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The City Council of the City of Charlotte, North Carolina met in a regular session on Monday, February 28, 1977, at 2:30 o'clock p.m., in the Council Chamber, City Hall, with Mayor John M. Belk presiding, and Councilmembers Betty Chafin, Louis M. Davis, Harvey B. Gantt, Pat Locke, James B. Whittington, Neil C. Williams and Joe D. Withrow present.

ABSENT: None.

The Charlotte-Mecklenburg Planning Commission sat with the City Council and, as a separate body, held its public hearings on the zoning petitions. Present were Commissioners Broughton, Campbell, Marrash, Johnston and Jolly.

ABSENT: Chairman Tate and Commissioners Ervin, Kirk, Ross and Royal.

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INVOCATION.

The invocation was given by Reverend David F. Conrad, Minister of St. Luke's Lutheran Church.

APPROVAL OF MINUTES.

Upon motion of Councilwoman Locke, seconded by Councilman Whittington, and unanimously carried, the minutes of the Council Meeting on February 14, 1977 were approved as submitted.

RESOLUTION OF SMYPATHY UPON THE DEATH OF MRS. ALICE SOMMERVILLE VEEDER.

Mayor Belk read the following resolution:

BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina that the heartfelt sympathy of the Mayor and Members of Council be hereby extended to the family of William J. Veeder on the occasion of the death of his Mother, Mrs. Alice Sommerville Veeder.

BE IT FURTHER RESOLVED that this resolution be spread upon the minutes of this meeting and a copy thereof be presented to the family of Mrs. Veeder.

Mr. Veeder responded with thanks for their thoughtfulness.

RESOLUTION EXTENDING SMYPATHY AND HONORING THE MEMORY OF ELMER E. ROUZER.

Councilman Whittington read the following resolution:

WHEREAS, it is with deep regret that the City Council learned of the death of Elmer E. Rouzer on Sunday, February 13, 1977 in Rochester, Minnesota; and

WHEREAS, Mr. Rouzer had a distinguished career and his accomplishments included those of Attorney-at-Law, Officer of the Army and businessman; and

WHEREAS, Elmer Rouzer was a tireless advocate of the City of Charlotte on whose behalf he was instrumental in promoting Urban Redevelopment, having a firm belief that clearing the slum areas of the City would lead to a better environment for all; and

WHEREAS, he was the logical choice for Chairman of the Charlotte Redevelopment Commission in which capacity he served from 1961 to 1967; and

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WHEREAS, the City of Charlotte and the surrounding area are sincerely indebted to Elmer Rouzer for his contributions to this community;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, in regular session assembled this 28th day of February, 1977, that the Mayor and the City Council, do by this resolution and public record, recognize Elmer E. Rouzer for his significant contribution to the City of Charlotte and that his death is a distinct loss to the City in which he worked and won deep respect;

BE IT FURTHER RESOLVED that this resolution be spread upon the minutes of this meeting and a copy thereof be presented to his family.

Upon motion of Councilman Whittington, seconded by Councilwoman Locke, and unanimously carried, the subject resolution was adopted.

CONSIDERATION OF THE TEXACO OIL COMPANY ALLOTMENT FOR THE CITY TRANSIT SYSTEM PLACED ON AGENDA.

Mr. Burkhalter, City Manager, requested that consideration of the Texaco Oil Company allotment for the City Transit System be placed on the agenda for acceptance.

Motion was made by Councilwoman Locke, seconded by Councilwoman Chafin, and unanimously carried, that this item be placed on the agenda.

TRANSFER OF TEXACO OIL COMPANY ALLOTMENT FROM CITY COACH LINES TO THE CITY OF CHARLOTTE, APPROVED.

Upon motion of Councilman Withrow, seconded by Councilman Davis, and unanimously carried, the transfer of the Texaco Oil Company allotment from City Coach Lines to the City of Charlotte for the operation of the transit system, was approved.

HEARING ON PETITION NO. 77-5 BY AMON L. BAUCOM FOR A CHANGE IN ZONING FROM 0-6 TO B-2 OF PROPERTY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF EASTWAY DRIVE AND MICHIGAN AVENUE.

The scheduled public hearing was held on subject petition.

Mr. William McIntyre, Planning Director, stated the subject property is located near the intersection of Eastway Drive and Shamrock Drive, consisting of considerable business development, constituting what might be described as a neighborhood-type shopping center. The property fronts on Eastway Drive.

He pointed out the business establishments that extend from Michigan Avenue along Eastway Drive to the vicinity of Springway Street. That along Shamrock Drive to the west, the extent of business development is much more limited and does not cover more than about half a block from the Eastway-Shamrock intersection. There are also some businesses just off of Eastway, on Frontenac Avenue.

Mr. McIntyre stated the development of the area around the small shopping center is generally characterized in the immediate vicinity by some transitional types of business uses in the form of office development. Beyond that is multi-family development and then single family development which adjoins fairly closely, in most instances, the business type of development which makes up the shopping center.

On the southerly side of the subject property, the adjacent zoning is business and on the easterly side, or Michigan Avenue, the property is zoned 0-6. There is general 0-6 zoning around the shopping center, which has been established as a transitional kind of zoning between the business corner and the residential development around it. A small amount of multi-family development on the

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westerly and northerly sides of the shopping center has also been established as part of a transitional type of zoning. That it is hard to recognize the actual uses that are on the property. Office zoning extends from Springway, going in a southerly direction along Eastway Drive for several properties and then the zoning is multi-family. On the northeasterly side, generally speaking, the zoning adjacent to the business development is office transitional type and R-9 multi-family zoning.

Mr. McIntyre used slides to indicate the character of the type of development in the area. He stated the structure on the subject property, from what can be seen from the outside, is partially vacant. The desirability of a change in zoning on the owner's part is the fact that a gun care center, a service related to retail business, is located in the office zoning at the present time. That in a sense, this structure, looking at the whole development along Eastway Drive, is just part of a continuous shopping center structure although it is developed separately.

Replying to a question from Councilman Whittington, Mr. McIntyre stated the service center was put there without the benefit of a building permit or permission to do so. That it is his assumption the building was intended for office purposes, but as things happen, uses change in buildings and he presumes this operation was put in there without reference to the Building Inspection Department. The operator of that function has been advised on more than one occasion that they would either have to move from the office facilities or get the property rezoned and that is why they are here today, seeking the rezoning.

Mr. Robert Ford, representing the owners of the property, stated there are a few points he would like to re-emphasize. Mainly, it is their feeling that the building in question is actually a portion of the pattern of all business and strip shopping center. Actually there is a connecting wall between the parcel they are interested in and the other property which is zoned for business.

He stated it is also their opinion there is adequate buffer zoning inasmuch as it is their understanding that adjacent to their parcel, there will continue to be property that is zoned for offices. This should be sufficient buffer between the business zoning and the multi-family residential zoning; as they look at it, there is already business zoned property on two sides of them.

Councilman Gantt asked if Mr. McIntyre stated the office portion was built without a building permit and Mr. McIntyre replied if he said that he did not intend to; there was a building permit issued when the structure was built. That the use of the building for a retail business and service came into the building without appropriate clearance from the Building Inspection Department, but not the construction of the building.

Councilman Gantt asked if it meets all of the conditions for parking and Mr. McIntyre replied yes.

There was no opposition expressed to the petition for rezoning.

Decision was deferred pending a recommendation from the Planning Commission.

HEARING ON PETITION NO. 77-6 BY ROBERT L. RASH FOR A CHANGE IN ZONING FROM O-6 TO B-1(CD) OF PROPERTY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF EAST BOULEVARD AND CHARLOTTE DRIVE.

The scheduled public hearing was held on the subject petition.

Mr. McIntyre, Planning Director, pointed out the location of the property on a map and stated the property's most recent past use was an interior decorator's shop. That immediately adjacent there is a real estate office and beyond that, in a westerly direction, there is residential development up to Dilworth Road, East, where a church is located. Beyond that there is a beauty shop and residential development and more office and business development.

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He stated in an easterly direction from the subject property there is a general strip of business/commercial, office type of development; the development immediately adjacent to the property being a gas station, another gas station, parking facilities and a fairly broad variety of business development on the southerly side of East Boulevard. Across the street from the subject property there is a large vacant tract of land where a very large apartment building stood many years ago. The Tandur Motel is located in the area. On the southerly side of the property in question there are the rear lot lines of property which fronts on Worthington Avenue which is solidly developed as a single family residential street on both sides for a considerable distance through the area. Diagonally across from the property there is a fairly large tract of vacant land and at the end of that land, fronting on Ideal Way, between Charlotte Drive and Kenilworth, is an architect's office.

He stated O-6 characterizes the zoning in a westerly direction on the southerly side of East Boulevard for several blocks, a very extensive amount of office zoning. In the opposite direction, there is generally business zoning. Across the street from the property there is business zoning, including the large vacant tract of land which was formerly an apartment development. Beyond the Tandura Inn, office zoning prevails. Then, coming in the opposite direction from Kenilworth Avenue, the zoning along the boulevard is generally B-1.

He further described the area with the use of slides.

Mr. Robert Rash, the petitioner, stated it is his intention to locate his architectural office in the subject structure which is zoned O-6 and his request is that his wife be allowed to use the first floor for a business of miniature collectibles for retail sale.

He stated he feels this petition is unique. First, it is not a zoning change they are asking for; it is an alternative use. The reason it is not a zoning change is that no development is required or asked for. He feels the slides have shown that this original home is the most attractive structure on that portion of East Boulevard. It is for this reason that they purchased it. They do not intend to change it in any way except to maintain it. Parking was supplied in 1967 when it changed from residential use to a business use, so no parking needs to be added or no additions of any kind.

Mr. Rash stated he feels it is not a zoning change in that the use they intend for it very closely parallels the interior design studio for which it has been used for ten years. They are not asking for a zoning change for another unique reason which is that he owns the property and he does not want it zoned B-1. He wants it unique, to maintain the character of the Dilworth neighborhood, and he does not want a B-1 zoning for a general zoning pattern. He wants the adjacent properties to be as attractive and valuable to his piece of property as possible, so he does not want a B-1 zoning. He is asking for a conditional use - B-1(CD).

He quoted from the City Code, Section 23-34.1: "Some urban land uses, however, have a particular impact on the surrounding area that cannot be pre-determined and controlled by general regulations. In order to insure that these uses, in their proposed locations, would be compatible with surrounding development their establishment shall not be as a matter of right but only after review and approval as hereinafter provided." That he thinks his request definitely falls in that category.

