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The City Council of the City of Charlotte, North Carolina, met in a televised session on Monday, September 20, 1976, at 7:30 o'clock p. m., in the Education Center with Mayor pro tem James B. Whittington presiding, and Councilmembers Betty Chafin, Louis M. Davis, Harvey B. Gantt, Pat Locke, Neil C. Williams and Joe D. Withrow present.

ABSENT: Mayor John M. Belk.

Sitting with the City Council as a separate body during the hearings on petitions for zoning changes was the Planning Commission with the following Commission members present: Nancy Johnston, Kimm Jolly, Barry Kirk, Margaret Marrash, Crutcher Ross and William Royal.

ABSENT: Chairman Allan Tate and Commissioners Howard Campbell and Winifred Ervin.

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INVOCATION:

The invocation was given by Reverend D. Lee Jessup, Jr., Minister of First United Church of Christ.

HEARING ON PETITION NO. 76-62 BY COMMUNITY DEVELOPMENT DEPARTMENT FOR CHANGE IN ZONING OF PROPERTY FROM R-6MF TO O-6 LOCATED ON THE NORTH SIDE OF SEVENTH STREET, BETWEEN THE INTERSECTION OF SEVENTH AND FIFTH STREETS AND BRIAR CREEK.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated this property could probably be identified better by referring to it as the Firemen's Hall property, and the site of the former training facilities for the Charlotte Fire Department.

He explained the location of the property, the land uses in the area, and the zoning in the area. He stated the subject property is bounded primarily by residential uses on the intown side; vacant and commercial uses across the street, and on the out-of-town side. The subject property is now zoned R-6MF and is bounded by multi-family zoning on two sides, business zoning across Seventh Street and industrial zoning on the out-of-town side.

The request is to consider rezoning the property to an O-6 classification - an office classification.

Mr. Vernon Sawyer, Director of Community Development, commented on the usage to which the property will be put. It is property owned by the City. Since the property is no longer used as the Fire Training Station, the Council designated the Community Development Department as the agency to operate and be responsible for this facility; and also authorized them to operate a site office for their Grier Heights Community Development project. Council also authorized uses of the building by Open House which will have office space in the basement and also the American Legion will occupy part of the building.

As he understands it, the shift from the prior use which can operate in a residential area to office use creates a problem. In order for Open House to occupy its space and use it for an office and also the Community Development Department site office, the request to change the zoning is being made.

Councilman Withrow asked if this could be called spot zoning? Mr. Bryant replied that is spot zoning. Councilman Withrow stated if they do this, what would preclude other people with all this vacant property from doing the same thing?

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Mr. Bryant stated that spot zoning, of course, is a very hard to define term, but they normally think of it as an intrusion of a type of zoning into a pattern of some other type of zoning which is contrary to the aims and objectives of the area as a whole. In this instance it is true that this would be the only spot of office zoning in the immediate vicinity, but they have to keep in mind that directly across the street from it there is a pattern of business zoning and on the out-of-town side there is a pattern of industrial zoning. So, it is not a spot in the sense that this is the only intrusion of non-residential zoning into the residential area, but it is true that it is the only spot of office classification in the vicinity.

Councilman Gantt stated to Councilman Withrow when he read this petition he was not immediately aware that it was Fireman's Hall and that was the first thing he said. Of course, when you examine the zoning for the area you realize that Firemen's Hall itself is an unusual facility located in that pattern of zoning, R-6MF, and what they are doing is finding a use for it. It is spot zoning in his opinion but he thinks they can justify it. Given the nature of the facility he does not see any alternative.

Councilman Williams stated even a more practical restriction in the zoning of it, and as to the use of it, is that the City owns it and can control what use is made of it.

No opposition was expressed to the rezoning.

Council decision was deferred for a recommendation from the Planning Commission.

HEARING ON PETITION NO. 76-63 BY HAROLD COOLER AND ASSOCIATES TO CONSIDER AN AMENDMENT TO AN EXISTING CONDITIONAL B-1 SHOPPING CENTER DISTRICT TO ALLOW A RESTAURANT IN LIEU OF AN APPROVED CONVENIENCE STORE, LOCATED NEAR THE SOUTHWEST CORNER OF THE INTERSECTION OF ALBEMARLE ROAD AND DELTA ROAD.

The scheduled hearing was held on the subject petition.

Mr. Bryant, Assistant Planning Director, stated this particular petition had its origin in the Council itself a few weeks ago when there was presented to City Council the proposal to change an existing B-1SCD shopping center site plan which had been in existence for some time on Albemarle, Lawyers and Delta Roads. It was Council's desire at that time to provide a public hearing forum for anyone who wished to express an interest in this matter. It is not a matter which automatically requires public hearing consideration, but since there was a change of use involved here it was Council's decision that a public hearing opportunity should be afforded those who might wish to speak on it.

What is involved here is a parcel of land which is located on the south side of Albemarle Road at its intersection with Lawyers Road at Delta Road. He identified the location on the map. The subject property was the source of a petition for rezoning to B-1SCD which is a controlled shopping center district back in 1966 and it has been in existence as a shopping center controlled plan since that time. The original plan called for a configuration of several different store buildings located on both sides of the Delta Road extension. Since that time several uses have been placed on the property in conformance with the plan. These consist of a service station at the intersection of Delta Road; a bank; and another service station. Then on the easterly side of Delta Road, along Lawyers Road, there is another service station; a small restaurant and the largest facility in the confines of the shopping center area at the present time is the combination super market and drug store. The adjoining land use configuration shows vacant property on the easterly side along Lawyers Road; an existing apartment facility to the south along Delta Road extension; two schools, a Junior High and an Elementary, to the southwesterly side of the property; and there is a church immediately adjoining the property on the westerly boundary, with frontage on Albemarle Road.

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Other land uses in the area - across Albemarle Road at the intersection of Delta, on the northerly side of Albemarle there is a super market, still several houses remaining, and a number of mixtures of houses and commercial operations extending at some distance east along Albemarle Road. Across Lawyers Road from the subject property there is the FCX facility which is a feed, seed and hardware outlet; there is a garage operation and several other smaller activities. There is already a heavy concentration of industrial activity generally around the intersections of Albemarle Road, Lawyers Road and Delta Road.

Albemarle Road is in the process of being widened through this vicinity. As part of that construction process, Lawyers Road is being changed in its configuration. It will come to a point and then be curved around to tie into Albemarle Road. One portion of the present Lawyers Road will be terminated with a cul-de-sac so that the intersection will become more of a standard four-sided one than it is at the present time.

The existing zoning pattern in the area is one of predominately business and office zoning along Albemarle Road. B-2 zoning extends all along Albemarle Road going to the east; and on the westerly side coming back in for some distance there is a pattern of O-15 and still farther in it resumes a pattern of business zoning. There is also office zoning along Lawyers Road and then south of the subject property there is a rather large pattern of R-9MF zoning. That is the existing zoning and land use picture as it relates to this property area.

He presented the plan concept which was originally approved for the site. This plan consisted of two principal areas of larger buildings - one on the easterly side of the property, and one on the westerly side, with a number of scattered smaller building uses in the vicinity along Albemarle and Lawyers Roads. A bank, three service stations, what started out as a convenience store and more recently switched to a restaurant, are already built and in place. There has been one site plan change which has changed the configuration on the easterly side so that now there is a super market and a drug store which have been built. The large building unit planned on the westerly side has not been built.

The subject of the change which has been requested now is on the westerly side of Delta Road extension. It is approved as a convenience food store. The proposal is to change the site plan somewhat in this area to replace the convenience food store with a restaurant facility. Another change which was approved a few months ago was to replace an office building with a roller skating rink. Off hand, he knows of four site plan changes which have occurred in this area, including the present request: (1) To change the configuration of the building area on the east; (2) To change the convenience food store to a small restaurant; (3) Change the office use to a roller skating rink; and (4) The subject petition to change this convenience store to a restaurant facility. He pointed out on a small site plan the smaller area which is involved in this petition. There is also a proposed change in the parking plan in the area, but basically they are talking about changing a convenience food store for a sit-down type restaurant operation. It is a plan change, not a rezoning as such. No additional area is being requested for business zoning or any classification change, but it is a matter of whether or not you allow the site plan itself to be changed.

Councilman Gantt asked if any members of the neighborhood and the general area were notified of this hearing. Councilwoman Chafin replied yes.

Councilman Withrow asked who pays for the changing of the road? Is that the City's responsibility? Mr. Bryant replied that is part of the State contract for the widening and improvement of the Albemarle Road area. The present configuration of Lawyers Road, Delta Road and Albemarle Road is a very difficult intersection situation from the traffic control standpoint and at the time that the State decided that Albemarle Road would be widened through this area, it also determined to try to do something to improve that intersection. As a result, they included in that contract a relocation of this segment of Lawyers Road.

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Commissioner Jolly asked Mr. Bryant to give them some of the guidelines that a B-1SCD operates under, from a site planning standpoint and the length of time and the considerations that they take. At Mayor pro tem Whittington's request Mr. Bryant repeated Ms. Jolly's question for the benefit of the audience and the television audience - "What are some of the conditions which are stipulated in the zoning ordinance as it relates to a B-1SCD?" He replied it is a controlled type of zoning which provides for the construction of planned shopping centers. Some of the requirements of this, in addition to the fact that it does involve a specific site plan approval which must be followed if and when the zoning is approved, are: It does provide a minimum area size of three acres; for a specific set-back and relationship to streets and other buildings, etc.; more particularly it provides that the uses which are allowed in the B-1SCD may be controlled through the site plan itself and normally when a site plan is approved the uses that are proposed for that area are shown on the plan. Any departure from that plan must be allowed only after a decision of the City Council. The time provision that Ms. Jolly is perhaps referring to is one that stipulates that if a B-1SCD has been designated and construction has not been started on it within a period of two years, then it may be considered for removal at the discretion of City Council. There is no automatic time period or no elapse of time after which it would automatically be considered, but it is more or less in the ordinance as a warning to people who have secured shopping center type of controlled zoning that it is intended to be something that will be developed within a reasonable period of time. Otherwise, it may be considered for removal.

