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The City Council of the City of Charlotte, North Carolina, met in regular session on Monday, January 5, 1976, in the Council Chamber, City Hall, at 3:00 o'clock p.m., with Mayor John M. Belk presiding, and Councilmembers Betty Chafin, Louis M. Davis, Harvey B. Gantt, Pat Locke, James B. Whittington, Neil C. Williams and Joe D. Withrow present.

ABSENT: None.

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#### INVOCATION.

The invocation was given by Councilman Joe Withrow.

#### APPROVAL OF MINUTES.

Upon motion of Councilwoman Locke, seconded by Councilman Withrow, and unanimously carried, the minutes of the last meeting, on December 22, 1975, were approved as submitted.

#### EMPLOYEE OF THE YEAR PRESENTATION.

Mr. Don Bryant, Immediate Past President of the Charlotte Chamber of Commerce, stated he is taking the place of Luther Hodges, President, in this very pleasant task he has today. He stated it is always a pleasure to recognize excellence, and that is what we are doing today in recognizing the City Employee of 1975.

Mr. Bryant asked Mr. Al Caudle of the Charlotte Fire Department to come forward and stand with him. He stated this award of the Employee of the Year is sponsored jointly by the Chamber of Commerce and the City of Charlotte to recognize outstanding performance by one of its members. That particular person is generally recognized not only by the people who work with him, but by the people he works for. As a result, Mr. Bryant stated it is a real pleasure to be able to present a certificate of recognition which reads: "Presented to Al B. Caudle the 1975 Outstanding Employee of the Year for the City of Charlotte awarded by the Charlotte Chamber of Commerce." He stated Mr. Caudle has been active in the Fire Department for 19 years; he has been outstanding; he has always performed to a high degree of excellence. It is a particular pleasure to present him with the Certificate of Recognition, and a check from the Charlotte Chamber of Commerce for \$100.

Mr. Caudle responded by thanking Mr. Bryant and the Chamber and the City Council for the recognition, stating he has enjoyed his work with the City.

Also speaking for and commending Mr. Caudle were Mayor pro tem Whittington, Retired District Fire Chief Buck Brown, Chief Lee and Assistant Chief Dowdy.

#### PRESENTATION MADE TO MAYOR PRO TEM WHITTINGTON FOR TWENTY TWO YEARS AS PRESIDENT OF THE DILWORTH LITTLE LEAGUE.

Mr. Bill Laidlaw, President of the Dilworth Southern Lions Little League, stated he has been a friend of Al Caudle's for sometime. That the person here who means a lot to Al Caudle, the kids in this room, and himself is the Mayor pro tem, James B. Whittington. Mr. Laidlaw stated he has an award he has been hiding in his back pocket for sometime, waiting for a chance to make a presentation. The award reads: "In special appreciation to Jim Whittington for 22 unselfish years of service as President of the Dilworth Little League."

He presented the award to Mayor pro tem Whittington, who thanked Mr. Laidlaw and the members of the Dilworth Club.

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PETITION NO. 75-36 BY RALPH S. SMITH FOR A CHANGE IN ZONING FROM R-9 TO B-2 OF PROPERTY FRONTING ON YORK ROAD, LOCATED APPROXIMATELY 1,000 FEET NORTH OF THE INTERSECTION OF YORK ROAD AND IRWIN CREEK, DENIED.

Motion was made by Councilman Gantt and seconded by Councilman Whittington to deny the subject zoning petition as recommended by the Planning Commission.

Councilman Whittington requested that the petitioner be sent a copy of the impact study made by the Planning Commission on the York Road Landfill. He asked that this be included as part of the motion, and Councilman Gantt agreed to the amendment.

Councilman Gantt stated he would like to commend the Commission for this study.

The vote was taken on the motion and carried unanimously.

ORDINANCE NO. 996-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE OF THE CITY OF CHARLOTTE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY FRONTING ON THE WEST SIDE OF THE PLAZA, BETWEEN HAMORTON PLACE AND SCHOOL STREET, AS PETITIONED BY CHARLOTTE CITY COUNCIL.

Councilwoman Locke moved adoption of subject ordinance changing the zoning of all lots fronting on the west side of The Plaza, between Hamorton Place and School Street, from R-6MF to R-6, as recommended by the Planning Commission. The motion was seconded by Councilman Gantt, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 22, at Page 493.

ORDINANCE NO. 997-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE OF THE CITY OF CHARLOTTE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF ALL LOTS FRONTING ON THE WEST SIDE OF THE PLAZA, BETWEEN SCHOOL STREET AND KENSINGTON DRIVE, AS PETITIONED BY CHARLOTTE CITY COUNCIL.

Upon motion of Councilman Whittington, seconded by Councilman Williams, and unanimously carried, subject ordinance was adopted changing the zoning from R-6MF to R-6 of all lots fronting on the west side of The Plaza, between School Street and Kensington Drive, as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 22, at Page 494.

ORDINANCE NO. 998-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE OF THE CITY OF CHARLOTTE BY CHANGING THE ZONING OF PROPERTY FRONTING ON THE WEST SIDE OF THE PLAZA, BETWEEN KENSINGTON DRIVE AND CHESTNUT AVENUE, AS PETITIONED BY THE CHARLOTTE CITY COUNCIL.

Motion was made by Councilman Gantt, seconded by Councilman Whittington, and unanimously carried, adopting subject ordinance changing the zoning from R-6MF to R-6 of all lots fronting on the west side of The Plaza, between Kensington Drive and Chestnut Avenue, as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 22, at Page 495.

ORDINANCE NO. 999-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE OF THE CITY OF CHARLOTTE BY CHANGING THE ZONING OF PROPERTY FRONTING ON THE WEST SIDE OF THE PLAZA, BETWEEN CHESTNUT AVENUE AND BELLE TERRE AVENUE, AS PETITIONED BY THE CHARLOTTE CITY COUNCIL.

Councilwoman Locke moved adoption of subject ordinance changing the zoning of property from R-6MF to R-6 of all lots fronting on the west side of The Plaza, between Chestnut Avenue and Belle Terre Avenue as recommended by the Planning Commission. The motion was seconded by Councilman Whittington, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 22, at Page 496.

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ORDINANCES AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE OF THE CITY OF CHARLOTTE BY CHANGING THE ZONING OF PROPERTY ON THE WEST AND EAST SIDE OF THE PLAZA, AS PETITIONED BY THE CHARLOTTE CITY COUNCIL.

Upon motion of Councilman Davis, seconded by Councilwoman Locke, and unanimously carried, the following ordinances were adopted changing the zoning from R-6MF to R-6 of property on the west and east side of The Plaza, as petitioned by the Charlotte City Council, and recommended by the Planning Commission:

- (a) Ordinance No. 1-Z changing the zoning of all lots fronting on the west side of The Plaza, between Belle Terre Avenue and Belvedere Avenue.
- (b) Ordinance No. 2-Z changing the zoning of all lots fronting on the west side of The Plaza, between Belvedere Avenue and Mimosa Avenue.
- (c) Ordinance No. 3-Z changing the zoning of all lots fronting on the east side of The Plaza, between Mimosa Avenue and Belvedere Avenue.
- (d) Ordinance No. 4-Z changing the zoning of all lots fronting on the east side of The Plaza, between Belvedere Avenue and Belle Terre Avenue.
- (e) Ordinance No. 5-Z changing the zoning of property fronting 198 feet on The Plaza and 170 feet on Belle Terre Avenue at the southeast corner of the intersection of Belle Terre Avenue and The Plaza, and property fronting 99 feet on The Plaza and 170 feet on Chestnut Street at the northeast corner of Chestnut Street and The Plaza.
- (f) Ordinance No. 6-Z changing the zoning of all lots fronting on the east side of The Plaza, between Chestnut Street and Kensington Drive.
- (g) Ordinance No. 7-Z changing the zoning of all lots fronting on the east side of The Plaza, between Kensington Drive and Hamorton Place.

The ordinances are recorded in full in Ordinance Book 22, beginning on Page 497 and ending in Ordinance Book 23, at Page 3.

PLANNING COMMISSION REQUESTED TO MAKE STUDY OF PROPERTY ON THE EAST SIDE OF THOMAS AVENUE WHICH BACKS UP TO THE PLAZA ON WHETHER THE COUNCIL SHOULD HOLD A PUBLIC HEARING ON THE REZONING OF THE PROPERTY.

