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The City Council of the City of Charlotte, North Carolina, met in regular session on Monday, January 16, 1978, at 8:00 o'clock p.m., in the Board Room of the Educational Center with Mayor Kenneth R. Harris presiding, and Councilmembers Don Carroll, Betty Chafin, Tom Cox, Jr., Charlie Dannelly, Laura Frech, Harvey B. Gantt, Ron Leeper, Pat Locke, George K. Selden, H. Milton Short and Minette Trosch present.

ABSENT: None.

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INVOCATION.

The invocation was given by Reverend Harry W. Phillips, Westminister Presbyterian Church.

MINUTES OF JANUARY 4, 1978 APPROVED AS SUBMITTED AND OF JANUARY 9 AS CORRECTED.

Motion was made by Councilmember Locke, seconded by Councilmember Chafin, and carried unanimously, to approve the minutes of the Council Hearing on Wednesday, January 4, 1978 as submitted, and of the Regular Meeting on January 9, 1978 with the following corrections:

Minute Book 67 - Page 11 - third paragrph, change Councilmember Trosch to read "Councilmember Frech"; and in the fifth paragraph, change Councilmember Trosch to read "Councilmember Frech".

Minute Book 67 - Page 12 (Paragraph 11), next to last paragraph, change the last words to read "the contract is signed", and remove the words "each time".

RESOLUTION CLOSING LOWELL STREET, LOCATED BETWEEN CUSHMAN STREET AND RUTGERS AVENUE, ADOPTED.

The public hearing was held on the petition of Willie Robert Reeder and wife, Ibrahim Q. Saadeh and wife, and Floyd Wilson Williams and wife, to close Lowell Street, between Cushman Street and Rutgers Avenue, in the City of Charlotte, N. C.

Council was advised that the petition had been investigated by all city departments concerned with street rights of way, and there were no objections to the closing.

Mr. Robert Hoagland, Attorney for the Petitioners, stated the three parties own the property along Lowell Street, and they are present with him. He filed with the Clerk a receipt signed by all the property owners, adjoining property, who own property adjoining the street indicating they have received a notice of this hearing.

He stated the street is only one block long, and is borded only by four lots; those four lots are owned by three people who are the petitioners and who have signed the petition. This is not a street as you would envision it; it appears on certain maps as a street, but has never been used as a street; it is overgrown with trees and shrubs and there is a lot of litter there. Children come through on bicycles and motorcycles damaging property, and on one occasion injured a dog. The property owners are concerned about the possibility of their own liability if one of the children are injured based upon the allegation that this is an attractive nuisance. The property owners desire to improve and beautify the property. To cut down the trees, shrubs and bushes which are wild, and plant flower gardens and a vegetable garden.

Mr. Hoagland stated they would appreciate City Council's adoption of this resolution.

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No opposition was expressed to the street closing.

Councilmember Gantt moved adoption of the resolution closing Lowell Street, located between Cushman Street and Rutgers Avenue. The motion was seconded by Councilmember Locke.

Councilmember Short asked if this is a situation where some developer was forced by city ordinance to leave that land for the street? Mr. Hoagland replied no; this was not developed in that way; one house was built at one time, and another later.

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

The resolution is recorded in full in Resolutions Book 13, beginning at Page 154.

ORDINANCE NO. 881 TO REGULATE ZONING OF LAND IN THE TEN AREAS ANNEXED BY THE CITY OF CHARLOTTE ON DECEMBER 1, 1977.

Council was advised that the Planning Commission recommends the adoption of zoning for all ten areas annexed on December 1, 1977 on the basis of the patterns presented at the public hearing on January 4, 1978.

Mr. Bryant, Acting Planning Director, stated staff did follow up on the Council's instruction; letters were sent to all property owners that were involved with a change of their zoning as indicated on the maps at the hearing. Several inquiries were received for information, but to his knowledge no one indicated any objections to the changes.

Motion was made by Councilmember Gantt to adopt the ordinance approving the recommendations of the Planning Commission on the ten areas. The motion was seconded by Councilmember Chafin.

Councilmember Gantt stated the Commission does recognize the gentleman who came in and requested the change of zoning on property. They did request in that situation that he go through the normal process for a zone change.

The vote was taken on the motion and carried unanimously.

The ordinance is recorded in full in Ordinance Book 25, beginning at Page 170.

JOINT RESOLUTIONS OF CITY COUNCIL AND BOARD OF COUNTY COMMISSIONERS REGARDING ZONING OF BOUNDARY STRIPS CREATED BY ANNEXATION OF CERTAIN AREAS.

Motion was made by Councilmember Chafin, seconded by Councilmember Selden and unanimously carried adopting a joint resolution of the City Council and the Board of Commissioners of Mecklenburg County ratifying and amending the agreement regarding the zoning of certain "boundary strips" created by the annexation of certain areas effective January 25, 1974.

The resolution is recorded in full in Resolutions Book 13, beginning at Page 155, and ending at Page 157.