Mr. Harold Cooler, 1908 Kenilworth Avenue, the petitioner, stated Mr. Bryant did not mention that the restaurant was approved on the original plan. They are not asking for rezoning or a new use on the property. They simply would like permission to move the restaurant from one location across the road to a point where they had originally planned to put a convenience store. They are talking about a Shoney's restaurant. They build a good building, well designed, well built and well run. They think it will be a credit to this community. As to the time lag which Ms. Jolly mentioned, he stated they had been victims of circumstances out there over which they have had no control. One is the closing of Lawyers Road which has already been mentioned. When that was announced some two years ago it effectively stopped any development they had proposed at that time. They were denied exposure of about 10,000 cars a day. Then the economic recession which we have been through did not help matters either. Thirdly, they had some feeling about eighteen months ago down Delta Road the use of the sewer. They put in the sewer and water themselves some time ago and they have been paying taxes at the normal rate but they have not had the use of the sewer. That situation will be taken care of very shortly with the improvement on the Campbell Creek outfall. In the meanwhile, they have had a few blows. They put themselves in the same category as the people from Lake Forest. They are upset; they have suffered. The community out there is a growing area and a lot of changes are being made. He supports the effort to let these people know what is going on and anytime they would like to see what their plans are he will be very happy to show them what they are doing.

Mr. Jack Gilbert stated he lives in Lake Forest, in the Albemarle Road section of Mecklenburg County, and is speaking in opposition to the Shoney's Restaurant proposed to be built near the Albemarle and Lawyers Road intersection. He realizes that this property was zoned B-1SCD back in 1966. However, under the B-1SCD zoning, since the said property has not been used for a period of two years Council has the authority to revert it back to the original zoning. Over the past ten years the face of Albemarle Road has changed drastically and they do not need another fast food chain restaurant nor any more shopping centers. After turning off Independence Boulevard onto Albemarle Road, approaching Sharon Amity there are a group of railroad cars going together to form a restaurant.

Mr. Gilbert stated he prepared what speech he had to allude to the area being strip zoned and he is sure that Council is aware of the strip zoning that has been going on down Albemarle Road - property bought for speculation. He illustrated this with a map which he passed to the Councilmembers and

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Planning Commissioners. He stated leaving his house in Lake Forest, in about a mile and a half, there are at least nine different types of zoning up Albemarle Road. These are O-15, B-1, B-2, B-1SCD, R-12, R-6MF. You name it and they have it! He stated he is not here to impede progress in any way. However, progress is not strip zoning. He wants Charlotte and Mecklenburg County to grow, but a planned growth. He has seen the comprehensive plan and cannot conceive the present road plan, what the planning staff recommends. He has never doubted that Albemarle Road would remain a two-lane artery to and from Charlotte, but he has hoped that it would not become another Independence Boulevard. He asked Council to say no to strip zoning; to say no to speculative buying for rezoning profit. They have heard the argument that speculative property owners pay high taxes on this property. Why should they be guaranteed protection on property bought to speculation. Even the stock market does not guarantee profit on stock. Zoning is for the public's protection. However, this is not the case on Albemarle Road. The burden is on Council as an elected government body to look after the interest of both homeowners and businesses. They have the unique opportunity to turn the growth of Charlotte into a well-planned and orderly growth.

Mr. Gilbert stated the only thing he could add is that the Council in its wisdom has made some good proposals and good zoning denials down Albemarle Road. They recognize this. He is not a lawyer, he is a homeowner. He wants to remain a homeowner in Mecklenburg County and they want to be recognized as part of this community; not as an afterthought. This is their feeling; they are frustrated; they are lost; they are grasping. They do not know where to go, and this is their only avenue to get it before the public to let them know what their frustrations are.

Councilwoman Chafin asked Mr. Gilbert if he understands that what they are talking about here is substituting for a convenience store that is on the present site plan, a restaurant, so that they are really discussing a trade-off? She asked if he could respond to the feelings of the residents on the relative merits of a convenience store and a restaurant?

Mr. Gilbert replied they have had a 7-Eleven that closed within the past few weeks. It was made into another pizza parlor, another eating place on Albemarle Road. A Jiffy-Mart closed last week and heaven only knows what is going in it! He thinks they have enough. He loves to eat, but this is ridiculous.

Council decision was deferred for a recommendation of the Planning Commission.

ANNUAL REPORT ON ACTIVITIES OF COMMUNITY RELATIONS COMMITTEE.

Dr. Warner Hall, Chairman of the Community Relations Committee, presented his annual report. He began his remarks by introducing their newest staff member, Mr. James W. Bowden, Associate Director of the Community Relations Department; and by expressing appreciation to Mr. Jack Bullard, Executive Director, and other members of the Community Relations staff for the tremendous job they do in behalf of the community; and to City Council for their support and for the attitudes and actions they exhibit in the conduct of the public's business.

The report in its entirety was filed with the Mayor and City Council and is on file in the office of the City Clerk.

Dr. Hall's report was presented in three parts:

1. An Evaluation of the Present State of Community Relations. It is an obvious fact there is much less public strife and discord in our community than in past years. He spoke of conditions of fifteen years ago in the employment field as it related to women and minorities; of segregated public accommodations; segregated neighborhoods; segregated schools. Also, the fact that citizens in many neighborhoods, white and black, felt their neighborhoods had been neglected and did not have a voice in the decision making processes affecting their lives.

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Today, employment opportunities for minorities and women have increased dramatically and are expected to continue to increase. Citizens of every race may rent or purchase housing in any section of the community if they have the required financial resources and are prepared to assert their legal rights. Our community has successfully met the challenge of completely integrating our schools.

Public officials have seriously listened to and considered neighborhood requests and in many ways have responded positively. Citizens from these neighborhoods have been elected or appointed to public office.

He stated that though the community has come a long way in resolving these problems the job is not complete. There are those who view the relatively calm atmosphere of our community with concern because it may indicate a community too tired or too complacent.

He assessed the present situation as one in which discriminatory effects of policies may appear to be neutral, whereas in past years they were overt and easily recognized. Much progress has been made, but much remains to be done. The problems they work with and the solutions they pursue are not as clearly understood as they were in the past. They require a staff of increasingly technical proficiency in wider areas of community life.

2. How the Department is Working to Improve Community Relations. Since 1968 when staff assistance was provided, one of the highest priorities has been to listen to and respond to any aggrieved person in the community. During the last fiscal year they worked with 375 different situations - one third of these were complaints of inadequate services or unwarranted actions on the part of departments of City and County government and private businesses. There were complaints of illegal and discriminatory practices in employment, housing, and public accommodations; investigations or review of investigations of allegations of misconduct by law enforcement personnel.

Four staff members perform other technical and professional services. They must know the problems that affect different segments of the population and keep in touch with different groups and how they react to governmental programs and agencies. They try to be especially alert to problems that develop because of lack of communication and misunderstandings. These activities account for about one-third of the time of the staff.

The staff must continually follow the decisions of the Equal Employment Opportunity Commission and the decisions of the Federal Courts in order to advise complainants and employers as to whether a given practice is discriminatory.

3. Three Goals Adopted by the Dimensions Program. (a) Increase public awareness of the problems of families and individuals requiring assistance and promote a better understanding among all socio-economic groups. That all of those on welfare are not "free loaders"; that here is where the community seeks to deal with those with the greatest need; that the character of the community can be determined by that level below which it does not allow its weakest and neediest to fall. (b) Humanize the delivery of social services by focusing on the feelings of those being served. It is difficult to always be aware of just how we come across to the other person. It is not a criticism of those who are devoting their time to providing these services, but simply saying there may be a situation where an outside agency can help them to become more sensitive and therefore more effective. (c) Develop wider geographical representation on government-appointed bodies, and take policy steps to prevent duplication of membership on such bodies. There should be an agency to undertake the responsibility of trying to gather names and capacities and have that available anytime the City Council wanted to consult the list. This is not trying to take over the appointments that belong solely to the governmental agencies; that it is a suggestion that it might be of advantage to the City Council and County Commission to have available an up-to-date list.

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He stated these goals are brought to Council with the assurance that they will be glad to undertake either or all of them if Council and the County Commission so desires.

Dr. Hall concluded his report by stating the Committee's concern about the maintenance of order and the prevention of crime. There are two attitudes that are quite prevalent in Charlotte. First is fear that neither our possessions or our persons are safe; and second, cynical suspicion that society has neither the wit nor the will to defend itself against the persistently anti-social members of our society.

He suggested there are four places we can look for help in attempting to solve some of these problems. First, the police force - it is our first and principal defense against the deprivations of the criminal. The police must be professionals - in standards, prestige and pay. Progress is being made but the department has moved faster than our appreciation. It must be certified to all communities that the police are guardians not only of the peace but of justice for all.

Secondly, citizen involvement. It is estimated that crime in Charlotte could be reduced by half if neighbors kept a neighborly watch and reported any suspicious actions to the police.

Thirdly, gun control. This he feels compelled to mention although it has never had an enthusiastic reception. He refers to hand guns; that it is often said that a prohibition of pistols would not take them from criminals. This is probably true, but murders are more often committed by relatives, friends and neighbors than by criminals in the act of crime. These are those who will be restrained by gun control laws.

Fourth, the judicial process. This is the area he wants special attention for. It is almost a unanimous opinion of the students of these matters, that the severity of punishment is not the solution nor even the beginning of the solution, but the real deterrents to crime are: (1) The swiftness of the punishment; (2) The certainty of the punishment; and (3) The fairness of justice of the punishment. He believes that no nation in the world proceeds as slowly as we do in the judicial process. That the judiciary is trying hard in the area of fair punishment, but in the area of swiftness and sureness, we fail seriously. He thinks the press for change has to come from local government. The Bar must help, but no greater contribution could be made by the City and County governing bodies than to push for an increase in the swiftness and sureness of punishment, where some trivial technicality is allowed to defeat the just resolution of a case.

He is not sure that he knows how you go about creating these changes, but he suggested considering of these three questions:

1. Would it be worthwhile to provide a clear and comprehensive picture of the workings of our criminal justice system to the citizens of our community?
2. Would it be helpful to bring together representatives of the various criminal justice agencies with representative citizens to consider what changes in law or administrative procedures would help to alleviate existing problems?
3. Would it be helpful for our community as it identifies these needed changes to communicate our conclusions to others in the state and actively seek to get such administrative changes and changes in law?

Councilman Williams stated that Dr. Hall touched on the judicial process and the court system as being one of the problems in the control of crime. The City Council has no jurisdiction on the machinery of the courts, judges or lawyers. That is reserved for the Legislature by and large and to a lesser extent, the County Commissioners.