By unanimous consent of the Council the following motion was brought to Council.

Councilman Whittington requested that the Planning Commission be asked not to wait but make a study of Thomas Avenue on the east side backed up to this property on The Plaza, and give Council a recommendation on whether we should proceed with a public hearing.

Councilman Gantt moved that the Planning Commission be directed to move with great haste on developing those districts referred to in the proposal which would include and allow for the raising of zoning levels in areas where in fact we want the character of the area to be single family, but in fact where duplexes and other kinds of facilities exist. That is in keeping with the 1995 comprehensive plan. The motion was seconded by Councilman Whittington.

The vote was taken on the motion and carried unanimously.

Councilman Williams stated this is a little departure from what other Councils have done because this is talking about the initiation of rezoning property coming from non-property owners. In this case, the Planning Commission and Council, or some other agency. He has heard some people say that is improper that one person should have the right to start the ball rolling to rezone someone elses property. In the beginning property was not zoned at all, and the first was by some outside agency, and not the property owner. That he thinks this is the proper procedure that we are embarking on here.

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REVIEW OF STREET IMPROVEMENTS ON MEDIAN CONSTRUCTION ON CITY ROAD PROJECTS.

Mr. Corbett, Director of Traffic Engineering, reviewed for Mayor and City Council the street improvements on median construction on Randolph Road, Remount Road and the Trade-Fourth Street Connector.

Randolph Road, from Cranbrook Road to Sardis Road

The project begins at Cranbrook Road and extends all the way out to Sardis Road. As a part of the project, the Traffic Engineering Department, Public Works Department, in association with the Planning Commission has provided for medians on parts of this project.

At Cranbrook Road the road will be widened to four lanes across the bridge down to Orange Street without a median. In this area the road is up high and the median would not serve any major purposes as far as restricting turns. At Orange Street, a major entrance into Grier Heights, the road will be widened to five lanes with a left turn into Orange Street; extending onward is a five lane section with a median - property on both sides in reasonably undeveloped and is flat; no residences; no businesses; there are several little league ball fields and one pony league field. This median will extend down to Billingsley Road. Just beyond Billingsley the median will be terminated for several reasons. In that area much of the road is on a fill. Investigations showed it would be necessary to widen the fill substantially, and it would incur additional cost without additional benefits. So the median is left off from that point up to just before you get to Wendover Road. In this neighborhood it is mostly residentially developed; there are very few driveways in this section and there would be very little need for the median in order to control left turns. In much of this area, the road is also on a fill; and on a part of the area after construction there will be an even greater fill. At the creek it will be necessary to raise the level of the road approximately four feet and in turn lower it at Billingsley approximately four feet in order to straighten out some of the vertical alignment.

Mayor Belk asked about the Mint Museum having an entrance off Randolph Road? Mr. Corbett replied he has been approached earlier and asked if they would consider the possibility of an entrance; at this point it would not have an effect on these plans.

Mr. Corbett stated the portion of the road without the median is four lanes. The Engineering Section and the Right of Way Section did a very thorough analysis and discovered it would cost in excess of an additional million dollars to procure the right of way alone to provide the fifth lane in these areas where they think the median is not necessary because of sparse development.

Mr. Corbett continued with the road description stating the median begins again at Woodlark Lane where it will widen out to five lanes with a left turn into Greenwich Road; then the project proposes a continuous median up to Sharon Amity Road and across Sharon Amity Road down to Gaynor Road, and then no median from there approximately one mile to Sardis Road. The development in this area is all residential. Starting at Greenwich and going to Sharon Amity Road is business and extending down to Gaynor Road.

There are three possible alternatives as far as this section of the road is concerned.

When they started out with the original plans to provide a median for the full section between Greenwich and Sharon Amity, where the business area exists, they were contacted by some of the property owners, and they met with them. Realizing Council's interest in recently discussed projects, they decided they might be able to put in an opening half way between Greenwich and Sharon Amity Road; that is approximately 1100 feet. They talked to the property

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owners, and discussed the possibility of putting a median opening exactly half way with them relocating their driveways. This did not seem favorable. Then they proposed to change the location of the median from the half way point back towards Greenwich - back towards the City - at a location opposite two existing drives. One of the drives goes into Cotswold Shopping Center, and the other goes into the large multi-story office building. There seems to be some opposition to that. The third alternative is to build a section similar to the one on Sharon Amity Road between Albemarle Road and Central Avenue, which would be a continuous five lane section without any median with left turns in both directions. The Traffic Engineering Department and all the other departments believe the best alternative is to construct the median, and that is what they would recommend to City Council. The other alternatives are presented for information.

Councilman Gantt asked if there is not another alternative. That the five lanes would cover the 1100 feet between Greenwich and Sharon Amity Road. The two additional alternatives were to open the median one at the half way point and one opposite two driveways that face each other. He asked about a five lane section with a distance of 200 to 300 feet of median at the intersection of Sharon Amity Road? Mr. Corbett replied they would agree that would be a very desirable solution; and he plotted it out on the maps. Councilman Gantt asked if this is not better from a safety standpoint than five lanes? Mr. Corbett replied from a safety standpoint and from several other standpoints. There is a traffic signal which has a tripping device to operate it. Any vehicle which would attempt to go the wrong way in the fifth lane could trip the traffic signal and cause a green signal to turn on for that lane and no one be there. Councilman Gantt stated it seems that the middle of that block could be five lanes and when you approach the intersections go back to a median to store cars. Mr. Corbett replied they would prefer at all intersections where there are left turn lanes to have approximately 200 feet of median. At Sharon Amity it would be more important to have a long storage lane because there is a very heavy left turn movement from there onto Sharon Amity back towards Independence Boulevard. That is another alternative and a possibility.

Following was a discussion of the location of the service stations, which were pointed out on the map. Mr. Corbett stated with the 250 feet it would get the two service stations on the corner next to Sharon Amity on both sides; traffic could not turn left across the center line into or out of the stations.

Councilman Williams asked if there are any plans for medians on Sharon Amity at that intersection and Mr. Corbett replied not at the present time; Sharon Amity is already five lanes wide at the intersection, and there are no plans in this project to do anything to Sharon Amity.

Councilman Withrow asked the cost of putting in the five lanes and in the future adding the median - how much more would it cost? Mr. Corbett replied about \$20,000 to add at a later date.

Councilman Whittington stated he and Councilman Williams received a call from Mr. Murchison, Attorney, who represents five or six service stations on Randolph Road near Sharon Amity and he asked that he be given the opportunity to speak in opposition to this on January 12; that he asked the City Manager to send Council a memo that the hearing be continued until the 12th.

Mr. Corbett stated he does not have all the figures on accidents in front of him. As far as the roadway is concerned, being a two lane facility with very few left turn lanes, it is high. This is one of the reasons they proposed the median at the major intersections where the left turns occur and are numerous to restrict the left turns and put them at major intersections where they can build storage to accommodate them and allow them to all turn left at one point of control. He stated there are a couple of five lane sections in the City and several throughout the State; they are so new they have not had sufficient time to evaluate the experience versus the median type of road.

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Councilman Whittington asked if the Traffic Engineering Department has ever tried to determine the buying habits of people. Do people purchase their gas going home or going to work? Mr. Corbett replied he does not know the answer; they have never made an attempt to determine that. Mayor Belk stated most of the surveys he has seen is that people buy on the right side, and they also buy leaving town. Mr. Corbett stated in his opinion it is better to be on the far right hand corner. The reason being that if you are on the near right hand corner and there is traffic signal control, when the signal is green you cannot get out into the traffic because the vehicles are moving; when the signal is red you cannot get out because the traffic backs up across the driveway. This is not true with the far right hand corner.

Mr. W. X. Yearton, Real Estate representative for a company here in Charlotte stated they are disturbed when they think about the possibility of eliminating the median right up to where they do business, and then put the median in there. They would like to be treated the same as the others along the way.

Mr. Yearton stated they are of the opinion if they put in the five lanes, leave out the median, the traffic will still flow. That Sharon Amity is very similar to this. That they ask Council's consideration for five lanes without the median.

