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The City Council of the City of Charlotte, North Carolina, met in televised session on Monday, January 20, 1975, at 8:00 o'clock p.m., in the Board Meeting Room of the Educational Center, with Mayor John M. Belk presiding, and Councilmembers Harvey B. Gantt, Kenneth R. Harris, Pat Locke, Milton Short, James B. Whittington and Neil C. Williams present.

ABSENT: Councilman Joe D. Withrow.

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INVOCATION.

The invocation was given by Councilman Milton Short.

APPROVAL OF MINUTES OF JANUARY 6, 1975.

Motion was made by Councilwoman Locke, seconded by Councilman Whittington, and unanimously carried, approving the minutes of the regular Council Meeting on Monday, January 6, 1975.

HEARING ON PROPOSED SOIL EROSION AND SEDIMENTATION CONTROL ORDINANCE.

The hearing was called on the proposed soil erosion and sedimentation control ordinance.

Mr. Clark Readling, City Engineer, stated the 1973 General Assembly passed a statewide law that set up a Sedimentation Control Commission which had certain responsibilities, one of which was to develop a model ordinance. In working with the Planning Commission staff and the City Attorney staff, the Department of Public Works has put together the ordinance which is proposed.

Mr. Readling stated the state law became effective July 1, 1974; it is already in effect. The public agencies and utilities companies must submit their plan for any land disturbing activities they propose such as stream widening, or any work done by utility companies to Raleigh. The state law did allow local governments to enact their own ordinance to accomplish the same purpose. Public hearings have been held across the State of North Carolina by the State; one of which was held in Charlotte. They are now holding workshops and seminars on the state law.

He stated in preparing this ordinance they worked with the State Sedimentation Control Commission, with the North Carolina Soil Conservation Service and with Mecklenburg County.

Mr. Readling then reviewed the key points of the ordinance; after which he referred to photographs indicating the soil erosions and how the erosion and sedimentation could be controlled.

He stated a plan is required by all land disturbing activities beyond one acre of land disturbed; the plan is reviewed by the City and the Soil Conservation Service, and a permit is granted by the City. Immediately inspection of the site begins as grading commences; inspections will be held along the way to make sure the protective devices are maintained until a stand of grass is achieved or whatever is required. In cases that developers or persons involved in land disturbing activities do not agree with decisions made by the City, there is an appeals board. In the case of the proposed ordinance, it is the Planning Commission. This Commission would hear and pass on the appeal. The law allows a penalty of a maximum of \$100.00 for violations, and each successive day is a separate violation which could mean as much as \$100 a day.

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There is also a criminal penalty for infraction, which is a misdemeanor; then there is right for injunction.

Mr. Readling stated the State has a process in adopting the ordinance which they would like for the City to follow. First is the ordinance and budget review by the City Council. The public hearing is being held tonight. Then the Sedimentation Control Commission reviews the ordinance - this is the group in Raleigh. Then Council adopts the ordinance, and then adoption by the Sedimentation Control Commission. Enforcement of the ordinance, and there is a target date of March 1975.

Councilman Short stated Section 15 paragraph (d) says the plan required by the section shall contain architectural and engineering drawings, maps, assumptions, calculations and narrative statements as needed to adequately describe the proposed development and the measures planned to comply. He asked what that will cost a developer? Will it cost over and above architectural services that he would have anyway? Mr. Readling replied it may cost him more, and it probably will cost some more because at present he is not required to obtain a grading permit. That they see the plans when he submits them if it is a subdivision. Under the proposed ordinance it would require some additional work, but they do not feel it would be a great amount of difference. Councilman Gantt stated he would see a little more work involved on the part of the architect in terms of preparation of site plans; but not substantially more, and he does not think it would be the kind of money that would cause this ordinance not to be considered. Councilman Short asked him if he views it as unduly expensive or impractical from the expense point of view? Councilman Gantt replied no; but that is his own personal opinion.

Councilman Williams asked if the County Commissioners have adopted similar ordinance? Mr. Readling replied they have. There are a few differences. One is the County has set up an appeals board that is not the Planning Commission. That is probably the main point. Another difference is the fee charged which is 1/10 percent per square foot; that he does not believe the County has a fee.

Councilman Whittington stated he is for the ordinance as he understands it. But he would like to know if it is practical to have one ordinance and one Sedimentation Control function with the City and County? The proposed ordinance recommends the City hire a staff of nine people; and just across the street, we have a county ordinance. The state law says you have to have the ordinance. The question is if it is feasible for us to put these two together? Mr. Readling replied it may be feasible. As he sees it we coordinate with the county in the ordinance. That his office did not address itself to one ordinance for the city and county. Councilman Whittington asked if he or his department will give Council a recommendation prior to the City enacting this ordinance, on whether we should have one or two ordinances? Mr. Readling replied they will do that.

Councilman Harris stated he has received comments from people already concerned about this dual role. That he would like to know the reason for both ordinances. If the builder or developer is in the city, does he have to go to the county and to the city for his permits in order to move dirt. Then if he has to appeal does he have to appeal to both boards, and have two appeals going at one time? Mr. Readling replied no. The reason they felt the city ordinance was needed, as well as the county ordinance which is already in effect, was that the procedures we have now for land development activities - that is, the subdivision ordinance is administered separately; floodway ordinance is separate; building inspection departments are separate. All of this is tied together. At present, anyone who wishes to build a building in Charlotte goes for a building permit, and that permit is routinely circulated through the Engineering Department's office. This would merely be an extension of that type of activity.

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Councilman Harris asked how many people will be needed for this operation? Mr. Burkhalter, City Manager, replied the original estimate was eight or nine, and that has been reduced. Mr. Readling stated they are not prepared to talk about budget because it has been cut substantially, and they are still working with the budget office.

