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The City Council of the City of Charlotte, North Carolina, met in a Regular Session on Monday, October 24, 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 G. Gantt, Pat Locke, Neil C. Williams, James B. Whittington 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 hearing on the zoning petitions, with Chairman Allen Tate and Commissioners John Broadway, Howard Campbell, Winifred Ervin, Kimm Jolly and Barry Kirk present.

ABSENT: Commissioners Tye, Marrash, Curry and Royal.

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#### INVOCATION.

The invocation was given by Reverend Tom Alexander, Minister of the Church of Christ Providence Road.

#### APPROVAL OF MINUTES.

Upon motion of Councilman Withrow, seconded by Councilman Gantt, and unanimously carried, the minutes of the last meeting, on Monday, October 10, 1977, were approved as submitted.

HEARING ON PETITION NO. 77-53 BY JAMES A. JARRETT AND JOHN F. GAYLORD, JR. FOR A CHANGE IN ZONING FROM B-1 TO B-2 PROPERTY FRONTING ON THE SOUTH SIDE OF CENTRAL AVENUE, LOCATED ON THE SOUTHWEST CORNER OF THE INTERSECTION OF CENTRAL AVENUE AND ROSEHAVEN DRIVE.

The scheduled public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated this petition involves property located on the south side of Central Avenue and Rosehaven Drive. He stated the property presently has a service station structure located on it which is vacant and the area generally around that intersection is all utilized for service station purposes. He stated there has been a service station facility on each of the four corners. That generally the development to the east from Rosehaven has a rather concentrated amount of commercial activity with everything from restaurants to small shops and this is also true across on the northerly side of Central. He pointed out the area on a map and stated there is a concentrated amount of small commercial development in that immediate vicinity.

He stated immediately to the rear, or to the south, of the property along Rosehaven, there is an office building, a dance studio and from that point you proceed into residential pattern, basically a combination of duplex and multi-family for some distance in that direction. To the west of the property there are a couple of large tracts of land each of which has a single family house on the front portion of it, with the back part of the tract vacant. That the subject property is generally associated with commercial development except on the one side to the west.

The present zoning pattern in the area is one of generally business zoning, B-1, from the subject property going in an easterly direction, all along the south side of Central Avenue is represented by B-1, business zoning, at the present time. Also, opposite on the northerly side of Central Avenue there is a substantial pattern of B-1 zoning which extends both east and west of Rosehaven. The subject property is joined on the westerly side by R-GMF zoning which accommodates the vacant land with the houses on the front portion of it, but the subject property does have B-1 zoning actually on three sides of it, with multi-family zoning on the fourth side. He stated the request is to change the zoning from B-1 to B-2.

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In response to a question from Councilman Whittington, Mr. Bryant replied there is a service station building located on the property, but it is vacant.

Mr. Lewis Parham, Jr., representing the petitioners, stated this property was acquired by Mr. Jarrett and Mr. Gaylord but not to speculate for leasing or re-sale. Mr. Jarrett acquired this property a little over a year ago, or 1/2 interest in it, with another gentleman, Mr. David Graham, who later sold his interest to Mr. Gaylord. For approximately nine months, Mr. Jarrett operated a tire sales and service store at this location but found the location was not conducive to this type of business and accordingly closed the store and posted the property for sale or for lease.

Mr. Parham stated they listed the property with Mr. Joe Logan of McGuire Properties and Mr. Logan told him he had had more activity concerning this location than any listing he has had but that every activity required B-2 zoning. He stated he has never been able to understand exactly why certain types of activity require B-2 when others require B-1. For example, they had a tire sales and service store there. They could sell tires, they could install tires, they could fix flats, etc. and this was all permitted in a B-1 zoning area.

He stated they had hoped to have this hearing before Council and the Planning Commission in September but apparently the agenda was too crowded and if they had been able to do that, he would have been able to ask for a conditional type zoning. That they had a lease with a company called ARG, Automative Replacement Glass, however, the lease was contingent upon the property being suitably zoned prior to October 1. He stated apparently ARG became disenchanted with the delay and they have now made arrangements to go elsewhere, in this case, they have gone to Rock Hill.

Mr. Parham stated he has never understood the distinction between the two zonings. That it would seem to him that installing of windshields in automobiles would be no more and maybe even less obnoxious than installing tires or repairing tires.

Mr. Bryant stated the primary difference between B-1 and B-2 is that B-1 originally was established to primarily provide for services which are more neighborhood-oriented, a smaller area orientation, whereas B-2 is designed more as a highway commercial strip with uses that would be available to and cater to a much wider area. That as far as the automobile activity is concerned, the service station is allowed under B-1 because this is certainly a use that is oriented to a neighborhood situation. The tire sales is perhaps a bit more questionable; this is where it gets into a little bit of a question as to perhaps the obnoxious aspect of it is concerned. That tire sales is a normal replacement part of an automobile and generally that was the determination. He stated when you start doing automobile repair and it is obviously a repair operation when you replace windshields, auto glass, etc. that in the original determination of the ordinance was determined to be not a purely neighborhood-oriented facility.

Mr. Parham stated Mr. Logan has advised him that he has had interest from people with used car lots, auto upholstery, auto repair and a number of auto parts stores but the sale of auto parts would also required B-2 zoning. That the existing structure was constructed for Phillips 66 and there was a Phillips 66 station there for some time. He stated this is a rather large station; it has three bays but it has been vacant as a service station for some period of time. That on the corner on the same side as Central Avenue, there is a Union 76 service station which is also vacant, immediately across from this property is a Kayo station and then a Cities Service store, which is also a convenience store, diagonally across the street. He stated in keeping with the neighborhood concept, he does not understand this. That immediately behind, or surrounding this Union 76 station, there is a shopping center. It has dress shops, a restaurant and several types of retail businesses - a small type shopping center.

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Mr. Parham stated basically the experience these people have had with this is it is just not a marketable piece of property under its present zoning. No one wants to put a service station out there. There are two across the street already and this one was a known failure and the one on the other corner has been unsuccessful.

He stated they would have preferred to come before Council and the Planning Commission and ask for conditional zoning. That Mr. Jarrett stated, and this was verified by Mr. Logan, that the only interested tenant they could have leased this property to under the present zoning was for a lounge. That economically they did not want to consider a lounge because it is a little speculative and he is not sure it is a neighborhood concept. In any event, you could put a lounge in there. That they were not interested in leasing it for that because they did not want their property used for that and also because they were afraid the lounge might not be successful and they would be back where they started.

Mr. Parham stated he would ask them to favorably consider this change because it would not disrupt the neighborhood. That the proposed zoning change sign is right on the corner, it is very conspicuous, and to his knowledge, there has been no protest.

No opposition was expressed to the petition.

Decision was deferred for a recommendation from the Planning Commission.

HEARING ON PETITION NO. 77-54 BY CLARA M. HUNT FOR A CHANGE IN ZONING FROM R-9 TO B-1 PROPERTY FRONTING ABOUT 180 FEET ON THE NORTH SIDE OF CENTRAL AVENUE, LOCATED ABOUT 325 FEET EAST OF THE INTERSECTION OF LANSDALE DRIVE AND CENTRAL AVENUE.

The scheduled public hearing was held on the subject petition.

The Assistant Planning Director pointed out the location of the property on a map and stated it is in the same vicinity of the previous request for a zoning change. He stated the property is vacant at the present time and is adjoined on the easterly side by a group of commercial activities, the closest adjacent one being a cleaners and laundry facility, a music store, and a service station facility down at the corner. To the west, there begins an area of single family residential uses that extends to and past Lansdale Drive - there are actually three houses between Lansdale and the subject property, all single family. These are associated with the rather large area of single family uses located to the rear or north of the property.

He stated there is also a substantial amount of apartment development in the immediate vicinity, with frontage on Rosehaven and Carriage Drive and is utilized for apartment purposes. Also, diagonally across on the southerly side of Central, there begins an area of the combination of apartments and townhouses. Generally speaking, there is a residential use pattern to the west of the property for some distance; and generally a commercial pattern to the east.

The zoning pattern reflects that fact. From the subject property, eastward is zoned B-1 and from the subject property, westward it is zoned R-9 for some distance and then multi-family beyond that.

The proposal is to zone the subject property to a B-1 classification, which in effect will extend the pattern of B-1 from the east to include this property.

Councilman Gantt stated that looking at the zoning pattern it is strange that there is a little bit of R-9 sneaking out onto Central Avenue. He asked if Mr. Bryant could give him a history or background of the zoning that has occurred in that area. Is it a result of just incremental zoning that ultimately ended up with that piece being left there? And, are the houses indicated on the map facing onto Central Avenue or do they face onto Lansdale?