Mr. J. J. Delaney stated he is representing the Sharon Corporation, owners of Cotswold Shopping Center, and the office buildings across the street. He stated they have 1600 parking spaces within the shopping center itself; they have a turnover that runs about ten times a day, and heavier than that in the Christmas and Easter Seasons. In the office building side they have in excess of 400 parking spaces. The openings for these parking spaces are not far from the center between the intersection of Sharon Amity Road and Greenwich Road. The halfway point is around 470 feet, and this is around 580 or 590 feet. That particular intersection is a tree lined avenue that feeds directly across, straight and then diagonal fashion to Sharon Amity Road. From that the parking can be turned right or left and be accommodated within the center which contains 35 or 36 independent merchants. On the other side the feed is into the office building for a right and left turn, parking areas that are on either side of the building.

He stated insofar as the median strip they think it will be a great injustice to the merchants in particular on Cotswold side where you leave the median intact between Greenwich and Sharon Amity Road. They have agreed that the next opening up that leads into the shopping center is one that is susceptible to closing without great detriment to the shopping center merchants. This one leads to the Harris-Teeter and Drug Store at the corner.

Councilman Whittington asked if that is Alternate No. 2? Mr. Delaney replied that would be Alternate No. 2, and Alternate No. 2 would be acceptable to them. Its effect as a five lane road would be acceptable to them. The Greenwich Road opening leads to First Union Bank in particular; although it is possible with a storage area in there to make a left turn and go down to the Harris Teeter Store.

Mr. Delaney stated if there were to be a change as suggested originally at the halfway point for access to either side of the street, and they were to submit a pattern today with the existing buildings in there, he believes he would have a difficult time with Mr. Corbett in planning sufficient storage space for exiting from those points. They have been asked to extend the post office structure which serves a considerable area around Cotswold northward so that it would be directly in line of the proposed halfway entrance, and would create a further problem in the future.

He stated the Alternate No. 2 and No. 3 with five lanes would be acceptable to them. Also Mr. Gantt's suggestion has merit if it will meet the criteria of the Traffic Engineering Department.

Mr. Beverly Webb, Attorney for the EXXON Corporation, requested that he be allowed to make his presentation next week.

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Remount Road, from West Boulevard to South Boulevard

The intersection of Remount and West Boulevard has already been widened to five lanes and completed back approximately 300 feet towards Cowles Road. It picks up five lanes wide, with a median to be planted extending down to Cowles Road with an opening for traffic headed towards West Boulevard to turn left into Cowles Road and a left turn storage lane. Brentwood Place does not have the opportunity for a median opening because it would be turning left across this storage lane. Brentwood Place goes around and hooks into Barringer Drive down some several hundred feet. Access into Brentwood Place could be achieved by turning left onto Barringer. The same is true of Phillips Avenue; there is not an opening because of insufficient distance to get into the transition of the left turn storage lane into Barringer Drive. At Barringer Drive there are left turn lanes in both directions with a standard five lane treatment. At the swimming pool, which is City of Charlotte property, there is no left turn opening for traffic to turn left as they can come down to Barringer, turn left and come to the parking lot.

He pointed out the bridge at the creek with the ball park on one side and the swimming pool and golf course on the other. This part of the road is on a fill; the present culvert has to be torn out in its entirety because it is not satisfactory for the hundred year flood. Public Works has designed a new culvert to go in there, and there are several alternatives.

One, is to close the road to traffic at that point, and detour traffic either over Clanton Road which goes basically through a residential area, or up to Tryon Street, down to West Boulevard and come around, which is a long detour. Either Clanton Road or West Boulevard would be extremely long detours. The third alternative is to build a temporary culvert and a temporary road. He stated at the present time they would prefer to close the road. That he would not agree with the Clanton Road detour; he would say West Boulevard. He stated Clanton Road goes from South Boulevard over to South Tryon Street, down through Clanton Park and ties in with the new Clanton Road Extension which was recently built down to West Boulevard. He would prefer to keep any detour traffic on West Boulevard.

Mr. Readling, City Engineer, stated the street would be closed about 15 months to put in the bridge to meet the hundred year flood. Mr. Corbett stated it would have to be five lanes wide; they would have to tear out the old bridge. They can build a temporary bridge and detour traffic. Mr. Readling stated the temporary bridge would take longer - about 18 months - to build the entire project as you have to build the detour first. They do not know the cost of the detour at this time; but it may cost as much as \$200,000. One option would be to bid this into the project, and then there would be a price tag, and City Council could make the decision on whether to keep the road open or to close it.

Mr. Corbett continued with the explanation of the project stating it extends from that point across the creek as a five lane section still basically on a fill with the land on both sides undeveloped. As you get down close to I-77 the road has been built five lanes wide with existing median across I-77 to Toomey Avenue. This is a short median and then there is no median down to Brookhill Road. This is part of the project where there is no side development and no major problems they expect. At Brookhill Road they continue with the median all the way down to just across South Tryon Street. In this area it would be planted, and in the area where they put in the fifth lane at Tryon Street there will be a narrow median to provide for the left turn storage. From this point on down across the Railroad to South Boulevard there will be a simple four lane section without median control due to the excess cost of acquiring property. The structures in there are very close to the roadway, and if they attempt to put the median in, would have to purchase those structures. The major access into the facilities occurs at these streets. He stated they believe the traffic can be handled there; the problems would not be sufficient to incur the extra cost for the right of way that would be required to provide the median. The project ends at South Boulevard.

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He stated the traffic in this area is larger, but the amount of cars and vehicles that turn in and out of the driveways, and the problems to be encountered are not sufficient to justify the cost of buying those buildings.

Mr. Sailer Tison stated he operates Tison Groceries at 415 Remount Road. Due to the widening of the road there will not be a barber shop, a washerette, or a soda shop. He stated he would like to have some time to study with Public Works Department, Traffic Department, Engineering Department along with the Community Development Department to find a way to widen Remount Road and still have the shopping area there. He stated he would like to get assistance in relocating in the area or something on a temporary basis.

Mr. Sawyer, Director of Community Development, stated Mr. Tison is located on the corner of Norfolk Avenue and Remount Road, and the structure is located within the portion that has to be taken for the widening. However, he owns two other residential parcels that front on Norfolk. He has an "L" shaped piece of property. He stated they are considering now a proposal which has been made through Mr. Waddell to rebuild on land he does own. That is if he can arrange his parking, building permit to build another structure there, which would be a pretty fast job and maintain his business and the two other businesses that are in the present structure. It would solve a relocation problem, and his own problem at the same time. Mr. Sawyer stated in the preliminary planning for the Southside Project Area they have tentatively earmarked this whole block between Baltimore and Tryon, on Tryon and up to almost the other street as a commercial section for development. If Mr. Tison is ready to sit down with them they may be able to reach some agreement.

Miss Lucy Gist of Bethlehem Center stated they have been very thrilled with the CD Project, and have been working with them. But they had hoped they would have a little more time so they could really talk about a shopping center. She stated they had not dreamed of a shopping center until CD came in. She stated if they take this business, the community will be stripped. There will be no barber shop, soda shop or washerette.

Mr. Sawyer stated they have been talking to all these people. The question is who will build the shopping center. If Mr. Tison will build the first stage, then that will maintain in the area, services they need now.

#### Trade-Fourth Street Connector, from Fourth Street to Trade Street

This extends from West Trade Street over property which is to be developed by Community Development. It is west of Cedar Street into Fourth Street, a four lane roadway - two lanes in each direction - with a median. Portions of the median will be concrete, and portions to be planted in greenery.

Several years ago the connector from Fourth Street over to Third Street between Cedar and Graham Streets was completed. This is a part of the overall plan to bring traffic in on Trade Street, carry it across into Fourth Street, and down and over into Third Street and into the City as part of the one way plan.

He stated they are ready to go on this as soon as the Community Development gets it cleared. Mr. Readling stated it will be about the middle of next year before they get the right of way bought.

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PRESENTATION OF WEST BOULEVARD COMMUNITY DEVELOPMENT PROGRAM FOR RECREATIONAL AND SOCIAL SERVICES IMPROVEMENTS.

Mr. Sawyer, Director of Community Development, stated when the preliminary plan was approved for the expenditure of community development funds and then approved the application to HUD for the funds, a recreation and human source facility was approved for construction in the West Boulevard Area. The budget was set at \$1,120,000. He stated his department has proceeded as instructed by Council, and the project has been developed to the preliminary stage. The preliminary plans are being presented to Council at this early stage so that Mayor and Council can be informed of their progress, and will understand the project and how they have proceeded to this stage, and Council can let staff know what they think of the development while it is still in the preliminary stage.

