

## AGENDA

Meeting Type:	B
Date.	11-22-1982

City of Charlotte, City Clerk's Office

# Charlotte

Public Service & Information Department  
City Hall, 600 E Trade Street  
Charlotte, North Carolina 28202  
704/374 2395

## Meetings in November '82

### THE WEEK OF NOVEMBER 1 - NOVEMBER 6

- |     |                                   |  |
|-----|-----------------------------------|--|
| 1-2 | Monday - Tuesday                  | N.C LEAGUE OF MUNICIPALITIES - Greensboro, North Carolina                                    |
| 2   | Tuesday, 6 30 a.m. -<br>7 30 p.m. | ELECTION DAY. Polls Open   |
| 3   | Wednesday, 10-00 a.m.             | CIVIL SERVICE BOARD/Hearing - City Hall, Council Chamber                                     |
|     | Wednesday, 4 00 p.m.              | CITY COUNCIL TRANSPORTATION COMMITTEE - City Hall, Second Floor Conference Room              |
|     | Wednesday, 6 00 p.m.              | CHARLOTTE ADVISORY PARK COMMITTEE - Park Center, 310 N Kings Drive, Director's Office        |
|     | Wednesday, 7 30 p.m.              | PLANNING COMMISSION - Cameron-Brown Building, First Floor Conference Room                    |
| 4   | Thursday, 4 00 p.m.               | PLANNING COMMITTEE/PLANNING COMMISSION - Cameron-Brown Building, First Floor Conference Room |

### THE WEEK OF NOVEMBER 7 - NOVEMBER 13

- |    |                     |   |
|----|---------------------|---|
| 8  | Monday, 12 Noon     | PLANNING COMMISSION/Work Session - Cameron-Brown Building, First Floor Conference Room  |
|    | Monday, 2 00 p m.   | EXECUTIVE COMMITTEE/PLANNING COMMISSION & REPRESENTATIVES OF HISTORIC DISTRICT COMMISSION - Cameron-Brown Building, First Floor Conference Room |
|    | Monday, 2 00 p m    | CITIZENS HEARING - City Hall, Council Chamber   |
|    | Monday, 3 00 p m    | CITY COUNCIL MEETING - City Hall, Council Chamber   |
| 9  | Tuesday, 7 30 a m.  | AD HOC COMMITTEE ON PLANNING/PLANNING COMMISSION - Cameron-Brown Building, First Floor Conference Room  |
|    | Tuesday, 8 00 a.m   | AIRPORT ADVISORY COMMITTEE - Charlotte/Douglas International Airport, Airport Conference Room   |
|    | Tuesday, 9 00 a m   | HISTORIC DISTRICT COMMISSION - Edwin Towers, First Floor Conference Room  |
|    | Tuesday, 2 00 p m   | TAXICAB REVIEW BOARD/Hearing - City Hall, Council Chamber   |
|    | Tuesday, 3 30 p m.  | PLUMBING ADVISORY BOARD - City Hall Annex, Building Inspection Conference Room  |
| 10 | Wednesday, 7 30 p m | HISTORIC PROPERTIES COMMISSION - City Hall, Second Floor Conference Room  |
| 11 | Thursday            | VETERANS DAY HOLIDAY All City Offices Closed  |

(Continued on next page)

MEETINGS IN NOVEMBER '82 CONTINUED

THE WEEK OF NOVEMBER 14 - NOVEMBER 20

- 15 Monday, 6 00 p m CITY COUNCIL MEETING/Zoning Hearings - Education Center, Board Room
- 16 Tuesday, 2 00 p m HOUSING AUTHORITY - 1301 South Boulevard
- Tuesday, 3 00 p m COMMUNITY FACILITIES COMMITTEE - Utility Department Conference Room, 5100 Brookshire Boulevard
- Tuesday, 7 30 p m CHARLOTTE TREE COMMISSION - Park Operations Conference Room, 701 Tuckaseegee Road
- 17 Wednesday, 8 30 a.m. CIVIL SERVICE BOARD - City Hall, Third Floor Conference Room
- Wednesday, 9 30 a.m. CIVIL SERVICE BOARD/Hearing - City Hall, Council Chamber
- Wednesday, 4 00 p m MUNICIPAL INFORMATION ADVISORY BOARD - Cameron-Brown Building, Third Floor Conference Room
- Wednesday, 4 00 p m. EMPLOYMENT & TRAINING ADVISORY COMMITTEE - Belmont Regional Center, 700 Parkwood Avenue
- 18 Thursday, 8 00 a.m. CLEAN CITY COMMITTEE - Cameron-Brown Building, Fifth Floor Conference Room
- Thursday, 3 00 p m. ADVISORY ENERGY COMMISSION - City Hall, Third Floor Conference Room
- Thursday, 4 00 p.m. CITY COUNCIL OPERATIONS COMMITTEE - City Hall, Second Floor Conference Room
- 19 Friday, 11 00 a.m. AUDITORIUM-COLISEUM-CIVIC CENTER AUTHORITY - Civic Center, Conference Room
- 20 Saturday, 8 30 a.m. PLANNING COMMISSION/Retreat - Sheraton Center, 555 S. McDowell Street

THE WEEK OF NOVEMBER 21 - NOVEMBER 27

- 22 Monday, 2 00 p m CITIZENS HEARING - City Hall, Council Chamber
- Monday, 3 00 p m. CITY COUNCIL MEETING - City Hall, Council Chamber
- Monday, 7 30 p m SPECIALIZED TRANSPORTATION ADVISORY COMMITTEE - City Hall, Third Floor Conference Room
- 23 Tuesday, 2 00 p.m. TAXICAB REVIEW BOARD/Hearing - City Hall, Council Chamber
- 24 Wednesday, 12 Noon INSURANCE & RISK MANAGEMENT AGENCY - Cameron-Brown Building, Sixth Floor Conference Room, Finance Department
- Wednesday, 4 30 p m COMMUNITY RELATIONS COMMITTEE - Covenant Presbyterian Church, 1000 E Morehead Street
- 25 Thursday THANKSGIVING HOLIDAY All City Offices Closed.
- 27- Saturday - Wednesday NATIONAL LEAGUE OF CITIES - Los Angeles, California
- Dec 2

NOVEMBER 28 - NOVEMBER 30

- 30 Tuesday, 3 00 p m. ZONING BOARD OF ADJUSTMENT - City Hall, Council Chamber

# Charlotte

IN MEETING ON MONDAY, NOVEMBER 22, 1982

- 2:00 PM - Citizens Hearing
- 2:30 PM - Executive Session  
Second Floor Conference Room
- 3:00 PM - City Council Meeting  
City Hall

ITEM NO.

1. INVOCATION BY THE REVEREND DAVID WILKINS OF WEST ALLIANCE CHURCH.
2. CONSIDERATION OF APPROVAL OF MINUTES FOR NOVEMBER 8, 1982.

PUBLIC HEARING

3. A. CONDUCT A PUBLIC HEARING ON REAPPROPRIATION OF COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM INCOME TO PROVIDE FOR THE RESTORATION AND ADAPTIVE REUSE OF THE OLD LITTLE ROCK AME ZION CHURCH.
- B. CONSIDER ADOPTION OF AN ORDINANCE TRANSFERRING PROGRAM INCOME FUNDS IN THE AMOUNT OF \$494,185 FROM THE UNAPPROPRIATED BALANCE OF THE COMMUNITY DEVELOPMENT FUND TO PROVIDE AN APPROPRIATION FOR THE PRESERVATION/RENOVATION OF OLD LITTLE ROCK AME ZION CHURCH.

## council agenda

Mayor Eddie Knox

Mayor Pro Tem Harvey B Gantt

Dave Berryhill  
Charlie S Dannelly  
Laura Page Frech

Ron Leeper  
Ralph Reiss McMillan  
Pamella G Patterson  
Edwin B Peacock, Jr

George K Selden Jr  
Herbert Spaugh Jr  
Minette Conrad Trosch



3. (continued)

On October 25, 1982 City Council approved Option 3 for the Preservation/ Renovation of the Old Little Rock AME Zion Church. Adoption of this ordinance will make available the estimated cost of renovation and restoration for the basic needs of the Afro-American Cultural Center (\$451,185 Construction and Fees plus \$43,000 Equipment for a grand total of \$494,185). This would include minimum modifications to the restored historic structure as required for occupancy and use by the Center along with basic program requirements, site improvements, office partitions and doors, and fire exists. City staff is also working with the Afro-American Cultural Center on a fund raising program for Option 4 which would add an auto circle, new entry and interior access, a new theater on the third level, expansion of the second level for program requirements, and the construction of the plaza area.

On two prior occasions City Council has appropriated program income from the Community Development Block Grant unappropriated fund balance:

- (1) December 14, 1981 - \$1,533,857 to build 61 housing units in the Five Points and Third Ward Neighborhood Strategy Areas.
- (2) October 11, 1982 - \$318,966 to provide rental assistance to clients on the relocation workload.

4. A. CONDUCT A PUBLIC HEARING ON AMENDMENT NO. 3 TO THE REDEVELOPMENT PLAN FOR THE THIRD WARD NEIGHBORHOOD STRATEGY AREA TO PERMIT THE ACQUISITION OF THE SCRAPYARD AND THE RELOCATION OF THE SMITH METAL & IRON COMPANY.
- B. CONSIDER ADOPTION OF A RESOLUTION APPROVING AMENDMENT NO. 3 TO THE REDEVELOPMENT PLAN FOR THE THIRD WARD NEIGHBORHOOD STRATEGY AREA TO PROVIDE OPTIONS FOR LAND ACQUISITION OR BUSINESS RELOCATION ON THE EAST SIDE OF CEDAR STREET.
5. A. CONDUCT A PUBLIC HEARING FOR AMENDING THE COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION TO REFLECT ADDITIONAL ACQUISITION AND RELOCATION COSTS IN THE THIRD WARD NEIGHBORHOOD STRATEGY AREA.
- B. CONSIDER APPROVAL OF AN AMENDMENT TO THE COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION FOR THE THIRD WARD NEIGHBORHOOD STRATEGY AREA TO PROVIDE UP TO \$1,000,000 FOR THE PURCHASE OF THE "SCRAPYARD PROPERTY", TO PURSUE ACQUISITION OF 100' BUFFER STRIP ON THE EAST SIDE OF CEDAR STREET, OR TO RELOCATE THE SMITH METAL & IRON COMPANY.

POLICY AGENDA

6. DISCUSSION OF THE COLONY ROAD MEDIAN.

(continued)

The following is the chronology of events surrounding the Colony Road decision. Attached for City Council review are the accompanying Council minutes and other information submitted by Councilmember Ed Peacock. Staff is also preparing a diagram of the barricade and road to assist Council in its discussion at the meeting.

In August of 1979 City Council approved the temporary installation of a barricade on Colony Road to reduce the effects of cut-through traffic. The authorization was granted following receipt of a petition by residents and a study conducted by the then Traffic Engineering Department.

On March 31, 1980, following six months of tests and study, a recommendation was received by City Council to make the temporary closing of Colony Road permanent. A public hearing was set for May 12, 1980. On April 28, 1980, the public hearing was rescheduled for May 19, 1980. On May 19, 1980, City Council heard a public hearing on the permanent closing of Colony Road. Thirty-nine (39) persons spoke regarding the matter.

On June 2, 1980, City Council reconsidered the closing of Colony Road and, after considerable discussion, referred the matter to the Council Transportation Committee which met on Thursday, June 12, 1980. The Council Transportation Committee adopted a resolution recommending that City Council approve three (3) alternatives.

(1) Permit parking on both sides of Colony Road from the entrance road to Myers Park High School to Selwyn Avenue except from 8:00 a.m. to 3:00 p.m. on the west side.

(2) Close the median opening where southbound vehicular traffic turns left from Colony Road at the intersection with the entrance to Myers Park High School.

(3) Alter the traffic signal at Runnymede Lane and Colony Road to favor northbound left turns onto Runnymede and penalize northbound through traffic by providing a short fixed green signal.

On June 16, 1980, all three alternatives were individually approved by the City Council.

Attachment No. 1

CONSIDER THE FOLLOWING RECOMMENDATIONS FROM THE PLANNING COMMISSION REGARDING THE CITIZEN PARTICIPATION TASK FORCE REPORTS.

(1) RECEIVE THE REPORT BY THE PLANNING COMMISSION ON CITIZENS INVOLVEMENT AS INFORMATION.

7. (continued)

- (2) ACKNOWLEDGE CONFIDENCE IN THE PLANNING COMMISSION TO PURSUE CITIZEN INVOLVEMENT EFFORTS ACCORDING TO THE PRINCIPLES LAID OUT IN THIS REPORT.
- (3) RECEIVE ANNUALLY A REPORT BY THE PLANNING COMMISSION ON THE STATE OF CITIZEN INVOLVEMENT EFFORTS AND NEEDS.

The Urban Symposium policy program adopted by City Council included establishing a committee to identify a range of options for increasing citizen involvement in the land use and zoning process. Mayor Eddie Knox and County Commission Chairman Tom Ray appointed the committee in the summer of 1981. The Committee reported its recommendations to the Planning Commission during the summer of 1982. The Planning Commission approved the Report on Citizen Involvement and requested it be sent to the City Council and County Commission with the recommendations as shown above. The County Commission approved the Planning Commission recommendations in its meeting on November 1.

Specific proposals contained in the report for increasing citizen participation include the following:

- o changes in the rezoning process to allow greater petitioner-citizen-staff involvement and interaction in advance of the public hearing.
- o scheduling Planning Commission meetings in four geographic areas of the County once a year.
- o defining geographic sub-areas in the County to facilitate collection and dissemination of statistical information.

The majority and minority reports from the citizens committee are attached for your review, along with the Planning Commission response and recommendation.

If City Council approves the Planning Commission recommendations, implementation will require Council agreement to continue funding the three positions in the Planning Department (formerly the Social Planning Unit) in the new calendar year, and to seek financial participation from the County. During the annual budget process, City Council agreed to fund these positions only through the end of December. Under the current inter-local agreement, the County elected not to provide any money for these positions.

Attachment No. 2

- 8. RECOMMEND APPROVAL OF THE "STAFF RESPONSE TO BICYCLE TASK FORCE REPORT", AS ENDORSED BY THE CITY COUNCIL TRANSPORTATION COMMITTEE, TO FORM THE FOUNDATION FOR A CITY BICYCLE TRANSPORTATION PROGRAM.

The City Council Transportation Committee is recommending that City Council approve the staff response to the Bicycle Task Force which includes the following plan of action:

o A member of the Transportation Engineering Division of the Charlotte Department of Transportation (CDOT) will be assigned the additional responsibility of Bicycle Coordinator.

o The Bicycle Coordinator will work with local bicyclists, City departments, and agencies to assess bicycle transportation needs which could be considered for implementation through existing and approved budgets or proposed for funding through other budgets and programs.

o The Engineering Department and CDOT will consider the bicycle as a design vehicle when preparing plans for projects.

o The Bicycle Coordinator will meet with local bicyclists and City and County agencies to develop a bicycle users street classification map and bicycle parking facility needs map.

o The Police Department will develop a tiered program that promotes bicycle registration, the distribution of bicycle safety literature, and the enforcement of bicycle rules and regulations.

o The tiered approach will involve enforcement activities only after the public has been thoroughly acquainted with the program benefits and requirements, and sufficient time had been provided for the registration of bicycles.

Immediate implementation cost will be minimal (\$500 - \$1000) and can be handled within the current Police Department budget. Funds for implementing other approved bicycle program projects will be requested as needed in appropriate budgets and funding programs. If significant future program expansion occurs, City Council may be requested to consider a bicycle registration fee.

9. RECOMMEND ADOPTION OF THE STREET CLASSIFICATION SYSTEM AS A JOINT POLICY STATEMENT REGARDING STREETS IN CHARLOTTE-MECKLENBURG.

The City Council Transportation Committee is recommending that City Council adopt a street classification system that provides for:

- o A single system (City/County) consistently applied.
- o Adequate rights-of-way for major arterial system.
- o Greater emphasis on public responsibility and control over the timing and location of major street improvements.
- o A residential collector street identification process.
- o Smaller rights-of-way on local residential streets.

9. (continued)

If the system is adopted, the following implementation steps would be initiated:

- o Incorporation of Classification System into Thoroughfare Plan.
- o Preparation of a unified City Engineering-County Engineering construction manual dealing with roadway widths, intersection spacing, frequency of driveways, alignment and grade standards, and other matters.
- o Preparation of zoning and subdivision amendments for City Council consideration to reflect Classification System policies.

A street classification system is needed to properly relate land use and transportation features and requirements. This need was first noted in the Comprehensive Plan 1995. The current proposal has been referenced in the Transportation Action Plan and The Housing Cost Task Force Report as an important measure for both transportation planning and housing development.

The Comprehensive Street Classification System has been reviewed and recommended (as modified) by the City Engineer, the Director of Transportation, the County Engineer, the Planning Director, and representatives of the Mecklenburg County Board of Commissioners.

Implicit in the recommendations for street classification is the understanding that public costs for street improvements may increase over what may have reasonably been expected otherwise. The public will assume a larger responsibility for improvements and land acquisition, especially on larger streets. However, in return it will have greater control over the planning and timing of the development of the major street network.

10. RECOMMEND ADOPTION OF A RESOLUTION ESTABLISHING AN INTEREST RATE OF TWELVE PERCENT FOR REPAYMENT OF CITY-HELD LIENS BEGINNING WITH FISCAL YEAR 1982 (JULY 1, 1982).

The General Assembly of North Carolina, in regular session during 1982, agreed at the request of the Charlotte City Council to amend the Charter of the City of Charlotte to delete the previous rate of six percent maximum per year and substitute a rate not less than six percent and not more than twelve percent per year for repayment of City-held liens. The exact rate of interest is to be determined by the City Council on an annual fiscal year basis. In the event Council does not set a rate for any fiscal year, the preceding fiscal year rate shall continue in effect.

It is recommended that City Council establish a rate of interest of twelve percent for the fiscal year beginning July 1, 1982 and that such rate continue in effect for preceding fiscal years as long as it remains below prevailing rates charged by financial and

(continued)

retail establishments for consumer credit in Charlotte. (Current private rates range from 15 - 18%).

In accordance with the City Charter, costs to the City of code enforcement work performed upon a property owner's premises constitute a lien upon the property until the costs are reimbursed to the City. The type of work performed by the City includes cost of removing unsafe and dangerous buildings and removal of weeds and overgrowth from an owner's premises. The term "costs" include interest at a rate determined by the City Council. Since property owners are consistently delinquent in repaying the City, staff believes that a higher interest rate will encourage speedier repayment and have a substantial impact on the ability of the City to collect on outstanding liens.

11. CONSIDER ADOPTION OF 1983 LEGISLATIVE PACKAGE.

The items listed below have been transmitted to City Council as the recommended 1983 City Legislative program.

1. Seek amendment to the City Charter to restore the right of the City to use the so-called "quick take" condemnation authority contained in Chapter 136 of the General Statutes.
2. Seek passage of a local bill which would prohibit the open possession of hand guns in any public place (i.e. any place to which members of the public at large have substantial access.)

Chief Vines will be present at the City Council meeting to discuss the specific rationale behind the handgun proposal. Seek passage of a Charter amendment authorizing the City Manager to approve the sale of small tracts of land having a market value of less than \$3,000 by utilizing the private sale method.

4. Seek local modification to G.S. § 106-366 to delete the authority of the County Health Director to appoint rabies inspectors with the approval of the Board of County Commission.
5. Seek amendment to the City Charter that would authorize the City Manager to approve the addition of new job classes, the deletion of current job classes, and the reassignment of existing job classes, provided that the City Council was given a monthly report of actions taken in this regard.

11. (continued)

6. Seek amendment to G.S. § 44A-26 which now requires the posting of a performance bond on projects in excess of \$10,000 to increase the threshold to \$30,000.
7. Seek local act modification to G.S. § 14-399 to increase the fine for littering upon conviction of a second or subsequent littering offense from \$200 to \$500.
8. Seek local modification to G.S. 14-4 which currently establishes maximum punishment for violation of a City ordinance at a fine of not more than \$50, or imprisonment of not more than thirty days by increasing the maximum penalties to not more than \$500, or imprisonment of not more than six months.
9. Seek enactment of state-wide legislation necessary to implement a resource recovery facility project.
  - a. Legislation amending Chapter 130 of the General Statutes to authorize the Department of Human Resources to designate a geographic area within which a solid waste management plan may be implemented by local government; and, further, to authorize a unit of local government to require that all solid waste generated within a designated geographic area be collected, transported, stored and disposed of at designated facilities.
  - b. Legislation relating to the letting of contracts for the construction, design and operation of solid waste facilities which authorizes cities and counties to evaluate proposals on the basis of factors other than price alone, and which authorizes cities and counties to negotiate a contract with the selected bidder.
  - c. Legislation expanding the power of municipalities with respect to the financing of systems, facilities and equipment for the collection, treatment, or disposal of solid waste. This final piece of legislation would amend Chapter 159 of the General Statutes to permit, with voter approval, the pledge of taxes to help support Revenue Bonds that might be issued for systems, facilities, and equipment for the collection, treatment, or disposal of solid waste.

Attachment No. 3

12. RECOMMEND APPROVAL OF FRIDAY, DECEMBER 24, 1982 AS AN ADDITIONAL CHRISTMAS HOLIDAY FOR CITY EMPLOYEES.

Traditionally, City Council has granted an additional employee holiday at Christmas. Friday, December 24 (Christmas Eve) is being recommended as the additional day for 1982.

13. DECISION ON PETITION NO. 82-45 BY JOHN SIMPSON FOR A CHANGE IN ZONING FROM B-1 TO B-2(CD) FOR A .325 ACRE SITE ON THE SOUTHERLY SIDE OF SHAMROCK DRIVE ABOUT 153 FEET EAST OF THE INTERSECTION OF SHAMROCK DRIVE AND FLORIDA AVENUE.

A protest petition has been filed and found sufficient to invoke the 3/4 Rule requiring nine affirmative votes of the Mayor and City Council in order to rezone the property. Action on this item was deferred at the October 18, 1982 meeting.

The Planning Commission recommends that the petition be denied.

Attachment No. 4

14. CONSIDER NOMINATIONS FOR APPOINTMENT TO A FIVE-YEAR TERM ON THE CHARLOTTE HOUSING AUTHORITY.

Mr. M. W. Peterson's second term expires December 17, 1982. The attendance records indicate that he has attended 8 out of 11 meetings during the first three quarters of 1982.

Attachment No. 5

BUSINESS AGENDA

15. RECOMMEND ADOPTION OF THE DESIGN CONCEPT FOR THE WEST END OF THE TRADE STREET BOULEVARD PROJECT AS PRESENTED TO CITY COUNCIL ON MONDAY, NOVEMBER 8.

The Trade Street Boulevard project was approved in the April 1981

Bond Referendum in the amount of \$2 million. A Task Force was appointed by the Manager's Office soon after consisting of staff from

Engineering, Transportation, Planning, Park Operation and Community Development. Several different design concepts were developed by the

Task Force in accordance with the Central Area Plan as proposed by RTKL. The concept presented on November 8 was the one approved by the various

Department Heads involved in the Task Force.

All affected property owners and tenants have either been contacted

personally or forwarded a letter advising them of the project. The Central Charlotte Uptown Development Corporation and the Board of Commerce have also reviewed

the plans. Input and feedback from the various meetings were incorporated into the final recommendation.

15. (continued)

All citizen requests and the staff response are listed below:

- (1) Request: Make turn lane taper more abrupt to allow room for more "green space".

Space Response: Tapers have been made more abrupt where possible.

- (2) Request: Median opening at Clarkson.

Staff Response: A median opening is not recommended due to expected low turning volumes. An opening would require a left turn storage lane for safety reasons and a significant amount of median and landscaping area will be lost. The opening of Clarkson Street at the Trade-Fourth Connector is recommended to facilitate access to and from houses on Clarkson Street between Trade Street and the connector.

- (3) Request: Allow U-turns at Irwin Street from the westbound direction.

Staff Response: U-turns will be prohibited due to safety considerations.

- (4) Request: Allow on-street parking between the railroad and Graham Street.

Staff-Response: On-Street parking is not recommended. Four travel lanes are needed in this area.

- (5) Request: Allow U-turns at Cedar Street.

Staff Response: U-turns will not be prohibited.

- (6) Request: Construct median opening between Graham Street and Cedar Street.

Staff Response: No median openings between intersections are recommended for the median in this area because of safety considerations and the aesthetic impact turn lanes would impose upon the design.

- (7) Request: Sufficient turning room for trucks exiting Chesapeake Paper Company to head west bound.

Staff Response: Sufficient room will be provided for trucks leaving this business to continue making this movement.

- (8) Request: All existing drives to remain at Bumgarner's Produce.

Staff Response: All existing driveways will remain.

15.

(continued)

(9) Request: Allow U-turns at Graham Street.

Staff Response: U-turns will not be prohibited at this location.

(10) Request: Remove State constructed fence in front of service station at I-77.

Staff Response: Request forwarded to State since this area is under State maintenance responsibility.

West Trade Street is envisioned as the gateway to downtown Charlotte from I-77. In keeping with the RIKL plan, staff is proposing that maximum utilization of planted median be made from Irwin Avenue to Church Street. In addition to the planted median, street trees and planter boxes will also be developed along both sides of the street in the sidewalk area. The project is within the budget and City Council can anticipate a construction contract being let in early spring and final landscaping being done in the fall of 1983.

16. RECOMMEND THE FOLLOWING ACTIONS FOR THE LEASE OF CITY OFFICE SPACE.

On August 9, 1982, City Council requested that consideration of the following agreements for lease of office space be deferred until the Mayor's City Office Space Study Committee had examined various alternatives for meeting City office space needs.

On November 15, the Study Committee recommended to the City Council (1) that proposals for a long-term lease for office space be rejected because they were not cost beneficial to the City, and (2) that various methods of City purchase or ownership of office space be further evaluated by the Committee.

In regards to the Cameron Brown Building, the Committee recommends that the City enter into a 3-year lease agreement with an additional two consecutive one-year options to provide office space until such time that an ownership program can be developed. The Committee solicited proposals and received four responses for short-term office space. These responses were from the Fairfax Corporation, owners of the Cameron Brown Building; Synco, owners of the Commerce Center; The Berkeley Office Building; and the Morehead Center. Of the four proposals, the Committee recommended a lease agreement with the Fairfax Corporation for space in the Cameron Brown Building as the least expensive option for the City.

In regards to the Executive Building and the Independence Plaza, staff is resubmitting the original lease proposals for City Council approval as the most cost-effective means of maintaining City office space.

## 16. (continued)

- A. APPROVAL OF A MASTER LEASE AGREEMENT WITH THE FAIRFAX CORPORATION FOR 72,273 SQUARE FEET OF OFFICE SPACE IN THE CAMERON BROWN BUILDING FOR THREE YEARS AND ADOPTION OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO CONSIDER EXECUTION OF RENEWAL OPTIONS SEPARATELY FOR THE FOURTH AND FIFTH YEAR.

<u>Year</u>	<u>Per Square Foot</u>	<u>Annual Expenditures</u>
9/1/82	9.67	\$698,879.91
9/1/83	10.53	761,034.69
9/1/84	11.39	823,189.47
9/1/85 (Optional)	12.25	885,344.25
9/1/83 (Optional)	13.11	947,499.03

The current lease contains an annual rent of \$501,883.76. The initial increase in the proposed lease agreement is \$2.79 per square foot, calculated from the Consumer Price Index differential from 1979 to 1982. The rental fees are identical to those submitted in the original proposal on August 9.

- B. APPROVAL OF A LEASE AGREEMENT BETWEEN THE CITY AND THE NELSON COMPANY FOR 2,642 SQUARE FEET OF OFFICE SPACE IN EXECUTIVE BUILDING FOR THE COMMUNITY RELATIONS DEPARTMENT, AS SHOWN BELOW:

Current Lease - 2,642 square feet at \$6.06 per square foot for an annual rental fee of \$16,010.52.  
 New Lease Period - September 1, 1982 - July 31, 1985  
 1st Year New Lease - \$8.50 per square foot, \$22,457.04 annual rental fee  
 2nd Year New Lease - \$9.00 per square foot, \$23,778 annual rental fee  
 3rd Year New Lease - \$9.50 per square foot, \$25,098.96 annual rental fee.

The rental fees are identical to those submitted in the original proposal on August 9.

- C. APPROVAL OF A LEASE AGREEMENT BETWEEN THE CITY AND WEST-SIDE PROFESSIONAL ASSOCIATES FOR 2,162 SQUARE FEET IN THE EAST INDEPENDENCE PLAZA BUILDING FOR EMERGENCY MANAGEMENT OFFICE-CIVIL DEFENSE HEADQUARTERS, AS SHOWN BELOW.

Current Lease - 2,162 square feet at \$7.75 per square foot for an annual rental fee of \$16,755.50  
 New Lease Period - August 1, 1982 - August 31, 1985  
 1st Year New Lease - \$9.00 per square foot, \$19,458 annual rental fee

16.

C. (continued)

2nd Year New Lease - \$9.25 per square foot, \$19,998.50 annual rental fee  
 3rd Year New Lease - \$9.50 per square foot, \$20,539 annual rental fee.

The rental fees are identical to those submitted in the original proposal on August 9.

17.

RECOMMEND TERMINATION OF A CONTRACT WITH CADMAN CONSTRUCTION COMPANY OF WINSTON-SALEM, NORTH CAROLINA FOR THE CONSTRUCTION OF A SANITARY SEWER METERING STATION TO SERVE HUNTERSVILLE AND APPROVE A PAYMENT TO CADMAN OF \$960.00 FOR NON-RECOVERABLE EXPENSES.

On April 5, 1982 Council awarded a \$19,999.00 contract to Cadman Construction Company, Inc. for construction of a metering station to properly measure the effluent of sewer from the Town of Huntersville at Charlotte-Mecklenburg Utility Department's pump station on the east side of Huntersville.

This contract was awarded prior to initiation of serious negotiations with Huntersville that may result in the acquisition of Huntersville sewer system. If the merger of the Huntersville system with the CMUD system occurs, this meter station will be unnecessary. If negotiations for merging the Huntersville system with CMUD fail, the metering station construction project can be rebid.

The action before City Council today will cancel the Cadman contract which has been stalled because of continuing negotiations with Huntersville, and reimburse the company for administrative costs incurred in preparatory work for project implementation.

Funding for this payment is available in the County Sewer Bond Fund.

\* \* \* \* \*

The City Attorney advises that Agenda Items No. 18 through 28 may be considered in one motion. However, any member of Council may request an item be divided and voted on separately.

\* \* \* \* \*

18. RECOMMEND APPROVAL OF THE ATTACHED BID LIST AS SHOWN.

A. 2 - Buses Mighty Mite  
 Neighborhood Centers Dept.

Recommendation: By Neighborhood Centers Director and Purchasing Director that the low base bid, Thomas Built Buses, High Point, N. C., in the amount of \$42,516.66 for the Diesel Engine, be accepted for award of contract on a unit price basis.

18. A. (continued)

Bid Summary:

BASE BID: (Diesel Engine)

Thomas Built Buses	High Point, NC	\$42,516.66
LaPointe Chevrolet Co.	Charlotte, NC	45,534.06

ALTERNATE BID: (Gasoline Engine)

LaPointe Chevrolet Co.	Charlotte, NC	\$42,050.16
Thomas Built Buses	High Point, NC	42,249.46
Charles Burke Leasing, Inc.	Maiden, NC	43,967.36

Project Description:

The buses are needed to transport clients to health and medical appointments and for group and other community activities in the Centers.

The Diesel engine is recommended over the Gasoline engine to save money on maintenance and gasoline. These buses have a 28-adult/35-children seating capacity which is classified as "mighty mite".

Source of Funding:

This contract has been approved for purchase under the 1982-83 lease purchase agreement by the Finance Director.

- B. Water Distribution Project 24-Inch Water Main - LaSalle St., McArthur St, Simplicity St., Atando Avenue, Service St., Hartley St., and Starita Road Charlotte-Meck. Utility Dept.

Recommendation: By Acting Director, Charlotte-Mecklenburg Utility Department recommends that all bids be rejected and the project rebid to determine if costs could be reduced by using alternate construction materials.

Bid Summary:

Lockwood Construction Company	Pineville, NC	\$1,258,841.00
Hall Contracting Corp.	Charlotte, NC	\$1,267,323.00
Propst Construction Company	Concord, NC	\$1,269,740.00
CFW Construction Company	Fayetteville, NC	\$1,349,227.50
Sanders Brothers, Inc.	Charlotte, NC	\$1,431,361.20
Dellinger, Inc.	Monroe, NC	\$1,529,584.00
Blythe Industries, Inc.	Charlotte, NC	\$1,567,760.00
John W. Taylor, Inc.	Statham, GA	\$1,730,652.00

Project Description

This project would increase the water supply in the northeast quadrant of Charlotte.

Source of Funding: Water and Sewer CIP Fund, I-85 Main.

C. 1 - Crawler Tractor

Operations Dept.,  
Landfill Division

Recommendation: By Operations Director and Purchasing Director that the low Alternate #1 bid with trade in by E. F. Craven Company, in the amount of \$88,761.20, be accepted for award of contract.

Bid Summary:

BASE BID	\$116,594.20	E. F. Craven Co.
ALTERNATE #1	\$88,761.20	ALTERNATE #1
ALTERNATE #2	\$108,681.15	ALTERNATE #2
	165,040.00	Carolina Tractor
	130,805.00	Mitchell Distr. Co.
	129,576.24	L. B. Smith, Inc.
	132,700.00	N.C. Equipment Co.
	110,000.00	
	110,076.24	NO BID
	112,805.00	NO BID
	148,040.00	NO BID
	92,040.00	NO BID
	127,200.00	NO BID

Base Bid = Straight purchase of new equipment.

Alternate # 1 = New equipment with trade-in.

Alternate # 2 = Straight purchase plus guaranteed maintenance

for 5 years and guaranteed repurchase after Year 5.

Project Description:

This equipment is needed for Landfill operations.

Source of Funding:

This contract has been approved for purchase under the 1982-83 lease purchase agreement by the Finance Director.

D. 3 - Tractor Scrapers

Operations Dept.,  
Landfill Division

Recommendation: By Operations Director and Purchasing Director that the Alternate #2 bid of the Interstate Equipment Company, in the total amount of \$198,000.00, for three (3) used Tractor Scrapers be accepted for award of contract.

Bid Summary:

BASE BID	\$142,000.00	E. F. Craven
ALTERNATE #1	\$101,926.00	ALTERNATE #1
ALTERNATE #2	\$132,508.00	ALTERNATE #2
	205,082.00	Carolina Trac.
	176,232.00	L.B. Smith, Inc.
	159,960.00	N.C. Equipment
	179,960.00	NO BID
	95,082.00	NO BID
	135,000.00	NO BID
	138,848.00	NO BID
	66,000.00	NO BID
	198,000.00	FOR A TOTAL OF \$198,000.00

18. D. (continued)

Base Bid = Straight purchase of new equipment.  
Alternate # 1 = Straight purchase plus guaranteed maintenance and repurchase.  
Alternate # 2 = Purchase of used equipment (1979 model or later).

Project Description:

This equipment is needed for Landfill operations.

Source of Funding:

This contract has been approved for purchase under the 1982-83 lease agreement by the Finance Director.

Contracts and Service Agreements

19. RECOMMEND APPROVAL OF CONTRACTS TOTALING \$73,453 TO LOW BIDDERS FOR MISCELLANEOUS TERMINAL BUILDING RENOVATIONS AS SHOWN BELOW:

The airlines have requested that the airport expand restroom capacity on the East Concourse to accommodate passengers during peak traffic periods. This expansion should relieve congestion and passenger inconvenience during peak periods. In order to accommodate this expansion, Piedmont Airlines will need to relocate 520 square feet of administrative office space to the main terminal building.

These contracts provide all labor, materials and equipment necessary to install an additional restroom facility for women, expand the existing restroom facility for men, and provide for the relocation of the the Piedmont administrative area to the main terminal building.

The following bids were received for this project.

GENERAL CONSTRUCTION

Jerry W. Neal Construction Co.	\$43,123.00
Cabarrus Construction Co.	43,486.00
R. T. Dooley, Inc.	45,805.00
Beam Construction Co., Inc.	47,250.00
Rodgers Builders, Inc.	53,170.00
Grant Construction Co.	55,600.00
G. T. Barnes Company, Inc.	56,729.00
Reynolds & Sons Construction Co.	81,778.00

PLUMBING CONSTRUCTION

The Poole & Kent Corporation	\$19,892.00
Gastonia Plumbing and Heating Company	28,760.00
City Plumbing and Heating of Charlotte, Inc.	38,779.00
Alpha Mechanical, Inc.	44,012.00

MECHANICAL CONSTRUCTION

Air Master Services	\$ 5,900.00
<u>The Poole &amp; Kent Corporation</u>	<u>7,635.00</u>
Air Masters, Inc.	7,840.00
Alpha Mechanical, Inc.	14,500.00

ELECTRICAL

<u>Southeast Electrical Systems, Inc.</u>	<u>\$ 4,538.00</u>
Driggers Electric and Control Co.	5,346.00
Watson Electric Co. Inc.	5,536.00
Howard Electric of Concord, Inc.	5,790.00
Dallas Electrical Contractors, Inc.	5,850.00

No Minority/Women Business Enterprise goal was established for this project.