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Mr. Bryant replied that the houses are all facing Central Avenue. That the one on the corner sits at an angle. That as far as the zoning pattern is concerned, Councilman Gantt is absolutely correct - it is the result of incremental type changes that have occurred over a number of years. That at the time the original pattern was established about the only substantial development out there was a single family area which has been there for a lengthy period of time. Basically, it was all zoned residential to start with and it was a matter of detailed, gradual change over a period of time that resulted in this present pattern.

Mr. David Fuller, representing the petitioner, stated that Ms. Hunt has owned the property since 1953, but it has never been developed. It is vacant now. If they can get the zoning changed from residential to business use, they plan to develop it for retail use.

As they all know, the character of the neighborhood has changed considerably, especially since the development of the commercial down below this property and known as Eastland. This has brought quite a lot of traffic onto Central Avenue. He has talked with, and has letters signed by, the adjoining property owners - one is a gentleman to the left of the property whose home faces Central Avenue and two property owners behind it that face on Birchcrest Drive. They have agreed and have endorsed the petition that it be changed to business use. He filed with the City Clerk the letters from the adjoining property owners.

Councilwoman Locke asked if the petitioner has any idea what sort of commercial use would be made of the property? Mr. Fuller replied they developed recently at the corner of Norland Road and Central Avenue, about two blocks from this location, retail space of about 10,000 square feet. It has just been opened. They propose to do something very similar to this - but not in size. If the zoning will permit, it will be developed at about 5,000 feet, planned for such things as a florist; frame shops; retail auto sales; but they do not have anything specific except that they had a number of inquiries as they developed the other property.

No opposition was expressed to the petition.

Decision was deferred pending a recommendation from the Planning Commission.

Councilman Gantt stated he would like to know whether the Planning Commission would like to do some kind of study of that area. He thinks all of them have been watching what has been happening to it. They are getting again some additional incremental zoning, no matter what the decision ultimately is on this. It would seem that they might want to take a look at this even further and see if they want to make some other changes. Councilwoman Locke stated that is a good idea.

Mr. Bryant stated that one of the real problems there is that the land use is practically set throughout the area. There is very little opportunity for additional development. This happens to be a vacant lot they are dealing with now; he pointed out some other large tracts yet to be developed, but other than that there is a very solid pattern of land use there. He does not know an awfully lot that they could do for it.

Councilman Gantt stated he had in mind the fact that they are going to have those three abutting residences who will petition for a change. Mr. Bryant replied he suspects that is true. That he was a little surprised, and discussed this with the petitioner, that this property was not deed restricted. He would have thought since it is tied in with the subdivision that it would have been, but apparently these frontage lots were left out of restriction.

Mr. Fuller stated that this property is deed restricted, but it expires in July of 1978, a 25-year deed restriction. Mr. Bryant stated this is a fairly common practice, that actually it is not a deed restriction but a subdivision restriction.

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Mr. Fuller stated if this property is zoned for business he will contact all of the people who are in that particular portion of the subdivision and explain to them what he is doing.

Mr. Bryant explained that some deed restrictions are drawn with either a non-limiting time factor or one which automatically renews itself.

HEARING ON PETITION NO. 77-55 BY STANLEY BROTHERS PARTNERSHIP FOR A CHANGE IN ZONING FROM B-1(CD) RETAIL BUTCHER SHOP TO O-6, PROPERTY FRONTING 50 FEET ON THE NORTHWEST SIDE OF PECAN AVENUE, LOCATED ABOUT 200 FEET NORTHEAST OF THE INTERSECTION OF PECAN AVENUE AND SEVENTH STREET.

The scheduled public hearing was held on the subject petition.

The Assistant Planning Director reviewed briefly the history of this petition. The property is located on Pecan Avenue, midway between Seventh and Eighth Streets and is owned by Mr. Stanley who is associated with the Stanley Drug development. Originally, it was zoned in an office classification. Mr. Stanley wanted to put a butcher shop, or meat store, on the location and he was granted B-1(CD) in response to the neighborhood concerns which allowed only that. The butcher shop remained there only a few weeks and since then Mr. Stanley has not been able to find another user for the property. He attempted at one time to secure approval for a chain saw repair operation to go in there and that was denied. He is now requesting that the property be rezoned to an office classification which would then make it possible for him to have a little bit wider range in terms of a possible use for the property.

The area, from that point on on Pecan, is a portion of the Elizabeth Community for which great concern has been shown for some period of time and it is primarily from that concern that it was felt that some fairly strict control of the use of the property was desirable.

Mr. Bryan Pittman, Attorney and representative of the petitioner, stated Mr. Stanley received the conditional zoning for the butcher shop and then found that market was not quite as desirable as they had planned; that they have not found another butcher to go in there. That with the concern of the neighborhood association for additional business uses, he felt it wiser to come back in and request the O-6 back. Right now the building is vacant. He stated he hesitates to call it an eye-sore but it is not as aesthetically pleasing as it could be if it were occupied, had some drapes in and people working in there. It is a target for vandalism and derelicts hang out around the area. It is just a non-productive piece of property right now.

He stated if this petition for O-6 zoning is granted, they plan to put a small office operation in there; there is ample parking on the side. They do plan to do some renovating to make it more pleasing.

Mr. Pittman stated he contacted Mr. Sandy Welton, outgoing president of the Elizabeth Association, and Mr. Don Carroll who is also active in the association, and ran across the plan with them. They did not receive any opposition from them.

Councilman Gantt asked what is the statutory rule on the length of time a petitioner can come back to Council for another rezoning?

Mr. Bryant replied there is a two year limitation after Council has denied a petition; that this has not been denied for office purposes.

Mr. Stanley, referring to his previous appearance before Council, stated they can see that he hired some capable assistance this time. He stated we may change different things now and then, but in Charlotte at least you have a chance to do it; that he wants to give credit to the Councilmembers for giving a man a chance to try something, whether it works or not.

Ms. Carlson Willyard, 611 Clement Avenue, stated she is representing the Elizabeth Community Association concerning the property at 417 Pecan Avenue. She stated her association supports Mr. Stanley's request for a zoning change from B-1(CD) back to the original 0-6 zoning. They feel the 0-6 is more compatible with this particular area of their neighborhood and they would only hope that in the future, when there is conditional zoning granted, that all parties involved understand exactly what the stipulations are and what the Code is enforcing.

No opposition was expressed to the petition.

Decision was deferred for a recommendation from the Planning Commission.

HEARING ON PETITION NO. 77-56 BY JOHN R. AND MARY A. ROSS FOR A CHANGE IN ZONING FROM R-6MF TO 0-6(CD) FOR AN ARCHITECT'S OFFICE AND RESIDENCE ON PROPERTY FRONTING 157 FEET ON THE SOUTH SIDE OF RANLO AVENUE, AND FRONTING 60 FEET ON THE WEST SIDE OF BALDWIN AVENUE, LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF RANLO AVENUE AND BALDWIN AVENUE.

The scheduled public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated this request represents a proposal which he does not believe we have ever had before in terms of the proposed use of the property. In this case, it is a proposal to utilize the property for a combination office and residence. That he does not believe we have ever had precisely this sort of proposal before.

He stated the property involved in this request is a single lot located at the corner of Baldwin Avenue and Ranlo Avenue. He pointed out the property on a map and described the area, including Baldwin Avenue as it comes down from Third Street, past the Charlotte Eye, Ear, Nose and Throat Hospital, down to the intersection with Ranlo, into the Cherry Community, Luther Street, Main Street and Baxter Street to the corner.

That the property is not only located at the corner of Ranlo and Baldwin but is located diagonally across the intersection from the Hospital. The property is vacant at the present time, and generally, on the Cherry Community side of Baldwin, there is a pattern of residential uses, mostly single family, with one duplex on that block. On the Hospital side of the property, there is a combination of some vacant parcels, two office buildings, one used for a doctor and the other used as an advertising firm, another vacant lot, and then a couple of residential structures going on to Third Street.

He stated behind the property, on Torrence, there is generally a residential, single family pattern. The area reflects just about the same sort of pattern as the subject property; there is existing R-6MF multi-family down Baldwin in the direction of Cherry; from Ranlo up to Third Street, there is office zoning on one side and on the Hospital side, there is a combination of R-6MF and 0-6. Generally, there is a non-residential pattern of zoning back in the direction of Third Street and residential zoning back in the direction of Cherry.

Mr. Bryant stated this particular request is a CD proposal and therefore does require a site plan to be submitted and pointed out the site plan which was submitted. He noted Baldwin Avenue, the hospital, the subject lot, Ranlo Avenue. The proposal is to build a structure which would have its principal length along parallel to Ranlo, with its frontage out on Baldwin. That the portion the petitioner has outlined would be the portion that would be utilized for office purposes, and is proposed as an office for an architect. Then, the rear portion of the structure would be proposed to be a single family residence, to be occupied by the operator of the office facility. Finally, the rear portion of the lot would be utilized for a small amount of parking, with one of the driveway to be off Ranlo. He pointed out the sidewalk area to be constructed, with curb and gutter around the lot, with proposed screening erected along two sides. Basically, it is a plan to use the front portion

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for office, with the courtyard space in the middle, and the rear portion would be the residence with a two-car garage attached.