Mr. Sawyer stated they have reached this stage after a number of meetings with the neighborhood organizations and its leaders and representatives in the area, and meetings with other city department heads and their representatives. He stated he invited to the meeting today the Chairman of the West Side Improvements Association, Ms. Carrie Graves; Marion Diehl, Park and Recreation; Charles Cross, Neighborhood Centers Director; Bob Hopson, Public Works Director; Lee Dukes, Director of Utilities Department; and Bill McIntyre of the Planning Department. He stated all of them have cooperated in the finest way and have played an important role in the development of this project to this stage.

Mr. Keith Morris, Architect for the project, stated the presentation consists of six parts.

Project Status prior to the selection of the architect. Target Area - West Boulevard area has been selected. The funding was \$1,120,000 of Community Development Block Grant: Land acquisition. The land was donated by the Charlotte-Mecklenburg Utility Department subject to certain restrictions which have been met. The Client Agencies established are City of Charlotte Parks and Recreation Department and Neighborhood Centers Department. The program was developed by the West Boulevard Area Citizens' Committee in conjunction with the Community Development Department and the Client Agencies. The program included a recreation building of approximately 12,000 square feet, outdoor recreation facilities, and the human resources building of approximately 6700 square feet. When completed the project will be owned and operated by the Client Agencies.

He stated since that time in conjunction with the Community Development, Neighborhood Groups and the Client Agencies they have established certain Major Project Objectives, which are as follows:

1. Within budget restraints, provide maximum possible facilities for recreation and human resource services.
2. Minimize negative impact on neighborhood.
3. Maximize distance between the disposal plant and building areas.
4. Minimize negative ecological impact.
5. Design for traffic safety.
6. Expedite project by maintaining close communications with all involved persons and agencies.

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Objectives established: Progress to date they have several plans which have been approved as follows:

1. West Boulevard Area Citizens' Committee has approved the schematic site plan, Recreation Building Plan, Human Resources Building Plan.
2. Parks and Recreation Director has approved the schematic site plan and the Recreation Building Plan.
3. Neighborhood Centers Director has approved the schematic site plan and the Human Resources Building Plan.
4. Charlotte-Mecklenburg Board of Education Business Services Committee has approved schematic site plan for use of school property subject to the review of final plans for improvements to school property; negotiation of an agreement between the Board of Education and Parks and Recreation Commission for scheduling of activities on school property and for maintenance of this property; and recommendations by Traffic Engineering for street improvements and school property circulation, and a commitment from Public Works to make the recommended public street improvements.
5. Public Works Director has approved the schematic site plan; Recreation Building Plan, elevations and building systems; and Human Resources Building Plan, elevations and building systems.
6. Public Works, Traffic Engineering, and the Architect have jointly designed street improvements, project site circulation, and school property circulation improvements (these are subject to final review by the Charlotte-Mecklenburg Board of Education and are being recommended for approval by their staff.)
7. Public Works has provided engineering survey information.
8. Preliminary design has been completed, major item costs have been estimated, and a budget has been established for outdoor recreation areas.
9. Currently this is being presented to Council.

Mr. Morris referred to a map showing the location of the project stating the boundaries are West Boulevard, Irwin Creek, Amy James Avenue and Wilmont Road. He stated the Charlotte-Mecklenburg Utility Department project, out of which a section is being taken for this project is immediately adjacent to the Amy James School.

Several major problems had to be considered in the process of establishing site plan. Number one being the drain of the sloops, the terrain of the site, the flood plains, location of the creek, and the foilage on the property. They wanted to maintain as much as possible so as not to destroy the existing ecology. They had a problem with the access to the project. This is the reason for their involvement with Traffic Engineering Department. They in conjunction with the Department of Public Works helped to design the traffic entrance which comes in on Lester Street which also serves Amy James School. The Public Works Department is proposing improvements to Lester Street, and the extension of Lester Street to serve the School and to serve this project.

He stated they selected the high ground for the two buildings. It has other advantages. One of the primary advantages is that it is close to the street; it cuts down the length of driveways required; it cuts down the amount of property required for access to the site, which would have to be purchased; it cuts down the distance on the utilities that have to be brought into the site.

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He pointed out the location of the recreational building, and the human resources building. One of the important factors in the location of the buildings in addition to the proximity to the street is that the area being used for parking has already been defoliated, and they will not have to cut down a great number of trees. It is also located close to the playing fields owned by the Board of Education, and with their permission they propose to use and improve their playing field to avoid excessive cost in the development of cutting down trees and grading for the playing fields. He stated generally that is the basic site plan.

Councilman Gantt stated it is very good that they are using portions of the school property for recreation. He asked if they are providing any other kinds of park facilities on that site plan? Mr. Morris replied the rest of the site other than the buildings and parking areas are in very schematic design stage; they have a very limited budget, and they have a requirement to build two major buildings and they do not have any flexibility as that has to be done.

In the cost estimates they had to find out how much the buildings and the supporting parking would cost before they knew what the budget would be for the remainder of the development. He pointed out locations that are intended to be developed as picnic areas, walking trails and other types of outdoor recreation. At the moment they do not know what that will be.

Councilman Gantt asked if there is any functional reason for the two buildings, rather than one building? Mr. Morris replied that has been discussed and batted back and forth. The original program called for two buildings. They are very dissimilar in their functions with the recreation building having a higher volume of activities, and more noisy and fast moving activities. They wanted to keep that separated from the human resources building which has a very different function.

He stated the plan for the recreational building was worked out in conjunction with Park and Recreation Department. The basic plan for the building hinges around one central element which is the service and control area at the office. The office is located so that it has visual control of every entrance, and also the gym. The circulation pattern is very simple - it is all off the main lobby. The gym has a 20 foot high ceiling with an adjacent stage and supporting shower and toilet facilities. Two game rooms and arts and craft room are a part of this. One of the game rooms and the arts and craft room are supported by a partition. One of the game rooms has access to the outside for picnics which can be either indoors or outdoors. This is the type of plan Mr. Diehl likes to work with because it helps with a very efficient operation.

Mr. Morris stated they are working with load bearing masonry walls; they plan to use fluted masonry blocks on the inside of the building as well as the outside. It is very economical and very durable. It does not require a great deal of maintenance. Structural system is very simple; with the load bearing masonry they are spanning between masonry walls with bar joists, a very common type of construction. They have kept the exterior of the building simple.

The Human Resources Building is a very simple one level building with masonry load bearing walls with slab on grade, bar joist roof system, flat roof. It has a depressed area in the center of the building which allows them to hide the mechanical equipment. That feature also occurs on the other building. You enter into a reception area, with lobby, waiting area, classroom and multi-purpose rooms. There is a flexible office space which they are working on with Mr. Cross's department.

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The cost of the project. The Recreational Building is approximately \$400,000; recreation building equipment approximately \$50,000 for a total for the building and equipment of \$450,000 which is inside the building, not counting anything outside. The outdoor recreation facilities is \$313,512.00. Mr. Diehl says this is an adequate sum to provide for the park in this area. The Human Resources Building will cost approximately \$155,000 and the parking and building area sitework will be \$88,000. That plus the administration, survey, topo, grading, soil tests and architectural fee for a total budget of \$1,120,000.

Mr. Morris stated the square foot cost on the Human Resources Building for the shell, not including the upfitting is \$21.00 per square foot. The upfitting cost is \$5.00 per square foot for the office area. The square foot cost for the Recreation Building is \$31.28 per square foot. He stated they worked very closely with the contractor on this to try to make it as economical as possible. They do not know who the contractor is at this point; he has hired a consultant to work with them.

Ms. Carrie Graves stated the people in the West Boulevard Area helped in the planning of the building; they chose the things they wanted for the community. That it should involve the people from the beginning to the end. That they will be on it until the end to make sure that everything is done.

Mr. Burkhalter, City Manager, stated because Council agreed for the Utility Department to give this land for this development they were able to do several hundred thousand dollars more in this area. That million dollars would not be for all of this if it were not for the fact that the land was available.

MAYOR LEAVES CHAIR.

Mayor Belk left the Chair during the discussion and before the vote on the following item, and Mayor pro tem Whittington presided during his absence.

TRANSFER ALTERNATIVES DEFERRED FOR SIXTY DAYS FOR TRANSIT PLANNER TO BRING IN MORE DETAILED REPORT ON ALTERNATIVE NO. 1.