Councilmember Locke moved adoption of a joint resolution of the City Council and the Board of Commissioners of Mecklenburg County regarding the zoning of certain "boundary strips" created by the annexation of certain areas effective December 1, 1977. The motion was seconded by Councilmember Trosch, and carried unanimously.

The resolution is recorded in full in Resolutions Book 13, beginning at Page 158, and ending at Page 159.

Mayor Harris stated he understands the Board of County Commissioners did pass these resolutions today.

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RESOLUTION ABOLISHING THE CHARLOTTE PARK AND RECREATION COMMISSION AND
ESTABLISHING A NEW DEPARTMENT DESIGNATED AS THE PARKS AND RECREATION
DEPARTMENT OF THE CITY OF CHARLOTTE

Councilmember Gantt moved adoption of a resolution abolishing the Charlotte Park and Recreation Commission, establishing a new department designated as the Park and Recreation Department of the City of Charlotte, and authorizing the necessary administrative actions including incorporation of Park and Recreation employees into the Local Government Employees Retirement System with credit for prior service. The motion was seconded by Councilmember Locke.

Mayor Harris stated he sent a letter to Mr. Bridgewater, Chairman of the Park and Recreation Commission, in advance of this meeting and invited him to come to this meeting tonight.

Councilmember Locke stated Council was sent copies of the minutes, and much pertinent information was given out at different intervals.

Councilmember Selden stated one Commission member proposed an area of reconciliation to resolve the problems in the form of a letter; but there was not sufficient support from other Commission members.

Councilmember Gantt stated the problem with doing something like this is that we go against a long standing tradition in this community when we have had citizens advise us, and in fact operate the Park and Recreation Department for a lot of good reasons that all have had the opportunity of examining from previous minutes that discussed this question very fully. The problem with this kind of resolution is it appears the Council is refuting service, or at least suggesting the service those volunteer citizens serving on that commission were giving to the City of Charlotte was inadequate or inappropriate. He would hope that no one feels that way. He does think that recreation is becoming a very essential part of the urban community environment. One of the most striking things to him is that a year ago at the general revenue sharing hearing, that of the 18 people responded, 13 of them spoke on issues related to recreation.

He stated at one time when the City was involved in development of parks and much of the park land was donated by private citizens that the attitude and posture of recreation as a service to the community was somewhat more casual. He does not think that is the case any more from a very significant kind of service that we offer to the community. In his opinion there is some frustration related to the question of accountability. How we (the Council) as the elected officials respond to the problems and the opportunities that occur in the area of park and recreation.

What we need is not a question of the Council looking for more work to do as there are a number of things that capture their attention from day to day; but if the elected officials are to be effective they must take on this very essential function. He does not see it being too much different from the service and functions Council is required to oversee in the area of public works, police and fire protections, and sanitation services. He thinks recreation belongs in that same area. If Council passes this resolution, he hopes they will seek again to draw up an advisory body made up of interested citizens who might advise the elected officials on areas of concern in the park and recreation.

Councilmember Cox stated one of the frustrating things about living in this Country today, and he thinks it is being remedied, is that the people of our County and the people of our city desire and deserve to be in touch with the government process. That he thinks Mr. Gantt has said the Park and Recreation Commission has done an excellent job over the years; he believes they have. He has lived in Charlotte all his life, and he remembers the Park and Recreation Commission throughout that short time. The key here, to him, is that the people of Charlotte deserve to be, or feel they are, in touch with the processes of government.

He stated he is going to vote today to abolish the Park and Recreation Commission fully understanding that what he is about to do goes against history and tradition. But in his mind there are no "sacred cows" and that is

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not to be construed that he thinks the Park and Recreation is a "sacred cow". He stated if there is time for a change, then let the change come. He does this fully recognizing that when Council gets to budget time - and we are talking about \$1.1 million, or about \$1.8 million over a period of nine years - that what we are doing is putting the recreation of the people of our city ahead of something else. We are saying that a top priority for the City of Charlotte is park and recreation. He is going to vote that way keeping that in mind. He does not like spending \$1.1 million; but there is time for a change and he thinks the change will be beneficial; the people of Charlotte will at least feel they are in touch with the government. That alone is worth the change.

Councilmember Carroll stated he has taken a real hard look, and talked with some of the staff members about the expenditures involved. He finds himself coming down feeling that, although it is a very sizeable sum, it is money well spent; we are simply putting employees who have served the city and the people of Charlotte in the Parks Commission on the same basis as any other city employee. We are putting them on an equal basis regarding something which is very important to them, and that is their retirement benefits. Although it does call for some outlay by us, it is a very fair thing for the Council to do to put everyone on that same basis. He comes up deciding, not only for the reasons mentioned by Mr. Cox, the motion should be passed, but for the reason of giving equal treatment to all these employees, it is good for us to spend that money.

Councilmember Dannelly stated if there is a vote to abolish the Park and Recreation Commission, does that abolish the Advisory Board? Mayor Harris replied yes. That we do not have an advisory board, but a commission. The commissioners are an autonomous body; it will be abolishing the Board.

Councilmember Selden stated he regrets seriously the Park and Recreation Commission pension plan was not on a comparable basis as the City of Charlotte employees. He thinks very definitely the expenditure of monies necessary to bring this about is most justified.