Funds are in the new terminal project contingency to cover contract costs. Piedmont and the other tenants on the East Concourse reimburse the City for all costs through their long-term lease agreements.

20. RECOMMEND AUTHORIZATION TO EXECUTE AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR REINSPECTION OF ALL CITY SYSTEM BRIDGES, AT AN ESTIMATED COST OF \$16,000.

The 1978 Federal Surface Transportation Assistance Act required States to inspect all public bridges over a specific size within their boundaries. Under this Act, the City of Charlotte and the North Carolina Department of Transportation entered into an agreement in 1980 for the initial inspection of all bridges on the City of Charlotte Street system. The federal government paid for 80% of these costs and the City of Charlotte paid the remaining 20%. The cost to the City for the initial inspection of 72 bridges was approximately \$16,000.

Because the Act also required reinspection of all bridges within two years, City Council needs to enter into a new agreement with the State to conduct this work. The Federal Highway Administration through the North Carolina Department of Transportation will again pay 80% of the costs with the City paying the remaining 20%. The North Carolina Department of Transportation estimates that the reinspection cost to the City will be approximately equal to that of the initial inspection, or \$16,000.

Funds are available in the Powell Bill Budget to cover the City share.

21. RECOMMEND APPROVAL OF THE FOLLOWING SERVICE AGREEMENTS WITH DUKE POWER COMPANY AT THE NEW AIRPORT TERMINAL:
- A. An Amendment to the original lighting agreement for the rental car parking lot to delete forty thirty-one foot pole assemblies, at the request of the rental car companies.
- This action decreases their monthly cost from \$5,368.46 to \$3,468.64, or a savings of \$1,899.78.
- B. An agreement with Duke Power Company to furnish and install six forty-five foot pole assemblies with 1000 watt fixtures for the employee parking lot, at a cost of \$564.69 per month.
- Funds are available in the Airport Operating Budget to cover the additional charge.

Property Transactions

22. RECOMMEND APPROVAL OF PROPERTY AND RIGHT OF WAY ACQUISITIONS:
- A. Acquisition of 2,603.52 ± square feet/plus construction easement, at 4436 Parview Drive North, from Bruton Smith, for \$200.00, for 1980 Annexation Sewer - Carmel Rea Road Area. (Easement)
- B. Acquisition of 2,278.08 ± square feet/plus construction easement, at 4508 Parview Drive North, from Bruton Smith, for \$200.00, for 1980 Annexation Sewer - Carmel Rea Road Area. (Easement)
- C. Acquisition of 3,209.50 ± square feet/plus temporary construction easement, at 5321 Parview Drive South, from Herbert A. Clark, Jr. and wife, Gladys M., for \$1,000.00, for 1980 Annexation Sewer - Carmel Rea Road Area. (Easement)
- D. Acquisition of 1,001' ± square feet/plus 10' temporary construction easement, at 5447 Kerry Glen Lane, from John A. Sharp and wife, Barbara S., for \$700.00, for 1980 Annexation Sewer - Carmel Rea Road Area. (Easement)
- E. Acquisition of 907.75 ± square feet/plus 10' temporary construction easement, at 5454 Kerry Glen Lane, from Donald E. Hager and wife, Virginia L., for \$700.00, for 1980 Annexation Sewer - Carmel Rea Road Area. (Easement)
- F. Acquisition of 2,468.70 ± square feet/plus temporary construction easement, at 5233 Parview Drive, Matthews, NC 28105, from Charles Manning Furman, IV and wife, Brenda W., for \$800.00, for 1980 Annexation Sewer - Carmel Rea Road Area. (Easement)

22.

(continued)

G. Acquisition of 5,656.95 ± square feet/plus temporary construction easement, at 5301 Old Dowd Road, from National Welders Supply Company, Inc., for \$1.00, for Sanitary Sewer to serve 5421 Old Dowd Road. (Easement)

H. Acquisition of 10,557.60 square feet, at the 10,000 block of Monroe Road, from William H. Trotter and wife, Phyllis Ann Trotter, for \$1.00, for Sanitary Sewer Right of Way Trunk to Nolley Court. (Easement)

I. Acquisition of 12.378 acres, at the East side of Lancaster Hwy., from Hugh B. Slusser, and wife, Eunice M. and Edwin P. Graham and wife, Gall, for \$21,000, for Proposed Acquisition Adjoining McAlpine Creek Treatment Plant. (Option)

23.

RECOMMEND THAT CITY COUNCIL DECLARE A CITY-OWNED PARCEL LOCATED AT 501 MONCURE DRIVE SURPLUS AND PERMIT ADVERTISING FOR SALE BY THE SEALED BID PROCESS.

Engineering/Real Estate Division proposes that City Council declare a tract of vacant land at 501 Moncure Drive as surplus and permit advertising for sale by the sealed bid process. The tract is .8 acre. This property was donated to the City in 1964 by B. D. Heath and wife.

All City Departments have been canvassed to determine their interest in retaining the parcel for City use. The Mecklenburg County Park and Recreation Department requested the City retain the portion of the tract designated in the 100-year flood plain for future inclusion in the Greenway system and the Charlotte-Mecklenburg Utility Department wishes to reserve the fifteen (15) and thirty (30) foot sanitary sewer rights of way across the property. These portions of the parcel would be retained and the remaining offered for sale. The Planning Commission has conducted the Mandatory Referral and recommends the proposed sale with the City retaining the above mentioned portion of the property.

A map is attached for City Council information.

Attachment No. 6

24.

RECOMMEND ACCEPTANCE OF A GIFT OF LAND FROM MR. AND MRS. WILLIAM P. ALLAN AND MR. AND MRS. GEORGE R. TROTTER, JR., CONTAINING 6.39 ACRES LOCATED ON THE NORTHERLY MARGIN OF GREEN OAKS LANE, WEST OF EASTCREST DRIVE AND NORTH OF COMMONWEALTH AVENUE.

Mr. and Mrs. William P. Allan and Mr. and Mrs. George R. Trotter, Jr. have offered to donate to the City the parcel of land referenced above which has a tax value of \$38,970.

ITEM NO.

24. (continued)

The Planning Commission has conducted the Mandatory Referral and unanimously recommends the acceptance of the gift of land. Two possible uses for the land were suggested by the Planning Commission. 1. To increase the neighborhood park development opportunities for the area, or 2. To locate subsidized housing developed by a third party. City staff is recommending acceptance for park use since 11.27 acres of adjacent property are already held by the City, and by combining these parcels, the City may be able to develop the entire site as a neighborhood park.

A map indicating the location of the gift of land is attached for your review.

Attachment No. 7

25. RECOMMEND ADOPTION OF A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO THE ATLANTIC LAND AND IMPROVEMENT COMPANY, OWNER, LOCATED AT 711 TODDVILLE ROAD, IN THE CITY OF CHARLOTTE, FOR A SANITARY SEWER RIGHT-OF-WAY AND A TEMPORARY CONSTRUCTION EASEMENT FOR THE 1979 ANNEXATION SEWER - MT. HOLLY ROAD AREA PROJECT.

Condemnation proceedings are being requested because the City has been unable to reach an agreement with the owner for the purchase price of four parcels of property totalling 82,180 square feet required for sanitary sewer easements in the Mount Holly Road Annexation Area.

Resolutions

26. A. RECOMMEND ADOPTION OF A RESOLUTION OF INTENT TO ABANDON PORTIONS OF TWO (2) ALLEYWAYS EXTENDING FROM THE 1200 BLOCK OF THOMAS AVENUE AND SET JANUARY 10, 1983 AT THE DISTRICT 1 CITY COUNCIL MEETING AS THE DATE FOR PUBLIC HEARING.

The Engineering Department is seeking right-of-way abandonment so that the property may be incorporated into the Central Avenue Business District Parking Lot Project.

- B. RECOMMEND ADOPTION OF A RESOLUTION ENDORSING SPRINGFEST '83.

SpringFest '83 will be a three-day outdoor celebration of the City scheduled for April 29 and 30, and May 1, 1983. SpringFest '83 will be very similar to SpringFest '82 which included a juried original fine arts show, live entertainment, food vendors, and craft exhibits.

The General Services Department of the City will help coordinate SpringFest '83 activities and review plan of City involvement.

B. (continued)

Springfest, Inc. is a private, non-profit corporation formed and organized "to create a spirit of goodwill and fellowship among people of the area which underscores to guests and visitors the attractiveness of Charlotte for the expansion of social, cultural, and economic relationships."

Utility Contracts

27. RECOMMEND APPROVAL OF THE FOLLOWING CONTRACTS FOR WATER AND/OR SANITARY SEWER MAIN CONSTRUCTION:

- A. Contract with Carolina Fincorp, Inc., for the construction of 1,110 linear feet of 8-inch sewer main to serve Piney Grove at Idlewild South, Phase II (Mallen Drive), located south of Idlewild Road and east of Piney Grove Road, inside the Charlotte City Limits, at an estimated cost of \$24,420.00, at no cost to the City.
- B. Contract with Waters Construction & Realty Company for the construction of 755 linear feet of 6-inch main and 1,250 linear feet of 2-inch main to serve Wolfe's Ridge Subdivision, located west of Park Road and north of Sharon Road, inside the Charlotte City Limits, at an estimated cost of \$22,000.00, at no cost to the City.
- C. Contract with John Crosland Company, Inc. for the construction of 1,810 linear feet of 8-inch water main, 182 linear feet of 6-inch water main and 3,192 linear feet of 2-inch water main, to serve Branden Forest Subdivision, located south of Sharon Road West and west of Park Road, outside the Charlotte City Limits, at an estimated cost of \$62,000.00, at no cost to the City.
- D. Contract with Carolina Fincorp, Inc., for the construction of 1,100 linear feet of 8-inch sewer main to serve the Piney Grove at Idlewild South, Phase II (Montreya Court) Subdivision, located south of Idlewild Road, west of Piney Grove Road and north Sandy Glen Circle, inside the Charlotte City Limits, at an estimated cost of \$24,222.00, at no cost to the City.
- E. Contract with John Crosland Company for the construction of 2,828 linear feet of 8-inch sewer main to serve the Branden Forest Subdivision, Phase 5 and 6, located south of Sharon Road West, east of South Boulevard and west of Park Road, outside the Charlotte City Limits, at an estimated cost of \$62,216.00, at no cost to the City.
- F. Contract with the Dowd Company for the construction of 2,856 linear feet of 8-inch sewer main to serve the Carysbrook Subdivision, located south of Alexander Road, north of Pineville-Matthews Road and east of Providence Road, outside the Charlotte

ITEM NO.

27. F. (continued)

City Limits, at an estimated cost of \$62,832.00, at no cost to the City.

G. Contract with Water Construction Company for the construction of 1,675 linear feet of 8-inch sewer main to serve the Wolve's Ridge Subdivision located north of Sharon Road West and west of Park Road, inside the Charlotte City Limits, at an estimated cost of \$36,850.00, at no cost to the City.

Housing Loans

28. RECOMMEND APPROVAL OF LOANS FOR PERMANENT FINANCING TO PURCHASE PROPERTY IN THE THIRD WARD AREA UNDER THE THIRD WARD LOAN AGREEMENT AS SHOWN BELOW:

A. Mary Claudia McConnell, at Unit #15, Cedar Street Commons, in the loan amount of \$41,150 at an appraised value of \$43,500.

B. Larry D. Tucker, at Unit #6, Cedar Street Commons, in the loan amount of \$40,350 at an appraised value of \$43,000.

The Third Ward Loan Agreement between the City and North Carolina National Bank was entered into on December 14, 1982 in the amount of \$15,000,000. The interest rate on loans under the program is 11 3/4%.

The loan applications have been reviewed by the City Loan Officer, Community Development Department, and contain sufficient information to form the basis for approval.

SCHEDULE OF MEETINGS  
November 22 through December 11, 1982

Monday, November 22	Citizens Hearing Council Chamber 2:00 p. m.
	Executive Session Second Floor Conference Room 2:30 p. m.
	CITY COUNCIL MEETING Council Chamber City Hall 3:00 p. m.
Thursday, November 25	THANKSGIVING HOLIDAY All City Offices Closed
Saturday, November 27 through Wednesday, December 2	National League of Cities Meeting Los Angeles, California
Saturday, December 11	CITY COUNCIL RETREAT

# **Attachments**

Item No 6 #1

# Request for Council Action

# Charlotte

To the City Council  
From the City Manager  
Action Requested To Reconsider Action of June 16, 1980 When Traffic Restraints  
Were Authorized on Colony Road to Deter Cut-Through Traffic.

Responsible Department Transportation  
This request should be organized according to the following categories: Background, Explanation of Request, Source of Funding, Clearances, Bibliography

### BACKGROUND

In August, 1979 City Council approved the temporary installation of a barricade on Colony Road to reduce the effects of cut-through traffic. This authorization was granted following receipt of a petition by residents and a study conducted by the then Traffic Engineering Department.

On March 31, 1980, following six months of tests and study, a recommendation was received by City Council to make the temporary closing of Colony Road permanent. A public hearing was set for May 12, 1980. On April 28, 1980, the public hearing was rescheduled for May 19, 1980. On May 19, 1980, City Council heard a public hearing on the permanent closing of Colony Road. Thirty-nine (39) persons spoke regarding the matter.

On June 2, 1980, City Council reconsidered the closing of Colony Road and, after considerable discussion, referred the matter to the Council Transportation Committee which met on Thursday, June 12, 1980. The Council Transportation Committee adopted a resolution recommending that City Council approve three (3) alternatives (see attached copy of Council Transportation Committee meeting of June 12). On June 16, 1980, Councilmember Tom Cox, Chairman of the Council Transportation Committee moved approval of the three alternatives. Following discussion, all three alternatives were individually approved.

### EXPLANATION

Recently received information indicates that a number of citizens would favor the reopening of Colony Road. A public hearing would not be necessary since the original median closure did not require a similar hearing.

### SOURCE OF FUNDING

No funding required.

For Office Use Only

Date Submitted November 12, 1982

Agenda Date Requested November 22, 1982

Consequences if Agenda Date is Delayed or Action is Deferred Not applicable.

Contact Person for Questions

B. A. Corbett, Jr.

*B. A. Corbett, Jr.*

Authorized by

Department Head

Approved by

Assistant City Manager

List Attachments

City Council Meeting Minutes

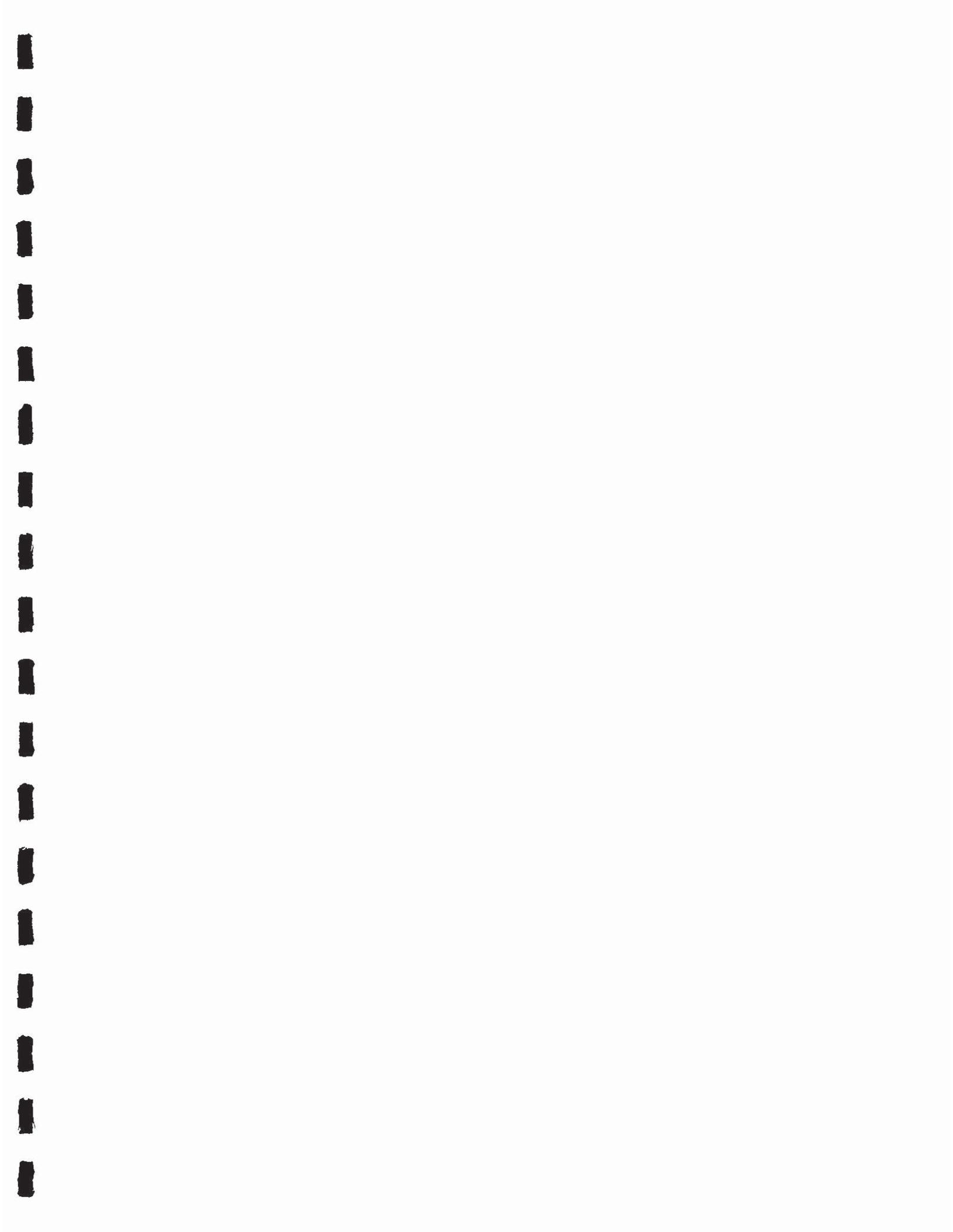
Council Transportation Committee Meeting Minutes

CLEARANCES

No clearances required.

BILIOGRAPHY

See attached copies of City Council minutes and public hearing minutes.



MEMORANDUM

November 9, 1982

TO: O. Wendell White, City Manager  
FROM: Ed Peacock, Councilmember

Yesterday, the City Council authorized placing the removal of the Colony Road barricade on our next agenda. Would you please place it on our agenda for 3:15 and would you make sure that the supporting documentation which I have dictated and which Mr. Selden will complete and get to you in the near future, is a part of the agenda material that goes out with the regular agenda.

Thank you very much.

*Ed Peacock*

---

Ed Peacock

EP/csm

*TF*  
*ee also cl*

George Selden

Ed Peacock

Thank you for your courteous consideration.

In view of the safety hazard that this barricade presents, we would like to urge the City Council to instruct the City staff to remove the barricade immediately.

Enclosed is a copy of a memorandum (Exhibit 3) dated August 12, 1982, that I wrote to Bernie Corbett and his response indicating to me that the cost of removing the barricade would be approximately \$1,300.

Mr. and Mrs. H. Keith Brunemer, Jr., are the present Co-Presidents of the Myers Park High School PTA. Enclosed is a letter (Exhibit 1) that Mr. Brunemer has written to me along with a memorandum (Exhibit 2) from Thomas Latimer, Transportation Specialist for the Charlotte-Mecklenburg School System, to R. Frank Rozzelle, Principal of Myers Park High School. Mr. Latimer's memo outlines the safety problems that the Myers Park High School is having because of the barricade.

3) The cost to remove the barricade is estimated to be an insignificant \$1,300.

2) It represents a substantial inconvenience to our citizens whose taxes pay for and maintain our roads.

1) The barricade presents a safety problem for students, parents, and faculty of the Myers Park High School.

We request the City Council instruct the staff to remove the Colony Road Barricade for the following reasons:

TO: City Council  
FROM: Ed Peacock and George Selden  
SUBJECT: Barricade on Colony Road

MEMORANDUM

November 10, 1982

EXHIBIT 1

H KEITH BRUNNEMER JR

SUITE 2400

JEFFERSON-FIRST UNION TOWER

CHARLOTTE, N C 28282

(704) 373 0808

November 5, 1982

Mr. Edwin B. Peacock, Jr.  
City Councilman  
City of Charlotte  
c/o New England Life Insurance  
2000 Southern National Center  
Charlotte, North Carolina 28202

Dear Ed:

Enclosed is a memorandum to Frank Rozzelle (principle of Myers Park High School) from Tom Latimer concerning the barriers on Colony Road. I hope this information will be used in getting the City Council to act and have this barrier removed.

I appreciate your efforts in this regard.

With kindest regards.

Very truly yours,



HKBjr:kwh

Enclosure

MEMO

TO: R. Frank Kozzelle

FROM: Thomas Latimer

SUBJECT: Buses Entering and Exiting MHS Campus - Safety

DATE: October 29, 1982

The present routes school buses must use when coming onto the campus from the South off Colony Road have several hazardous points. There have been three bus accidents on campus during the past two years that may have been avoided if another entrance/exit had been available.

1. School buses entering the campus from the South have to make a left-hand turn onto a relatively narrow drive. Two accidents have occurred at this point. The turn could be avoided if it were possible for buses to make a left-hand turn onto the campus at the main entrance to the school off Colony Road.

2. Buses leaving the campus in the morning to make a second run now have to make a difficult right turn near the Northeast corner of the SC Building and a left turn in front of the gym in order to exit onto Colony Road. There was an accident near the Northeast corner of the SC Building recently.

It would be much safer if buses which must travel South after leaving the campus could exit at the front entrance and make a right turn onto Colony Road.

3. There is a congestion of traffic at the opening and closing of school each day between the SC Building and the gym because all traffic traveling South or North-east after leaving the school must use the relatively narrow drive between the SC Building and the gym. Cars and buses coming from the SC Building parking lot must make a left turn in front of cars traveling North from the LA parking lot.

This problem becomes even more acute when athletic events are held.

Arrangements should be made for buses coming onto the campus from the South end of Colony Road to enter at the main entrance where there is a two-way drive divided by a grass median. Buses leaving the campus to travel South on Colony Road should also be able to exit at the main entrance and make a right turn onto Colony Road. Redesigning the road block on Colony Road, at the main entrance to the school, would be necessary. However, it would create a much safer situation for the buses and students.

MEMORANDUM

August 12, 1982

TO: Bernie Corbett, Director of  
Transportation

FROM: Ed Peacock, Councilmember

SUBJECT: Colony Road Barricade

*cc lpt*

Would you please let me know what the approximate effort would be required of the City to remove the Colony Road barricade and repair the streets where they have been located?

Please let me know as soon as possible. Thanks for your prompt response.

*ed*

Ed Peacock

EP/csm

Councilmember Peacock

Our information from Transportation is that it will cost about \$1,300.00 to remove the barricade and repair the streets.

*W. L. G. /*

8/23/82

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Mr Sawyer stated if the property is bought, these people are in the work load regardless of the disposition of the structure Mr Selden stated if we buy the property, we are the landlord instead of some absentee landlord Mr Sawyer stated the rent is immediately adjusted to 25% of their income

The vote was taken on the motion to approve, and carried unanimously

~~RESOLUTION DECLARING A PORTION OF COLONY ROAD NEAR MYERS PARK HIGH SCHOOL TO BE ABANDONED AND CALLING A PUBLIC HEARING ON THE QUESTION ON MONDAY MAY 12, 1980, AT 3:00 P.M.~~

Mr Bill Hodges stated one of his neighbors spoke this morning to Mr Selden concerning the data report on Colony Road closing from the Traffic Engineering Department The neighbor understood Mr Selden to say that closing Colony Road had diverted 2 000 trips onto the two lane section of Sharon Road Mr Selden stated it had diverted 1,700 trips Mr Hodges stated he disagrees with that If you look at the traffic engineering study the point in question just north of the Sharon-Wendover Intersection had an increase of 1,300 cars

Councilmember Berryhill called for a point of order He stated Council intends to hold a public hearing Mr Hodges replied he would recommend that be done

Councilmember Berryhill moved adoption of a resolution declaring an intent to abandon and close a portion of Colony Road located near Myers Park High School, and calling a public hearing on the question on Monday May 12, 1980, at 3 00 p m The motion was seconded by Councilmember Chafin

Mr Francis Clarkson stated he would like to speak to the merits of whether or not the barricade should be taken down or left up He would like to try to convince this Body that what it is about to do is improper, and the whole thing is not properly before this group

Mayor Knox asked both Mr Clarkson and Mr Hodges to confine their remarks to the question of whether or not to call a public hearing

Mr Clarkson stated he was very interested in something Mr Cox said earlier when he said Council does not want to have any precedent setting moves Mr Clarkson stated if Council adopts this resolution, it will be a precedent-setting move The resolution which first started the cut through passed in 1977 had a provision in it that said when 2/3 of the residents of a street petitioned the City Council to make a traffic study, then the traffic study would be made and at that point brought back to the city council for action The fact is Colony Road is one continuous street that starts on one end at Selwyn Avenue and runs all the way through 10 or 12- blocks to Sharon Road The fact is on that street from one end of it to the other there are approximately 256 residents When this petition was brought to the council, the only residences of Colony Road that had any name on the petition, or any voice in it were in the first two blocks as you leave Selwyn Avenue There was no effort made to give any warning, any notice or contact the rest of the people in the other eight or ten blocks of Colony Road So when it came, as Ms Chafin said, This is one of the cleanest we have had There was no opposition to it because no one knew anything about it Still the barricade went up From the count he has made the petition that was signed represented 43 residences there are at least 256 which means that instead of having 66 2/3 of the residences of Colony Road, there were about 16 percent So the prior Council acted on a 16 percent and not under its own resolution - 66 2/3 percent This is a point he has been trying to get someone to understand for six months

He is saying they are going to create something new if tonight Council votes for a public hearing when there has not been anywhere near 66 2/3 of the residences of that street petition this Council for a traffic study

Councilmember Trosch stated this is the same 2/3 dealt with on other roads, in every petition the Traffic Engineering Department said it was the affected part of that road that had to have the 2/3 It has been the assigned standard not by the 2/3 Common Council could be miles and



believes there is any legal merit or if he is simply trying to find a small point of order to trip someone up on. He would recommend that Council set a public hearing as there are a number of issues that deserve the attention of this body.

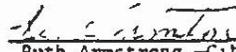
Mr. Cox stated this is calling a public hearing to decide whether to close a street, Council does this all the time. The larger issue, right or wrong, the public thinks there is to be a public hearing, and Council has to hold a public hearing. The points made by Mr. Clarkson and Mr. Hodges are the merits of keeping it open or keeping it closed. He thinks those are valid points to be made at a hearing, and he moved the question.

The question being moved, the vote was taken on the motion to adopt the resolution, and carried unanimously.

The resolution is recorded in full in Resolutions Book 15, at Page 462.

ADJOURNMENT

Motion was made by Councilmember Carroll, seconded by Councilmember Chafin, and carried unanimously to adjourn the meeting at 8:00 p.m.

  
\_\_\_\_\_  
Ruth Armstrong, City Clerk

Length of time 1 hrs 5 minutes  
Minutes completed April 5 1980

The City Council of the City of Charlotte, North Carolina, met in regular session on Monday, April 14, 1980, at 5:00 p. m. in the Council Chambers, City Hall, with Mayor Eddie Knox presiding, and Councilmembers David Betty Hill, Don Carroll, Betty Chalmers, Thomas Cox, Jr., Charlie Dannelly, Larry Frech, Ron Leeper, Pat Locke, George K. Selden, Jr., Herbert Spang, Jr., and Minette Troesch present.

ABSENT None

INVOCATION

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

RESOLUTION EXTENDING SYMPATHY AND HONORING THE MEMORY OF FRED D. ALEXANDER

The Mayor called on Councilmember Dannelly to read the following resolution

WHEREAS, it was with deep sadness and a feeling of great loss that the City Council of the City of Charlotte learned of the death of Senator Fred D. Alexander on April 13, 1980, and

WHEREAS, Fred Alexander faithfully served his city for five terms as a member of the City Council with one term as Mayor Pro Tem, and, at the time of his election was the first black person to serve as a member of Council and as Mayor Pro Tem, and

WHEREAS, Fred Alexander was elected to the North Carolina Senate in 1974 as one of the first two black senators in 104 years earning the respect of his colleagues, and was seeking his fourth term of office at the time of his death, and

WHEREAS, Fred Alexander spent his entire life seeking to remedy the problems of the poor and the oppressed, and in this connection, Senator Alexander was instrumental in ending racial discrimination in this community and in promoting a racial harmony that has benefited all of Charlotte's citizens, and

WHEREAS, Fred Alexander not only worked for his city as an elected official, he worked with his city in many other capacities as Vice President of Alexander Funeral Home as a consultant with Spangler Construction Company, as past Chairman of the Mint Museum Board of Trustees as an active member of the University Park Baptist Church, and as a board member of both Lachovla Bank and Trust Company and Johnson C. Smith University, and

WHEREAS, Fred Alexander's leadership as a public servant and commitment to improving the quality of life and the human condition serve as a positive example for all of us, and

WHEREAS, Fred Alexander's tremendous devotion to his city and his deep-seated concern for its people will be long remembered, for his death is a distinct loss to those with whom he has worked

YON, THEREFOR BE IT RESOLVED by the City Council of the City of Charlotte that the Mayor and City Council, on behalf of all the citizens of Charlotte, do by this resolution and public record, declare its deepest regret at the passing of Fred D. Alexander and does convey its sincere sympathy and condolences to his family

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

RESOLVED this 14th day of April 1980

APPROVAL OF A PROPOSAL MADE BY THE COUNCIL COMMUNITY DEVELOPMENT & HOUSING COMMITTEE TO INCREASE THE CEILING ON LOANS FOR REHABILITATION TO NON-PROFIT AGENCIES AND SUBSEQUENT SALES OF REHABILITATED HOUSING UNITS

Motion was made by Councilmember Selden, seconded by Councilmember Locke, and carried unanimously to approve a proposal made by the Council Community Development & Housing Committee to increase the ceiling on loans for rehabilitation to non-profit agencies and subsequent sales of rehabilitated housing units from \$27,000 to \$35,000

APPROVAL OF A PROPOSAL MADE BY THE COUNCIL COMMUNITY DEVELOPMENT & HOUSING COMMITTEE TO LIFT THE MORATORIUM ON THE SALE OF REHABILITATED HOUSING UNITS IN THE THIRD WARD NEIGHBORHOOD STRATEGY AREA

Council was advised that action will permit MOTION, Inc, to proceed with the sale of seven (7) units already committed and six (6) remaining units upon completion of rehabilitation work

Motion was made by Councilmember Selden, seconded by Councilmember Locke, and carried unanimously to approve the proposal by the Council Community Development & Housing Committee

COUNCIL RULES SUSPENDED TO CONSIDER NON-AGENDA ITEM

Motion was made by Councilmember Leeper, seconded by Councilmember Selden, and carried unanimously to suspend Council rules in order to consider the following non-agenda item

APPROVAL OF LOAN REQUEST TO CLARENCE GIBSON FOR LOAN IN ECONOMIC DEVELOPMENT PROGRAM.

Councilmember Leeper stated that this item was inadvertently left off of the agenda, and the committee approved this at their last meeting Mr Don Steger, Assistant City Manager, passed out information to Council related to this

Councilmember Leeper moved that they approve the loan request of Mr Clarence Gibson, subject to the provisions indicated in the Community Development Committee meeting The motion was seconded by Councilmember Selden.

Councilmember Leeper stated that the staff has had a number of times to review this request They have had Mr Finnie, Budget & Evaluation Director, to look at proposals, also Mr Phil Berry, Charlotte Business Resource Center, has been working very closely with the applicant They have indicated that they will work closely with him in the event that he gets the approval to assist him in any way he might need.

The vote was taken and carried unanimously

COMMENTS BY COUNCILMEMBERS AND CITY MANAGER.