Mr. Mike Kidd, Transit Planner, stated the basic issue presented to the Transit Planning Office was a problem of pedestrian and transit passenger congestion at the Square, especially in the store front areas.

The presentation made on November 24 was structured around two basic solutions to this.

1. Increase more efficiently used existing space at the Square.
2. Disperse the transfer passengers, which would reduce the volume.

In the presentation, seven concepts were presented and discussed, ranging from a group of concepts which would leave the transfer passengers there, but make some changes at the Square structurally to help with the capacity. Or, impose schedule transfer restrictions without changing the routing. Third, reroute buses to a certain extent, and remove the buses from the Square.

Mr. Kidd stated there was one likely alternative that came out of that session, and another he would like to propose today which came out of that session.

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Alternate I. Improvements at the Square. This has evolved since the presentation based on discussions that his office has had with Traffic Engineering and Public Works Department. This provides for the closing of one lane of traffic on each curb face at Trade and Tryon Streets, construction of additional sidewalk space - this is talking about eleven foot lanes on each side of the street to become sidewalks. The erection of approximately 30 passenger shelters, benches, information areas. Additional loading and parking spaces a half block away from the Square during non-peak travel periods, and some signalization changes on College and Church Streets, and Third and Fourth Streets which will increase the capacity for through traffic.

The basic advantage is that it has a minimum impact on transit riderships; it is giving transit riders shelter from the elements in an area that is better than store fronts. It will help speed up boardings at the Square, and maintain better schedules. It will have no impact on existing traveling pattern of bus riders. It would not require any changes in operations in any fashion - no schedule or route changes. It would reinforce the transit image because it would be something new and visible. It would physically get transit riders out of the store front areas.

It would provide for better utilization of one-way streets. By discouraging through traffic on Trade and Tryon Streets it would enhance pedestrian flow due to a concentration of transit riders in the shelters and not on the sidewalks. It would provide for additional parking and loading space near the Square - in a block of the Square more than there is now.

The disadvantages are it would require some signalization changes, and removal of some parking on College and Church Streets would be necessary to upgrade those two streets.

It would help beautify the uptown area of the Square. It would increase pedestrian capacity at the Square.

The amenities would in all likelihood block from the motorists' views on Trade and Tryon the storefront area.

In the long range it would be an improvement that could be removed very easily if there were problems with it. It would provide an interim stage of the development of a downtown mall as suggested and recommended in the 1995 Comprehensive Plan.

Mr. Kidd stated the one concept Council expressed interest in when the presentation was made deals with the restriction of in-line transfers at the Square. It provides for relocations of in-line transfers at the four points away from the Square at Tryon and Sixth Streets, Tryon and Fifth Streets, Trade and Poplar Street, and Trade and Southern Railway tracks.

The effect of this would be to reduce about 42 percent transfer movement at the Square each day, or reduce by 31 percent the total transit related persons that accumulate at the Square. Since the November 24th presentation, this alternative has been modified to a certain extent. At that time, transit shelters were not included at the four points in the cost of the alternative, and shelters should be there. He stated the advantages and disadvantages of this alternative have not changed since the last presentation except to say there is a slight impact on the transit riders. They would project a lost of about 50 riders a day.

He stated Alternative I where the improvements are made at the Square has a total cost of \$170,000 - \$140,000 for shelters and a cost of Public Works of \$30,000 for paving over the lanes and drainage improvements. They see no real operating cost increase with implementing that.

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Alternative II the in-line transfer restrictions has an added cost of \$75,000 for shelters. The operating cost would be \$5,000 annual rider-ship loss which is about 15 passengers a day, and \$15,000 for advertising and \$5000 for printing new transfers which would total about \$100,000.

Mr. Kidd stated he has been doing some investigating with some federal funding programs and it is pretty safe to say that federal funding of this project would be available on 80-20 matching basis - 80 percent federal and 20 percent local for the capital costs. This is under Section 5 of the Urban Mass Transit Systems Act of 1964 as amended. Half of the operating cost of \$25,000 for Alternative II could be covered under that same Section 5 provision.

Councilman Gantt stated it appears to him we are giving the people who ride buses something, and yet not damaging those people who operate businesses at the Square, and the welfare of all the people who use the Square in Alternative I more so than Alternate II. Alternate II still requires the orientation, and we will lose transit riders. He does not think this Council should do one thing to lose one transit rider in Charlotte, which would speak them to a solution that would try to enhance the number of people that ride buses in the City, and change the present perception that riding the bus is a low income alternative for transportation. This is why he would support an activity that would encourage shelters; would continue to use the Square as a place for the interchange of buses simply because the activity is good there. It may be the beginning point of some sort of urban design for a Mall or the development of downtown.

He stated he is at a loss as to understand businessmen who said the congestion has gotten unbearable; that he is not sure we did not have even more congestion in years past. That he wants Council to be sure that any decision made is not made in haste and made on the basis that there is a perception that people who use buses have to be of a certain type.

Reverend Bryant Clancy of the Charlotte Area Fund stated he would like to call attention to recommendations from a group of people who represent riders of the bus system. They believe the City Council should not approve any plan pertaining to changes in the transfer system at the Square until the following details have been worked out and made known to the public:

- (1) A realistic plan for the education of the ridership to the new system with particular emphasis on the elderly and the handicapped. This will require hard work, and a dedication to assisting the elderly - to eliminate their fears of the unknown, to make clear what will probably be a very confusing adjustment. Such a plan could involve agencies and organizations whose purpose is to assist the elderly and the handicapped.
- (2) A comprehensive training plan for bus drivers so they will be completely knowledgeable and sensitive to the needs of the elderly and the handicapped in adjusting to the new system.
- (3) Clear, readable schedules which give complete information on the new transfer system, and which are distributed throughout the city.
- (4) A plan for the safety of the riders at transfer points away from the Square particularly after Dark. He is sure he does not have to elaborate on the dangers inherent in being alone over a block away from the Square sometimes even in daylight.

Reverend Clancy urged Council to consider the special problems of the elderly and the handicapped, their physical and mental limitations, and to be sure that any changes in the transfer system will not be an additional burden to this segment of the population.

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Councilman Gantt moved that Council not make a decision on the transfer report at the Square for sixty (60) days and instruct the staff to examine with greater detail Alternative I, which really does not change the existing system except it improves it for both the transit rider and the people who use the Square. In effect it is saying to cut down on the amount of paved area. As it stands now the area on Trade Street leading up to the Square is an expressway where you cannot turn or anything. He is suggesting this is a two way street that may work perfectly as a major area for the mixture of public transit and pedestrian, and possibly a mall. The motion was seconded by Councilwoman Locke.

During the discussion that followed, Councilman Gantt stated he would like this studied a little more, particularly in the area of financing as it was pointed out there is a possibility of federal funding. There may be some need to have our engineers and urban designers involved in the study of what one does with the pavement space, the sidewalk space and the shop relationship along the Square, all of that within city right of way.

Councilman Williams asked how much pavement will be taken in Alternative I? Mr. Kidd replied two lanes; one lane on each block face. The Trade Street with the hotel construction would be left alone. Councilman Williams stated that means when buses are present, there would be just one lane for automobiles. With a mall it would mean no vehicular traffic, buses or automobiles would be able to pass. Mr. Kidd replied he would hope that we would maintain service vehicles and transit vehicles. It would almost preclude automobiles traveling through because the signals would not be favorable to making a through trip through the Square. He stated they would add some off travel time parking and loading zones; this is only talking about roughly half a block, which would leave during off-peak periods another half block available for loading and short term parking.

Mr. Burkhalter, City Manager, stated this will obstruct about a quarter of a block in each direction; but it may be the best answer for keeping riders. It may not meet the objections of the merchants. He is glad to see that Council is not making a decision immediately; that he is concerned that Council get the best answers. He stated he is sending to all members of Council a memorandum telling them what is required for an UMTA grant in the way of pre-plans, and plans for long range. We have used the transportation and traffic plan made in 1971; now we have to update it and do it. We either have to hire a consultant or do it ourselves. His recommendation to Council is that we do it ourselves even though it may take a little longer. He stated if any member of Council has any suggestions about bus transportation that they know of in this country he would like to know about it so that it can be incorporated. As he understands it now Council is asking for more information on the plan in about 60 days.