Councilmember Locke stated we must thank Park and Recreation Commission; they have done an excellent job throughout the many years they have served. She would hope if this Board is abolished, we would set up an advisory committee of some sort, using some of the people who have been on the Board before. She stated she is also glad the new Council has had the opportunity to vote on this; it was deferred from the old Council, and she is very happy to see the new Council has had this opportunity to vote on it.

Councilmember Chafin stated it is clear there is a consensus emerging on this Council. This is an issue she has not taken lightly and has really struggled over it. In conversation with members of the Park and Recreation Commission, and many of the members of this City Council, she has thought in terms of proposing tonight that we do something along the lines of placing the Park and Recreation Commission on a probation - she does not mean that in any derogatory manner. By that she means doing something she is not sure the Council has every really done. That is to set forth for the Commission our expectations. Part of the frustration of neighborhood groups, and other citizens has been a feeling the Park and Recreation Commission was not always responsive as they would have the Commission be. In struggling through this, she finally came to the conclusion that it was time to go ahead and take a hard position on this. Departmental status would be the best vehicle available to us for planning for the future. That is what we really need to consider. We are going to be discussing in the months and years ahead the need for increasing Parks and Recreation facilities and services for our community. Most of the Council members have studied the short range plan, and know what the needs are. They know what the needs are for coordinating the facilities of Park and Recreation with other city programs and services as well as those of the County and the School Board. More and more we will be developing cooperative programs with these other governmental bodies. For that reason she will join this consensus here and vote to abolish.

Councilmember Dannelly stated Mr. Cox indicated how he feels about the \$1.1 million. He asked when Council will address and include the new employees? Mayor Harris replied it will be in the new budget; that he notices in the report that no funding will be necessary until the next fiscal year.

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Mr. Burkhalter, City Manager, stated he will have some information prior to May 1. If Council does adopt this resolution, then we can officially ask for the actuarial information.

Councilmember Locke requested the City Attorney to bring to Council recommendations on how the Advisory Commission can be set up. Mayor Harris stated that is not part of the motion.

Mayor Harris stated he is absolutely for this after looking at a lot of factors. The ultimate goal of our government in this City is going to be a consolidated form of government. This is a step towards consolidation. Some people say we are going to take this away, and we should have more bodies, etc. But actually he thinks we are moving toward a more responsive and more effective government. This is another step we will be taking to go toward that goal. He has talked with some people from the county, and they have expressed interest in discussing this matter. As long as we keep that objective in mind, that is really what we are talking about. He stated that is not to talk about the personalities or anything else involved. We are talking about how we can deliver effective services to our community. Tomorrow in some remarks he will be giving, he is asking for quite a commitment in this area of parks and recreation from the Council. He thinks this type of move will be a good step in that direction.

Councilmember Short stated the matter the Mayor has just mentioned puts it very well in perspective, and he thinks that is accurate. He thinks there is an opportunity now for consolidation from conversations he has had some knowledge of - he is not talking about city-county consolidation; but parks and recreation. He stated he applauds the Mayor's comments. If we are going to make the type of commitment he mentioned - financial commitment - in this community, it is very necessary that we throw together all of the recreational facilities, and fund them all as necessary, and not divide up between those that belong to the county, and those that belong to the city. Because he thinks what the Mayor said is very important he expects to vote for this motion. It is an overriding consideration.

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

The resolution is recorded in full in Resolutions Book 13, beginning at Page 160 and ending at Page 161.

Mayor Harris stated to Mr. Diehl that it looks like it is nice to have increased benefits as well for the employees; that he has a fine staff of over 200 employees, and he and Council look forward to working more directly with them. Mr. Diehl stated he is sure they all appreciate this.

POLICY SET TO PROHIBIT SMOKING DURING CITY COUNCIL MEETINGS IN CITY COUNCIL CHAMBERS.

Councilmember Frech moved that Council set a policy that there be no smoking during City Council meetings in the City Council Chambers. The motion was seconded by Councilmember Selden.

Mayor Harris stated there is already a temporary sign up to that effect.

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

PUBLIC HEARING SET FOR MONDAY, JANUARY 30 ON APPLICATION OF CITIZENS SAFETY ASSOCIATION OF CHARLOTTE AND MECKLENBURG COUNTY TO INSTALL A MONUMENT ON PUBLIC PROPERTY.

Mayor Harris stated Council needs to make appointments to the Public Monuments Committee. That perhaps Council should set this motion for a public hearing aside until the Committee is appointed to review this matter.

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Mr. Underhill, City Attorney, replied Council can establish the public hearing, and the membership of the Committee could be appointed prior to the hearing.

Councilmember Selden moved that a public hearing be set for Monday, January 30, 1978, at 3:00 o'clock p.m., on application of the Citizens Safety Association of Charlotte and Mecklenburg County to install a monument on public property. The motion was seconded by Councilmember Chafin, and carried unanimously.

