

June 7, 1976
Minute Book 63 - Page 361

The City Council of the City of Charlotte, North Carolina, met in Regular Session, on Monday, June 7, 1976, at 3:00 o'clock p.m., in the Council Chamber, City Hall, with Mayor John M. Belk presiding, and Councilmembers Betty Chafin, Louis M. Davis, Harvey B. Gantt, James B. Whittington and Joe D. Withrow present.

ABSENT: Councilmembers Pat Locke and Neil C. Williams.

* * * * *

INVOCATION.

The invocation was given by Reverend Mark Wimmer, Pastor of Purcell United Methodist Church.

EMPLOYEE PLAQUE PRESENTED TO ALPHONZO WITHERSPOON.

Mayor Belk recognized Mr. Alphonzo Witherspoon, Laborer II with the Traffic Control Division of Traffic Engineering, and presented him with the City of Charlotte Employee Plaque for his services to the City from February 12, 1962 until his retirement June 3, 1976.

Each Councilmember expressed their appreciation to Mr. Witherspoon and wished him well in his retirement.

HEARING ON PROPOSED FY 77 CAPITAL IMPROVEMENTS AND OPERATING BUDGETS, PAY PLAN AND PROPOSED EXPENDITURES OF GENERAL REVENUE SHARING FUNDS CONTINUED TO TUESDAY, JUNE 8, 1976, AT 7:00 O'CLOCK P.M.

The scheduled hearing was held on the proposed FY 77 Capital Improvements and Operating Budgets, Pay Plan and Expenditures of General Revenue Sharing Funds.

Mr. Hooper Alexander, representing the Charlotte Opera Association, in his presentation stated their costs continue to rise, and they are dependent almost entirely on grant money in addition to their ticket money in order to survive. The ticket sales can only produce approximately half of their operating costs if they sold out every house. He stated they have requested an increase in the allotment from the city for next year. When they set their expense budget they are forced to do it almost twelve months in advance of the time the budget goes into operation. At that point it is difficult to foresee what kind of operating revenues they will have. As the time comes for them to enter into that budget they can get a clearer picture but then it is too late for them to back out of some of their commitments they had to make far in advance in order to get into the season, contract the singers, directors, etc. They are somewhat limited in their ability to cut costs and when they find a cost increase of about 15 to 17 percent, which they have experienced in the coming year, they are almost totally dependent on other people who furnish them grant money to the extent they cannot increase ticket sales in order to survive.

Mr. Bill Williamson, President of the Arts and Science Council, reviewed with Council their past experiences in what the investment has done for the citizens. He stated there are a number of things they did not accomplish in the Cultural Action Plan, which are few in number. One, the establishment of a Tap Roots Program to provide technical assistance for groups or individuals wishing to use the Arts and Sciences as tools to refurbish historic or social traditions. Two, establish an Ad Hoc Committee to research programs involving the arts, sciences and the school system. This program costs some \$15 to \$20,000 and they felt it had to take some priorities. He stated they desperately need at least \$440,000 in the next two years to put their drive where it should be to supply the cultural needs of our people. Their fourth

June 7, 1976
Minute Book 63 - Page 362

recommendation not carried out is to seek direct financial support from public sources to facilitate the implementation of the Projects Pool, permit the continuation of services such as Information House and to aid officials in deciding on how much and to whom support should be provided in the future.

Mr. Joe Carres, Charlotte Hockey Association, stated this association is the sports group in Charlotte that provides a program for Youth Ice Hockey in the City. They have submitted a request through the City Manager's office to be included in the city funded sports program for this year. It was found necessary to reject their request on the basis that funds were not available.

He stated they submitted a letter with all the pertinent details on the program, the boys who are involved, and what the organization is all about. He filed a copy of the letter together with copies for the Mayor and Councilmembers. He stated the letter includes the budget figures, their organizational status, their national affiliation as well. He then reviewed with Council the work of this group. He concluded stating they badly need help of whatever type they can think of or suggest to them. They are ready day or night to get together with any individual who can work out their problems. They simply need to be included to some small degree before it becomes too late, and the sport dies. They need some help along the same lines as baseball, basketball, football and the other sports are now receiving.

Mr. Bill Brawley, Firefighters Local 660, spoke on the disparity between firefighters and policemen of the City. That there has been a lot of talk about pay scales of other cities; but they do not have any fault with the pay plans of other cities, as they have problems enough with the pay plan of this city. He referred to the document from the Personnel Department and stated on a national average the difference between a fireman and a policeman salary are basically the same - about \$150 difference. This clearly shows that most of the nation does not pay a disparity between firemen and policemen. Firemen in this city work 52 hours each week; the police officer works 40 hours. Mr. Brawley stated they have found that their salaries do not even compare favorably with laborers and sanitation workers. A laborer who works 40 hours a week has a yearly salary of \$7,534.00, with a weekly salary of \$144.88, and an hourly rate of \$3.62. A sanitation worker's hourly rate under the same conditions would be \$3.99; the firefighter's, figured on a straight 52 hour work week, would be \$4.20; but if the firefighter worked like the sanitation worker, basically on a 40 hour per week, with the extra 12 hours at time and a half for overtime, the sanitation worker would make \$3.99 an hour, and work the other 12 hours at time and a half. So a firefighter's hourly salary, if he works 40 hours and then the other at time and a half, would only be \$3.76 an hour to achieve the salary he makes at this time. That would be the top pay for a firefighter; the base pay would only be \$2.90 an hour if he worked a 40 hour week, and then working 12 hours at time and a half, at which a sanitation worker would work a normal 52 hour week when he has to work a 52 hour week.