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Dr. Hall replied he recognizes Councilman Williams' point, but the point he was trying to make is could the governmental unit such as the City Council instigate processes by which, as a community, we could look at the situation to see whether or not there are situations that could be changed and if this appears to be desirable, to work through our appointed delegations for securing of the necessary acts or commissions? Someone has to take the lead. This is a serious matter. How do we attack it? He thinks by the process which he suggested, but Council may see a better way of going about it.

Councilwoman Locke stated the idea of a talent bank is commendable and she would like to see the Community Relations Department proceed to do that. It is a much needed service. That the State Women's Political Caucus started a talent bank for the State and have used it very effectively. The committee could give them certain areas of expertise, the sex and geographic representation, etc.

Councilwoman Chafin echoed Councilwoman Locke's point. The idea of assisting Council to develop wider geographical representation on their boards and committees is very commendable. She hopes that all members of Council will encourage the Community Relations Committee to follow through on this proposal.

Councilman Withrow stated the judicial process is of great concern to him; he thinks that Council can put in its legislative package to the Legislators just such a statement as Dr. Hall made, pertaining to the judicial system, and ask them to put certain things into law. He thinks they have a right as a City Council to ask this of the Legislature. Whether they do this or not will be up to the people of the community to take it from there.

Councilman Gantt thanked Dr. Hall for his leadership on the Community Relations Committee. He has a number of questions but he would like to reserve the time to study the report a little more and possibly have him come back before Council or speak with him privately about the criminal justice system. There is one question he would like to ask publicly. In his discussion of the problem of crime in the community, the police department, the criminal justice system, gun control and other measures, does he feel it appropriate to discuss the other side of that equation which is why it is that we have so much more crime in the community now than we had fifty years ago? It is a broad question but it is something he thinks might be appropriate for a committee such as his to discover because he does sense a reliance very heavily on enforcement. Much of what he says he agrees with, but prevention of crime in addition to citizens, blocks or streets that have thousands of eyes, might be the elimination of the desire to commit crimes.

Dr. Hall stated he would be heartily in agreement with both of these points. We need to find out as best we can why people are anti-social because it is easier to cure it before it gets started than to stop it after it has started. It appears though, at least to some, that one of the factors in the prevalence of crime is the lack of any punishment. It is very hard to pin these down and sociologists and others disagree rather vigorously as to what the root causes are. They will continue the studies and they would like to have an opportunity to continue this discussion with Council.

Mayor pro tem Whittington stated this is one of the many reports over the years that Dr. Hall has made to Council and he believes that many of the subjects he has discussed in this report have hit the very nerve of this city. He mentioned the talent bank; talked about the judiciary system; swift, fair punishment. He does not know of anything in this city or perhaps any city in this country today that people are more concerned about than they are crime and what is being done about it. He hopes Mr. Burkhalter will have this report as a part of one of his meetings with Council in the very near future with members of the Court - Judge Johnson, Judge Hasty or Judge Frank Snapp - someone from Mr. Blackburn's office, and Dr. Hall's committee, and the Police Chief to see what we can do together to get this before the Legislature. Nothing is ever going to be done about this if we close our eyes to it. Locally, we have to get the pressure where it is needed in the General Assembly where the laws have to be changed and monies have to be appropriated. As was discussed in the recent election, we really

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do not have places to put the criminal after he has been incarcerated. He thinks Dr. Hall has brought to Council some very important information that not only this Council and the Community Relations Committee but the citizens of this city are concerned with.

REPORT ON COMMUNITY DEVELOPMENT SPONSORED FIVE POINTS SUMMER YOUTH PROGRAM.

Rev. George Battle, Coordinator of the Five Points Summer Program, stated his staff will present to Council a report of what they did this past summer.

Ms. Debbie Ross stated the Gethsemane A.M.E. Zion Church Summer Enrichment Program exposed the children of Five Points, Third Ward and the West Morehead Community Development Target Area to many varied cultural and educational activities. The program was designed to meet the needs of children with the fundamental belief that children are the most affected with success experience in a non-threatening environment. They are pleased to report that their objectives were reached.

Their first priority was to conduct a survey among the children, parents and teachers to ascertain whether the program would be helpful. They found the community was in favor of such a program for their children. The teachers felt with an organized summer program the children could continue to learn and be better prepared for school in the fall instead of regressed, as normally occurs during the summer months. Once they established the desirability of the program, they then looked for ways to benefit the community.

As Council knows, these areas do not have recreational facilities. Gethsemane A.M.E. Zion Church has served in the place of such a center, giving the children a place to go other than to congregate in small, mischievous groups in the street. They are happy to say the Charlotte City Police Department has reported a large drop in juvenile arrests and in personal property damage during the operation of the Summer Enrichment Program. They attribute this success to several factors; their emphasis on the teaching of reading and communicative skills; parental concern; community involvement; and supporting services.

Teachers agree that children frequently use disruptive techniques to "shadow" their inability to read. They want Council to know their first priority was to teach the child how to communicate with his surroundings. By this they mean: (a) Improved reading habits; (b) Maintaining a positive self-image; and (c) Making the children aware that our society expects certain types of behavior from each of us.

To accomplish these goals, they resorted to many types of activities. Outside of the classroom situation, there were arts and crafts, recreational activities, movies and silent films, and field trips to provide encouragement and motivation for the reading program, plus giving a needed outlet for social and cultural growth.

They feel this program has had and will have benefits to the community. It has been their belief that any program should evolve with the needs of the people. With this in mind they visualize countless improvements within this community. They are grateful to the Council for this opportunity to show what can happen in an area where the people are involved.

Mr. Charles Jackson, Regional Coordinator for the Program, stated they have taken the philosophy that learning has to be fun and they have instructed their teachers to provide learning where the student can experiment and explore their surroundings. It is through this environmental teaching and development that the children improve their reading skills. You simply take words from their general surroundings and from there they build a basic vocabulary; and then help them use these same words in sentences and then into paragraphs. They believe the learning can best be enhanced if the teacher and child show equal standards in the classrooms. In this environment the teacher is no longer the traditional authority figure but rather the learning facilitator who is genuinely accepting and empathetic. They

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have borrowed the teaching techniques of the educator, Carl Rogers, and incorporated them in their program. Rather than having a teacher per se, they have a learning facilitator. Rather than having teacher oriented classrooms they have child centered classrooms and of course they provide learning centers where the children can experiment and involve themselves.

Mr. Dick Dixon stated their main goal is to improve the academic performance and the communicative and expressive skills of the children they work with. Mr. Jackson has already touched on the teaching aspects of that. As a staff they felt that a child cannot do well in school if due to a number of reasons such as if they cannot hear the teacher, see the blackboard; if they are hungry or they have some sort of emotional problems. That was the area he dealt with mostly this summer. He cited several examples.

Central Piedmont Community College has worked with them. They gave a number of the children dental examinations. This is an ongoing sort of a thing. They hope to follow up on that so that those who have dental problems can be helped. The children have had free eye examinations and so far two of the children have received glasses. There was a twelve-year-old boy who had open heart surgery about a month ago. He had contacted the Big Brothers organization, but it is difficult to get into this organization so for a number of weeks he played big brother to this little boy.

Mayor pro tem Whittington expressed thanks to Rev. Battle and his staff for the job they are doing. Council has felt very good about his work. Councilwoman Locke expressed Council's thanks for the periodic reports. Councilman Gantt concurred, stating it was nice to have reports like this that talk about working with people and opportunity situations rather than problems.

REQUEST OF CHARLES BELL FOR CITY TO ACQUIRE PROPERTY IN TRADE-FOURTH CONNECTOR PROJECT REFERRED TO COUNCIL'S PUBLIC WORKS AND PLANNING COMMITTEE.

Mr. Underhill, City Attorney, referred to a report prepared by his office and attached to the agenda, concerning Mr. Bell's property and his appearance before Council recently. He asked Council to note that their recommendation is that Mr. Bell's property does not appear to have been "taken" by the City, in the legal sense of the word. It does not appear that his loss of that direct access to West Trade Street is a compensable taking and in their opinion his claim should be denied for reasons that the City has not legally taken his property. They say that because he is still afforded access although it is more circuitous now and more indirect from Trade Street by the use of some side roads, in particular Waccamaw Street, to Sycamore Street and then in a northerly direction to Trade Street. His access along Irwin Avenue to Fourth Street has not been impaired - he still has that access available to him and, in fact, the new road project, Trade-Fourth Street connector project, does not in fact require or take any of his property in connection with the construction or building of that project. The situation is one where, in his opinion, the law in North Carolina is that no taking has occurred; the City is not legally required to purchase the property.

Councilman Gantt stated in that particular block because of the road right-of-way, the City was required to take all of the other houses on the street, in that particular block. This leaves only Mr. Bell's house in the block. Mr. Underhill replied that is correct, and a small lot next to him which is almost indistinguishable between Mr. Bell's property and Waccamaw. It is vacant, non-developed. Councilman Gantt asked what the zoning in that block was in terms of land uses? Mr. Underhill replied it was office or multi-family, he is not sure. He thinks it is a non-conforming use. He does not think it is business zoned.

Mr. Charles V. Bell, 1645 Madison Avenue, stated the property was purchased by him approximately 15 years ago. As of now, it is being used by three lawyers, three secretaries and a legal clerk. What the City has done amounts to inverse condemnation. They do not have any parking. They have moved earth-moving equipment in there and have cut off their main access

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to Trade, from Trade Street into Irwin Avenue. They can see by the pictures how narrow Waccamaw Street is, it is nearly impossible for a car to come in there. The action on the part of the City has caused a decrease in the value of the property. It is no longer suitable for a law business. Whether the City decides to purchase it or not, they will be forced to move away from there to keep their business going as it has been in the past. They have seen some effect on their business - many people cannot reach them. If any of the Councilmembers have an opportunity to go by there he believes they will agree that they have suffered irreparable damage. It is impossible for them to maintain this place any longer as a law office. Not only that, they have a tremendous amount of earth-moving equipment in there now and many people do not have access to the office at all. It is not a large building and the City has taken all of the property on the street except their building. Since they have suffered irreparable damage, in their opinion, the City's action amounts to inverse condemnation - a remedy that citizens have when the City does not elect to use its power of eminent domain to pay for a property that they take. They have suffered irreparable damage; they will have to move; all of the property in the block except theirs has been bought by the City and they are asking the City to purchase this.