Mayor Pro Tem Chafin announced that the Finance Committee would meet at 3 30 p m. on Wednesday, in the Second Floor Conference Room

Councilmember Selden stated that the Planning & Public Works Committee would meet at 4 00 p m. on Thursday, May 8, 1980. This is for the noise ordinance

There will probably be from 100 to 150 people available for that They would like to propose to Council that they say that at that time they intend to recess that hearing until May 19, which is their regular Council meeting, and they already have the Education Center They also have a short agenda on planning that night That if they do that, they will tell everyone not to come on the 12th The attorney advised him that they could not

take that action officially today, but just say that they intend to do it then on the 12th, they will have to officially recess that hearing until the 19th

Councilmember Chafin asked was it anticipated that a decision would be made on that date She said that she would not be in town on the 19th of May

Councilmember Carroll requested because of this that they have the hearing and after the hearing schedule the decision when everyone could be present

Councilmember Selden said he saw no problem with that, but he thought that it was very much incumbent upon them to go to a location where there is much more seating than is in the Council Chamber for the hearing

Councilmember Chafin stated that she fully concurred with the action to move the hearing to the 19th She just wanted to make sure she was present at the time of the vote Mr Burkhalter said that no official vote would be necessary at that time

**MOTION TO GO INTO EXECUTIVE SESSION**

Motion was made by Councilmember Locke, seconded by Councilmember Leeper, and carried unanimously that the nine Councilmembers who are listed as defendants in the Home litigation meet in Executive Session immediately following this Council meeting for the purpose of conferring with their attorneys about the Home lawsuit pursuant to the provisions of G S 143-318 11(4)

**ADJOURNMENT**

upon motion of Councilmember Locke, seconded by Councilmember Selden, and carried unanimously, the meeting adjourned at 5 50 p m

Ruth Armstrong City Clerk

The City Council of the City of Charlotte, North Carolina met in regular session on Monday May 12 1980, at 3 00 p m in the Council Chambers City Hall with Mayor Eddie Knox presiding and Councilmembers David Berryhill Betty Chafin Thomas Cox, Jr Charlie Dannelly, Laura Frech, Ron Leeper Pat Locke, George K Seiden, Jr, Herbert Spaugh, Jr, and Minette Trosch present

ABSENT Councilmember Don Carroll

\* \* \*

#### INVOCATION

The invocation was given by The Reverend Gary Bailey, Dulin's Grove Advent Christian Church

#### PRESENTATION OF CITY OF CHARLOTTE EMPLOYEE RETIREMENT PLAQUES

Two recently retired city employees were recognized and presented with plaques in recognition of their tenure or service with the City of Charlotte

Marion Teasley, Jr - Equipment Operator III, Operations Department,  
Landfill Division  
Employed December 3, 1936, Retired April 22, 1980

William A Watts - Deputy City Attorney Legal Department  
Employed September 18, 1967 Retired March 31, 1980

#### APPROVAL OF MINUTES

On motion of Councilmember Frech, seconded by Councilmember Dannelly, and carried unanimously, minutes of the last meeting on May 5, 1980 were approved as submitted

~~REVISION OF MINUTES~~

Motion was made by Councilmember Seiden, seconded by Councilmember Locke, and carried unanimously to continue the subject hearing to Monday, May 19, 1980, in the Board Room, Education Center, at the meeting which begins at 6 00 p m

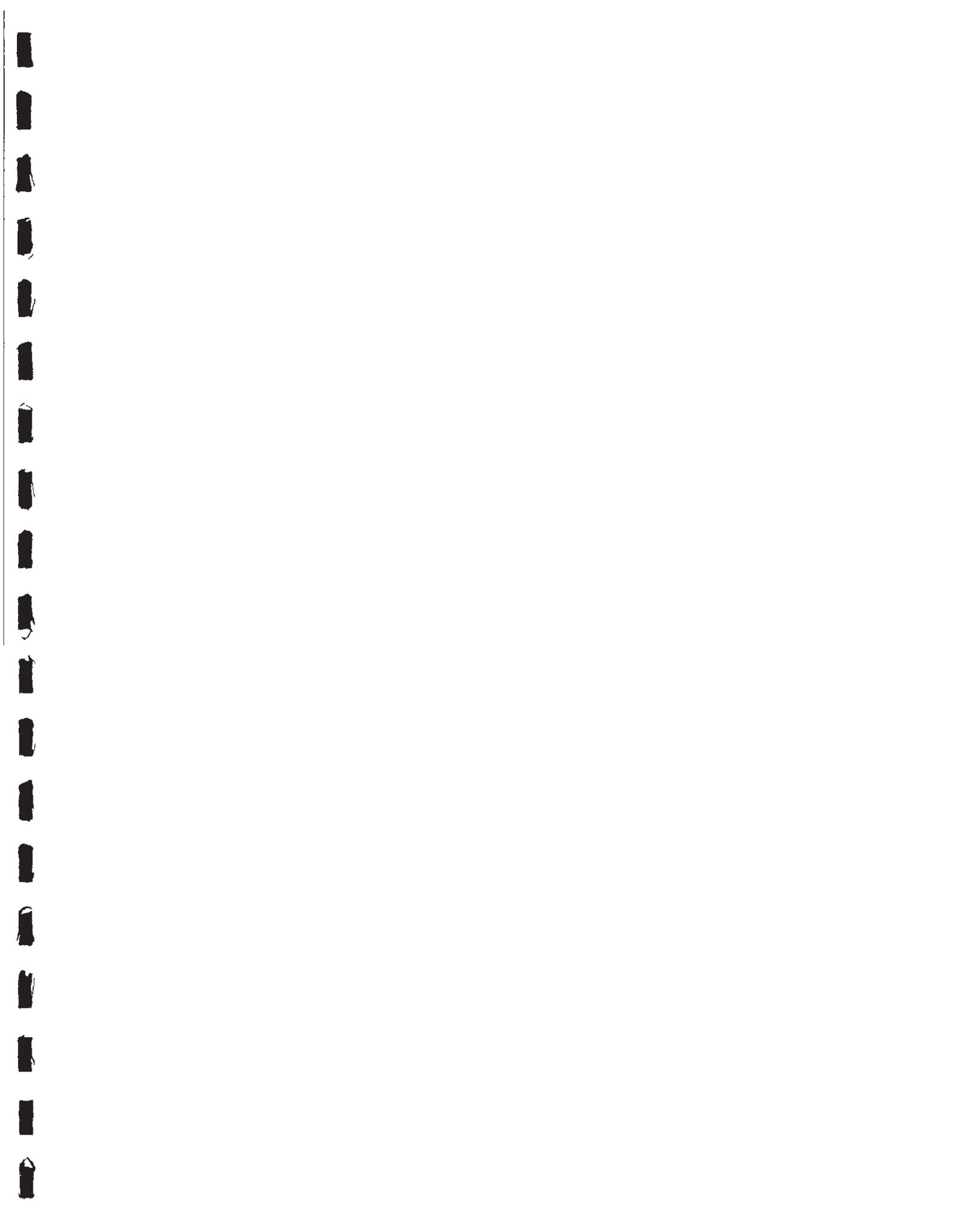
Mr David Furthalter, City Engineer, stated that he hoped that the news media would note this was at 6 00 p m, and in opening their stories would point out that there were three zoning hearings that will precede this, which means at least forty-five (45) minutes later. It would be around 7 00 p m before Colony Road comes up

#### RESOLUTION TO ABANDON AND CLOSE THE PORTION OF LILLINGTON AVENUE, BETWEEN EAST THIRD STREET AND EAST FOURTH STREET

The scheduled public hearing was held on the petition of Home Base Realty Corporation to close a portion of Lillington Avenue, between East Third Street and East Fourth Street

Council was advised that the petition had been investigated by all City departments concerned with street rights-of-way and there were no objections to the closing

Mr Clark calling on, City Engineer stated that those people were planning to put the two sides together and they did not see any problem with it. This has gone to all City departments and they are reserving the right of way for the future widening that may occur and have been very cooperative



BIDS REJECTED AND READVERTISED FOR FIRE PROTECTION WORK ON NEW TERMINAL BUILDING

Motion was made by Councilmember Locke, seconded by Councilmember Selden, and carried unanimously that all bids received for fire protection work for New Terminal Building be rejected and readvertised

RESOLUTION PROVIDING FOR PUBLIC HEARINGS ON MONDAY, JUNE 16, 1980

Motion was made by Councilmember Locke, seconded by Councilmember Trosch, and carried unanimously to adopt a resolution providing for public hearings on Monday, June 16, 1980, on Petition Nos 80-19 through 80-23 for zoning changes

The resolution is recorded in full in Resolutions Book 16, at Page 49

ORDINANCE NO 365-X APPROPRIATING \$25,025 FROM THE NORTH CAROLINA DEPARTMENT OF HUMAN RESOURCES, AND APPROVAL OF A CONTRACT WITH SCA CHEMICAL SERVICES INC, TO HANDLE THE REMOVAL AND PROPER DISPOSAL OF BARRELS CONTAINING POTENTIALLY HAZARDOUS CHEMICALS FROM 420 SUMMIT AVENUE

Motion was made by Councilmember Selden, seconded by Councilmember Dannelly, to adopt the subject ordinance

Councilmember Trosch stated that she thought Mayor Knox should be commended for his fine action on getting this done. This has been a great concern to them, and Mayor Knox needs to be congratulated

Mr Henry Underhill, City Attorney stated that they had reviewed the form, but it had not been specifically tailored to this particular project. It is the contract that this company uses. It has all the features or elements in it that they believe are necessary and that provides them with all the lubrications they think are necessary. They have already talked with the company they are going to take the contract and tailor it to this Summit Avenue site. They have agreed to that - to knock out some materials that are extraneous to this contract.

He said that he thought they had worked a modification of this form. This will be the contract.

The vote was taken on the motion and carried unanimously.

The ordinance is recorded in Ordinance Book 29, at Page 157.

COMMENTS AND CONCERNS OF COUNCIL MEMBERS

Councilmember Cox

(1) Mr Cox stated with regard to the Sardis Road widening he appreciates and the neighbors appreciate very much Council members attending the meeting, particularly those like Mr Leeper and Ms Trosch who do not have any political stake in the ground over there.

He stated he is going around collecting all the points that need to be made on the widening and he will submit those points to staff. That he will probably call another meeting and if staff wants to participate in the meeting he will be delighted to work with them, and he hopes they will be able to do it together.

~~\_\_\_\_\_~~ The hearing tonight was excellent and was an exception. Council does not really get the kind of open, robust debate like tonight with the quality of points received on very many public hearings. The public hearing process is something he thinks Council sometimes takes for granted and some of the citizens take for granted.

With that in mind and with the incoming budget in mind he has called a Speaker's Bureau for a week from Thursday. He would like for the Council members to be there to see a set of materials that will be prepared by a group of Council members that he has called together.

(3) He asked Mr Leeper what he wants to look at on the Emergency Medical Service report?

Mr Leeper replied he wants some comments from the Mayor on whether the City wants to continue to provide the service. When he approved the additional pay for firemen as well as the service, his feeling was that this was not a permanent proviso of that service. That it was an effort to supplement the county proviso of that service until the county could adequately provide the level of service they should or could hear from the Manager is - Do we continue providing the same level of service on a continuous basis? What do we expect to see from the County in the upcoming months? Will they expand their satellite emergency services around the community? Do they expect to expand the services or decrease the services, or what, in order to provide the level of service that the city is providing.

His opinion is that he did not support that proviso with the understanding that it would be a permanent situation.

Mr Cox asked if he feels his request would have more "oomph" to it if it went through the policy agenda procedure? Mr Leeper replied he would like a response from the City Manager before making that decision. That he thinks the City Manager can give some update on what the county's role will be, and what the city's role will be. Once Council receives that information then it can decide whether to put it on the policy agenda, or put it in a committee. Mayor Knox stated these comments may be well placed in the sense that is a policy/area Council has gotten into, probably in the main stream of and may not get out if we wait for the County to get us out of it. It may be a policy decision on whether or not to stay in it.

Mr Cox stated if Council is considering getting out of that business or even talking about it, the County should be informed so they do not hear from it in the newspaper. He would not want to say right now that the City is interested in getting out of the business he would not even want to contemplate that until Council receives a report back from the Manager on exactly what our record has been to date.

Ms Troesch stated she mentioned it also because she feels it was a factor then she looked at the figures in EMS, and other kinds of fire calls, she thinks the assumption was that the load would reduce once MEDIC became full-force. She does not have any figures to say whether it reduced or not. Also if the City is going to stay in it, it should be done the most cost effective way. Those trucks are mighty big. That kind of information is what she is asking. It may be that level of service in this city want that - the citizens want that. But if they want that, what is the most efficient way for the city to supplement that with the fire department.

Mr Burkhalter City Manager, stated it seems Council has already instructed staff to do this, this was done once, they went back to the County and they referred it to a committee to work on it and the committee made a report. He does not believe it was accepted, that it was just discussed. The great difficulty the city has is paying 500 people to perform a service when there are not that many people needed. All these things are to the degree you think the service is needed. Do you think a five minute response or a four minute response is needed?

Mr Burkhalter stated he has a report from the County, and he will give that to Council.

Ms Troesch stated the City needs to look at the most efficient way of Council decisions that and what the options are.

Mr Seiden stated as he recalls the City helped out the County because they were a rather serious situation. He feels it is time to re-evaluate the situation.

( ) The Transportation Committee will meet Wednesday, May 21, 1980 at 1:00 p.m. in the Council Chamber. The subject is "Transportation Services". The meeting will be held in the Council Chamber at 1:00 p.m. on Wednesday, May 21, 1980.

**HEARING ON THE CLOSING OF COLONY ROAD BETWEEN RUNNYMEDE PARK  
HIGH SCHOOL**

The scheduled public hearing was opened on the closing of a portion of Colony Road located between Runnymede Lane and Selwyn Avenue

Mayor Knox stated that because of the large number of citizens in attendance they would need their cooperation and attention so that everyone could be heard. He advised that a time limit of two minutes would be imposed on each speaker and requested that they try to limit their remarks, that the maximum afforded would be three minutes. He also advised that speakers for and against the closing would be heard on an alternate basis.

Mr. B. A. Corbett, Traffic Engineering Director, stated that last August as a result of having received a petition from the residents of Colony Road, the Traffic Engineering Department brought before City Council a proposed recommendation resulting from the study of through traffic in the Colony Road neighborhood. The study indicated that by a temporary closing of Colony Road, near Myers Park High School, the majority of the through traffic on Colony Road could be removed and put on the thoroughfare system.

Following the installation of the temporary barricade in late August and early September, the Traffic Engineering Department commenced a study of the results of the traffic recirculation due to that temporary barricade. In March 1960 data was collected to determine the results of the closing. Two basic types of data were collected - automatic volume counts, with automatic counters, were taken at twenty locations, and a license tag origin/destination survey was conducted for the study area.

As a result of the temporary closing, and after analyzing the volume that is indicated in the above counts, they found approximately 4,000 through trips per day had been diverted from Colony Road. About 2,500 of these trips were diverted to Runnymede Lane and connecting thoroughfares, and approximately 1,500 were diverted to the thoroughfare approaching Sharon Road. The comparative data shows increase volumes on the following thoroughfares: Runnymede Lane, Sharon Road, Wendover Road, Selwyn Avenue, and Woodlawn Road.

Volumes on the portion of Sharon Road and north of Wendover which is not a part of the thoroughfare system also increased. Volumes decreased on the following residential neighborhood streets: Colony Road, Roswell Avenue, Queens Road East, Queens Road West, Hillside Avenue, and Brandywine Avenue.

Mr. Corbett noted of particular interest is that portion of Colony Road, north of Runnymede Lane where through trips dropped from 225 during the a.m. peak period and 497 during the p.m. peak period to 13 through trips and 39 through trips, respectively after the installation. This indicates the comprehensive success of the proposed closing as it meets with the policy on through traffic in neighborhoods. In conclusion, these data indicate that the closing of Colony Road has had a significant impact on travel patterns in the area. Through traffic using Colony Road to access Runnymede Lane is now almost nonexistent. Trips which used to travel on Colony Road are now traveling on the thoroughfare system which is intended to serve the area. Analysis of accident data indicates no significant problems with the installation, and there has been no expression of concern from the Fire Department, the Police Department or the Charlotte-Mecklenburg School Board. Based on these facts it is recommended that the closing be made permanent, at an estimated cost of \$36,500.

Mr. Walter Shapiro, 5228 Carmel Park Road, stated he was Chairman of the Southeast Council of Home Owners' Association. He was present to deliver a consensus position of the neighborhood groups on the question, that respectfully

wished to make it clear the question is neighborhood preservation because automobile traffic plunders the very livability out of a neighborhood. Therefore, the coalition of neighborhood groups across the city is watching the Colony Road closing gravely because it appears they are losing virtually every question relative to neighborhood preservation to the extent they feel total futility in continuing the fight for livability, or neighborhood preservation, which are one and the same. He recalled that livability emerged out of the growth process recently as one of the several key issues of present day concern.

Yet, despite their failures and futility, enlightened groups - including, he believed this Council - recognize the importance of an active neighborhood movement. No one would question, he believed, the contribution of the neighborhood movement in terms of dynamics and vibrancy caused by their participation in the ongoing debate and dialogue of Charlotte. Who could deny that without the counterpoint of the neighborhood participants in the recent Growth Symposium there would have been no debate, no counter-balancing position, no dialogue. Because they believe this issue is so crucial to their cause, they offer several justifications for keeping Colony Road closed.

He added that the State has just finished bursting through a series of neighborhoods immediately adjacent to build an inner belt thoroughfare, and now, how can they condone this expenditure of money for the thoroughfare by allowing it to do nothing more than generate, rather than relieve, cut-through traffic.

No thimble of gas and moment of time saved by uncaring motorists is worth planting the anti-health and anti-safety seed to the destruction of a neighborhood. Cut-through traffic is a deterrent to an efficient public transportation system. This is to say that Council needs to direct the motorists, load them, and keep them on designated thoroughfares until the traffic load and delays to the point that the citizens will in turn force solely intolerable to the point that the citizens will in turn force Council to give them some relief in the form of an efficient, workable public transportation system.

Mr. Francis Clarkson Jr. 3250 CVB Plaza, stated he was speaking against the permanent barricading of Colony Road. He made two basic points. Number one, that this petition violates the 1977 resolution of City Council calling for a two-thirds majority of the residents of a street before a petition is considered. There are only 16 percent of the residents of Colony Road petitioning to permanently close it. He stated if the traffic engineers will go out and get from one end of Colony Road to the other they will find that to be a true fact and a true percentage.

Number two, as a result of this closing, he has looked at the traffic engineering figures and they show this. It has diverted the following number of vehicles to the following roads: 3,000 vehicles per day to a portion of Selwyn Avenue near its intersection with Rummyde, 7,000 vehicles per day to Rummyde as it goes by the elementary school and a junior high school. 3,000 vehicles to Rummyde between Barclay Downs and Sharon Road, 4,000 vehicles to Sharon Road between Rummyde and Wendover Road and extremely important, 1,700 vehicles to that portion of Sharon Road between Harris Road and Westmaster Place.

He continued by stating this last mentioned portion of Sharon Road is a narrow, winding strip of road that it is ten feet more narrow than Colony Road and does not have a sidewalk on either side - Colony Road has one on both sides. That portion has several very dangerous curves in it. Colony Road has none until you get out of the affected area they are talking about tonight. This part of Sharon Road had 7,000 vehicles a day on it before the 1,700 were added. Colony Road had between 4,000 and 7,000 vehicles per day, now they are all taken away.

Mr. William C. Hinson 26 Fifth Place stated 22 percent of the residents of the entire City (Colony neighborhood) have endorsed 1 half sign-atures, the permanent closing of Colony Road only one resident on Colony

Road failed to support the closing. Two-thirds of the residents on the side streets in the neighborhood support the traffic control measure. He stated he had 199 signatures to submit to Council as concrete evidence of the overwhelming support the closing of Colony Road has received.

He stated in the last twenty-five years Club Colony has evolved from a tranquil little neighborhood on the southeast edge of Charlotte to an inner-city neighborhood which is now under the attack of the traffic explosion by the affluent '60s and '70s. In relating the neighborhood's history, he stated the homes and streets were built in the 1930s and early 1940s. The streets, the curbs, the sidewalks, the stately oaks that line the streets were paid for by the residents. Of the current Colony residents, 36 percent have lived in this neighborhood since 1945. Myers Park High School was opened in 1950, at which time Colony was extended across Briar Creek to its front entrance.

Using a slide projector he visually supported his concluding remarks. Colony is a winding, two-lane neighborhood street with a high crown and trees and utility poles next to the roadway. The curve between Normandy and Picardy is the scene of many wrecks. The school zone is one of the most regularly ignored in the entire City. The street is not safe for drivers, pedestrians, or residents. The Roswell intersection is totally blind to the right, creating congestion and numerous accidents. Colony is often the route to school for many children. One accident shown occurred half hour before school rush hour and one could only imagine what might have happened just thirty minutes later. He stated twelve hundred cars and school buses jam this street in a two-hour period, the daily design load is 1,500 vehicles.

Judge Larry Black, 3504 Colony Road spoke on behalf of the Trianon Homeowners Association, stating that as far as he knew, they were not members of the Southeast Homeowners Association represented by Mr. Shapiro, and apparently are not members of the Club Colony neighborhood. Their group, representing 118 families or units at Trianon Condominiums, voted to oppose the closing of Colony Road. They found that they are a part of the neighborhood and do not believe that their transportation needs to get to and from their homes to town are necessarily cut-through traffic.

He raised three points. (1) He did not understand the concept of neighborhood if those people who are on one side of Runnymede are not considered members of the neighborhood, yet they have the same address. (2) He did not understand what cut-through traffic is. If you are going to cut off cut-through traffic, perhaps the barricade at the intersection of Sharon Road and Colony might be appropriate to make sure that people use the thoroughfare plan. (3) He did not envy the situation that Council is in, as he realized how difficult it is to reach a decision that satisfies everybody. It is simply impossible. The Trianon Association would like for them not to close Colony Road, but will respect them for the job they do whatever the decision is.

Mr. Morgan Duncan, 2228 Colony Road, stated that last October a law suit against Council demanding the reopening of Colony Road was brought by a small group consisting mainly of members of a local social club. The plaintiffs' attorney put forth every conceivable argument against closing Colony Road. Judge Clifton Johnson threw the case out of court. No appeal was made, but the court of law was not the last resort.

The counselor appeared before this Council and told them they were making a mistake, and were setting a dangerous precedent. He asked that they take a look at that argument.

He had slides of some of the streets that have been closed in the name of enhancing neighborhood environment. West Seventh, West Eighth, Pine Street, West Ninth, Kingson Avenue, Circle Avenue, Main Street, Baxter Avenue, and Baxter Street. All of these streets were closed in the name of enhancing neighborhood environment and protecting neighborhoods from through traffic.

In addition to these streets, many others have been closed. Coddington Place was closed as a result of the opening of the inner belt. He referred to a copy of a letter from the Community Development Department.

of the City of Charlotte which stated in part "There are times when un-  
quated land use and traffic patterns require the construction of new streets  
and also the abandonment of old ones. This is particularly the case when an  
attempt is being made to stabilize a residential neighborhood and maintain  
or even improve the environment by restricting or reducing cut-through  
traffic. As such, the abandonment procedure becomes a valuable tool to  
accomplish this objective and we have used it in practically all our  
projects

Council will not be bombarded by requests to close streets. The resolution  
of 1977 requires that the Traffic Engineering Department first determine  
that the cut-through volume is clearly excessive and dangerous. Second, the  
area throughout system is adequate. Third, no other City departments  
object. Fourth, the problem is not shifted on to other residential streets,  
and fifth, the affected neighborhood area clearly supports the action.  
The barricade on Colony Road has stood against every challenge. They ask  
the Council to stand firmly behind the 1977 resolutions pledged to take an  
active interest in protecting residential neighborhoods from through  
traffic.

Ms Pat Dayton 3038 Ferncliff Drive, stated her comments were presented on  
behalf of the hundreds of families in the Myers Park High School district  
who live south of the school. She lives in Barclay Downs Selwyn Elemen-  
tary, A G Junior High and Myers Park Senior High schools are in their  
neighborhood. In fact, she can look out her back window and see the junior  
high school.

Last fall they were told that the street their high school is built on is  
not in their neighborhood. They were then cut off from direct access to  
the main entrance to Myers Park High School by people who claimed control  
over the use of that street. City Council gave them temporary control  
They built a barricade to eliminate traffic, but took the entrance to  
Myers Park High School too.

Tonight Councilmembers are considering giving those homeowners permanent  
control of that section of Colony Road. That control should carry some  
expensive responsibilities. Mr. Hodges wrote an article that appeared in  
The Charlotte News on May 15th in which he said Colony Road was built in  
1936 and first paved in 1942. Residents there were assessed for the cost  
of this improvement. This time there is more involved than paving a  
street. If Council decides to return this section of Colony Road to pri-  
vate control they ask that the homeowners be required to pay for the  
permanent barricade and pay for redesigning and rebuilding the Myers Park  
High School entrance to give access from both sides of the barricade.

As parents, they feel that they have the right to direct access on public  
streets to the public schools in their district. In this case, the school  
was actually built on the street in question. It has been suggested that  
if this closing cannot be justified, the method is dead. This precedent  
being considered here is too serious for such political evaluation. There  
are factors besides traffic counts  
Counting cars to conclude that there is less traffic on Colony since the  
barricade is rather tame. You cannot drive a car through steel posts.  
They respectfully ask Council to base their decision on all aspects in-  
volved and to consider the rights of all tax-paying citizens in this  
school district.

Ms Jane Bradley 2165 Colony Road stated she wanted to speak in behal-  
of the children who use Colony Road, not just her own two children at  
Selwyn Elementary School. There are 75 other children in the  
neighborhood and a thousand or so who use Colony Road to commute to and  
from the area schools.

For the barricade was erected at Myers Park High School, she had her  
own home and street on their little road. The 1000 cars are not through  
the barricade every day. The morning rush hour one car a day  
is not a problem. It is not a problem and according to the traffic engineering  
department it is not a problem.

Over the years these cars have knocked the bark off virtually every tree on Colony Road. Many have missed the trees and wrecked in neighborhood yards. Major and minor accidents occurred so often that they never had peace of mind unless their children were in the house or in their backyards.

When she heard that it was alleged in court that they wanted to close Colony Road so their children could play in the streets, she was angered, and still is. Colony Road is still burdened with over 2,000 cars per day. Many of them are driven by high school drivers with an excessive observance, and very little experience. They still have upwards of 2,500 cars per day, and according to a speed check made by the Traffic Engineering Department this month, 61 percent of the traffic on Colony Road is exceeding the speed limit. Speeders have increased by 10 percent since the last check with virtually an equal-distance thoroughfare available for the traffic that once cut through Colony Road. How could any one argue against the traffic controls proposed by the Traffic Engineering Department? With nearly 2,500 cars still using their street they have more than enough to contend with. Their children and other children who use the street deserve the added measure of safety provided when this Council voted to close Colony Road to through traffic.

Mr. R. Powell Majors, 2749 Picardy Place stated he had lived on Picardy Place, some 200 feet off of Colony Road, for 42 years. While he does not qualify as an original settler, he was there before the streets were paved - they were paved in 1939, and before they were taken into the City.

His objection, basically, is that from his house to SouthPark it adds 1.4 miles for every round trip. That also applies when they go to Eastland, to Cotswold, as well as to Wickersham or Mountainbrook, to the Presbyterian Home, or to any other area on the other side of the barricade. With gasoline at \$1.25 a gallon, and soon he believes, to go to \$2.50 a gallon, he wants less driving, not more. There are really more than the few people on Colony Road involved in this. There are quite a few more living on the side streets. It is true that traffic has been reduced since Colony Road has been blocked, but there has been an increase on Picardy Place only of children playing in the street which is not very desirable.

As far as values are concerned in their neighborhood in the past year there have been houses sold for twelve times their original cost. It does not strike him that traffic is bothering their neighborhood a whole lot. If the traffic is intolerable on Colony Road, the entrance to Myers Park High School should be redesigned to come off of Runnymede, and close the main entrance to that school. That would take off 25 buses and a lot of automobiles probably upwards of 1,000.

Mr. Majors filed with the Clerk a petition carrying the signatures of 1,200 people in the neighborhood who are opposed to the closing.

Ms. Adelaide Bostic, 2233 Colony Road, stated she lived on the corner of Colony and Normandy. That tree that they had seen on the slides sits on their park strip, and she was very grateful for that tree. Otherwise, many cars would have landed in her house.

When she moved there in 1950 Colony was a deadend street and it was very, very peaceful. Come September 1950 not one school, not two schools, but three schools were built out Colony Road. Then came Park Road over on their right which added the big Exxon Building with all the employees, plus Park Road Shopping Center with their businesses. Then came SouthPark, and Colony Road was extended. They had all those beautiful homes and three apartment houses down there. Colony Road became a corridor to all these places that people wanted to go to.

They have older people and young people living on Colony Road and many children - the heavy traffic is very dangerous for these children. They cannot raise their windows or open their doors or sit on their porches with that traffic. One afternoon last fall she and her husband counted 17 service trucks - phone people, water people, Exxon people, oil people, all kinds of delivery trucks and even crewmen - coming through to the other side. They were prisoners in their own home. It was hard to visit or go to a meeting across the street.

With driveways open on Colony Road it is impossible to get out or in. She stated hope is something we can see, faith is the unseen. They are having faith that Council will close Colony Road permanently, so that they can have in the future, as they have had for the past seven months, a peaceful and happy neighborhood.

Ms Rose Compton, 2746 Picardy Place, stated she would like to preface her remarks by stating to her opponents, who are her neighbors and friends, that they will always be her neighbors and friends no matter what the outcome of this discussion and this decision is. What she will say in opposition to this closing in no way has any personal animosity to her neighbors and friends. She would speak from three standpoints - as a resident of the area, as a citizen, and as a taxpayer.

As a resident of the area, she has lived at 2746 Picardy Place for forty years. When she bought this property it was in the County. She was not annexed into the City, but voted yes to be taken into the City limits in 1949. When Myers Park High School opened Colony Road was the only entrance, and Colony Road was bumper-to-bumper. Everyone lived through this. Granted, it was not very pleasant getting in and out of your driveway.

As a citizen, it is unfortunate for property owners when a quiet neighborhood street becomes more or less a public thoroughfare, but this is the progress she believed Charlotte is striving for. They do not have the time for her to name the hundreds of streets this has happened to. Everyone in the town travels them every day, never thinking of how those residents feel about the heavy traffic by their homes that were once in a quiet little neighborhood.

From the traffic accident analysis, she did not believe safety to be a factor. She stated streets are not for children to play in. As a taxpayer, she was opposed to closing any street, whether it is Colony Road, Reddman Road, Kingston Avenue or any other street that her taxes as well as those that use them have paid for. There are more of these than there are those who will benefit from the closing of Colony Road. Therefore, this appears to be discrimination, and when she read in the survey that permanent closing would cost \$39,500 of tax money, it blows her mind.

Since the belt road has been completed it will naturally take some of the traffic off Colony Road. At the time the traffic surveys were made before barricading, she did not feel there had been sufficient time for the belt road to have the impact on Colony Road traffic it will have.

She stated that Colony Road is a short cut from Sharon Road to Selwyn. It is also a fact that we are in an energy crisis, and would hope everyone is cooperative in the conservation of energy. Therefore, this is conservation of energy. She has read the traffic studies before, and in her opinion, the after-closing survey was a waste of time and money. This could have been written the day the barricades went up.

Mr Daniel G. Goddard, 2127 Kenmore Avenue stated he was a resident of the Elizabeth area, and was appearing in support of the permanent closing of Colony Road to through traffic. He referred to a letter from Leslie Hanne, president of the Elizabeth Community Association, stating the letter was authorized by the Association's board and requested that it be included as part of the record of this hearing.

He stated that since 1960 the City has invested much planning effort, public energy, and money in the development of a thoroughfare system. After delay and debate, and at great cost, the inner belt portion of that system was opened. The stretch of Rimmode Lane, which along with Selwyn through traffic's old Colony Road was built specifically to carry arterial traffic between the same two points connected by Colony.

Their investment in the thoroughfare system marks a strong commitment to a system of different use (opportunities) for closing Colony Road under its present use because they now have the thoroughfare option if they are unable or unwilling to direct traffic from the thoroughfare onto residential streets. Then to what end have

we spent all this money? If we cannot use the thoroughfare system to relieve over-burdened residential streets, then why do we have a street classification plan at all?

If the Council is genuinely concerned about taxpayers, then its primary concerns should be to see that taxpayer dollars are not wasted on an under-used and ignored thoroughfare system. Their decision on Colony is an opportunity to decide for an effective thoroughfare system instead of simply accepting whatever random traffic pattern motorists impose on the City streets.

Secondly, he has not heard that neighborhood residents, professional planners, traffic engineers, emergency service providers or school officials are opposed to this particular closing. He has heard a lot about infringement of drivers' rights to go where they please, as fast as they please, by whatever route they please. This is a new right to him, but he will concede for the moment that it does exist. And if so, it is one that is bent or fractured every time the City makes a new one-way street, or deadends one street to construct or widen another.

It is subject to term prohibition, speed limits, restricted lanes, weight limits, U-turn barriers, and a host of other ifs, ands, or buts. Apparently though, in this case that right has to be preserved inviolate, he asked, why - to assume that the drivers' rights are being infringed here for an allegedly improper purpose? Some people must feel that it is wrong for the City to design or modify its traffic system to reduce adverse traffic impacts on surrounding areas. They claim the drivers' habits are the only proper principles to guide our traffic plan. He cannot think of a more unreasonable position. Asphalt once poured down does not automatically turn into ground.

Finally, he would make a comment about precedent. As other speakers have stated, Colony will not be the first street closed in recent years. There is an argument going around that the closing of Colony will be a binding precedent for the future. They know that is nonsense. Colony stands on its own facts. It will be a precedent only for what the Council decides it wants it to be a precedent for. He did not believe that the Council is incapable of distinguishing cases from one another and defending its distinctions. He did not think the Council now would turn its back on a policy it set in 1977 on the many people who have worked in good faith under that policy solely because the Council is afraid of the future. He urged them to make the Colony Road closing permanent.

Mr. Jerry Green, 3123 Clarendon Road, stated he was against the closing of Colony Road. That he lives about a half a block off of Colony, so he is not cutting through a neighborhood, it is important to him whether he is going to work or for any other reason. He cannot understand the Traffic Engineer's point to say that their surveys show that the closing of Colony is successful by diverting traffic to other thoroughfares. The point, as made once before tonight is that there is no way he can go any other way except Providence or Selwyn, or to go down Sharon, which is already clogged in the morning. You just cannot go up and over that steel barricade you cannot go around it either. Another point is there are three extra stop lights either way he goes downtown - whether it is left on Runnmede to Selwyn or right going up to Providence Road. It takes gas to stop at these stop lights.

In the morning if he is coming out going to work during school, off of Barclay Downs Drive, there are many times when only one car can turn left because traffic coming out of the school against you is blocking the way and only one car can get through. So he knows everybody has important reasons for their stand on this, but his wife has cancer and they have to go to the doctor's office a lot for treatments. He was not asking for sympathy but just telling them that it is important to him and it is important to many other people. It is unfair to take the rights of the majority of taxpayers away for the convenience of a few.

Ms. Marilyn Porson, 6831 Reddman Road, stated the issue that is before Council is not whether they should abandon the public right-of-way of the street, but whether the City Council will take the necessary action to protect and to preserve a neighborhood from the negative effects of ongoing growth and expansion. Not a single member of this governing body campaigned last fall against neighborhood preservation. In fact, every single one of them had as part of their campaign platfoms the belief in neighborhood preservation. The question yet to be answered is how deep is their commitment to this issue.

Whether the issue is further encroachment of higher density, commercial land uses, or one of the most detrimental factors associated with intensified land use, high volume traffic, this City Council has a moral obligation to prioritize maintenance of our residential sectors as livable environments or privilege that is denied other areas. She felt that was nonsense. Every residential street in the City of Charlotte has rights that are listed in the U S Department of Transportation Study of Environmental Rights of Street Residents.

The residents have a right to be safe from the speeding and careless vehicles. A neighborhood is pedestrian territory, and the people and children have a right to be able to walk or cycle through the neighborhood street system to schools, bus stops, playgrounds, and parks in safety. The people have a right to be protected from the noise, vibration and pollution caused by high-volume traffic in close proximity to their homes. They have a right to be able to sleep soundly without the disturbance of vehicular noise, and headlights. People also have the right to the full use of their property. They should not be forced to withdraw to the back of their homes and yards because of unfavorable street conditions.

She hoped that this City Council has the perception and the vision to preserve our residential areas before they go into a decline. The cost of restoration is minute in comparison to the cost of restoration. This City Council has allocated millions to rebuild and restore Fourth Ward, why not a few dollars, a minimal effort now, and prevent further urban renewal projects.

Mr. J. E. Copeland, 5301 Ferncliffe Road, stated he lived in the Barclay Downs area, which was better known as former Governor Cameron Brown's cow pasture. In fact, he still has a lot of his fence on his trees in a previous location on the closing of Colony Road, a petition of over 1,500 names was submitted by residents opposing this closing. However, a barricade was established a few weeks later. Prior to the placing of the barricade Colony Road was resurfaced where the barricade now stands to Runnymede at taxpayers' expense.

Due to the closing, traffic has increased on Sharon Road, Selwyn Avenue, Ferncliffe as well as other streets in the area. And now City Council has approved the extension of asphalt which will further increase the traffic part of his yard as a thoroughfare.

A few years ago it was his understanding that Colony Road was designated as a through street from Selwyn Avenue to Sharon Road by Wilbur Smith Associates. At that time he said it was a thoroughfare and as a result of the intensive build-up in the South Park area this should still continue to be a thoroughfare. With their continued approval of offices and shopping areas on and around Morrison Boulevard this street should not be closed in more than Sharon Road here it now is two lanes. He was sure that the residents on Sharon and this area would like to have less traffic and a barricade. As a matter of fact he is opposed to the closing of any street.

He stated that on a letter to the City Council he would like for her child to live in the street. He certainly hoped that City Council would not intervene in excess of \$50,000 to erect a permanent barricade on Colony Road and deny the citizens in this area, as well as those in others the

use of Colony as a thoroughfare from Selwyn to Sharon. The residents on Colony Road who wished for the barricade to remain then should be assessed the additional property taxes to maintain its services and not use other taxpayers' money to spend unnecessarily to help just a very few.

Mr. J. V. Brown, 2224 Colony Road, stated there seemed to be a lot of emotional items being thrown out tonight, he would try to stick with things that were factual and logical. He stated his understanding that the figure of \$39,000 is a planning estimate which means they go in and think of every conceivable cost that could come in, then they go a little bit higher, add some escalation, and then add 20 percent on top of that. That the reason this is done in dealing with the government is that nobody likes to come back before this body and ask for more money when they have made a mistake. They have a 90-foot circle on a road that is not much wider than 30 feet. This is much in excess of what they will possibly need.

He proposed that would not be necessary, a simpler method would be a hammer-head plan which would still provide adequate turnaround for what little traffic would get down in there. He doubted seriously that anyone would actually go all the way down in there and really need the turnaround.

The third possibility is to use no turnaround at all other than just remove the pavement and do some landscaping. He has actually seen tractor-trailer trucks go down in there and turn around. He did not know how they did it, they were just good drivers.

He also pointed out just some pure geometry and logic of the situation, stating Charlotte has a lot of radial streets and circumferential streets. They are talking here about residential streets and thoroughfares. All the thoroughfares do not and cannot continue to go downtown or the whole inner area of Charlotte will be nothing but paved asphalt. So, they come in and stop at other radial streets. Colony Road will do the same thing. It will be a thoroughfare that comes into another thoroughfare, a radial thoroughfare, and puts the traffic there. It would be totally illogical to make the residential portion of Colony Road into a thoroughfare - it is not and has never been.

Mrs. Richard Bigger, 2131 Roswell Avenue, stated that in the first place her area of Roswell Avenue never knew anything about this closing. None of her neighbors knew about it. They said it was posted but they did not get it. A meeting was held and then Council closed the street for six months. The six months has been up for three months. What are they going to do now? Why not give people like herself who are against it a chance to try out for three months and see what happens.

They say that Roswell Avenue traffic has not increased. She thinks it has. She and her husband have lived in many cities, big and little, but have never lived in a city that let a street be closed to cope with a traffic problem. They do not think it is fair in Charlotte because it is not logical, it is not legal. We all pay taxes, and we all travel on the same streets. Are Colony Road people going to stay off of other streets? They will just keep on coming like they have been. Why can't other citizens go on their street?

She stated her son's family lives in the Barclay Downs area and if she goes to their house she goes about a mile and a quarter out of her way and it takes his also time. In order to take her granddaughter to school in the mornings she makes one left-turn after another. There is no protection to get the child to Selwyn School, the school for her area. She rather resents that because she keeps her so that her son and his wife can do civic and church work, that is pretty important.

Colony Road measures 4 of a mile from one barricade to Selwyn and also 4 of a mile the other way. There are 47 houses on the Selwyn end, three on the other end. The three were built since Myers Park School was built. She did not think any two hundred people, roughly, should say what the rest of the 500,000 people in Charlotte should do. She resents that and there are a lot of people who have the same right to resent it as she does. She hoped Council would give this a lot of thought. It really boils down to practicing the Golden Rule. We are all here and have to give and take. If it is part of life.