He stated a computer key punch operator actually makes more money per hour putting the Fire Department's record on record than a firefighter would make if the top floor of the First Union National Bank was on fire; the firefighter would make less money per hour than the key punch operator who puts the report back in the City computer. He stated they realize the problems of the City with the budget, but they think something has to be done in this area, and they would appreciate their consideration.

Councilman Gantt asked if Mr. Fennell or Mr. Stuart can calculate what the increase in costs would be if in fact Mr. Brawley's statement were true that there is no parity between firefighters and patrolmen. What it would take to bring that parity about - the dollar amounts. That would be assuming the five percent across the board pay increase proposed.

June 7, 1976
Minute Book 63 - Page 363

Mrs. George Wilson stated she wants to save the City some money. This is in regard to an item in the budget for the Mint Museum about an additional salary being paid to Mrs. Sara Houser. She stated she yields to none in her admiration for the work Mrs. Houser has done for the Hezekiah Alexander Home. She has been paid through that. Now that we have Mr. Schwartz there, why should that \$9,600 be in the budget? She is trying to save the City as a taxpayer instead of spending money.

Sgt. Roy Atwell, recommended changes in the pay plan on Page 5 stating the data shows that after five years a Charlotte Police Officer is \$1,191 behind the same officer in Greensboro. He stated they have talked to the people in Greensboro and they say their officers do not have any trouble reaching top pay; that the officers in Charlotte do not have any problems reaching that top base salary. If they progress normally they reach their top salary. If you look at educational incentive pay as the top salary, the officers do make a tremendous sacrifice to get to the top pay. Most of the Charlotte officers who have obtained the degree have done it by going six to eight years to night class to obtain a four year degree; it normally takes an officer three to four years depending on how well he is doing.

Also speaking for salary increases for the Police Department was H. R. Thompson who stated the comparisons do not compare work loads; it simply gives a bunch of figures. Only one page comes even close to comparing the salary of the Charlotte Police Officer. The education incentive pay which has been added has only 27 percent of their officers drawing educational incentive pay. They do not think the Charlotte Police Officer should be penalized for working and his dedication to the citizens of the City of Charlotte penalizing his salary and his family penalized.

He passed out a paper containing the FBI National Crime Statistics for 1975. This shows Charlotte having 559 officers compared to Greensboro's 368. Go down to Charlotte versus Greensboro we have 1.52 more officers than they do. We have a bigger city. In the second line of the totals are the totals of murder, rape, robbery, aggravated assaults, larceny, burglary, and on down into the categories. Charlotte has 24,171; Greensboro has 10,501. If you compare the two, Charlotte has 2.30 more of these offenses than Greensboro. This is a heavier work load in comparison on the Charlotte Police Officer than in the City of Greensboro. He stated Charlotte has 4.86 more murders than Greensboro. Rape - we have 71 they have 41; and that is 1.73 more; robbery 822 compared to Greensboro 219; this is 3.75 more. The murder and robbery category is one of the most dangerous offenses we have in this city. That they feel the Police Officer is much more endangered in this City than he is in the City of Greensboro.

He stated they feel this is an indicator of the workload being put on the Charlotte Police Officer at this time. Mecklenburg County has sent 13 to death row since 1970. We are not proud of this but it is an indicator of the danger and the type of people the Charlotte Police Officer has to deal with. Guilford County has sent two since 1970. In five years the Charlotte Police Officer makes \$12,273 compared to Greensboro's \$13,801. This is \$1,528 more than the City of Charlotte. If the City of Charlotte protected its citizens with the same ratio of police officers as the City of Greensboro, Charlotte would have to hire another 153 police officers. He stated he is not complaining about the workload; but he is saying this is an indicator of the danger Charlotte police officers have to put up with. In 1975 20 police officers were assaulted with a pistol or gun; five with a knife; 126 with hand gun or spears, and 16 with other weapons for a total of 167 police officers assaulted. Being assaulted by a pistol or gun is an indicator of danger. They would ask this Council to attempt to catch them up with Greensboro's salary. They feel they deserve at least the salary comparable to any other city in the State. They ask that they be caught up so they will be on parity with the City of Greensboro.

June 7, 1976
Minute Book 63 - Page 364

Mrs. Nobie Love stated she is here today with a petition from the Myers Park United Methodist Church Women; they want to see the policemen get a raise. A very nice policeman came out and gave them a talk; there are a lot of widows and old people in their church. They did not want to let the policeman go home but to keep him out there as they felt safe with him around. He gave them many good ideas. She said if this petition will help get him a raise, they would appreciate it.

Councilman Whittington stated he would like to hear from Mr. Stuart and Mr. Earle. That Council has asked for the information that Sgt. Thompson and Sgt. Atwell and others have presented, and also Mr. Brawley. That he would like to get the position of the City while everyone is here together so that Council will have the information when it deliberates on the pay raises. The City Manager advised that staff had planned to bring this information to Council Thursday night at its workshop session.