Then, Section 23-34.2: "The purpose of this section is to provide a voluntary alternative procedure for the rezoning of a property for a specified use. There are instances where a general zoning district designation is clearly inappropriate for a certain property, but a specific use permitted under that district and subject to restrictive conditions would be consistent with the spirit and objectives of this ordinance." That in this particular case, a conditional zoning would be appropriate; it would insure the Planning Commission, City Council and the citizenry at large that they are permitting something that would be consistent with the patterns of the neighborhood; it would be consistent with good zoning; it would be something that would prohibit him from speculating; it would give the Planning Commission and City Council better control over any additional future growth in that particular area over what he would intend to do; it would not allow him to sell the property for rezoning.

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He stated the "mini-tique" shop operated by his wife would be the area that would be non-conforming to O-6. He exhibited to Council some of the miniatures which are considered by people who collect them as a work of art. They are not toys, some of them are in excess of \$500 in value. They are for sale, which makes it a retail business.

Mr. Rash stated the shop would not be decorated as a store; would not have fixture work, or things that a normal store would have. It is as much a hobby as a business, but there are people who are very interested in it. That he does not feel you can compare it with an ordinary retail sales business. This is why they are asking for a conditional use permit; it is an alternative use to what is now allowed with O-6. The last use of the structure was a beauty parlor; they ran for about six months.

The O-6 zoning would allow a half-way house, fraternal organizations, adult classes, beauty shops, barber shops. That he thinks the alternative use would be an improvement over the existing possibilities.

Councilman Gantt asked if he would still be required to submit a site plan although he is not planning to do any development and Mr. Rash replied there is a site plan which accompanies the petition.

Mr. Reneau VanLandingham, 2204 Charlotte Drive and representing the Dilworth Community Association, stated the Association has voted unanimously in favor of rezoning to B-1(CD) the property under consideration. He listed these reasons: (1) For the first time a property owner has worked with the Dilworth Association in reaching zoning provisions which are mutually agreeable to both parties, namely the limitations outlined in Mr. Rash's site plan in regard to signage and shipping and receiving. This is in addition to Mr. Rash's stated intent not to destroy the lovely house or to change the landscaping which is also outlined in his petition. (2) The rezoning is in agreement with the Charlotte-Mecklenburg Planning Commission's recent report, entitled "Neighborhoods in Charlotte" concerning census tracts 34 and 35 (Dilworth): "The census tract has a bright future depending on the effectiveness of future zoning protection." (3) The Dilworth residents feel that this will set a precedent along East Boulevard. They expect this petition to be a model which they will use to encourage other property owners to adopt in order to provide adaptive use of the historic houses in this area. (4) By supporting this request, they are saying that they are not always against growth, but believe that growth must be controlled to preserve those assets which they hold dear; in other words, architectural heritage, trees, sidewalks and parks. They urge the passage of this petition and believe that this represents a new era in cooperation between the property owner, the neighborhood and City Government.

No opposition was expressed to the petition.

Decision was deferred pending a recommendation from the Planning Commission.

RESOLUTION CLOSING PORTION OF NORTH COLLEGE STREET IN THE CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA.

The scheduled public hearing was held on the petition of the Trustees for Estes Express Lines Employees' Retirement Plan to close a portion of North College Street.

Mr. Roy McKnight, Attorney representing the petitioner, stated this is the section of North College Street between East 29th and East 30th Streets; 30th Street is part of the major boulevard system and there is a high bank at East 30th Street. That the street has never been opened; the property on both sides is presently owned by Estes Express Lines and the street being closed will not affect any other property in the neighborhood. A portion of North College Street just one block away has already been closed, so that this leaves only the section between this and 28th Street which is still technically open on the city maps.

There was no opposition to this petition.

Motion was made by Councilman Whittington, seconded by Councilwoman Chafin, and unanimously carried, closing a portion of North College Street.

The resolution is recorded in full in Resolution Book 12, at Page 204.

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HEARING ON ORDERS AUTHORIZING \$7,100,000 MUSEUM BONDS; \$2,500,000 CULTURAL CENTER BONDS; \$6,325,000 SANITARY SEWER BONDS AND \$675,000 WATER BONDS.

The scheduled public hearing was held on the Orders authorizing \$7,100,000 Museum Bonds; \$2,500,000 Cultural Center Bonds; \$6,325,000 Sanitary Sewer Bonds and \$675,000 Water Bonds.

Mrs. DeeDee McKay, 444 Eastover Road, representing the Chamber of Commerce, stated a recent national survey by the Harris Poll indicates that 93 percent of the adult American population believes that museums, concert halls and art facilities are important to the quality of life in their community; 85 percent felt that it was important to the business and economy of the community; 84 percent ranked the arts on the level with essential services.

She stated on April 19th, the citizens of Charlotte will vote for or against museum and cultural bonds to provide money for the further development of Spirit Square and the creation across the street on North Tryon of Discovery Place, a museum of science and technology. That the 37-member Board of Directors of the Greater Charlotte Chamber of Commerce have given this concept its unanimous support; at its February meeting, a motion was made and passed to this effect.

Mrs. McKay asked why is the Chamber of Commerce interested in the passage of a cultural referendum? That the answer is simply. It translates into good business for our city and the enhancement of a quality of life for all people. A strong and diversified cultural life is essential to the development of an attractive business community. Many of the firms which consider Charlotte as the location for their business ask about the cultural amenities available in our city. Often they are relocating from cities much larger than ours and they are accustomed to having first class symphonies, opera, educational opportunities and programs and museums. This referendum will go a long way towards making cultural, educational assets more readily available to all people who live in our city. Businesses depend upon creative and imaginative people and businesses are interested in communities where their employees can have both entertainment and educational opportunities through multi-faceted cultural programs.

That thus far Charlotte has been blessed in the quality and diversity of its arts and science program. Spirit Square, in pulling together the various arts in the community under the umbrella of the Arts and Science Council, has done much to rejuvenate interest in the arts in Charlotte for all people. At present Spirit Square exists as a partially complete art complex. Much renovation is needed to allow for the development of a fully active educational and performing center. Discovery Place, to be built across the street from Spirit Square, will be an experience oriented, hands-on museum. It will be people doing things; designed for people of all ages to learn, to experience, to enjoy, to appreciate science, natural history and technology; it will enhance the lives of all. Together, Spirit Square and Discovery Place will be an educational, cultural and entertainment complex, accessible to everyone in our city whether they come by car or by bus, in the day or at night.

She stated the Chamber of Commerce is vitally interested in the cultural life of Charlotte. To underscore this interest, in 1976 the Cultural Action Council of the Chamber was established. This year that Council expanded and an ambitious program is designed to provide encouragement and assistance to the Arts and Science Council as well as to provide direct support of the arts through the business community. This should indicate to the public that the Chamber's commitment to the cultural life of this community is abiding and significant.

Mrs. McKay stated City Council has demonstrated its interest and its leadership by placing these two important items on the referendum. It is their hope that the citizens of Charlotte will join with the Chamber in actively supporting the passage on April 19th of the Cultural Center and Museum Bond referendum, better known as Children's Bonds, thus insuring the future development of our community in this vital area.

Mrs. Pat Dayton, 3038 Ferncliff Road, stated during the last seventeen years she has personally been involved in the arts in Charlotte and her children have benefited greatly in their growing up years through the opportunities offered in Charlotte. That her recommendation for Spirit Square Bonds is on a

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children's example. She feels the need for a central city location for the performing arts and creative activities center to such a degree that she offered to help the Spirit Square group tell their story.

She stated she was asked to come to this Council Meeting and tell them why she thinks it is so important that this referendum be passed. That our School System does a good job in introducing elementary school children to creative arts. In each class of children you might find one or two who have a knack and an extra little talent in music, art, drama or whatever, beyond the interest or capability of the rest of the class. Suppose there are two such children in Olde Providence Elementary School in a third grade class. They like to write little playlets, little dramas; they also like to play the leading role. Since they are better than anyone else in the class, the teacher lets them play the leading role. But, these children need to be in a group of other children as talented as they so that they do not always get the leading role. There are one or two children like this in every third grade class in the city. These children - from any elementary school in the city - could take a city bus to Spirit Square, meet in a situation where they can communicate, learn and stimulate each other to develop that talent.

Mrs. Dayton stated the referendum has to pass to get the funds to complete the facilities for these programs. Right now, children can attend classes such as magic, production of one-act plays, how to be a clown, pantomime, acting; of course, this whole curriculum will have to expand as the students complete basic courses and need more advanced study.

They may ask why they should develop the talent at all? Because children who learn how to use their creativity and apply it to their education, jobs, every day living, go farther and are happier than those who do not.

Some of the classes offered at Spirit Square are crafts and hobbies, dance, drama, music - various things in music; photography, visual arts - various things in that field. There are week-end workshops for individuals and even families. There are too many areas to cover because of lack of time, but the number of Charlotte adults in existing arts organizations who need this facility is in the thousands. These people will come from all corners of the city to the downtown area which is good for the vitality of our community.

Councilman Davis stated he was appointed by Mayor Belk to represent City Council on the Arts and Science Council and he also serves on the Spirit Square Board. He stated that the quality of public participation on the Arts and Science Council is extremely high and these people bring with them not only their time and energy but a great deal of resources. That should these bonds be approved on April 19th, the money the City is going to invest in these Children's Bonds will be multiplied by the energy and resources that the volunteers bring to these two projects.

He has also been impressed with the detailed financial planning that has gone into these two bond proposals. That while this is coming on a little late for his children, he thinks it is the sort of thing he would like to have in the community he lives in and he plans to vote for them.

Mr. James Sheridan, Chairman of the Community Facilities Committee, read the following letter which he had sent to the Mayor:

"February 24, 1977

Honorable John M. Belk
Mayor of the City of Charlotte
Charlotte, North Carolina

Dear Mayor Belk:

The Community Facilities Committee has reviewed the proposed \$9 million in bond financing approved by Council in conjunction with the proposed annexation of ten areas currently in Mecklenburg County. We have reviewed carefully the projections prepared by Mr. Fennell of

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revenues and expenditures in the areas proposed for annexation. These projections run through the fiscal years 1981-82.

We view the proposed bond financing as a substantial improvement over the one rejected by the voters last year. The current financing program specifies that local service lines costing an estimated \$7½ million in the proposed annexation areas will be paid for from privilege connection fees. This makes the annexed areas subject to the same extension policy as is applicable to the rest of the City of Charlotte. This is more equitable to existing city residents.

Additionally, the primary service lines required as part of the annexation have been re-evaluated and reduced by \$2 million. Funds approved in a previous bond issue, but not utilized, are proposed to be diverted to this annexation thereby reducing the bond referendum by approximately \$2 million.

Capital expansion programs which lead to an increase in the utilization of the water and sewer system usually have a tendency to increase water and sewer rates. In this case, however, there are compensating factors which are difficult to forecast or evaluate that will have a tendency to reduce this impact on rates. If the improvements were distributed over the existing system, the maximum impact on costs would be less than 2¢ per CCF for combined water and sewer improvements. Additional utilization of the system, interest income and other minor revenue sources are such that this committee feels that no rate increase will be needed to cover the cost of the proposed annexation. Rate increases will be needed in future years to cover increases in normal operating costs and inflation, but no rate increase should come about due to annexation.