Councilman Gantt asked if the parking at the rear would be designed to service the office portion of the structure and Mr. Bryant replied yes. Councilman Gantt asked how a person would get through to the office and Mr. Bryant replied he would assume you would have to go from the parking lot to the sidewalk, and come around to the front of the building. Councilman Gantt asked if there was an existing building at the front and Mr. Bryant replied no, it is all new structure.

Mr. Charles L. McMurray stated he is acting as Agent for the petitioners, Mr. and Mrs. John Ross. That he has had an office in Charlotte for six years and has been looking for a location to build a combination office and residence. He stated he is aware this is not the standard approach but they have found some property at the corner of Baldwin Avenue and Ranlo and he has purchased it.

He stated he felt the building they have designed would be an asset to the community. That prior to making rezoning application, he spoke to Mr. Fred Bryant, the Zoning people, Mr. Walter Phillips of Community Development and residents of the Cherry community.

Mr. McMurray passed around copies of letters from the Cherry Community Association officers stating the structures would be agreeable to them. He stated the office space would be approximately 1,750 sq. ft., the residence would be approximately 1,150 sq. ft., with a two-car garage, with 7 parking spaces provided.

He stated this is not a standard request as R-6MF does create certain non-residential uses or public or semi-public nature but they feel this use as an office is more an incidental and request that this property be rezoned to O-6(CD) based on this plan. That they would work with the Cherry Community and the Community Development Department to do the best job they could do to build a building that would work well within their community.

No opposition was expressed to the petition.

Decision was deferred for a recommendation from the Planning Commission.

AGREEMENT ENTITLED "UNITED STATES OF AMERICA, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, PROJECT COMPLETION AGREEMENT, DOWNTOWN URBAN RENEWAL AREA, PROJECT NO. N. C. A-3", APPROVED AND ADOPTION OF RESOLUTION AND ORDINANCE TO COMPLETE EARLY CLOSE-OUT OF THE DOWNTOWN URBAN RENEWAL PROJECT.

Councilman Gantt moved approval of subject agreement and adoption of a resolution authorizing the execution of a proposed amendatory agreement to Funding Agreement No. 4 for Neighborhood Development Program No. N. C. A-3 and adoption of an ordinance transferring funds from the Community Development Fund to Urban Renewal Fund to finance the early close-out of the Downtown Urban Renewal Project. The motion was seconded by Councilwoman Chafin.

Councilman Williams asked if it is true that there is still only one parcel undeveloped in the Downtown Urban Renewal Area and Mr. Walter Phillips, Assistant Director of Community Development Department, replied it is the block bordered by East Trade, Brevard, East Fourth Street and Southern Railroad, or the old Charlotte Fish and Oyster block. Councilman Williams

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asked if and when the old Charlotte Fish and Oyster block is sold, what will become of proceeds and Mr. Phillips replied the proceeds will go into the funding kitty for Community Development and will be disbursed just like any other cash that is received.

Councilman Williams asked if this is 2/3 - 1/3 and Mr. Phillips replied no, the total amount will go to the CD kitty just like the requisitioning of funds for carrying out the program now. That this is one of the stipulations that if you use the Community Development Program funds to help close out the project, then the proceeds of the land go into the Community Development kitty when it is sold. He stated all this does is really add to the bottom line whether it is thirty million dollars or thirty one million dollars.

Mr. Burkhalter stated when Council takes this action today and HUD signs off on it, there is no such thing as that project anymore, so any funds that come into you, go into something else - in this case, the Community Development Funds. That it is then all ours - there is no more federal government involvement in it.

Councilman Gantt stated the one drawback is that we have a situation here where we are taking \$800,000 from the CD Program in anticipation of one day being able to sell the Charlotte Fish and Oyster property and the question is whether or not there appears to be any feelers for that property - that it has been sitting there for quite awhile.

Mr. Burkhalter stated there are two good things about it. Number one, we are not going to have to make any snap decisions now because up until this point we have been pushed in order to get rid of this property in order to close out this project. That in all reality, we are getting rid of it today - you have it and you did not have it until now. The second thing is - we are getting a big hunk of money for this project to close it out from a source that we could never use again; they are giving us \$320,000 in the rehabilitation grant and there was no way we could get that money any other way except to do it this way. That the money was there - it was allocated but we could not use it but they will give us credit for it on this project and this is the only way it could be done. He stated we are not taking that much out of the program and what we are taking out, we have to put back if we ever sell it.

The vote was taken on the motion and carried unanimously.

The resolution authorizing the execution of a proposed amendmentary agreement to Funding Agreement No. 4 for Neighborhood Development Program No. N. C. A-3 is recorded in Resolutions Book 13, on Page 57

Ordinance No. 776-X transferring funds from the Community Development Fund to Urban Renewal Fund to finance the early close-out of the Downtown Urban Renewal Project, is recorded in Ordinance Book 25 , at Page 38.

RESOLUTION AND ORDINANCE NO. 777-X ACCEPTING A GRANT FROM THE ECONOMIC DEVELOPMENT ADMINISTRATION, ADOPTED.

Motion was made by Councilman Gantt and seconded by Councilwoman Chafin to adopt a resolution authorizing the Mayor to accept and execute the grant agreement for \$2,241,000 of Economic Development Administration Funds and Ordinance No. 777-X appropriating \$2,241,000 in Economic Development Administration Funds.

Councilman Gantt stated he remembers the people on Clanton Road asking Council over and over for sidewalks and apparently the plans are for putting the sidewalks on Barringer rather than on Clanton Road. That he would like to see if they can check into that and see whether or not they can get that sidewalk along Clanton Road. He stated this is another one of those situations where Council has been asked over and over to provide a sidewalk along the road that leads to the school and we are putting it somewhere other than where they want it.



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Councilman Whittington asked if there were any additional monies for sidewalks and Mr. Burkhalter replied yes.

Councilwoman Chafin asked if Council had received an overall plan for sidewalk priorities and Mr. Burkhalter replied not since the one Council approved. Councilwoman Chafin asked if we did not have monies for other sidewalks, other than these, and Mr. Burkhalter replied yes, that he is trying to see if the State will do something before he brings another plan back to Council for approval.

Mr. Burkhalter stated he did not know about the sidewalks on Clanton Road but he would check on them and report back to Council.

The resolution authorizing the Mayor to accept and execute the Grant Agreement is recorded in full in Resolutions Book 13, at Page 58.

Ordinance No. 777-X, appropriating the \$2,241,000 in Economic Development Administration Funds is recorded in full in Ordinance Book 25, at Page 39.

#### RESOLUTION LIMITING THROUGH TRAFFIC IN RESIDENTIAL NEIGHBORHOODS

Councilwoman Chafin moved adoption of a resolution limiting through traffic in residential neighborhoods. The motion was seconded by Councilwoman Locke.

Mr. Mike Childs, a Member of Committee to Study Limitation of Traffic through Residential Neighborhoods, stated his Committee has drawn up the resolution that is before Council today concerning cut through traffic. That he is going to speak in general on the philosophy behind this as to what the wording of the resolution is supposed to accomplish and then Mr. Corbett will speak on behalf of the City Professionals on some of the ideas they have developed to reduce the cut through traffic.

He stated the resolution itself grew out of concern for the type of traffic in neighborhoods. That most people will agree that heavy and noisy traffic belong with bad zoning and bad development, etc. and is extremely detrimental to the future of the neighborhoods because they go downhill once the traffic burden on it is increased considerably. He stated the Committee that drew up the resolution is unusual because it is composed of interested citizens, not representing one particular group and members of the City's professional staff. It started out with just the professional staff and then interested citizens were added to it and the results are included in the resolution which is before Council.

Mr. Childs stated at the same time this resolution was worked out and the policies in it were being worked out, the City Staff was making a study of methods used in other cities so they could give Council a presentation today of what they have in mind and some of the solutions that may be used in the future. He stated in getting to the resolution itself, they want to suggest one change; they have not been able to word it very articulately but they all agree on it and hope that Council will adopt it as part of the resolution. This would be in the Section No. 1, first paragraph, seventh paragraph of the resolution, after the word "vicinity", there would be a comma and then add these words "with citizen-initiated proposal to follow these procedures."

He stated the heart of this resolution is in the first paragraph and in the paragraph he referred to. The first paragraph establishes the policy in the city to control cut-through or through traffic in residential neighborhoods. It is two-pronged; it was intentionally written for two thrusts - the first was to adopt a policy which would prohibit or substantially decrease traffic in a given neighborhood. The second was a policy to go along with it and that is to reduce the detrimental effects of through traffic. He stated the reason it

is two-pronged is because they realized there were going to be some streets in the city that have cut-through traffic which will be unavoidable for traffic to continue on those streets, for political or practical reasons, it is going to be unavoidable for the traffic to continue. On those streets, rather than divert the traffic to other streets, it may be better or more politically feasible to work out ways of reducing the impact of that traffic by slowing it down, decreasing the noise and the speeding, etc.