Following was a general discussion of bus service and transfers. Councilman Davis stated he would like to have a chance to expand on Alternate II to have shelters at the four points which would incorporate the Brevard and Trade and Trade and the Southern Railway. This would tie in with the rail lines in case we use them in the future. Also he thinks it would be more in line in the 1995 plan than Alternative No. 1.

Councilman Withrow asked what kind of planning has been done in the year other than this; where do we stand; and how this relates to future plans in spending money that might not be used. He asked Mr. Kidd which way he recommends that Council should go without throwing money away to tie into our future plans? Mr. Kidd replied as a staff recommendation he would recommend the first alternative. It will be more consistent with what is going to be in the future with transit. The federal government requires a five year short range operations program to be in effect as a condition for receiving federal funds. They will expand upon the plan which is now out of date to develop the five year plan as an on-going program. They will add

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to this each year. The federal government wants to make sure we are maintaining the efforts we started two or three years ago and not going contrary to what we told them we would do. That he does not see either of the alternates being inconsistent with what we are going to do with the transit system. Personally he favors the first one because he feels it is of benefit to the transit system, and an improvement to the system, and not taking something away. That he still thinks under Alternate II there will be a ridership loss.

Mayor pro tem Whittington asked if the report on November 24 and the report today is Mr. Kidd's report; or if it is a revised report of recommendations done by Mr. Hoose or Mr. Corbett or both? Mr. Kidd replied the first report was a compilation of previous information that had been developed with help from Public Works, Traffic Engineering, and Transportation Coordinator. Since that time there has been a lot of feedback from staff and citizens and the second time he has tried to do a better job, and that is how the two alternatives evolved.

Mayor pro tem Whittington stated he thinks the firm of Ponte-Travers, with Travers the traffic engineer, and Ponte the city planner, are recognized as experts throughout the world, and they gave Council recommendations several years ago. He asked if he reviewed that? Mr. Kidd replied he did review that; basically they end up with the in-line transfer restrictions which we presented in this alternative.

Mayor pro tem Whittington stated he recognizes what Mr. Kidd has done as being a start in the direction that we have never been in before, and he is delighted that we are making some progress. But he thinks we should also be aware that he has been here two months, and what he has had up to this point has been information that has been assembled over the years. As long as he can remember there have been merchants in the downtown area who have been concerned about the Square. This Council had a Committee three or four years ago that recommended a transit center; then there was a Council Committee on transportation and it recommended some of the things the Braswell Committee recommended.

He stated he hopes that Mr. Kidd, and whoever he needs to confer with, would give Council some interim recommendations - not twelve recommendations or seven, or three - but one which they think as the experts in this field, this Council should take. At the same time, he thinks Council wants to know what staff thinks of a site like Poplar at West Trade for a garage or the site all the Committees have recommended up to now at the Charlotte Fish and Oyster site. That he thinks Mr. Kidd today is beginning to talk about a Mall Square which he and a lot of people have talked about for a long time. Before this Council gives any impression that this is what we are going to do, we should find out what the merchants think about this downtown. Council is beginning on a problem that we have all talked about for a long time. At the same time we are still flying in the wind, or firing buckshot into open space, because we still do not have what he considers is needed to make the final decision.

He stated Mr. Kidd has done a good job at the outset, but he thinks Council needs more definitive answers and more definitive recommendations, and he hopes Mr. Kidd and staff will begin to give this to Council.

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

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

After explanation by Mr. Earle, Personnel Director, Councilwoman Locke moved that the resolution be deferred for one week and staff bring back more information to Council. The motion was seconded by Councilman Gantt.

During the discussion Council requested that they be given the number of employees this would affect and the cost to the City.

The vote was taken on the motion and carried unanimously.

PHASE IV SIDEWALK CONSTRUCTION AND CONSTRUCTION OF BIKE PATH, APPROVED.

Motion was made by Councilman Gantt, and seconded by Councilwoman Locke to approve Phase IV Sidewalk Construction and the construction of the Bike Path, at an estimated cost of \$455,000 for the 9.17 miles of sidewalks, and an estimated \$185,000 for the Bike Path.

Mr. Hopson stated this will substantially complete the bike path; but it is only the construction costs. That this will use a standard bike path marking for the bike path.

Councilman Gantt stated he would like to commend them for trying to break these contracts down to encourage minority and small businessmen to bid these projects. He requested that the designated agencies handling the minority businesses be notified about the availability of the bids.

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

PUBLIC WORKS DIRECTOR REQUESTED TO REPORT BACK TO COUNCIL BEFORE DISCONTINUING THE LEAF PICK UP.

Councilman Withrow stated he received a call from a resident on Charlotte Drive who said the leaves have been picked up on one side of the street, but they did not pick up on the other side. He asked why they did not pick up both sides while they were moving down?

Mr. Hopson, Public Works Director, stated he has gone out on some of these calls and in most instances he found that people hear the truck going down one side and they get out and rake and the truck has already picked up, and it will leave some leaves on that side. That he tries to send the crews back sometimes. As to the leaf collection in general, they have had a successful season. As of Wednesday of this week, they will have been to every home in the city four times. The leaf season will be over a week from Friday, the 16th. After that everyone will have to bag their leaves. This is the first time they have been clear around the city almost five times.

Mayor pro tem Whittington stated he hopes Mr. Hopson will come back to Council and discuss when they are going to stop before they stop picking up. Mr. Hopson stated a week from Friday is the end of the season, and they will stop then, and they should be in excellent shape by that time. Mayor pro tem Whittington stated he should come back to Council next Monday, and let Council discuss this with him before he stops as he does not see how he can get them all between now and that date.

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ORDINANCE NO. 8-X AMENDING ORDINANCE NO. 662-X, THE 1975-76 BUDGET ORDINANCE, AMENDING THE TABLE OF ORGANIZATION FOR THE CHARLOTTE PARK AND RECREATION COMMISSION, AND THE PUBLIC WORKS LANDSCAPING DIVISION, AND TRANSFERRING FUNDS FROM THE GENERAL FUND CONTINGENCY TO PROVIDE AN APPROPRIATION FOR MAINTAINING THE SUGAR AND IRWIN CREEK PARKS.

After a discussion of deferring action on the subject request until budget session, Councilman Gantt moved adoption of the ordinance amending the Tables of Organizations and the transferring of \$25,104 from the General Fund Contingency to provide the appropriation for maintaining the Sugar and Irwin Creek Parks. The motion was seconded by Councilwoman Chafin, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 23, at Page 4.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO LAWRENCE ORR AND WIFE, ANNIE LEE ORR, LOCATED AT 4715 NORTH SHARON AMITY ROAD, IN THE CITY OF CHARLOTTE, FOR THE SHARON AMITY ROAD WIDENING PROJECT.

Upon motion of Councilwoman Locke, seconded by Councilman Williams, and unanimously carried, subject resolution was adopted authorizing condemnation proceedings for the acquisition of property belonging to Lawrence Orr and wife, Annie Lee Orr, located at 4715 North Sharon Amity Road, in the City of Charlotte, for the Sharon Amity Road Widening Project.

The resolution is recorded in full in Resolutions Book 11, at Page 251.

SALE OF CITY OWNED PROPERTY AT 2400-2546 ARCHDALE DRIVE, APPROVED.

Motion was made by Councilman Gantt, seconded by Councilwoman Locke, and unanimously carried, approving the sale of city owned property at 2400-2546 Archdale Drive to the highest bidder, Dilworth Church of Christ, in the amount of \$18,000.00.

ENCROACHMENT AGREEMENTS, APPROVED.

Councilman Gantt moved approval of the following Encroachment Agreements, which motion was seconded by Councilman Williams, and unanimously carried:

- (a) Encroachment Agreement with North Carolina Department of Transportation permitting the City to construct an 8-inch water main in Sardis Road North to serve Sardis Oaks Subdivision.
- (b) Encroachment Agreement with North Carolina Department of Transportation permitting the City to construct 1,400 feet of 6-inch cast iron water main in the right of way of Church Street in Huntersville, North Carolina.
- (c) Encroachment Agreement with North Carolina Department of Transportation permitting the City to construct an 8-inch sanitary sewer line in Beatties Ford Road to serve 3824-3825 Beatties Ford Road.

PROPERTY TRANSACTIONS AUTHORIZED.