Replying to a question of Councilman Gantt, Mr. Bell stated they get into their offices now by way of Waccamaw. It is a real steep street and very narrow; they have cars parked on the righthand side - the street is 30 feet wide. People who have to come to see them have a tremendous handicap. Before they could come right into Irwin Avenue. Councilman Gantt asked if he had thought about just selling the house - he has already indicated that he is going to sell the house and move somewhere else. Mr. Bell stated he thinks the City should buy it. He thinks he would have a problem in selling it because there is no other building in that particular area. Councilman Gantt stated the legal situation is that under the existing right-of-way, because we do not touch his property, legally we are not bound to buy his property? Mr. Underhill replied yes. You can take someone's property without physically touching it or taking it. If you deny them reasonable access, then the Courts recognize that as being a "taking" also. What he is saying to Council is that under his interpretation of what the cases in North Carolina seem to say on this question is that his right of access has been interfered with, or will be when this project is completed; you will no longer be able to turn to the left off of Trade Street onto Irwin Avenue and get to Mr. Bell's property. To make that same kind of movement now you have to go down to Sycamore, take a left, come up Waccamaw and then reach his property. The Courts have recognized, however, that although the route may become more circuitous and is not as direct as it was prior to the construction of a particular project, that is a non-compensable type of injury, you are not required to purchase it.

Councilman Gantt asked if the Court recognizes the distinction between property that is used for dwelling purposes as opposed to property used for business purposes? Mr. Underhill replied there have been any number of cases brought by both business property owners and homeowners. Councilman Gantt stated you might find it advantageous to have a fairly circuitous route to your house. On the other hand, if you are located in a business such as this for 15 years and find yourself cut off from the main access to his property, he can certainly understand Mr. Bell's reasoning for feeling he has been shut out, particularly when all the other houses that formed a part of the community in that area are no longer there and he is left standing by himself.

Mr. Underhill stated he has not made a count. He would guess that probably the vast majority of the cases that have been brought have been brought by businesses which are affected and normally the cases that arise in this area of the law come up when the State has built a project and has put in access roads as opposed to direct access to the thoroughfare, the interstate, or what have you. Those kinds of factual situations have developed this circuituity of route argument that the Court seems to have adopted now as the rule of law in this state as to whether or not an injury is a compensable one or a non-compensable one, whether you have actually taken the property or whether you have just inconvenienced them. That is where the Courts seem to establish the principals they are dealing with here.

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Councilman Gantt asked what the City plans for the rest of that block? He has some difficulty with that little bit of property left over there on that street. Do we have some anticipated use? Will that remain residential in zoning?

Mayor pro tem Whittington recommended to Council that this item be referred to the Public Works Committee. He would like for the committee to get into this with Public Works and whoever else they need and make a recommendation to Council. Councilwoman Locke stated she would like Mr. Williams to sit in on the committee meeting when they consider this particular item.

Councilman Gantt stated he appreciates that point, but legally they are not bound directly in terms of impinging on his right-of-way, even if we came within two feet of his property. Morally, it is another question of whether the City has really done damage to the citizen. The Council still, legally or morally, can decide to condemn his property and take it, can they not? Mr. Underhill replied he does not know about the right of condemnation if you cannot absolutely show that it is needed in connection with the road project. But he would think it would be an accurate statement to say that Council could acquire the property, assuming they have a willing seller. If the Council feels the damage to the property has been so great because of this project that we have placed the property in an intolerable situation, he thinks they can find some support for that. If we got to the point where Council decided "let's try to negotiate with Mr. Bell and arrive at an acquisition price for this" and we were unable to do so, he does not know whether they have a right to condemn it, but he thinks they have a right to initially try to acquire it and negotiate a purchase price.

Councilman Gantt stated that since Mr. Whittington has already suggested that this go to the Public Works Committee, he suggested that someone provide them with a map that clearly describes this situation.

Councilman Williams asked Mr. Underhill if he knows what the layout of this street is going to be when it is finished. Will there be a sidewalk along side of it; will there be access into old South Irwin Avenue? Mr. Underhill replied Irwin Avenue will dead-end into the new connector. There will be a guard rail there.

Councilman Withrow stated the committee should take into consideration that just last Monday a developer came before Council with about 150 houses and apartments within this same area which he said were affected in the same way. Because there was no way for people to get in to rent his houses and apartments he thought the city should buy them. They should look into that area too before they make a decision on this.

Mayor pro tem Whittington stated the committee will report back to Council with their recommendation.

RESOLUTION SETTING MONDAY, OCTOBER 11, AS DATE FOR PUBLIC HEARING ON FLOODWAY MAPS FOR ELEVEN AREAS.

Upon motion of Councilwoman Locke, seconded by Councilwoman Chafin, and unanimously carried, the subject resolution was adopted and is recorded in full in Resolutions Book 12 at Page 70.

RESOLUTION CLOSING PORTION OF SARDIS ROAD AT PROVIDENCE ROAD.

Mr. Corbett, Director of Traffic Engineering, stated at the last Council meeting following a recommendation of the Planning Commission, he appeared before Council to talk about a method by which a portion of Sardis Road could be closed.

He referred to a map, and stated as a traffic engineer he has several interests. Once construction is completed on Sardis Road they have concerns about traffic movements in the area. The Planning Commission recommended

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to Council that part of the section of Sardis Road be closed. The Traffic Engineering Department in its study was concerned about the difficulties which would arise in providing access to the property, which he pointed out on the map. The previous proposition before Council regarding the public hearing called for the entire portion of the street to be closed. Traffic Engineering is concerned about what would happen if that is done. Should Council see fit to do that, they would have to live with that situation, and provide access into the properties. One portion of access would be off of Sardis Road, or Fairview Road Extension. They are concerned about the access to the properties. Their goal is to try to provide a solution to the property whereby as much access as possible could be provided through the older section of Sardis Road.

Mr. Corbett stated they have recommended rather than close all of Sardis Road between Providence and the older section of Sardis Road (or Fairview Extension) that Council consider closing only that portion which is shown in red on the map. A legal description has been prepared for this. If Council should see fit to close only that portion that would leave a section open to serve the abutting properties. That way they would hope they could provide access to the triangle which is presently zoned multi-family and the other tract presently zoned multi-family and to the tract which now houses a service station which is a non-conforming use. Any traffic they can get to use this portion of the street to get into the three pieces of property would then be removed from that point, and would cause less congestion.

Mr. Corbett stated they recommend that Council take action to close the portion of the street shown in red.

He stated there are several things to consider. One is the traffic volume. The traffic volume along this section of Sardis Road at the present time is some 13,000 vehicles per day. With this section closed that would be transferred. As far as the future is concerned, if no other major thoroughfare such as the freeway which is scheduled to go where the outer loop is concerned is not constructed, then traffic along the road will become in excess of 23,000 vehicles a day by 1995. It would be better if they can remove as much traffic from that point and get it over as far as access into these properties. If the freeway is built further out, then traffic in the area is expected to be approximately 12,000 vehicles by 1995.

On Providence Road it is presently 18,000 vehicles; with or without the freeway the traffic will be about 29,000 with it and approximately 26,000 without. It has no great impact on Providence Road. The main impact would be on Sardis Road. In either case, they would recommend that only the portion of the street shown in red be closed, leaving the remainder open to provide access.

Mr. Walter Shapiro stated last week he appeared before Council arguing that Sardis Road be closed. He did so in the interest of the communities he represents in order that the property remaining in the triangle be less commercial and have less commercial possibilities than it does now. A second factor is an opinion in regard to safety in the traffic coming out of the Sardis portion now proposed to be closed.

The point they want to make now in regard to the motion that will be before the Council, and that is whether or not to close the portion shown in red. They would propose that the amount closed be extended further down in order that the property remaining in the triangle have more, other than commercial opportunities for the future. This is in the interest of maintaining the residential quality of the neighborhood. They believe a remaining road would be sufficient for access into the triangle property, which has been given a tremendous amount of new frontage, sufficient to the Marsh property, which has access further down Sardis Road to a point considerably below the red point. The Marsh property also has access into Providence Road. They are concerned that which goes in must come out. They ask if this is proposed as one-way only? Mr. Corbett replied two ways. Mr. Shapiro stated if it is two ways they see vehicles coming out of the Marsh property using this artery, utilizing the leg, entering Providence Road without a red light,

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and in morning traffic hours it is going to be approximately like entering Niagara just below the falls. That traffic is going to be tremendous.

Mr. Shapiro stated they regret the Council did not seek to close the leg entirely, thereby increasing the possibility of their area remaining residential. That now being a fact, they would urge in the interest of the community to decrease the size of the leg to a point that will give the service station, this property which has been left more than whole, an access, and a small access into the Marsh property so that everyone will be safe, and everyone's interest will be protected. On the other hand not creating a road would tend to put pressure on Council in the future for commercial zoning for this property, as the only use for the property.

Councilman Gantt asked if he would be satisfied in this case if Council just closed another 200 feet of the road on the assumption that the same Council that is going to make a decision about closing the road is going to make a decision in a couple of weeks on a zoning matter? Mr. Shapiro replied he does, given the facts that exist at this point. The facts that existed last week prior to Council voting against closing the road in its entirety, he could not answer the question in the affirmative. But under the conditions of the moment, given Council's action of last week, they see that as the lesser of two evils under today's circumstances. Councilman Gantt stated in which case half of the road would go to the property owners on each side. He asked what difference it would make if it is closed a little further? Mr. Corbett replied as far as he is concerned it makes no difference where it is closed.

Councilman Gantt stated last week the question about the city maintenance of the road was raised. That was one of the reasons he voted against the road. He thinks in this case if the Traffic Engineering Department has no traffic reasons for closing the larger portion of the road, and adequate access can be provided to the Marsh property, he does not see why we cannot split the difference and let everybody be happy about it.

Councilman Williams stated it is his opinion that anything short of closing that entire leg of road is going to cause the pressure toward the commercialization that Mr. Shapiro is talking about. Any vehicular traffic on the north side of that triangle is going to create that pressure. The property owners do not need very much of an opening for vehicle egress and ingress, a place for vehicles to turn after they turn onto the old Sardis Road. The length of a driveway would practically be sufficient. He stated he can see this as a domino. If the triangle becomes commercial, then he can see a very cogent argument being made that a filling station is there, and there is commercial activity right across the closed road, why not let me have a commercial activity on this corner. After all that is what corners are for. Mr. Shapiro replied precisely. In deference to the Council and their having listened to his presentation last week, he prefers not to present again the argument against commercialization in that triangle and adjacent properties and relate them to the heavy density of multi-family which has already been given that corner. Further, the relationship of that property now abutting Fairview Extension which in itself is an integral part of the beltway touching Independence Boulevard on one hand, and I-77 on the other. He will not extend his point that far, but he agrees with Mr. Williams precisely; he only wishes some motion could be put forward to rescind the action of last week to close that in its entirety as the Planning Commission recommended. It is his understanding the Planning Commission has recommended the total closing of that leg of Sardis Road.