Councilman Whittington requested that Mr. Stuart figure out what the additional cost will be for the increase in dependants' insurance of City employees; that he would like to have this information on Thursday also.

Councilman Whittington moved that the hearing be continued to Tuesday night, June 8, 1976 at 7:00 o'clock p. m. The motion was seconded by Councilwoman Chafin, and carried unanimously.

FOURTH WARD PROPOSALS, ADOPTED.

Motion was made by Councilman Gantt, and seconded by Councilwoman Chafin approving the Fourth Ward proposals as amended, by adoption of the following items:

- (a) Resolution establishing an Historic District Commission.
- (b) Ordinance No. 106 amending Chapter 23 of the City Code by amending the text of the zoning ordinance to install a new Section 23-40.4, entitled "Historic District."
- (c) Ordinance No. 107 amending Chapter 23 of the City Code by amending the text of the zoning ordinance to install a new Section 23-40.05, entitled "Urban Residential Districts".
- (d) Ordinance No. 108-Z amending Chapter 23 of the City Code by changing the zoning map to apply the Historic District overlay zoning to the Fourth Ward area bounded by West Trade Street, North Church Street, Brookshire Freeway and the Southern Railroad.
- (e) Ordinance No. 109-Z amending Chapter 23 of the City Code amending the zoning map to change zoning of property from R-1.OMF, I-3, B-2, B-3 and O-6 in the Fourth Ward area bounded by West Trade Street, North Church Street, Brookshire Freeway, and the Southern Railroad to UR-10, UR-30, UR-50, UR-100, O-6, B-1 and B-3.
- (f) Ordinance No. 110 amending Chapter 18 of the City Code amending the Subdivision Ordinance to amend Section 18-13(c) by adding words to exempt property zoned UR-10, UR-30, UR-50 and UR-100 from the minimum lot width, depth and area requirements as specified in Section 18-13(c).
- (g) Resolution adopting Fourth Ward Development Standards to serve as policy guidelines in development of Fourth Ward Historic District.
- (h) Resolution approving the Redevelopment Plan for Fourth Ward Urban Renewal Area.

June 7, 1976
Minute Book 63 - Page 365

Mr. McIntyre, Planning Director, responded to a request to explain Item (d). He stated the first resolution is a recommendation of the Planning Commission to establish an Historic District Commission for the purpose of having this Commission to review the development proposals in the Fourth Ward Area. By passing this resolution, Council would indicate its intention to create an Historic District Commission for that purpose. At the moment this is just for the Fourth Ward. However, there is nothing that would preclude the possibility of the Historic District Commission operating in another area if the Council indicates they would like to have the Commission do so. There is also nothing in the resolution that gives them the right to operate in any particular area. We are here establishing an Historic District Commission, and subsequently in some of the sub-items this gets to be specific with respect to the areas of the Historic Commission's operation within the Fourth Ward. If ultimately, Council should decide to establish another historic district somewhere else in the City, by specific action, then this Commission could operate in that area as well.

Councilman Withrow asked what relation this has to the Historic Properties Commission? Would this take away from their power, or would it be coordinated? Mr. McIntyre replied that it would not take away their power. The Historic Properties Commission is primarily concerned with the designation of specific properties as historic properties. They bring back recommendations to Council from time to time, designating specific properties as historic properties. This is a designation of a district, not a property but a district within which certain regulations and certain operations would be carried on by the Historic District Commission to review the character of development primarily from the standpoint of its external design. Anything that is built in the area and anything that may exist in the area at the present time that is proposed to be modified by changing the exterior aspects of the structure.

He stated there is a relationship between the two bodies in that it is proposed that in appointing the members to the Historic District Commission you would designate a member of the Historic Properties Commission as a member of the Historic District Commission for purposes of coordination.

Councilman Gantt stated he thought they should recognize the fact that during the public hearing there were some objections brought by Mr. Morris Speizman, Keith's Garage, Interstate Milling and Trailways Bus Company. All of these people were concerned about the particular zoning classification that was going to be put on their property. That Council ought to note that the Planning Commission did seek to resolve all of those with the exception that they were not quite able to satisfy the Trailways Bus Company in terms of a proper zoning classification which would indicate that they would have to move. The Commission's proposal did provide an extra block of land for Interstate Milling to expand into and the zoning of the Speizman property is now I-3 rather than B-3 as originally proposed. He assumes that the property owners have been informed of those proposed changes.

Mr. McIntyre replied that the owners of all properties who appeared at the hearing and indicated any dissatisfaction with the proposed zoning have been notified, as they are routinely notified with any zoning recommendation that comes to Council.

Councilwoman Chafin stated that she understands from a number of these people that they are very pleased with the plan.

Councilman Whittington stated he has two questions: (1) If Council adopts this Fourth Ward proposal that means from here on out other than zoning, if Mr. Rash, for example, or the Junior Woman's Club with property in there, wanted to change something this would have to be approved by this Historic Commission and they would have the final say so one way or the other?