Winston H. Hartford 1413 Redcoat Drive, stated he is speaking as a resident of Charlotte, but more importantly as a professional, as Emeritus Professor of Environmental Science at Belmont Abbey College. One of the most difficult jobs a citizen has is to look objectively at some development in the community which may or may not be in the public interest, but which interferes with his own life style and convenience. One thing is plain, there has been much emotion and frequently not enough facts.

He would like to suggest a few criteria that might be examined during the present review of cut-through situations. Simple traffic counts are not enough. The hourly and daily distribution of traffic is important as is the width of the street, and the on-street parking situation. If traffic is evenly distributed during the day, it is less annoying than during peak hours, especially in the late evening when quiet should reasonably be expected in a residential neighborhood.

How much of the traffic is necessary? Residents of neighborhoods should have the best routes available to get to work, food supplies, and medical services or other essential. By the same token, no particular consideration need to be given non-residents of the neighborhoods going to shopping malls or schools for which public transportation is available. We are already well into an era where the continued improvement of our society depends on conservation of energy, especially petroleum.

Evening traffic are we dealing with traffic or law enforcement problems? Evening traffic in residential areas, especially on Friday and Saturday nights is on the increase. There is more high-speed driving, trenching of lawns, and destruction of mail boxes and shrubbery in these times than any other Charlotte has the highest speed limits in residential areas of any city he has ever lived in, and this is a nation of law breakers. If the speed limit is reduced to 30, then the 40 MPH driver is clearly in error and can be cited. There are legal loop holes that prevent drivers identified as automotive vandals to escape without a citation. These should be eliminated. Our alternate routes for necessary traffic should be adequate. The opening of the inner belt, and the controls on Barclay Downs provide adequate through routes for non residents of the Colony Road neighborhood.

As the City grows neighborhood people are the most important consideration. We have a right to expect this traffic to be generated by our own neighbors going about their necessary business in a law abiding manner. There is no place today for those who use the automobile as a destructive toy nor should any special consideration be given those who drive on unnecessary errands. He hopes he has been objective in a manner that concerns him and some friends. It is necessary to continue to protect our residential neighborhoods from unnecessary and destructive traffic where possible. But where adequate thoroughfares are unavailable, we must keep the neighborhood lifelines open - the stop signs, reduced speed limits, and other legal bars to abuse the privilege of driving past a neighbor's home. On balance, the continued closing of Colony Road is clearly indicated.

Mayor Knox left the Chair for a short period during his absence. Counciling for Bert Hill presided.

Mrs. C. C. Herbert, 2718 Chilton Place, stated she is speaking in favor of opening Colony Road. It seems the best policy is for all of the city streets to be open for the use of all citizens. When we get away from this policy, some citizens are bound to be hurt. The closing of Colony Road has hurt, among others, the people living on Chilton Place. The primary traffic flow is the primary traffic flow. As she understands it, Colony Road is used by citizens going from two main streets - Park Road to Southpark. The result of the closing is to divert a lot of that traffic on Chilton Road - Chilton Road is a short, narrow residential street.

Mrs Herbert stated she has lived on Chilton Place for more than ten years Her kitchen sink is just under a window which faces the street, and she can see the traffic clearly on Colony Road Since Colony Road has been closed the traffic on Chilton Road has increased to a marked degree

One of the residents of Chilton Place counted the traffic on the street since the closing of Colony Road The traffic has increased to 2,900 cars per day She understands a street with traffic under 2,000 cars per day is considered residential, while one with more than 2,000 cars per day is considered a thoroughfare Thus, the closing of Colony Road has made Chilton Place a thoroughfare with 2,900 cars per day

In Charlotte Weekly South John Wright of the City's Traffic Engineering Department is quoted as saying that 'Since the closing of Colony Road, Sharon Road traffic increased by 500 to 700 vehicles per day'

Chilton Road deadends into Sharon Road, and she observed the congestion on Chilton Place in the rush hour between 5:00 and 6:00 - the cars backup trying to feed into Sharon Road, they backup half a block It is hard for them to get their cars out Mr Wright was also quoted as saying 'The people who live right on Colony have certainly seemed to like the closure because these streets are now a typical residential street' It made it a residential street, but it has made Chilton a thoroughfare, and correcting their problem and giving it to them is not fair nor wise It does not solve the traffic flow problems

She believes all streets should be open to all people, to all the citizens, When we get away from this policy some citizens are bound to be hurt The closing of Colony Road has hurt among others, the people who live on Chilton Road Please open Colony Road

Mr Lloyd Funderburk 6126 Farm Pond Lane stated he finds the reasoning behind the right of use convenience more gasoline, more minutes etc, very hollow when faced with the rights he feels rise much, much higher - that the homeowner has a right of safety, a right of quiet enjoyment of his domain, a minimal amount of annoying noise free to have a reasonably good night's sleep a minimum of littering in his or her yard, and a minimal amount of malicious mischief and vandalism, and inherent crime and vice he believes the automobile, by its high volumes are bringing to many of the residents of this City, and those here tonight

He is an outsider to the residents here facing this issue, but he hopes the Council will see fit to live by the resolution that is designed to hear the voice of the citizens, which he thinks they have clearly shown, to go by the recommendation of the Engineering Division, and to see fit to ultimately do something to keep Colony Road closed

Ms Rachel Mason 2715 Selwyn Avenue stated she has lived in Charlotte for most of her life, and this is the first time to speak at a Council Meeting But the issue today is so important, and it is so unfair to so many she felt compelled to state her reasons for requesting that the Colony Road barricade be removed immediately and that no more barricades be considered for any Charlotte streets that are maintained with tax money

She thinks she has a right to use a street she has used for 20 years She has lived on Selwyn Avenue for 45 years When she moved there, it was a two-lane street with the leaves intertwining and it was a residential street But Selwyn has born the plot of progress, cheerfully But when they are forced to take, to see one street in the area become residential when all the surrounding streets must bare the brunt she feels it is unfair From her front porch she sees Hillside and Transquil she goes down Selwyn to the inner belt she sees a house that use to be in the middle of the block it is now the end house, she looks on the inner belt, and sees homes that were once on a quiet residential street only a block and half from Colony All of these Why is Colony the worst street Why does it have the preference over all the rest of the area to assume their responsibility?

The part that really shocked her the most was the timing of the barricade It was put up just prior to school opening and a school principal she is well aware of how important to change a bus route But the Selwyn School bus route had to be changed because that is the route they used Selwyn

School experienced many problems because of the barricade, particularly at this time

The conserving of gasoline She lives one tenth of a mile from Colony She has used a great deal more mileage in the places she has had to go. The barricades can only <sup>help</sup> the passage of street bonds in the future. How do you know whether you are voting for a street improvement, or will you be voting for barricades

On the belt road Why the demands to use the belt roads, because they are going to use it It has neighborhoods too

Mayor Knox returned to the Chair, and presided for the remainder of the session

Bill Farthing, 2725 Picardy Place, stated he would like to make several points in response directly to the points that have been raised by the opponents to the Colony Road barricade

The first speaker in opposition to the barricade stated the petition filed by the residents violated the 1977 City Council referendum He would point out that this argument was made in Claim One of Claim Two of the Civil Action brought in Weckvick County Superior Court, and was summarily rejected in response to a motion to dismiss

He would conditionally point out that the statistics used by the opponents of that argument included 120 apartments that did not face Colony Road, but in fact, have a Colony Road address Judge Clifton Johnson addressed that issue directly, and found the petition that has caused all the proponents to be here tonight, was in fact, consistent with the resolution

He would additionally say that one of the speakers has proposed this is not the appropriate forum for an issue of this nature There has already been a judicial resolution that the courts are not the appropriate forum, and what other forums are available? He would submit, there are none

Opponents have stated the closing has resulted in a diversion of traffic to such streets as Runnemede, Selwyn, Sharon Road He submits that is the exact purpose of the barricade to divert traffic on the streets that are more capable of handling them, and to divert traffic from streets that are incapable of handling it

One of the opponents has questioned in regard to what is through traffic That is a critical issue in regards to what is cut-through traffic because this traffic would not be cut through traffic if the belt road did not exist The existence of the belt road creates cut-through traffic

He would like to speak to the point that there is no direct access to Myers Park High School He is totally befuddled by that point There is direct access from Colony Road from the north, and from Colony Road from the south, and from the belt road

The idea of progress expressed tonight to him is ultimately confusing He thinks to the contrary this is the form of progress that this neighborhood and this city can do without

He would like to point out there have been some residents of Deering Oaks who have spoken tonight in opposition to the barricade Soon the shoe will be on the other foot in regard to the Deering Oaks residents The Colony Road Extension will soon be coming before Council It is contradictory to propose the barricade to oppose the Colony Road Extension

Mrs F M Smith 2526 Normandy Road, stated she is very opposed to closing of Colony Road, and she hopes it will be opened. We are being asked to conserve energy in every way possible, yet the direct route to Sharon Road from Normandy Road has been taken.

Mr Ronald Morgan, 2720 Picardy Place, stated he is an architect and does neighborhood planning, and he sent to Council a copy of a neighborhood plan recently completed. Also, he is a resident of a quiet street off Colony Road which had no traffic, and still has no traffic.

He circulated three pages from the report sent earlier. As he listened to the arguments on both sides, it is clear there are good arguments to be made depending on your perspective. The tragedy is there is no model or theory to guide them. The three pages outline the principle of growth patterns of a typical southern city beginning with early settlement and the introduction of the railroad and finally the introduction of the automobile, widening of arteries, and the overlay of loop systems and freeways.

The point where we are today as an urbanizing society is to make a judgement and the difficult decisions that take us into the next pattern of urban development, which is explained in reference to the diagram for an abstract city a neighborhood in South Carolina, and the same principle applies to Charlotte today. Until this principle of the emerging traffic patterns is understood, there will be continuing arguments.

He read the following quote from Lewis Mumford Urban Planner and Theorist: "The recovery of organization by neighborhoods and precincts as the cellular unit of planning is the most fundamental step toward establishing a new urban form."

As a resident on Picardy he has tremendous inconvenience by driving around the barricades. He insists that it be closed for the principle that applies to all of Charlotte.

Ms Carol Davis, 2041 Sharon Road stated she will not submit a petition from residents of Sharon Road to close the road to non-residents. They do not think it is realistic. Existing roads in Charlotte are to be used. The City cannot afford to widen all the additional streets to allow Colony to continue the kind of neighborhood they have. The residents of Sharon Road would like to continue their neighborhood, but will be bearing the residents of Colony Road's burden continually. Charlotte is growing, the inner-city is growing, everyone will have more traffic, particularly with families with two and three cars. The people on Colony and Picardy all have several vehicles, and they are riding on their street. But they are not going to petition that it be closed to them, Sharon Road is a thoroughfare and the residents are not allowed to petition to close it, and they would not want to. But they would remind Council that to pave Sharon, to widen it, to widen Chilton to widen all the streets that are being burdened with the closing of Colony Road will be expensive.

Ms Rhonda Innes 9418 Robert Burns Court, stated this is an old story and it is not a popular decision. But this Council is going to have some decisions to make that are less popular than the one tonight. No one likes government regulations, new laws, but unfortunately sometimes government sees fit to slap us because we do not clean up our act. This is a non-compliance county as far as air quality, it has already been zapped with inspection of the automobiles which will start in a year and half. That is not enough according to EPA. It says we will have to show that we are lessening our dependency on the automobile and encouraging more van pooling, car pooling. If Council does not make a decision to make it less convenient to use the automobiles, then it will be tough convincing the people to get out of the automobiles and clean up the act so that it will pass the legal standards by 1985.

In the new development whether it be a road or a building site for shopping center or whatever there is now required a urban impact statement. Unfortunately older neighborhoods do not have this to rely on. But when considering cut-through traffic, it is considering the urban impact.

John L. N. for 2851 Lickersburg Road stated he is opposed to closing Colony Road until the old line can be opened as soon as possible. The opposite end of Colony Road, next to Sharon is closed for lanes, and if they could four lane

the other end of it it would provide the safe movement of traffic

Alvin H. Clarke, 6120 Farm Pond Lane for closing did not respond when his name was called to speak

Steve McKinnon, 5800 Amity Place, stated he has a few definitions everyone should be aware of (1) A neighborhood is a particular community or region, and the people that live near one another (2) Preservation The act of protecting from harm or damage, keeping from spoiling

He is all for keeping it closed. No one wants to stop progress. Every one is aware that progress is growth and development. Growth and development is jobs, booming economy etc. Residents are afforded the protection of home, family and interest from the neighborhoods were not developed for in the first place. The residential streets were built to withstand the volume of traffic determined by the number of houses, and/or apartments within that area. The City's planning also gave the idea that they were to have the use of emergency vehicles within the streets and there would be sanitation units and a volume of transit traffic already allocated to that neighborhood. The large volume of traffic is what is being talked about now, and this is what they want cut out.

Any neighborhood street can be taken and add to the traffic it was built to service, and you will see how long it will last. Then take into consideration the possibilities that have been increased four fold of wrecks and property damage which have been discussed, it does not fall in line with preservation, and similar neighborhoods have deteriorated in the past under the same condition. He is not a native Charleston but he was impressed with the community preservation when he moved here approximately a year ago. Several other people felt the same way, and that is why they bought in the city limits.

He would like to see the street closed, and he would like to see the neighborhood preserved. He does not want to see another Chicago or downtown Detroit develop here, and have everyone move to the suburb.

Harry McKinnon 1244 S Kings Drive stated he has been a resident of the City of Charlotte all his life. He was rather moved when they first announced Myers Park High School and they have traveled Colony Road the years they were there. He has never seen the road deteriorate, nor the street deteriorate, he has not seen children run over by the traffic, he has seen a tremendous number of automobiles used by students and faculty, and parents driving children to school use the street. He owns property on Runnymede, and he lives on South Kings Drive. If he wants to go from Kings Drive to Runnymede in front of Runnymede turn around at Wendover. He thinks the people who live on Runnymede resent the fact that the people who live on Colony Road have taken it upon themselves to usurp their right of the use of a public street, said for assessment to the City but so have the other streets. If they were to barricade Kings Drive at the Doctor's Building, and at Queens Road West, he is sure some of the people who live on Colony Road would have to go out of their way to get to where they are going.

If you were to barricade Queens Road West from Last Boulevard to Selwyn Avenue he is sure they would raise hell because the could not get home in a convenient manner. He would like to think the members of this Council would take into consideration those factors that determine a neighborhood. His judgment is the City of Charlotte is a neighborhood for all people.

Clay Newton, 7000 Peddler Road stated he would like to oppose the reopening of Colony Road for two reasons. One here is nothing sacred about a road once it has been built. To change its course or use is common place and is an accepted fact of that nature. We have had over the years. The old Road is one example. Alameda Road both residential as well as commercial streets. They have been simply cut off. Land ended so the blocking of Colony Road is not without precedent. Second they have the commission that is to pay the money and I will go where I please. If someone set down the thought for a minute that I will go where I please because we are in private we are not in certain. I think I think, in our city, he is a lawyer, and most consider

that decision which are beyond his control, but may be not beyond logic. That is the reason all here as taxpayers have to put the faith of these decisions in the Council's hands and the staff recommendation which has been made. In this case, the recommendation has been very clear by the staff, keep Colony Road closed. He concurs.

At this point, the Mayor advised that an equal number of speakers for and against have spoken. He asked those present for the continuation of the closing and those in opposition to the closing to indicate their wishes by hand. An equal number of those present indicated they were for, and an equal number indicated they opposed.

The remainder of the speakers spoke in support of the closing.

Dr. William V. MacDonald, 5229 Colony Road, stated he and his wife have lived on the SouthPark side of the Colony Road barricade for the past two years. The first year they drove to work in Downtown through Club Colony using the narrow part of Colony Road, then down Roswell Avenue. After the barrier, they take the designated thoroughfares - Selwyn, or the beltway. It takes no more than an extra minute, and he does not consider it a hardship. They find Charlotte to be a beautiful city of individually beautiful neighborhoods. Both he and his wife have lived in northern cities where multiple neighborhoods were in decline as the inner city decayed, and this must not be allowed to happen to Charlotte. Allowing undesignated residential streets to become major thoroughfares can only weaken individual neighborhoods. Those living on the southern side of the barrier must break some small driving habits for the greater interest of maintaining and improving the livability of Charlotte.

As a homeowner on the southern end of Colony, he is here to add his voice to those of Club Colony area asking the City Council to maintain the barrier on Colony Road.

stated

Mr. Bill Hodges, 2221 Colony Road, of the 165 homes in their neighborhood a petition was submitted containing 77 percent of the names of the residents in the neighborhood. Mr. Corbett told him that probably 6,000 people were using their street as a cut through regularly. The petition submitted by the opposition did not have 1500-1200 signatures, it had 1100. That amounts to approximately 15 percent of the people using their street as a cut through. If the residents of Colony Road have to get 2/3 of 77 percent, it seems to him it should be incumbent upon the opposition to achieve something reasonably close to that.

Regarding Mr. Clarkson's and other analysis on Sharon Road, there is only one person in this room who can give a totally impartial analysis of the figures in that traffic report, and that is Mr. Bernie Corbett. If there are any questions about it, Council should talk to him.

If you add up the totals when Mr. Clarkson was reading out the numbers of increase as he sees it, and it added up to 13,000, which is almost three times the total amount of traffic they had on the street in the first place. They only had 4,000 diverted.

With respect to the lady who spoke about Chilton Place, Chilton Place had 2700 cars in October, 1978. One month after the barricade it had 2400, a few months later 2800, and a month later 2900. There is no way anyone can say traffic has increased on that street. They are here tonight for a process to protect neighborhoods. He would say to the people on Chilton Place if they feel they have a problem with traffic on their street, they can use the same process.

With response to the question raised about four-lining Colony Road and all the comments he has heard about taxpayers, would that not be a wonderful way to spend the taxpayers money going in and building two parallel four-lane thoroughfares one mile long each to connect to the same points.

John Freshman, 17 East Kingston Avenue, stated he has had a chance over the past four weeks to observe an air or street closing in action. That Sara Spencer, President of NCDBA has sent to Council a letter outlining the support which the Northwest Community Development Association has given to the Colony Road closing.

Discontinue one of the first schools to attempt to use the street.

closing. It was important in Dilworth because it is one of those neighborhoods that is about 20 years older than the Colony Road neighborhood. The neighborhood, by the time the street closing issue reached City Council, was facing some of the problems that comes about when an inner city neighborhood begins to deal with problems of an exploding urban area - the increased traffic, deterioration of neighborhood, the absentee landlord

in their neighborhood, the street closing could not be the only answer, but he comes tonight to tell Council the Dilworth Community has found the street closing to be a part of a solution to revitalize an older neighborhood. So it is important that neighborhoods like Club Colony that have not reached the stage where they need the community development funds, and all the other relief this Council can provide, make use of a simple tool which is the street closing.

Club Colony is a neighborhood, and that street was originally designed as a neighborhood street. It is important this City Council has a means of returning it to its original use - a neighborhood street.

Michael Galis, 200 N Laurel Avenue, SE stated he served as Chairman of one of the Committees on the Charlotte Symposium held a month ago, and would like to pass on some of the feelings expressed at that meeting. It came clear that livability is a vital issue to Charlotte's future. It was also clear the majority felt livability was being threatened. The question was also raised about Charlotte's identity in the future which rested upon the future of residential neighborhoods. It became clear that the continued future of livability was split between those who felt livability depended upon the free flow of traffic as those who felt livability depended upon the turning of residential neighborhoods.

In the discussions that followed we are having to choose, not between what is right and wrong, but between two essentially right positions. What really became clear was there is a great deal of confusion. That while City Council has focused its attention on issues such as annexation, urban development, it has given insufficient focus and direction to the inner-city neighborhoods. As evidence tonight, there is a traffic plan that shows the area, which is a piece of the total plan but there is no definition from the city planning department what constitutes a neighborhood what are the neighborhoods and how this proposed traffic plan affect those neighborhoods. Unless we are going to disassemble into a planning philosophy best referred to as gradualism he thinks City Council will have to take direct action to formulate a residential strategy. The confusion among the populace has generated hostility has generated divisions which are more dangerous characteristics than the preservation or the flow of traffic.

He feels only by the City Council acting to give a clear logic to its decision related to the growth of Charlotte and the increased traffic demands, as well as the preservation of neighborhoods, that there will be meetings such as tonight which essentially creates an ad hoc situation which does not give clarity or unity to the populace as a whole.

He supports closing of the street, but does not support the word permanent. He feels the urban environment is still fluid, and he does not feel there is a clear policy on which a permanent decision can be based. He hopes the City of Charlotte are to preserve neighborhoods, but it can only be done if there is a clear future.

Leslie J. Vinner, President Elizabeth Community Association. The following letter to the Mayor and City Council was filed by the legislator for inclusion in the minutes.

On behalf of the Elizabeth Community Association, I urge you to permanently close Colony Road to through traffic.

As you are aware the Elizabeth Association does not take serious issues that do not directly affect the Elizabeth area very frequently. We have a record on this because we feel that our role on this is a statement of our priorities and will set an example for the rest of the city through traffic in residential areas throughout the city.

It is our understanding that the Colony Road barricade has been extremely effective in stopping cut through traffic in the Club Colony area, that the residents of Colony Road are in near unanimity that the closing should be made permanent, and that a clear majority of the residents of the adjacent streets agree. In addition, we understand that the temporary closing has not caused a shift of traffic to other residential streets and that Myers Park High School favors the closing.

Given these facts, the only reason for removing the barrier is to allow drivers of private automobiles to use the street as a short cut. On the other hand, closing the street greatly increases the livability and value of the houses on the street by decreasing noise and air pollution and by making the street safer for children, students and adults. In the long run, the closing will help save the housing stock of the area and preserve the neighborhood. Thus, the choice is between allowing drivers on one short cut and improving a neighborhood. To us, the decision is clear.

A vote to remove the barrier is a statement that a small accommodation to private automobile transportation is a higher priority than protecting residential neighborhoods. Our priority is to protect residences. We hope that that is your priority too.

Sincerely

Leslie J. Winner  
President

Ms. Rachel M. Marx, 6905 Reddman Road, stated she does not live on Colony Road, nor does she know anyone who lives on Colony Road. That she is one of the cut through drivers. Shortly after moving to Charlotte in 1973, she and her daughter joined the Y on Park Road, and someone gave her directions which included turn right on Colony, right on Selwyn, left on Hillside, right on Park, and that was her path to the Y. Later when she knew other ways to get there, it was still her path to the Y, and to see her sister who lives on Park Road. That she cut through all the time, and had no idea it was causing any problems, she stayed within the speed limit, and did not hit anything.

Then one day there was a sign 'street closed'. And she believed the sign and she continued on the new widened part of Runnymede to the Park Road Shopping Center to turn right to where she was going, and it has not hurt, and she doubts if it is any further, or takes any longer. Runnymede is where she belongs. She believes the Colony Road people who say they had a problem, she believes the traffic engineer who made the study and recommended the barricade, she believes the Council who approved the trial barricade. She thinks the citizens are very fortunate to have a place to turn to with their problems. She is very much in favor of preserving neighborhoods. Good neighborhoods make good cities, and she hopes they will decide to leave Colony Road closed.

Mr. Jerry Baldwin, 7901 Saddleview Court, stated he does not live in the city any longer. He is the original petitioner for the closure of Reddman Road, and heavily involved in the cut-through traffic process, he felt it was imperative to be here tonight.

He stated they went through the Reddman closure and went through the Colony closure, and there were several petitions at the time of people asking for road closures or traffic studies that were not warranted. At the time the traffic engineering did not do the studies, there was not enough traffic and Council did not vote to even temporarily close the road, they simply said it is not warranted. This process was set up for when there is a real problem. There really is a point on the street at how many cars can that street carry. Just how many will it support and where is the stopping point. If there are 6,000 cars on a residential street, it will take two years from now. Charlotte is growing at a rapid rate, where does the point end before it is too late to do something.

The only alternative is to either stop the traffic, alleviate it, send it to either buy the homes, make it four lanes, destroy all the neighborhoods in the city, and make it one continuous business district

Something has to be done now. There are 299,000 who might like to use Colony Road as a cut-through traffic, that is great, but where do you weigh what does the most good. Do those 299,000 crush the 77 or 1,000 who live on the street, and say 'no, we want to run over your homes, we want to drive through your front yard, we want to do what we want to do do because we are taxpayers'. Or does the city government stand up for that 1,000 and say they have a right to a peaceful and tranquil home

Colony Road is here because it has three times as much traffic as any person who stood up here today. The energy argument. Has one person stood up here who can say that for 1 1/4 mile a trip was cancelled to save energy.

Robert S Lillen 2500 First Union Plaza Mayor Knox read the following statement from Dr Lillen, member of the Myers Park Homeowners Association Board

"The list of speakers on the Colony Road official list, my name

is the first name as the first speaker in favor of the closing of Colony on behalf of the Myers Park Homeowners Association. This was an error. Although I do represent the Myers Park Homeowners Association, I now do not intend to speak. However, I would like it corrected for the record that the Myers Park Homeowners Association is appearing neither for nor against the Colony closing.

I am here available to answer questions Council may have about the position of the Myers Park Homeowners Association.

Mayor Knox announced that concludes the for and against speakers. He thanks the citizens for their courtesy in the presentation which is very important to Council.

Motion was made by Councilmember Locke, seconded by Councilmember Troesch, and carried unanimously to close the hearing.

MEETING RECESSED AND RECONVENED

Mayor Knox called a recess at 8 45 p m, and reconvened the meeting at 8 50 p m.

Mr Cox clarified his motion to be that half of the amount be paid by the taxpayers and half by the transit company stating if the City wanted to split its half with the Federal Government that would be up to Council  
Mr Leeper confirmed his second to the substitute motion

Mr Leeper stated that Mr Hines has really done a fine job with our transit system and he has told him that on a couple of occasions, particularly in some of the improvements they have made in the recent past and the plans they have for the future. But, he believed as Mr Cox had stated that this is a part of doing business. That he came into this meeting really expecting to tell them to pay the entire \$45,000, that this is a compromise on his part, because the City should not pay any of it. That if there are some UMTA funds that are available to pay half of the company's amount, then that has already been taken care of. That he thinks they are talking about \$22,000 a piece and he will support the motion to divide it in half

The vote was taken on the substitute motion and carried unanimously

The resolution is recorded in full in Resolutions Book 16, at Page 68

The ordinance is recorded in full in Ordinance Book 29, at Page 138

~~RESOLUTION TO PERMANENTLY CLOSE A PORTION OF COLONY ROAD BETWEEN RUNNYMEDE LANE AND SELWYN AVENUE IN THE CITY OF CHARLOTTE TO BE REOPENED TO TRAFFIC~~

Motion was made by Councilmember Frech, seconded by Councilmember Leeper, to adopt a resolution closing a portion of Colony Road, located between Runnymede Lane and Selwyn Avenue in the City of Charlotte

Councilmember Chafin stated that although she was quite willing to vote on this item as it appeared on the agenda (to adopt a resolution to close a portion of Colony Road) and an informal poll of Councilmembers present and voting indicated a very clear division on the recommendation before them, it appears that the necessary vote to permanently close Colony Road simply did not exist. Rather than entering into a lengthy debate of the pros and cons on the merits of the closing which would in all probability be a rehash of the arguments made at the May 19 hearing, she was wondering if they might not have Mr Bernie Corbett come forward with some workable alternatives that have been discussed with and agreed upon by the Colony Road petitioners

She believed that the entire Council, regardless of individual positions or the barricade believe that the traffic on Colony Road prior to the temporary barricade was excessive and was detrimental to the quality of life in that neighborhood. That this Council has a desire and an obligation to reduce that traffic

Mr Burkhalter stated that he could see a debate going on here for hours about what Mr Corbett might propose, and he thought that this forum was not here for that. This was his concern because some of the alternatives involve closing the road. He said that he would like to see them either decide to close it or not to close it and then if they would like some alternatives later, to have Mr Corbett come back later with something that might improve the situation short of closing it. The alternatives Mr Corbett had showed him involved closing half of the road and he thought that this would bring about a debate that people are not aware of familiar with, and could be a real problem

Councilmember Berryhill stated that he supported Ms Chafin's suggestion and would like very much to hear what Mr Corbett had to say. That they have kept these folks waiting for almost three years now and would like to hear what he had to say. Otherwise he was prepared to make a substitute motion based on what he understood Mr Corbett had to say

Councilmember Troesch stated that under their new rules of procedure could they not vote to have five minutes or less discussion before a motion on the floor? That he did not know what the policy would be but it was adopted but it was proposed by the motion having been

Councilmember Leeper stated that he totally concurred with Mr. Burkholder that there has been a great deal of discussion involved in this particular issue. He thought that the Council needed to bite the bullet and make a decision on this - vote it up or down. If they are not satisfied with the decision that the Council makes, then he would suggest that they ask Mr. Corbett to come back and make some additional recommendations on the road. He did not think it was fair to the citizens of this community not to state to put the amount of time they have put into this particular issue and then later on it and not make a decision. That they need to make a decision based on the recommendations that have been made to them.

Councilmember Selden stated that this afternoon at exactly 5:00 p.m., he started counting with meters every car that passed the intersection of Chilton and Sharon Road. In exactly one hour he counted 1,341 automobiles on Sharon Road and 444 on Chilton. There were lines backed up four feet, and six cars at a time on Chilton trying to turn onto Sharon Road. There were cars lined up on Sharon Road trying to turn left onto Chilton. There were at least four occasions when cars veered over, crossed over the curbing to go around the cars waiting to turn left onto Chilton. This was one car every two and one-half seconds.

He said that there has been a definite increase in traffic on Sharon Road and on Chilton, and the Sharon Road traffic is now well above 8,000 cars per day.

Councilmember Frech stated that as Council knows they have had very thorough discussions of all the possible arguments on both sides, although both sides want to reach them. They have listened carefully, although both sides have complained that they thought they were not listening, but she knew that they had.

She stated that she has been disappointed that too much of the discussion has centered on abstract principles and maybe not enough on the facts.

They have been told that they cannot close a public street. If they follow that policy, she pointed out that they would not have been able to carry out the revitalization of Fourth Ward and First Ward, which they have done.

She was disappointed also that some people think that Council would close a street just because some residents of the street asked for it. She thought that would be irresponsible and has not seen any intention on the part of this Council to take such a drastic step for such a reason. They would only take such drastic action for a very compelling reason - that is that it would benefit the community or that not to do it would harm the community. She thought that it was sad that they have not been able to get their message across to a lot of people. That they feel that the issue that is important that they are trying to look at is the preservation of property values in a neighborhood, that this is the over-riding issue. The Board of Realtors has already resolved that excessive cut-through traffic causes neighborhoods to deteriorate. She could tell them from first-hand experience that people have moved out of Country Club Drive in District 4, citing excessive cut-through traffic as the major reason for their doing so.

When this happens and property values go down and then the taxes paid on the property go down, the entire community loses. Their tax revenues drop and other taxpayers will have to make up the loss of tax revenues. Then later they have to pay to re-raise the area and possibly close the streets as they did in Fourth Ward and First Ward or if they choose to do nothing they may have to live with blighted older neighborhoods in inner city areas. York Park and LeFlore are now classified as inner-city neighborhoods.

Councilmember Frech stated that Traffic Engineering has evaluated the Council's report and has recommended the permanent closing as the only way to remedy our Council's policy of street in neighborhood. Councilmember Frech stated that Traffic Engineering has evaluated the Council's report and has recommended the permanent closing as the only way to remedy our Council's policy of street in neighborhood. Councilmember Frech stated that Traffic Engineering has evaluated the Council's report and has recommended the permanent closing as the only way to remedy our Council's policy of street in neighborhood.

of attempting to deal with cut through traffic and preserve neighborhoods was a good policy, and that the recommendation from Traffic Engineering was a good one. Some Councilmembers seem to be a little more concerned about the public opposition to closing than they are about looking at the facts as presented by Traffic Engineering. She thought that almost all Councilmembers had agreed that the neighborhood needs relief. If they do not vote to follow Traffic Engineering's recommendation then she thought what they would be saying was that they were not going to provide the needed surgery to cure the patient, because they are concerned about opposition in the community to doing this.

She thought that if citizens understood better what is at stake, if they have been able to get some of their concerns across better, so many of them might not object to closing this street. She urged Council in this case to exert leadership on this issue and try to help the citizens understand the importance of dealing with this very serious problem, this threat to their neighborhoods.

Councilmember Berryhill stated that he agreed with Ms. Frech in part, that Colony Road does need some help. He thought that closing streets in the City of Charlotte is one of the most divisive things that they can do. They have seen it in many cases already, it divides neighbor against neighbor. Either they are going to work together to solve this problem or they are going to be a divided City. He thought that they had a proposal that Mr. Corbett has that would solve the problem, or hopefully solve it, that would deter some of the traffic from Colony Road and would not close the street and divide the neighbors and the City. That he would hope that they would listen to what Mr. Corbett had to say.

Councilmember Dannelly stated that he was wondering whether Mr. Berryhill would expect them to make some kind of decision tonight on what Mr. Corbett might say, or whether it would be something that they will listen to get in writing, and then come back later and make a decision on. If that was the case, then they would need to vote this thing up or down tonight. Then he thought that Traffic Engineering would know to come in with some alternatives.

He said that this was not an easy decision to make, and Council has been struggling with it. Yet, he has not been convinced that access to public streets should not be the privilege and the right of all citizens. As one citizen wrote to them through an illustration, do people not have the same right to travel east and west as north and south? People on each side of the barricade should have full use of all of Colony Road as well as the other residents in that community - not just the neighborhood, but in that community. That blockading the street is not the only means of preserving neighborhoods, nor is it the only means of this current cut-through traffic. After all other streets in Charlotte have had their share of progress.

He thought that they all could remember Wendover Road, and there are others. They really only tried barricades on Colony Road, they have not really tried anything else. He had a list of things that could be done or could be tried but did not want to play Traffic Engineer and he was not one. But he was sure that there were other combinations of ways to discourage cut-through traffic on Colony Road and in any other neighborhood or any other street. Feeling this way, he said that he just could not vote to deny other taxpayers the right to use that and any other street in this City if they so choose.

Councilmember Trosch stated that Ms. Chafin made a good point. That when she walked away from the hearing she could very clearly see a difference in the two sides and their approach to this community. They do have policies here that are conflicting. They do have a policy in this City for access they build roads. They do traffic implementations to move traffic to and from where they have to go. At the same time they put millions of dollars into neighborhood preservation. They are doing ordinances. They put a great deal of their effort and time into that. They also have a policy for safety in their community. And they have many programs that promote this. One of Council's reasons for being is the general health and safety. She thought that it is not clear as to what is the problem in this case and that it is up to the Council to determine rather than her reciting all the

and cons they have heard that they really fall on when access is maintained affected, but affected, because of the opening of a belt road, that neighborhood experts to be a stake, then it is up to Councilmembers on where they fall on the vote on this issue

Councilmember Carrol stated that he disagreed a little with the approach that there should always be unrestricted freedom on every street. When they put up a no left turn sign or when they get Mr. Corbett to put a median in so that one cannot turn, they make incremental decisions about the public safety in regards to denying people access on streets or portions of streets

He said that the question really comes to a focus when they talk about a complete closing like they are considering now. But it is a part of the same broad policy of how they balance the public welfare and the good of the City as a whole

He said that he thought he heard Mr. Berryhill saying that he thought that balance was important, and he thought it needed to be struck at a place not quite at a closing but somewhere else and he was not familiar with what he was talking about. If the motion before them fails, Mr. Berryhill said he hoped they could pursue that. It is not an easy decision, he thought that as Mr. French had said they had to be guided by a very careful weighing of individual interests in the good of the whole community. He did think that the data and facts that they had indicated that in this particular case that this is a way to solve a real need at a minimal cost of most of the citizens of the City. For that reason, he would support the motion before them, and it is obviously one that they could all try to strike the balance in a different place that he hoped regardless of what came out of this, that they would find where that balance is for the Council and all try to be a part of making that work and bringing this process together

He said at least a couple of people who have been on both sides of this issue, notably debated on the street have told him that they certainly had gotten to know their neighbors a lot better out of this process. He knows that it has been divisive

Councilmember Carrol said that he came down Kingston Avenue the other day - Kingston Avenue was a street that, as some of the Councilmembers will remember, was closed about two or three Councils ago - and he thinks it has had a significant impact to help improve that area. But it is never an easy decision and he hoped that regardless of how they came out they could get forward with the policy of bringing the community together and providing some real leadership in this area, and not let it be divisive

Councilmember Cox stated that he wanted to comment on what he thought were the two most important major issues (1) Public awareness - he hoped that the Federal Government cuts back on some of its Federal programs, and then puts the monkey on Council, but in so doing they will be accepting one of the most tremendous responsibilities and requirements to educate the public on why they do things. He was not sure that they had the will, the organization, the talents, nor the skills to do that today. When he looked at the survey he took, when he has looked at the meetings, and when he has talked with the people on the street, the vast majority of the people, 80 to 90 percent, are completely opposed to barricading streets. He thought they ought to have at least a 60-10 percent to have a good shot at maintaining the vital, crucial, confident relationship between government and the people

(2) The second most important issue facing the community was transportation planning. It was obvious that the public lacks confidence in Council's ability to make price long range road programs. They do not have the tools nor the organization, nor (partly) the will to educate the public on this

He thought that they could do some work for Council and it takes a lot of time to get it done. He thought that the public would do nothing on their own. He did not think that

He thought this because those of them that vote to take it down could be wrong. Those of them who really vote to keep it up could also be wrong. It was not that black and white of an issue. He hoped that they would be able to deal with it - that they will be able to do something that keeps the door open for something to happen in the future that will either strengthen the action that they take or that will leave it like it is. This is why he supported hearing from Mr. Corbett. He would like to do something for Colony Road, other than taking the barricade down.