In conclusion, several alternative methods have been suggested for financing the long-term capital improvements in the proposed annexation. These include revenue sharing, revenue bonds, diversion of general fund revenues, and general obligation bonds. It is our feeling that long-term capital improvements should be financed with long-term bonds. In the case of the City of Charlotte, general obligation - self supporting bonds - represent the most efficient and least expensive method of financing water and sewer improvements.

Sincerely,

J. R. Sheridan, Chairman
Community Facilities Committee."

All members of the CFC were present and were recognized by Mayor Belk.

Councilman Davis stated he agrees with the Committee's assessment that this represents a substantial improvement over the proposal rejected by the voters last year, but to make sure he understands the letter - in Paragraph No. 2, when he says that the \$7.5 million in the local service lines, this obligation has been removed from the bond issue and has been effectively taken off of the taxpayer and placed directly on the individuals who will benefit from the services. Mr. Sheridan replied there is no obligation on the taxpayers.

Councilman Davis stated it would have been had we funded it through general obligations, would it not, and Mr. Sheridan replied, indirectly. Councilman Davis stated, still these extensions will be made up to standards that are applicable to the entire City of Charlotte and Mr. Sheridan replied that is right.

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Councilman Davis referred to Paragraph 3 which states the primary service lines required as part of the annexation have been re-evaluated and reduced by \$2 million. He asked if this means that \$2.0 million worth of primary service lines have been removed from this extension and we are still up to the required standards? Mr. Sheridan replied yes. Councilman Davis asked when he goes on to say that funds approved in a previous bond issue but not utilized, does that have anything to do with that \$2.0 million. Mr. Sheridan replied that is right.

Councilman Davis stated actually the reduction in the bond issue is \$7.5 million plus the removing \$2.0 million worth of lines, or a total of \$9.5 million reduction, plus we are removing from the books this \$2.0 million which was authorized but not used. With this reduction of \$9.5 million there is still going to be some very slight impact, considered to be negligible, which can be absorbed in the entire system.

Mr. Sheridan replied there will be some impact on cost, but he thinks that will be absorbed; there should be no effect on the rate structure. He stated it is awfully difficult to figure out what is going to happen by 1981-82 when the maximum point of debt service occurs, but the Committee feels by that time they will have compensating taxes that will overcome that.

Councilman Davis stated, from looking at the Committee's study which would indicate there would be some very slight impact from only \$7 million bond issue, that it would not require much imagination to know what would have happened if we had sold the entire \$16.5 million issue as originally proposed. That the taxpaying citizens of Charlotte owe a great debt of gratitude to the Community Facilities Committee for working on this in the manner they have. That he thinks they have worked under difficult circumstances and they have done a great job for the people of Charlotte. He also feels Council and the staff should look at this from the standpoint that this possibly reveals that we have some deficiencies in our Utilities Department as far as long term planning for capital expenditures is concerned. That we should view these more closely and perhaps this would be an appropriate area for our Citizens Efficiency Committee to look at as one of the first departments.

Councilman Williams stated suppose this will have minimal, if any, impact on rates. To the ordinary person when he thinks about borrowing \$7.0 million, he knows that is going to have to be paid back somehow. He thinks it ought to be explained that we would be reducing the existing debt by a like amount and that is the reason it all washes out over the long pull.

Councilman Withrow stated he hopes they have asked all the questions that are necessary and they do not get up a day or so before the bond referendum and say we did not get all the answers. If there are any other answers needed, he hopes they get them now or within a short time. If there is anyone on Council that did not get all the answers, they should get them now.

Mr. W. J. Veeder, President of the Chamber of Commerce, spoke representing the Chamber in behalf of the Water and Sewer Bonds. He stated asking the voters to approve this \$7.0 million in water and sewer bonds represents, in his view, a continuation of the City's long time policy of extending water and sewer lines to accommodate urban growth as it occurs adjacent to the City. That policy was sound policy when it was initiated by the City Council many years ago and it continues to be a sound policy today.

He commended Council for also continuing the financing of water and sewer lines with GO bonds. This type of financing saves money. The City's AAA bond rating assures that as a fact. The Fire Protection System that will be upgraded with the water bond money and the some fifty miles of sewer lines that will be built with the sewer bond money make good sense and they reflect good judgment on the part of the Council. He trusts that these bonds have the unanimous endorsement of the Council. The bonds do have the unanimous endorsement of the officers and the Board of Directors of the Chamber of Commerce. They urge the voters to approve these bonds when they come before them for a vote on April 19.

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Mr. Bob Andrews, Quail Hollow Junior High School teacher, speaking in behalf of the Cultural Bonds, stated as a teacher, he is in the schools daily with the children and there are some things that he feels he understands about teaching children that need to be said. A lot of people know what he is going to say, but they do not always articulate.

What he wants to talk about is why is it necessary for somebody to learn something? You have to have someone who wants to learn something; you have to have someone who can teach it and you have to have a place where all these things come together. It is an accident sometimes, but if we can have a place where it is not an accident, where it will happen more often by design, then we have really done something for our town, for the kids and whoever comes after. He stated he enjoys teaching - his students tell him that. Discovery Place is the kind of place that up until now, the Charlotte Nature Museum and Park and Recreation have sorta gotten together and tried to take to the people. He has worked with them in the summertime and really covered the county with the program. The kids have enjoyed it, but they have had to take it to them and that is a hard way to do it - to cover the county with an old bus. Hopefully, we will see fit to approve this project and make this place that will be more accessible to the person who lives in the inner city, in the suburbs or in the rural sections of the County. Hopefully, they will serve the entire Metrolina area. The children like things where they can do it. Let's give them a place where they can do something that is going to stand them in good stead as they get older. If we truly learn what we do, let's make sure that what we do is worth doing.

Mr. J. C. Barnhardt, Barnhardt Manufacturing Company, asked for confirmation of what he thought he heard, that Council has made a commitment that none of the present customers of the Water and Sewer System will have to pay either the capital expenditure or the operating costs of the new bond issue if it is passed.

He stated he is here to express concern about the effect which these bonds will have on water-sewer rates. Annexation may or may not be desirable. He has no opinion about that. These water-sewer facilities required in these annexed areas may or may not be desirable. He has no opinion about that. He does feel strongly that none of the expenses - capital expenditures or operating costs - should be charged to existing customers of the Water-Sewer Department. That whatever benefits result from annexation should be charged to the people in the annexed areas or to the public at large.

He stated the City has apparently given partial recognition to this by reducing the amount of the bonds. He needs positive assurance that none of the capital costs, and none of the operating expenses of the water-sewer facilities in the areas to be annexed will be recovered from existing water-sewer customers. The public is due a commitment on this. In the absence of such a commitment, many who do not oppose annexation as such or the construction of the water-sewer facilities required by the annexation, will vote against these bonds as they did at the recent referendum.

Mr. Barnhardt stated he would like to be the first one to vote for them, but he would like to have some assurance that after 75 years of paying for a lot of water lines that they do not own, that they will have changed the stance and let the people who are getting the benefits do the paying.

Mr. Sheridan replied it is his understanding that the water and sewer bonds that will be voted on on the 19th will have absolutely no impact on his water bill.

Councilman Davis stated he has no objection to proceeding with the mechanics of annexation which will save us time should the bond issue pass. But so that everyone will know where he stands, he thinks they should note that the November 1976 referendum included a proposal to borrow money and that was rejected by the voters. The April 19th referendum will also include a proposal to borrow a lesser amount of money which requires voter approval.

If the voters turn this issue down, he might under some circumstances, still proceed with annexation but he would not under any circumstances he can imagine at this point, vote to borrow any money and sign the taxpayer's name to the IOU. He would not vote for any long term debt; he would not vote for any so-called two-thirds bonds; he would not vote for using previously authorized un-issued bonds; he would not participate in any subterfuge to circumvent the will of the voters.

ORDERS AUTHORIZING CULTURAL BONDS AND WATER AND SEWER BONDS, AND RESOLUTION CALLING A SPECIAL BOND REFERENDUM ON TUESDAY, APRIL 19, 1977.

Upon motion of Councilmember Williams, seconded by Councilmember Locke, and carried, the order introduced and passed on first reading on February 7, 1977, entitled: "ORDER AUTHORIZING \$7,100,000 MUSEUM BONDS", was read a second time and placed upon its adoption. The vote upon the adoption of said order was:

- AYES: Councilmembers Chafin, Davis, Gantt, Locke, Whittington, Williams and Withrow.
- NAYS: None.

The Mayor then announced that the order entitled: "ORDER AUTHORIZING \$7,100,000 MUSEUM BONDS" had been adopted.

Thereupon, upon motion of Councilmember Locke, seconded by Councilmember Whittington, and carried, the order introduced and passed on first reading on February 7, 1977, entitled: "ORDER AUTHORIZING \$2,500,000 CULTURAL CENTER BONDS", was read a second time and placed upon its adoption. The vote upon the adoption of said order was:

- AYES: Councilmembers Chafin, Davis, Gantt, Locke, Whittington, Williams and Withrow.
- NAYS: None.

The Mayor then announced that the order entitled: "ORDER AUTHORIZING \$2,500,000 CULTURAL CENTER BONDS", had been adopted.

Thereupon, upon motion of Councilmember Chafin, seconded by Councilmember Whittington, and carried, the order introduced and passed on first reading on February 7, 1977, entitled: "ORDER AUTHORIZING \$6,325,000 SANITARY SEWER BONDS", was read a second time and placed upon its adoption. The vote upon the adoption of said order was:

- AYES: Councilmembers Chafin, Davis, Gantt, Locke, Whittington, Williams and Withrow.
- NAYS: None.

The Mayor then announced that the order entitled: "ORDER AUTHORIZING \$6,325,000 SANITARY SEWER BONDS" had been adopted.

Thereupon, upon motion of Councilmember Whittington, seconded by Councilmember Locke, and carried, the order introduced and passed on first reading on February 7, 1977, entitled: "ORDER AUTHORIZING \$675,000 WATER BONDS", was read a second time and placed upon its adoption. The vote upon the adoption of said order was:

- AYES: Councilmembers Chafin, Davis, Gantt, Locke, Whittington, Williams and Withrow.
- NAYS: None.

The Mayor then announced that the order entitled: "ORDER AUTHORIZING \$675,000 WATER BONDS" had been adopted.

The Clerk was thereupon directed to publish said orders in The Charlotte Observer once, and to publish at the foot of each said order the appended note as required by the Local Government Bond Act, as amended.

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Thereupon Councilmember Chafin introduced the Resolution Calling A Special Bond Referendum on Tuesday, April 19, 1977.