Mr. Norman Dickerson, Attorney for Mr. and Mrs. Marsh, owners of the property to the north of Old Sardis Road, stated last Monday Herb Brown represented the Marshes and opposed the closing of the road at all. He stated he has reviewed the proposal made by Mr. Corbett with the Marshes and they think it is a fair and reasonable compromise, and they recommend that Council adopt the proposal as recommended. They would oppose any extension of the closing which would deny them further access.

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Councilman Gantt asked if he is saying his clients would not find an additional 200 feet reasonable; that their access would be cut off unduly? Mr. Dickerson replied he thinks so. It begins to substantially decrease their access. When you take away his frontage on old Sardis Road it forces him, because of city regulations which say you have to be within a certain distance of a public street or private driveway, to construct more private driveways within his development. It decreases his property values. As you start proceeding up the road and denying his access, it forces him to build a much larger network of private roads through the development, and it approaches a point where it is justifying inverse condemnation.

Mr. Knox, Attorney, stated any part of that road does not necessarily take the pressure off because you still have the triangle. It still leaves them in the middle of a triangle no matter how you cut it. Whether it is 100 or 200 feet, with the entranceway in there, the properties are still merged. He stated his people gave the easement for the road to the City many years ago; they have some equities, and the Marshes bought the property relying on the road being there, and they have some equities, and the service station has some equities for egress and ingress. It may be possible all the equities have to be weighed, and there are going to be a number of pressures. That comes anytime you have any new movement of traffic. That he thinks what Mr. Corbett has indicated is probably a fair plan. But he wants them to know that 200 feet is not going to deter them from continuing to ask for a zoning change.

Councilman Davis stated he is concerned that we are talking in terms of closing this road and taking the property owners access and his frontage, and doing it apparently for the reason of influencing some later zoning that may come before Council. This is a tool or crowbar to force one type of zoning or another. That he thinks this is rather cavalier treatment of the individual's property rights and concerns. He thinks the case should be settled on its own merits. He asked the City Attorney the precedent and costs, and how we arrived at how much of the road to close? What is involved in taking the frontage? We have a certain expense to maintain the road. If we take it to another point, we reduce his frontage and reduce our annual maintenance. Do we thereby involve ourselves in the possibility of damages for taking a man's property?

Mr. Underhill, City Attorney, replied the statute permits a City Council to permanently close a street if the Council, after public hearing, makes two findings. One, if the closing will not affect the public interest; two, nor deny reasonable egress and ingress of any abutting property owner who is served by the street proposed to be closed. Those are the two conditions that the Council has to find when it closes a street.

Councilman Davis asked what would constitute denying reasonable ingress and egress when you start off with a 400 foot frontage. Mr. Underhill replied when it is not contrary to the public interest, and no individual, firm or corporation owning property in the vicinity thereof will be deprived of reasonable means of ingress or egress to his property. The matter then turns on its facts. How much - have you taken all access to the particular property? If you have, then more than likely that constitutes a taking, and you have damaged the property owner and have to compensate him. Apparently under either of the proposals, Mr. Marsh will still have access. If you close the area shaded in red or if the closing is extended further up towards Providence Road, his property will still have access - means of egress and ingress - to this street. Whether that is reasonable or not is a very difficult kind of thing to answer right now, without analyzing what all is involved.

Councilman Davis asked Council's reason for taking the additional frontage? Mayor pro tem Whittington replied the people represented by Mr. Shapiro and others requested that the road be closed. Either before that or shortly after that, there was a request to rezone the triangle which was alluded to by Senator Knox. Then the Charlotte-Mecklenburg Planning Commission recommended to the City Council that the road be closed in its entirety. Because of what he considers a disadvantage that we were putting on the oil company

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and the Marsh property and the triangle, and traffic hazards; based on what Mr. Corbett has said, it was the better point of wisdom that Council ask Mr. Corbett to make a recommendation on how much of a cul-de-sac would be left. The problem is you have to resolve the road and then the Planning Commission will make a recommendation at a later date on what will be done about the triangle. That he thinks it is in order to get this much decided now, and in the near future we will get the recommendation of the Planning Commission.

Councilman Gantt stated in the interest of equity, and the reason is purely political, he would move that Council close that portion of the old Sardis Road as recommended by Mr. Corbett, amending his recommendation to add another 200 feet, which would bring it to approximately the mid point from old Sardis Road. The motion did not receive a second.

Mr. Burkhalter, City Manager, stated Council has before it a legal description which would have to be re-drafted before Council could pass the resolution on any other part of the street. There is a legal description to do what was asked of the Traffic Engineer to come back with. The City Attorney has prepared a legal description and a resolution to do that. To do otherwise, we will have to go back and re-advertise and go through about six weeks of processing before he thinks Council can properly close any more of this street, than has been drafted for tonight. In view of that, if Council wants to close the street, he would suggest that Council pass this resolution and close the street tonight which tells the Highway Department what to do now as they are standing by waiting on this matter, and want to wind up the construction project. Then instruct staff to advertise for a public hearing on closing more of the street. The previous advertisement was to close the street entirely. But Council reduced that and instructed staff to come back with a legal description doing that. That is what the description is for tonight.

Councilman Gantt stated he fails to understand that. He is saying there is a legal description for that much closing which was prepared last week at Council's request; but there is not one tonight for the motion he just made. But we would need another six weeks in order to get that same legal description for the additional property. Mr. Burkhalter replied it would require another hearing. Councilman Gantt stated he would not want to do that; but he would like to understand why that is not possible.

Mr. Underhill, City Attorney, replied Council held a public hearing as advertised as required by the statute with notices published in the news media to close the entire street - the portion from Providence Road down to where old Sardis Road connects to the new extension. The hearing was held last week as duly advertised. People spoke for and against the question, and Council voted it down. As far as he is concerned that concluded that matter. Council then asked the Traffic Engineer to come back and recommend to them on closing a smaller portion of the street, which he has done, and for which a legal description has been prepared of the area indicated on the map before them.

Mr. Underhill stated he has prepared a resolution which will close that portion of Sardis Road. There are some very large, unanswered questions in this. First question. Do you have to have another public hearing? If you do, then it has to be re-advertised four weeks, and set a new date, and that is six weeks or so, because they are now looking at a new issue - that is closing another portion of the street. The statute does not say whether you can do something less than advertised; it is silent on that question. One of the things he hoped would be cured by any lack of formal notice or legal notice was to allow all those affected and the general community, which had spoken at the previous hearing, to speak at this Council meeting tonight. That has been done. The other part of this equation is that Council hear from the Traffic Engineer that further delays will delay the project, and the State has to have some decision from this Council as to what it wants to close and what it does not want to close, so it can proceed with its construction plans. The best cautious piece of advice he can give Council is to re-advertise and start over again.

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Councilman Gantt asked if he is saying if Council votes on Mr. Corbett's recommendation it will not have to go through another public hearing? Mr. Underhill replied no he is going to tell Council they have problems with that. The problem is it has not been subjected to a new advertisement and new public hearing. In essence, a public hearing has been held in that Council has permitted people to speak on the agenda item. But it has not met the legally advertised requirements. The most cautious thing Council can do is to start from scratch. If they do not want to do that because of time pressures, he would suggest if Council would like to close something other than what has been discussed here tonight, and what has been shown tonight, and for which a description has been prepared, that the matter be continued until another Council meeting, and have a new description prepared for the portion they are now talking about, and have it subjected to the same kind of process.

Councilman Withrow moved that the street be closed as recommended by the Traffic Engineer. The motion was seconded by Councilwoman Locke.

Mr. Burkhalter, City Manager, stated when Council instructed this part of the street to be considered for closing everyone who was suppose to attend or wanted to attend a public hearing on this matter was present. Second, if Council is planning to do something different from this, and wants to do that, and instruct us to do so tonight, and we re-advertise, you close it tonight, and you re-advertise, whatever that period of time is, at that time, reclose the whole thing, this tells everybody what you propose to do.

Councilman Gantt stated he does not understand the point of the second motion, if the motion was made in order to circumvent any possibility of delay. It seems to him what Mr. Underhill is saying is that whether we close an additional 200 feet or simply take the recommendation of Mr. Corbett, which all of us found out tonight, would not seem to make any difference. Everything Mr. Burkhalter and Mr. Underhill have said applies to either motion. Councilwoman Locke stated Mr. Corbett gave his recommendation last week.

Councilman Davis stated he is going to vote in favor of this motion because at the public hearing when Mr. Corbett's idea, which he has explained in detail tonight and for which there is a legal resolution drafted, was presented every property owner in the area who had frontage on there expressed agreement to this that they would not consider themselves to be damaged. In the interest of letting the State know what our intention is, we can go ahead and take action on this and close in accordance with Mr. Corbett's recommendation, and then we will be free at some later date, if Council wants to bring it up, to do some additional closing.

After further discussion, the vote was taken on the motion and carried as follows:

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

The resolution is recorded in full in Resolutions Book 12, beginning at Page 71.

CITY'S DISCONTINUOUS STREET PROGRAM REFERRED TO COUNCIL'S PUBLIC WORKS AND PLANNING COMMITTEE FOR RECOMMENDATION.

The discussion of City's Discontinuous Street Program, including the proposal to open Richland Avenue was presented for Council's consideration.

Councilman Davis stated in previous conversations with the staff, Mr. Corbett, Traffic Engineer, and Mr. Hopson, Public Works Director, told him this was the most desirable of all the discontinuous street program. If they cannot justify the Richland Drive Connector, they cannot justify any of them.

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He stated from a Traffic Engineering standpoint it would be desirable; and he thinks Mr. Corbett would agree and go on to say that from a traffic engineering standpoint it would be desirable to have the entire community criss-crossed by east-west roads at regular intervals with no linear or horizontal deviation, and would probably go on to say it would be good to have no right turns. But when you accomplish that you get a community that would not be a very attractive place to live; although it would be the ultimate from a traffic engineering standpoint. There is no question but what joining these discontinued streets would facilitate the flow of emergency vehicles. That he does not think anyone can question that.