Councilmember Leeper stated that it was really important that they take a vote on this as he said earlier, because it was important for their staff to understand that out of all the work that has been involved in this that they are really serious about some of the policies that they have developed related to the preservation of neighborhoods in our community.

He thought that because of the different positions that have been taken in this, it is not necessarily bad in the community. He thought that there might have been, looking on the bright side, some positive things come out of this. It has at least helped people on different sides of the street to get to know each other a little better. They may not like each other any more, but he thought at least they know a number of their neighbors now.

He thought that this has been at least one mechanism to bring citizens out to give some input into local government, to give them some direction in some sense. Some of the recommendations that Mr. Corbett has and probably will be developing as alternatives to cut-through traffic in many other communities might be information that has come from some of those citizens who have been totally opposed to closing a street. That those are some of the positive things that has come out of all of this concern about cut-through traffic and preservation of neighborhoods.

Councilmember Leeper stated that the City has made a great deal of long-term commitment to the public transit system. One of the reasons he feels so strongly about addressing this particular problem with the way that our Engineering Department has recommended is directly related to our transit system. He thought that with the amount of dollars that have been invested in our system with the effort they are making to encourage the public to use our public transportation system more - this just might be a sign. The opening up of Colony Road just might be a sign to the public that this Council is in essence going to continue to make it convenient for citizens to move in and around Charlotte and through neighborhoods. It may be a step backwards towards their efforts in cleaning up the air in this community. They have a Federal mandate to move towards making this air cleaner in this community. He thought that one of the ways they can do that is by less dependence on the private automobile. Obviously, there are many people who want and will continue to use a single-family automobile. So he thought that it was a responsibility on the governing body to encourage as much as possible while they try to protect the vitality of their community, the use of their public transportation system.

He said that he fully concurred with the Traffic Engineering Department. That he would not intend to try to act as one, although he has been accused of that in the past. He supported their recommendation and would support the motion.

Councilmember Berryhill stated that about ten days ago he called Mr. Corbett and asked him to investigate installing a median or connecting the median that now exists turning onto Colony Road instead of going straight up into the school connecting that median to prevent left turns going from Sulwyn Avenue over to Runnymede Lane.

Councilmember Berryhill then made the following substitute motion:

1. That they connect that median, preventing traffic going from Sulwyn Avenue over to Runnymede.
2. That they re-design the traffic signal at Runnymede and Colony Road and let it be controlled by itself considering what will deter traffic from going straight over onto Colony Road and enable either left turns or right turns onto Runnymede.

3 That parking be permitted on Colony Road, and further that these items be refined by the Traffic Engineering Department in the way that they would work best

The substitute motion was seconded by Councilmember Spangh

Mr Burkhalter stated that he could not honestly recommend to Council that this recommendation is proper. That they have tried to be very independent and very impartial in this matter of cut-through traffic. This has been a burden on their department. If Council wants them to handle the cut-through traffic, he wished they would tell them but they have set up some parameters in which staff has to operate, and one of which is to bring and get the public involved. They have had a real good public hearing on this matter, and the matter was whether or not to close Colony Road. They had a lot of people there, and they did exactly what Council told them to do. When they closed it, they closed it on the recommendation of the neighborhood who studied this

He stated that Council must recognize the fact that they were going to get one-sided opinions every time they did this, because that procedure does not bring anybody into the hearing process or the development process except those involved. That it was up to Council to weigh these balances between everybody else when it comes before them, which he thought they had done. So then they come up with this recommendation of the community that this be closed and done. At the end of this trial period, they came to Council with the facts in the matter - exactly what happened and they did exactly what Council asked them to do.

Mr Burkhalter stated that now if they do something other than that, he hoped they did not do it tonight but would be glad for Mr Corbett to discuss it with them - he had no objection to it whatsoever. But he was concerned that they would start talking about a whole new treatment of Colony Road tonight because what he said did stop Colony Road. It is a blockade in one direction on Colony Road which directs a lot of traffic through the school. It has a whole unitation in this neighborhood. That if they were going to debate it, they should do it, but he thought they had some real problems about this.

Councilmember Troesch stated that Mr Berthall's proposal may be a workable alternative, because she had talked with Mr Corbett about it. Her problem was that she thought they needed to vote up or down the proposal that was heard at the hearing for many reasons, one of which involves some other proposals that are coming before them and the whole petition process itself.

She said that she would hate to not support his motion if it is a good compromise when in fact what she may support does or does not pass. That Traffic Engineering has been most professional, they have backed up the pros and cons of every suggestion in very detailed information to them. She said that she would be more comfortable with the process of voting up or down the issue that they heard at the hearing, and then if it fails she would totally support going and finding that compromise. It seemed that all of a sudden they were back at Amity Place and Boston Avenue when Council decided they were the Traffic Engineers and created a horrible situation for two blocks in that area with more misunderstanding of the people who lived there during this outcry. That was her problem with supporting Mr Berthall's motion at this point.

Councilmember Dannelly stated that he was sure that what Mr Berthall read out were some good alternatives. That he very well may go along with it. He agreed with Mr Burkhalter it was sort of putting Traffic Engineering on the line. He was certainly for finding some other alternatives he was definitely not for removing the barricades and giving Colony Road as it used to be with that tremendous amount of traffic. That he was definitely for doing something to discourage that volume of traffic. If this is voted down, then it was sure that this Council would instruct Traffic Engineering to come up with something and they would come up with something good. He was sure that there were some other effective alternatives. The barricades were just the easiest way of stopping it.

Councilmember Carroll stated that he agreed with Mr Dannelly, and he was going to vote against this - not because it was a bad idea, but because he thought they needed to take it up at another time

Councilmember Carroll then moved the previous question The motion was seconded by Councilmember Trosch and carried unanimously

The vote was taken on the substitute motion made by Councilmember Berryhill, and failed as follows

YEAS Councilmembers Berryhill and Spaugh

NAYS Councilmembers Carroll, Chafin, Cox, Dannelly Frech, Leeper, Selden, and Trosch

Mayor Knox stated that they were now on the main motion to close Colony Road and that it was his understanding was that he would be breaking the tie He said that the people had well presented their sides of this case, some had worked hard, long, and diligently for the position That there were merits on both sides of the controversy He said that he would hope that maybe the neighborhood would have worked out some compromise themselves Sometimes it becomes very difficult for people who are seated in the position that they are in to become the compromisers, to work out the technical details That even though they have the access of staff, he thinks sometimes that the neighbors themselves are better put to resolve those differences

Mayor Knox stated that one of the things that has happened to this neighborhood was very indicative of what is going to happen to all the neighborhoods if they barricade streets - that is, that people are going to continue to not only not work them out, but they are going to get wider apart He was concerned about the lack or absence of unity, and almost the disruption that is occasioned to neighborhoods

He said that he went out Saturday night at 11 30 p m and rode that street The only thing that was on it was the kids leaving Myers Park High School, but he did observe that there was 3/10 of a mile exactly from Runnymede up to the barricade, and from the barricade to Selwyn Avenue there was 3/10 of a mile There was one house on the 3/10 running back to Runnymede, and there are forty-four (44) homes on the other portion That part of Colony Road that extends back to Runnymede seems to him to not only be a neighborhood street but conducive to carrying even thoroughfare traffic There is a real serious problem affecting those people in the forty-four homes, who live on the main part of that street

He stated that he did not believe that it was in the best interest of the people of this community that they barricade streets even in the significance of neighborhood preservation That he thought the overriding fact was that it is disruptive He thought that there was a potential that they could out the solution we all must bear some burdens He thinks of the people who live on Wendover Road, those who must live on Colony Road, those who live on Farm Pond Lane, who for some reason did not get enough signatures of those who object to it to have a petition heard He was familiar with Norland Road, where people cut through steadily But historically this body has never closed a street permanently to his knowledge other than where there has been mutual consent and where the access is no longer significant

Mayor Knox stated that for that reason and because he indicated that he thought it was significant some time ago that they not barricade streets until he finds a more viable alternative he would not vote for barricading this street

He stated that he understood that if the motion fails, that this also removes the temporary barricade Mr Underhill, City Attorney, responded that as correct

The vote was taken on the main motion to close Colony Road, and was recorded as follows

YEAS Councilmembers Cartoll, Chafin, Frech, Leeper, and Troesch

NAYS Councilmembers Berryhill, Cox, Dannelly, Selden, and Spaug

Mayor Knox broke the tie by voting against the motion

Councilmember Chafin stated that she wondered if they could hear from Mr Corbett before they left the meeting tonight, and at least begin the process of developing an alternative and perhaps make some kind of arrangement for relief for that neighborhood until such time as an alternative can be implemented. That she would hope this Council would agree to that

Mayor Knox stated that they needed some public consumption and let those neighborhoods go back, and maybe the two sides could get together and see if they could work out some of their differences. He would encourage the people who are on the prevailing side of this motion to work as hard as it as those who are on the losing side, because it was very important that something is attempted to be worked out

Mr Bernice Corbett, Traffic Engineering Director, stated that he hoped that Council would appreciate that on the many months and years that the Traffic Engineering has been involved in this project and the permanent closing that was brought to them about both the temporary and the permanent closing of Colony Road was not done lightly. It involved a lot of effort on their part, that they considered many many alternatives - alternatives which had to do not only with street closing but they considered such things as one-way streets, turn restrictions, median enclosures, parking restrictions, and traffic signal changes, removals, and additions

As part of the Barclay Downs Neighborhood Through-Traffic Project, certain changes were made in an effort to remove traffic from Barclay Downs which would add to that traffic on Colony Road, particularly that section between Rimmlynde and Sharon Road. With all of this going on at the same time that the Colony Road project was going on, it was most difficult for them to arrive at a decision. They arrived at a decision and recommended to Council what they thought was the most effective means of deterring through-traffic on Colony Road

Since Council has made a decision which would ask them to come up with other recommendations, they have looked back over the past several days at some of the earlier things which were considered, ideas brought to them by people in the neighborhood, Councilmembers the manager's Office, and others. They have attempted to put together a combination of these things which they think, since they are not going to barricade the street, would be the most effective in controlling through-traffic on the section of Colony Road between Rimmlynde and Selwyn Avenue. He stated that these were on the list which was passed out to Councilmembers. He said that their department would be happy to discuss each one of them at length should they care. They will not be, of course as effective as the earlier proposition

Mayor Knox suggested that they afford a copy of this to both Mr Hodges and to the other people who were in opposition to it, and that they forward a copy to the media for public consumption. If there comes a time when the matter needs to be discussed, they could refer it to the Transportation Committee

Councilmember Chafin asked was it possible until this was resolved for the temporarily barricade to remain there

Mr Corbett stated that if the Council is desirous of the Traffic Engineering Department proceeding with some other ideas he would recommend that the barricade stay in place until they have time to perform those functions that they are asked to do. He stated that he would be pleased to be involved in the process

Mr Corbett stated that if Council were to approve the things that had been put before them today or some other alternatives within the next couple of Council meetings, he would estimate it would take them some sixty (60) days after that to perform the three things he had given them on the material, anything else may take a little longer. The main thing would be procuring traffic signal equipment. But sixty days after Council made a decision, they would be ready to go and the barricade should probably stay during that period of time.

Councilmember Trosch stated that she thought the people who opposed the barricade as well as those who supported it, realize the problem on Colony Road, and obviously those who opposed the barricade feel that they have had a victory this evening. She would hope that for the two-month period Mr Corbett says it will take for the process, or at least for the two weeks until Council decides, some sensitivity would exist between those people who have had happen what they wanted to happen - the barricade coming down - and those who wanted the street closed.

Councilmember Selden stated that he had a great deal of sympathy with the people on Colony Road in terms of the disadvantage of removing the structures immediately. He wanted to express a grave concern on the other side that Barclay Downs' traffic signals were directed several months ago and are not yet up. That he was not questioning Mr Corbett, but he would like to propose that they leave the barricade up for a period of two weeks, pending two things: (1) action on the part of Council in terms of these alternatives, and also (2) an evaluation of what a real schedule would be to put the signals up. He realized that Mr Corbett had given his best estimate, but the reliance on schedules may be difficult. That he would like to leave that somewhat flexible as to a final decision as to when to remove the barricade, hoping that they could get a prompt action on whatever alternatives they put in.

Mayor Knox stated that he had asked the question of Mr Underhill if he was of the opinion that if the motion failed, was it tantamount to taking down the barricade, and he indicated that it was. This was the way it was announced and that was the way it would be, unless the motion is changed.

Councilmember Dannelly stated that one thing that would give some relief within the next two weeks would be that Myers Park would be closed. That will pull a lot of fast traffic out, or at least it would help. It would give this Council a chance to do something. He did not think that two weeks would hurt to allow the school to close, which will happen on June 12.

Motion was made by Councilmember Selden, seconded by Councilmember Dannelly, that the barricade be left up for a period of two weeks. That way they would have time to take further action, if they pass these things and had a six-week schedule of implementation, they might take a different view.

Councilmember Loeper stated that he had a grave concern about the way they are going about doing this. That it seems to be very piecemeal and not in the comprehensive way that they sought to try to resolve cut-through traffic when they started out. It seems that they were trying to rush through and make some kind of compromise effort that he did not think was fair, either to the Traffic Engineers or to the citizens. He said that if they were going to make a decision, he thought they ought to take the adequate time to make it.

He said that some of those people who were opposed to this got up and left the meeting after the motion was passed assuming that the barricades were going to be taken down. He was opposed to it, but he thought the motion indicated that they were going to be removed, and he thought they ought to do that. That they ought to take the time that is necessary to give Mr Corbett a chance to evaluate the situation out there and come back and make some sensible recommendations to Council that they could live with. He did not perceive doing this in a piecemeal fashion. He thought they were trying to rush to justify the decision that they just made and did not think it was fair.

The vote was taken on the motion to leave the barricades up for an additional two-week period, and carried as follows

YEAS Councilmembers Berryhill, Chafin, Dannelly, Frech, Selden, Spaugh, and Troesch

NAYS Councilmembers Carroll, Cox, and Leeper

Mr. Burkhalter stated that he was concerned about the process. Is the Council ultimately now going to answer this problem, and if so, are they to come back to Council with their recommendation?

Mayor Knox observed that this information that Mr. Corbett had distributed was for public consumption, and assumed that the media would say that these were things suggested by that, maybe these neighbors might meet and see if there is something that they could live with - that maybe some compromise could be reached. He was not asked to tell Council to do anything.

Councilmember Cox stated that one of the things that happened during this process was that they did not get their act together and go to the people with what they thought the reasons were for taking the action they took before. The reason he voted against the preceding motion was because it seemed to him that what they have to do is to explain what they are doing and the reasons they are doing it. That to him it is as important for Colony Road as it is for Reddman Road and as it is for the other thirty petitions that they have lined up behind these. They have to take the time to do that that is why he voted to take the barricade down. They have a bigger job to do to convince the public and to decide whether these three items were the most important things. That the public needed to understand why they are doing these things. He did not think that they had done their job of doing that. They should take the time, even if it takes six weeks.

One of the things they need to do is to have some kind of public hearing that they need to try to explain the rationale behind this action, even if it is putting something in the newspaper. As it is right now, they have to depend upon the media to explain and to make sense out of the "circus" that they have been going through tonight. He did not think that was possible. He suggested that they back up, sleep on it for about a week, and come back and get their act together.

Mr. Burkhalter stated that while they were doing that, it was hopeful that they would maybe decide that if they have neighborhoods that have driving traffic problems, that they would let the Traffic Department proceed to do some corrective measures, rather than going through all this process to start with. The thing that they have succeeded in doing is getting a lot of people disappointed because they have made some recommendations, which in most cases just do not "jibe" with what the rest of the people think. Council has told them that they could take some measures that were restricted that would do this. But they still have the process they are supposed to go through involving this, and he thinks they could do this, unless it was about closing a street which they recommended, with repercussions not being that heavy.

Mayor Knox stated that as a matter of policy, they do not close streets, as a matter of administrative relief, now that there are now problems, the staff people have the right to make some corrective actions. Mr. Burkhalter stated that in the case of this one they would not do it without coming back to Council, it is a \$12,000 cost on putting in a sign and they ought to be involved.

ORDI. ACCT. NO. 67-X TO PROVIDE AN APPROPRIATION FOR A LOCAL GOVERNMENT EMERGENCY RELIEF PROGRAM

It was ruled by Councilmember Carroll, seconded by Councilmember Dannelly, and carried unanimously to adopt a budget order to provide an appropriation for a local government emergency relief program, in the amount of \$25,000.

ORDINANCE NO 368-X APPROPRIATING \$145,000 FOR ENGINEERING AND RIGHT OF WAY COSTS FOR WATER AND SEWER PROJECTS IN THE 1980 ANNEXATION AREAS

Motion was made by Councilmember Selden, seconded by Councilmember Dannelly, and carried unanimously to adopt the subject ordinance

The ordinance is recorded in full in Ordinance Book 29, at Page 140

RESOLUTION AUTHORIZING CITY STAFF TO SUBMIT AN APPLICATION TO THE NORTH CAROLINA LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF WATER AND SEWER BONDS

Motion was made by Councilmember Berryhill seconded by Councilmember Selden, and carried unanimously to adopt a resolution authorizing City staff to submit an application to the North Carolina Local Government Commission for approval of water and sewer revenue bonds in the amount of \$3,000,000

The resolution is recorded in Resolution Book 16, at Page 55

APPOINTMENTS TO THE SPIRIT SQUARE BOARD OF DIRECTORS

(a) Patricia Heard's position

Council was advised that the following nominations were made in the meeting on May 19, 1980

- 1 Patricia Heard, nominated by Councilmember Dannelly
- 2 Richard Knie, nominated by Councilmember Berryhill

The results of the ballot were as follows

- 1 Patricia Heard, 6 votes (Councilmembers Carroll, Chafin, Dannelly, Frech, Leeper and Trosch)
- 2 Richard Knie, 4 votes (Councilmembers Berryhill, Cox, Selden, and Spagh)

Ms Patricia Heard, having received a majority vote of six, was re-appointed

(b) Eleanor Brawley's position

Council was advised that the following nominations were made in the meeting on May 19, 1980

- 1 Eleanor Brawley nominated by Councilmember Selden
- 2 Sandra Cummings, nominated by Councilmember Leeper

Councilmember Leeper asked that Ms Cummings be removed from the nominations

Motion was made by Councilmember Carroll seconded by Councilmember Selden, and carried unanimously to reappoint Eleanor Brawley to the Spirit Square Board of Directors by acclamation

CONSIDERATION OF NOMINATIONS TO FILL ONE POSITION ON THE HISTORIC DISTRICT COMMISSION, DEFERRED

Council was advised that W Crutcher Ross's term (serving on recommendation of the Planning Commission) expires on June 30 1980. Mr Ross is completing a three-year term. The Planning Commission has not made its recommendation because a quorum was not present at its last meeting.

Motion was made by Councilmember Chafin seconded by Councilmember Selden and carried unanimously to defer these nominations for a recommendation by the Planning Commission.

CITY COUNCIL TRANSPORTATION COMMITTEE MEETING

Minutes

June 12, 1980

Members of the meeting in attendance were Councilmembers Tom Cox, Chairman, Dave Berryhill, Herb Spaugh, Minette Trosch, and Traffic Engineering Director B. A. Corbett.

Chairman Cox brought the meeting to order.

The committee reviewed the three (3) alternatives presented by Mr. Corbett relative to Colony Road. Mr. Corbett furnished the members of the committee with copies of the proposed alternatives and two maps.

Alternative #1 - Cost: \$500.00

Permit parking on both sides of Colony Road from the entrance road to Myers Park High School to Selwyn Avenue except from 8:00 a.m. to 3:00 p.m. on the west side. The primary purpose of this recommendation is to restrict the width of the roadway which is 30' wide without parking to make it as narrow as possible in order to discourage traffic and to assist it in moving slowly.

Chairman Cox asked Mr. Corbett to give him the advantages of each proposal.

The advantage of Alternative #1 is it effectively narrows the roadway, makes it less attractive to through traffic as there would be two very restrictive lanes left, (normally you would hope for 10 to 12 feet for a through traffic lane, and in this case you would have 14 to 16 feet for two lanes which is normally considered an unsafe condition.

Disadvantages are: one, the parked cars on both sides serve as a hindrance from the standpoint that a person could step out from behind one and not be seen easily; second, the possibility of a moving vehicle striking a parked vehicle which is the same on any other street.

Chairman Cox asked Mr. Corbett if this alternative could be implemented immediately. Mr. Corbett stated "yes" and at very little cost.

Councilmember Spaugh asked Mr. Corbett if a traffic circle could be placed in this area. Mr. Corbett stated there was not enough room for this. To put in a functioning traffic circle, the City would have to purchase a considerable amount of right-of-way.

Alternative #2 - Cost: \$1,000.00

Close the median opening where southbound vehicular traffic turns left from Colony Road at the intersection with the entrance to Myers Park High School. The proposal would extend the median through the opening - the main purpose being to prevent traffic traveling from Selwyn Avenue from going all the way through to Runnymede Lane.

The major advantage of Alternative #2 is that it eliminates the opportunity for through traffic to move from Selwyn Avenue through Colony Road to Runnymede Lane.

Alternative #3 - Cost: \$12,000.00

Alter the traffic signal at Runnymede Lane and Colony Road to favor northbound left turns onto Runnymede (Belt Road) and penalize northbound through traffic by providing a short fixed green.

This alternate does not provide an opportunity for people to turn left coming from Runnymede into the main entrance to the school. But, they can still get to that location by two rear entrances.

Councilmember Spagh moved that the committee recommend the three (3) alternatives to City Council for their implementation. Motion was seconded by Councilmember Bertyll and was passed unanimously.

The meeting was adjourned.

Recorded by P. Batts

AMENDMENT TO CONTRACT AGREEMENT BETWEEN CITY OF CHARLOTTE AND GETHSEMANE  
ENRICHMENT PROGRAM INC. RELATIVE TO A SPECIAL EDUCATION PROGRAM FOR  
COMMUNITY DEVELOPMENT AREA YOUTH

Motion was made by Councilmember Selden seconded by Councilmember Trosch,  
to approve an amendment to the contract agreement, dated June 12, 1980,  
between the City of Charlotte and Getsemane Enrichment Program, Inc.  
relative to a special education program for Community Development Area  
Youth, increasing the contract amount by \$50,314. The motion carried  
unanimously.

APPROVAL OF REQUEST FROM FACTORY MUTUAL ENGINEERING TO SERVE BEER AT  
OFFICE PICNIC IN FREEDOM PARK ON JUNE 30, 1980

On motion of Councilmember Locke seconded by Councilmember Selden,  
Council approved a request from Factory Mutual Engineering to serve beer  
at their office picnic in Freedom Park on June 30, 1980, from 12:00 noon  
until the park closed.

The vote was recorded as follows:

YAYS Councilmembers Berryhill, Carroll, Chafin, Cox, Dannealy, Frech,  
Leeper, Locke and Selden  
NAYS Councilmembers Spaugh and Trosch

CONSENT AGENDA APPROVED

Motion was made by Councilmember Selden, seconded by Councilmember Chafin,  
and carried unanimously, to approve the following consent agenda items:

- (1) Resolutions providing for public hearings
  - (a) Public hearing was set on Tuesday, July 15, 1980, at 9:00 a.m. in the Council Chamber, on Petition No. SUP 80-3 for a special use permit.
  - (b) Public hearing was set for Monday, July 28, 1980, at 3:00 p.m., in the Council Chamber on Petition Nos. 80-29, 80-31, 80-32, 80-34 and 80-35 for zoning changes.
  - (c) Public hearing was set on Monday, July 28, 1980, at 3:00 p.m. in the Council Chamber to consider the adoption of zoning text and zoning districts for the Sardis Road Area annexed by the City of Charlotte.
  - (d) Public hearing was set for Monday, July 28, 1980, at 3:00 p.m. in the Council Chamber, to consider the adoption of a subdivision ordinance for the Sardis Road Area annexed by the City of Charlotte.
- The resolutions are recorded in full in Resolutions Book 16 at Pages 79 through 82.
- (2) Special Officer Permit to Calvin Junior McClure, 1157 Cardigan Avenue, for a period of one year for use on the premises of Douglas Municipal Airport.

Councilmember Cox, Chairman of Council's Transportation Committee, moved adoption of a resolution providing for speed limits and controls on Clonk Road. He stated there were three reports received by the committee and recommended to the full body and requested that the Traffic Engineer describe the recommendations to Council. The motion was seconded by Councilmember Trosch.

Mr. H. V. Corbett, Director of Traffic Engineering, used charts to describe the three recommendations

I Permits parking on both sides of Colony Road from the entrance road to Myers Park High School to Selwyn Avenue, except from 8:00 a.m. to 3:00 p.m. on the south side

Parking is presently restricted on the right hand side all the time and on the opposite side from 7:00 a.m. and from 2:00 p.m. to 3:00 p.m. Basically, what this would do would be to return parking to both sides of Colony Road between the circle and Selwyn Avenue, except from 8:00 a.m. to 3:00 p.m. on the right hand side. That would permit school traffic to and from the school

II Close the median opening where southbound vehicular traffic turns left from Colony Road onto Colony at the intersection with the entrance to Myers Park High School

At present there is a median opening where you can come from Selwyn Avenue, turn left and go on to Runnymede. That median opening will be closed under this proposal. Any traffic that wishes to come from Selwyn, go left and go towards Runnymede would have to come up, use the circle, turn around at the end of the median, come down and turn right and go onto Runnymede. The main movement which would be prohibited would be that movement coming from the right on Runnymede to turn left into the high school. They would no longer be able to do that. Instead, it would have to use one of the two rear entrances - one which comes off of Colony Road and comes in by the tennis courts, or the opposite entrance which comes off of the belt road

III Alter the traffic signal at Runnymede Lane and Colony Road to favor northbound left turns onto Runnymede (Belt Road) and penalize northbound through traffic by providing a short fixed green

The idea here would be to change the pavement markings. Presently the left hand lane is a combination of left and through, and the right lane would be right turn only. This would be changed so that the right lane would be right turn only and the left lane would be left turn only. The traffic signal would be altered in such a manner so that the left turn movement onto Runnymede, or the belt road, would be favored very heavily, at the same time penalizing that movement which would go through and on up Colony Road towards Runnymede, and of course, the reverse in the opposite direction. This would be done by replacing the traffic signal controller which is not presently capable of accommodating that change

He stated the total cost for all three alternatives would be \$13,500, the major cost being the replacement of the traffic signal controller which would be \$12,000

Mr. F. O. Clarkson, 3250 NCB Plaza, stated that the second alternative that has been presented will, in effect, dump the traffic that is coming off of Selwyn Avenue onto the principal campus of Myers Park High School. That he had wondered today whether or not a representative of the school knew anything about this, so he took it upon himself to call the head of the Charlotte-Mecklenburg School Transportation Department and, as of 10 a.m. this morning he had not been contacted and did not know any more. In the newspaper. This afternoon, he took it upon himself to contact Mr. Frank Roszell, principal of Myers Park High School, and he had not been contacted nor knew anything other than what had read in the newspaper or heard in the media

His went is this (1) If these people want to park on both sides of the street he does not care just so long as it can start at one end of the street. It is a hazard and some back the other way. Because of the school traffic engineering department. In a hazardous situation, but he will leave that up to them. The alternative that he has the most problem with. They do eliminate all of the traffic from the main road coming towards Selwyn Avenue to the principal part of the Myers Park High School

School campus because it will not be able to turn left off of Colony Road into the high school. Also what they will be doing is taking all of the traffic that comes from Sciwan Avenue and prohibiting it from going any further than the curve where you cross the creek and dumping it into the principal Myers Park High School campus. They say they will eliminate that, well they eliminate that by eventually letting it go around the circle and on out the other side. You can go through there now if you want to and go around by the auditorium and come out on the other side of the barricade. But, anytime, particularly in a high school situation, where you add one excess vehicle on a campus that does not have to be there, you are creating safety problems. So, they are penalizing the high school.

(3) This alternative is a "Nickey Mouse" one - to buy a \$10,000 stop light situation. He did not think they need to spend the money for that.

He stated that Mr. Corbett says that what he is about to suggest is "bush league" but it would seem to him that where Roswell Avenue comes into Colony Road is right in the middle of the two blocks where they get all the complaints. Put three stop signs up there like they have done on Beverly Drive, or four stop signs like they have done on Birchdowns and you have the traffic stopped - it has to slow down to stop and has to start back up - and by the time it gets away from these folks' houses, you do not have a speed problem. He would recommend that they do this - open up the barricade and see what happens, maybe during the nine and a half months that this street has been closed people have changed their traffic patterns. Maybe, now that they have gotten back onto the Runnymede area, they will stay there. That what he is suggesting is rather than being stampeded into doing something that may be foolish, and may be costly, open it up, let it stay open until, say, thirty days after school opens then do a traffic study and let's see where we are. If we have problems then let's find a sensible solution to them, if we do not have problems then they will not have to do anything.

Mr. Bill Houghes, 2221 Colony Road pointed out that what they are talking about is a compromise solution to a problem which has been very well documented over the past two and a half years. He also reminded Council that the residents on Colony Road - 56 percent of these residents - have been there since before 1945 and they have seen quite a few things come along that have been compromising in nature to their lives.

First of all in 1950 a high school was built without consultation or permission from the neighborhood. Two-thirds of the residents of this street lived there before 1960, and that year, without consultation with the neighborhood, they were forced to compromise again when the road was extended and connected up to Runnymede. They compromised again in May of 1979 with the school officials so that they would support the barricade. Colony Road is not closed today in total deference to only those people who want to drive through.

The 1977 resolution on cut-through traffic establishes the city policy of limitation of cut-through traffic. If Council is serious about this policy of neighborhood preservation, the time is now to ask the "cut-throughs" for a little bit of compromise themselves.

He recalled that Mr. Clarkson had stated that the road should be opened for two or three months and see what would happen, and stated they do not have to wait that long. That some of Mr. Clarkson's clients have already unlawfully removed the barricade. It was torn down last Tuesday or Wednesday with the result that on Thursday morning as he walked to the bus stop he saw a wreck at the intersection of Roswell Avenue and Colony Road. It was a rear end accident, a police car was there, and they can get the details from the Police Department.

On the idea of studying and doing further testing, he would remind them that their neighborhood has been studied and tested for the last two and a half years. He honestly did not know what else they would find by studying the traffic around that neighborhood anymore. The City policy is established, the facts are in their hands and the time is now to act.

He stated that Mr. Clarkson had said that this was a grave mistake - it could throw more traffic into the high school. But if they will look at the map, the median, but they are talking about closing has been

closed for nine months exactly as it is proposed to be closed right now  
up until now, traffic has been limited in both directions. All they are  
talking about now is limiting it in half of that direction. At the very  
most, you would have a 50 percent reduction in any traffic that may be  
cutting through the high school, and the Traffic Engineering Department  
found that this was not a problem in the first place.

In regard to Mr. Clarkson's comments about talking to school officials  
- on the date of the hearing three weeks ago, when this matter was discussed,  
he talked with Mr. Frank Rozzell about it. He is aware of it, and he does  
not have any problems with it.

Councilmember Leeper stated he was a little concerned about the first alter-  
native. That he was finding it hard not to be a traffic engineer. He was  
concerned about the fact - he lives on a neighborhood street that has cars  
parked on both sides of the street and that can be a hazard with the possi-  
bility of children darting out between cars. He asked if we had used this in  
any other kind of situation - where they have recommended that cars be  
parked on both sides of the street?

Mr. Corbett replied that this was probably the first time that the Traffic  
Engineering Department had recommended this for this purpose, their usual  
move is to take parking off, however, their recommendation in this case is  
probably no different from the situation which exists on the majority - and  
it would lean toward 100 percent - of the residential streets in this city.

Mr. Leeper stated he would probably support the recommendation but he wanted  
to make that comment. Also it concerned him greatly that Council has been  
somewhat responsible for creating this situation in one sense, and that  
is, that now even after they have obviously stated a position, there still  
seems to be no area of compromise in this particular problem. He would  
like to make one comment related to Council's policy. The policy has been  
established and a part of that policy indicates that alternatives to neigh-  
borhood cut-through traffic would be considered to closing the streets.  
He was really concerned that they ought to change that policy or give a  
great deal of discussion to that particular aspect of the policy. He per-  
sonally feels that it misleads the public when they assume that as a rea-  
sonable alternative, but the majority of Council has indicated that they  
will not consider blocking or closing streets for the purpose of preserva-  
tion of neighborhoods or cut-through traffic. He certainly hoped that  
Council would consider re-looking at that policy and maybe even taking out  
that particular part of it if they agree that there is no intention on  
their part to close streets for the purpose of preserving neighborhoods  
or altering neighborhood cut-through traffic.

Councilmember Troscer stated that she had the same problem in that she felt  
people had spent hundreds of hours with this petition process, and it ought  
to be out front, on the line as far as what their options are. However,  
she felt that with the Mayor's Transportation Committee reporting back -  
they have a sub-committee that is dealing with this - it will come as a log-  
cal thing on their agenda to have to consider when that report comes out  
she thought that it was time, because there are many more areas that are  
dealing with the same thing. They got telephone calls from the press on  
what is going to happen to Reddman Road, they say that they cannot say what  
other Councilmembers will do, but she thinks this is obviously something  
they need to study.

She said that whether that was a "do-able" option or not, she hoped that the  
time would come shortly when that committee points out

She stated that this is a permanent type of thing. She asked Mr. Corbett  
was he planning to expand that median. It came up in committee that this  
was on private property on the school. The red road is possible without  
going to the school unless it is extended far enough that it makes it a  
useless median.

Mr. Corbett stated that at the present time they are not planning on ex-  
tending it. It is a later date it becomes a serious problem. They think  
would consider it. They will not put it in until it is a serious problem.  
From the School Board they could expand it up to the street.

Responding to a question by Mayor Knox Mr Corbett stated that the School Board could close the road through there to people other than students. If they did, then they would have to look for some other alternative. This has been discussed with Mr. Roswell and he has approved of everything that has been done or proposed up to this point.

Mr Corbett stated that the intent was that if this action is approved and installed it would deter traffic from using this route. That if anyone wanted to go the long way out they still can and get all the way through from Selwyn to Runnymede.

Councilmember Trosch asked if they as a Council could be given some kind of evaluation in six months as to whether this has helped and what kind of help occurred. She was asking for just an evaluation. Mr Corbett responded yes.

Councilmember Seiden stated that the majority of this Council has expressed themselves against the barricade. That this proposal actually makes it essentially, a one-way street. If they were dealing with Hampton Avenue or Third Street, something like this, and came out with a one-way street proposal because it looked like it alleviated certain traffic problems it would go on through.

He was not saying that this is the total answer. He was saying that in effect it is essentially making it a one-way street, although some traffic can flow through in the opposite direction. His greatest concern is the increase in traffic on Chilton Place and Sharon Road. This action will perhaps relieve some of that, it will relieve it in the morning considerably. He was not sure that it would relieve it in the afternoon. However he was willing to go along with this as a basic compromise and see what it does and the effects it has on Sharon Road, Chilton Place, and see what the action is. They can always change it if necessary.

Councilmember Dannelly stated that there was an old saying - a barricade is a barricade and this is no real compromise. This is a semi-barricade, and the public knows that is playing games. He said that he has some grave concerns himself. He was sure that some children live on that strip of Colony Road, and parking on both sides of Colony Road increases the chances for children being injured by automobiles and anything else on that street. It seems to him that besides parking on both sides of the road, it seems kind of narrow also to carry two lanes of traffic and that parking. He said that any school administrator would be quite concerned about the dumping of traffic on a school campus, and this does, whether it goes to the circle or circles around and comes back.

He said that a senior high campus certainly has enough traffic of its own, besides anyone else's traffic. That the semi-barricade is going to definitely cause some problems for the children. He felt that less drastic alternatives have not been taken to discourage cut-through traffic on Colony Road. He views the semi-barricade as not being a compromise.

Relative to the resolution, he would want to know how long it will take to implement this if it passes, particularly Items 1 and 2. After two weeks, he thought they were going to open that road up.

Mr Corbett replied that if Council passes Items 1 and 2 this afternoon, they could be in operation no later than Wednesday of this week. That Item 3 would take approximately sixty (60) days.