Councilmember Gantt stated the attachment indicated there are some nine or ten people who have expressed an interest in historic preservation, and that is a little broader than the specifics of the public monuments committee. But much of what the Monuments Committee will do relates to that. There are two other commissions that relate to historic preservations - the Historic District and the Historic Properties Commission. But Council may want to consider some of the people who came through the talent bank for a committee such as this.

Mayor Harris stated he will receive nominations on this at the end of the agenda.

The City Manager stated Council will either have to do that, or change the policy to get the Committee appointed at the next meeting.

Councilmember Chafin stated there are a total of five members - three appointed by Council, and two by the City Manager. The City Manager has made his appointments.

APPOINTMENTS TO BOARDS AND COMMISSIONS.

- (a) Councilmember Short moved the appointment of Mr. Joe Ross to the Zoning Board of Adjustment for a term of three years. The motion was seconded by Councilmember Dannelly, and carried unanimously.

Councilmember Cox stated in response to Mr. Gantt's request and his request, he is glad to see some more descriptive information on the nominees.

- (b) Councilmember Selden moved the appointment of Ms. Judith Ranson to the Board of Directors of WTVI, Inc., for a three year term. The motion was seconded by Councilmember Trosch, and carried unanimously.

CONSENT AGENDA APPROVED.

Motion was made by Councilmember Locke, seconded by Councilmember Chafin, and unanimously carried, to approve the consent agenda, as follows:

- (1) Resolution stating an intent to close a portion of an alley off Independence Boulevard, and setting a date of public hearing on Monday, February 13, 1978, at 3 o'clock p.m.

The resolution is recorded in full in Resolutions Book 13, at Page 162.

- (2) Resolution authorizing the refund of certain taxes in the total amount of \$1,793.85, which were collected through clerical error and illegal levy against 19 tax accounts.

The resolution is recorded in full in Resolutions Book 13, at Page 163.

- (3) Encroachment agreements with the North Carolina Department of Transportation;
- (a) Agreement for the installation of 20 feet of 6-inch cast iron water main and a fire hydrant at the intersection of U. S. 21, Statesville Road and Keith Drive, SR 2522.
 - (b) Agreement for the existing water and sewer lines located at the intersection of Candlewyck and Willowbrae Road; in Candlewyck 5 Subdivision.
 - (c) Agreement for approximately 658.60 linear feet of sanitary sewer pipe and two manholes in the southerly margin of Albemarle Road, to serve 5700 Albemarle Road.

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- (4) Application and contract for sewer main and water lines:
- (a) Application of A. Franklin McGuire for the construction of 600 feet of 8-inch sewer main to serve 2300 Woodhaven Road, inside the City, at an estimated cost of \$10,250, in accordance with the existing Water-Sewer Extension Policy.
 - (b) Contract with Raintree Corporation for the construction of 3,950 feet of 8-inch, 6-inch and 2-inch water mains to serve Fairwood Subdivision, outside the city, at an estimated cost of \$32,300.

CITY MANAGER REQUESTED TO GIVE AN ACCOUNTING OF THE \$110,000 SPENT AT LATTA PARK TO COUNCILMEMBER SELDEN AND MAYOR HARRIS.

Councilmember Selden stated people in the Dilworth Community Area for some months have been wrestling with the question of monies spent and improvements to Latta Park area.

He requested the City Manager to analyze the expenditures and either the accomplishments to satisfy the need or the shortcomings of the accomplishments.

Mayor Harris stated \$110,000 was spent for Latta Park, and Mr. Selden would like to have an accounting of this. He stated he would like to have a copy of that himself.

Mr. Burkhalter replied he will send it to all members of Council.

NOMINATION TO PUBLIC MONUMENTS COMMITTEE.

Councilmember Selden placed in nomination the name of Ms. Helen A. Alford for appointment to the Public Monuments Committee.

REPORT THAT LIAISON COMMITTEE OF CITY AND COUNTY AND SCHOOL BOARD IS MEETING.

Councilmember Trosch stated she would like for Council to be aware that the Liaison Committee is meeting and what it is doing. She stated Parks Helms and Louise Brennan have also been appointed to this Committee as State Representatives. Cooperative efforts are beginning, and she thinks this is a good place, and she would like for Council to be aware that they are meeting; they meet the third Thursday of the month. If there are any items Council members would like to take to that committee she would appreciate it if they would give them to her or to Mr. Leeper.

INFORMATION REQUESTED FROM TALENT BANK ON PERSONS INTERESTED IN SERVING ON MUNICIPAL INFORMATION ADVISORY BOARD AND HOUSING APPEALS BOARD.

Councilmember Trosch stated for quite a long time the vacancies on the MIAB and the Housing Appeals Board have been carried. She asked for a list of applicants from the Talent Bank who have indicated an interest in these areas be included in the agenda as was done today for the Public Monuments Committee; that it not only include Districts but the other pertinent information Council asked for previously.

ADDITIONAL INFORMATION REQUESTED FROM PLANNING COMMISSION ON RECOMMENDATIONS ON ZONING PETITIONS.