Councilman Gantt asked if the only objection the County has is they do not like the fact that the Planning Commission would review all appeals. Is that the only objection. It seems to make a lot of sense to have a joint ordinance, even if you still want to administer it through your various engineering departments, although he would see some benefits in combining those. Mr. Readling replied that is the main difference. Councilman Gantt asked if we can appoint an appeals board - three from the county and three from the city to hear these appeals? That he would certainly feel the Planning Commission would probably be the proper kind of agency to review these decisions as they are already involved in land development, zoning and other kinds of things. Councilwoman Locke stated the City Council appoints five members to the Planning Commission, and the County Commissioners appoint five members. Councilman Gantt asked if it would be worthwhile for Council to get together with the County Commissioner and find out whether or not this can be worked out. He asked if they have been approached about this? Mayor Belk replied we have talked about it, but we have not approached them.

Mr. Burkhalter stated Mr. Readling's job was to prepare the ordinance while we were under the fire of the State Department. That it is not his job to decide on the consolidation of a department; that is up to City Council. The city does not have to adopt any ordinance; if it does not the State will enforce the law. At the beginning we did work with the idea that the governing bodies might want to combine these functions, and we worked with the County at staff level. All the work on their ordinance and on our ordinance was done reasonably in conjunction with each other. The State ordinance was followed. The two staffs agreed that the Planning Commission was the place for this to be done, and this is what both staffs agreed on. But the County Commission did not think that was right, so they set up a separate board to review it. The City left their original as it was, and it is still the recommendation. If you talk about consolidating the two, you should look carefully at the important procedures of who would do it and how it is to be done. He stated we have between 40 and 50 engineers in our division; we have a very strong public works department that is involved across the board in many of these functions. It is a broad area of professional expertise in many of these areas. That either way we go, he thinks we should not lose this, and incorporate some review by these people. Mr. Burkhalter stated he thinks that all agree that consolidation of the service would be terrific.

Mayor Belk stated he does not see where the State could ever enforce this, and he thinks it has to come back to local government for enforcement. If we can work it out with the County that is fine; if not we will have to do it anyway.

Councilman Harris stated if the City does not pass an ordinance, would the community be protected under the county ordinance? Mr. Underhill, City Attorney, replied the county has no jurisdiction inside the city limits. Mr. Burkhalter stated it will be the state if the city does not adopt an ordinance.

Councilman Short suggested that the Mayor discuss this with the Chairman of the County Commission. Mayor Belk replied he would be glad to do this; that he has spoken to her, but not in detail. Councilmembers Whittington and Locke stated they think it makes a lot of sense to do this together.

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Mr. William Berry stated he appears on behalf of the Charlotte Home Builders Association, an organization comprised of approximately 275 members of which 86 are home builders. He stated the Association has been actively involved with sedimentation control ordinances on the state and local level for more than one year now. However, this is the first time they have been given a chance to review or critique the proposed city ordinance. In the past, they have found a joint effort in the preparatory stages of such an ordinance minimizes unnecessary delays and revisions during the public review and public hearing periods.

He stated in general, the ordinance follows closely to the guide for local ordinance as set forth by the State Commission on Sedimentation. Adoption of a uniform act will encourage desirable uniformity of interpretation and administration of the programs of the various local governmental units in the state and Mecklenburg County.

Mr. Berry stated they would like to comment more specifically to the variances that now appear in the proposed ordinance opposed to the recommendations of the State Commission and existing local ordinances in the Charlotte area.

1. Calendar days in lieu of working days. The proposed city ordinance addresses itself to the use of calendar days in lieu of working days as specified in the Sedimentation Pollution Control Act of 1973. They see no need for variance concerning the definition of days and recommend that the city comply with the guidelines as specifically defined in the State Act.
2. Concern about requirements for permanent downstream protection of stream banks and channels. They are particularly concerned about the propriety, impact, burden and responsibility imposed by Sections 7 (d) and (e) of the proposed ordinance relative to requirements for permanent protection of off-site stream banks and channels from the presumed erosive effects of increased velocity and volume of storm water runoff resulting from "land-disturbing activities." The language of these sections is contained verbatim in the proposed model ordinance and the proposed Charlotte one. These requirements become effective when the State Commission issues its order that these provisions shall be implemented, but no later than January 1, 1977.

The import of these provisions is that after a developer has fully complied with all of its approved erosion and sedimentation control plan by providing ground cover and other measures to minimize the erosive effect of on-site grading and other unavoidable land disturbing activity, he must at his expense, construct on site a permanent pond or similar facility for storage and controlled release of storm water. This provision appears to presume that an on-site holding pond or other facility will be necessary. Being permanent in nature, the pond or other facility must be permanently maintained. As provided in Paragraph 12 of both the State Regulations and Model Ordinance, the maintenance responsibility is initially that of the developer. But is inherited by the landowner after site development is completed. Failure to acquit the responsibility subjects the developer or landowner to the civil and criminal penalties perscribed by the Act, regulations and ordinance.

They feel these requirements for on-site permanent facilities to alleviate presumed possible off-site down-stream problems are too onerous and should be eliminated or modified.

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Although these requirements purport to be related to the potential problems of erosion and sedimentation, it appears that realistically they are more directly related to flood control, which is not an undertaking that is within the spirit and intent of the Act. The practical effect of these requirements are to impose upon private developers and landowners the burden of expense and responsibility that should be borne by the public at large. Further, these requirements appear to materially alter the legal duty of a lower landowner and the public to receive surface water and natural sedimentation from higher lands, the upper owner having the right to increase and accelerate the flow as long as he does not divert it from its natural course.