Councilmember Dannelly stated that he did not consider himself to be a traffic engineer but they all seem to play the game. He did still did not feel that they have tried some other less drastic alternative that would work quite effectively. He saw nothing wrong with something that was said earlier to take it down and leave it open for thirty days, now that school is closed, and see what happens then. They have already passed the six months that they promised the citizens so why not take it down for thirty days and see whether traffic increases to any great extent? He said that he could not support this because it was playing games.

Mayor Knox asked if Hodges did he think there is a general understanding by the people in the neighborhood of these specific compromises. Did he think that people generally know what the compromises are and what they are going to mean?

Mr. Hodges stated that he thought everyone recognizes that access will not be limited to the degree that it was. That access means that residents will have greater access in and out of the neighborhood, that 75% of the residents supported the most drastic restriction of access.

Mayor Knox asked did he think that in his neighborhood most people realize what Council is about to do in passing these three recommendations. Mr. Hodges replied yes.

Mr. R. P. Majors, 2749 Picardy Place, stated that he strongly disagreed with that. That he expected the barricade to come down, as Council had voted to do.

Mayor Knox stated that this Council has had sort of a public information of having everyone know what is happening. He asked did he feel that people have an understanding of these three proposals. Mr. Majors replied that he did not.

Mayor Knox stated that whatever they do, they need to be exact about it. That having people understand what they are doing is very important. He thought that there ought to be some emphasis about public consumption about what they are going to do.

Ms. Mary Wynnemaker, a resident of the area, stated that she could not believe that anybody that receives any kind of channeled communication did not know about Colony Road. It certainly has been in every newspaper and it has been on television, she understood they interrupted a program to say that City Council had voted against a road closing.

She thought that it had been well publicized. She found it interesting that all of those who were opposed to the barricade, strictly against safety factors for the community and the children - because of 9,000 cars a day are now worried about two or three cars being parked on the side of the street with traffic coming through. It certainly was a precarious cause for them to be supporting it at this time. She did not feel that there were without publicity on the event and could assure Council that there were a good number of residents on Colony Road present at the two meetings which Mr. Hodges held and the proposal was discussed in detail.

Mr. Hodges stated that this process started two and a half years ago and it involved three neighborhood meetings. The meetings took place at Park High School, and notices of these meetings were sent to every resident in Club Colony Estates, including everyone. Some of these folks showed up at any of these meetings. They have never shown any interest whatsoever as residents of the community concerned with that fact.

Councilmember Cox stated that he was tired of hearing about Colony Road. That he viewed this as a compromise, and he has gotten stacks of letters on Colony Road. They have spent more time planning now Colony Road is going to work out than they have spent planning the entire transportation system of this City. That to him is an abysmal state of affairs, an abysmal comment on their intelligence.

There were two things that he heard loud and clear from the people who wrote to him. They agreed that Colony Road has a problem and that it was from the same thing on Bracy/Dorns Dr. C. The second thing was anything but correct. That if they agree that Colony Road has a problem, then they reject that anything which is not effective.

That he was going to support this. There were other things that he felt that he was going to do and this was the reason. The City Government can neither force to do anything without going through someone. He was not in a position to do anything but to let it be someone else who would do it. He was not in a position to do anything but to let it be someone else who would do it.

Councilmember Leeper stated that he was not sure that they could afford to wait until they get a report back from the Mayor's Transportation Committee on the long term involvements that they are going to have in terms of their road system and other kinds of things. He thought that this was something that they really need to address.

As Mr. Cox had said, this discussion has gone on for about two and a half years now with one neighborhood street, and it is really more than just one neighborhood street. Again, they are talking about a policy. How do they receive petitions? How do they act upon those petitions? How do they notify people about the petitions? How do they make intelligent decisions?

He thought that they were just going around and around the bush in talking about whether everyone knows about what they are getting ready to do and how they make those people aware of it. They are really talking about everybody in Charlotte, and it is those people who happen to live on the street - in some cases against people who maybe live in South Carolina, but feel the need to use those streets. He did not know whether they could ever let everyone know about a decision that they are getting ready to make.

Councilmember Leeper stated that the important thing for them to do tonight is to go ahead and make a decision on this issue and put it behind them. This is the second recommendation that Traffic Engineering has made to them. Their Transportation Committee has reviewed the recommendation, and they are making a recommendation to Council. He did not know what other process they could go through - they have a committee, their staff, and the citizens input. That he thought they should make a decision on it.

Councilmember Locke stated that she had never seen such divisiveness within a neighborhood since she has been on Council. It started once Council barricaded their streets. There were suggestions on Barclay Downs, and she wanted to compare the two neighborhoods. The barricade went up and then the divisiveness came about between this neighborhood. They did it differently on Barclay Downs. They discussed the alternatives, with barricading as one of them. They worked with the neighborhood on both sides, and they came down to an agreement between all people - this was the Council, the Traffic Engineering, and the people between both factions. They ended up with four-way stop signs, which she was very much in agreement with in having in a lot of different areas of the City.

She wanted to point out the differences and to what has happened to these two very close neighborhoods. She wanted to break these down into the three alternatives, because she could not support Item 2 - this is a semi-barricade and she could not support that.

Councilmember Cox then withdrew his motion.

Motion was made by Councilmember Frech, seconded by Councilmember Leeper, that they approve Item No. 1 or the alternatives.

Councilmember Trosch stated that this was presented in the package from Traffic Engineering, and she felt that they were playing traffic engineer when they break these up. She was willing to vote separately but she believed that they tried this on Amity Place and others, this is a combined inter-related effort from Traffic Engineering.

The vote was taken on the motion to approve Item No. 1 and carried as follows:

YLAS Councilmembers Berryhill, Carroll, Chafin, Cox, Frech, Leeper, Locke, Selden, Spagh, and Trosch

NAYS Councilmember Dagnelly

otion is made by Councilmember Leeper seconded by Councilmember Trosch for approval of Alternative No. 2, and carried by the following vote

YLAS Councilmembers Berryhill, Carrol, Chafin, Cox, Frech, Leeper, Spruth and Trosch  
NAYS Councilmembers Dannelly, Locke and Selden

motion was made by Councilmember Leeper seconded by Councilmember Chafin, for approval of Alternative No. 3, and it carried by unanimous vote

Councilmember Dannelly asked about the report which Councilmember Selden had requested Mayor Knorr replied that the request was made of Mr. Corbett and he had stated he would be glad to provide Council with a report within six months

The resolution is recorded in full in Resolutions Book 16, at Page 93

COMMENTS BY COUNCILMEMBER COX

Councilmember Cox expressed the following concerns

(1) He felt some need to have some kind of briefing, whether it be in an executive session or not on the bid-letting matter concerning Rca Construction Company He was advised that this was being planned in about two weeks

(2) He supported what Councilmember Leeper had said about the process of the cut-through traffic program he thought they needed to take a look at that, that the Mayor's Transportation Task Force is doing that One of the things that is of some concern to him is that now that this is done, is taking a look at the premise behind that He needed to understand that premise because the dominoes are it work and he was not sure what the logical progression of discouraging all traffic off of all residential roads onto all thoroughfares is He believed that has a lot to do with the way they plan transportation facilities in this community, and it should be dealt with (3) He stated Council members had gotten a letter from Mr. Bob Benson of Carolina Soccer, for the Saturday game He was advised that action had already been taken on that

(4) He stated the \$3.10 per hour (to summer school students) item that Council voted on at the last meeting has caused him to re-think a lot of things It has caused him to realize, for the first time that he has some accountability for how not how much, but how those federal funds are spent That he does not understand what is going on in the CLTA program and he felt some need to understand it he is going to be held accountable for how those funds are spent He needs to have more information than he presently has

Councilmember Selden stated his agreement with Mr. Cox's concern on the CLTA funds, stating he would like to see Council have a plenary session to examine the CLTA fund expenditures before another CLTA fund proposal comes before them

The Mayor stated that to ask the staff to get up a plenary review of all the CLTA programs was an astronomical task Mr. Selden replied he was not asking for that what he wanted was that before the next program is fully developed they should have a summary analysis of how the funds are to be expended, the job opportunities the amount that would be for schooling, the amount of hours, etc They had a short review, but he wanted a little more information before it comes before them again

Councilmember Dannelly stated he would see the other Council members' concern because citizens are learning' pretty fast now and he does not blame them for wanting to know what he wants to know it when they get this volume of material on CLTA and how it is set in it their mind this is the doing with it This is the same thing over and

CHARLOTTE-MECKLENBURG  
PLANNING COMMISSION

#2

INTER-OFFICE COMMUNICATION

DATE November 8, 1982

TO

Ms. Carol Loveless,  
Assistant City Manager

FROM

*Martin R. Cramton, Jr.*  
Martin R. Cramton, Jr., *mc*  
Planning Director

SUBJECT

Council Agenda Item - Citizen Participation Task Force Report and  
Planning Commission Recommendations

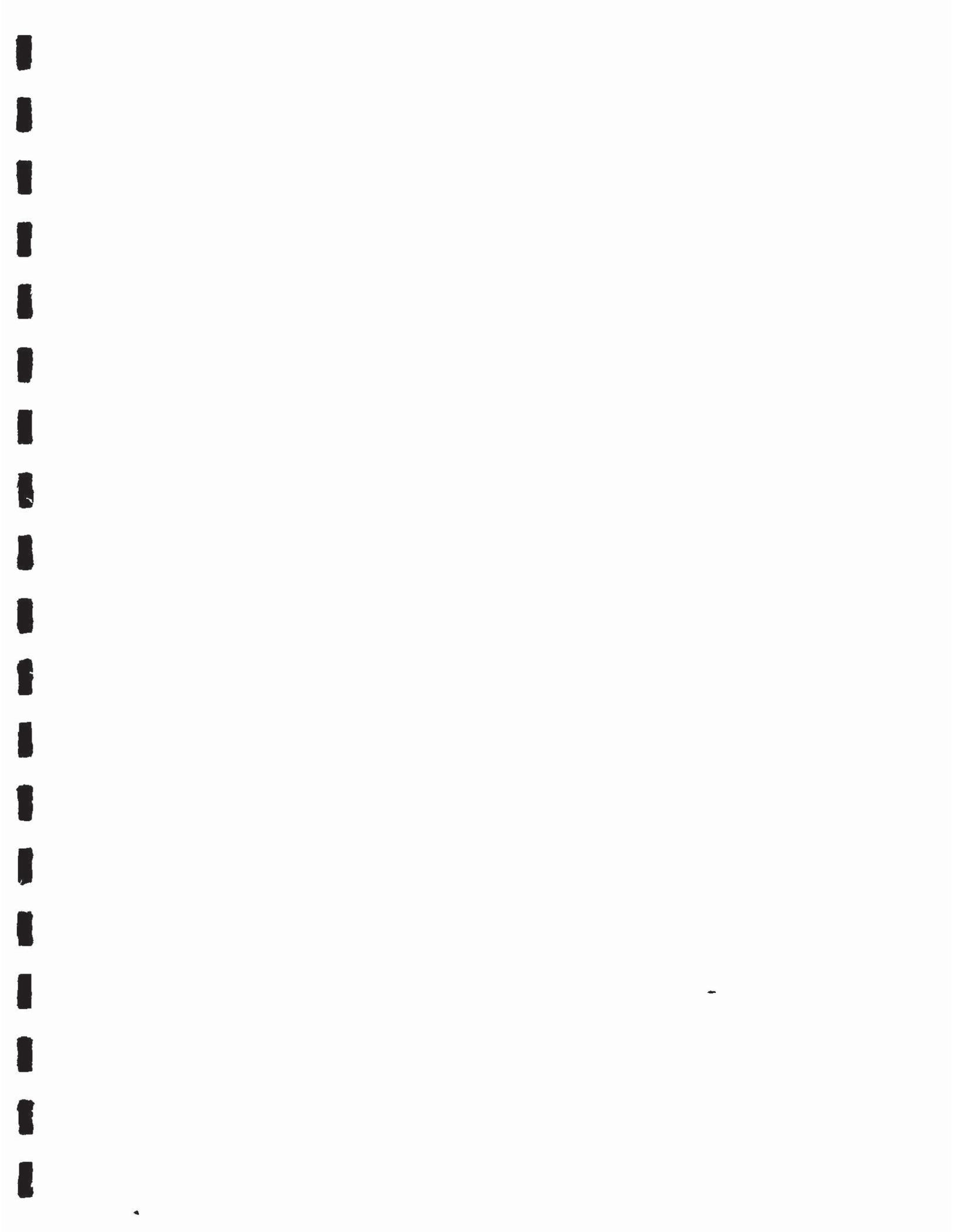
Attached is the Request for Council Action and the material for consideration of the Citizen Participation Task Force report and Planning Commission recommendations. The proposed Council date is November 22, 1982. Included with the request are the following attachments:

1. Charlotte-Mecklenburg Planning Commission recommendations
2. Citizen Participation Task Force Majority and Minority report
3. History of Involvement Activities.

David Howard of my staff is available to answer any questions you may have.

MRCJr.:DAH/dmb

Attachments



# Charlotte Request for Council Action

To the City Council

From the City Manager

Action Requested Adoption of the Planning Commission recommendations in regards to the Citizen Participation Task Force reports, there are: (1) Receive the report by the Planning Commission on citizens involvement as information, (2) Acknowledge confidence in the Planning Commission to pursue citizen involvement efforts according to the principles laid out in this report and (3) Annually receive a report by the Planning Commission on the state of citizen involvement efforts and needs.

This request should be organized according to the following categories: Background, Explanation of Request, Source of Funding, Clearances, Bibliography

## Background

The Urban Symposium policy program, adopted by City Council, included the establishment of a committee charged with the identification of a range of options for involving citizens in the land use and zoning process. Mayor Eddie Knox and County Commission Chairman Tom Ray appointed the committee in the summer of 1981. The Committee, Chaired by Richard Vinroot, reported their recommendations as directed by the City Council and County Commission to the Planning Commission during the summer of 1982. The Planning Commission approved the attached and has requested it be sent to the City Council and County Commission for appropriate action.

## Explanation of Request

The Planning Commission recommendations include the following:

- changes in the rezoning process to allow greater involvement by the petitioner, staff and citizens in order to work out differences before the public hearing, thus saving time for everyone
- scheduling of Planning Commission meetings in four geographic areas of the County once a year, and
- defining of geographic sub-areas for communication of information and gathering and disseminating statistical information

The majority and minority reports are attached for your reference.

## Source of Funding

No additional money will be required to run any of these recommendations. Additional cost will be absorbed in the present budget. It will be necessary, however, to receive funding for the full 34 positions within the planning budget. Currently, 3 positions are unfunded on a permanent basis.

## Clearances

The Citizen Participation Task Force was involved in the development of the recommendations. Public hearings were held as well as individuals (including the City Manager) making presentations to the committee. No other City departments were involved because of the narrow scope of the committee change.

## Bibliography

Urban Policy Program - Charlotte Mecklenburg Planning Commission

Mayor's charge to committee - Charlotte-Mecklenburg Planning Commission

"Information on Citizen Involvement Procedures Around the Country" is available in the Charlotte-Mecklenburg Planning Commission Office.

For Office Use Only

Date Submitted October 18, 1982

Agenda Date Requested November 22, 1982

Consequences if Agenda Date is Delayed or Action is Deferred None

Contact Person for Questions Martin R. Cramton, Jr.

Authorized by *Martin R. Cramton, Jr.*  
Department Head

Approved by \_\_\_\_\_  
Assistant City Manager

- List Attachments
1. Charlotte-Mecklenburg Planning Commission recommendations
  2. Majority Report of Citizen Participation Task Force
  3. Minority Report of Citizen Participation Task Force
  4. History of present involvement activities

REPORT ON CITIZEN INVOLVEMENT

by

CHARLOTTE-MECKLENBURG PLANNING COMMISSION

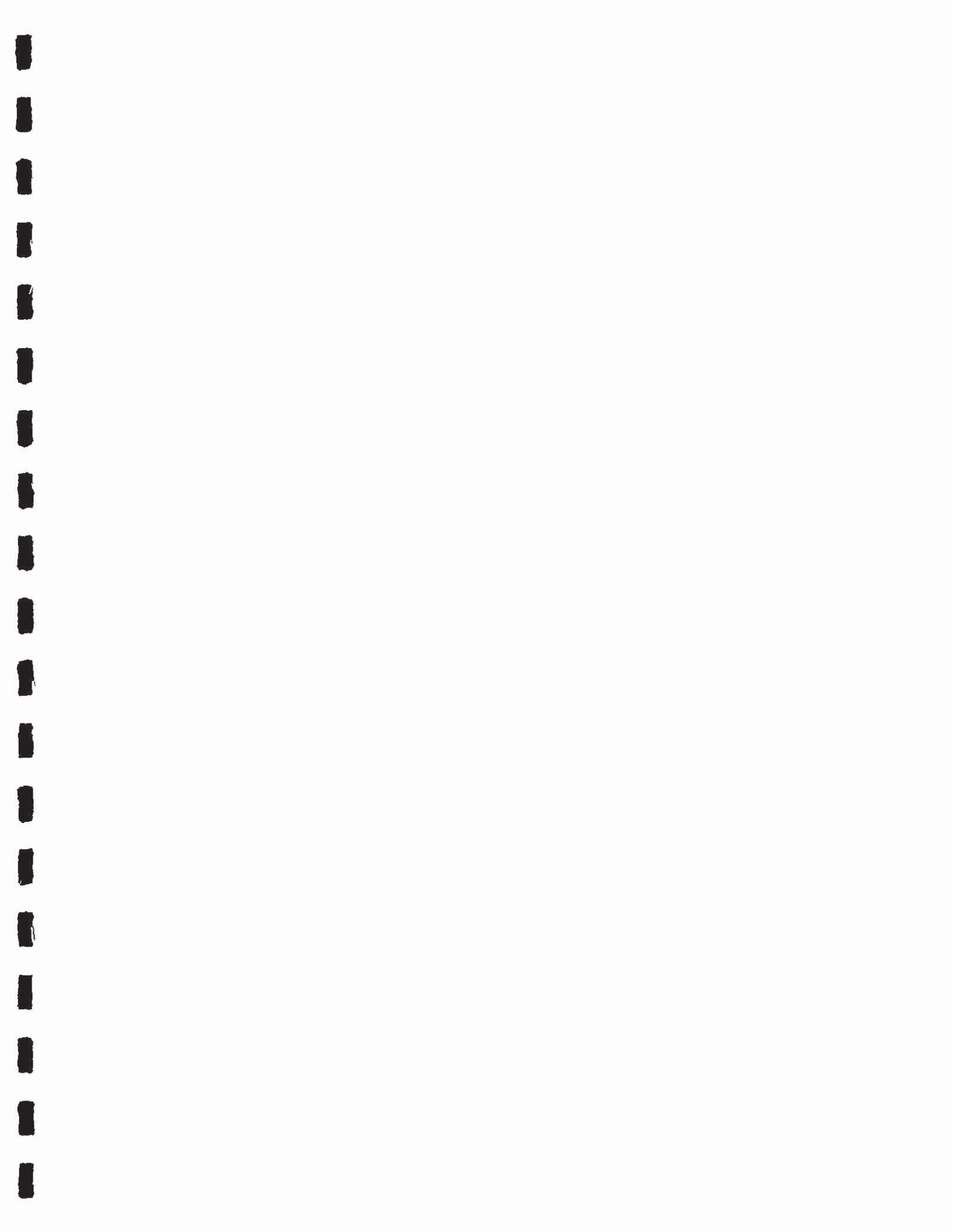
October 5, 1982

Action on Citizen Committee Recommendations

The Citizen Committee reports - Majority and Minority - be received as information and that the Planning Commission agrees to the following

- (1) Accept the Citizens Committee rezoning process recommendation of the Citizen's Committee and instruct staff to initiate implementation of the changes as they relate to the zone change application process
- (2) Agrees to substitute an alternative for the Citizen Committee's recommendation concerning general land use planning process for submission together with the Citizen Committee's Majority and Minority Reports to the elected officials

Approved October 5, 1982 by Charlotte-Mecklenburg Planning Commission



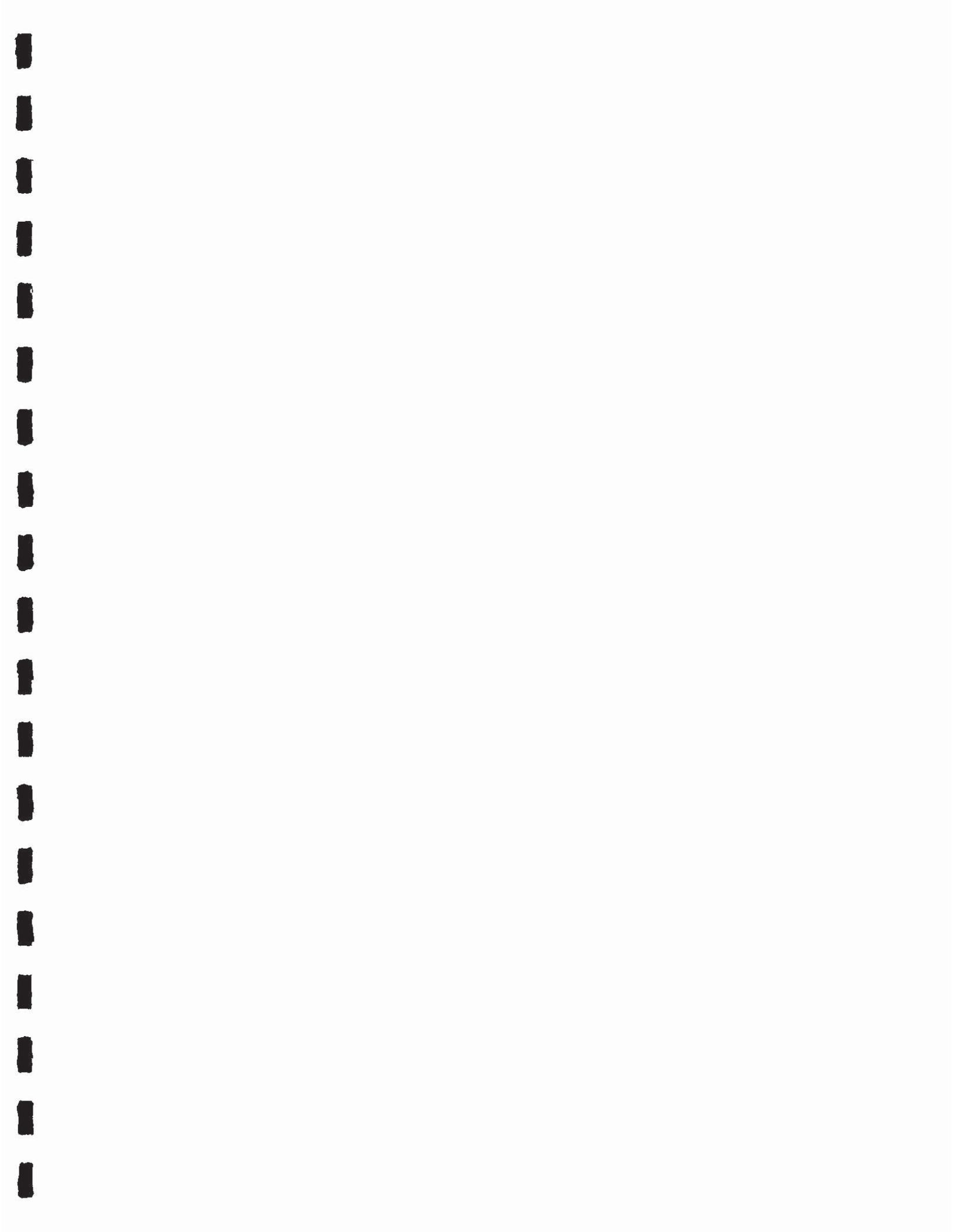
## INTRODUCTION

The Urban Symposium Program of 1980-81 resulted in a consensus on the importance of ongoing involvement of citizens in land use planning. The adopted report "Urban Policy Program" called for the following

- (A) "Efforts will be sponsored by the Planning Commission for the purpose of exploring, evaluating models and the existing process based upon the premise the existing system is not necessarily inappropriate, and for the purpose of bringing together citizens from all parts of the community and who represent the widest range of interests,
- (B) The final report will be made to the City Council and Board of County Commissioners recommending a 'range' for improved citizen participation in the governing process. This report should be completed within a period of six months after the charge has been given."

The report also called for creation of a Citizens Committee "to research and recommend a range of options for citizen participation in Charlotte-Mecklenburg as addressed by the Symposium." These actions have been addressed, over the past 12 months, in the following manner

- (A) A Citizen Participation Committee was appointed and completed its work in June of 1982
- (B) The Citizen Committee report has been delivered to the Planning Commission
- (C) The Planning Commission has reviewed its previous and current experience with citizen participation together with the Citizen Committee report and believes the elected officials should concur with its recommendations



## ISSUES

The basic policy issues can be summarized in two questions. First, do the planning and zoning processes need to be improved as it relates to seeking out citizen ideas and comments and if so, how? Secondly, do planning efforts need to be structured by geographic areas smaller than the City and County but larger than a single neighborhood, and if so how?

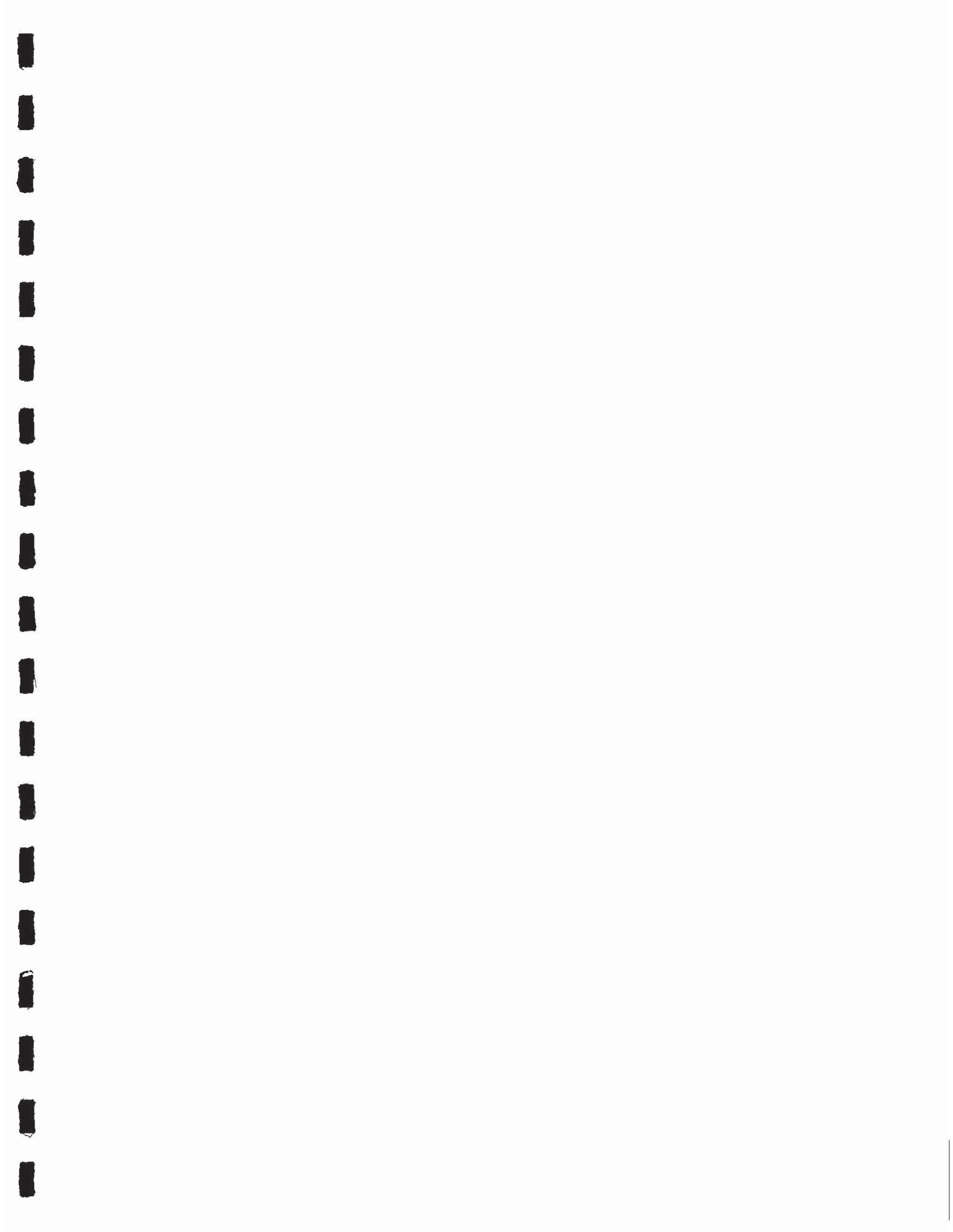
## PLANNING COMMISSION PROPOSALS

Planning Commission recommends three specific actions as it relates to enhanced citizen involvement. In sum, these actions will build upon the efforts of the Commission as they have evolved over the past decade.

### I ZONING PROCEDURES

First, the Planning Commission endorses the rezoning process recommendations of the Citizen's Committee regarding the pre-application and pre-hearing procedures.

Under these procedures the Planning Commission staff should be authorized to convene meetings between petitioners and interested citizens or groups of citizens to discuss their concerns with one another, in advance of the public hearing on that petition. In doing so, the staff should have the responsibility for determining and notifying those who, in their judgment, are interested in that petition.

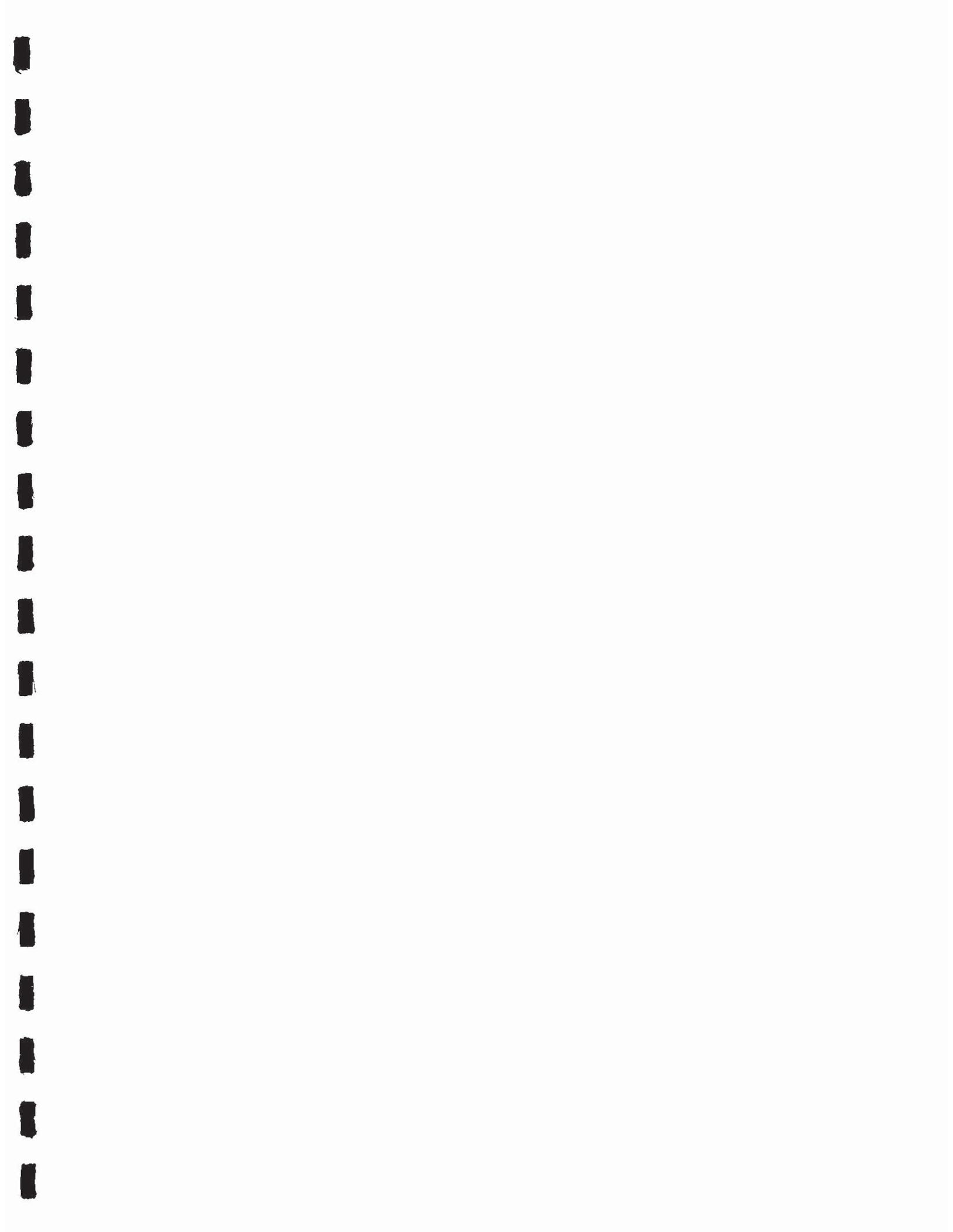


That conference should be voluntary (i e, a petitioner is not to be required to participate) The Planning Commission staff member present should moderate and provide technical assistance to all parties Staff would not become an advocate for either side At the conclusion of the conference, staff prepares and delivers a brief written "information" report on the content of this meeting to the Planning Commission and to the responsible governing body for their consideration in connection with the petition No more than two such conferences should be convened by the Planning Commission staff for each petition filed

It is envisioned that this procedure, is to occur in one of two forms as a "pre-application", or a "post-application" conference to be held prior to the public hearing

The first procedure--the pre-application conference--would occur during a period of time before the official closing date for a public hearing on a rezoning petition has been set This procedure would involve communications between the Planning Commission, the staff and the petitioner before a formal application for rezoning has been filed The purpose would be for the staff to given professional direction and identify issues and opportunities for citizen involvement More specifically, this procedure would include

- (1) Submission of a preliminary site plan to the staff at least one week in advance of a petitioner/staff meeting in order to given the staff adequate time for analysis,
- (2) The staff's advising the petitioner of the following
  - (a) Giving a professional opinion and assuring that development meets minimum standards as outlined in the ordinance,



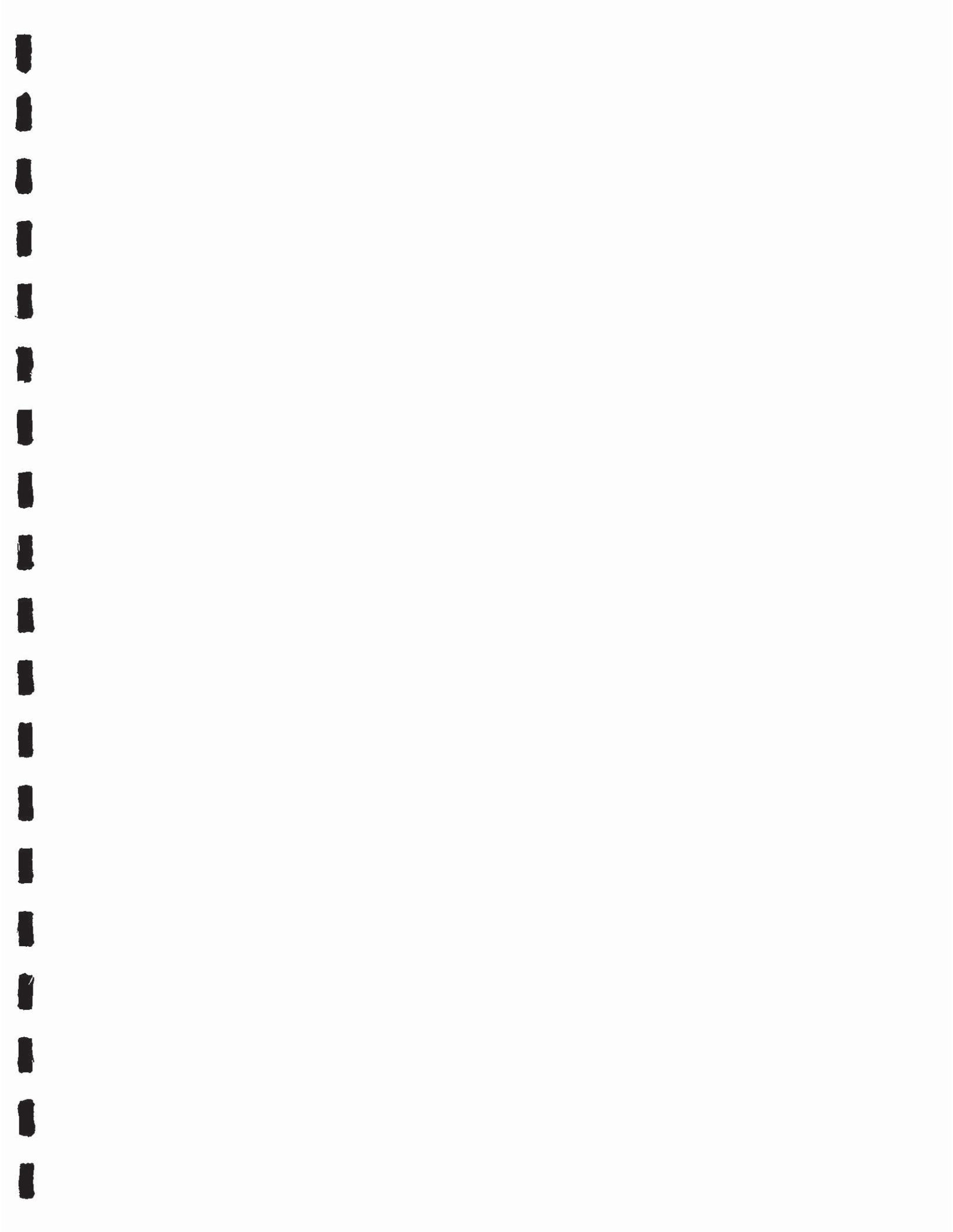
- (b) Identifying issues of concern from a staff perspective and potential issues of adjacent property owners and neighborhood and professional organizations, and
  - (c) Identifying neighborhood and professional associations which may have concerns and encouraging petitioner contact where appropriate,
- (3) Staff/petitioner meeting being convened at a minimum of one week before the official closing date for a public hearing,
  - (4) Burden of initial contact with interested parties resting with the petitioner before the filing deadline