He stated the heart of this resolution and the important thing here is in the first paragraph and what it does is adopt a policy for the city to control cut-through traffic and very importantly, it gives the Traffic Engineering Department two jobs - one they have always had, to move traffic rapidly and conveniently on Charlotte streets and second, to reduce the impact of cut-through traffic where that traffic is not being desired.

Mr. Childs stated the second important paragraph is the one that begins "To study and implement appropriate methods to control through traffic...." because this says it is not simply the policy of the City to control this traffic but it tells the Traffic Engineering Department and other related agencies to get out and study it and put the methods of control in effect. He stated with the added language which they suggested that Council add to the resolution, the method or procedure that would be followed for citizen-initiated proposals would be very stringent. Whenever a citizens group or a neighborhood organization or affected residents wanted to ask the City to do something about the cut-through traffic on their particular streets, they would follow this very detailed and fairly arduous procedure to get it before Council. The petition would have to be submitted by the majority of the residents, they would counsel with the Traffic Engineering Department, they would come to Council for approval and it would be put into effect for six months and then back to Council for permanent approval. In other words, it is a long term and difficult task to get this done but once it is done, Council can be sure that everybody had an opportunity to be heard.

He stated the reason they specifically limited this procedure to citizen-initiated proposal is because it is Mr. Corbett's understanding and intention that if this is adopted as a policy of the City of Charlotte, that he and his staff will be on the look-out for these problems. In other words, once the initial wave of requests for changes are worked out, then he will be in the business of trying to reduce the impact of through traffic on neighborhood streets. That he would like to point out two things that the articles in the newspapers have questioned. One is that this resolution does not direct the Traffic Engineering Department to go around closing every neighborhood street to through traffic. That it would take a long time to get any of them actually carried out. Secondly, it is a full opportunity for anybody who has a concern about any closing or diversion to come before the City Council to be heard; it will not be simply a neighborhood organization talking with Mr. Corbett in getting this thing worked out. Everybody in the world will have a chance to come up here and speak.

Mr. Childs stated the last four paragraphs are simply principles and they were put in there in order to insure that they would not be lost sight of in the rush. The first one, which they feel is very important, directs the Traffic Engineering Department and others to find ways of improving the traffic capacity that is existing on arterial streets. That there are a lot of cities in this country where this is used quite widespread. For example, a four-lane route will be one-way in the morning into town and one-way out of town in the evening, or if it is a six-lane street, for example in Washington, they sometimes have four lanes coming in and two lanes going out in the morning and then reversing this in the evening. This would be a method of making streets work better at a much, much reduced cost than widening the streets and putting in medians, etc. The second principle, Number three, it will still be the policy of the City to continue to develop and recommend

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methods of improving and promoting the use of public transit. He stated just about everybody recognizes car vehicular traffic on streets is going to be reduced if we can get more people to ride buses or whatever means of mass transit is available and obviously, this would reduce cut-through traffic.

He stated the next item is an important principle that the Committee agreed on and that is wherever there is a major proposal to divert traffic in this fashion that Mr. Corbett's department is working on, he will consult neighborhood organizations ahead of time to give them and any other residents a chance to air their views on the particular change. This is a good policy and one that recognizes the importance of talking with people in these neighborhoods ahead of time before the deed is done.

Finally, they have added a provision to require the people who are implementing this thing to report to Council semi-annually. The obvious reason for this is that so many well-intentioned proposals, or policies like this one, can be easily lost in the cracks if there is not a definite reporting date for someone to come back and tell Council what they have been doing on it all the while.

Mr. Childs stated in summary, if Council adopts this resolution, they cannot guarantee that this will solve the problems people see as cut-through traffic. Obviously, it is going to be a long haul before some of these things are implemented and there is going to be an awful lot of opposition to any proposal to divert traffic. The time has not yet come when the average motorists are ready to forsake their own convenience for the welfare of somebody in another neighborhood but it is very important that this resolution be adopted in order for the City to have a real commitment to the policy of controlling cut-through traffic. He stated he hopes Council will adopt this policy and give Mr. Corbett a chance to go ahead with it.

Mr. Corbett, Traffic Engineer, stated he has prepared a series of charts to give Council some idea of the things his department might do if this policy is approved. That he realizes that with a program of this sort, there might be a lot of concern by individuals about closing streets. He stated they anticipate there will be very little total closing of streets but instead they will do things that will make it difficult for traffic to travel down these streets.

He stated Mr. Childs has already mentioned that they contacted several other cities, among them were Berkeley, California; Montgomery County, Maryland; Seattle, Washington and Brookline, Massachusetts, all of which have had very extensive programs and very extensive experience with the restricted traffic in neighborhoods. He stated a typical thing that we might find, for example on a street which had some length and had some problem of speeding, would be to construct within the intersection a traffic circle. That this would require traffic coming down one way to go around the circle and they would have to slow down substantially because the radius of these curves would require this vehicle to slow down in order to negotiate this. If they wanted to go to the left, they would have to go all the way around. That they worked this out, similar to the one they used in Berkeley because it does provide some beautification as well as physical obstacle and serves very well to meet the purpose of slowing down traffic. This is an alternative to using stop signs - you might wonder why they could not simply put a stop sign at every approach but it has been determined that the placing of stop signs at every intersection does not really achieve a reduction in speed. That what drivers tend to do after stopping at one stop sign is to speed up before they get to the next one and actually results in a higher speed along the street.

Mr. Corbett stated another type of more drastic proposal is if we had a problem that was more significant than something other than just speeding and where we really wanted to divert the traffic, would be to come into the intersection, and this is on a temporary basis which was discussed earlier that we would do after Council approval of a program, and erect a physical barricade, barrels, etc., and cross the intersection from corner to corner. This would force all this traffic to the right, everything coming from the left and vice versa on the other side and once that was put in and tried out and they saw what the results were, they could come back with a more permanent solution of this type which would actually provide a physical separation within the intersection to be planted with trees and shrubs and again, all the traffic coming in would have to go out of their way. That they feel this would occur for a short period of time and after being inconvenienced in this fashion, then traffic would then get back out on the main thoroughfares and not cut through neighborhood streets.

He stated this is again a perspective view other than showing how trees and beautification could be planted in the middle in order to shield drivers from headlights and provide a more pleasing arrangement. There are many other things that could be done, but he is only showing a few typical examples. That some of the more simple things they could do would be to do what they tried to do over on Country Club. For example, they could remove left turn traffic signals which they did at one intersection along Eastway; they could put up no turn signs; they could also install medians. In each case, when they went into the neighborhoods, there would be a number of studies that they would run; their usual traffic volume counts; they would also try to find out where that traffic was coming from if it was coming from outside the neighborhood; they would do an evaluation of street capacities on the abutting thoroughfares to make sure that the traffic which might be deterred along these neighborhood streets, could be accommodated on the thoroughfare. If it could not, then they would so advise Council as to what improvements would be necessary. An analysis of pedestrian activities and a new one for him, an analysis of pollution. That Mr. Childs referred to noise and chemical pollution and they would propose to make an analysis of those to see if there would be something they could do to lessen their impact. They would also study accidents in the neighborhood and the total street network. After doing all this, coming back to Council with a report for Council action, they would then go about putting in the various devices which he described, on a temporary basis. These would stay in for six months, during which time his department would evaluate them, and Council would have an opportunity to hear those who were either for or against the project. Then, if it is Council's wish, the temporary devices would be removed and permanent restrictions would be put in their place.

Mr. Corbett stated there are some things which they propose not to use. For example, speed bumps. That he is sure everyone has heard a lot about the so-called speed bumps and have seen them in shopping center parking lots. He stated a speed bump only works if you are going lower than the speed limit; if you hit it at or above the speed limit, you really do not even notice it. He stated if anyone did not believe him, they should go and try it sometime - with the way that suspensions are built on modern cars, because of chuck holes, etc., a person will hardly even know they have hit it. That there are some detrimental characteristics in speed bumps. One, a person riding over one in a bicycle, when four to six inches of the front wheel drops, it frequently causes the collapse of the bicycle. A person on a motorcycle can lose the control of the motorcycle; a fireman, standing on the rear of a fire truck and the fire truck goes across that steep bump and his feet leave the fire truck, and it runs out from under him. That these are the types of things we have to be concerned about here. He stated instead of speed bumps, they

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would try to use a series of other devices such as rumble strips, which would make the driver aware of the fact that he was traveling at excessive speed and it would slow him down.