Councilmember Trosch requested that the Planning Commission staff recommendations concerning zoning matters be included with material Council receives on rezoning matters. Also the minutes of the Planning Commission when the matters are discussed. She feels more information is needed as to the discussions taking place.

She stated she has asked several people and she understands that sometimes Council knows the staff recommendation, and sometimes Council does not.

Mayor Harris stated she is looking for the staff recommendation? Councilmember

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Trosch replied also the deliberations that goes on. Mayor Harris stated it would probably be best if as cases come up where she has that inquiry to inquire of the Staff directly through the City Manager. Maybe the staff would not have a position. Councilmember Trosch stated when they do have a position she would like to receive it.

Councilmember Gantt stated he can see somewhat of an organizational problem where the staff is actually employed by the Commission itself; so you are asking for an employee's opinion. That he thinks we have a right individually to ask. That in practice he has always asked for this - what their opinion is on something. But to ask for the Staff's position in writing along with the Commission's position in writing seems to involve a conflict between what the structure of the planning process is. That is a citizen advisory board advising Council, and they have a professional staff that works for them.

Councilmember Trosch stated she feels in making these decisions we need as much information as we can get on them - that took place in the ultimate decision for Council's own decision.

Councilmember Locke stated in a split decision she has many times asked those questions. The best thing she has found to do in a split decision is to go down to the office and talk to them.

COMMENTS ON THE PUBLIC HEARINGS ON "DEFINE YOUR NEIGHBORHOOD".

Councilmember Trosch stated she is concerned with how confused she is, and she assumes others must be, with what meetings on the "Define Your Neighborhood" would be applicable to her. The fact that citizens have to call in and take the extra step of effort of asking where they should go that would be of interest to them. They have not been well attended to this point. That she is not sure what could be done, but she would like something to be done to help encourage the ease to which a citizen could attend a meeting.

Councilmember Chafin stated maybe the newspapers would be willing to print a map. Councilmember Trosch stated she thought about that, and that would be defining your neighborhood; but you do have to start somewhere. She is really concerned that these meetings be attended.

Mr. Guerrant, PSI Director, stated they are drawing 40 individual maps for the Weekly Paper to be used; also they have notified all 20 recognized neighborhood groups. It is very difficult to come up with maps that reflect all the neighborhoods. Some people will have to call the Planning office, and let staff advise them which meeting to attend. If they attend the wrong meeting it does not mean they cannot sit down and define their perceived neighborhood. If a person goes to the wrong meeting, they will not be turned away. Councilmember Trosch asked if this information has been given to the public? Mr. Guerrant replied they have tried to do that. The Weekly papers by the nature of their type of publication have been willing to print individual maps. Some of the other news media due to space limitations have not been able to do so. He stated they will continue to work with the Planning Commission, and any citizens groups that might be interested. They can call the City-County Action Line or the Planning Commission.

PROGRESS REPORT ON CUT THROUGH TRAFFIC PETITIONS REQUESTED.

Councilmember Frech stated a big concern in her district is cut through traffic. Before this Council came on, the previous Council passed a resolution establishing a policy of having the Traffic Engineering Department attempt to deal with the problem. Perhaps when Council has its orientation session with Traffic Engineering, it will receive some report. But she is interested, in the not too distant future, of hearing from Traffic Engineering Department on the number of petitions they have received. She would like to know what progress they are making in dealing with this.

She stated she is not asking for anything to go on the agenda right away, but at some point before too long.

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CONCERNS EXPRESSED ABOUT COMPLAINTS ABOUT QUALITY OF GARBAGE SERVICE.

Councilmember Frech stated she is concerned about the complaints about the quality of the garbage service. There are many complaints; many, many people are extremely dissatisfied. Over and over again when people talk about their complaint about being annexed, they say they are going to get only one thing, and that is garbage pick-up, and they will scatter the garbage all over the yard.

She stated she has heard this over and over to the point she feels she must say something about it. Citizens are not very happy with the quality of the service. To many people this is a very real problem.

Mr. Burkhalter, City Manager, stated he has not checked it in about two months, but the last time he checked there were about 400 complaints for the month he checked. There were more than 400, but they checked 400 complaints and they were verified. They were legitimate complaints; it was spilled garbage or missed garbage and something of this kind. That month we picked up 1,300,000 garbage locations - two or three cans at each place. Out of 1,300,000 opportunities they only made 400 mistakes, which is less than four tenths of one percent.

Mr. Burkhalter requested that whenever members of Council receive one of these complaints to give it to his office; that is the only way it can be handled. There is an inspector that will go to the home and discuss the problem with them.

Councilmember Frech stated she would point out that many, many people have just gotten tired of complaining. She does urge them to complain. If she gets a specific complaint on a specific day, she does turn it in. But the fact that you only get 400 does not mean there were only 400 slip-ups. It means a lot of people are tired and feel it will not do any good.

REQUEST THAT INVESTIGATION BE MADE OF SPEED LIMIT ON NATIONS FORD ROAD, BETWEEN I-77 AND ARROWOOD ROAD.

