rather than more information from staff people? That he has plenty of confidence in the staff; but they are not elected people, and they do not have their necks on the chopping block each week; whereas Councilmembers do have their necks on the block. That he has a lot of respect for people with their necks on the blocks. He would like to hear what they are thinking about on some of these matters after they have had a chance to delve into it. Councilwoman Locke stated Item 4 is a good example of what could have been referred to a committee for further evaluation.

Councilman Withrow stated he is not against a committee system. If the word "standing" was out, and just ad hoc committees and allow the Mayor to appoint them, or Council itself appoint them. He stated they have said it is ad hoc. Why not make it ad hoc? Then we can take care of the item today they are talking about. Councilman Williams replied you have to go through the additional steps everytime you want to refer something to a committee in getting the committees formed. Councilman Gantt stated if you give that kind of back hand approval and say let's change the definition from standing to ad hoc, he is afraid of the way the committees would function. He suggested that Council continue the discussion. He does not see any reason why council cannot entertain some more specific general discussion on this.

January 12, 1976
Minute Book 62 - Page 520

The vote was taken on the motion to approve the resolution, and carried as follows:

YEAS: Councilmembers Williams, Locke, Chafin and Davis.
NAYS: Councilmembers Gantt and Withrow.

Councilman Withrow stated he is not opposed to the Committee System.

Mr. Burkhalter stated he has no ill feeling about Council appointing Committees. That he has some ideas about it which he has expressed. But he does not want any adversary action between him and this Council for a minute. That he hopes we understand that he will operate within the framework Council says, and if he cannot operate, then he will get out.

He stated Council sets the framework it likes. That the City has such good staff that Council should use, and he wants them to do it, and to have confidence in them. If this will build up confidence in staff, then he is with them all the way.

Councilwoman Chafin stated she sees this as a way of using staff; opening up some lines of communications.

Councilman Gantt stated Mr. Withrow has asked if he wants to make the vote unanimous. That he hopes they understand his vote against this is not that he is vehemently opposed to committees, but that he thought Council should have discussed this more than it did.

Mayor pro tem Whittington stated he thinks Mr. Williams understands this. He stated he would rather have done this with the Mayor present, or at the retreat. But Mr. Williams brought this up two years ago, and he wants it resolved, and he is entitled to that, and Council has taken that action.

Councilman Withrow stated he is not against committee system, and he would like to change his vote in favor of the motion.

The final vote on the resolution is as follows:

YEAS: Councilmembers Williams, Locke, Chafin, Davis and Withrow.
NAYS: Councilman Gantt.

The resolution is recorded in full in Resolutions Book 11, beginning at Page 25.

COMMENTS OF CONFERENCE MEETINGS WITH CITY MANAGER AND CITY COUNCIL.

Councilman Davis stated at the last meeting of Council, the City Manager stated there is no time to discuss his problems with the City Council, and no action was taken on that. That he would like to discuss this matter of arranging some time when the Council can meet with the City Manager. This would certainly be helpful to him to have an opportunity to discuss this.

Mr. Burkhalter, City Manager, stated the thing Council will have to do is to have conference sessions. If Council agrees to that, then staff will help to work this out. Councilwoman Locke stated this is something Council can talk about at the retreat. Mr. Burkhalter stated that is probably the place it should be done.

Mayor pro tem Whittington stated the Mayor is opposed to Council meeting in the conference room which was set up for that purpose - one of the purposes. That he thinks this should be discussed at the retreat when the Mayor is present. He stated he agrees with the City Manager if Council had more conference agenda there would be more coverage.

CONSIDERATION OF PREPARING AGENDA AND SENDING TO COUNCIL TWO FULL BUSINESS DAYS BEFORE SCHEDULED MEETING TO BE PLACED ON THE NEXT REGULAR AGENDA.

Councilman Davis stated last week he mentioned that he wanted an item on the agenda to discuss the time at which Councilmembers get their agendas - which is currently Friday afternoon. He asked if this will be on the agenda next week?

Mayor pro tem Whittington suggested this be discussed with the Conference Sessions.

Councilman Davis stated this is a critical problem for him when he gets this information on Friday afternoons.

Councilman Davis moved that the date be changed for the Agenda to be delivered to Councilmembers from Friday afternoon to make it two full business days prior to the Council meeting.

Mr. Underhill, City Attorney, advised the motion can only be considered today if Council votes unanimously to consider a matter that is not on the agenda, which this matter is not. Council has to unanimously vote to put the matter before it as something that requires immediate action by Council.

Mr. Burkhalter stated he will be happy to put it on the agenda if Council wants it there.

REQUEST THAT CONSIDERATION OF SHADY BLUFF CONNECTION BE PLACED ON NEXT REGULAR COUNCIL AGENDA.

Councilman Davis requested that the discontinued street program be placed on the next agenda, specifically the Shady Bluff Connection. He stated after he made his request at the last meeting for review of the entire program, he found on his desk a comprehensive review from Mr. Hopson. That is sufficient for him now. But he would like to decide what to do about this particular street - Shady Bluff Drive.

COMMENTS ON OVERHEAD WALKWAYS IN THE DOWNTOWN AREA.