Typically, the permanent storage or control facility will be an on-site pond which upon some occasion will be full and on others empty. It would seem that such conditions would contribute to visual pollution. The perpetual maintenance of such a facility occasions a number of practical problems. Such a pond may not be surrounded with a protective fence as a deterrent to children attracted by this facility. Since frequently such a barrier would impede the storm runoff into the pond. From time to time the accumulated silt deposit must be removed and the embankments repaired or reconstructed. It seems unrealistic to assume that landowners can or will effectively shoulder this ongoing expense or will be willing to assume the risk of harm to children and others who may be attracted by the unprotected facility - now withstanding the penalties prescribed by the Act and Regulations for their failure to do so.

These requirements appear to go too far and to be too drastic when compared to some of the responsibility, free activities that are excluded from the Act, notably the plowed fields of farming operations. Protection of off-site down-stream banks and channels should be the responsibility of the public acting through its local government. The establishment and maintenance of effective storm water storage and control should be the responsibility of local government, not private landowners. Common facilities operated and controlled at public expense would appear to be a more realistic solution than a multitude of on-site ponds and facilities that are presumably to be maintained and controlled by private landowners.

He stated fortunately the implementation of these requirements will be delayed until a later date when the Commission orders them into effect. They urge the City Council to request the State Commission to rethink the whole problem occasioned by these requirements.

3. Permit fee. They would like to recommend that the fee being proposed be eliminated. It is their feeling that a public act for the good of the public should be controlled through the use of public funds as is the present situation at the State level and also in the similar ordinance now in effect in Mecklenburg County.

Councilman Short asked if he is saying that 7(e) amounts to flood control? Mr. Berry replied he is saying that it amounts to storm water management which is a method of flood control. That he would suggest if you want a flood control ordinance then adopt a flood control ordinance, do not hide it and call it sedimentation control. Councilman Gantt stated Section 6 points out the objectives of the ordinance; and clearly calls for management of storm water runoff. Mr. Berry stated if they read the state act, there is no place in that act stating anything concerned about permanent or down-stream protection. The permanent downstream protection came into being in the state rules and regulations which were adopted by the Commission; they were not at any time put into the original legislation that was enacted. Councilman Short stated then he is saying this is flood control rather than sedimentation control, and that it is also beyond our enabling? Mr. Berry replied the last comments would probably be for the courts to decide in the future. The State Commission was given power to enact state rules and regulations. From that they have enacted state approved rules and regulations, and it appears there. Whether or not they had the power to do that is his question.

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Mr. Berry stated they recommend that the ordinance be adopted with modification to conform as closely as possible to the State Model Ordinance.

Decision on the ordinance was deferred until a later date.

PRESENTATION ON THE ENVIRONMENTAL IMPACT OF TRAFFIC ON MAJOR ARTERIES THROUGH RESIDENTIAL AREAS.

Mr. Lewis Clark, Lewis Clark and Associates, stated the description of what he has to speak about falls into two parts. One, new thoroughfares. Obviously with an awareness and good planning they need not produce the problems we have today. In the past thoroughfares have been pushed through residential districts, and communities have been disturbed, and community identity has been lost. Generally these are 60 foot right of ways because of State Highways. We come by with an 18 or 20 foot road; and life on the street is good, and it has community identity. Then the traffic increases and increases, and in the past it has been unplanned, so it is then widened to another lane, and then two lanes. Most of these streets now are 44 feet from curb to curb and eight feet from the curb to the property line. The average house on a 75 to 90 foot lot is 150 feet deep. The setback from the house to the front of the street is 40 feet. Without thought and without decent planning four lanes of traffic have been put through and it is mixed with trucks, buses, cars and everything goes through 40 feet from where people live.

He stated he has prepared for Council a very brief outline of how the problem might be approached. This deals entirely with those conditions which because of unawareness in the past, now exist. It does not deal with those conditions which good thoroughfare planning, use of the social sciences, the human sciences can stop in the future.

Mr. Clark stated they have no contract to do this work, and therefore the answers have not been prepared. Obviously traffic is the big problem. If we could reduce the traffic, put the street back to two lanes the problem would be solved. But Murphay's law says if you widen the street, traffic increases to match the width of the road. So the volume is going to go up.

Mr. Clark stated acoustics is one of the prime problems. What provisions can be taken to solve the acoustics problems on these streets. He stated they checked with HUD, HEW, and Agricultural Department, and they could find out how to landscape a farm house, and what to do downtown; no one has bothered about this suburban area.

He stated there are only two possible solutions. What the City can do, and what the homeowner can do. He referred to drawings and stated they are not solutions but are approaches to the problem. He stated there was only one area they could study as far as the city is concerned. The eight feet from the curb back to the city property, and then possibly another eight feet. If they can improve in 16 feet, they will improve road conditions, and living conditions. The eight feet on private property might be an easement, perhaps the sidewalk could be on private property. This would leave room for sufficient planting. This would enable a new street scene to be developed. This would put in a barrier between the road and the space in which people live. The other possibility is to move the trees onto private property, and plant an area. A hedge planted within the 16 feet on private property, two feet of the sidewalk in it, then the row of trees allow some barrier between this and the houses. The reciprocal idea is to plant hedge forms next to the road, allowing the people to walk on the left side of the road.

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Mr. Clark stated all he has done is to show visual barriers. It will not solve acoustics. The only thing that will solve acoustics is distance for a barrier to absorb the sound or reflect it. The greatest thing is to reflect the sound back into the road, or try to reflect it back over the house.

He stated one of the problems on the four lane streets is traffic friction on intersections. The intersections could be reduced. Take some of the streets and cul-de-sac them one house back to form a community neighborhood and identity with access back to the control point. That would mean there would be a piece of property owned by the city that could take a bus stop by pulling the traffic off the busy roads. It would also enable a little green spot. The more nodes we can get on the street; the more interest we give the people. This has fantastic possibilities for children. This is really talking about a relatively small acreage of city land, but effecting a lot of people. If it could be done for only a 100 or 1000 people the effect would be tremendous.