Mr. Corbett stated he hoped he has given Council some idea of the procedures they would follow if Council adopts this resolution. They anticipate, at the moment, they would initially have nine neighborhoods. They have already received petitions from Country Club, Beverly Drive, Cove Creek, interest expressed by people in Farmbrook, Tipperary Place, Laurel Avenue, Scofield Road, Barclay Downs and Friday, one came in from Spruce Street, off West Boulevard. That Council might want them to go ahead and start on these without further petitions as required by the policy because most of these were initiated by the people. If so, they can go right ahead on these but anticipate it will take quite a bit of work.

Mayor Belk asked why the speed limit of 25 miles per hour around the schools has not been lowered and Mr. Corbett replied they just have not done this yet - in the last year, they have begun installing the electrical signals in all our school zones which work while the school zones are in effect. He stated they only had a limited number of those up to a year ago and if it becomes necessary, there would be no reason they could not go back and put rumble strips.

Mayor Belk asked if this would not get a driver's attention much quicker than a flashing light and Mr. Corbett replied he would not say a lot more but it can be of a great help. That they installed some recently out on Sharonview Road and they get a driver's attention because initially they are placed a certain distance apart and when a driver passes over that, he feels it and hears the noise. Then, a few feet down the road, they are placed a little closer together so they will have the same sound as initially and hopefully he will slow down some more. Then, a third installation is placed 100 feet down the road, to get him to slow down even more.

Mayor Belk stated he noticed these on the expressways at the exit ramps and they are very effective and gets a person's attention quicker. He stated we are not doing as much as we should for our schools. Mr. Corbett stated they feel they are working pretty hard for the schools with this program of the electrical signals which Council authorized the funds for in the last two budgets. They will have, by the end of this year, roughly 100 zones with these signals.

Mayor Belk asked about the blinkers in the center strips and about the experiment with them out in front of City Hall and Mr. Corbett replied the main problem with those things is that they stick up about an inch and a half above the pavement and all it has to do is snow one time and the snow plow comes down the road and they are all gone. That this has been a problem with them but they have had them out in front of City Hall for two years now and they have just purchased approximately ten thousand dollars worth of them and they will be putting a good many of them around the streets.

Councilman Gantt asked why Mr. Corbett needed six months to evaluate the plan and Mr. Corbett replied they felt they needed that much time because once you put them in, it takes about three months for people to start changing their patterns and get on other streets and then they would need a little time in order to evaluate it and see how many did leave and how many got on other streets and if there were any additional problems before they would be prepared to report back to Council.

Councilman Gantt stated he had in mind the Sherwood Avenue problem last year when the minute it was put up, Council began to hear about it. That 90 days seems a lot better than 180 or 480 days for comments.

Councilman Gantt asked about Item A of the resolution where it states a simple majority of the residents can, in fact, activate, or possibly cause events to start to occur. That how much of a majority that would be might be something of a question to him - like the 2/3 rule in the Senate, or the 2/3 rule of City Council. He stated he would not want to make it any more difficult, but when we get to a situation where we have a street where more than 2/3 of the residents want something to happen, we have the public support to allow Council to carry this through.

Mr. Corbett stated there are two checkpoints built into the resolution. No. 1 is once a petition comes in, this does not guarantee that something is going to be done. They would make a report to Council as a result of their study before they did anything and there would be an opportunity for any additional people who might want to be heard.

Councilman Gantt stated if 49% of the people started to raise a lot of cain about that, it would put a certain amount of pressure on Council in evaluating Mr. Corbett's decisions. Mr. Corbett stated he would have no objections to changing this part of the resolution. Councilman Gantt replied he would like to hear comments from other members of Council.

Councilman Davis stated he is very much in agreement with Councilman Gantt's statements. He stated six months might be an ideal time but he would see no reason to restrict ourselves to any set time period - he would just as soon leave that open. That he sees Councilman Gantt's point about the 51% or simple majority, but there is something to be said for status quo because when you move to a street and that is the way it is, that his vote would be guided by in this that it would require more than a simple majority to make some dramatic change that would affect the neighborhood; that this would be a reasonable consideration for the residents of the street.

He stated he would like to make a couple of additional points. One that Mr. Childs made - that this resolution does not direct anything, it merely recommends. He stated there are some words in there that might raise some opposition to it and the words really do not add to the resolution. For example, in the words "Therefore, be it resolved by the Council of the City of Charlotte that the policy of this City shall be to reduce through vehicular traffic" - that he feels "control" would be a better word, which is what we do all over the city - control traffic. He stated there might be some neighborhoods where reduction would not be in order and that word would unnecessarily raise opposition to this. That no one would object to having traffic control because it is controlled everywhere.

He stated perhaps it might be best to leave out the phrase "wherever prohibition or reduction of through traffic is not appropriate" because what we want to do is control the traffic and reduce the detrimental effects of such traffic. That Council might want to change both those phrases.

Councilman Davis stated something should be said to assure the people that the right of any taxpayer to use a road is not going to be prohibited. That a taxpayer can use any road in the city under the same conditions that any other taxpayer can, resident or non-resident. That he sees nothing in the resolution to really act against that but he has had a number of calls in favor of this resolution and a number of calls opposed to it. Those opposed to it want something to reassure them that they are not going to be denied the use of a street; their use of it would be controlled and the residents have to submit to these same controls and would not have any objections to it.

He stated this recommendation calls for some budgetary impact in that two new folks will have to be hired in the Traffic Engineering Department. That he favors the resolution and plans to vote for it but he would hope we can make some slight modifications in it. He would not go into it with the thought that we would be adding two new people in the Traffic Engineering Department. He stated if Council wants to emphasize this, then it should be done by taking personnel from some other department we would like to de-emphasize. He stated he would not vote to hire new people and he would ask the City Manager to make some recommendations for off-setting reductions in either the same or other departments.

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Councilman Davis stated he does not believe there is anything in the proposed resolution that Mr. Corbett did not do on the Sherwood Avenue proposal. This was handled in this manner which might indicate that he stays ahead of the game. Even though it is nothing dramatic in view, Council should allow some time for the public to digest this information and give input and respond to it.

Ms. Laura Frech, 2601 Country Club Lane, stated she has talked to Council before on behalf of the Plaza-Midwood Neighborhood Association and the Charlotte-Mecklenburg League of Women Voters, but when she realized what was happening, she got so excited she felt she just had to say a few words about this resolution.

She stated she would like to commend Council for setting up the Committee, composed of citizens and professional staff who came up with this resolution and the Committee itself for the work that was done. She had mixed feelings about Council going ahead and adopting this because it would be taking the wind out of the sails of some of the candidates who have been campaigning for this. She stated this has been a major issue in her campaign and the more she talks with the people in her District, the more convinced she is that it is an extremely important issue in the minds of the people.

That four of the areas mentioned are in her District. Shamrock Drive, Eastway, Tipperary and Cove Creek, so the people in District Four are very, very interested in this problem. She stated the resolution looks very promising because it will give the staff the guidance they need in dealing with the problems and she also likes the techniques which were worked out and the assurances given that it does not require the closing of streets to deal with this problem.

Ms. Frech stated on the other side of the question in her District that many people have been distressed by the possibility of closing some streets and she has said she was sure there was something else that could be done besides closing the streets. That she is so glad to see that there are ways and would commend the Committee for the work and hopes Council will pass this resolution, even though they will be taking away one of her favorite issues.

Ms. Barbara Mattingley, 4817 Coronado Drive, stated she is here today to represent the League of Women Voters. Since the League endorsed the Comprehensive Plan in 1974, they are extremely pleased to endorse this traffic proposal which promises to implement the directives of the Comprehensive Plan in preserving our lovely Charlotte neighborhoods from the devastating effects of through traffic and they endorse it wholeheartedly.

Mr. Rusty Mills, representing the Idlewild Farms and Easthaven Homeowners Association of approximately 800 homes and about 2,500 residents, stated they had their first meeting several weeks ago and the overwhelming concern of the residents in those areas was the traffic situation in their area. He stated Idlewild Farms has become a short cut from Eastland to Independence. The streets are very narrow on Marlbrook Drive, specifically, and on Farm Pond, you cannot even park due to the traffic speed and the number of wrecks, especially during the peak hours, early morning, late afternoon, from 3:00 o'clock on.

He stated the area has one school, Albemarle, and there are 700 students - first, second and third graders; about 150-200 of these students walk home and there are no sidewalks for them. With the excess traffic, it makes the situation extremely hazardous. He stated there are hills in the neighborhood, slightly rolling, with blind spots near the sides and without sidewalks, usually the students walk in the gutters or on the edge of the line.