Councilman Whittington stated that many years ago he stood in the Coliseum floor at a Boy Scout circus and watched some 5,000 Scouts and their adult leaders march out onto that floor; and the late J. Fred van Trees said to him at that time: "Jim, there goes a passing parade and if we don't do something for them now, then after they pass by it is too late."

To follow up on what Mr. Andrews said about children in this community, he would like to state why he thinks Spirit Square and Discovery Place should be supported in this bond issue. This referendum deserves the support of all of our citizens regardless of their economic or social background for these reasons:

1. When the City annexes the ten areas eligible under state law to bring them into the present city limits, we are bringing in new revenues to solidify our present ad valorem tax base so that the present city resident tax rate can be protected as much as possible fiscally. What the Mayor and the Council are really accomplishing here today is two-fold: Growth under the law; and new revenue to protect our present tax base.
2. This bond issue has something for everybody. The Museum bonds - Spirit Square and Discovery Place - are people programs. They will be programs that involve people with Downtown. Several hundred thousand school children each year go through the present Nature Museum at Freedom Park. These school children would be coming Downtown to a new place called Discovery Place. This is the citizens' opportunity - business and the whole gamut to support local government and allow us to use cheaper money to pay for these projects and pay back later. The people who will be future citizens of this community will help pay for the projects the citizens are being asked to approve on April 19th.

Councilwoman Chafin stated as a matter of information for those Councilmembers who have agreed to speak on behalf of the Children's Bonds, the Children's Bonds Campaign Organization is sponsoring a Speakers Bureau workshop at Spirit Square Saturday morning at 10 o'clock.

Thereupon, upon motion of Councilmember Chafin, seconded by Councilmember Locke, the resolution entitled: "RESOLUTION CALLING A SPECIAL BOND REFERENDUM" was passed by the following vote:

AYES: Councilmembers Chafin, Davis, Gantt, Locke, Whittington, Williams and Withrow.
NAYS: None.

The orders are recorded in full in Ordinance Book 24, beginning at Page 22.

The resolution is recorded in full in Resolutions Book 12, beginning at Page 205.

Mayor Belk stated that news reports indicate that New Mexico and California are going to be short of water. Virginia Beach has a \$50 million water-sewer bond issue - they are that far behind and may have to close down the whole project of Virginia Beach because they haven't kept up. He commended our City Council on staying ahead of what our problems are for our growing community; that they are wise to try to solve these problems as they confront the citizens. Having taken over the Utility Departments of both the City and the County gives them an added responsibility.

BRONZE STATUE OF DR. MARTIN LUTHER KING, JR. APPROVED FOR MARSHALL PARK.

Rev. James Barnett, Chairman of the Dr. Martin Luther King Memorial Committee, reported to Council that they have selected a memorial - a life-size bronze statue of Dr. King to be placed in Marshall Park. They have agreed on this statue but they considered other things before they made

their decision - the Civic Center, the new airport parkway, a number of playgrounds, as well as Beatties Ford Road. The reason they agreed on the statue is that it is something original; it will not cause any hardship such as the renaming of a road. Marshall Park was chosen because it is centrally located - that any memorial to Dr. King should be shared by both black and white. They feel that time is of the utmost importance in this project and they hope that City Council will approve it and not send them back to the drawing board. They hope to have this statue unveiled on January 14. They plan to invite Dr. King, Sr., Mrs. Coretta King and family and President Carter.

The cost of the statue is estimated at \$25,000 and will be paid for by public donations. The only thing the City is asked for is the site in Marshall Park. An artist will be selected from an Art Committee composed of people from the art world. This piece of work will be advertised in the art journals and bid on. They feel the only fair way to do this is to put it on the open market. They have received endorsements of all the ministers conferences except two; the Black Political Caucus, West Boulevard Coalition, Radio Station WGIV, The Charlotte Post, The Charlotte News, The Charlotte Observer, County Commissioner Bob Walton, School Board Chairman Phil Berry, City Councilman Harvey Gantt, Senator Fred Alexander, Dr. Greenfield, President of Johnson C. Smith University; and several others.

He requested that City Council approve this selection and give them a site in Marshall Park and the preparation of that site; that they be able to continue work on this by drawing up two more committees, a Finance Committee and an Art Committee.

Councilwoman Locke moved approval of the recommendation. The motion was seconded by Councilman Whittington.

Councilman Withrow suggested that if statues are allowed in the park, Council should draw up an ordinance regulating who they will choose in addition to this one, the sizes and locations, etc.

Councilman Gantt stated it is interesting that the City Manager pointed out that we have no policy in regard to statues in the City of Charlotte. He did not know we had a policy one way or the other. It would seem to him rather than any hard and fast rule as to where statues are to go and in whose honor they should be designed or built, this is the kind of thing that we might want to take on a basis of merit and community support for such a memorial. His own feeling is that he does not know whether it is a good thing or not that we have not honored some of the leaders in our community or in our nation in the city. If someone wants to do a memorial to Abraham Lincoln or George Washington, they should come forward. We apparently will have a responsibility here in designating the Marshall Park site; we will have to do some coordination with whatever artist or sculptor is selected and may have some responsibility in terms of site development, but he personally cannot see the \$25,000 covering some of that.

He was pleased to hear the motion and the second because he feels in this particular case, Dr. King was a great man, as are a lot of other people, and has a unique place here. He stated it is the first time he has heard of a committee coming before them asking for such a venture and not proposing that we use some tax dollars to support it. They should be commended in that respect.

Councilman Davis stated he is disappointed that the committee did not come up with a different way to honor Dr. King. That he gave his life for equality and here we are making an exception to make him different from the other citizens. He thinks something other than this would have been more appropriate. He will vote for this recommendation, but he thinks they should move quickly to establish some sort of policy on this because if we take the measure of community support as Councilman Gantt suggested, then Elvis Pressley probably has a bigger community following than anyone else that has been to town lately. We might have some problems that we would rather not face.

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Councilman Gantt asked how he would establish that policy? Councilman Davis replied he did not know, but just on the basis of community support, no.

Councilman Whittington stated he believes what Councilman Withrow is talking about is the last sentence under Section 3, where it is suggested that Council give them instructions as to the future. He does not know how you can do this because you do not know what is coming.

Councilman Withrow asked if it would be advisable to have a committee of Council? City Manager Burkhalter was asked for his opinion. He stated that what he really hoped for if they approved this was for them to say that our policy has been right - we have not allowed any; that anytime you want to put one in there you are going to have to violate the policy. The Doughboy, for example, was proposed for Marshall Park, but this was discouraged. The policy now is not to put these statues in the Park. That Council is now saying they want to place one. As far as he is concerned, they just need to say that our present policy is right, that it is not to put any more in there.

Councilman Gantt stated we are talking about administrative policy, not an ordinance? Mr. Burkhalter replied yes. He thinks it is possible that we could have someone coming up about once a month for something to go in that park. Other opinions were expressed that this would not be too bad, that statues are beautiful things, that other cities have this sort of thing.

Councilman Gantt stated he thinks Mr. Burkhalter is right in that we would cheapen the effect if there were too many. Councilman Williams stated the Council should have the prerogative to make the decision.

The vote was taken on the motion to approve the erection of a bronze statue of Dr. Martin Luther King in Marshall Park and it carried unanimously.

Councilman Gantt addressed remarks to Rev. Barnett and other Committee members who were present, that he hopes in their selection process for an artist to do this they will consider some kind of competition and he thinks it would even be meritorious if that competition would give some effort to encouraging local artists to get involved; and that the memorial itself not simply be an artist's expression of this kind of thing. That they talk with the people in the community who have some knowledge of this kind of thing - it may be a competition, it may be some other format other than simply setting a price.

Mayor Belk expressed appreciation to the committee for its efforts.

CONTRACT WITH MECKLENBURG COUNTY FOR THE PERIOD OF MARCH 1, 1977 THROUGH AUGUST 31, 1977 FOR HOT MEALS FOR THE ELDERLY PROGRAM.

Motion was made by Councilwoman Locke and seconded by Councilman Whittington to approve a contract with Mecklenburg County, in the amount of \$199,034, for Hot Meals for the Elderly Program, for a contract period of March 1, 1977 through August 31, 1977.

Councilwoman Chafin stated she understands that originally the contract was to call for purchase of two vans rather than lease; and that there seems to be some confusion about Council's policy on buying vehicles. She does not think the various discussions they have had recently were addressed to the purchase of this kind of vehicle, but rather, city cars.

Mr. Burkhalter replied he felt Council was very specific in that they did not want to acquire any new vehicles that were not absolutely essential. That for this period of time, he asked that they go back and see if they could furnish this transportation with existing vehicles, or by leasing. They found out that they could lease them to perform these services.

Councilwoman Chafin asked if it is really going to save us money over the long haul? Mr. Burkhalter replied that he does not know that it will save a lot of money. If you only have to have a vehicle to do a one-time meal

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service, it seems to him to acquire a vehicle for that purpose would not be right. If that is the only use you had for it. That is the only one they could justify in this case.

Councilman Gantt stated suppose next year it is found we have another use, could we purchase them? The City Manager replied you can always purchase one.

Councilman Gantt stated he would like to commend the Budget and Evaluation Department on what he thinks is a very thorough evaluation of the existing program - even down to whether the participants like steaks or the types of vegetables. It revealed a number of interesting things. He always asks the question what is important about the feeding program beyond getting the food to the person who needs it. The question is whether the food tastes good. In the evaluation they went through and got some feel for it. Out of that, a couple of questions were asked, and he does not know if they were resolved in the new contract. That is, one of the points raised was the food that was catered from outside and brought in, does not taste nearly as well as the food that is cooked on site. That he searched through the contract to see whether that has been changed. If we can continue the work of improving the quality of food for the price given it is very reasonable, we would be better off. He wonders, if in the evaluation, the number of points raised was taken into account. He also asked about whether or not something has been done about some of the locations being dissatisfied with the arrangements.

Mr. Sawyer, Director of Community Development, stated he does not know whether or not the owners of the various feeding sites are comfortable with these figures right now. That Ms. VonSprecken, Administrator of the program, may be able to answer that question. But this year they are requiring the City be furnished a copy of an agreement, after it is reached, agreeing to pay something for maintenance, utilities and other things. Also, they have in the contract requirements that the number of meals being catered be reduced; or that the number of meals prepared on site be increased. When the West Boulevard site is selected, the requirement is that meals served from the location be prepared on site, and be ready to serve by May 1. That North Charlotte is another site where the meals will be prepared on site, and this will reduce the number of catered meals.