Mr. Clark stated there is a possibility on the curb of getting the citizens to participate in some form of hedge planting that would interrupt the headlights from going through. There is a possibility of designing a sidewalk that goes to the edge of the road, comes in and has many, many variations within that 16 feet. He stated if they will look through the handout which he has given them, it will give some ideas of what the citizens can do.

How far can the city go towards offering advice to the citizens? If four or five neighbors could get together to solve their problem, it is nice to say that community action can collaborate with the city and get the problem solved. That he is not sure this can happen. But he does believe the city should take a serious look at what it can do and to offer the best advice to residents on those lots as to what they can do.

No action was taken on the proposal by Council.

Mayor Belk thanked Mr. Clark for the excellent presentation.

EMERGENCY EMPLOYMENT PLAN, APPROVED.

Motion was made by Councilman Gantt, and seconded by Councilwoman Locke to approve the emergency employment plan as follows:

- (a) Approval of the allocation of jobs.
- (b) Adoption of Ordinance No. 517-X amending the 1974-75 Budget Ordinance amending the revenues and expenditures of the Manpower Department, in the amount of \$135,316 to provide the initial appropriation for the Emergency Employment Program.
- (c) Authorize an amendment to the CETA agreement for the addition of Title VI which provides for the Emergency Employment Program.

Mr. Person, Director of Manpower Department, stated they have worked diligently to try to implement the new Emergency Job Program recently passed by Congress. Until December 31, they had very little information when they were summoned to Raleigh to get some instructions as to the guidelines of how to proceed. Nothing was said about the amount of money at the meeting; but did say that under the new legislation which is referred to as Title VI of CETA that they could begin to think in terms of (x) number of jobs for the City of Charlotte, and come back immediately and see how many jobs could be created within government itself as well as those non-profit agencies.

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Mr. Person stated several weeks prior to that they had sought this legislation, and some members of Council had inquired of them what was being done in the event such legislation was passed. At that time Council was told they had talked with many of the Department heads within City Government, and they were beginning to think about this. On January 3, they received instructions from the Department of Labor that Charlotte had been allocated \$426,244.00. They said at that time that Charlotte should fill out a four page application indicating how this money could be spent, and also use as a guideline the figure of an average salary of some \$7800. As a result of this, they concluded approximately 54 jobs could be provided. The Department heads who got their proposals in immediately were used for submission so they could tie down the money for Charlotte. It had been pointed out previously these positions would not necessarily be binding on the community; but they could revise them in the program modification that was to be submitted to the Department of Labor on or before February 10. This is what was done in accordance with Council's wishes on January 6 to proceed with the application.

He stated since that time they have had a number of applicants come into their office to apply for these jobs. They had on hand approximately 1,000 applications they had been receiving on a day to day basis since October. During last week, as of Friday, there were 306 applicants who had filed at the end of that work day. On hand now they have some 1300 applicants.

One of the things they need to recognize is that these jobs that are to be created are temporary ones. It is to aid in the emergency nature of the unemployment. The allocation for Charlotte was based on the unemployment figures as of October 31, which at that time reflected some three percent in Charlotte-Mecklenburg. In November it was 5.6 percent. Tonight he understands it has reached the highest level of all of 7.2 percent - the SMSA. For Mecklenburg he supposes it can be assumed that it is around 6.5 percent at least.

Mr. Person stated included in the agenda is information relating to the general provisions of the regulations, and also the CETA guidelines that have to be followed. Those who are eligible for these positions are: (1) persons who have been unemployed and have exhausted their unemployment insurance; (2) persons who are unemployed who are not eligible for unemployment insurance benefits; and (3) persons who have been unemployed for fifteen (15) or more weeks. Initially there were conflicting guidelines in that they said they should try to get at least 30 percent veterans into these programs. That has been rescinded, and they are to give attention to welfare recipients, and others of lesser means.

Mr. Person stated also included is a summary of the job slots that were created by the various departments in City Government. He stated they have projected some suggested priorities as it relates to staff. These are in no way binding on Council or its decision. They did look at these with an eye towards not developing any jobs that would be ongoing, or that have been presented some time previous. They are suppose to focus on projects when and where possible to get as many individuals into employment as possible.

Councilman Harris stated he would like to reiterate what Mr. Withrow said last week. The idea of minimum wage would be a better guideline than trying to compensate at \$7800 a year. That the jobs and money could be spread through more positions. Mr. Person replied according to the regulations it is pretty difficult to do this; the \$7800 figure has been relaxed. But they say that wages less than the ongoing wages for a similar type job should not be paid.

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Councilman Harris stated he disagrees with the Employment Security Commission's seven positions; that he does not think that is a function of City government. Councilman Whittington stated he concurs in that; that is a mistake; that is a State responsibility, and a lot of this we are taking over for the State and FEDS as it is. That he will not vote for the seven positions under the Employment Security Commission where the city would give them clerical help to process the applicants. Mr. Person stated it was suggested that anywhere possible that we would perhaps fill such positions because of the unemployment insurance benefit addition that was made in this same legislation. The employment benefit has now been extended by an additional 26 weeks. Therefore, many persons who have previously been cut off are now eligible. Also as a part of this legislation there are other persons covered who have not previously been covered. Domestic, farm workers and certain governmental workers were not covered under U.I. benefits. The idea was to try to alleviate the long lines that we see towards trying to serve these people so they can get the benefits and have money in hand. Councilman Harris stated he agrees with Mr. Person's comments; but as Mr. Whittington said the question is who and what we do with our money. The first priorities should be something like the Public Works. That he does not think the City should be involved with the Neighborhood Centers Project of getting involved with the County's function by providing the same type of services to the community.