Councilmember Leeper stated he has one concern and that is the speed limit on Nations Ford Road which is a high residential area. There is an elementary school on Nations Ford Road and the speed limit is 45 MPH. He would like for the City Manager to look into this, and see what kind of things we have to do to lower that speed limit, particularly between I-77 and Arrowood Road. That is the area where the school is located. That 45MPH is too high a speed limit for that area.

QUESTIONS CONCERNING SIDEWALKS ON NATIONS FORD ROAD IN AREA OF SCHOOL.

Councilmember Leeper stated there is a small area in front of Nations Ford School where the sidewalks stop. They begin on one side and end on the other; right in front of Nations Ford School where the school property begins there is no sidewalk. That he is on the Safety Committee of Nations Ford School and he would like to urge Council to consider installing sidewalks in front of the school where it might affect some of the small children that have to walk there.

NOMINATION TO MUNICIPAL INFORMATION ADVISORY BOARD.

Councilmember Locke placed in nomination the name of Ms. Mary Hooper for the unexpired term of Melvin Watt on the Municipal Information Advisory Committee.

REPORT ON PUBLIC WORKS AND PLANNING COMMITTEE MEETING ON MOTION.

Councilmember Locke stated the Public Works and Planning Committee met today regarding Motion; it was well attended by many people including all the Committee members, and Mr. Selden and Mr. Dannelly.

The Committee met for a little over 2 1/2 hours and the Committee recommendation to Council will be to go ahead and extend the contract with amendments to the contract; the contract will be changed, tightened up, and she would hope as

soon as the Agenda comes for Council to vote on this matter, that everyone will read the new contract very carefully. She supposes it will be on the agenda in the next couple of weeks.

PROGRESS REPORT ON PAVING PROGRAM ON UNPAVED STREETS REQUESTED.

Councilmember Gantt requested the City Manager to inquire of the Public Works Director about the status of the Street Paving Program for the unpaved streets in the City of Charlotte. Substantial amount of work was done about two years ago; then the funds ran out. That it requires about \$80,000 to finish the whole job.

There is a lady by the name of Ms. Yvonne Bethea on Norris Avenue who has a street called Wells Street that runs down beside her house that is used for cut through traffic. It is an unpaved street, and her driveway comes into that particular street. On rainy days it is difficult for her to get down there. There are no houses facing on that street, and he understood that one of the priorities was the number of houses abutting or facing the street.

Councilmember Gantt stated he would like to know how many streets are left in the entire city like this, and an estimate of what it would take to finish the entire job - particularly to have it ready so that Council might anticipate it in the next budget.

TRANSPORTATION COMMITTEE TO MEET IMMEDIATELY AFTER COUNCIL MEETING TO SET A DATE FOR THE HEARING ON THE CARROLL-LEEPER MEMORANDUM.

Councilmember Gantt stated he would like for the Transportation Committee to meet immediately after the meeting tonight in order to set a date for the hearing on the Carroll-Leeper memorandum.

REPORT ON STATUS OF THE FOURTH WARD AREA REQUESTED.

Councilmember Gantt stated a number of people have raised some questions about the Fourth Ward area in terms of the City moving ahead more rapidly with the development. That he gets the word from some developers that they are not sure yet what our commitment is. He thinks we have made substantial commitments - previous councils have - this Council has not had the opportunity yet to do anything. We have committed funds for improving that area; there is a Master Plan being developed; but as of yet we have really seen nothing substantial happen. He had the feeling if we could get an up-date on that, or find out what the hold up is that we may be able to stimulate some more development activity in that area.

That Discovery Place and other things will help it. But the business of the street landscaping, the parks and the overall master plan has been lingering now almost a year.

Mr. Burkhalter, City Manager, stated there is disagreement between the people who are making the plans. That he thinks it is being worked out; the Mayor has talked to some of them.

Mayor Harris stated he has been meeting with them almost weekly for the past four weeks; he has met with various people down there because he has heard similar concerns that Mr. Gantt is talking about. He stated we need to review our process down there; that he thinks the process is holding it up. We should take a hard look at the process.

Mr. Burkhalter stated he thinks the problems have been ironed out; that he believes the lines of operation are now clear, and he thinks we will have the plan ready. That is the problem - getting the plan developed. There was some disagreement among the people involved in that.

Mayor Harris stated there are about five different bodies involved, and we need one as an initiator.

Mr. Burkhalter stated he will give Council a report on this.

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REQUEST THAT PERSONS LIVING IN FLOOD PLAIN AREAS BE NOTIFIED AND ALSO OF THE BENEFITS AVAILABLE.

Councilmember Gantt stated there is a Mrs McManus who lives in District 3 who sometime ago discovered she was located in a flood plain, although she had been living in this particular neighborhood for ten or twelve years. She discovered this when one of her neighbors sought to have a permit to do some addition on their resident, and found the City would not issue a permit as a result of the Council's ruling to prevent further construction in flood plain areas.

Mrs. McManus complains she was not notified of this; none of her neighbors knew that; signage in the area designating it is not clear enough, and possibly not existing. That we need to do something in that area of notifying people (1) that they are in a designated flood plain (this is primarily for persons who have been living in flood plains prior to the time of designation) and (2) inform them of the benefits in the way of flood insurance and other kinds of things available to them.