Ms. VonSprecken stated she agrees that she likes the meals cooked on site. They received the money on January 1, and implemented the program February 1, which gave them one month. It is very hard to have the Health Department approve the locations. They do have two sites coming up and they will be able to do on-site preparation. It has taken time. She agrees that catered food is not as good as on-site preparation. They feel they have fed a lot of people and have contacted a lot of people and have given them a lot of extra services they would not have received if they had waited for a year to set it up. That they will now be doing 200 more on-site preparations.

Councilman Gantt asked about the maintenance and utilities for the churches. He asked if they arrive at the figures through negotiations with the church? Ms. VonSprecken replied in the past they have had these services donated. Most of the churches like to do it on their own.

Following was a general discussion of the different sites, during which Ms. VonSprecken stated they have previously purchased four vans. They received them in April; have put 56,000 miles on the vans since that time, and have put new tires on them. The van cost \$6,300. To rent or lease a van for six months it is \$2,100; for 12 months it is \$4,200; for 18 months it is \$6,300. In 18 months they will have paid for the van. If they go through 1981, which she hopes to do with the hot meals program, they will have paid \$18,900 for a van. So they would have saved \$12,600 if they had bought the van.

Councilwoman Locke stated some members of Council are concerned about all the vans - Neighborhood Center, Area Fund, and every place.

Ms. VonSprecken stated the vans are not just used for the hot meals; they are used all afternoon. Councilwoman Locke replied they understand that; but there are so many vans in so many different areas. There is so much

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overlapping of all these things. There needs to be some way to coordinate it so the vans could be used when someone else is not using them. She stated she thinks Council is just going to have to vote to give them the money for what is before Council today, and then work out some kind of agreement between some of these agencies.

Councilwoman Chafin stated she would like to see us investigate a lease-purchase arrangement, so if the results of the Transportation Task Force study indicates the vans are needed, then we will be in a position to buy them.

Mr. Burkhalter stated he is glad the evaluation has been read. If the lease does not work out then he will be back to Council and tell them. But, we do not have any experience in this now, and he thinks it should be tried.

Councilman Davis asked if the lease includes maintenance and things like this? Mr. Burkhalter replied he does not think you can get a maintenance lease now. Ms. VonSprecken stated it is just leasing the van. Mr. Burkhalter stated he has heard the concern expressed on this Council, and he thought this was the thing that should be done - give it a try. There may be some areas in which it can be done. That he does not think they are idle that much that others can be used.

Councilman Williams stated it is passenger vehicles he is concerned about - automobiles, sedans; more this type vehicle rather than dump trucks and garbage trucks.

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

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE TO COOPERATE WITH THE MECKLENBURG COUNTY COMMISSION IN A COMPREHENSIVE STORMWATER MANAGEMENT PROGRAM.

Motion was made by Councilman Whittington, seconded by Councilwoman Chafin, and unanimously carried, adopting a resolution entitled: Resolution of the City Council of the City of Charlotte to cooperate with the Mecklenburg County Commission in a Comprehensive Stormwater Management Program.

The resolution is recorded in full in Resolutions Book 12, at Page 217.

ACTIONS RELATING TO THE OPERATION OF THE CHARLOTTE TRANSIT SYSTEM.

(a) After comments by Mr. Kidd, Transit Planner, motion was made by Councilwoman Locke and seconded by Councilman Gantt, to adopt Ordinance No. 442-X amending Ordinance No. 155-X, the 1976-77 Budget Ordinance, amending the Table of Organization for the Charlotte Transit Planning Office and Finance Department to add three personnel positions and transfer one position from the Transit Operations to provide cash control, purchasing support and inventory management for the Transit Operation.

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

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

The ordinance is recorded in full in Ordinance Book 24, at Page 26.

(b) Motion was made by Councilwoman Locke, seconded by Councilman Whittington, and unanimously carried, approving a two-year lease agreement, at an annual cost of \$11,310 for 3,000 square feet of office space in the former Civic Plaza Building to house the administration, marketing and planning functions of the Charlotte Transit System.

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(c) Councilman Whittington moved approval of a contract with Haskins and Sells to prepare a financial audit of City Coach Lines through February 28, 1977, and a transitional services audit, each in an amount not to exceed \$5,000. The motion was seconded by Councilman Locke, and carried unanimously.

RESOLUTION AUTHORIZING THE CITY FINANCE DIRECTOR TO TEMPORARILY BORROW FUNDS FROM THE CITY'S GENERAL FUND TO HELP MEET THE CASH-FLOW REQUIREMENTS OF THE PUBLIC TRANSPORTATION FUND.

Motion was made by Councilman Gantt, seconded by Councilwoman Locke, and unanimously carried, adopting the subject resolution to temporarily borrow funds from the City's general fund to help meet the cash-flow requirements of the Public Transportation Fund.

The resolution is recorded in full in Resolutions Book 12, at Page 218.

ORDINANCE NO. 443-X AMENDING ORDINANCE NO. 155-X, THE 1976-77 BUDGET ORDINANCE, INCREASING THE REVENUE AND EXPENDITURE ESTIMATES TO ESTABLISH AN APPROPRIATION FOR AN ACCIDENT IDENTIFICATION AND SURVEILLANCE PROGRAM, AND AMENDING THE TABLE OF ORGANIZATION FOR THE CHARLOTTE TRAFFIC ENGINEERING DEPARTMENT.

Councilman Gantt moved adoption of the subject ordinance increasing the revenue and expenditure estimated to establish an appropriation for an Accident Identification and Surveillance Program, and amending the Table of Organization for the Traffic Engineering Department to add five positions for the program. The motion was seconded by Councilman Whittington, and carried by the following vote:

YEAS: Councilmembers Gantt, Chafin, Locke and Whittington.

NAYS: Councilmembers Davis, Williams and Withrow.

The ordinance is recorded in full in Ordinance Book 24, at Page 27.

QUESTION OF OFF-DUTY EMPLOYMENT OF POLICE OFFICERS REFERRED TO THE CITY COUNCIL'S COMMITTEE ON OPERATIONS.

Councilman Gantt stated he requested this item be placed on the agenda three or four weeks ago. That his question relates to whether or not we should consider an adjustment in the present rules such that we do not allow uniformed officers to perform off-duty functions. He is interested in whether or not they have to work in police uniforms performing certain of these functions.

Chief Goodman stated in 1962 the Civil Service Board approved a set of rules and regulations; and the City Council adopted them in September 1962. So they are operating under the Council's rules and regulations. Three of those govern the employment of off-duty police officers. There are other procedures set out to carry out the rules and regulations which do govern the four hours a day, and whether or not they can work on their days off; number of hours a week; it also says they are prohibited from working where it is detrimental to the good of the service. Someone has to make the determination whether or not it is for the good of the service. They do not permit officers to work in a strike situation. They do permit officers to work in stores, shopping centers where strikes are in progress. They have no knowledge of where the strikes will be tomorrow or the next day. It could be at a hospital. Officers do work off duty at the hospital. It could be at the airport. Strikes can occur any place, any time. The officers are not engaged with the strike folks. They are working security, crime prevention, traffic control, and things of this nature.

Councilman Gantt stated his question is whether or not we should allow police officers when employed by private organizations to wear police uniforms which in effect carries the weight of authority of the City of Charlotte

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government when they are performing services for a private establishment. If a police officer wants to work for McDonald's or any approved location, that is fine. But, it seems to him that McDonald's should supply the uniform if the officer has to wear a uniform; supply the gun or whatever else is needed to perform this function, rather than citizens feeling the establishment is being privately protected by the City of Charlotte.

Councilman Gantt asked why the uniform is necessary? Chief Goodman replied most of the services rendered by off-duty police officers lighten the demand on the Police Department for additional services; it benefits the citizens of Charlotte because it is providing public service which is being paid for privately. It does prevent crime to have them out in uniform - high visibility helps prevent crimes. He agrees that some of these services can be provided by private agencies; but it is up to the merchants to determine whether or not he wants a police officer or a guard.

Councilman Gantt asked if the uniform is bought by the police officer or by the City? Chief Goodman replied we provide the uniform. The officers are required to keep them clean. Councilman Gantt stated he does not have any problems with some of the areas where it is controlled where police officers will work during off-duty hours under certain procedures. His problem is that the impression is given that the City of Charlotte is providing private services even though we know the officer is being paid by the private concern, and the City itself is not being paid to provide those services. The perception of the public is you have a police officer protecting that establishment so you get the very kind of thing that was pointed out by Mr. Brawley of the Fire Department - a perception. As it turned out, the officers engaged as security officers for Harris-Teeter were, in fact, not involved one way or the other with the strikers. He stated he feels we should not allow the officer to wear his uniform. The establishment that wants that particular service, if he does not want to hire a security agency, should at least provide his own form of uniform so that people will see he is a security officer for that establishment.

Councilwoman Locke stated this has brought up a lot of questions that need to be answered, and she thinks it should be referred to Council's Operations Committee, and let them hold a hearing and bring it back to Council.

Councilman Withrow asked what liability the City incurs when a police officer is working in uniform, if any? Chief Goodman replied the employer assumes that liability.

Councilwoman Locke moved that this be referred to the Operations Committee. The motion was seconded by Councilwoman Chafin.

Mr. James Stegall, Burns International Security Agency, stated he likes the idea of the Committee studying the problem; that he is in the security business, and with the problem they have industrywide in the State of North Carolina, it is becoming an acute problem with them in the business. They operate under a clause known as "74B", which is administered by the State, and is the Private Detectives Services Council and it regulates the industry. They cannot hire an off-duty police officer to work under their auspices. If someone called and wanted him to provide an off-duty police officer, he cannot do that because of State law.

It is part of the law which said no police officer in the State of North Carolina can "moonlight". This created a lot of problems in the State, and the Security Industry was asked if they would object to this being deleted from the "74B" and most of them said they would not. However, they did not realize the problem would become as acute as it has been. He stated Chief Goodman told him earlier that 45 percent of his men hold off-duty positions; probably 1/3 of that 45 percent hold permanent off-duty jobs. This is the problem they have run into. Not only does he think that is a problem to them; but he sometimes believes it damages the image of the police officer. He thinks sometimes there are other things that creep into the situation. He stated if there is going to be a public hearing by this committee, then he would like to be heard.

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Mr. Stegall stated he is not anti-police; he spent 18-1/2 years in the City Police Department, and has a very fond spot in his heart for the department, and has many friends there.

Councilman Davis stated the employment of off-duty police officers brings about a number of problems. He hopes the Committee will not try to address each of them individually. That basically he thinks we have a bad situation with the fact that police officers are required to work off-duty to support themselves and their families. He would hope the Committee would direct some of its efforts towards eliminating the problem. He stated police officers are in what he thinks is one of the sensitive areas of employment, and he would rather they not work for anyone else. There are a number of other categories of City Employees he would consider in the same vein.