Councilman Short stated this refers to CETA Title VI guidelines and eligibility criteria, and then Mr. Person says he is giving some provisions from these. These guidelines as he understands it are federal guidelines, among those guidelines is the comment that "local communities should give strong consideration to placing participants in unemployment insurance service office." He asked if it is not correct that federal agencies who have provided these funds are saying that it should be used to bolster the personnel in the Unemployment Offices? Mr. Person replied it is used as an example; it is not mandatory. They also said we should consider persons for food stamps to be served in this way. He stated they checked with the County on this, and they feel at this time they can manage fairly well. These are the only reasons they were projected. It did lend itself to a service to the people of this community in meaningful ways, whether for unemployment benefits or for food.

Councilman Gantt stated it seems the problem is so tremendous that we are going to sit here and talk about essentially 69 jobs which have been recommended. That Mr. Person has pointed out the unemployment rate has now gone to 7.2 percent. That he does not know that he wants to sit here and beef about the allocation of 62 jobs because he feels we will get a lot more money, for more public services. That he would like to ask the city to consider evaluating the possibility of using some of these funds in non-city agencies. In looking through some of the requests under CDRS there are a number of agencies that could use assistance; that might be considered as serving the public interest. That he wonders if Council should not consider it as a possibility. That he feels that things such as drug abuse problems and some of the social service types of things could be funded.

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

The ordinance is recorded in full in Ordinance Book 21, at Page 415.

Council then considered the allocation of positions.

Councilwoman Locke moved that the seven positions under Employment Security Commission be deleted. The motion was seconded by Councilman Whittington.

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Councilman Short stated he is not sure that this should be deleted. Councilman Whittington stated it was his hope from the very beginning that we could take this \$400 thousand plus and put people to work who are now unemployed with a minimum salary that we could get by with. It tears at his heart and conscious to believe that we are going to spend \$400 plus thousand for 68 or 69 people. That is an awful lot of money when all these people are unemployed. To do what No. 1 says is supplementing what the State is already doing. Let the City find some other people and get them to work. That is why he thinks some of the categories suggested are wrong, and he would like to go down them. That he intends to vote against them, and he hopes that those that are eliminated such as Employment Security Commission that they will try and get laborers to clear out creeks, carpenters to repair homes, curbs and so forth. Let's get people to work.

Councilman Short asked if he feels clearing creeks is a more urgent local priority than processing people through the unemployment system? Councilman Whittington replied he does; the man that is unemployed is going to get that check; it may take a little longer to get it if he is entitled to it. But if we can put somebody to work to relieve receiving that check, then he thinks that is making progress.

Mr. Person stated there are 70 suggested slots. They are thinking about 54 positions if they use the \$7800 average. Some of them would come under \$7800; but under no circumstances can you spend more than \$10,000 for any one position.

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

YEAS: Councilmembers Locke, Whittington, Harris and Williams.
NAYS: Councilmembers Gantt and Short.

Councilman Harris moved that the one position under Neighborhood Centers be deleted and the remainder of the positions be approved. The motion was seconded by Councilwoman Locke, and after discussion, carried as follows:

YEAS: Councilmembers Harris, Locke, Whittington and Williams.
NAYS: Councilmembers Gantt and Short.

Councilman Gantt asked if they are against using these funds for agencies outside the City? Councilman Harris replied yes. Councilwoman Locke stated the County has money to operate a program also.

Councilman Gantt stated there was a question about getting a clearance from the Labor Department on the five positions for MOTION. Mr. Burkhalter, City Manager, stated this is one he would like to ask Council to omit because of the many problems it brings.

Councilman Whittington moved that the five positions under MOTION, Inc. be deleted. The motion was seconded by Councilman Harris, and carried unanimously.

ORDINANCE NO. 518-X AMENDING ORDINANCE NO. 214-X, THE 1974-75 BUDGET ORDINANCE AMENDING THE TABLE OF ORGANIZATION FOR THE BUILDING INSPECTION DEPARTMENT.

After explanation by the City Manager motion was made by Councilman Gantt, seconded by Councilwoman Locke, and unanimously carried, to adopt the subject ordinance amending the Table of Organization for the Building Inspection Department by deleting one position in Class No. 016, Clerk II, and two positions in Class No. 028, Clerk Typist II, and adding two positions in Class No. 018, Clerk III, and one position in Class No. 028, Clerk Typist II, to be effective January 22, 1975.

The ordinance is recorded in full in Ordinance Book 21, at Page 416.

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AGREEMENT BETWEEN THE CITY AND SOUTHERN BELL COMPANY FOR RELOCATING CERTAIN AERIAL CABLE FACILITIES ALONG BYRUM DRIVE.

Motion was made by Councilman Whittington, seconded by Councilwoman Locke, and unanimously carried, approving the subject agreement for relocating certain aerial cable facilities owned by the Company presently located along Byrum Drive, which the City widened during the Spring of 1974.

EXTENSION OF CONTRACT WITH ARNOLD THOMPSON ASSOCIATES, INC. TO CONTINUE ELEMENT III, AND ORDINANCE NO. 519-X TRANSFERRING FUNDS FROM THE UNAPPROPRIATED AIRPORT FUND BALANCE TO PROVIDE SUPPLEMENTAL APPROPRIATION TO CONTINUE TERMINAL DEVELOPMENT PROGRAM.

Upon motion of Councilman Harris, seconded by Councilman Whittington, and unanimously carried, extension of contract with Arnold Thompson Associates to continue Element III of the Airport Expansion was authorized, and the subject ordinance was adopted transferring \$260,000 to continue the terminal development program through June 1975.

The ordinance is recorded in full in Ordinance Book 21, at Page 417.

RESOLUTION APPROVING GRANT OFFER FROM THE FEDERAL AVIATION ADMINISTRATION AND ORDINANCE TRANSFERRING FUNDS, ADOPTED.

Councilman Whittington moved adoption of the following resolution and ordinance for the safety grooving of Runway 5/23 at Douglas Municipal Airport as required by FAA, which motion was seconded by Councilwoman Locke, and carried unanimously:

- (a) Resolution approving a grant offer from the Federal Aviation Administration for reimbursement of construction cost in the development of the Airport Master Plan, in the amount of \$56,775, which represents approximately 75% of the total estimated project cost of \$75,700.00.