Mr. Mills stated a 35 m.p.h. speed limit in that residential area is extremely unsafe for these students since most of the rate of speed is closer

to 40 m.p.h. About 80% of the people going through that neighborhood are not residents in that particular area because there are only about 100 homes on that thoroughfare. The curves also add an additional problem. It has been so bad at two points that two residents who are at the bottom of the hill, on a slight curve, to keep their lawns preserved, have placed about 4 or 5 ft. rocks, several thousand pound rocks, in the middle of their lawns so if someone is coming around, rather than run over their lawn will stop very abruptly. In solving this problem, they are creating quite a hazard. He stated the tire tracks in that neighborhood on the lawns are excessive. You can drive down at anytime and see nicely re-seeded lawns with somebody's tire marks across it.

Mr. Mills stated this morning, while driving his son to school, he counted three lawns with tire marks in a mile and a quarter drive. The large rocks create a danger rather than solving a problem.

He stated these are some of the problems they have come up with and some of the solutions they kicked around include school crossing guards for the school. Currently there are no crossing guards for kindergarten, first, second and third graders in that area. He has talked with the Principal of the school but he does not have the facilities to do anything because he does not have the students to utilize crossing guards. They talked about deadend streets to slow down traffic and make it a big disadvantage rather than it being a short cut from Independence. It would hurt the residents' accessibility to their homes but most of them were in favor of it because from his house, twelve houses down, there are 15 school age children, usually around the age of 5, 6 or 7 and this represents the majority of the neighborhood.

Mr. Mills stated to date there have been no accidents but many people feel it is just a matter of time. He stated the speed bumpers, which were addressed by Mr. Corbett, was one of their proposals. That the main thing they wanted was to lower the speed limit to 25 m.p.h. He asked if it was within the authority of City Council to do such action because the majority of the neighborhood would be in wholehearted favor of such action; it is unsafe right now at 35 m.p.h. and Mayor Belk replied it is possible but it does not sound very feasible. Mr. Mills asked what it would take on the Homeowner Association's part to do it and Mr. Underhill, City Attorney, replied it would require a change in the State Legislation.

Mr. Corbett stated the State Law says residential area limits are 35 m.p.h. with the exception it does give the City the power to enact a 25 m.p.h. zone where there is a designated school crossing, but only where there is a designated school crossing, not the full length of the road.

Mayor Belk asked if the speed limit was 25 m.p.h. at the school and Mr. Mills replied he has not seen a sign to drop the speed to 25 m.p.h. there. Mayor Belk requested Mr. Mills to write him a letter concerning this school and he will check on it.

Mr. Mills stated he lived in the Berkeley area for about two years and it proved somewhat successful but the streets are not the same type he has in his present neighborhood - there are long main drags and the program worked to slow down traffic but there was not that much of a thoroughfare traffic which they have in his neighborhood. That they do need help in his neighborhood.

Mr. Mike Lockwood stated he lives in Windsor Park and moved out there about 16 years ago when the status quo was deadend streets, no cut through traffic because they were basically in the County. That he agrees with Councilman Davis when you move into a neighborhood, you should accept the status quo but in a situation like theirs, when they moved into the neighborhood, it was a nice, quiet residential area where you could walk along the street or play softball in the street if you wanted to. Now, the children cannot play out in the yard and you basically have no sidewalks out there, with the problem of tire marks, not just on the edges of the yards but all the way through the



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center of the yards and it seems people do this intentionally. He stated basically they get no kind of police protection as far as speeding is concerned. There are speed limit signs posted but they are not enforced by the Police Department. This is one area the City Council is going to have to address to the Police Department to have a higher percentage of patrol cars in residential neighborhoods. That unless they have a major disturbance, they do not ever see any police cars, except when they are riding down through there about once a month.

Mr. Lockwood stated if they had a higher volume of police patrol through residential streets, it would help cut speed down a lot, along with additional four way stop signs. Then, if the people did not stop at the signs, then the police should give them a ticket.

Councilwoman Chafin stated this resolution is asking Mr. Corbett to do something very different and represents a major shift in our traffic control policy and one that she welcomes. That it is in response to concerns of neighborhoods all over Charlotte. She stated if what she is hearing from people in neighborhoods throughout the city is indicative of what we are going to see, then Mr. Corbett's office is going to be literally swamped with petitions, once this word goes out.

She stated it would be very unfair to ask Mr. Corbett to undertake this additional responsibility without giving him extra staff. She does not want to be known as a big spender any more than anyone else, but Council is asking him to take on a major new responsibility and he is clearly going to have to have additional staff to implement this responsibility. She stated she would hope Councilman Davis would reconsider his position on that.

Councilman Davis stated it has been his policy all along to control through traffic in neighborhoods so he does not see there is any change.

Councilwoman Chafin stated Council has never established it as a clear cut policy. Council has talked around it, they have directed Mr. Corbett from time to time, but Council has never established a policy and a procedure which this resolution does for Council and the people have asked for.

Councilman Gantt stated he supports the resolution but he is wondering about two things. One, about the suggestions that were made earlier about removing the six months situation. He asked Mr. Corbett if he really needed this amount of time and Mr. Corbett replied the main thing was to let these things stay in place for six months and then come back to Council and make a report. The other thing was the majority versus the two-thirds rule. He did not hear any discussion on that.

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Councilwoman Locke stated she would like for the resolution to be adopted as it is now; then at some future date amend it if it is necessary.

Councilman Whittington stated he does not agree with Mr. Davis if you put in the word "control", rather than "reduce". What you are trying to do is to reduce the traffic, and he thinks you should say that. Also he does not agree with Mr. Gantt on the three months. Other than that he thinks the plan is a good one in the city's response to neighborhood concerns all over the city.

Councilman Davis referred to Councilwoman Chafin's comment about staff. He stated to have an active policy we may need some additional people on this. But it involves quite a bit of money - \$30,000 just for the remainder of this year. That he would go along with the additional staff; but he thinks Council should say now where it is going to come from. That he is not willing to increase taxes, and he thinks Council should set priorities and say what areas of city operations we would be willing to de-emphasize to the extent that we want to beef up the Traffic Engineering staff.

Councilman Davis stated on the changes he did not suggest anything real earth-shaking. That we have some good work that has come from staff. That consideration of these changes as made by several people would make it a better proposal. He hates to see the neighborhoods get the proposal and read it; get 51 percent of the petitioners, and have them come to Council, and then Council say 49 percent objected. That is not enough to make a dramatic change like this. He thinks it would be better to have a reasonable figure in there now so the neighborhood will know what it is up against.

Councilman Davis stated he will vote for this proposal if it comes to a vote today; but he would prefer to see it delayed to give someone time to consider the discussions taking place today.

Councilman Gantt moved an amendment to the original motion to change the "majority" petition to a "two-thirds" petition. The motion was seconded by Councilwoman Chafin, and carried unanimously.

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

The resolution is recorded in full in Resolutions Book 13 at Pages 59 and 60.

#### RESOLUTION ENDORSING THE STATE HIGHWAY BOND ACT OF 1977.

Motion was made by Councilman Withrow, seconded by Councilman Davis, and unanimously carried, adopting the resolution endorsing the State Highway Bond Act of 1977 which provides for the issuance of \$300 million in Highway Bonds to be used for the improvement of North Carolina's highway system.

The resolution is recorded in full in Resolutions Book 13, at Page 61.

#### SETTLEMENT WITH REA CONSTRUCTION COMPANY IN CONTRACT FOR PAVING OF NEW NORTH/SOUTH RUNWAY AND RELATED TAXIWAY AT DOUGLAS MUNICIPAL AIRPORT.

Motion was made by Councilman Gantt to approve a settlement in principle with Rea Construction Company in the maximum total amount of \$1,674,597.97 in connection with the paving contract for the new North/South Runway and related taxiway at Douglas Municipal Airport. The motion was seconded by Councilwoman Chafin, and carried unanimously.

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RESOLUTION PROVIDING FOR PUBLIC HEARINGS ON FLOOD AREA MAPS FOR VARIOUS CREEKS WITHIN THE CITY AND DESIGNATED ANNEXATION AREAS.

Councilwoman Locke moved adoption of a resolution providing for public hearings on Monday, November 14, to consider the adoption of flood area maps for various creeks within the City of Charlotte and designated annexation area. The motion was seconded by Councilman Gantt, and carried unanimously.

The resolution is recorded in full in Resolutions Book 13, at Page 62.

RESOLUTION ACCEPTING AN EPA WASTEWATER FACILITIES GRANT FOR IMPROVEMENTS AND ADDITIONS TO THE MCALPINE CREEK WASTEWATER TREATMENT PLANT AND CONSTRUCTION OF BIG SUGAR CREEK, BEARDS CREEK AND TOBY CREEK OUTFALLS.

Upon motion of Councilman Gantt, seconded by Councilman Whittington, and unanimously carried, a resolution was adopted accepting an EPA wastewater facilities grant, in the amount of \$21,000,000 to assist in the construction of improvements and additions to the McAlpine Creek Wastewater Treatment Plant and construction of the Big Sugar Creek, Beards Creek and Toby Creek outfalls.