Upon motion of Councilwoman Locke, seconded by Councilman Withrow, and unanimously carried, the following property transactions were authorized:

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- (a) Option on 1.66 acres on Estelle Street, owned by Spangler Land Company, at \$4,400.00, for the Northwest Junior High School Area Park Site.
- (b) Right of Way Agreement with Avondale Presbyterian Church for 9.58' x 21.98' x 18.97' at 2821 Park Road; at \$1.00, for proposed radius right of way on Park Road at Lilac Road.
- (c) Right of Way Easement of 15' x 1,773.26' south of 4600 Camilla Drive, at McAlpine Creek, at \$1.00, from Madeline H. Nickols, Herbert Hechenbleikner and Ingenuin Heckenbleikner for sanitary sewer trunks to serve Carmel Woods.
- (d) Right of Way Easement of 15' x 2,945.94' south of 4600 Camilla Drive, at \$1.00, from Charlotte-Mecklenburg Board of Education, for sanitary sewer to serve Carmel Road Junior High School.
- (e) Right of Way Easement of 10' x 15' at 4335 North Tryon Street, at \$1.00, from Shoney's Big Boy Enterprises, Inc., for sanitary sewer to serve Shoney's Restaurant at 4335 North Tryon Street.
- (f) Right of Way Easement of 15' x 163.98' at 5004 Wilkinson Boulevard, at \$400.00, from Wilma M. Whitehead, for sanitary sewer to serve Withrow Road and I-85.

CONTRACTS FOR WATER AND SEWER CONSTRUCTION, APPROVED.

Councilman Withrow stated his son has an interest in Item (b), and he asked to be excused from the vote on that portion of the motion.

Councilman Williams moved that Councilman Withrow be excused from the vote on Item (b), which motion was seconded by Councilwoman Locke, and carried unanimously.

Motion was made by Councilman Williams and seconded by Councilwoman Locke to approve the following contracts for water and sewer construction:

- (a) Contract with New Emmanuel Congregational Christian Church for the construction of 165 lin. ft. of 8-inch sanitary sewer to serve the Church at 3540 Beatties Ford Road, at an estimated cost of \$5,100.00. The applicant has deposited 10% of the estimated construction cost, and the remaining 90% will be deposited by the applicant before construction by city forces. The sewer mains will be constructed at the owner's expense and will be owned by the City, all at no cost to the City.
- (b) Contract with Ronald J. Withrow, DBA Countryside Associates, for the construction of 762 lin.ft. of 8-inch sanitary sewer to serve Heron Drive, between Castlekeep and N. C. Highway 51, at an estimated cost of \$11,430.00. The applicant will construct the entire system at their own proper cost and expense, and the city will own, maintain and operate the system, all at no cost to the City.
- (c) Contract with Mecklenburg Plumbing Company for the construction of 220 lin.ft. of 8-inch sanitary sewer to serve Tenbury Court, from Starbrook Drive to the property line of the PTL Club, at an estimated cost of \$5,550.00. The applicant will construct the entire system at their own proper cost and expense, and the city will retain all revenues, all at no cost to the City.

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- (d) Contract with Ed Griffin Company for the construction of 1618 lin.ft. of 8-inch sanitary sewer to serve Sardis Oaks, Phase II, outside the city, at an estimated cost of \$24,270.00. The applicant will construct the entire system at their own proper cost and expense, and the city will own, maintain and operate the system, and retain all revenues, all at no cost to the city.
- (e) Contract with Carmel Partnership for the construction of 4,180 feet of water main, and five fire hydrants, to serve Carmel Office Park, at an estimated cost of \$43,300.00. The applicant will finance the entire project with no funds required from the city; a deposit in the amount of \$4,300.00, 10% of the estimated construction costs has been advanced by the applicant, and the applicant has requested the city to prepare the plans and specifications necessary for the construction.

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

YEAS: Councilmembers Williams, Locke, Chafin, Davis, Gantt.  
NAYS: None.

Councilman Withrow voting for Items (a), (c), (d), and (e) was excused from voting on Item (b).

**ELECTRIC SERVICE AGREEMENT WITH DUKE POWER COMPANY, APPROVED.**

Councilman Williams moved approval of an Electric Service Agreement with Duke Power Company to supply power to the Catawba Pumping Station, which will allow minimal cost reductions during the off-peak pumping periods each year, which are November through March. After discussion, the motion was seconded by Councilman Withrow, and unanimously carried.

**PAT LOCKE APPOINTED AS DELEGATE TO COG, WITH JOE WITHROW ALTERNATE.**

Councilman Gantt moved appointment of Councilwoman Locke as the Council's delegate to COG. The motion was seconded by Councilman Williams, and carried unanimously.

Later in the meeting, Councilman Whittington moved the appointment of Councilman Withrow as the alternate. The motion was seconded by Councilwoman Chafin, and carried unanimously.

**CHIEF GOODMAN OR HIS DESIGNATED REPRESENTATIVE APPOINTED TO CRIMINAL JUSTICE ADVISORY COMMITTEE.**

Mayor pro tem Whittington stated he would like to suggest that Council appoint Police Chief Goodman as its representative to the Criminal Justice Advisory Committee.

Councilman Withrow moved that Chief J. C. Goodman, or his designated representative, be appointed to the Criminal Justice Advisory Committee. The motion was seconded by Councilwoman Locke, and carried unanimously.

**EXECUTIVE SESSION OF COUNCIL SET.**

Councilwoman Locke read the following statement:

"It is both timely and appropriate that we hold an Executive Session to consider pending litigation affecting the Airport. I shall vote for the Motion calling for the Executive Session.

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I also think, however, that it is equally appropriate to express my strong opinion that a public hearing be held on the Expansion Plans for the Airport in the very near future. I think it is necessary that the Council be fully briefed and informed by our attorneys as to the legal status of the current litigation. As defendants in a lawsuit, the City Council should be kept fully informed as to the issues presently being contested and the City's legal position in regards to these issues.

However, once this briefing has been held, it is my intention to ask Council to set a public hearing on Airport Expansion Plans in order to receive citizen input into the formulation of Airport growth policies."

Councilwoman Locke moved that the City Council hold an Executive Session immediately upon the conclusion of this meeting for the purpose of discussing with legal counsel the lawsuit entitled Steel Creek Community Association vs. U. S. Department of Transportation, et al, pursuant to G. S. 143-318.3(5). The motion was seconded by Councilwoman Chafin.

Councilman Williams stated he likes the language about the public hearing. With the understanding that we will in the reasonable near future have a public hearing he will vote for the motion.

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

REPORT ON 911 AD HOC COMMITTEE REQUESTED.

Councilwoman Locke asked that the Mayor instruct her on what he is doing on the 911 Ad Hoc Committee, and when the report will be ready.

MAYOR PRO TEM ADVISES HE WILL MAKE NOMINATION TO ZONING BOARD OF ADJUSTMENT AT NEXT MEETING.

Mayor pro tem Whittington stated at the next meeting he is going to nominate Mrs. Flo Bryant as one of the alternate members to the Zoning Board of Adjustment.

PROGRESS REPORT ON PUBLIC SAFETY OFFICER CONCEPT REQUESTED.

Mayor pro tem Whittington requested the City Manager to give Council a progress report on the Public Safety Officer Concept and when he will give the final report to Council.

REQUEST THAT DATE BE SET TO CONSIDER OPTIONS ON STORM DRAIN PROBLEMS.

Mayor pro tem Whittington stated he and Councilman Davis would like to get on the agenda a date for consideration of options on the problems of storm drains.

RESOLUTION REQUESTING STATE UTILITY COMMISSION TO RECONSIDER ACTION REQUIRING BLIND PEOPLE TO PAY FOR INFORMATION, TO BE DRAWN FOR COUNCIL CONSIDERATION AT ITS NEXT MEETING.

Mayor pro tem Whittington stated without objections from Council he would like for the City Attorney to draw a resolution and send it to the Utility Commission urging them to reconsider their action to require the blind people of this State to pay for information requests after they have made the fifth request.

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Councilman Davis stated he would just as soon see the rate base left undisturbed and make other provisions for the blind.

The City Attorney was requested to draw the resolution for consideration by Council at the next meeting.

RESOLUTION ON COMMITTEE SYSTEM FOR COUNCIL REQUESTED PLACED ON THE NEXT AGENDA.

Councilman Williams stated he has sent to Council a memorandum on a proposed resolution for consideration next week dealing with Committees. He stated he would like to have the consideration of the Committees placed on the agenda for the next meeting.