He stated one area he would like to ask the Committee to direct its attention to and also the police chief is that of using the part of the law that permits police officers to work overtime at their regular pay. For example, the City of Charlotte might permit a police officer to work up to 12 hours overtime at the regular rate of pay, and make them available for this type of work. The private business could use these officers, and the officers would be paid by his prime employer, the City of Charlotte; the City of Charlotte would receive the funds from the private business.

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

LEAA GRANT AWARD CONTRACT FOR 1977 POLICE PLANNING PROJECT WITH THE GOVERNOR'S LAW AND ORDER COMMITTEE, AUTHORIZED.

Councilman Whittington moved approval of the LEAA Grant Award Contract, for the 1977 Police Planning Project with the Governor's Law and Order Committee which provides for \$12,000 in federal funds, \$666 in-state funds to be combined with a local match of \$667, for a total grant of \$13,333. The motion was seconded by Councilwoman Chafin, and carried unanimously.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE ENDORSING THE CONTRACT BETWEEN THE PARK AND RECREATION COMMISSION AND THE CHARLOTTE-MECKLENBURG BOARD OF EDUCATION FOR THE JOINT USE OF GROUNDS AND FACILITIES FOR RECREATIONAL PURPOSES.

Motion was made by Councilman Gantt, and seconded by Councilwoman Locke, to adopt the subject resolution.

Mr. Bullard, Director of Community Relations, stated the Insurance Committee and the Attorneys have agreed on some additional language that should be in the Contract; both Boards have agreed in principle to this and have agreed this be inserted when the attorneys and the Insurance Committee are in agreement.

Mr. McIntyre, Planning Director, stated as far as the Planning Commission is concerned this is a very substantial accomplishment. This is basically one of the objectives of the Comprehensive Plan when they developed the recreational plans for both existing communities and resolving deficiencies in recreation needs for the future. In the studies that identified recreational needs both present and in the future, they identified 15 school sites that could be used with adequate space for district parks. In a neighborhood park study, they identified 32 schools with proper locations and added ground area as sites for neighborhood parks. This has a potential for great service, and a potential for saving a considerable amount of money. At one point in their study, they came up with a figure of about \$1.0 million which would be saved in land costs if there would be this kind of fairly consistent program between the schools and the City Recreation people.

Mr. McIntyre stated the first school is Windsor Park School. That was a priority identified in the study they did of neighborhood park needs. He stated these are not indoor facilities; these are outdoor facilities.

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Councilman Gantt stated he would like to commend this group for doing something that is long overdue. This is maximizing our tax dollars; and that is important.

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

ORDINANCE NO. 444-X OF THE CITY OF CHARLOTTE EXTENDING THE CATV FRANCHISE CURRENTLY HELD BY CABLEVISION OF CHARLOTTE UNTIL JUNE 30, 1977, ADOPTED.

Motion was made by Councilman Whittington, seconded by Councilwoman Locke, and unanimously carried, adopting the subject ordinance to extend the CATV franchise held by Cablevision of Charlotte until June 30, 1977.

The ordinance is recorded in full in Ordinance Book 24, at Page 28.

PUBLIC HEARINGS ON RESOLUTIONS OF INTENT TO CONSIDER ANNEXATION SET FOR TUESDAY, APRIL 26, 1977, 3:30 P. M., IN COUNCIL CHAMBER.

Motion was made by Councilwoman Locke, seconded by Councilman Davis, and unanimously carried, to set Tuesday, April 26, 1977, at 3:30 p. m., in the Council Chamber as the time and place for public hearings on Resolutions of Intent to consider annexation.

RESOLUTIONS OF INTENT TO CONSIDER ANNEXATION OF TEN AREAS ADOPTED.

(a) Councilman Whittington moved adoption of a resolution stating the intent of the City of Charlotte to consider annexation of the Thermal Road Area, as described therein, and fixing the date of public hearing on the question of annexation. The motion was seconded by Councilwoman Locke.

Councilman Williams stated these resolutions are related to some extent to the water and sewer bond referendum on April 19. It is very important in his mind that water and sewer bonds pass because if they do not pass, all the consequences which face the Council are unpleasant. He wants to make sure when we vote on these that we are not painting every Councilmember into a corner so that their options at a later time might be restricted. As he sees it, if the bond referendum on April 19 should fail on water and sewer then we have four alternatives. He would like to inquire at a later time of the City Attorney if by adopting these resolutions the alternatives are affected.

One alternative would be the pay-as-you-go approach that staff recommended in one of two recommendations at Belmont Center. The pay-as-you-go approach means that not every area could be annexed - only some of them. As everyone knows that has some disadvantages. Number one probably is some people are going to complain they have not been treated fairly. That someone down the road was not taken in. That he does not think we want to get into being accused of playing favorites. In addition the pay-as-you-go approach has the disadvantage which he thinks the Community Facilities Committee has pointed out. That is, these are long term investments we are talking about making. It is altogether reasonable to pay for them over a long term period. To quote Jim Sheridan's statement on that - "It is our feeling that long term capital improvements should be financed with long term bonds instead of the pay-as-you-go out of current revenue."

The second alternative would be two-thirds bonds and other money, which he calls "funny money" - moving money around; and he thinks that is the position staff favored at that time. He does not like that because it has the appearance of circumventing the voters on the question.

The third possibility is revenue bonds. Revenue bonds are unsatisfactory because they cost more and also circumvent the will of the voters. This Council, as long as it has the power to set utility rates is not going to let any bond of the City of Charlotte go into default, whether it is a

general obligation bond or revenue bond. The Council is going to insure the rate is sufficient to pay off the revenue bonds. If you go with revenue bonds it seems to him you have all the disadvantages and none of the advantages.

The last option is to have no annexation at all, which he does not think any member of Council is in favor of. We need the areas we are considering to be annexed. Maybe we need them more than they need us; but he hopes it is a mutual situation. He thinks these people generally realize the City does need them, and they realize it is not that bad a deal for them. He sat next to a person and discussed this, and by the time you add up the garbage service, fire insurance and cutting in half the water and sewer bill, it is just about a wash out. But it is a big help to us.

The City Manager stated another advantage is the write-off on his income tax for city taxes.

Councilman Williams stated he wants to make sure that passing these resolutions would not cause Council at a later time to not exercise one of these other options, except option four.

Mr. Underhill, City Attorney, replied in passing these resolutions the legal effect is in a public and official way stating Council will consider the question of annexation of these areas. It does not legally commit Council to annex them; it permits a public hearing to be held. That is all it commits Council to do. The kind of funding arrangement Council desires to provide for water and sewer extensions into these areas will have to be addressed in the plans for services which will be before the Council for approval on Monday, March 14, and which the State law requires approval of the plans for services which will show each existing city service, and how Council will provide that existing city service to the annexed areas. In addition, how the services will be financed to the annexed areas to the same level and same manner and extent that they are presently provided in the city.

Mr. Underhill stated he does not think Council is locking itself in by the adoption of these resolutions of intent. When the plans for services come they will have identified in them methods of financing services. It is at that time that the debate on what Council may desire to do in terms of financing water and sewer could appropriately take place. Council is not doing anything now to jeopardize or cut off the right to take another course of action.

Councilman Williams asked if after April 26, Council could elect to annex eight out of ten of these? Mr. Underhill replied after the public hearing or at the meeting where Council considers adoption of the annexation ordinances, the law provides that the Council has the authority to adopt an ordinance to extend the corporate limits to include all, or such part of the area described in the notice of public hearing. Council can annex all or part, or drop out the entire area. That is Council's prerogative at the time the ordinances to annex are voted upon.

Councilman Withrow stated some years ago there was a bond referendum which Council itself thought was so important to the City that it pass that each Councilmember asked all organizations to ask them to come and speak to them. Council sold that bond referendum and it passed at a time when no one thought the bonds could pass. He believes this item is so important that this City Council ask all organizations in this City to ask Councilmembers to come and talk on these water and sewer bonds. He believes if Council members take themselves out this way, the bonds will pass, and will not have to go to these other alternatives.

Councilman Gantt stated he agrees with Mr. Withrow. But he wants to go back to Councilman Williams' remarks. He hopes the Council really does feel that they are locked in in deciding one of three different methods of financing. He hopes we never take option four, which is no annexation at all. He stated he had the opportunity and privilege of going to South Carolina last

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week and spending some time with the Commission down there dealing with their problems of trying to get annexation by development standards. It is interesting the kinds of problems that State faces and probably another 25 states face in the Country. The problem they have with fiscal growth, or having such good fiscal conditions such as we have in Charlotte. He does not for a moment believe there is not a relationship between the Triple A bond rating in this community, and the fact it has some flexibility on the growth policy. He thinks Council should not forget that. One of the most educational kinds of things Council can do is to examine the implications of what financial situation this City would be in today if it did not have the ability to expand its tax base for 1974 by \$418.0 million. Those kinds of things need to be before us all the time, or what the implications would have been on the property tax rate were we not able to have this kind of growth policy. That he is hoping in the campaign we will not confuse the question of how we finance the payment of water and sewer bonds with the question of annexation. He thinks it is of paramount importance as leaders of this city to keep before the community that we have to have a maximum growth policy.

Councilman Gantt stated all of them received in the mail last week the Charlotte-Mecklenburg Utility Department's annual report. Council should be examining that and probably setting aside some time for Mr. Dukes and his department to come to Council and talk about this in more detail. The implications of how far afield we go in terms of growth in the City are tied up in that utility plant. Where we are going to put additional lines, and whether the growth is going to control us. A lot of us like to go out and talk about this in the campaign; about quality of growth and controlled growth. We set a lot of these things down by virtue of where the sewage outfalls are placed; where main trunk lines are installed. We should continue to examine those areas that in the future will be coming under the pressure of annexation through urbanization. That more and more we are going to have to ask Mr. McIntyre, along with Mr. Dukes and others to report to Council where and how the city is growing; and the implications of what allocating five, six or eleven million dollars of water-sewer bonds will do.

Councilman Gantt stated without question he thinks we are so fortunate in having this ability to let this city grow. People vote by virtue of the fact they locate close to Charlotte; they vote and say they want to be a part of this community, and have the tool to do it. He hopes Council will continue to say that to the public. That what we are looking for is a way to finance it in their best interest. If they reject one option, then we have to swallow the bitter pill of finding another way.

Mr. Burkhalter stated he thinks it is very important that Council do what Mr. Gantt suggested. That he does not know you would do it necessarily with the Utility Department; it might be more appropriate to do it with the County Commissioners. Council is really doing things after the fact. When we annex, we are annexing areas already declared urban by law. That is the reason we are able to annex by ordinance because the state law says it is city; it is already there. Then we put the water and sewer in. The reason they are there is because someone has let something go in this area prior to that time. If you really want to get at the planned growth of this county, then it should be done in conjunction with the County Commissioners.