June 7, 1976
Minute Book 63 - Page 366

Mr. McIntyre replied with respect to the external aspects of the structure. When you are dealing with a structure that can be occupied, yes. Councilman Whittington stated like it is in Salisbury and other places in the State. Mr. McIntyre replied that is right. Councilman Whittington stated that, as one member of the Council, he objects to this proposal as it relates to one member of the Historic Properties Commission being a member of this Historic District Commission. He says that kindly toward the Historic Properties Commission that Council perceived and approved two or three years ago. He thinks they should go about this with one area at a time and he does not think that the two ought to be inter-mixed at all. He may be the only one that feels this way, but he gets from the citizens that the Commission should not involve itself in anything other than what Council asked them to be involved in. What he is trying to say is, he does not think that a member of the Historic Properties Commission should be a member of this Commission and he would like to respectfully ask that that part of it be deleted.

(2) He stated that he would like to ask what was done about the Keith property? As he understands from Item No. 4, "Keith property requested that the existing repair garage be purchased if it could not remain. Recommendation of such provision has been made in the Redevelopment Plan." As he understands it from the attorney for the Keith property, in the Plan the City will purchase half of it and the other half will not be purchased and therefore it will be rezoned one thing in one place and the other half will be rezoned something else.

Mr. McIntyre replied that it is a little bit more than half the property that is supposed to be acquired, but his point is that it is not all of the property and that is true. It is not proposed and not shown on the map of the Redevelopment Plan that all of that property is to be purchased.

Councilman Whittington stated he would like to make the point to members of Council and to Mr. McIntyre and those present representing Fourth Ward if we were able to cross Graham Street on the west side and include the Speizman property, the purchase of the Orvin Motel, an extra block for the extension of development of Interstate Milling Company, then there are only two pieces of property that we were not able to satisfy - Continental Trailways and the other one-third of the property of Keith's Garage.

Mr. McIntyre stated if the Council wishes this can be included in the identification of the property being acquired. Councilman Whittington replied that is what he would like to suggest.

Councilman Gantt stated that the question he had is that they are not splitting the property in such a way that half of the garage would be the City's? Mr. McIntyre replied no, this has not been included in the identification. Property to be acquired does not have structures.

Councilman Whittington stated these people were moved once by the City in the thoroughfare plan; now they are being forced to move again. If we are going to acquire their property, acquire it all which he thinks is a protection to the east side of Graham Street.

Councilman Gantt stated he would support this second proposal, but he disagrees with his first. He cannot understand, if Council has created the Historic Properties Commission and given it certain charges, that is fine; but even if we were to ask for the development of the Historic District Commission and that one member of the Historic Properties Commission be made a member of that Commission, he does not see that as being undesirable at all. In fact, it seems to him to provide a certain level of continuity between the two Commissions that have dissimilar functions and yet similar in a lot of ways.

Councilman Whittington stated that the continuity may be the point that works. He respects Mr. Gantt's statements.

June 7, 1976
Minute Book 63 - Page 367

Councilman Gantt stated his motion is to approve the entire plan but he would amend it to include the purchase of the entire Keith property.

Councilwoman Chafin asked if they were making a motion regarding Continental Trailways? Councilman Whittington replied no, they mentioned Continental Trailways - that would be the only one they had not resolved and hopefully that could be resolved.

The vote was taken on the motion as amended and carried unanimously.

The resolutions are recorded in full in Resolutions Book 11, beginning at Page 449. The ordinances are recorded in full in Ordinance Book 23, beginning at Page 122.

REPORT OF THE COMMUNITY FACILITIES COMMITTEE IN RESPONSE TO THE PROPOSED INCREASES IN SEWER RATES SUBMITTED TO COUNCIL ON MAY 3, 1976 BY STAFF.

Mr. James R. Sheridan, Chairman of the Community Facilities Committee, expressed thanks to Mr. Dukes and Mr. Fennell. They have been a great help to the Committee in their study which has taken place over the past month and also thanked the Committee two of whom were present today, Mr. Beck and Miss Johnston, for their help in the study.

He stated that first he would make a few general remarks about their report:

- (1) A sewer rate increase is required, but the proper rate structure cannot be accurately forecast beyond the current year by his group.
- (2) The rates are affected by past, present and future actions of Council as well as other unforeseen factors.
- (3) The Utilities Department should work to live within its revenues from current rates, rather than projecting its expenditures and capital improvement costs and then coming to Council for increased rates to cover the costs. Of course, here they are quite well aware that the Utilities Department is responding to public need and the Council's requests. Most of the comments and recommendations are applicable to both water and sewer.

The Purchase of New Systems - These are the systems in the annexed areas. This has a substantial short-range impact on the budgets of the Utilities Department. In the four years between 1975 and 1978, the average cost to purchase outside systems approximates \$875,000 per year. This amount, which represents 5.8¢ per ccf was included in the operating budget. These systems do not generate anywhere near the income to compensate for such massive short-range expenditures.

The recommendation here is that existing commitments and future acquisitions be funded either by long-term bonds or by general revenues in order to lessen their impact on the department's annual budget.

Annexation - Recent annexations have had a substantial impact on the Utilities Department. Annexation causes a substantial reduction in income as a result of the reduced rates for existing connections. The Utilities Department is required by State Law to make substantial capital expenditures to provide water and sewer services for these newly annexed areas. Many of these new extensions are not economically justifiable in terms of utilization. The primary beneficiary of annexation is the General Revenue Fund which gains in increased tax revenues.