The resolution is recorded in full in Resolutions Book 10, at Page 287.

- (b) Ordinance No. 520-X transferring \$75,700 from the unappropriated balance of the Airport Fund to provide an appropriation for safety grooving of Runway 5/23 at Douglas Municipal Airport.

The ordinance is recorded in full in Ordinance Book 21, at Page 418.

LEAA SUBGRANT AWARD BETWEEN THE CITY AND N. C. DEPARTMENT OF NATURAL AND ECONOMIC RESOURCES, DIVISION OF LAW AND ORDER FOR TWO MOBILE CRIME PREVENTION UNITS AND ORDINANCE NO. 521-X AMENDING ORDINANCE NO. 214-X, THE 1974-75 BUDGET ORDINANCE AMENDING REVENUES AND EXPENDITURES TO ESTABLISH AN APPROPRIATION FOR THE LEAA FUNDED CRIME PREVENTION PROJECT.

Upon motion of Councilman Harris, seconded by Councilman Williams and unanimously carried, the LEAA subgrant award was approved between the City and the N. C. Department of Natural and Economic Resources, Division of Law and Order for two mobile crime prevention units, and the subject ordinance amending revenues and expenditures in the amount of \$75,590 to establish an appropriation for the LEAA funded Mobile Crime Prevention Project was adopted.

The ordinance is recorded in full in Ordinance Book 21, at Page 419.

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ORDINANCE NO. 522 AMENDING CHAPTER 5 OF THE CODE OF THE CITY OF CHARLOTTE TO REFLECT UPDATED STATE BUILDING REGULATIONS.

Councilwoman Locke moved adoption of subject ordinance amending Chapter 5 of the Code of the City of Charlotte to reflect updated State Building Regulations, which motion was seconded by Councilman Whittington, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 21, at Page 420-421.

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

Upon motion of Councilman Whittington, seconded by Councilwoman Locke, and unanimously carried, ordinances were adopted affecting housing declared "unfit" for human habitation, as follows:

- (a) Ordinance No. 523-X ordering the demolition and removal of the dwelling at the rear of 824 Rosetta Street.
- (b) Ordinance No. 525-X ordering the demolition and removal of the dwelling at 824 Rosetta Street.
- (c) Ordinance No. 524-X ordering the dwelling at 2331 Booker Avenue to be closed.

The ordinances are recorded in full in Ordinance Book 21, beginning at Page 422.

ORDINANCES ORDERING THE REMOVAL OF WEEDS, GRASS, TRASH, RUBBISH AND ABANDONED VEHICLE.

Motion was made by Councilman Whittington, seconded by Councilman Short, and unanimously carried, adopting the following ordinances ordering the removal of weeds, grass, trash, rubbish and an abandoned vehicle:

- (a) Ordinance No. 526-X ordering the removal of trash and rubbish at 4927 Morgan Street.
- (b) Ordinance No. 527-X ordering the removal of weeds and grass at 1713 Cleveland Avenue.
- (c) Ordinance No. 528-X ordering the removal of an abandoned vehicle at 2241 Irma Street.

The ordinances are recorded in full in Ordinance Book 21, beginning on Page 425.

RESOLUTION AUTHORIZING REFUND OF CERTAIN TAXES LEVIED AND COLLECTED THROUGH CLERICAL ERROR.

Councilman Short moved adoption of a resolution authorizing the refund of certain taxes, in the amount of \$98.39, which were levied and collected through clerical error against one tax account. The motion was seconded by Councilman Whittington, and carried unanimously.

The resolution is recorded in full in Resolutions Book 10, at Page 288.

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RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR SHARON AMITY ROAD
WIDENING PROJECT.

Councilman Whittington moved adoption of a resolution authorizing condemnation proceedings for the acquisition of property belonging to B.E.W. Corporation located at 3121 North Sharon Amity Road for the Sharon Amity Road Widening Project. The motion was seconded by Councilman Short, and carried unanimously.

The resolution is recorded in full in Resolutions Book 10, at Page 289.

Motion was made by Councilman Whittington, seconded by Councilwoman Locke, and unanimously carried, adopting a resolution authorizing condemnation proceedings for the acquisition of property belonging to Tenneco Oil Company, located at 3601 North Sharon Amity Road for the Sharon Amity Road Widening Project.

The resolution is recorded in full in Resolutions Book 10, at Page 290.

Upon motion of Councilman Whittington, seconded by Councilwoman Locke, and unanimously carried, the resolution authorizing condemnation proceedings for the acquisition of property belonging to Ward Walden and wife, Margaret K. Walden; W. I. Henderson and Robert E. Perry, Jr., Trustees; Home Realty and Management Company, and Humble Oil and Refining Company, Lessee, located at 3612 North Sharon Amity Road for the Sharon Amity Road Widening Project, was adopted and is recorded in full in Resolutions Book 10, at Page 291.

Councilman Whittington moved adoption of the resolution authorizing condemnation proceedings for the acquisition of property belonging to Marathon Finance Company located at 3139 North Sharon Amity Road for the Sharon Amity Road Widening Project. The motion was seconded by Councilwoman Locke, and carried unanimously.

The resolution is recorded in full in Resolutions Book 10, at Page 292.

Motion was made by Councilman Harris, seconded by Councilman Whittington, and unanimously carried, adopting the resolution authorizing condemnation proceedings for the acquisition of property belonging to Continental Restaurant Systems, Inc., located at 3101 North Sharon Amity Road, for the Sharon Amity Road Widening Project.

The resolution is recorded in full in Resolutions Book 10, at Page 293.

PROPERTY TRANSACTIONS AUTHORIZED.