Councilman Whittington stated one of the reasons we have been able to annex consistently is because of what developers were doing out in these areas, putting in this water and sewer before it was annexed. He thinks what we need to do is to show our intent again that we are going to annex these areas; whether they pass or not on the 19th.

The vote was taken on the motion and carried unanimously.

The resolution is recorded in full in Resolutions Book 12, beginning at Page 220.

(b) Councilwoman Locke moved adoption of a resolution stating the intent of the City of Charlotte to consider Annexation of the Sardis Road North, as described therein, and fixing the date of public hearing on the question of Annexation. The motion was seconded by Councilman Whittington, and carried unanimously.

The resolution is recorded in full in Resolutions Book 12, beginning at Page 224.

(c) Councilwoman Chafin moved adoption of a resolution stating the intent of the City of Charlotte to consider Annexation of the Providence-Rea Road area, as described therein, and fixing the date of public hearing on the question of Annexation. The motion was seconded by Councilman Whittington, and carried unanimously.

The resolution is recorded in full in Resolutions Book 12, beginning at Page 228.

(d) Councilwoman Locke moved adoption of a resolution stating the intent of the City of Charlotte to consider Annexation of the North Tryon-Tom Hunter Road Area, as described therein, and fixing the date of public hearing on the question of Annexation. The motion was seconded by Councilman Withrow, and carried unanimously.

The resolution is recorded in full in Resolutions Book 12, beginning at Page 237.

(e) Councilman Withrow moved adoption of a resolution stating the intent of the City of Charlotte to consider Annexation of the Morris Field Drive-West Boulevard Area, as described therein, and fixing the date of public hearing on the question of Annexation. The motion was seconded by Councilman Whittington, and carried unanimously.

The resolution is recorded in full in Resolutions Book 12, beginning at Page 241.

(f) Councilwoman Chafin moved adoption of a resolution stating the intent of the City of Charlotte to consider Annexation of the Little Rock-Tuckaseegee Road Area, as described therein, and fixing the date of public hearing on the question of Annexation. The motion was seconded by Councilman Withrow, and carried unanimously.

The resolution is recorded in full in Resolutions Book 12, beginning at Page 245.

(g) Councilman Whittington moved adoption of a resolution stating the intent of the City of Charlotte to consider Annexation of the Sterling Area, as described therein, and fixing the date of public hearing on the question of Annexation. The motion was seconded by Councilman Withrow, and carried unanimously.

The resolution is recorded in full in Resolutions Book 12, beginning at Page 262.

(h) Councilwoman Locke moved adoption of a resolution stating the intent of the City of Charlotte to consider Annexation of the Albemarle-Delta Road Area, as described therein, and fixing the date of public hearing on the question of Annexation. The motion was seconded by Councilman Williams, and carried unanimously.

The resolution is recorded in full in Resolutions Book 12, beginning at Page 266.

(i) Councilman Whittington moved adoption of a resolution stating the intent of the City of Charlotte to consider Annexation of the Chesapeake-Seaboard Industrial Park Area, as described therein, and fixing the date of public

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hearing on the question of Annexation. The motion was seconded by Councilwoman Locke and carried unanimously.

The resolution is recorded in full in Resolutions Book 12, beginning at Page 276.

(j) Councilwoman Chafin moved adoption of a resolution stating the intent of the City of Charlotte to consider Annexation of the Arrowood Road-York Road Area, as described therein, and fixing the date of public hearing on the question of Annexation. The motion was seconded by Councilman Whittington.

Councilman Withrow stated he has received comments in the Westchester area where they say they can look out their back doors and see the large industrial park that is not in the annexation. All the people out there are upset that they can throw a rock into this huge industrial park along Toddville Road, the Duke Power complex, and they seem to think it was left out because of the huge development. He requested someone tell him why this is not being annexed?

Mr. Underhill replied there are three standards for annexation in the State law. One is for industrial or commercial development, and the other is for residential. They are different. The residential is two persons per acre; and the commercial or industrial depends on the number of developed acres, once you determine the size of tracts involved. Councilman Withrow requested that this information be given to Council.

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

The resolution is recorded in full in Resolutions Book 12, beginning at Page 284.

Councilman Davis asked how much flexibility the City has in drawing the lines once an area is picked? Mr. Underhill replied the city grows in uneven and irregular patterns. The boundaries of the areas described here were by the Planning Commission. They looked at areas in general and determined whether they would qualify under the statutes as urban areas. That results in your uneven and irregular shaped lines. Basically what the Planning Commission has told Council is that at the time of their study these are the areas that qualify under the statutes for annexation. There is such a thing as a "land bridge." If there is an area that lies between the city limits and an area which would meet the standards, and the only way to provide city services to it is to go through that area, you are permitted to bring in an area to fill the gap. The statutes very tightly and specifically control and outline this.

Mayor Belk requested the City Manager to set a meeting for Council on long range planning before the public hearing. Then Council can understand and answer the questions. Mr. Burkhalter replied if they want to do that before the public hearing, fine; if not, it will be done at the hearing. Mayor Belk stated if Council is not interested, he would like to go over it himself.

Mr. Burkhalter stated so much of the area to be annexed has to be along existing boundaries; you cannot go out at an angle; at least 1/8 of it has to be along existing boundary lines. All sewer improvements in the County are now made according to the 201 Plan. We cannot secure any federal money to put in sewage that does not conform to this plan. Council may need re-briefing on 201. He stated by Resolution the City and County agreed to ask the State to do the 208 Plan which is principally land use planning. The State is doing this. That he thinks Council should get involved in this and not allow it to be done by default because it has to be done. He stated he will see that Council is briefed on annexation.

ORDINANCE NO. 445-X AMENDING ORDINANCE NO. 155-X, THE 1976-77 BUDGET ORDINANCE, TRANSFERRING \$45,000 WITHIN THE GENERAL FUND TO PROVIDE AN APPROPRIATION FOR THE APRIL 19TH ELECTION ON DISTRICT REPRESENTATION AND BONDS FOR WATER, SEWER, SPIRIT SQUARE AND DISCOVERY PLACE.

Upon motion of Councilman Whittington, seconded by Councilwoman Locke, and unanimously carried, the subject ordinance was adopted and is recorded in full in Ordinance Book 25, at Page 29.

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COUNCILMAN GANTT EXCUSED FROM VOTE ON PORTION OF ITEM, AND DATES FOR VARIOUS PUBLIC HEARINGS SET.

Councilman Gantt asked to be excused from the vote on the item setting a hearing on the purchase and redevelopment of a parcel in First Ward by Union Missionary Baptist Church.

Upon motion of Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, Councilman Gantt was excused from the vote on the item.

Motion was made by Councilman Whittington, and seconded by Councilman Williams, fixing the dates of public hearings on the various projects, as follows:

- (a) Joint hearing with Historic Properties Commission on Monday, March 14, at 3:00 o'clock p.m., to consider designation of the Reynolds-Gourmajenko House as an historic property, and amending the Ordinance designating Rosedale as an historic property to include the out buildings.
- (b) Resolution fixing Monday, March 21, at 2:30 p.m. as the public hearing on Petitions No. 77-7 and 77-8 for zoning changes.
- (c) Resolution calling for a public hearing on Monday, March 21, at 2:30 p.m., to consider a proposal for the purchase and redevelopment of Parcel No. 1, Block 4, First Ward Urban Renewal Area, Project No. N.C. R-79.
- (d) Hearing on Monday, March 28, at 3:00 p.m. to give citizens an opportunity to propose ways to use General Revenue Sharing Funds for 1977-78.
- (e) Resolution declaring an intent to close a portion of Bartow Court, and calling a public hearing on the question on Monday, March 28, at 3:00 p.m.

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

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

Councilman Gantt abstained from voting on item (c).

The resolutions are recorded in full in Resolutions Book 12, beginning at Page 288 and 298.

MR. J. WILL PATTERSON REAPPOINTED TO THE INSURANCE ADVISORY COMMITTEE.

Councilman Whittington moved the reappointment of J. Will Patterson to the Insurance Advisory Committee for a three year term. The motion was seconded by Councilman Williams, and carried unanimously.

CONTRACT AWARDED MORETTI CONSTRUCTION COMPANY FOR THE NORTH CHARLOTTE PARK - SHELTER, PLANTING AND PARK FURNISHINGS.

Motion was made by Councilwoman Locke, seconded by Councilwoman Chafin, and unanimously carried, awarding contract to the low bidder, Moretti Construction Company, in the amount of \$29,220, on a unit price basis, for the North Charlotte Park - shelter, planting and park furnishings.

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The following bids were received:

Moretti Construction Company	\$ 29,220.00
Ford Landscaping Service	29,900.00
D. R. Mozeley, Inc.	33,720.00

CONTRACT AWARDED NOLAND COMPANY FOR CAST IRON SOIL PIPE AND FITTINGS.

Councilwoman Chafin moved award of contract to the low bidder, Noland Company, in the amount of \$53,959.07; on a unit price basis, for cast iron soil pipe and fittings. The motion was seconded by Councilman Whittington, and carried unanimously.

The following bids were received:

Noland Company	\$ 53,959.07
Parnell-Martin Company	54,021.37
Hajoca Corporation	54,346.54
Atlas Supply Company	55,132.96

CONTRACT AWARDED A. P. WHITE AND ASSOCIATES FOR CONSTRUCTION OF WATER MAINS TO SERVE GREENVILLE RENEWAL AREA, NCR-78.

Upon motion of Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, contract was awarded to the low bidder, A. P. White and Associates, in the amount of \$108,435, on a unit price basis, for construction of 8-inch, 6-inch and 2-inch water mains to serve Greenville Renewal Area, NCR-78.

The following bids were received:

A. P. White & Associates	\$108,435.00
Rea Brothers	121,901.50
Sanders Brothers	124,115.55
Ben B. Propst	130,144.00
Propst Construction	139,709.75
Blythe Industries	145,078.50

RESOLUTIONS AUTHORIZING CONDEMNATION PROCEEDINGS.

(a) Motion was made by Councilman Gantt, seconded by Councilman Williams, and unanimously carried, authorizing condemnation proceedings for the acquisition of property belonging to James P. Kaperonis and wife, Nancy G. Kaperonis; Nick D. Kaperonis and wife, Pearl N. Kaperonis; Jerry W. Whitley, Trustee; and Ralph Schmucker and wife, Lucy Schmucker, located on the north side of Wilkinson Boulevard at Paw Creek, in the County of Mecklenburg, for the sanitary sewer to serve Country Manor Project.

The resolution is recorded in full in Resolutions Book 12, at Page 291.

(b) Councilwoman Chafin moved adoption of a resolution authorizing condemnation proceedings for the acquisition of property belonging to Elizabeth R. Womble, at 820 Greenleaf Avenue, in the Third Ward Community Development Target Area. The motion was seconded by Councilman Whittington, and carried unanimously.