CITY MANAGER REQUESTED TO BRING REPORT TO COUNCIL ON SUBMITTING THE AGENDA TO COUNCIL TWO FULL WORKING DAYS PRIOR TO MEETING.

Councilman Davis stated at the present time Council agendas are delivered late Friday afternoon. That his usually arrives about 4:30. He believes this is insufficient time to allow time for citizen input and coordination with other councilmembers, and even to confer with the professional staff. For these reasons he would like to request that the City Manager report to Council within two weeks what, if any difficulties, would be encountered from the staff to submit the agenda at least two full business days prior to the Council Meeting. Also that the agenda receive wide spread dissipation to encourage citizens participation earlier in the decision making process.

Mr. Burkhalter, City Manager, stated at present there is a cut off date of noon Wednesday for anything to get on the agenda. The reason we meet every week is to keep current with all these things. That we can do anything Council says; but the minute you start moving this up, you start delaying many actions of the City. Then we start bringing in the last minute items. It can be done whenever Council wants it; that he will bring the report to Council.

DISCUSSION OF FLOODING AND REQUEST THAT COUNTY AND REGIONAL GOVERNMENTS BE INVOLVED IN THE DISCUSSIONS.

Councilman Davis stated in connection with the request on flood control, he would like to recommend that the County, the Planning Commission, and regional and state representatives be included in this. That within the City of Charlotte there is an overlap of responsibility on stream maintenance, creeks and so forth.

Mr. Burkhalter, City Manager, replied he wonders if the City Council can make its policy in the presence of other governing bodies. This would be the only question he has about them being involved in the Council's policy decision. That he would recommend when Council decides what it wants to do in the way of drainage that Council then try to get the cooperation of these other governing bodies in doing this. That the City Staff has been meeting on this, and has been meeting with their staff and others trying to come up with something that this Council can afford to do. He suggested that Council wait for Staff's report on the agenda, and then see if they want to get the others in on this.

Councilman Davis stated he is concerned that the people in the city who are flooded come to this Council and the overall responsibility seems to be with the County.

Mr. Burkhalter stated one of the things Staff might bring to Council is a recommendation that Council go to the State Legislature and designate the City as the one to do this. One of the options is that the City assume the responsibility. The other option is that the City abandon all responsibility for major streams, and take up the minor ones.

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MAYOR BELK RETURNS TO CHAIR AND PRESIDES FOR REMAINDER OF SESSION.

Mayor Belk returned to the Chair and presided for the remainder of the Session.

DISPOSITION OF PENDING EEOC CASES TO BE INCLUDED IN NEXT AGENDA, AND DISCUSSION OF AFFIRMATIVE ACTION PLAN TO BE INCLUDED IN AGENDA FOR LAST MEETING OF MONTH.

Councilman Gantt stated he would like to speak to the equal employment opportunities cases before the City, and he wants to respect the City Manager's right that we not say anything at this time that enfringes upon possible legal suits.

He stated in viewing the pre-determination settlement being offered by the local EEOC on behalf of three Charlotteans who claim discrimination, it occurred to him that we should have a thorough review of optionals on various departments regarding equal employment opportunities. Some things give him great concern.

First, he will always find it difficult to understand how we can expect a thorough investigation of discrimination complaints internally if staff is not properly trained. It seems such a condition can put the City in a terribly embarrassing position, and become a cruel joke to those citizens expecting fair play from the City.

The real concern is that the City has no bona fide affirmative action plan by which we can set goals and measure our progress seeking to provide equal employment opportunity for women and minority groups. He stated he thinks one is needed and is needed now. A unified policy for hiring should be a part of such a plan. Any good affirmative action plan should have the blessings of this Council and be fully understood technically and in spirit by all staff, from the manager down to the lowest clerk.

The EEOC settlements before us suggest hiring goals, quotas if you like, that while we may not agree with them, gives us a basis for taking the initiative to find positive ways to measure our progress.

That he is aware we have made progress in hiring minorities and women. Even the statistics suggest we have made substantial increases in minority and female appointments. But very little in the actual numerical increases when you analyze comparatives. That he does not think we can, as a Council or staff, pat ourselves on the back or acquiesce. That he does not wish to see our personnel department or any other department hung up on quotas on racial or sexual balance, etc, or in taking on unqualified people at taxpayers expense. He does think it is time this Council, this City Manager, and the Department Heads and everyone else who is concerned with employment become more positively committed to the final goals with regard to equal employment opportunities.

He stated he wants to see more initiative; more ingenuity; more compassion and at the same time he would like to see less of the attitude of adhering only to the letter of the law. He would like to see less of the 'let's protect our flanks' approach. The time has come that we get away from the old bugaboo of tokism. All of which he sees reflected in cases that are now pending with EEOC. He finds this appalling for the City of Charlotte. We should be an example of fairness and openness for the rest of the community. While he realizes the change is painful, and attitudes die hard, we must, as a Council, make the effort to develop a plan now. Not because EEOC may say that we should have one; not because Judge McMillan might rule that we should have one; but because he thinks the time is right, and we should have one because it is right. We can ill afford not to take the initiative.

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Councilman Gantt stated he would like the disposition of these specific cases placed on the agenda January 12, and a general discussion of the issue of Equal Employment Opportunity.

Mr. Burkhalter, City Manager, stated the City has an agreement with EEOC, and it is probably the only one in the United States. That is the reason we do not have an affirmative action program. EEOC, Washington and the Regional Offices, said we did not need one; that our personnel practices met all the requirements with a few changes. Council made a few changes in the administrative procedures. If Council wants to wipe out that agreement, and develop an affirmative action plan, there will not be a lot of argument from staff. That way there would be goals set.

Councilman Gantt stated he is talking about a way, a commitment, and a plan by which we, under no coercion by the Judge or any federal agency, can talk defining what our goals are. He agrees it is nice that we can investigate ourselves. But in these cases his reaction is that we did a poor job of investigation. It may be because there was not the proper kind of training of staff. That he does not refer to the CRC staff; but he refers to the fact that they were not properly trained in the area of investigating discrimination approach. All he is suggesting is that we may want to take a look at that. That EEOC provides training for local agencies.

Mayor Belk stated taking into account the number of federal agencies they had to deal with, he thinks they did an outstanding job. That he does not want it to go into the record that the personnel of the City of Charlotte has done a sorry job. That he thinks the City of Charlotte has done an outstanding job; he is not saying they are perfect, and they will not be perfect; but they have done an outstanding job. That he does not know of any other city that has done as well. That his hat is off to them. That he does not see how they have done as well as they have under the circumstances

Councilman Gantt stated he is asking that Council consider the settlement of these EEOC cases; that they be considered today or be placed on the agenda for January 12. In addition he wants Council to have the opportunity to consider a discussion of the possibility of an affirmative action plan.

Mr. Burkhalter suggested from staff's viewpoint that it would be better to have the discussion of the plan the last meeting of the month in order to get all the information together.

**COUNCILWOMAN LOCKE TO REPORT TO COUNCIL ON SCHEDULE OF MEETINGS TO INCLUDE TIME, AND RECOMMENDATION ON SESSION WITH CITY MANAGER TO GO OVER PROBLEMS AND MATTERS THAT NEED TO HAVE COUNCIL DISCUSSION.**

Councilman Withrow stated along with Councilman Williams' resolution on committees he would like to have on the Agenda a consideration of workshop sessions or rap session, starting at 1:30 p.m., where members of Council can throw things out on the table. Sometimes there is not enough time for Council to talk about things they need to discuss. That he would like for Council to set aside a workshop session starting at 1:30 p.m.

Mayor Belk stated there are so many luncheons he has to attend that it makes it very difficult for him to come in earlier.

Mayor Belk stated he has requested Councilwoman Locke to bring a report to Council on the best way for Council to have meetings. That he requested her to contact each councilmember and report back to Council. A part of that will be what Councilman Withrow is saying.

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The City Manager stated the need for conferences with this Council is one of the greatest things he has. That this cannot be done with the public in attendance wanting to speak. That he does not know of a city manager of a large city in this country who does not get to sit down with his Council and talk about his problems. He would like to have an opportunity to do this for an hour or so each week.

Councilman Withrow stated the time makes no difference as long as it is done.

Mayor Belk stated he hopes that Councilwoman Locke will bring this up in her report.

ADJOURNMENT.

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



Ruth Armstrong, City Clerk