They recommend that the Council fund or finance either from General Revenue or other sources capital improvements mandated by annexation which are not currently economically feasible.

June 7, 1976
Minute Book 63 - Page 368

Capital Improvements - The Utilities Department is in the process of undertaking a massive expansion of the Water and Sewer System. New facilities proposed in the current five-year program will almost equal the cost of the entire system previous to 1975. At the same time the department is forecasting an increase in consumption by the system of less than 2 percent per year. This current capital improvement program also does not yet include those capital improvements which will be required by the new EPA standards. This expansion program is in response to the Utilities Department's interpretation of Council's policy.

It is the Committee's belief that the current capital improvement program far exceeds what is economically justifiable. They recommend that all projects not currently under construction or specifically committed to by bond referenda be curtailed and re-evaluated with specific consideration being given to their economic viability.

Operating Expense - The operating expenses for the Utilities Department are increasing at a substantial rate. Between 1974 and 1975 they increased 24 percent; between 1975 and 1976 it is estimated that they will increase by 13 percent. The proposed budget for FY-77 projects a 17 percent increase. Though some of the increases are in unavoidable areas such as increased costs of chemicals and power, these increases do not represent a substantial dollar amount. A significant portion of the increases is in areas such as engineering and other construction related areas which may be associated with the Capital Improvement Program. The department's Water and Sewer fund expenditure projection shows an average cost of collecting sewage in 1981 of 73¢ per ccf. If recent increases in operations are continued, even this figure may be substantially understated. The Committee recommends that the increase in operating expenditures for the FY-76/77 be held to less than 10 percent. In order to maintain the integrity of the enterprise system, future operating expenditures must be tailored to anticipated revenues.

EPA - No evidence has been presented to show that EPA regulations have had a substantial impact on departmental costs. The new EPA requirements will apparently require significant future capital improvements which are not currently included in any projections. The Federal Government will, however, pay for 75 percent of these required capital improvements as well as 75 percent of other qualifying sewer improvements. In order to qualify for these matching funds, the regulations which supplement the Law specifically prohibit volume discounts such as are currently utilized in the department's utility rates.

The Committee recommends that the Department and the Council do everything possible to take advantage of the 75 percent matching funds for capital improvements. They recommend, however, that all capital improvements be carefully evaluated to insure their economic viability and to insure that they are not being built just because matching funds are available.

Rates - The current rate structure of Water and Sewer represents a substantial subsidy for high volume users. With the new extension and connection policies currently in effect, it is the Committee's tentative judgment that volume discounts cannot in any way be justified and that the rates should be equalized for all water and sewer users. New EPA regulations specifically require equal rates in area sewer service charges. The regulations will permit these rates to be phased in for a period of time. Careful consideration should be given to the economic impact of the elimination of volume discounts to high volume users and any such rate change should be phased in so that it minimizes this impact.

The Committee recommends that the sewer rates be phased in over a three year period to an equal base. The first year they recommend that the rates be increased one-third of the difference between the current rate structure and 46¢ per ccf. If the above recommendations he has discussed are adopted, the Committee believes that this rate will provide for a

June 7, 1976
Minute Book 63 - Page 370

After consultation with other members of the Staff, Mr. Burkhalter stated in two weeks. They would have to do that or change the budget meeting.

Councilman Whittington stated that when Mr. Dukes made this presentation to Council on rates and talked about the 75 percent that the Federal Government gave us, and in order for us to meet the requirements of EPA we had to do several things. He has been told by letter that the EPA says that their decision has nothing to do with the debt service. He thinks they ought to clarify this to Council within the next two weeks so that they fully understand the difference in what Mr. Mitterwall with EPA says and what Staff has been saying to Council.

Secondly, he thinks what Council needs to know and needs to concern itself with as they approach the next fiscal year is the cost of annexation, the receiving of revenues or whether we ought not to in fact consider stopping this extension policy. We have been under that policy - the policy we inherited from the County - about two and half years?

Mr. Dukes stated the funds that we have inherited from the County have not advanced anymore; they are monies that were just transferred and we are expending those; we have not received any more funds.

Councilman Whittington stated that the point he is trying to make is that we are expending and we are not getting anything back, or very little back. Those funds will be depleted in the very near future if they have not been already. We need to begin to think about what we are doing to our inside users for the purpose of making these extensions. He thinks we are getting into a very hairy situation. He would like for them to speak to that when this rate structure is presented to Council along with the EPA requirements for what Mr. Mitterwall says is intended and what they say is intended, which is different.

Councilman Withrow stated it would be better to ask the County than to again have a bond referendum to say we want to continue with the extension program; that they have a bond referendum to go ahead with the extension program.