Motion was made by Councilman Whittington, seconded by Councilwoman Locke, and unanimously carried, authorizing the following property transactions:

- (a) Acquisition of 30' x 130' x 30' x 130' at 1132 Elizabeth Avenue, from A. R. Lankford, at \$48,555.00, for Kings Drive Relocation.
- (b) Acquisition of 20.52' x 311.49' x 6.76' x 291.12' x 14.34' plus construction easement, at 3100 North Sharon Amity Road, from Exxon Corporation, at \$7,650.00, for Sharon Amity Road Widening.

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- (c) Acquisition of 18.67' x 126.25' x 27.43' x 8.16' x 27.43' x 8.78' x 118.01', plus construction easement, at 2630 North Sharon Amity Road, from Phillip E. Gerdes and wife, and Lyndell D. Thompson and wife, at \$2,550.00, for Sharon Amity Road Widening.
- (d) Acquisition of 35.40' x 65.49' x 6.0' x 64.54' x 34.95', plus construction easement, at 2700 North Sharon Amity Road, from John G. Plumides and Michael G. Plumides, at \$500.00, for Sharon Amity Road Widening.

SANITARY SEWER EASEMENTS FOR ANNEXED AREAS, APPROVED.

Councilwoman Locke moved approval of the following ten (10) parcels of sanitary sewer easements for the annexed areas, which motion was seconded by Councilman Whittington, and carried unanimously:

- (a) Annexation Area I(2) Sanitary Sewer Trunks and Collector Mains
1 parcel
- (b) Annexation Area I(4) Sanitary Sewer Additions
2 parcels
- (c) Annexation Area II(7) Sanitary Sewer Additions
1 parcel
- (d) Annexation Area I (11) Sanitary Sewer Trunks
6 parcels

CLAIM BY NORTH CAROLINA NATIONAL BANK, APPROVED FOR SETTLEMENT.

Upon motion of Councilman Short, seconded by Councilman Whittington, and unanimously carried, subject claim, filed by Clontz and Morton, attorneys for North Carolina National Bank, was approved for proceeds in the amount of \$843.94, from the sale of a motor vehicle impounded by the Charlotte Police Department and sold at public auction.

SETTLEMENT OF THREE CONDEMNATION ACTIONS IN CITY VS. HENRY RECTOR HARVEY, ET AL, APPROVED.

Motion was made by Councilman Whittington, seconded by Councilman Short, and unanimously carried, approving the settlement of three condemnation actions in the City vx. Henry Rector Harvey, et al, in the amount of \$5,550.00, as recommended by the City Attorney, and concurred in by the Real Estate Department.

CONTRACTS FOR SANITARY SEWER EXTENSIONS, APPROVED.

Councilman Harris moved approval of the following contracts for sanitary sewer extensions, which motion was seconded by Councilman Whittington, and carried unanimously:

- (a) Contract with Mach Investment Group, for the construction of 310 linear feet of 8-inch street main in I-85 Service Road, inside the city limits, at an estimated cost of \$6,350.00. The Applicant has deposited 100% of the estimated construction cost, with refunds to be made as per the agreement.

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- (b) Contract with New South Properties, Inc., for the construction of 4,810 linear feet of 8-inch street main in McMahan Drive, outside the city limits, at an estimated cost of \$62,175.00, with the applicant to construct the entire system at his own cost and expense, and the city to own, maintain and operate, and retain all revenues.

CONTRACT AWARDED WHEELABRATOR-FRYE, INC. FOR RUBBER REMOVAL FROM RUNWAY 5/23 AT DOUGLAS AIRPORT.

Upon motion of Councilman Short, seconded by Councilwoman Locke, and unanimously carried, contract was awarded the low bidder, Wheelabrator-Frye, Inc., in the amount of \$7,199.00, for rubber removal from Runway 5/23, subject to FAA concurrence in the award to the low bidder, satisfying the Equal Employment Opportunity Compliance determined by the FAA; the FAA grant offer and official acceptance by the City.

The following bids were received:

Wheelabrator-Frye, Inc.	\$ 7,199.00
Concrete Grinding & Grooving, Inc.	7,986.00
Transportation Safety Systems, Inc.	18,150.00

CONTRACT AWARDED CONCRETE GRINDING AND GROOVING, INC. FOR GROOVING RUNWAY 5/23 AT DOUGLAS AIRPORT.

Motion was made by Councilwoman Locke, seconded by Councilman Short, and unanimously carried, awarding contract to the low bidder, Concrete Grinding and Grooving, Inc., in the amount of \$58,500, for grooving Runway 5/23, subject to FAA concurrence in the award to the low bidder, satisfying the Equal Employment Opportunity Compliance determined by the FAA, and the FAA grant offer and official acceptance by the City.

The following bids were received:

Concrete Grinding & Grooving, Inc.	\$ 58,500.00
Cardinal Industries	58,950.00
Transportation Safety Systems	71,250.00
Pavement Specialists, Inc.	72,000.00
San Diego Concrete Cutting Company	134,375.00

ALL BIDS RECEIVED FOR NICKEL COPPER ALLOY STEEL PIPE, REJECTED.

Councilman Whittington moved that all bids received for nickel copper alloy steel pipe be rejected, which motion was seconded by Councilwoman Locke, and carried unanimously.

SATELLITE ANNEXATION LEGISLATION, DISCUSSED.

Mr. McIntyre, Planning Director, stated about a month ago the City Attorney developed a memorandum on the state legislation on satellite annexation, with copies to the City Councilmembers. That perhaps Mr. Underhill should explain the legislation first, and then he will talk about the potential application of the legislation to Charlotte.