Councilman Davis stated he thinks then we have what would be of some benefit to the community; but we have to weigh what it costs us to get this. In order to join all these discontinued streets, he thinks the cost would be the continued rape of our neighborhoods when the continued streets are used by through traffic that has no destination in the neighborhoods; just taking these routes to avoid the heavily traveled arterial routes and where there are traffic signals to contend with. That he thinks it would destroy some of our most beautiful home sites, and existing homes, and our quiet tree shaded lanes where children can play in relative safety, and it would have very undesirable consequences.

The public response has been interesting in that the entire Council has received a number of letters, petitions with dozens of signatures on them of people opposing this discontinued street program in their neighborhood. He has yet to hear from one member of the public that favors this. There are two good examples where Council can take a peak into the future of what problems we are going to have if we continue this program. One is a memorandum that came to all of Council from the City Manager dated September 14 about the Elizabeth Community traffic report. This is an example where a community already had continuous streets going through its neighborhood. The Community is trying to cope with the problems of having through traffic on neighborhood streets. The traffic Engineer acknowledges the problem, but says we are powerless to do anything about it because it would cost one and a half million dollars. That would be the cost of improving Hawthorne Lane and Seventh Street to carry this extra traffic that now flows through the neighborhood. There is a similar situation in the Midwood Community that probably every member of Council has been in the community and representatives have visited with Council. This community lies between Eastway and the Plaza. There again, continuous streets exist where you can get through. They are being abused by through traffic to the extent that people have difficulty getting out of their driveways. There was a traffic accident involving a fatality of a child in the last twelve months, and all the problems that heavy traffic on a neighborhood street, not designed for it, is subjected to.

Councilman Davis stated he is still open minded on the subject; but he has not had one member of the community to come to him. That even though from a traffic engineering standpoint it appears to be sound, the cost appears to be too great, and at the present time he is opposed to the Richland Drive connector, and in that sense the entire program.

Mayor pro tem Whittington stated Mr. Davis' position is a good one. That he does not know where the request came from to connect the two streets. All he has heard are the people opposed to it. But he believes before Council makes a decision on this street that it should be referred to the Public Works Committee and ask them with Traffic Engineering to make a report to Council, hopefully in the next two weeks, at which time Council can make a decision on this street, and all the others, if Council wants to do that.

Councilman Gantt stated he is against doing away with the total program because he can think of extenuating circumstances where it might be advantageous to neighborhood communities to continue streets. Maybe what we are talking about is the process by which we have public hearings on these matters to see what the sentiment in the community is before deciding to do away with the program.

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Mayor pro tem Whittington stated this is the second street Council has had. The first one was Shady Bluff Drive and there were a great many people who came to Council. That he assumes either Mr. Hopson or Mr. Corbett has recommended the connecting of these two streets. That is the reason he thinks the Council's committee should meet with them, and give Council all the facts before making a decision on it.

Councilman Davis stated in response to Councilman Gantt he would like to say the reason he relates this to the entire program is that all of staff has told us this is the most easily justified of the entire program. Certainly there may be discontinued streets we would like to join. That he does not preclude that possibility.

CONTRACT WITH UNC-CHARLOTTE FOR TECHNICAL ASSISTANCE AND EVALUATION OF THE HIGH CRIME NEIGHBORHOOD PROJECTS, APPROVED.

Upon motion of Councilman Gantt, seconded by Councilwoman Chafin, and unanimously carried, contract was approved with UNC-Charlotte to conduct the evaluation and provide technical assistance during all phases of the experimental project designed to reduce crime in the Dalton Village Target Area, and to measure the effectiveness of specific police methods and techniques.

ORDINANCE NO. 310-X AMENDING ORDINANCE NO. 155-X, THE 1976-77 BUDGET ORDINANCE, AMENDING THE TABLE OF ORGANIZATION FOR THE CHARLOTTE POLICE DEPARTMENT.

After explanation, Councilwoman Locke moved adoption of the subject ordinance changing the table of organization to permit the reassignment of existing positions to help with microfilming offense reports and to handle increased phone calls coming into the Department. The motion was seconded by Councilman Williams, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 23, at Page 369.

Councilman Davis stated in recent days several news media articles have raised questions in the minds of the public as to the Police Department's ability to handle incoming emergency calls; and an unrelated matter, the ability of the Police Department to handle, account for and dispose of confiscated properties. He stated this is certainly in response to at least a portion of that. That he thinks it would be helpful if the City Manager or the Police Chief, at the October 4th meeting, would give Council a brief report on what has already been done, and what is contemplated to at least reassure the public that the public safety is being adequately provided for.

ORDINANCE NO. 311 AMENDING CHAPTER 13 OF THE CITY CODE WITH RESPECT TO THE REGULATION OF CONDUCT IN PUBLIC PARKS, ADOPTED.

Councilman Gantt moved adoption of the subject ordinance which would permit the sale of beer and wine in public parks under controlled conditions. The motion was seconded by Councilman Williams, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 23, at Page 370.

Mayor pro tem Whittington stated the Chief of Police and Superintendent of Park and Recreation both support the ordinance which is for special occasions only. Mr. Underhill, City Attorney, stated the Park and Recreation can set whatever terms and conditions they desire on any application. It is a narrow approach in that the ordinance by its term requires the beer and wine only be sold or dispensed in connection with a community wide celebration of a national, state or city event. The Park Superintendent in particular was interested in having that kind of language so they would not be inundated with requests for Sunday afternoon softball games and so forth.

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RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE APPROVING AN INCREASE IN THE MONTHLY SERVICE CHARGE AS SET FORTH IN THE CATV FRANCHISE.

Motion was made by Councilwoman Locke, and seconded by Councilwoman Chafin to adopt the subject resolution increasing the monthly service charge for CATV from \$6.00 per month to \$7.50 per month.

Councilman Withrow asked the effect this increase will have on apartment complexes? Mr. Fleming, Attorney for Cablevision of Charlotte, replied absolutely none. This rate increase does not affect multiple connections such as apartments. Councilman Withrow asked the effect on a home with three outlets? Mr. Fleming replied the only rate being increased is the first outlet.

Councilman Davis stated as a matter of policy and procedure rate increases on a community enterprise such as this is pretty difficult for most on Council to digest and make an intelligent judgment on. He asked if this is something that it would be appropriate to refer to the Community Facilities Committee as it affects a lot of people? Mr. Fleming stated the financial information has been provided to the City Manager's office, and has been reviewed by the City's Finance Department. Councilman Davis stated his question is if we have the resources and expertise in our Finance Department to properly evaluate rate increases from a Community Antenna facility. Mayor pro tem Whittington replied Mr. Fennell, Finance Director, is the same man who helps us with our rate structure in water-sewer rates. He is the man involved in this decision making process, and the reason it is before Council tonight. Mr. Burkhalter, City Manager, stated Mr. Fennell has been charged by the Council to do this in cases of all rate problems the city is involved in, such as taxicab fares, airport fares and such. That he has said it is a legitimate request for funds. That is all he has been asked to do.

Councilman Davis stated that is the proper resource for staff evaluation in all these areas? Mayor pro tem Whittington replied yes.

Councilman Davis asked what other sources of revenue there are other than the monthly charge? Mr. Fleming replied the only sources are such things as connection charges and the monthly charge. There has been a special connection charge of 99 cents with the normal connection charge of \$15.00. The actual cost of the connection is in excess of \$34.00. Councilman Davis stated with the actual cost of the connection in excess of \$34.00 this rate increase might be misconstrued by people paying the \$6.50 rate who might object to subsidizing new people who hook up free or for 99 cents.

Mayor pro tem Whittington stated as he recalls when CATV started it was \$5.00 per month; then it went to \$6.00 per month when? Mr. Fleming replied July 1, 1974. Mayor pro tem Whittington stated he cannot comment on what Mr. Davis is saying except if he wants additional information and Council would like to delay this a week, it can be done?

Mr. Burkhalter stated one of the reasons this Company is here asking for the rate increase is because they have not had any new customers. If they had been adding new customers they would have additional revenue which would help support the system. He does know the reason they are asking for the raise in rate is that they have been static for a long period of time; they have promised the City they will make every effort to increase this so they can give more people service.

Mr. Fleming stated one of the reasons for the increase is to add \$170,000 worth of new equipment to the system - part of which will be designed to bring two independent channels from Washington into the Charlotte area. Councilman Davis stated he does not question the need for the rate increase as he thinks they can justify that. He stated they have asked for a second increase to take effect shortly after their contract runs out, which the City staff has not commented on; perhaps it would be reasonable to go ahead

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and grant this increase. He would like for the City Manager to make the finance officer aware that if Council is going to be the decision making body in this, he would like to have additional substantiation of the rate structure that it is fair and equitable to all existing users and new customers also.

The vote was taken on the motion and carried unanimously.

The resolution is recorded in full in Resolutions Book 12, at Page 73.

MOTION TO SUSPEND PROVISIONS OF RESOLUTIONS PERTAINING TO REAPPOINTMENTS ON AIRPORT ADVISORY COMMITTEE AND REAPPOINT HERBERT SPAUGH, JR., FAILS FOR LACK OF FOUR AFFIRMATIVE VOTES.

Councilwoman Locke moved that the provisions of the Council resolution establishing the Airport Advisory Committee which prohibits reappointment of members for more than two complete terms be suspended and Mr. Herb Spough be reappointed for a three year term.

Councilwoman Locke stated the same provisions were suspended when the City Council reappointed former Mayor Douglas to this Committee on September 10, 1973. Also these rules were suspended in the case of Mr. Suddreth on the Coliseum Authority. The rules for the Committee calls for two persons who are familiar with aviation matters by reason of their vocation or avocation. Last week she told Council of Mr. Spough's ability as a pilot of large and small planes. It is also her understanding he is the only pilot now serving. At this critical time of unsettled lawsuits, it is especially important and essential to have someone of this gentleman's caliber to support our Airport Manager and his staff.

Councilman Withrow asked if she would amend her motion for reappointment for a period of one year instead of the three years? That some other members of the Committee have said they would like for it to be done for at least one year. He would like to have it waived for one year.

Councilwoman Locke stated she would amend her motion to waive it for a period of one year. The motion as amended was seconded by Councilman Withrow.