The resolution is recorded in full in Resolutions Book 13, at Page 63.

ORDINANCE AND RESOLUTION FOR LEAA FUNDED POLICE PLANNING AND REGIONAL TRAINING PROJECTS, ADOPTED.

Motion was made by Councilman Whittington, seconded by Councilman Davis, and unanimously carried to adopt the following ordinance and resolution for LEAA Funded Police Planning and Regional Training Projects:

- (a) Ordinance No. 778-X re-establishing and increasing appropriations to complete the 1977 LEAA funded Police Planning and Regional Training Project by reappropriating \$3,640.17 for the 1977 Planning Proposal Project, and reappropriating \$1,290.04 in 1977 LEAA Training Funds and additional allocation of \$9,324 in LEAA Training Funds.

The ordinance is recorded in full in Ordinance Book 25, at Pages 40 and 41.

- (b) Resolution authorizing application for additional allocation in Training Funds.

The resolution is recorded in full in Resolutions Book 13, at Page 64.

ORDINANCE NO. 779 AMENDING CHAPTER 2 OF THE CODE OF THE CITY OF CHARLOTTE BY ADOPTING A NEW ORDINANCE DEFINING THE RIGHTS AND DUTIES OF COUNCIL MEMBERS AND OTHERS TO REVIEW CHARLOTTE POLICE DEPARTMENT CRIMINAL INTELLIGENCE FILES.

Councilman Williams moved adoption of the ordinance amending Chapter 2 of the Code of the City of Charlotte by adopting a new ordinance defining the rights and duties of Council Members and Others to review Charlotte Police Department Criminal Intelligence Files (Alternative A). The motion was seconded by Councilwoman Locke.

## AWARD OF CONTRACTS.

1. On motion of Councilman Whittington, seconded by Councilwoman Locke, and carried unanimously, contract was awarded to the only bidder, Southern Pump & Tank Company, in the amount of \$5,802.38 on a unit price basis for one 10,000 gallon bulk oil storage facility.
2. Councilman Withrow moved award of contract to the low bidder, Rand Construction Company, Inc., in the amount of \$91,433.72 on a unit price basis, for the construction of 12-inch and 16-inch water mains along Wilkinson Boulevard and Sam Wilson Road. The motion was seconded by Councilman Whittington, and carried unanimously.

The following bids were received:

Rand Construction Company, Inc.	\$ 91,433.72
Sanders Brothers, Inc.	92,612.50
Abernethy Construction Company	97,462.50
A. P. White & Associates, Inc.	99,557.50
Blythe Industries, Inc.	110,950.00

3. Motion was made by Councilwoman Locke, seconded by Councilman Whittington, and carried unanimously, awarding contract to the low bidder, Crowder Construction Company, in the amount of \$41,120, on a unit price basis, for First Ward Urban Renewal Drainage Improvements, Phase II.

The following bids were received:

Crowder Construction Company	\$ 41,120.00
Blythe Industries, Inc.	42,741.00
Sanders Brothers	62,521.00

4. On motion of Councilwoman Chafin, seconded by Councilman Whittington, and carried unanimously, contract was awarded to the low bidder, Moretti Construction Company, in the amount of \$84,598.80, on a unit price basis, for Morgan Park, Project No. 512-75-100.

The following bids were received:

Moretti Construction, Inc.	\$ 84,598.80
Blythe Industries, Inc.	85,026.00
Crowder Construction Co.	94,578.50
J. M. Furr Landscaping	104,154.00
Lee Skidmore, Inc.	117,277.00

5. Councilman Withrow moved award of contract to the low bidder, Green Thumb Industries in the amount of \$52,256.48, on a unit price basis, for planting of 500 trees in Greenville Urban Renewal Area, Project No. 512-72-075. The motion was seconded by Councilwoman Chafin, and carried unanimously.

The following bids were received:

Green Thumb Industries	\$ 52,256.48
Wilson's Nursery	53,700.00
Gilmore Plant & Bulb Company	57,270.00
Furr's Nursery	71,785.00

6. Motion was made by Councilwoman Chafin, seconded by Councilman Whittington, and carried unanimously, awarding contract to the low bidder, Moretti Construction Company, in the amount of \$87,579.50, on a unit price basis for Greenville Neighborhood Park, Project No. 512-76-075.

The following bids were received:

Moretti Construction Company	\$ 87,579.50
T. A. Sherrill Construction	91,393.00
Lee Skidmore, Inc.	89,901.00
Crowder Construction Co.	92,339.00
Blythe Industries, Inc.	109,636.00
Furr Landscaping, Inc.	117,942.25

RESOLUTIONS OF CONDEMNATION.

1. On motion of Councilwoman Locke, seconded by Councilwoman Chafin and carried unanimously, a resolution was adopted authorizing condemnation proceedings for the acquisition of property belonging to Fred Hummert and wife, Marie R. Hummert, and Philip Norman Presley, Lessee, located at 315-17 North Tryon Street, in the City of Charlotte, for the Discovery Place Project.
2. Motion was made by Councilman Withrow, seconded by Councilman Whittington, and carried unanimously, adopting a resolution authorizing condemnation proceedings for the acquisition of property belonging to the Heirs of J. M. Robbins and located at 17600 N. C. Highway #73, in the County of Mecklenburg, for the McDowell Creek Outfall - Phase III Project.
3. Councilwoman Locke moved adoption of a resolution authorizing condemnation proceedings for the acquisition of property belonging to Norma R. Taylor, located at 1337 South Church Street, for the West Morehead Target Area. The motion was seconded by Councilman Davis, and carried unanimously.

The resolutions are recorded in full in Resolutions Book 13, at Pages 65 through 67.

CONSENT AGENDA APPROVED.

Upon motion of Councilwoman Locke, seconded by Councilman Whittington, and carried unanimously, the following action was taken on Consent Agenda items:

1. Adoption of Ordinance No.780-X ordering the demolition and removal of the building at 1029 North Davidson Street, pursuant to the Building Code of the City of Charlotte, and Section 6.61, Article IV, Chapter 6 of the Charter of the City of Charlotte.

The ordinance is recorded in full in Ordinance Book 25, at Page 44.

2. Approval of loan agreements between the City of Charlotte and the following applicants:
  - (a) Loan in the amount of \$9,300 to Edward B. Templeman, Jr. and wife, Nancy W., 1924 Park Road, Wilmore/Dilworth Target Area.
  - (b) Loan in the amount of \$9,050 to Alan P. Hickok and wife, Susan G., 1105 Lexington Avenue, Wilmore/Dilworth Target Area.
  - (c) Loan in the amount of \$5,400 to Alice K. Riley, Charlotte K. and Kenneth W. Preslar, 2722-24 Baltimore Drive, Southside Park Target Area.
3. Approval of the following loans in the Fourth Ward Urban Redevelopment Project Area:
  - (a) Loan to John M. Knight, Jr. and wife, in the amount of \$44,950 for purchase and restoration of property at 424 North Poplar Street in the Fourth Ward Urban Redevelopment Project Area.
  - (b) Loan to Karl J. Reid in the amount of \$43,000 for purchase of land for construction of a two-story, two-family dwelling, at 501 North Poplar Street, in the Fourth Ward Redevelopment Project Area.
  - (c) Loan to Henry J. Johnson, in the amount of \$46,600 for purchase and restoration of property located at 601 North Pine Street, in the Fourth Ward Urban Redevelopment Project Area.