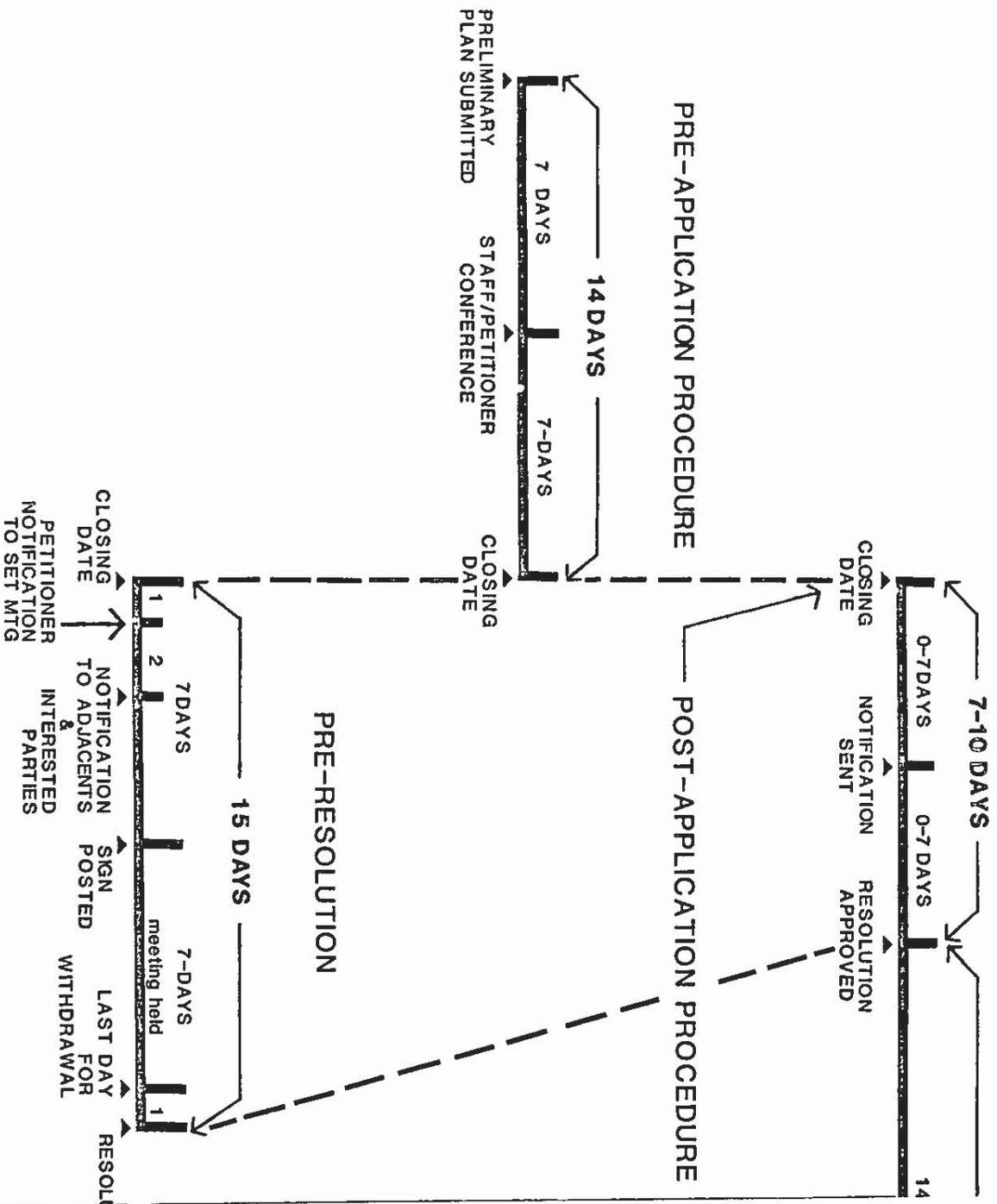
Exhibit 1 outlines the timing of this procedure, and the second procedure, discussed below, and their relationship to the present rezoning process

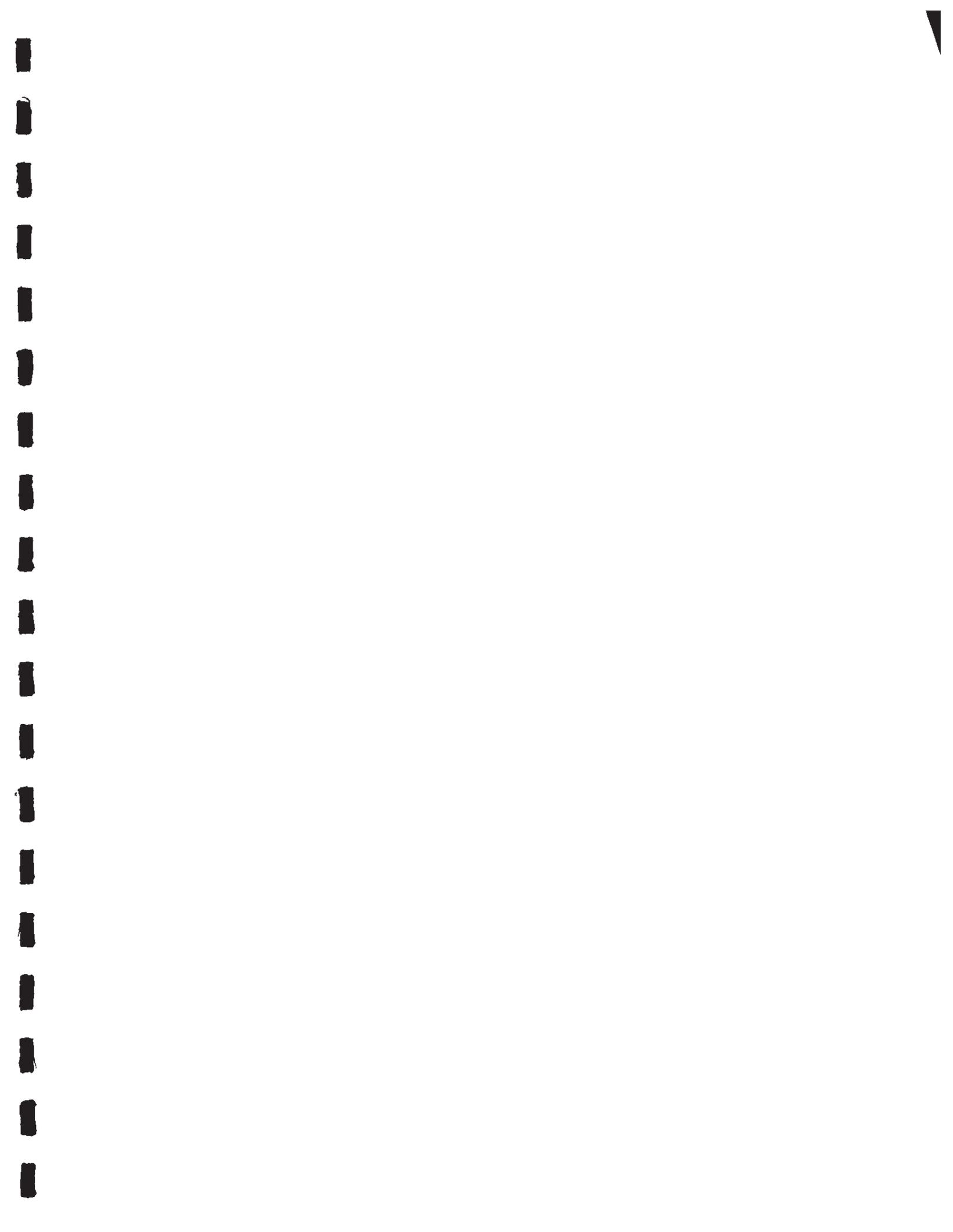
The second procedure--the post-application conference--would occur during a period of time after a formal application for rezoning has been filed

This procedure would include

- (1) Petitioner's notification of the Planning Commission staff by the end of the working day following closing of his willingness or unwillingness to have a meeting,
- (2) Staff's notification of adjacent property owners, neighborhood and professional groups of meeting details and selection of a place for the meeting,
- (3) Signs being posted on the property within seven days of closing date,
- (4) If petitioner should choose to have a meeting, his having an option to withdraw his proposal or make amendments to the site plan up to 24 hours before the resolution is approved by the governing body, and if petitioner chooses not to have a meeting, the plan submitted at closing being presented at the hearing without subsequent changes being permitted,
- (5) If the petitioner should withdraw his petition before the resolution date, his being required to reimburse the Planning Commission for the cost of the rezoning sign







As shown by Exhibit 1, the post-application procedure would require an extension of the pre-resolution time from 10 to 15 days

Should he choose to participate in a pre-hearing conference, the petitioner should have the option to decide which of the alternative procedures he will use Accordingly, the petitioner's alternatives would include

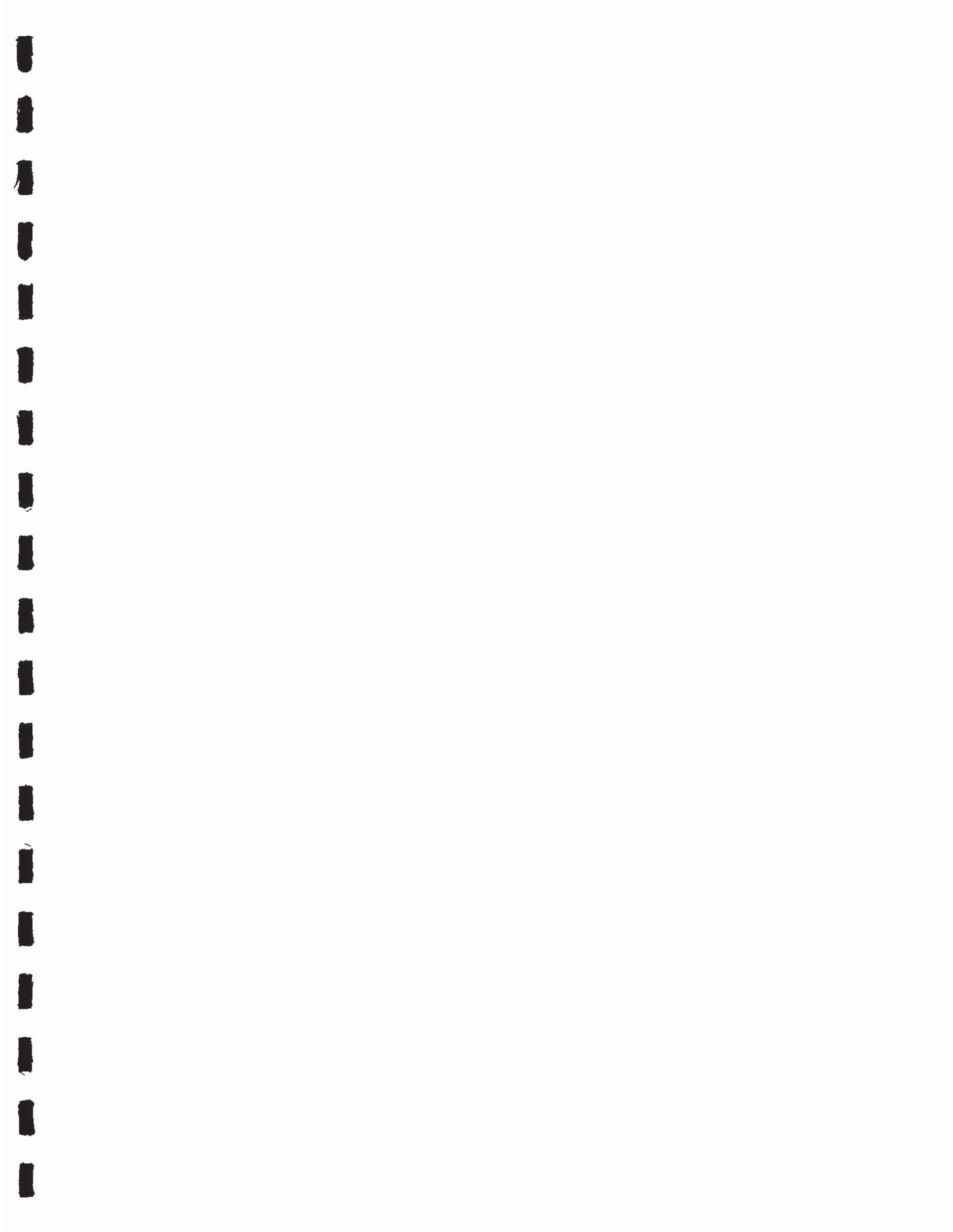
- (1) The present process (without a pre-hearing conference),
- (2) The pre-application procedure plus the present process,
- (3) The post-application procedure and then the remainder of the present process, or,
- (4) The pre-application procedure and post-application procedure, and then the remainder of the present process

It is believed that this procedure can serve to reduce much of the conflict in rezoning that now occurs, and relieve much of the tension and acrimony now associated with public hearings on these matters At the very least, it should result in better informed participants, and more relevant debate between them, in the public hearings

## II PLANNING PROCEDURES

Secondly, the Planning Commission intends to hold one of its regular monthly meetings, each quarter of the year, within a geographic section of the County The following criteria are to apply

- (1) Four geographic areas will be defined for the purpose of scheduling a regular meeting of the Planning Commission

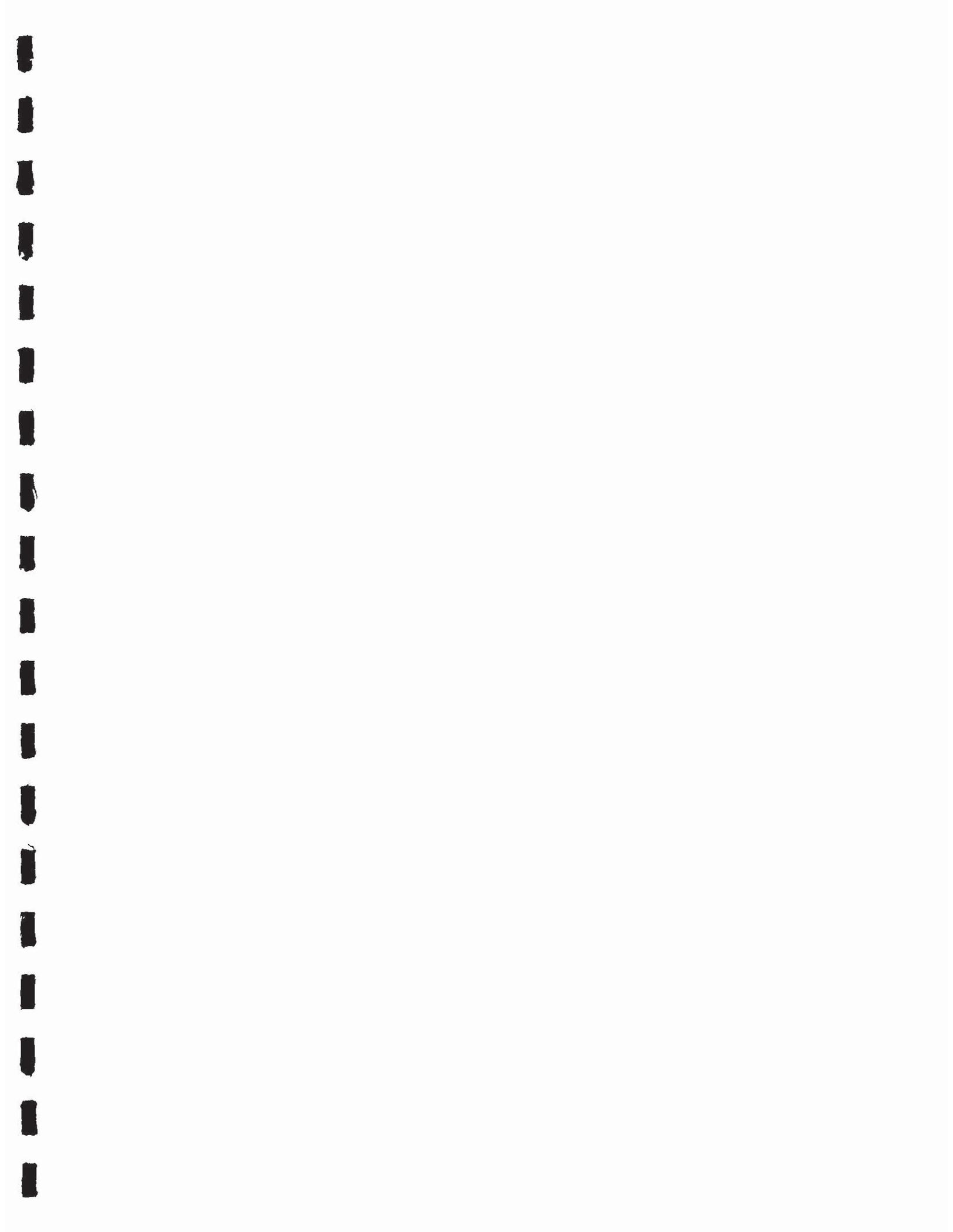


- (2) Only routine items will be on the meeting agenda so that at least two (2) hours can be available for citizen comment, questions and discussion with the Planning Commission
- (3) Individual meetings will be scheduled and a notice procedure developed to insure citizen awareness of the meeting. A topical issue or concern within the general area will be highlighted as a means to encourage interest and attendance.

Finally, the Planning Commission intends to pursue the use of geographic sub-areas for the conduct of its planning program as annually approved. Specific categories to be pursued in the use of sub-areas include gathering and use of statistical information, communication on planning matters with citizens and land planning documentation.

The use of a system of geographic sub-areas is to be handled as an administrative mechanism to improve upon the current planning program. This emphasis is illustrated by the following description of each purpose:

- (1) To serve as statistical units for gathering and disseminating statistical information developed for land use planning as it relates to transportation and census work.
- (2) To serve as communication units for organizing planning information both for the purpose of distribution and receipt. This is to be accomplished through creation and maintenance of a mailing list for notification as well as the conduct of meetings and forums for discussion of planning issues whenever necessary to carry out the work program. This is building upon our current system of notification.



- (3) To serve as planning units for compiling the status of plans, projects and programs together with their policy implications. These units also offer a means for developing generalized land use plans and policies for areas larger than a neighborhood but smaller than the entire City and County. The North Mecklenburg County planning area is an example.

#### RECOMMENDED ACTION BY ELECTED OFFICIALS

Since the completion of the Urban Symposium Program the Planning Commission has acknowledged the value and need for citizen participation in its planning efforts.

The October, 1980 report of the Planning Commission on Symposium recommendations cited the following:

"It is recognized that to effectively and meaningfully participate, citizens must have avenues of self-education, information, data, and technical assistance available to them."

The Planning Commission also noted in that same report that "Decisions processes must be open, short and simple" and show concern lest we create "yet another layer of bureaucracy."

In order to maintain program flexibility while addressing the need for, and value of citizen participation, the Planning Commission requests the City Council and Board of County Commissioners to take the following actions:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

- (1) Receive the report by the Planning Commission on citizens involvement as information
- (2) Acknowledge confidence in the Planning Commission to pursue citizen involvement efforts according to the principles laid out in this report
- (3) Annually receive a report by the Planning Commission on the state of citizen involvement efforts and needs

#### ATTACHMENTS

- (1) History of Planning Commission Citizen Involvement Activities
- (2) Citizen Involvement Land Use Planning and Zoning by Citizen Participation  
Advisory Study Committee



## History of Planning Commission Citizen Involvement Activities

Comprehensive Plan

The Comprehensive Plan involvement included 60 informational meetings held with interested parties throughout the community. Six public hearings were held in local high schools. Extensive use also was made of a questionnaire. Radio and TV were extensively used. Comments from the public hearing were analyzed by staff and then discussed by the Planning Commission. All of these involved responses to existing documents. Changes were made to the document because of citizen responses. The plan was approved in the mid 1970's.

The Urban Symposium held in 1980 was the first step in the reevaluation of the Comprehensive Plan. A three month study group process was held to identify issues that were confronting the community in five basic areas. An all day symposium was held to discuss the issues and educate the general public as to what can be done. The Planning Commission, City Council and the County Commission then spent several months in discussion with interaction with various interest groups before decisions were made. Implementation of these proposals has also involved citizens. The symposium included early on grass roots participation.

Transportation Planning

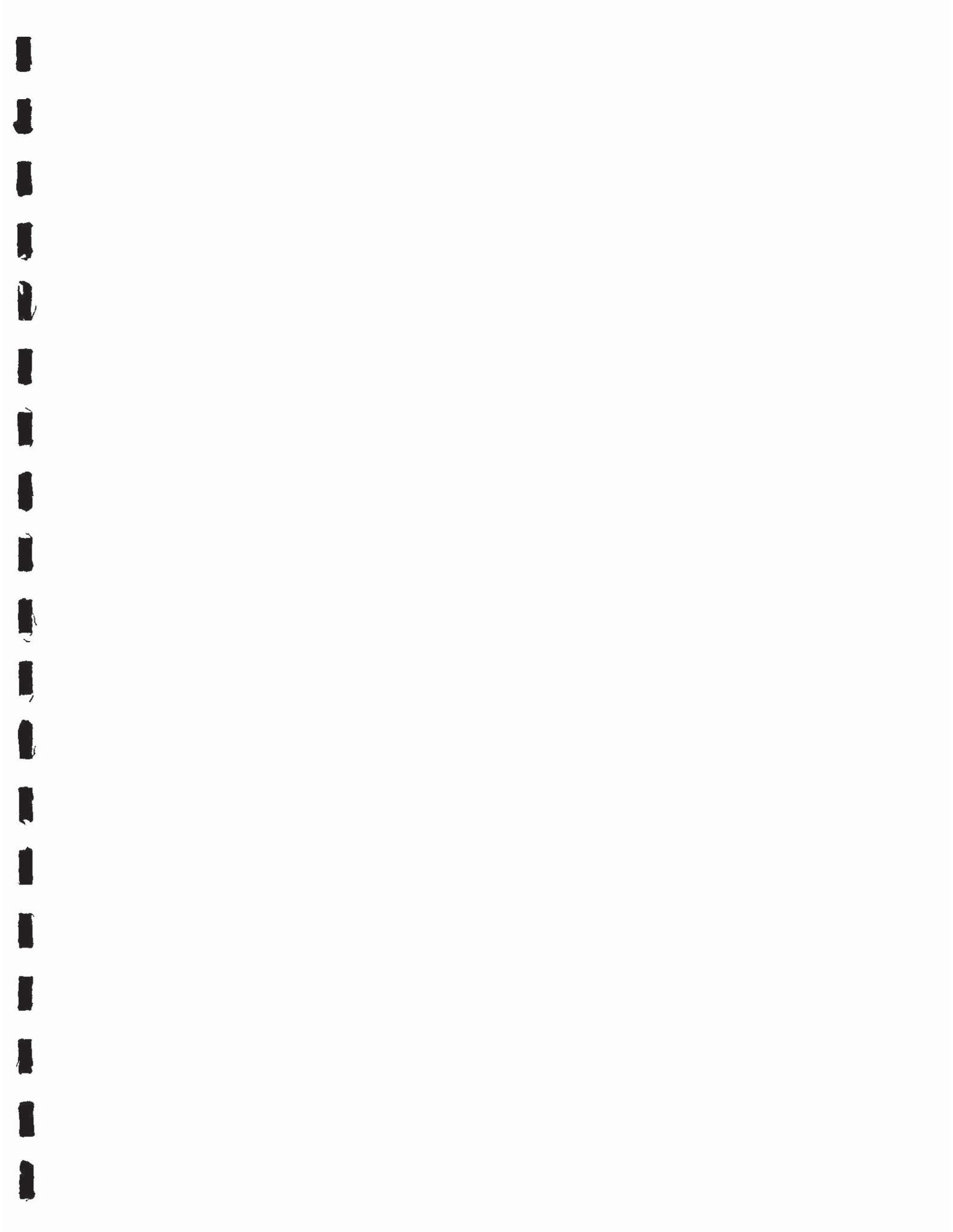
Public hearings are held by either the City or the State on street widening or improvements and on the Major Thoroughfare Plan. The MPO conducts open meetings and gives citizens an opportunity to be heard. A citizen participation component is included in the Air Quality Plan. The Transportation Action Plan (TAP) is presently under consideration has included a series of meetings with citizens in the community. A slide show with accompanying brochures and questionnaires were also used. A public hearing may be held by the governing bodies. These opportunities were in response to a plan already developed.

Neighborhood Planning

The area planning process (district, small and special project) involves citizens in developing planning proposals. General meetings are held for the entire community. Extensive news media coverage and notification, usually by flyers is used. Citizens are involved from the beginning of the process.

The specific involvement methods vary depending upon the nature of the planning area and issues. First, the small area planning process uses a citizens study group. This group works with staff on the development of a draft plan proposal for review and recommendation by the Planning Commission.

Secondly, the district plan process is carried out initially by staff using contacts with interest groups of the area to obtain review and comment. Staff presents a draft proposal to the Planning Commission.



Finally, planning projects are carried out by staff on a variety of issues. Involvement needs are determined at the time of project initiation and depend upon the nature of the issue. Study groups, committees and meetings are most commonly used.

Interest groups in the community identify issues for Planning Commission and staff through lobbying efforts and through public hearings, especially rezoning. Interest groups have also been used in the Housing Cost Task Force, Education Task Force, Site Plan Review Committee and the Citizen Participation Task Force.

#### Zoning

Adjacent property owners and neighborhood groups are notified by mail of a pending rezoning. A sign is posted on the subject property at least 2 weeks in advance of the hearing. Staff gives assistance to the petitioner and interested parties before the hearing is held. Occasionally informational meetings are held when the petition creates controversy. The news media usually publishes stories about the rezonings.

Ordinances receive much the same treatment. Interested parties are notified, a hearing is held. As in the case of the uptown zoning process and the UDC-V ordinance, informational meetings were held and subsequent study groups were organized. Those who spoke at the hearing are allotted up to two weeks to respond in writing to comments made at the hearing.

#### Subdivision

The subdivision process has no formal citizen involvement. Staff does respond to issues raised principally relating to through traffic situations. Citizens may also appeal to the Planning Commission.

#### Annexation

This process is presently under review. Public meetings are usually held before a hearing to answer questions about the proposal.

#### Education Function

Planning Staff provides speakers to civic, neighborhood and interest groups. Education seminars are conducted annually with the Board of Realtors. Newsletters have been sent out from time to time (symposium) and new publications are sent to various interest groups. Two slide shows have been developed to help explain issues.

#### Coordination

From time to time, the staff mediates areas of conflict between 2 parties as in zoning cases or Memorial Hospital expansion.

#### Mandatory Referral

No formal involvement process exists.



### Planning Commission Meetings

Charlotte-Mecklenburg Planning Commission meetings are placed on the City and County calendar which is sent to all interest groups in the community. Agendas are available before the meeting. The media has become increasingly interested in the meetings and gives good coverage. Occasionally interest groups are notified about specific items. Citizens may address the commission on any item excepting one that has been heard at a public hearing. Planning Commission members frequently have the opportunity to talk with different citizens or interest groups on a one on one basis. This greatly assists them in their knowledge of issues in the community.



CITIZEN PARTICIPATION IN  
LAND USE PLANNING  
AND ZONING

CITIZEN PAPTICIPATION  
ADVISORY STUDY COMMITTEE

Mahlon Adams  
Barbara Boyce  
Carole S. Brake  
Peggy Culbertson  
Humphrey Cummings  
Dr. Thomas L. Dulin  
Ann Hammond  
Ella Hand  
Zoel S. Hargrave, Jr.,  
Vice Chairman  
Walter O Hendrix  
Dr. Patricia Kyle  
Thomas E. Norman  
Joe Sallers  
Sam Smith  
James L Varnadore  
Pev. J Ed Wavland, Jr  
Richard Vinroot, Chairman

## I. Introduction

In September, 1981, as a result of recommendations from the 1980 Urban Symposium, the Charlotte City Council and Mecklenburg County Commission appointed the undersigned as a Citizen Participation Advisory Study Committee. Our Committee was asked to (a) evaluate the methods of citizen participation in land use planning and zoning presently used here and in other places, and (b) recommend to the Planning Commission and local governing bodies a range of options for improving that process in this community.

## II. Procedure

Responding to that request, our Committee met extensively over the last eight months with representatives from neighborhood groups, land developers, government officials and others familiar with the land use planning and zoning process here and elsewhere. In addition, we have been furnished, and studied, a number of written materials advocating different forms of citizen participation in land use planning.

From those meetings and that study, our Committee became familiar with the existing land use planning process in this community, and the manner in which it permits citizen participation. We also became familiar with alternative land use planning processes used in other communities for that purpose.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

After educating ourselves, and discussing the relative advantages and disadvantages of the present and alternative processes for about six months (during which time we met every other week for about two hours per meeting), we conducted a public hearing to obtain broader citizen reaction to our subject. The hearing was publicized through handouts and news releases. Approximately 85 people attended, 35 of whom spoke to our assembled committee. They were asked to comment on four suggested alternatives and any others they thought preferable (see Appendix A, a copy of the brochure which publicized and established the format for the public hearing).

Following the public hearing, our Committee reconvened to evaluate the views presented there, and to adopt this report in light of that and all other information we had previously obtained.

Our findings, conclusions and recommendations are set forth below.

### III. Findings and Conclusions

From our efforts we have found that many citizens of our community--including neighborhood activists, land developers, and others in between the divergent perspectives represented by those interests--have a number of legitimate concerns about citizen participation in the land use planning process. Those concerns are summarized as follows



- Some citizens have a difficult time getting information about land use planning decisions. Some also believe that their concerns have been excluded from the planning process. Both factors contribute to a basic mistrust and misunderstanding of government and its land use planning decisions.
- Some citizens familiar with the present system in our community believe there is a need to dispel the "us-them" mentality which seems to surround most zoning decisions, and much of the land use planning that precedes those decisions. They believe that efforts should be made to inform persons affected by either as early in the process as possible, and that the present system does not do so satisfactorily. In particular, they believe that meetings between parties competing over zoning decisions should come early enough to promote constructive, rather than reactionary, exchange of information between those parties, and thus possibly avoid much of the conflict presently associated with public hearings before governing bodies who must resolve those disputes.
- Some citizens believe that unrestricted citizen participation in land use planning is unnecessary and unwarranted, and has the potential to do more harm than good. They are concerned that any effort to enhance such participation not create more bureaucracy in land use planning than already exists, to the extent that housing and other development costs impacted by that process will substantially increase. They also believe that care should be taken to insure that all land use planning decisions are made by persons who are representative of and accountable and responsible to the entire community, and not isolated individuals or groups of citizens therein.
- Some citizens believe citizen participation in long range planning in small areas of our community would be beneficial to all concerned. They believe that through the development of local frameworks, it will be easier to organize forums of decision makers, land developers, homeowners and other interested citizens in a small area planning process, and that this can be accomplished without great difficulty or cost



On the basis of these findings, we have concluded that some changes should be made in our present system, to enhance the level of citizen participation in land use planning in this community. It is our belief that the changes we recommend will respond to all of the concerns noted. Specifically, we believe these changes will provide better means of educating, and determining the concerns of, citizens affected by zoning and planning decisions under consideration, and make it easier for citizens to exchange information with one another, and with the governing bodies who will make those decisions. As a result, we believe that conflicts may be more easily resolved, decisions improved, and that public confidence in our community's land use planning process and the decisions emanating from that process will increase. Finally, we believe these changes do not unreasonably impact upon the costs of land use planning, or remove the decision making authority from those who should properly make land use planning decisions.

#### IV. Recommended Changes

Our Committee focused on two somewhat distinct areas in which changes are needed: first, the rezoning process, and second, the general land use planning process. Our recommendations for each are as follows

(a) Rezoning process We recommend that a "prehearing conference" procedure be established for all zoning petitions

Under that procedure--which many land developers already follow on an informal basis--the Planning Commission staff should be authorized to convene meetings between petitioners and interested citizens or groups of citizens to discuss their concerns with one another, in advance of the public hearing on that petition. In doing so, the staff should have the responsibility for determining and notifying those who are, in their judgment, citizens interested in that petition (e g., contiguous landowners, neighborhood association leaders, businesses affected by traffic flow, persons and entities who have expressed an interest in that area, etc.).

That conference should be voluntary (i.e., a petitioner should not be required to participate). The Planning Commission staff member present should moderate and provide technical assistance to all parties, but not become an advocate for either side. At the conclusion of the conference, he should prepare and deliver a brief written "information" report on the content of this meeting to the Planning Commission and to the responsible governing body for their consideration in connection with the petition. No more than two such conferences should be convened by the Planning Commission staff for each petition filed.

As we envision this procedure, it should occur in one of two forms. as a "pre-application," or a "post-application" conference.

The first procedure--the pre-application conference--would occur during a period of time before the official closing date



for a public hearing on a rezoning petition has been set. This procedure would involve communications between the Planning Commission, the staff and the petitioner before a formal application for rezoning has been filed. The purpose would be for the staff to give professional direction and identify issues and opportunities for citizen involvement.

More specifically, this procedure would include:

- Submission of a preliminary site plan to the staff at least one week in advance of a petitioner/staff meeting in order to give the staff adequate time for analysis;
- The staff's advising the petitioner of the following:
  - (a) Giving a professional opinion and assuring that development meets minimum standards as outlined in the ordinance,
  - (b) Identifying issues of concern from a staff perspective and potential issues of adjacent property owners and neighborhood and professional organizations, and
  - (c) Identifying neighborhood and professional associations which may have concerns and encouraging petitioner contact where appropriate;
- Staff/petitioner meeting being convened at a minimum of one week before the official closing date for a public hearing;
- Burden of initial contact with interested parties resting with the petitioner before the filing deadline.

(See Appendix B, a chart which outlines the timing of this procedure, and the second procedure, discussed below, and their relationship to the present rezoning process.)

The second procedure--the post-application conference--would occur during a period of time after a formal application for rezoning has been filed.

This procedure would include:

- Petitioner's notification of the Planning Commission staff by the end of the working day following closing of his willingness or unwillingness to have a meeting;
- Staff's notification of adjacent property owners, neighborhood and professional groups of meeting details and selection of a place for the meeting;
- Signs being posted on the property within seven days of closing date;
- If petitioner should choose to have a meeting, his having an option to withdraw his proposal or make amendments to the site plan up to 24 hours before the resolution is approved by the governing body; and if petitioner chooses not to have a meeting, the plan submitted at closing being presented at the hearing without subsequent changes being permitted;
- If the petitioner should withdraw his petition before the resolution date, his being required to reimburse the Planning Commission for the cost of the rezoning sign.

As shown on Appendix B, the post-application procedure would require an extension of the pre-resolution time from 10 to 15 days.

Should he choose to participate in a pre-hearing conference, the petitioner should have the option to decide which of the alternative procedures he will use. Accordingly, the petitioner's alternatives would include:

- (a) The present process (without a pre-hearing conference);
- (b) The pre-application procedure plus the present process,
- (c) The post-application procedure and then the remainder of the present process, or,
- (d) The pre-application procedure and post-application procedure, and then the remainder of the present process.

We believe that this procedure, implemented and encouraged by the Planning Commission staff, will serve to reduce much of the conflict in rezoning that now occurs, and relieve much of the tension and acrimony now associated with public hearings on these matters. At the very least, it should result in better informed participants, and more relevant debate between them, in the public hearings.

We have been advised by the Planning Commission staff that this procedure can be implemented without additional personnel, and that the costs of doing so under present conditions, and in the manner recommended, would be nominal.

(b) General land use planning process. The "prehearing conference" procedure will, in our estimation, enhance citizen participation in the rezoning process. It will not, however, do so in the area of overall planning. And although rezoning is an area in which much of the highly publicized dissatisfaction among citizens in land use planning arises, we believe that many of the concerns noted relate to more than that, and require changes in the general land use planning process as well.