Councilman Williams stated this gentleman has served us quite ably and capably for a long period of time; he has done an outstanding job. He has served since January of 1964. He first filled a two year unexpired portion of a term; then in 1966 he was reappointed for five years at a time when the term of office was five years. In 1971 he was again reappointed for a term of five years when the term of office was still five years. Since his original appointment many things have happened to the Airport Advisory Committee as was pointed out in the City Attorney's memorandum to Council in July of this year, where he offered the opinion that Council would have to change the ordinance in order to reappoint this gentleman for a third term, because at some point along the way, the Council passed a resolution saying that at least with respect to the Airport Advisory Committee, a member could succeed himself only once for a full term. Also the Council modified the term of office from five to three years. In addition, the membership was enlarged at one point from five to seven.

Councilman Williams stated he thinks it is good policy that we do have some time in service requirements in a position as important as the Airport Advisory Committee. It is his feeling there are many qualified people throughout the community who would be very interested in serving on any board, but certainly a board as important as the Airport Advisory Committee. At this time it may be as important as any board we have. It is his understanding the official two term rule applies only to this committee, and not every committee. He asked if there is a written requirement other than with respect to the Airport Committee? Mr. Underhill, City Attorney, replied several years ago Council made the necessary amendments to all the ordinances, and resolutions (the creating instruments of the committee) to make that requirement mandatory on all committees and agencies that City Council appointed.

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Councilman Williams stated he did not realize this was written anywhere except with this particular committee. He supposes in the past when it has been waived, someone has been nominated, and appointed without going through the formality of changing the ordinance in order to do it. That he cannot remember doing it in the same formality as moving to change the ordinance. In this case it would change the ordinance in two respects. It is changing the ordinance against succession, plus changing the term of office, and modifying it from the normal term which the Council set of three years to one year.

The City Attorney interrupted to advise it is a resolution rather than an ordinance which originally established this committee; second, the time Mrs. Locke made reference to in the case of Mayor Douglas, in September of 1973 Council adopted a motion which suspended the provisions of the resolution which prohibited reappointment. That language was chosen because his advise to Council at that time was that Roberts Rules of Order and Procedure would permit the suspension of a resolution in special cases. Council had to take that action. At the time of Mayor Douglas' reappointment, the motion specifically suspended the provisions of the resolution which prohibited reappointment, and allowed his reappointment. That he does not recall the incident relating to Mr. Suddreth's reappointment.

Councilman Williams continued, saying in any event he thinks the policy is a good one even though it might catch someone in it who is doing such a good job. That he thinks he is going to have to say no on this vote; certainly more to the portion about suspending the rules than to the qualifications of the individual, which are outstanding.

Councilwoman Chafin stated she would have to concur with Mr. Williams' thinking. She is very much aware and deeply appreciative of the service Herbert Spaugh has rendered to this community as a member of the Airport Advisory Committee. But she is not comfortable with the idea of suspending this resolution as she thinks it establishes a very important precedent. She would hope this is not something Council will do now or in the future. This is a very important policy and a policy she thinks the public generally favors. For this reason she will have to vote against Councilwoman Locke's motion.

Councilman Davis stated he is going to vote against this motion. That he supposes Mr. Spaugh is one of the most eminently qualified people we could find in the community to serve in this capacity. That his qualifications have been enumerated plus one other - he believes he is Commander of the Air National Guard or will be. That he hopes this will not in any way detract from his plans in the future to participate actively in the use and development of the airport.

The vote was taken on the motion, and failed to carry as follows:

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

CONSIDERATION OF NOMINATION OF A. J. LITTLE TO AIRPORT ADVISORY COMMITTEE, TABLED UNTIL NEXT MEETING.

Councilman Withrow moved appointment of Mr. A. J. Little to the Airport Advisory Committee for a three year term. The motion was seconded by Councilwoman Locke.

Councilwoman Chafin made a substitute motion to table the appointment until the next meeting so another nomination could be made. The motion was seconded by Councilman Gantt.

Councilman Davis asked if Council is limited to appointment of persons familiar with aviation matters? The City Attorney replied the resolution provides that two of the seven members of the Committee shall be persons familiar with aviation matters by reason of their vocation or avocation.

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Councilman Davis asked if any of the five remaining members qualify in that regard? Councilwoman Locke replied not as far as she knows. Councilman Withrow stated Mr. Little has lived underneath the airport, under the runway for about 30 years; that he is talking about airplanes flying over every night. The only reason he thought perhaps Mr. Little might be one to put on the Committee is because he does live under the runway, and he knows the problems of airplanes flying over his house, and landing. He does not know if he has to be a pilot or not; or that he has to understand airport functions and the flying of airplanes over houses.

Councilman Davis stated he does not question his qualifications and he plans to vote for him. But he would like the Attorney's advice on whether or not we are in compliance with our own regulations here. Mr. Underhill replied he does not know whether any of the five remaining members of the Committee would fit this particular qualification built into the resolution. Candidly, he thinks it would be stretching it to say he is familiar with aviation matters by reason of his vocation or avocation. He assumes that means someone who is directly employed in the aviation field - not necessarily a pilot, but someone who has some connection or employment in the aviation field. From what Mr. Withrow says, he is obviously familiar with Douglas Municipal Airport and its flight patterns. It would be doubtful, from a strict interpretation of this provision, whether or not he would meet this language requirement that he be familiar with aviation matters by reason of his avocation or vocation.

Councilman Davis stated he is going to support the substitute motion, and give Council time to check on Mr. Little's qualifications.

Mayor pro tem Whittington stated it will lay on the table until the next meeting and Mr. Underhill will make a determination about the composition of the Committee.

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

APPOINTMENT OF PATSY KINSEY TO THE CHARLOTTE HISTORIC DISTRICT COMMITTEE.

Councilman Williams moved appointment of Patsy Kinsey to the Charlotte Historic District Committee for a term to run concurrently with her appointment to the Charlotte-Mecklenburg Historic Properties Commission. The motion was seconded by Councilwoman Chafin, and carried unanimously.

CONTRACT AWARDED GRAVES BUILDING CONTRACTOR FOR REPAIRS TO 724-26 NORTH ALEXANDER STREET.

Motion was made by Councilwoman Locke, and seconded by Councilwoman Chafin to award contract to the low bidder, Graves Building Contractor, in the amount of \$6,800, on a lump sum low bid basis, for repairs to 724-26 North Alexander Street in the First Ward Urban Renewal Project.

Councilman Gantt asked the relationship this has to the ten houses Council talked about moving two years ago, and if these are being repaired as a result of the court order? Mr. Sawyer, Director of Community Development, replied both the houses on the agenda are being repaired in livable condition; it is not a total, permanent rehabilitation.

Councilman Gantt asked how many houses will receive these repairs; there are two on the agenda today? How many other houses will be involved? Mr. Sawyer replied one has been completed at 708 East Ninth Street for permanent rehabilitation. That was located in an area designated. There are two other structures that have just been completed and they are for immediate occupancy; there is one under contract as approved at the last meeting. They received bids today on two others. Councilman Gantt asked if he would call this temporary rehabilitation? Mr. Sawyer replied it is temporary,

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unless the plan is changed, then there could be more to bring them up to the code. They are capable of being relocated to the site designated for housing.

The vote was taken on the motion and carried unanimously.

The following bids were received:

Graves Building Contractor	\$ 6,800.00
Harold E. Casperson	6,800.00
Motion, Inc.	8,192.77
Lennon-Michael Contracting, Inc.	8,366.00

CONTRACT AWARDED HAROLD E. CASPERSON FOR REPAIRS TO 318 NORTH McDOWELL STREET.

Councilwoman Chafin moved award of contract to the low bidder, Harold E. Casperson, in the amount of \$5,450.00, on a lump sum bid basis, for repairs to 318 North McDowell Street, in the First Ward Urban Renewal Project. The motion was seconded by Councilman Withrow, and carried unanimously.

The following bids were received:

Harold E. Casperson	\$ 5,450.00
Motion, Inc.	6,055.11
Lennon-Michael Contracting, Inc.	6,289.00
Graves Building Contractor	6,750.00

CONSENT AGENDA APPROVED.

Motion was made by Councilwoman Locke, seconded by Councilman Williams and unanimously carried, approving the following items on the consent agenda:

- (1) Settlement in the case of City of Charlotte v. Amity Presbyterian Church, et al, for the Sharon Amity Road Widening Project, Parcel No. 28, in the additional amount of \$1,500 as recommended by the City Attorney.
- (2) Settlement in the case of City of Charlotte v. Union Oil Company, for the Randolph Road Widening Project, Parcel No. 86, in the additional amount of \$4,000, as recommended by the City Attorney.
- (3) Mayor and City Clerk authorized to execute documents pertaining to a 75% grant from the Federal Aviation Administration for land costs at Airport.
- (4) Loan Agreement between the City of Charlotte and Nathaniel Young and Willie May R. Young for rehabilitating home, and refinancing existing mortgages on the property located at 919 Westbrook Drive, in the Third Ward Community Development Target Area with the loan in the amount of \$7,600 to be financed for a period of 20 years.
- (5) Resolution authorizing the refund of certain taxes collected through clerical error and illegal levy, in the amount of \$262.30 from ten accounts.

The resolution is recorded in full in Resolutions Book 12, at Page 74.

- (6) Encroachment agreements with North Carolina Department of Transportation:
 - (a) Agreement permitting the City to construct a 2-inch water main crossing Tom Sadler Road, west of Cathey Road.
 - (b) Agreement permitting the City to construct a 24-inch sanitary sewer line within the right-of-way of Old Dowd Road and Airport Drive.

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- (7) Resolutions authorizing the Mayor and City Clerk to execute encroachments with Southern Railway Company.
- (a) Agreement for the installation of a 24-inch pipeline crossing Southern Railway's track at a point 2,609 feet south of Mile Post No. 6.
 - (b) Agreement for the construction of an 8-inch water main crossing under Southern Railway's tracks in Cordage Street, at the intersection of Arrowood Boulevard.

The resolutions are recorded in full in Resolutions Book 12, beginning at Page 76.