Mr. Burkhalter stated he thinks there is some confusion as to what the extension policy is because we are not spending any money on extension of lines into the County that is not fully covered and funded by these programs, as of now. Those in the past have been funded by bond issues - the bond issues of the County and the bond issues of the City. You are going to find the differences in the report that Council heard today is the difference in philosophy of this City Council and that of the Community Facilities Committee - that is the principal difference in the report they heard today and what they are doing. Even though the report recommended the equalization of sewer rates, it did not recommend the equalization of sewer rates at the figure that we say it costs to produce. These are the differences they are going to have to face. He thinks that the extension policy in the County, the agreement the City has with the County fully takes care of this. If the County asks us to extend the sewer or water main that is not profitable and if this Community Facilities Committee says it is not profitable, then the only way it can be extended is for the County to pay for it. That is the only way it can be done now. If that is what they are talking about, those policies are already there. Mr. Dukes confirmed this - the only thing we are doing are projects that they have funded and we are building.

Councilman Withrow stated that they just said that money is running out. Mr. Burkhalter replied it will be gone when the projects they have planned now are completed.

Councilman Withrow stated then if they want to continue, should we not ask them for another bond referendum? Mr. Burkhalter stated that was the very procedure for doing this and he does not find anything contrary to that on the County's thinking on this.

June 7, 1976
Minute Book 63 - Page 371

Councilman Whittington asked Mr. Burkhalter if he had received any correspondence back from Congressman Martin, Senators Helms and Morgan about this. Mr. Burkhalter replied that they received a letter from Senator Morgan today. He requested the letter from his office and it was read to the Councilmembers:

"Dear Mr. Burkhalter:

Thank you for your recent letter concerning the construction grant programs in the area of wastewater treatment. I very much appreciate your writing and sharing your views with me, and you can be assured of my continuing interest in this area of legislation.

I am not certain as to when the Public Works Committee will be discussing your particular area of concern. There is much to be done, both in committees and on the Seante floor, and it is hard to make any long-range predictions of what is going to be given priority status.

When the Public Works Committee meets to mark up the construction grant allocation formula, I intend to offer an amendment which would make the allocation process more equitable. My amendment would eliminate the court-imposed November 1, 1978 deadline and declare that any new area designated in 1976 would have three years from the initial grant award in which to complete their 208 planning responsibilities.

You can be certain that I shall keep your thoughts in mind as the deliberations over this most important legislation continue.

Again, thank you for your correspondence and concern. Please do not hesitate to contact me again if you have further comments or questions about this or any other matter of interest.

Sincerely,

Robert Morgan"

Councilman Davis stated he hoped the other Councilmembers would join him in commending the Community Facilities Committee for the hard work that went into this report. It is a very comprehensive one and stimulates a lot of questions that certainly Council needs to have the answer to before they make a decision. He hopes the Committee will stick with them to the end because it is a very important decision for our citizens where they set these sewer rates.

Councilman Whittington stated he would like for Mr. Grier, Mr. Barnhardt, Mr. Royal and Mr. Johnson and anybody else that wants it to have a copy of the letter from Senator Morgan.

Mr. Grier stated he applauds their putting this down for a hearing at another time and he would like the privilege of making some remarks then. Today he would like to join in complimenting the Community Facilities Committee for the hard work that they have done and in the recommendations that they have made. There are a few things that they have said that he does not personally agree with and that his clients probably will not agree with. But by and large the recommendations are recommendations that they are expected to support. He would like to compliment them and thank them for the good work they have done, but most of all their last recommendation that instead of being in this picture only once a year, that they stay in the picture at least on a quarterly basis. If they will refer to the ordinance which they adopted when they set up this Community Facilities Committee, it contemplated at that time that it would be an ongoing review and study by the Committee and not simply a one time. He has spoken to some of the members and they have the feeling that they function only when Council specifically asks them to and he suggests that they ask them to function all the time.

June 7, 1976
Minute Book 63 - Page 372

Councilwoman Chafin stated that while Mr. Sheridan and his committee are present she wonders if they could ask them to elaborate on these recommendations because she finds them very interesting.

Councilman Gantt stated he would like to make a recommendation. There is going to be an important time when the Staff is going to come back with their recommendation. He thinks it would be very appropriate to notify this Committee so when Staff comes back with its recommendation they can be here. Mr. Burkhalter stated that would be two weeks from today.

Councilwoman Chafin stated she would accept that.

It was agreed the Chairman of the Committee would be notified.

The vote was taken on the motion and carried unanimously.

RESOLUTION APPROVING A MUNICIPAL AGREEMENT WITH THE NORTH CAROLINA BOARD OF TRANSPORTATION FOR THE WIDENING OF SARDIS ROAD, FROM THE END OF FAIRVIEW ROAD EXTENSION PROJECT, EAST OF PROVIDENCE ROAD TO RANDOLPH ROAD, AND ORDINANCE NO. 111-X TRANSFERRING FUNDS WITHIN THE GENERAL CAPITAL IMPROVEMENTS PROJECTS FUND TO PROVIDE AN APPROPRIATION FOR THE SARDIS ROAD WIDENING PROJECT.

The agreement with the North Carolina Board of Transportation for the widening of Sardis Road was presented.

Councilman Whittington stated the plans being developed calls for Sardis Road to be widened to a four lane road with a five foot sidewalk abutting the back of the curb and a 62 foot right of way. He asked if we have any flexibility so we can move the sidewalk back from the curb far enough to get some trees in there? Mr. Hopson, Public Works Director, replied they intend to come back to the property owners and do as they did on Oaklawn Avenue, and place the trees just outside the curbing as they did on Sharon Lane. This is purely to expedite the project and he thinks they can make a beautiful street there. He stated the State is not anticipating trees at the present time on some of the other projects, but he hopes to work that out with them also.