Councilmember Gantt requested that the City use whatever vehicle and whatever staff is best able to handle it to notify these people; that we have had no formal notification; we have done the designations; and we have not told people that they are located in flood plains. He understands there are approximately 1800 homes of this type.

Mr. Burkhalter, City Manager, stated the signing has not been completed. The way we have gotten better attention on this sort of thing is to put door hangers on these homes. He wonders about going two years after the designations.

Mayor Harris asked if there is any notification at all if someone purchases a home in a flood plain? Mr. Underhill, City Attorney, replied this comes out in the title search; the flood plain maps are recorded in the Register of Deeds office; and a title attorney is suppose to check that.

Mr. Burkhalter stated he will look into this; there may be a way to advise the people they are eligible for flood insurance. He will look into the matter.

COMMENTS CONCERNING WILMINGTON 10 AND CHARLOTTE 3 PARDONS.

Councilmember Gantt stated he understands that some members of Council have been polled and generally feel they would prefer that this issue be left totally to the Governor. He suggests there is nothing else we can do about that. The Governor is the only person we know who has the power to make that decision.

That during the informal session, Ms. Carrie Graves requested Council to take a position, either personally, or vote as a group, recommending the pardon for the Wilmington 10 and the Charlotte 3.

His response is that he does not believe, and would be pleasantly surprised if the Council stood up now and said they wanted to take a stand on that. We have had some previous discussions on issue such as this where there was some sentiment on the part of members of the Council that they feel left up to other governmental bodies should be handled by other governmental bodies, and the city should stick to municipal issues. He stated that is not his feeling, and there are some other people who have different feelings. He would hope that one day on this Council and other governmental bodies they would see the need for expressing to other elected officials an official opinion on issues of great impact to the entire state, to the entire city or the entire nation.

He stated he personally has written the Governor asking that these cases be pardoned; that is an individual kind of thing. That he agrees with Ms. Graves that the impact of a city saying in a case such as this, when

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we are trying to bring people together in this State, that it would be in his best interest to put a little bit of healing to all the people of North Carolina, that we would want him to pardon the Wilmington 10. That would be great for Charlotte. In a sense he may be knocking the Council, but he would hope one day that we would look at issues beyond the scope of the specific confines of the City of Charlotte. He does not think tonight we have that situation.

COMMENTS ABOUT REMARKS OF DISTRICT REPRESENTATIVES AND HOW GRATIFYING IT IS TO SEE THIS SYSTEM COME TO FRUITION.

Councilmember Chafin stated she finds it very gratifying to listen to the comments of the Councilmembers, particularly the District Representatives because she sees what those who advocated and worked hard for district representation coming to fruition. She does see government being brought closer to the people as the District Representatives bring to this decision making table some very nitty-gritty concerns of their constituents - the kinds of concerns that at-large members often are not familiar with. She is also gratified to know they are not getting the calls about the garbage service.

Several weeks ago it was very pleasant to have an annexed citizen come into her office at the University and compliment us on his garbage service. He said that is the nicest thing about being a new citizen of Charlotte. He could not say enough about the quality.

REPORT OF THE CITY-COUNTY COMMITTEE ON MEDICAL EMERGENCY SERVICE.

Councilmember Chafin stated the joint city-county committee on Emergency Medical Service held its first meeting last week; that she and Mr. Dannelly represented the Council. It was a very positive initial meeting. They decided tentatively to broaden the scope of the committee, going beyond dealing with the first respondent. With the concurrence of the Mayor and Council to broaden the membership of the committee to include representation from our citizenry, representation from the medical community, and representation from the providers, which in this case probably means MEMS.

The first task of the Committee will be to hear a report requested from the City staff regarding the feasibility of involving our City Fire Department, its facilities and personnel in a first responder role. This is a model that has been used in other communities; they are looking at this model and are hopeful that the report will be positive, and will provide a way in which we can better insure quality emergency medical services to the citizens of the City, particular in terms of response time. The problem in response time certainly justifies the city involvement in this area which heretofore we have looked at as primarily a county function. She and Mr. Dannelly will be continuing to report to Council on the progress of the Committee. Assuming this report can be completed, they will meet again February 2.

Councilmember Chafin stated unless there is opposition to the expansion of the Committee, they will include these additional people on the Committee.

No opposition was expressed to the expansion of the Committee.

Councilmember Chafin stated they are probably talking about one from each area. Councilmember Cox asked that the West Side Group be at peace. Councilmember Dannelly stated he suggested that since it is city and county, that we have one citizen from each area. Councilmember Chafin replied that is right. She stated they did not settle on how these appointments would be made. They did say that she and Mr. Dannelly would come back to City Council and Ms. Hair and Mr. Foley would go to the County Commission with the idea probably of Mayor Harris and Chairman Foley making the additional appointments.

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NOMINATIONS TO THE PUBLIC MONUMENTS COMMITTEE.

Councilmember Chafin placed in nomination the name of Ms. Jeannine Clark to the Public Monuments Committee.