(8) Property transactions:

- (a) Acquisition of 15' x 162.68' of easement at 1142 Cedarwood Lane (off Albemarle Road), from James H. Combs and Lois H. Combs, in the amount of \$165.00, for sanitary sewer to serve Cedarwood Lane.
 - (b) Acquisition of 15' x 73.20' of easement at 6020 Providence Road, from George Whitt Crisler (single), in the amount of \$150.00, for the Providence Utility Trunk Relocation Project.
 - (c) Acquisition of 30' x 296.59' of easement at 514 Gum Branch Road, from Charlotte Mecklenburg Board of Education, in the amount of \$370.00, for the Gum Branch Outfall Project.
 - (d) Option on 125.84' x 30.39' x 16.65' and 41.33' x 123.13' x 9.87', plus a construction easement, at 5235 South Boulevard, from James River Realty Corporation, in the amount of \$7,511.00, for Tyvola Road Improvements Project.
 - (e) Acquisition of 184.45' x 3.25' x 161.43' and 20.42' x 5.00' x 122.37' x 5.00' x 225.0' of property, plus a construction easement, at 5300 Sardis Road, from Jerry Miller Wadsworth, in the amount of \$1,785.00, for the Sardis Road Widening Project.
- (9) Special Officer Permits for a period of one year each for use on premises of Douglas Municipal Airport:
- (a) Renewal of permit to Ronnie Lee Clifton.
 - (b) Issuance of permit to Stephen Eugene Davis.

REQUEST THAT TOPIC OF DISTRICT REPRESENTATION BE PLACED ON NEXT COUNCIL AGENDA.

Councilwoman Chafin stated approximately one year ago those who are now sitting on this Council were out campaigning for the offices now held. One issue that was heard constantly and to which they spoke to as they campaigned was the issue of district representation. That she, and she thinks other members of Council, heard from all segments of the community and that the time has come that people in Charlotte by and large favor this concept. She thinks every member of this Council committed himself or herself to this at the time of the election.

Councilwoman Chafin stated since that time, there have been discussions on district representation - she remembers specifically at the City Council retreat where it was discussed. At a later date there were discussions relating to consolidation where district representation was touched on.

Within the past several weeks, a report has been received of a survey conducted by Dr. Shelly Lyons of the Political Science Department at UNCC which indicates that 68 percent of the residents of Charlotte favor some form of district representation. Last week, a report was received from Dr. William McCoy, also of the University, providing alternatives to study four districts - both for the City and some future consolidated government.

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Councilwoman Chafin stated she thinks it is time this Council started to move very seriously on developing a plan for districts, or for a combination of districts and at-large seats so that this time next year, when those who plan to run for re-election are running, they will be running on the basis of districts.

She requested this topic be placed on the agenda for the next meeting. At that time she will introduce a resolution.

Councilman Gantt stated he would echo what Councilwoman Chafin has said. He asked that along with the item being placed on the agenda for the October 4th meeting that the City Attorney outline at least the legal steps, if any, that would be required toward this Council making that move, and possibly the City Manager pointing out any other kinds of pitfalls along the way. At some future point Mr. McCoy might want to come and speak to Council, perhaps at a luncheon meeting.

Councilman Withrow stated he agrees in part with what Councilwoman Chafin has said. But, about three months ago City Council met with the County Commissioners and asked that the County Commissioners request UNCC to make a study on consolidation. That study was made and he thinks we should not go ahead with the district representation without consulting the County Commissioners. Why should we not also ask the County if they agree with the approach if we are going towards consolidation? He believes the report said to consolidate certain departments, and they were going to come first with the departments and we would try to consolidate as many departments as could be agreed upon. At that time there was a timetable set forth. What he is afraid of is that we might be preempting the County Commissioners. Councilwoman Chafin replied she does not think so at all. In Dr. McCoy's press conference when he released the results of his study on districts, he made it quite clear (and she has consulted at least the Chairman of the County Commissioners on this) that the idea of City Council moving on districts, rather than impeding consolidation, would in fact move us farther toward consolidation. The election of City Council members on the basis of districts was one phase of the total timetable the Urban Institute presented last spring. That she thinks they are bringing a report on the idea of consolidation of some functions of city and county government. That should come out at some future date. She is just concerned if we do not proceed with a Council study and a development of a plan that we will not be that far along in the overall timetable when the next election comes about.

Councilman Withrow stated he does not disagree with the study. He is just saying - should we coordinate with the County Commissioners in our study to be sure the guidelines we draw to be in a certain district agree with the County Commission in the overall consolidation, if we are going towards consolidation? Councilwoman Chafin replied absolutely, and it will be a part of her resolution.

Councilman Davis stated it might be appropriate and might be easier to look at tax districts first. This would be a real "carrot" for the County - their being lopped off district by district if we annex them. Whereas, if we develop a series of tax districts now, it would give them some haven and it might make consolidation much more palatable to the average resident outside the city; particularly those just about ready to be annexed.

Councilman Gantt stated that may be slightly different from the kind of thing we are talking about now. In the discussion on the 4th, he would hope there would be some citizens who will come and speak to this. That he thinks we should take a look at an issue touched on tonight that relates to appointments to various boards and commissions, that possibly this Council might want to, in considering the idea of district representation of Council members, additionally look at the possibility of some of the key boards and commissions being set up on a district basis by which we get a wider geographic representation of citizens.

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Councilman Williams stated he is sort of the opinion if you have some sort of district representation on Council, the Council which appoints the boards and commissions, then district representation on the boards and commissions will automatically fall.

PLANNING DIRECTOR REQUESTED TO GIVE PROGRESS REPORT ON MOTIVATION DEVICES FOR COUNCIL TO USE TO ENCOURAGE USE OF PUBLIC TRANSIT.

Councilman Davis stated sometime ago he asked the Director of the Planning Commission to bring to Council his recommendations for a series of motivation devices that Council might utilize to encourage the use of public transit, and at the same time discourage the use of private automobiles.

He stated he would like to know the status of that report, and when he might expect it. That the timetable set up has elapsed.

CITY MANAGER REQUESTED TO INVESTIGATE PROCEDURES FOR NOTIFYING PROPERTY OWNERS IN REZONING OF PROPERTIES AND RECOMMEND TO COUNCIL CHANGES TO BE MADE IN PROCEDURES TO NOTIFY PROPERTY OWNERS.

Councilman Davis stated when property is proposed for rezoning, the Planning Commission takes the responsibility for notifying the property owners involved. This is done by registered letter, and they notify the public by erecting signs on the subject property. Once a zoning decision is made then it becomes the responsibility of this Council to notify the citizens of what disposition was ultimately made of their property.

In the normal case where the petitioner is also the property owner, it is academic because they know about it right away. But in cases such as those recently, where a third party petitioner, such as Myers Park rezoning, there is an obligation to notify these people what action was taken. Apparently we do not get records at the City Council on exactly who the property owners are.

He requested the City Manager to look into the process and see how it is being done now, and come back to Council with any recommendations that should be made in the procedure for notifying the property owners.

NOMINATION OF RALPH EASTERLING TO AIRPORT ADVISORY COMMITTEE.

Councilwoman Chafin placed in nomination the name of Ralph Easterling for appointment to the Airport Advisory Committee for a three year term.

Councilman Williams stated he would like to comment on the Airport Advisory Committee. The subject Council tiptoed around a little tonight concerns two points. One has to do with the geographical location of residents or the nominee of the committee. Second has to do with the philosophy of the member of the committee. He believes the two things, geography and philosophy are very important in making whatever appointment is made to this important committee at this time. The point was made tonight by Dr. Hall in the Community Relations report that we need to scatter representation more geographically on the boards and commissions. This man who has just been nominated and Mr. Little whose name is on the floor are both from the west side of Charlotte where the airport is located. That he thinks that is very healthy that the two individuals will be under consideration. Geographically, there will be something good to pick from. Philosophically, he perceives there is going to be a difference in the philosophy of these two gentlemen. One will probably be more in favor of rapid development and expansion of the airport than the other feels about it. That he does not think this is an unhealthy or undesirable thing either. That he is not at all of the opinion that we should not have different people represented as well as different residential areas of the city on the boards and commissions.

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Councilman Williams stated he thinks the prevailing sentiment on the Council is to expand the airport as we go along with voter approval as it is needed to do it from a practical and philosophical standpoint. He is looking forward to some good discussion about these philosophical differences as well as the geographical impact of the appointments when it comes to Council in two weeks.

Councilman Withrow stated Mr. Easterling served with him in the Air Reserves for about 15 or 20 years. He is a fine man, and he does not think there is any finer person in Charlotte than Ralph Easterling.

NOMINATION OF DON DAVIDSON TO THE COMMUNITY FACILITIES COMMITTEE.

Councilman Withrow placed in nomination the name of Don Davidson for appointment to the Community Facilities Committee for a two year term.

COMMENTS ON SOURCES OF REVENUE TO BE CONSIDERED BY THE COUNCIL'S FINANCE COMMITTEE.

Councilman Withrow stated several weeks ago, Mayor pro tem Whittington gave him a folder with a matter he thinks the Finance Committee should meet on. That is sources of revenue. In looking at Columbia, South Carolina, a city that is half the size of Charlotte, they get in twice as much revenue from business taxes than the City of Charlotte. That he thinks we should look into that idea of 200 plus agencies or businesses that pay no tax at all in the City of Charlotte. If we are going to make the small plumber, and the small businessman pay taxes to do business, then there are other people who make a lot of money and big businesses and they should be paying taxes. He thinks we need to look into this source of revenue. This has been brought to Council time and time again. That he thinks we will have to face up to it and ask the legislature if necessary to give us this power to have some of these people pay privilege taxes.

Mayor pro tem Whittington stated the Association of Board of County Commissioners approved a new revenue package for alternative methods of new revenue which they hope to take to the legislature in the next session. That was the reason he thought the information should be turned over to the Council's Finance Committee. The City is preempted in so many hundreds of ways by the State where it does not have the opportunity for taxations.


COUNCIL'S COMMITTEE ON PUBLIC WORKS AND PLANNING TO MEET FRIDAY, OCTOBER 1, AT 2:00 P. M. IN COUNCIL CHAMBER.

Councilwoman Locke stated several items have been referred to the Public Works and Planning Committee, and she would like to call a meeting of the Committee on Friday, October 1, 1976 at 2:00 o'clock p. m., in the Council Chamber.

She requested that Councilman Williams sit with the Committee on the items concerning the Charles Bell property in the Trade-Fourth Connector project, and Councilman Davis to meet with the Committee on the item concerning the Discontinuous Street Program.

ADJOURNMENT.

Upon motion of Councilman Gantt, seconded by Councilwoman Chafin, and unanimously carried, the meeting adjourned.


Ruth Armstrong, City Clerk