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4. Approval of the following Encroachment Agreements:
  - (a) Agreement with the North Carolina Department of Transportation for proposed 1 1/4 inch water main in Freedom Drive.
  - (b) Agreement with the North Carolina Department of Transportation for existing water and sanitary sewer lines in Sturnbridge Phase II.
  - (c) Agreement with the North Carolina Department of Transportation for existing water and sanitary sewer lines in Shadow Lake Section I.
  - (d) Resolution authorizing the Mayor and City Clerk to execute an encroachment agreement with Southern Railway Company for the construction of a 12-inch sewer pipeline crossing upon the right of way of the Railroad at Cornelius, N.C. Recorded in Book 13, at Page 68.
5. Approval of contracts for water and sanitary sewer construction, as follows:
  - (a) Contract with Union Oil Company for the construction of 840 feet of 12-inch C.I. water main and three fire hydrants to serve Union Oil Company, on Old Mount Holly Road, outside the city, at an estimated cost of \$21,600.
  - (b) Contract with F. Kenneth Springsteed for the construction of 4450 linear feet of 8-inch sanitary sewer mains to serve Deerhurst Subdivision, inside the city, at an estimated cost of \$80,620.
6. Approval of Property Transactions:
  - (a) Acquisition of 20' x 350.91' x 15' x 184.60' of easement, at 3900 Gleneagles Road, from Investment Mortgage Company, at \$1.00 for sanitary sewer to serve Gleneagles Road.
  - (b) Acquisition of 30' x 1,119.51' of easement, plus a five foot construction easement on each side of right of way, 17900 N. C. Highway 73, from Kenneth A. Westmoreland and Elizabeth O. Westmoreland, at \$2,000, for McDowell Creek Outfall, Phase III.
  - (c) Acquisition of 200' x 350' of easement off Zion Street, in Cornelius, N.C., on 1200 feet easterly, from Town of Cornelius, at \$1.00 for sanitary sewer pressure line from Davidson Treatment Plant.
  - (d) Acquisition of 30' x 48.94' of easement, plus temporary construction easement, at 13707 Circle Drive, from Estate of Spencer H. Gantt, Glendon G. Putman, Desta G. Butler, Nora G. Ritchie, Elizabeth G. Hahn, Vincent M. Gantt, William D. Gantt, Adelaide L. Gantt, Walter G. Gantt, Lillie Kate M. Gantt, Wallace J. Gantt, and Nell Gantt, at \$48 for Mallard Creek Outfall.
  - (e) Acquisition of 20,996 sq. ft. at Edgefield & Campus Streets, from Adam P. Wilson, at \$25,000 for Five Points Target Area.
  - (f) Acquisition of 45,750 sq. ft. at 821 & 825 Beal Street, from William F. Helms, at \$9,200 for Grier Heights Target Area.
  - (g) Acquisition of 5,372 sq. ft. at 1308 Winnifred Street, from Dr. Amos S. Bumgardner, at \$7,200 for West Morehead Target Area.
7. Adoption of a resolution stating an intent to close Cherry Street Alleyway and calling a public hearing on the question on Monday, November 21, 1977, on petition of Mrs. Frances A. Parrish.

The resolution is recorded in full in Resolutions Book 13, at Pages 69 and 70.

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8. Approval of a maintenance agreement between the Police Records Section and Access Corporation for preventive and emergency maintenance services for Records Section equipment from November 1, 1977 through October 31, 1978, at a cost of \$9,989.76.
9. Approval of the renewal of special officer permits for a period of one year each for use on the premises of Charlotte Park and Recreation Commission:
  - (a) Ray Wilson Alexander, Rt. 7, Box 493-K
  - (b) James Richard Jenkins, 1625 Finchley Drive.

NOMINATIONS TO FILL UNEXPIRED TERM ON WTVI, INC, BOARD OF DIRECTORS.

Councilwoman Locke placed in nomination the name of Judith N. Ranson to fill the unexpired term on the WTVI, Inc., Board of Directors.

Councilman Whittington placed in nomination the name of Vickie Cleaves to fill the unexpired term on the WTVI, Inc., Board of Directors.

NOMINATIONS TO THE CHARLOTTE AREA FUND BOARD OF DIRECTORS.

Councilman Williams placed in nomination the name of Lewis W. Davis for the Charlotte Area Fund Board of Directors.

Councilwoman Chafin placed in nomination the name of Thomas M. Ingram for the Charlotte Area Fund Board of Directors.

CITY ATTORNEY REQUESTED TO REVIEW MODEL ORDINANCE ON REGULATION OF ATTIC SALES.

Councilwoman Chafin stated last week she mentioned her concern and the concern of a number of people who have approached her about the attic sales, and she asked the City Attorney to look into this. Since then she has received a model ordinance from the N. C. League of Municipalities. She asked the City Attorney to take a look at this ordinance, and come back with some recommendations on this ordinance or some modification of it.

DATE OF HEARING ON RATE STUDY TO BE SET AT NEXT MEETING; COMMENTS BY COUNCILMAN DAVIS AND STAFF ON THE STUDY.

Councilwoman Locke stated Council needs to make a decision on when it will have the public hearing on the rate study change. Councilman Withrow stated he would suggest it be put off for two weeks rather than have it on for next week. He asked if this will give Mr. Burkhalter time? Mr. Burkhalter replied he thinks so; that he notices Mr. Sheridan has called a meeting of his committee for next Wednesday. That he would ask Council to wait until next week to set a date for the hearing.

Councilman Davis stated he would like to make a few comments on the water-sewer rate study presentation made to Council today. That he would like to say two things. No. 1 City Council supposedly hired the Arthur Young Consultants to make the study, so they are working for us. The amount of cooperation he visualizes taking place is apparently not happening. Council should take whatever action is necessary now to cause this cooperation to happen between the staff and the consultants to see that these differences are ironed out, or at least come up with some that have been exposed to one another prior to public session.

Second, there were a number of points made by Mr. Burkhalter and members of staff that dealt with the impact that would fall on the small users - the high connection fees or the removal of the meter fee. That Mr. Fennell said we would not get as much revenue from that, and it might cause a reduction in that type of service. Councilman Davis stated he thinks this would be good if the fee is an inhibition to that type of customer. It is true this might be a hardship on the small customers and particularly the poor people. But that is the type of problem

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Council should deal with separately. He thinks we want a fair and equitable rate structure that actually reflects the costs. Let the chips fall where they may. Then if Council wants to take some independent action to subsidize customers or to refer them to appropriate agencies for aid, this would be something to be done separately. He prefers not to have that involved in the rate study.

Mr. Burkhalter, City Manager, stated he had a great deal of difficulty bringing this to Council's attention because the Study was created because the report staff gave to City Council was attacked, and the people who attacked it said it did not reflect properly the rate structure of the City. Very obviously when Council had the consultant to make the study, it was to determine these things. One of the things we proposed to do was not to tell them what to do. But we had real problems dealing with this. Council gave an independent advisory body the power to report and review and to do this sort of thing. So staff was not consulted as an expert or as the people to give the information or to do anything on the study. Staff tried to make an input; it was very difficult.

Mr. Burkhalter stated the report staff made to City Council today - staff has never questioned that it is Council's prerogative to set the water rates at whatever rate they want to set. But staff felt Council should know what was going to happen if you put these rates into effect. It is very difficult when you are very close to something to present it in this light. We knew we had two strikes when we started, but felt very strongly Council should know what is going to happen if they adopted the study. He does not feel that all the members of Council knew that if you put that water rate into effect as it is, it is going to raise the minimum rate where people get water today from \$2.00 to \$3.11. Councilman Davis asked if it is not more accurate to say it would be a realignment of rates? Mr. Burkhalter replied you can say what you want, but the man who gets his water bill is going to get that kind of a bill. Councilman Davis stated but he will be paying his fair share? Mr. Burkhalter replied that depends; he does not think it is fair. Ever since we have been establishing water rates in the city, one of the actions has been to keep a minimum rate that a low income, poor, or moderately income family could afford to get the basic water supplies necessary for public health. This does not mean you can water your garden and such. Every rate structure that has been presented since he has been with the City has kept the minimum water rate, the amount of money he pays, the same. He pays \$2.00. The amount he gets for \$2.00 has been changed. If you put this rate structure into effect tomorrow, and you do not use any water at all, and any sewer, you pay \$1.72 - that is 28 cents below what the minimum is today; but you do not have anything. When you use any water at all, you pay 24 cents on top of \$1.72 if you use one drop of water; 40 cents on top of \$1.72 when you use one drop of sewage. That is 64 cents on top of \$1.72, and that is the lowest you can pay if you use any water. If you use any water at all you will use two cubic feet, or two and 1/10 which is what you get today for \$2.00, and you will pay over \$3.00.

Mr. Burkhalter stated what basically bothers him is that he has a file on his desk today which he has to try to settle. He receives a water claim or some type of adjustment every day. There is one on there now for a man who has a \$35 bill, and he will go to the Supreme Court to settle this \$35 bill. He stated if a person does not pay his \$3.00 bill, and there are plenty who do not pay on time, it could cost him as much as \$72 to get his water back. There were over 1700 people in that fix last year. A lot of people cannot pay this, and we will have to make some kind of decision to handle those people. This rate structure depends upon about \$2.0 million in there other than what you pay for water. He stated he has no argument about raising the water rate equitably among people - 24 cents to everybody is all right. But when you start putting these special charges to make this up, you are putting it on the little man.

Councilman Davis stated he feels like he would prefer to have the citizens we need to subsidize for food, clothing, shelter, electricity, bus or whatever handled in one set of uniform standards, and not have to build in a miniature welfare program in every department. Mr. Burkhalter stated there are a little over 8,000 of those every month who use the minimum rate.



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CITY MANAGER TO ATTEND ICMA MEETING IN ATLANTA WEEK OF OCTOBER 31.

Mr. Burkhalter advised Council that he will be absent from the next meeting and will be attending the ICMA meeting in Atlanta. Also a number of his staff will attend with him. That Mr. Paul Bobo will be sitting in for him at the next meeting.

Mr. Underhill, City Attorney, advised that he will be attending the City Attorney's meeting next week, and Mr. Bill Watts will be sitting in for him.

ADJOURNMENT.

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

  
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Ruth Armstrong, City Clerk