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Mr. Underhill stated basically there are six significant features of the legislation. (1) Satellite annexation may be initiated only after the receipt of the petition signed by all the owners of real property in an area proposed for annexation. (2) The nearest point of the satellite area must be not more than three (3) miles from the city limits of the annexing city. (3) No point of the satellite area may be closer to the city limits of another city than the annexing city. (4) The City that is annexing must provide the same municipal services to the same degree they provide services to the residents inside the corporate limits. (5) If a subdivision is involved, the entire subdivision must be annexed, or none of it must be annexed. You cannot annex portions of a platted, reported subdivision. (6) The area within the proposed satellite limits must not exceed 10 percent in area within the existing corporate limits.

Mr. Underhill stated there has been local legislation of this nature for some seven or eight years with the City of Raleigh being the first to have legislation of this type. They have used it. The City of Benson had local legislation of satellite annexation and has used it. The City of Rocky Mount has had satellite annexation through a local bill for some two or three years, and has used it. There are several other cities who have it. It has been used in North Carolina to some extent.

He stated the triggering effect is there has to be a petition submitted by the persons in the area desiring to be annexed.

Mr. McIntyre stated Raleigh has made the most extensive use of the statute so far. Almost universally the satellite annexation has been used by people who found that it provided an advantage to them in the development of an area. There has never been a case he can find where satellite annexation was used in an area that was developed. Essentially it has been satellite annexation of vacant land where there is some benefit to the people who will develop the land. In Raleigh the benefits were related to less expensive utilities costs, and some favorable consideration in terms of better police protection, and possibly better fire protection.

He stated there has been some experience here with annexation by 100 percent petition of the property owners. An annexation on the base of 100% petition of property was adjacent to the city, not property that was out beyond the city limits. Since 1971, we have had no such annexations of property adjacent to the city. He thinks the significance of that is the result of the consolidated city and county sewer and water systems. There now is no advantage to developers of property to initiate an annexation. It seems to him the most likely application of satellite annexation would be the airport area where the city itself is the owner; therefore presumably it could submit a 100 percent petition. There is some question about that; but in times past some of the members of Council have expressed an interest in the possibility of annexing the airport area. Under conventional annexation statutes that has not been possible.

Mr. McIntyre stated in the airport area, despite the fact the City does own the property, he thinks there may be some privately owned property on airport land, the land having been leased. The question is whether there is privately owned property on city leased land. If there is, is it deemed to be real property or not real property requiring the people who own it to become parties to the petition.

He stated on the minus side there is the question of the financing the city would have to do in the area; and then on the plus side is the additional tax revenues that might come to the city as a result of that being a satellite area.

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Councilman Short stated he does not know whether this would be useful to the City of Charlotte or not. It conceivably could in annexing the airport as a satellite. That he is sure this is the kind of thing Sam Johnson in the State Legislature had in mind. But what worries him is the possibility of satellite annexation by Pineville, by Belmont, by Harrisburg, and perhaps by some of the other small towns. About two or three years ago the legislature put a limitation upon itself by saying there would be no new municipalities created within five miles of larger cities like the City of Charlotte. But under this satellite legislation it would be possible to create, in effect, new municipal areas much closer than five miles from the City of Charlotte. As an example, the area around Sharon Road West and South Boulevard is thought of as being an area that is developing as a part of Charlotte; but that is actually closer to Pineville. If people who live in that area, or developers were contemplating a subdivision in that area, it could petition for annexation to Pineville; then we would have another municipality, in effect, almost right up against us. The same thing could happen with potential development just beyond the airport. Only a short distance west of the airport you are closer to Belmont than to Charlotte. The same thing could happen with reference to potential residential and other developments just beyond the University of North Carolina where you are closer to Harrisburg than to Charlotte.

Councilman Short stated if we start talking about the possibility and get close to an indication that we might achieve consolidation of city and county government, and this would have some provision for exempting the smaller municipalities, it seems there will be quite a feeling on the part of anyone who does not care about consolidation to want to get together and make a satellite of Harrisburg, Mint Hill or Belmont. He stated this is an idea that he wanted to introduce into the thinking, and he hopes the other members of Council will ponder about this a little. That he does not want to do it tonight, but it seems to him we should consider whether or not we should ask that Mecklenburg County be exempt from this state statute. That he thinks it is a danger and we should think about it.

Councilman Short stated under the terms of the statute you can become a satellite of a town in another county. Mr. Underhill stated there is no restrictions against crossing county boundaries. Councilman Short stated he thinks the five mile legislation was a great advantage for any larger city that wants to avoid being hemmed in like Cleveland and Los Angeles; and we should not allow it to be weakened in this way.

Councilman Gantt suggested that this be discussed with the Legislative Delegation in the meeting on Monday, January 27, 1975.

BUS COMPANY INSTRUCTED TO PUT NEW, LARGER SIGNS ON ALL BUSES INDICATING THAT SMOKING ON THE BUS IS AGAINST THE LAW.

Councilman Short moved that the Bus Company be instructed to put new, larger signs on all buses indicating that smoking on the bus is against the law. The motion was seconded by Councilwoman Locke, and carried unanimously.

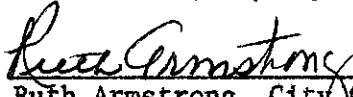
URBAN REDEVELOPMENT OFFICE INSTRUCTED TO INSPECT THE HOUSES ACQUIRED IN FIRST WARD URBAN RENEWAL AREA, AND THOSE THAT CAN BE RENOVATED OR BROUGHT UP TO STANDARD BE MOVED TO THE AREA DESIGNATED FOR SINGLE FAMILY HOUSING, AND THE HOUSING AUTHORITY BE REQUESTED TO TAKE THESE OVER FOR MANAGING AND LEASING OF SAME.

Councilman Whittington moved that the Urban Redevelopment Office be instructed to inspect the houses acquired in the First Ward Urban Renewal Area, and those that can be renovated or brought up to standard be moved to the area designated for single family housing, and the Housing Authority be requested to take these over for managing and leasing of same. The motion was seconded by Councilman Harris, and carried unanimously.

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ADJOURNMENT.

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



Ruth Armstrong, City Clerk