The resolution is recorded in full in Resolutions Book 12, at Page 292.

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CONSENT AGENDA APPROVED.

Councilwoman Locke moved approval of the Consent Agenda. The motion was seconded by Councilman Withrow, and carried unanimously.

1. Settlements as follows:

- (a) In the case of City of Charlotte versus Jimmie Pourlos, et al, in the amount of \$21,000, for the Kings Drive relocation, Parcel 6, 75-CVS-2374.
- (b) In the case of City of Charlotte versus Lawrence Orr (incompetent), in the amount of \$8,880, for the Sharon Amity Road Widening, Parcel 146, 76-CVS-2094.
- (c) In the case of City of Charlotte versus Robert K. Smith and wife, Sara Ann Smith, in the amount of \$3,800, for the Randolph Road Widening Project, Parcel 17.

2. Subordination agreement with Town Square Park to Burger King Corporation to provide for a fire exit into the Park.

3. Resolution authorizing the refund of taxes in the total amount of \$2,873.21 which were levied and collected through clerical error and illegal levy against 56 tax accounts.

The resolution is recorded in full in Resolutions Book 12, at Page 293.

4. Ordinances affecting housing declared unfit for human habitation:

- (a) Ordinance No. 446-X ordering the unoccupied dwelling at 2720 Duncan Avenue to be closed.
- (b) Ordinance No. 447-X ordering the occupied dwelling at 112 Halsey Street to be vacated and closed.
- (c) Ordinance No. 448-X ordering the unoccupied dwelling at 217 Duls Lane to be demolished and removed.

The ordinances are recorded in full in Ordinance Book 24, beginning at Page 30.

5. Ordinances ordering the removal of trash, junk and an abandoned automobile:

- (a) Ordinance No. 449-X ordering the removal of trash and junk at 2108 West Trade Street.
- (b) Ordinance No. 450-X ordering the removal of trash and junk at rear of 1401 North Davidson Street.
- (c) Ordinance No. 451-X ordering the removal of motor vehicle at Florida Avenue and Beckwith Place.
- (d) Ordinance No. 452-X ordering the removal of trash and junk at corner of Florida Avenue and Beckwith Place.
- (e) Ordinance No. 453-X ordering the removal of trash and junk at 1548 Oaklawn Avenue.

The ordinances are recorded in full in Ordinance Book 24, beginning at Page 33.

6. Resolution authorizing the Mayor and City Clerk to execute an encroachment agreement with Southern Railway Company for a crossing improvement, relocation and upgrading of signals on Woodlawn Road.

The resolution is recorded in full in Resolutions Book 12, at Page 294.

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7. Encroachment agreement with North Carolina Department of Transportation permitting the City to construct an 8-inch sanitary sewer line to serve 4608 Wilkinson Boulevard.
8. Property transactions:
 - (a) Acquisition of 15' x 200.38' of easement at 7724 Elwood Drive, from Ed Griffin Company, at \$1.00 for sanitary sewer trunk to serve Fairfield Park.
 - (b) Acquisition of 15' x 2,091.87' of easement at 7461 Carmel Road, from Walnut Properties, at \$1.00, for sanitary sewer right of way, Walnut Creek Subdivision.
 - (c) Acquisition of 15' x 158.91' of easement at 3763 Wendwood Road, from John T. Bayne and wife, at \$400, for sanitary sewer right of way to Wendover Road.
 - (d) Acquisition of 15' x 2,304.55' plus 30' x 623.6' at 12001 Old Statesville Road, from Mecklenburg County, at \$1.00 for Torrence Creek Outfall, Phase II.
 - (e) Acquisition of 30' x 96' of easement at 11800 Statesville Road, from Duke Power Company, at \$100, for McDowell Creek Outfall, Phase II.
 - (f) Acquisition of 30' x 486.16' of easement at 14020 Ervin Cooke Road, from William V. Brown and wife, at \$800, for McDowell Creek Outfall, Phase II.
 - (g) Acquisition of 30' x 373.40' of easement at 14110 Ervin Cooke Road, from William V. Brown and wife, at \$763 for McDowell Creek Outfall, Phase II.
 - (h) Acquisition of 30' x 344' of easement at 14200 Ervin Cooke Road, from William V. Brown and wife, Dorothy H. at \$680, for McDowell Creek Outfall, Phase II.
 - (i) Acquisition of 30' x 316' of easement at 14310 Ervin Cooke Road, from William V. Brown and wife, at \$657, for McDowell Creek Outfall, Phase II.
 - (j) Acquisition of 30' x 895.17' of easement at 14620 Ervin Cooke Road, from William V. Brown and wife, at \$1,600, for McDowell Creek Outfall, Phase II.
 - (k) Acquisition of 6.2' x 16' x 9.8' x 19.20' of easement, plus a construction easement, at 6435 Idlebrook Drive, from Carl T. Trammell (widower), at \$500, for Idlebrook Drive culvert.
 - (l) Acquisition of 25.93' x 19.20' x 22.5' x 25.81' of easement, plus a construction easement, at 6501 Idlebrook Drive, from John Hamilton Vaughn and wife, Bonnie F., at \$500, for Idlebrook Drive culvert.
 - (m) Acquisition of 6,000 square feet from Frances Porter Williams, 304 West Palmer Street, at \$8,800, for West Morehead Community Development Target Area.
 - (n) Acquisition of two parcels of property for Third Ward CD Target Area:
 - 1.) 11,325 sq. ft. at 317 S. Clarkson Street and 817A-817B Hawkins Court, from Margaret and Gay Willis, at \$15,000.
 - 2.) 12,330 sq. ft. from Charles L. Porter, Jr., at \$19,850, at 816 Greenleaf Avenue and 321 S. Clarkson Street.

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- (o) Acquisition of 250 square feet from John Phillips, at 313-15 Heflin Street, at \$250, for Grier Heights CD Target Area.
- (p) Acquisition of 495 square feet from Michael H. Finch, at \$1,000, for right of way for pedestrian walkway in Fourth Ward Urban Renewal Area.

NON-AGENDA ITEM PLACED ON AGENDA FOR CONSIDERATION.

Councilwoman Chafin moved that the item on productivity study be placed on the agenda for consideration. The motion was seconded by Councilwoman Locke, and carried unanimously.

RESOLUTION ON LOCAL GOVERNMENT PRODUCTIVITY STUDY, ADOPTED.

Councilwoman Chafin presented the following resolution, and moved its adoption:

WHEREAS, the City Council desires to have a local government productivity study in cooperation with the Mecklenburg County Commission; and

WHEREAS, the City Council desires to retain the services of a professional consulting firm to prepare a preliminary feasibility plan for establishing a committee of private citizens from the business and industrial community to conduct the productivity study.

NOW, THEREFORE, BE IT RESOLVED by the Charlotte City Council at its regular meeting on February 28, 1977 that the Mayor be requested to meet with the Chairman of the County Commission to propose a joint productivity study and cause the City and County staffs to prepare a joint study proposal for presentation to the City Council and the County Commission.

The motion was seconded by Councilman Withrow.

Councilman Davis stated he concurs with Paragraph 1, and part of 3; but he would prefer to see Paragraph 2 deleted, and not commit Council or the County Commission to obtain the services of a special consultant. For that same reason, he would like to see Paragraph 3 altered to make it read: "cause the City Council and the County Commission to prepare a joint study proposal for presentation to the Council and County Commission."

He has several reasons for this. If this is to be a citizens efficiency study committee he thinks it should originate with the citizens. Before getting into it, he thinks we should have the people on site who are going to run it; then discuss it and look at what has been done in other cities. Let them participate in the decision of whether or not to hire an outside professional consultant firm. He does not know it is a real important issue, but he has heard a lot of discussion since this matter was brought up several months ago, and he is beginning to think we might be better off without it. It is a big lump of money that someone will have to pay if we go with professional service. The greatest benefit we expect to get from this is from enlightened citizens who will be here to advise Council, not only today, but in years to come, and hope they will continue their involvement with local government. Another reason he would like to either defer it or delete that Paragraph would be to give Council time to look at the information the City Manager has been gathering. It was his intention to ask for this information from other cities, but he has not had the opportunity to see it yet. It would be nice to have some type of

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study completed by budget time. But he doubts there is that type of urgency connected with it because the departmental budget requests began to be formulated all the way back to January. It is already late to have any influence on budgets this year.

Councilwoman Chafin stated the professional firm merely comes in and establishes a guideline for the citizens committee, and it determines what the citizens committee will look at; what kinds of citizens will be needed; what kinds of expertise you need to draw from the private sector. It sets up some sort of time schedule; identifies those areas of city and county government that need close scrutiny. This is what was done in Winston, and in a number of other cities, and it seemed to work very well. The citizens conduct the study. The firm merely saves the citizens' time so that you use them effectively. This is not talking about paying a big fee to a consultant firm.

Mr. Burkhalter, City Manager, advised that Winston's cost was \$70,000. Mr. Tyler of the City Manager's staff stated you have to look at the scope of the particular study; then the consultant will give an exact cost of what it will be for a total package. You would have the figure before the study begins. You could get a proposal from a consultant as to what the fee would be prior to hiring the consultant.

Councilwoman Chafin stated the County Commission will have this on their agenda March 7, and she would like for them to know the City Council is behind this concept and endorses the idea of the study so they can react to something concrete.

Councilman Davis stated he is willing to do that, but he is asking that we not suggest that we commit ourselves to pay a professional service.

Mayor Belk congratulated Ms. Chafin for bringing this; this puts us in an excellent position to work closely with the County; that this is not a play toy but is really professional, and she clearly brings that out and brings the citizens in. This makes it citizens participation with the pro to give guidance and direction. He thinks it is excellent, and is one of the better things for the City and County to get together on. This is a step forward.

Councilman Davis made a substitute motion to approve the resolution as written, except delete Paragraph 2, and delete the last two lines of Paragraph 3, making the sentence to end with "to approve a joint productivity study" and adding the words "for joint adoption by City Council and the County Commission." Then it would leave us free to do exactly what Ms. Chafin is asking.

The motion did not receive a second.

After further comments, the question was called and carried unanimously.

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

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

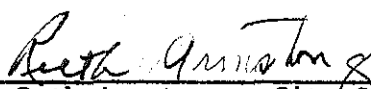
LETTER OF CONGRATULATIONS TO BE SENT TO JIM HAWKINS, FORMER MAYOR OF DURHAM.

Mayor Belk stated the former Mayor of Durham, Jim Hawkins, has received the Man of Year Award in Durham, and he asked if Council would like to send a letter of congratulations.

Motion was made by Councilman Whittington, seconded by Councilwoman Locke, and unanimously carried to have the City Manager write a letter of congratulations from the Mayor and City Council.

ADJOURNMENT.

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


Ruth Armstrong, City Clerk