Councilman Whittington stated the project is a must. What he is talking about is can we now move those sidewalks back from the curb in our commitment and construction? Mr. Hopson replied some of the area already has trees they are trying to save, and there was one area where they went from a five lane section to a four lane section. Councilman Whittington stated all members of Council with exception of one were in a meeting at the Calvary Presbyterian Church, and it was about this road all the way to Sharon Road. Anything we can do to create these buffers with trees, set back with a sidewalk like they are trying to do on these other projects, he hopes they will be conscious of that and do all they can to see that it is accomplished. Mr. Hopson stated actually and specifically with a 62 foot right of way they will not be able to do this on that part of it. Councilman Whittington asked if they can do it at the end, and Mr. Hopson replied no. The 62 foot is the center part of this 1,423 feet which amounts to approximately 800 or 900 feet. They will not have space unless they go back and redesign and start from scratch. They do intend to go through there, and get the easements and put the trees just outside the sidewalk on this particular one.

Councilman Gantt stated Council has been advocating the planting strip between curb and street; that perhaps Mr. Hopson should give Council some sort of decision paper now as to why his department has been somewhat resistant to that idea.

Mr. Hopson replied he is not resisting at all. In fact, he much prefers it from an aesthetic viewpoint. But from a financial viewpoint you get an additional eight or ten feet on each side of this road, and this

June 7, 1976
Minute Book 63 - Page 373

\$100,000 would jump considerably. He is not saying that is not what they should be doing; but he is saying that is the alternative once you widen further. It would take about a 70 to 80 foot right of way to get a tree lane in there that would support large trees.

Mr. Burkhalter stated the Oaklawn plantings is where they worked with the property owners, got easements for planting trees on their property back of the sidewalks, and after four years these will revert to the property owner. Mr. Hopson stated they take care of the trees for four years, replace them, water them and mulch and fertilize them; and then they turn them over to the property owners.

Motion was made by Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, adopting the resolution approving the municipal agreement for the widening of Sardis Road.

The resolution is recorded in full in Resolutions Book 11, at Page 454.

Councilman Withrow moved adoption of the ordinance transferring \$100,000 within the General Capital Improvements Projects to provide appropriation for the widening. The motion was seconded by Councilman Whittington, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 23, at Page 133.

AGREEMENT BETWEEN THE CITY OF CHARLOTTE AND SOUTHERN RAILWAY COMPANY FOR IMPROVEMENTS TO WOODLAWN ROAD-OLD PINEVILLE ROAD INTERSECTION.

Motion was made by Councilman Withrow, and seconded by Councilwoman Chafin to approve the agreement between the City of Charlotte and Southern Railway Company for improvements to Woodlawn Road-Old Pineville Road intersection.

Councilman Whittington stated the General Assembly in passing this statute as it relates to costs for these improvements did great harm to the Municipalities of this State. We have had to build new bridges over the railroad on Caldwell Street and on Sugar Creek Road. That he just does not understand why the Legislators would side with the railroads. That he hopes this Council, as well as the League of Municipalities, will make this a part of their legislative package.

Councilman Gantt asked what the law is? Mayor Belk replied that the City has to pay 90 percent of the cost; at one time it could be negotiated. Councilman Whittington stated here we are improving a crossing and paying for it, and even having to pay half of the cost of their signal system.

The vote was taken on the motion and carried unanimously.

CONTRACT AWARDED SOUTHEASTERN SAFETY SUPPLIES, INC. FOR FOUR TRAFFIC SIGNAL CONTROLLERS.

Motion was made by Councilman Whittington, seconded by Councilman Gantt, and unanimously carried, awarding subject contract to the only bidder, Southeastern Safety Supplies, Inc., in the amount of \$26,264.00, on a unit price basis, for four traffic signal controllers.

June 7, 1976
Minute Book 63 - Page 374

CONTRACT AWARDED ITT GRINNELL CORPORATION FOR FIRE HYDRANTS TO BE USED BY THE UTILITY DEPARTMENT.

Councilman Whittington moved award of contract to the low bidder, ITT Grinnell Corporation, in the amount of \$18,091.69, on a unit price basis, for sixty-five fire hydrants to be used by the Utility Department, which motion was seconded by Councilman Withrow, and carried unanimously.

The following bids were received:

ITT Grinnell Corporation	\$ 18,091.69
Kennedy Valve Manufacturing Company	22,381.29
B & H Carolinas	23,618.40

ALL BIDS REJECTED ON SECTION I FOR TRAFFIC SIGNAL CONTROLS DUE TO ERROR IN SPECIFICATIONS.

Upon motion of Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, all bids were rejected on Section I for Traffic Signal Controllers, due to an error in the City's specifications.

CONTRACT AWARDED HONEYWELL FOR TWELVE TRAFFIC SIGNAL CONTROLLERS.

Motion was made by Councilman Withrow, seconded by Councilman Whittington, and unanimously carried, awarding contract to the low bidder, Honeywell, in the amount of \$62,136.00, on a unit price basis, for twelve traffic signal controllers, as specified.