Councilmember Short placed in nomination the name of Ms. Dorothy Tobias to the Public Monuments Committee.

Councilmember Dannelly stated he does not have confirmation from the person, but he would like to place in nomination the name of a person who has proven his interest in public monuments - that is Reverend James Barnett.

COMMENTS ON APPOINTMENTS TO BOARDS, COMMITTEES, AGENCIES.

Councilmember Short asked for a clarification on appointments.

Under the Housing Appeals Board there is information that Charles Ritch and Heath Howie's terms have expired. He asked if it is the case they cannot be reappointed because they have served two full terms? Mr. Underhill, City Attorney, replied it is incorporated in every ordinance, Councilmember Short stated apparently it is the duty of Council to suggest someone to replace those two individuals.

Councilmember Short stated there is nothing in the Boards and Commission Booklet about appointments to Motion. He asked if Council appoints members to the Motion Board? Mayor Harris suggested he hold off on that until Council receives a report from the Public Works and Planning Committee.

FURTHER COMMENTS ON GARBAGE COLLECTION IN ANNEXED AREAS.

Councilmember Dannelly stated he has received some calls about garbage collection. One of the calls he is concerned about came from the annexed area. The gentleman indicated that he received on the information leaflet a handwritten note saying "Place your can each time out front." This man wondered why his garbage collection was different from others; he did not place it out there on Tuesday and Friday, and it was not picked up. He stated he will take this up with the City Manager later.

COUNCILMEMBER DANNELLY COMMENTS ON WILMINGTON 10 AND CHARLOTTE 3.

Councilmember Dannelly stated he does not think he could let this meeting end without rubber stamping what Mr. Gantt has indicated concerning the Wilmington 10, and to say that he has done positive things in the direction of the Charlotte 3 and the Wilmington 10 also.

NOMINATION OF ED HARRIS TO HOUSING APPEALS BOARD.

Councilmember Carroll placed in nomination the name of Ed Harris for appointment to the Housing Appeals Board for the position to be filled by a real estate agent. That he will fill out the data sheet on Mr. Harris.

Mayor Harris requested that everyone fill these forms out on their nominations.

COUNCILMEMBER CARROLL COMMENTS ON WILMINGTON 10 AND CHARLOTTE 3.

Councilmember Carroll stated he would also follow what Mr. Gantt and Mr. Dannelly have said regarding the subject of the Charlotte 3 and Wilmington 10, which Ms. Graves brought up. He stated he will give to the City Manager some material to pass around to the Council to give everyone a full background about this.

As a lawyer who set in Court all day today, he never feels like you can second guess what goes on in a courtroom unless you are actually there. But he

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does believe that justice has to be tempered with mercy, and that when we pass from one era to another era that very often it is the time to let bygones be bygones. He is particularly concerned that Charlotte continue to have the image of the progressive and good city to live in.

REPORT ON ORAL ARGUMENTS ON AIRPORT RUNWAY CASE IN THIRD CIRCUIT COURT.

Mr. Underhill, City Attorney reported that oral arguments were held on the Airport Runway Case in the Fourth Circuit of Appeals in Richmond this past Thursday before a three judge panel.

The court, although it had reserved the right to do so, took no action on issuing a stay pending their decision, which he considers to be favorable to our situation. We have no way of knowing when a decision might be reached, but it could be at any time.

He was not able to go, but from what he understands from the questions asked and the tone of the statements made our position was very well argued and put by Mr. Underwood, our Attorney, and he hopes to have a favorable decision on the matter upholding Judge McMillan's decision.

Mayor Harris asked if he has any timeframe on that? Mr. Underhill replied no; it could come tomorrow and it could be three months from now.

REMINDER OF MEETINGS SCHEDULED.

Mr. Burkhalter, City Manager, reminded Council of the Operations Committee meeting at 7:30 A.M., Thursday Morning, in the Second Floor Conference Room, City Hall.

He reminded Council of the 11:00 o'clock meeting next Monday at the Airport followed by a luncheon, and then back to City Council for the 2:00 o'clock citizens hearing and 2:30 zoning hearings.

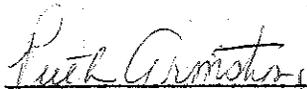
SUGGESTION OF CHANGE IN CALENDAR ON CATV HEARING.

Mr. Underhill, City Attorney, stated last week Council had an agenda item having to do with the extension of the CATV ordinance. In connection with that he provided Council with a suggested calendar to follow. That his calendar failed to take into account that February 20 is a holiday, and that is one of the days he suggested Council take action on the first reading of the CATV ordinance. Because of that being a holiday, he is suggesting that the calendar be revised so that the public hearing might be held on Wednesday, February 8 at a time Council selects; then consider the ordinance at its first reading on February 13, and second and final reading on Monday, February 27.

He stated staff will work up a suggested time for the hearing and send it to all members.

ADJOURNMENT.

Upon motion of Councilmember Cox, seconded by Councilmember Trosch and unanimously carried, the meeting adjourned.


Ruth Armstrong, City Clerk