Councilman Davis stated Council was sent architectural drawings of the overhead walkways. He understands they will be let for bids unless Council says something to the contrary. He has two questions on this. Mr. Burkhalter, City Manager, stated if he will direct the questions to him, he will see that he gets the answers.

Mr. Hopson, Director of Public Works, stated they are doing the engineering work and the architect is Odell and Associates. That they will be glad to have this for the next regular meeting. Mr. Burkhalter stated this will be brought up when the time occurs unless Mr. Davis does not find the answers to his questions prior to that time.

Councilman Davis stated on the Fourth Street Overpass, he noticed there are steps at both ends which seems contrary to the promenade concept. It also caused him to wonder if it complies with the requirement for the handicapped? Mr. Hopson replied there is no way to meet the different elevations of the two buildings; he brought up the same questions and they took it back to Odell, and there is no way. That he agrees with Councilman Davis and it is one of the faults he found with it also. If it is to be built there, that is the only way it can be done.

Councilman Davis asked why we had to make an accommodation with the existing buildings and Mr. Hopson replied because they are already built. Councilman Davis stated it looks like they could have made the accommodation within the new hotel building. Mr. Hopson replied there is no way they can change their floor plans now as they are too far along.

Mayor pro tem Whittington stated this should be a Council agenda item. That it should be on the agenda with a full explanation. Councilman Davis stated his experience with walkways has been negative. There are too many steps in the Fourth Street Walkway. He would hate to see a beautiful concept marred by having steps at both ends of a promenade where you are supposed to have a free flow of pedestrian traffic and end up with an overpass that is not used.

COUNCILMEMBERS REQUESTED TO RETURN MEMORANDUMS ON RETREAT AS SOON AS POSSIBLE.

Councilwoman Chafin reminded Council that each of them have a memorandum from her regarding arrangements for a retreat. She would appreciate getting this information back as quickly as possible so that Council can move ahead with the retreat and discuss what will be done with the new committee system.

REQUEST THAT FULL REVIEW OF BELT ROAD PROJECT BE PLACED ON COUNCIL AGENDA.

Councilman Withrow moved that the City Manager arrange for information and explanation and review of the Belt Road Project along Wendover Road, with comments from the Chairman of the Tree Commission and the City Arborist, and the effect the 11-foot lane would have on the existing trees, and a full review of the project. The motion was seconded by Councilwoman Locke.

Mayor pro tem Whittington asked if the motion includes the traffic volumes anticipated from when this was started today and Councilman Withrow replied he is asking for a full review.

The vote was taken on the motion and carried unanimously.

CITY MANAGER REQUESTED TO WRITE LETTER OF APPRECIATION TO OWENS, ILLINOIS OUTLOOK FOR EXCELLENT ARTICLE.

Mayor pro tem Whittington requested the City Manager to write Owens, Illinois, Outlook, and thank them on behalf of the Charlotte City Council for the excellent article.

CITY MANAGER REQUESTED TO GIVE REPORT ON CITY PARKING GARAGE.

Mayor pro tem Whittington requested the City Manager to bring to City Council views of the Traffic Engineer, and anyone else he needs to consult, a report on reducing the parking rates in the city parking garage, changing the advertising signs if this can be done under the zoning ordinance so that everyone can see it; and whether or not it is feasible to put an entrance to the garage on East Trade Street.

ANNOUNCEMENT OF APPOINTMENT OF JIM RICHARDSON TO HOUSING AUTHORITY.

Mayor pro tem Whittington announced that Mayor Belk appointed Mr. Jim Richardson, effective today, to the Housing Authority to take the place of the person who has retired from the Authority.

APPOINTMENT OF MRS. HENRY (FLO) BRYANT AS ALTERNATE MEMBER OF THE ZONING BOARD OF ADJUSTMENT.

Mayor pro tem Whittington stated he would like to nominate Mrs. Henry (Flo) Bryant as an alternate member of the Zoning Board of Adjustment.

With the full consent of the Council, Councilwoman Locke moved the appointment of Mrs. Henry (Flo) Bryant as an alternate member of the Zoning Board of Adjustment. The motion was seconded by Councilman Gantt, and carried unanimously.

COMMENTS OF APPOINTMENTS TO BE MADE TO BOARDS AND COMMISSIONS.

Mayor pro tem Whittington stated he hopes Council will give some consideration to the replacement of Ike Heard on the Charlotte-Mecklenburg Planning Commission. That Mr. Heard resigned some time ago, and an appointment needs to be made. Also, he understands there is a vacancy on the Civil Service Board. There are a lot of people who want to serve and Council should get on with the appointments.

Councilwoman Locke stated of the nineteen meetings held by the Civil Service Board during the past calendar year, Mark Bernstein attended ten meetings; she would assume he is automatically off that Board. The City Attorney advised if anyone misses more than 25% of the meetings, they are automatically off the Board. The City Manager stated he has a question in his mind whether this includes regular meetings, or if it includes special and breakfast meetings and such. Mr. Underhill replied it says regular and special meetings. Councilwoman Locke stated she would like to be sure on this.

ADJOURNMENT.

Upon motion of Councilwoman Locke, seconded by Councilman Withrow, and unanimously carried, the meeting adjourned.


Louise H. Comfort, Deputy City Clerk