The following bids were received:

Honeywell	\$ 62,136.00
Singer Traffic Information	63,336.00
Signal Engr. Company	67,860.00
Econolite	80,450.25
Southeastern Safety Supplies	82,000.80
TESCO	86,094.00
Eagle Signal	94,953.00

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO HETTIE JAMES, HEIRS, LOCATED AT 119 SOUTH IRWIN AVENUE, IN THE CITY OF CHARLOTTE, FOR THE TRADE-FOURTH CONNECTOR PROJECT.

Councilman Whittington moved adoption of subject resolution authorizing condemnation proceedings for the acquisition of property belonging to Hettie James, Heirs, located at 119 South Irwin Avenue, in the City of Charlotte, for the Trade-Fourth Connector Project. The motion was seconded by Councilman Gantt, and carried unanimously.

The resolution is recorded in full in Resolutions Book 11, Page 455.

CONSENT AGENDA APPROVED.

Motion was made by Councilwoman Chafin, and seconded by Councilman Withrow, to approve the Consent Agenda items as submitted.

Councilman Whittington stated Council has asked that the Public Works Director's staff and the City Engineer's staff, and Traffic Engineering staff meet with the people on Tyvola Road before anything is done out there. If they have not met with these people, he would request that the property acquisition relating to Tyvola Road be deleted. He requested that the motion be amended to delete Item 16(a).

June 7, 1976
Minute Book 63 - Page 375

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

The following items were approved:

- (a) Settlement in the case of City of Charlotte v. Williams P. Horne and wife, Gloria M., in the amount of \$7,000.00, for Parcel No. 68, Randolph Road Widening, as recommended by the City Attorney.
- (b) Ordinance No. 112 amending Chapter 11 of the City Code by deleting Classification (47), Section 11-18 wording: "Manufacturers, Producers, Bottlers and Distributors of Soft Drinks."

The ordinance is recorded in Ordinance Book 23, at Page 133.

- (c) Contract between the City of Charlotte and Marsh Companies for construction of 2,295 l.f. of 8" sanitary sewer to serve Strawberry Hill Apartments, inside the city, at an estimated cost of \$37,660.00.
- (d) Change Order No. 1 in contract with Charles F. Smith & Son, Inc. for construction of trunk sewers in Annexation Area (1), (12), and (2), increasing the original contract price of \$987,722.00 by \$18,799.00.
- (e) Resolution authorizing the refund of certain taxes, in the amount of \$19,395.63, which were collected through clerical error and illegal levy from fourteen (14) accounts.

The resolution is recorded in full in Resolutions Book 11, at Page 456.

- (f) Five (5) Encroachment Agreements, as follows:

- (1) Encroachment Agreement with the North Carolina Department of Transportation and Highway Safety permitting the City to construct an 8-inch water main in Sardis Road to serve Sardis Road Estates.
- (2) Encroachment Agreement with the North Carolina Department of Transportation permitting the City to construct 700 linear feet of 8-inch sanitary sewer line and one manhole within the right of way of Brookford Street and the intersection of Nevada Boulevard.
- (3) Encroachment Agreement with the North Carolina Department of Transportation permitting the City to construct an 8-inch cast iron water main crossing Arrowood Boulevard at Tarcon, Inc., approximately 800 feet from Highway 49.
- (4) Encroachment Agreement with the North Carolina Department of Transportation permitting the City to construct 45.89 linear feet of 8-inch sanitary sewer line across the right of way of Nevada Boulevard.
- (5) Encroachment Agreement with the North Carolina Department of Transportation and Highway Safety permitting the City to construct a 54-inch RCP sanitary sewer line known as Irwin Creek Outfall under and across Yorkmont Road.

- (g) Five (5) property transactions, as follows:

- (1) Acquisition of 30' x 304.77' of easement at 1401 Valleydale Road (off Mt. Holly Road), from Harold Blair McGee and wife, Mayrene, at \$800.00, for Gum Branch Outfall Project.

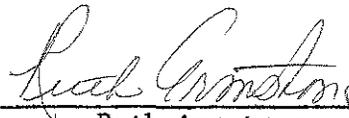
June 7, 1976

Minute Book 63 - Page 376

- (2) Acquisition of 25' x 1,333.67' x 30' x 667.14' of easement at 7615 Belhaven Boulevard, from Westbourne, Inc., at \$4,000.00, for Gum Branch Outfall Project.
 - (3) Right of Way Agreement on 931 square feet of property and 575 square feet of sanitary sewer easement at Craighead Road East, from Abernathy Lumber Company, at \$500.00, for proposed right of way Craighead Road Culvert at Sugar Creek.
 - (4) Right of Way Agreement on 3,763 square feet of property, plus a construction easement, at 3825 Raleigh Street, from Concrete Supply Company, at \$1,000.00, for proposed right of way Craighead Road Culvert at Sugar Creek.
- (h) Approval of Loan Agreement with Benjamin H. and Danyne C. Romaine, Jr. in the amount of \$55,000.00, for the improvement and restoration of property located at 315 West Ninth Street, in the Fourth Ward Restoration Project.

ADJOURNMENT.

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



Ruth Armstrong, City Clerk