We recommend that Charlotte-Mecklenburg be divided into planning districts to:

- Facilitate better communication and citizen understanding on planning issues,
- Facilitate increased participation by both individual citizens and citizens who are affiliated with organized groups;

- Encourage long-range community planning that reflects the needs, desires and concerns of citizens.

The designation of planning districts entails subdividing Charlotte-Mecklenburg into areas that would be roughly homogenous in nature, with similar concerns and features. Through such designation, we believe the quality of land use planning could be enhanced in the following ways:

- Planning for each designated district could be approached in a way that would be sensitive to that specific area. District planning would provide a framework within which to continue the small area planning process, while maintaining the flexibility to address broader public interests;
- Districts would give the Planning Commission a framework for notification, information exchange and work programming. They could lead to greater equality in the delivery of planning services;
- Districts would give the Planning Commission staff a context within which to process and analyze information generated through the census and other data collection projects;
- Planning districts would constitute accessible units through which the Planning Commission could institute a program of outreach and citizen education on critical land use planning and transportation issues;
- For the citizen, districts would provide greater accessibility to technical expertise through an assigned staff liaison. Planning districts would include the entire city and county; all interested citizens would, by definition, be included.

We do not recommend that any citizen groups or "neighborhood councils" be government initiated in the districts, as part of the planning process. The development of such structures, if desirable, should be citizen-initiated.



We do, however, recognize a need for the Planning Commission to implement an outreach program of limited scope and duration, in order to:

- Make citizens aware of the planning district system and opportunities for participation;
- Enhance citizens' education on planning issues within their districts;
- Demonstrate the accessibility of the planning system by hearing and responding to citizen concerns;
- Facilitate constructive communication between citizens and planning officials.

Without such an initiative, undefined efforts to promote participation may be haphazard, and inadequate to improve public understanding of the issues and encourage meaningful citizen involvement.

We suggest, therefore, that an outreach program, in the form of district "town meetings" (open assemblies), be integrated into the overall planning process. Such forums, convened by the Planning Commission, could educate citizens, while identifying their priority concerns within each district. A staff summary report of the proceedings could efficiently convey public concerns to planning officials. Periodic issue-oriented forums could be held in the districts to provide a follow-up and response to the major concerns that had been identified. This would require an expenditure of Planning Commission time and energy initially. However, that expenditure would probably offset subsequent costs, when individual issues and projects arise in the future, as already informed citizens would then be better prepared to participate

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

in a more timely manner, requiring less time to become educated, etc.

In addition, citizens would be welcome to form their own structures to deal with planning issues as they arise, or to promote planning in their district, in any manner that they may desire to do so.

Similarly, the Planning Commission could, as deemed appropriate, create study groups composed of citizens representing a balance of interests in a particular district, to deal with specific projects there for a specific period of time, as another means of enhancing citizen participation in a district planning process.

Areas of involvement could include all of the functions with which the Planning Commission is presently involved. Among these are the small area, district and special project plans, the rezoning process, transportation planning, general information and the Charlotte-Mecklenburg Planning Commission program and priorities. It could also include functions of special interest or concern to one district that are irrelevant to others, and we anticipate that that is very likely to occur.

As this would be a concept new to Charlotte-Mecklenburg, we further recommend that provision be made for periodic assessment of the effectiveness of planning districts in order to identify weaknesses and revise the program as necessary.

As with the recommended changes to the rezoning process, we believe this change in the overall planning process will better



serve everyone concerned. It will provide a mechanism for the Planning Commission to deal with different areas of this community in ways which more nearly meet those areas' different needs, and for the citizens in those smaller areas to become better informed, and, if they desire, to organize themselves to study, exchange views about, and assist in the formulation of land use planning decisions affecting their common interests. It will not in and of itself, we concede, solve all of the concerns noted, but we believe the establishment of planning districts to be a logical first step in that direction.

We have been advised by the Planning Commission staff that this process can be implemented by the creation of planning districts, and initial assignment of staff to work with citizens therein as recommended, without additional personnel. That, of course, could change over time, depending upon the developing needs of particular districts, and the means by which the Planning Commission may decide to deal with them, that are not now possible to foresee. In addition, the staff estimates that the annual costs of mailing and preparation of informational materials for distribution within the districts under the process as recommended will be approximately \$4,000 for the balance of the current year and \$8,000 annually thereafter.

#### V. Action Requested

We request that the Planning Commission adopt our report, and refer it to the Charlotte City Council and Mecklenburg County Commission with a request for whatever legislative approval may

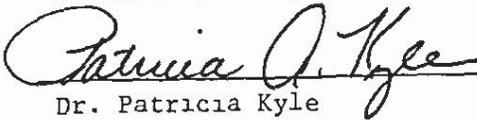


be necessary from those bodies to implement the changes we have recommended.

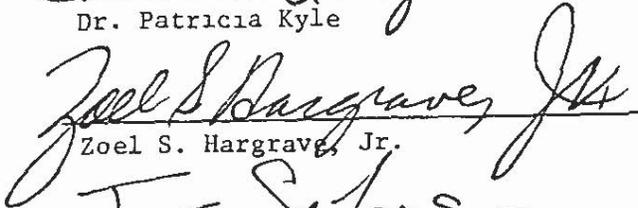
Respectfully submitted, this the 10<sup>th</sup> day of June, 1982.



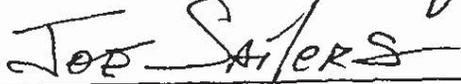
Richard Vinroot, Chairman



Dr. Patricia Kyle



Zoel S. Hargrave, Jr.



Joe Sallers



Ella P. Hand



Mahlon H. Adams



Ann A. Hammond



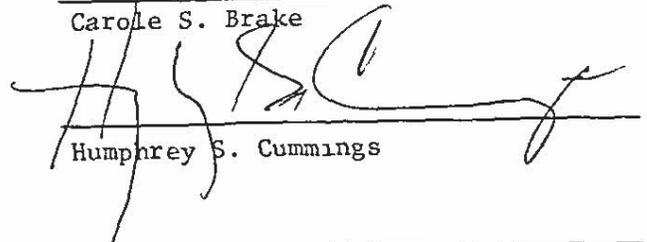
Sam Smith



Rev. J. Ed Wayland



Carole S. Brake



Humphrey S. Cummings



## MINORITY REPORT

The undersigned endorse the foregoing report, except as follows

We do not endorse any of recommendation (b) on pages 8 through 12, concerning "planning districts " In lieu of said recommendation (b), we recommend the following

(b) General land use planning process. As regards citizen participation in the general land use planning process, we recognize that efforts have been made, during the past decade, by the Planning Commission and both governing bodies, to inform the public and to solicit public input by means of information meetings and public hearings. Proposed zoning changes and ordinance amendments are routinely advertised and subjected to public hearings. Since 1976, affected and adjoining property owners and area neighborhood associations have been notified by mail by the Planning Commission.

In addition, major land use policies such as the Comprehensive Plan 1995 and the new Transportation Action Plan have been and currently are presented to the public by the Planning Commission in numerous information meetings followed by public hearings in various sections of the county.

We endorse this procedure and, as an extension of it, we would recommend for consideration by the Planning Commission that a series of not more than four "workshops" be held in different areas of Mecklenburg County for the purpose of acquainting interested citizens with the Planning Commission and its responsibilities and program of work. These meetings would not be public hearings, but questions from and comments by citizens could be received for the purpose of identifying their primary concerns.

Additionally, our committee discussed at length the subject of "planning districts." There were numerous opinions expressed as to what "planning districts" could or should be and the inherent strengths or weaknesses thereof. It is the belief of the undersigned that the Planning Commission and the Planning Staff have the most complete understanding of how such districts could be used as a tool for land use planning and for communication and interaction with the public. We do not recommend that planning districts, citizens' groups, or neighborhood councils be established by the governing bodies or the Planning Commission as a governmental function in the planning process.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

In conclusion, we are convinced that the Planning Commission, which is itself a committee of citizens, and the professional planning staff are acutely aware of the importance of communication with the general public and will continue to implement policies to improve communication where necessary.

Respectfully submitted, this the 10<sup>th</sup> day of June,  
1982.

Barbara Boyce  
Barbara Boyce

Peggy B Culbertson  
Peggy B Culbertson

Thomas E. Norman  
Thomas E. Norman

Dr. Thomas L. Dulin  
Dr. Thomas L. Dulin

James L. Varnadore  
James L. Varnadore

Walter O. Hendrix  
Walter O. Hendrix

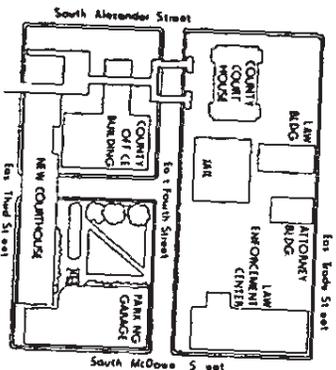
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

## PUBLIC HEARING

These are four suggestions for citizen participation in land use planning. The Committee is not committed to any alternative at this time. A public hearing will be held to obtain your ideas before the task force makes its recommendation to the Planning Commission.

**When: March 11, 1982**  
**Where: County Commission Chambers**  
**Fourth Floor,**  
**County Office Building**  
**720 East Fourth Street**  
**Time: 7:00-10:00 P.M.**

At the public hearing persons may speak in support of or against any of the citizen participation alternatives described in this brochure or in support of any other suggestion they believe to be preferable. Each presentation will be limited to five minutes and written comments will be accepted and considered. Persons who cannot attend may submit written comments by mailing them to the Charlotte Mecklenburg Planning Commission, Cameron Brown Building, 301 South McDowell Street, Charlotte, NC 28204. Questions or requests for additional copies of this brochure should be directed to David Howard of the Planning Commission staff at 374 2205.



## CITIZEN PARTICIPATION ADVISORY STUDY COMMITTEE

Mahlon Adams  
Barbara Boyce  
Carole S. Brake  
Peggy Culbertson  
Humphrey Cummings  
Dr. Thomas L. Dulin  
Ann Hammond  
Ella Hand  
Zoel S. Hargrave, Jr. Vice Chairman  
Walter O. Hendrix  
Dr. Patricia Kyle  
Leroy Lakey  
Thomas E. Norman  
Joe Sallers  
Sam Smith  
James L. Varnadore  
Rev. J. Ed Wayland, Jr.  
Richard Vinroot, Chairman

# A PUBLIC HEARING PREVIEW Citizen Participation In Land Use Planning and Zoning

LXHIBIT A

# WHAT ARE YOUR SUGGESTIONS?

In September 1981 as a result of the urban symposium recommendations the City Council and County Commission appointed a Citizen Participation Advisory Study Committee. The Committee was asked to (a) evaluate the methods of citizen participation in land use planning and zoning presently used in this community and others and (b) recommend to the Planning Commission and local governing bodies a range of options for citizen participation.

Responding to this request the Committee has met over the past five months with representatives from neighborhood groups, land developers, government officials and others familiar with the land use planning and zoning process here and elsewhere. They have also considered a number of alternatives designed to involve citizen participation in that process.

## OBJECTIVES

From these discussions the Committee has concluded that objectives to involve citizen participation in land use planning and zoning should

- (a) Educate and determine the concerns of the citizens affected by the decisions under consideration
- (b) Provide a forum for the exchange of information between the citizens seeking and affected by decisions under consideration
- (c) Resolve conflicts and
- (d) Improve the decisions made

## OTHER CONCERNS

The Committee has also identified other concerns which should be considered in evaluating any changes to the process. Key among these concerns are that

- Citizens have a tough time getting information about land use planning decisions
- Some people think that their concerns have been excluded from the planning process

- Attempts should be made to resolve conflicts before issues reach the public hearing stage
- Affected citizens should be well informed and involved from the beginning of the process
- There is a need to dispel the us them mentality
- Present methods are basically reactive rather than constructive
- Public hearings should be held earlier in the process rather than near the end
- Enhanced citizen participation should not substantially increase the cost of land use planning
- Citizen participation should not create more bureaucracy in the existing process
- Whatever is done should be voluntary, representative, accountable and responsible

## CITIZEN PARTICIPATION ALTERNATIVES

With these ideas in mind the Committee has evaluated four ways in which citizen participation in land use planning and zoning might be achieved

### A. Present System.

Citizens are notified of rezoning hearings through direct mail to adjacent property owners and by the posting of signs on the property. Citizens are involved in special projects through public hearings and the use of short term task forces. There is presently limited involvement of citizens in the planning process except through their elected representatives and appearances at public hearings before the Planning Commission and the governing bodies.

### B. Pre-hearing Conferences.

This concept would involve meetings of citizens seeking and affected by rezoning decisions. Meetings would be called by a member of the

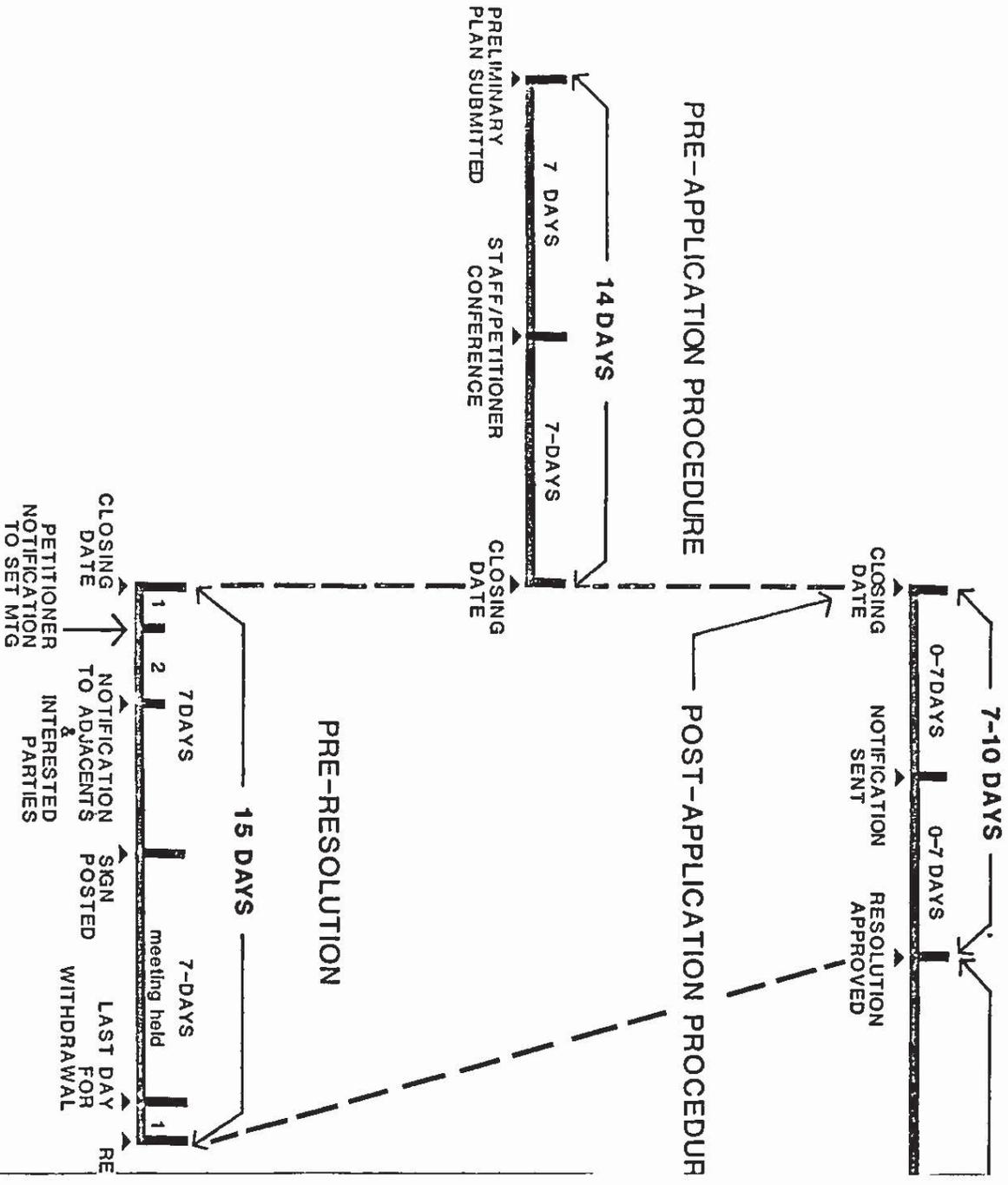
Planning Commission staff or other neutral party promptly after any petition to obtain such a decision has been filed. It might be mandatory or voluntary and would provide the interested parties with a forum in which to educate express concerns, negotiate differences with one another and perhaps resolve conflicts between themselves in advance of public hearings.

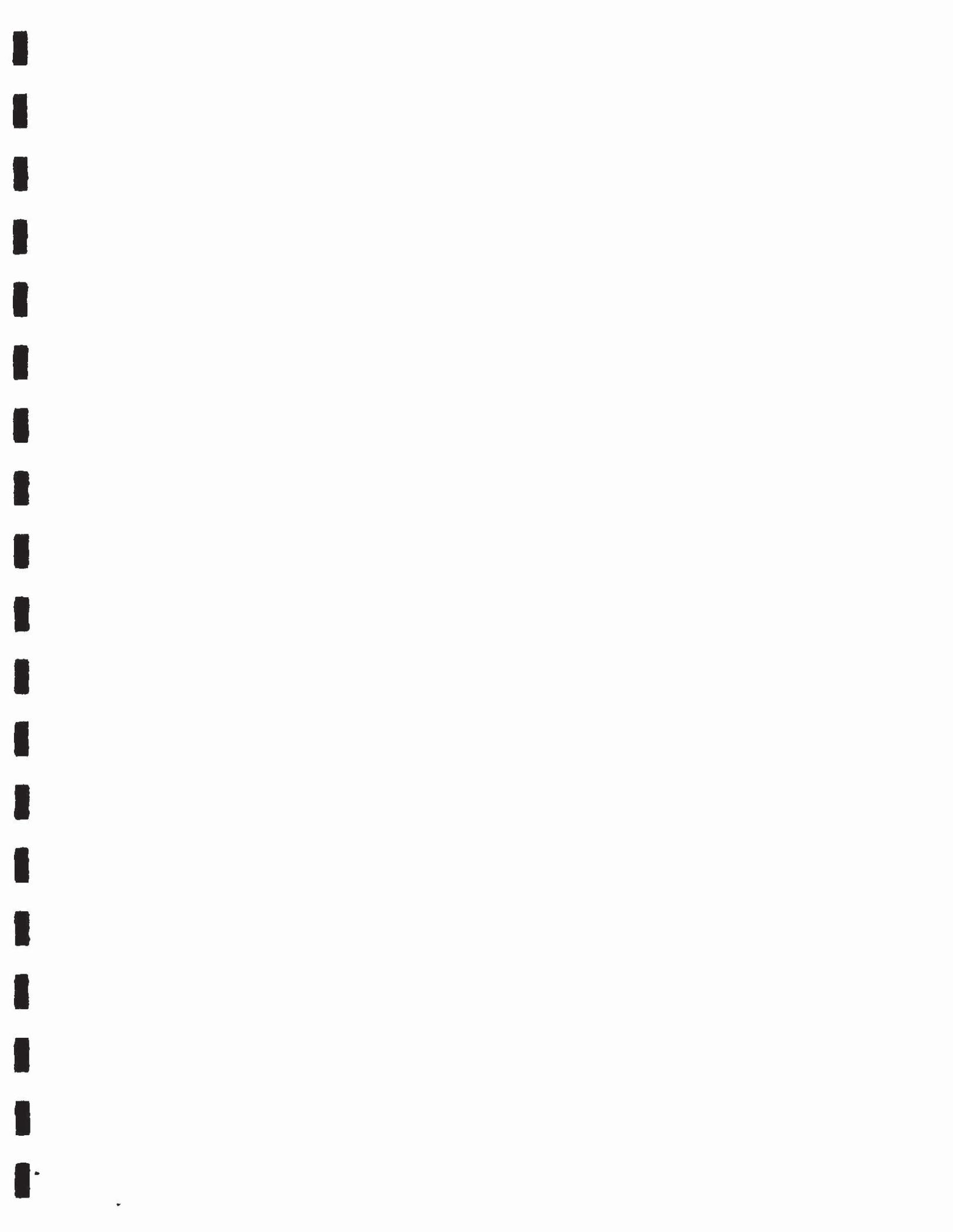
### C. Neighborhood Councils.

Neighborhood Councils are neighborhood bodies with some official or quasi official relationship with local government. They are broad based organizations of residents from geographic sub areas of a City or County. They are usually governed by a representative body chosen through a democratic process. They focus on many aspects of neighborhood life such as planning, parks, transportation, beautification and community development. Neighborhood in this sense means everyone having an interest (business landowner resident) in an area. A council would consist of a small group of neighborhoods in any one area having similar issues or interests. Some cities also have a larger group made up of representatives of the councils to address community wide issues. Neighborhood councils provide a forum to discuss issues and reach consensus. They do not replace an individual neighborhood association but provide linkage on common neighborhood issues.

### D. Neighborhood Planning Districts

Planning Districts are a specialized form of neighborhood councils which are based on the same general concept. Planning Districts are tied in directly with the Planning Commission's work program. Staff is assigned and funding supported from the Commission's budget. A board is established in each district and it discusses only planning issues such as comprehensive plans, small area plans, transportation network and capital improvements in that district. These districts do not replace neighborhood associations but work to link their common interests with community planning objectives.





#3

MEMORANDUM

November 4, 1982

TO: Mayor and City Council

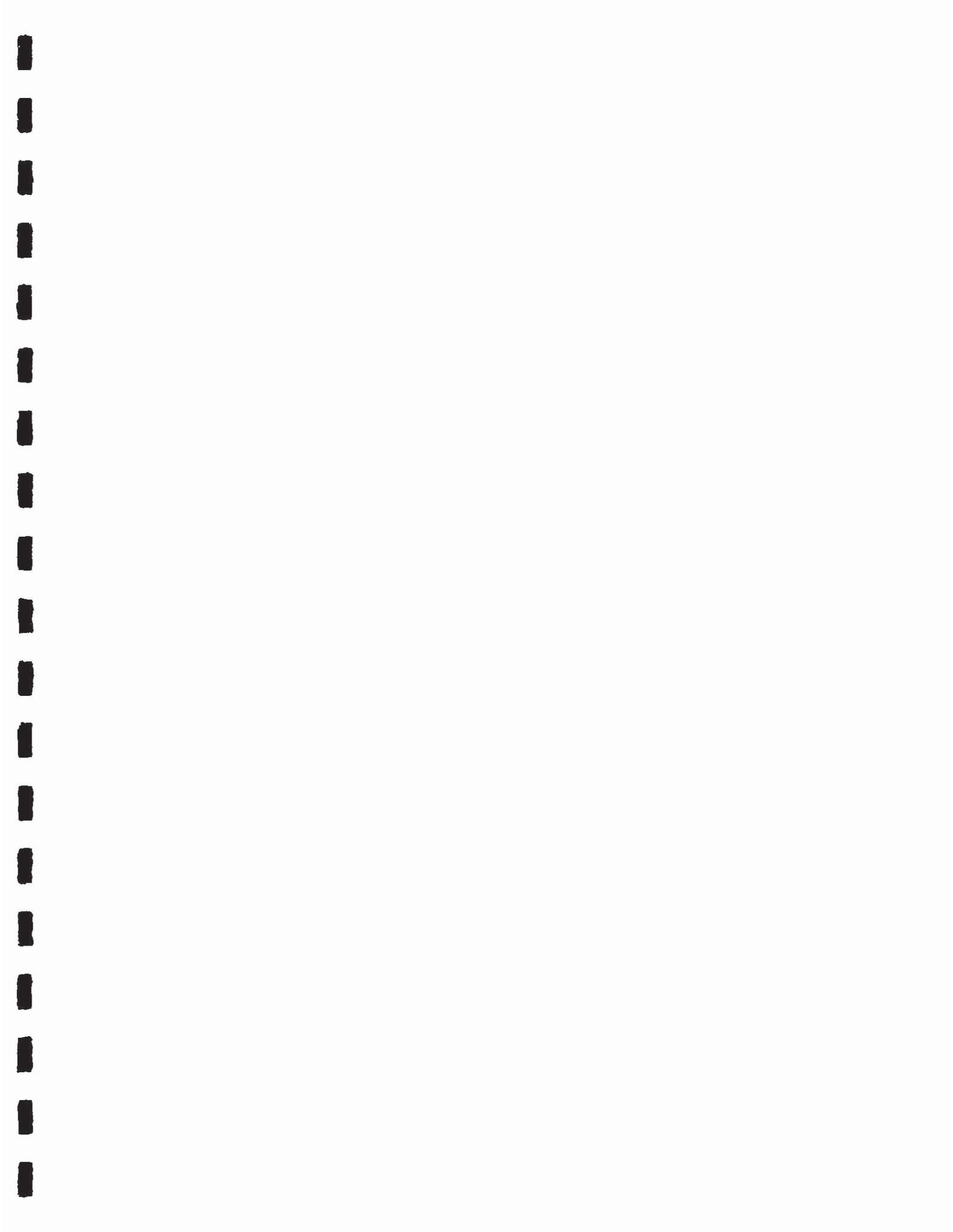
FROM: O. Wendell White  
City Manager

SUBJECT: Recommended 1983 City Legislative Program

The North Carolina General Assembly will convene in early January, 1983 for its regular legislative session. In keeping with our past practice, the City Attorney's office has initially compiled a list of legislative suggestions from various sources for consideration as part of the official legislative program of the City. Suggestions have originated from Councilmembers, this office, City department heads, and from within the Legal Department itself. The items listed below have been reviewed by me and appropriate City staff and are being transmitted to you as the recommended 1983 City legislative program.

1. Seek an amendment to the City Charter to restore the right of the City to use the so-called "quick take" condemnation authority contained in Chapter 136 of the General Statutes.

In the 1981 session, the General Assembly enacted a uniform eminent domain bill applicable to all municipalities, and in doing so, repealed all local acts and Charter provisions that provided an alternate condemnation authority. Prior to this action, the City enjoyed the right to use the so-called "quick take" condemnation procedure available to the State of North Carolina and found in Chapter 136 of the North Carolina General Statutes. The new condemnation procedure, found in Chapter 40A of the North Carolina General Statutes, contains several features that were not present in the "quick take" procedure and which cause delays in meeting construction project deadlines. For example, under the new law before the City may file a condemnation action a thirty day notice of intent to condemn must be mailed to the property owner. Furthermore, under the Chapter 136 "quick take" procedure, title to the property passed immediately upon the filing of the condemnation action. Under the new procedure, title to the property passes immediately upon the filing of the condemnation action if the condemnation is for: streets and



sidewalks, storm sewer and drainage systems, drainage programs, sewage collections and disposal systems, solid waste collection and disposal systems or natural gas systems. On the other hand, condemnation actions for any other public purpose would not vest title in the City until the passage of 120 days, and in some instances, for a longer period of time. Thus, this "slow take" would include park and recreation facilities, public buildings such as city halls, fire stations, or other facilities, community development acquisitions, public transportation systems, off-street parking facilities and airport facilities.

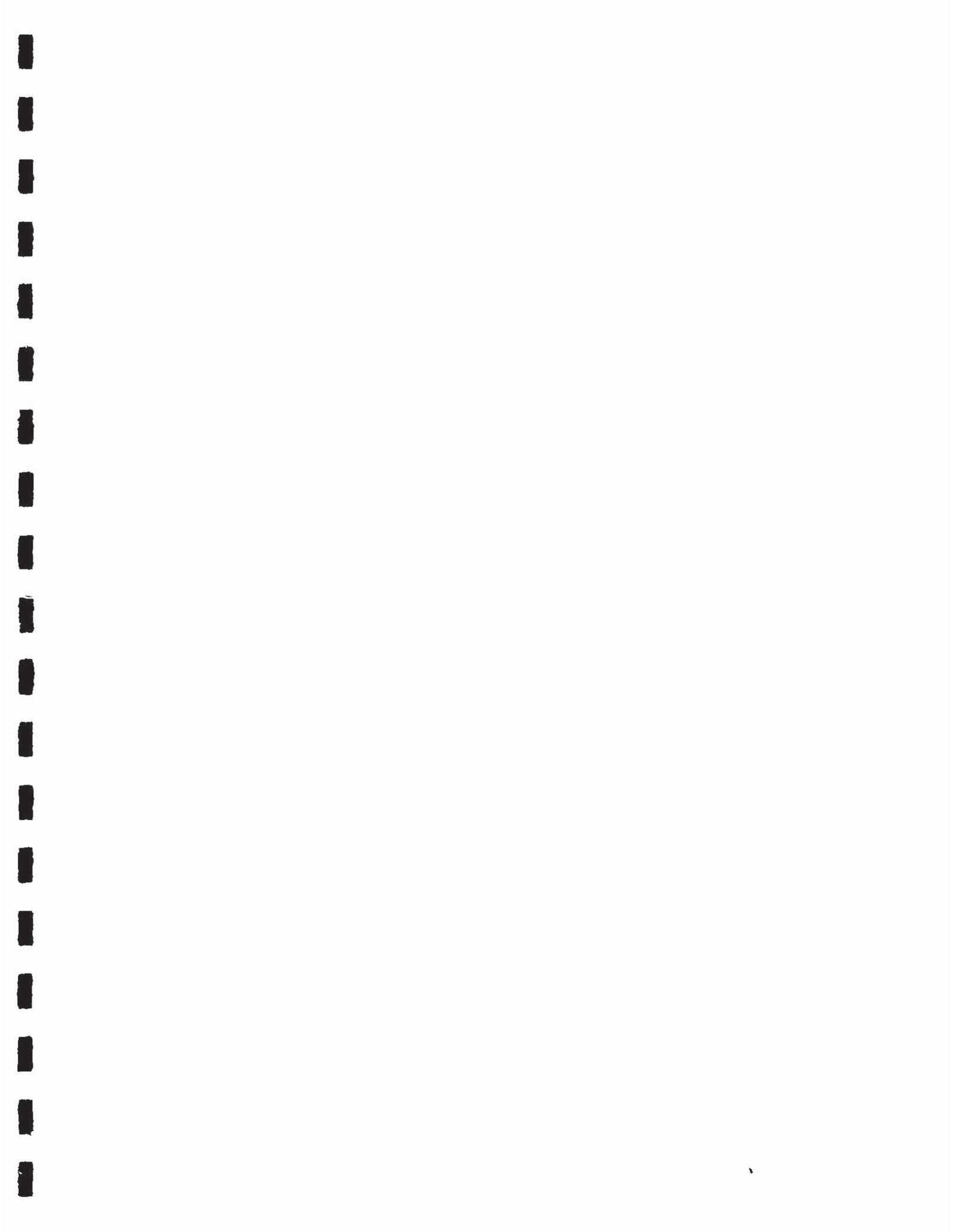
The City has been operating under the new condemnation procedure since January 1, 1982, and in practice, we have experienced delays, sometimes substantial, in moving forward on City projects in a timely fashion. These delays were not present when the City could utilize the Chapter 136 condemnation authority since it is a much more streamlined procedure.

2. Seek the passage of a local bill which would prohibit the open possession of hand guns in any public place (i.e. any place to which members of the public at large have substantial access).

Such a bill would not apply to a person who is on his own premises, either home or business, or to law enforcement officers, military personnel, licensed security guards or employees of a business whose job is to provide security. Punishment, upon conviction, would be imprisonment for up to ninety days and confiscation or destruction of the hand gun involved.

This recommendation was initially made by Chief Vines and would complement the current City ordinance making it unlawful for any person to possess a dangerous weapon on City-owned property, while picketing or while participating in or within the vicinity of a parade or funeral procession. Additionally, it would complement the existing state law prohibiting the carrying of concealed deadly weapons.

3. Seek the passage of a Charter amendment authorizing the City Manager to approve the sale of small tracts of land having a market value of less than \$3,000 by utilizing the private sale method.



Presently, with some few exceptions, the City is not authorized to sell any property, regardless of its value, using the private sale method. Instead, the three permitted methods of disposing of City-owned property are: a) sealed bid process; b) negotiated offer, advertisement, and upset bid process; or c) public auction process. All of these methods are somewhat cumbersome and time consuming as well as relatively expensive to process particularly when the property in question is of modest value. The City owns a rather significant number of small parcels, typically remnants from street widening projects, that are of little or no value or of little or no use to anyone other than the abutting property owner. Passage of this recommended legislation would not only streamline the process, but would also lower the expenses in marketing property of this type.

4. Seek an amendment to the City Charter that would increase the authority of the City Manager to approve and execute contracts from \$20,000 to \$30,000.

You might recall that the 1982 session of the General Assembly amended the City Charter to increase the Manager's authority to approve and execute contracts on behalf of the City when the amount of the contract did not exceed \$20,000; provided that, the City Council has appropriated sufficient funds in the budget for the current fiscal year for the general purposes specified in the contract. Currently, the Mecklenburg County Manager possesses the authority to approve, award and execute contracts up to \$30,000. This recommendation would, if enacted, place the City Manager's contract approval authority on an equal footing with that of the County Manager and would aid the City-County Purchasing Department in its contract processing since both units of government would have the same contract approval limits.

5. Seek a local modification to G.S. § 106-366 to delete the authority of the County Health Director to appoint rabies inspectors with the approval of the Board of County Commissioners.

This section of the General Statutes authorizes the local Health Director with the approval of the Board of County Commissioners to appoint a sufficient number of rabies inspectors to conduct the necessary rabies inspections throughout the County. At the

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99  
100

present, the City Manager appoints rabies inspectors for City rabies inspections through the employment of personnel in the City's Animal Control Division. In view of the consolidation of the City and County animal control operations, it is my recommendation that this General Statute be modified to delete the appointing authority of the County Health Director to eliminate any possible confusion over the appointment of rabies inspectors once the animal control operation is consolidated under City government.

6. Seek an amendment to the City Charter that would authorize the City Manager to approve the addition of new job classes, the deletion of current job classes, and the reassignment of existing job classes, provided that the City Council was given a monthly report of actions taken in this regard.

City Council has delegated to the City Manager the authority to reclassify positions from one existing job classification to another. In the judgment of the Personnel Director, this has been an effective process in that upon concluding a study by the Personnel Department, if approval is rendered from the City Manager, the decision can be implemented immediately. This provides a more expeditious process and serves to avoid burdening Council with the day-to-day personnel operation. A similar concept of delegation could be applied to the addition of new classifications, the deletion of current job classifications, and the reassignment of existing job classifications. Such a change would allow these personnel actions to occur more rapidly and would further reduce the need for Council involvement in relatively minor personnel transactions. As is the case currently, no changes would be made which could not be funded within the current budget appropriation. Moreover, Council would be provided with a monthly report of actions taken in order to keep you informed.

7. Seek an amendment to G.S. § 44A-26 which now requires the posting of a performance bond on projects in excess of \$10,000 to increase the threshold to \$30,000.

At the present, there is an inconsistency in the bidding statute (G.S. § 143-129) in that it requires contractor to post bid and performance bonds on projects in excess of \$30,000, while G.S. § 44A-26 requires the posting of a performance bond on projects in excess of \$10,000. Making the limits the same would eliminate confusion

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99  
100

and the existing contradiction as well as making projects in the \$20,000 to \$30,000 range available to minority and small businesses who have difficulty in obtaining performance bonds and are thus unable to participate in such projects. Achieving such a change would provide minority and small businesses opportunities to bid on these projects without the necessity of acquiring a performance bond. This, in turn, would provide the potential to establish the track record needed to obtain bonds in the future thus allowing them to bid upon larger projects.

8. Seek a local act modification to G.S. § 14-399 to increase the fine for littering upon conviction of a second or subsequent littering offense from \$200 to \$500.

The 1981 session of the General Assembly enacted a local bill amending the above-cited statute to increase the fine for second or subsequent littering offenses in unincorporated areas of Mecklenburg County from \$200 to \$500. We recommend that the limits be increased for the City of Charlotte as well.

9. Seek a local modification to G.S. 14-4 which currently establishes maximum punishment for violation of a City ordinance at a fine of not more than \$50, or imprisonment of not more than thirty days by increasing the maximum penalties to not more than \$500, or imprisonment of not more than six months.

In general, the maximum punishment for the violation of municipal ordinances has not been increased since 1872. In 1979, the City of Jacksonville, North Carolina sought and obtained a local bill increasing the penalties for violating ordinances of the City of Jacksonville from the present limits to fines of not more than \$500, or imprisonment of not more than sixty days. It is our feeling that higher penalties for violations would put more "teeth" into the enforcement of City ordinances and would hopefully act as a deterrent.

10. Seek the enactment of state-wide legislation necessary in order to implement a resource recovery facility project.

You will recall that prior to the 1982 "short session" of the General Assembly, the City acquainted the Mecklenburg Legislative Delegation with the need for securing legislation that would clearly allow an



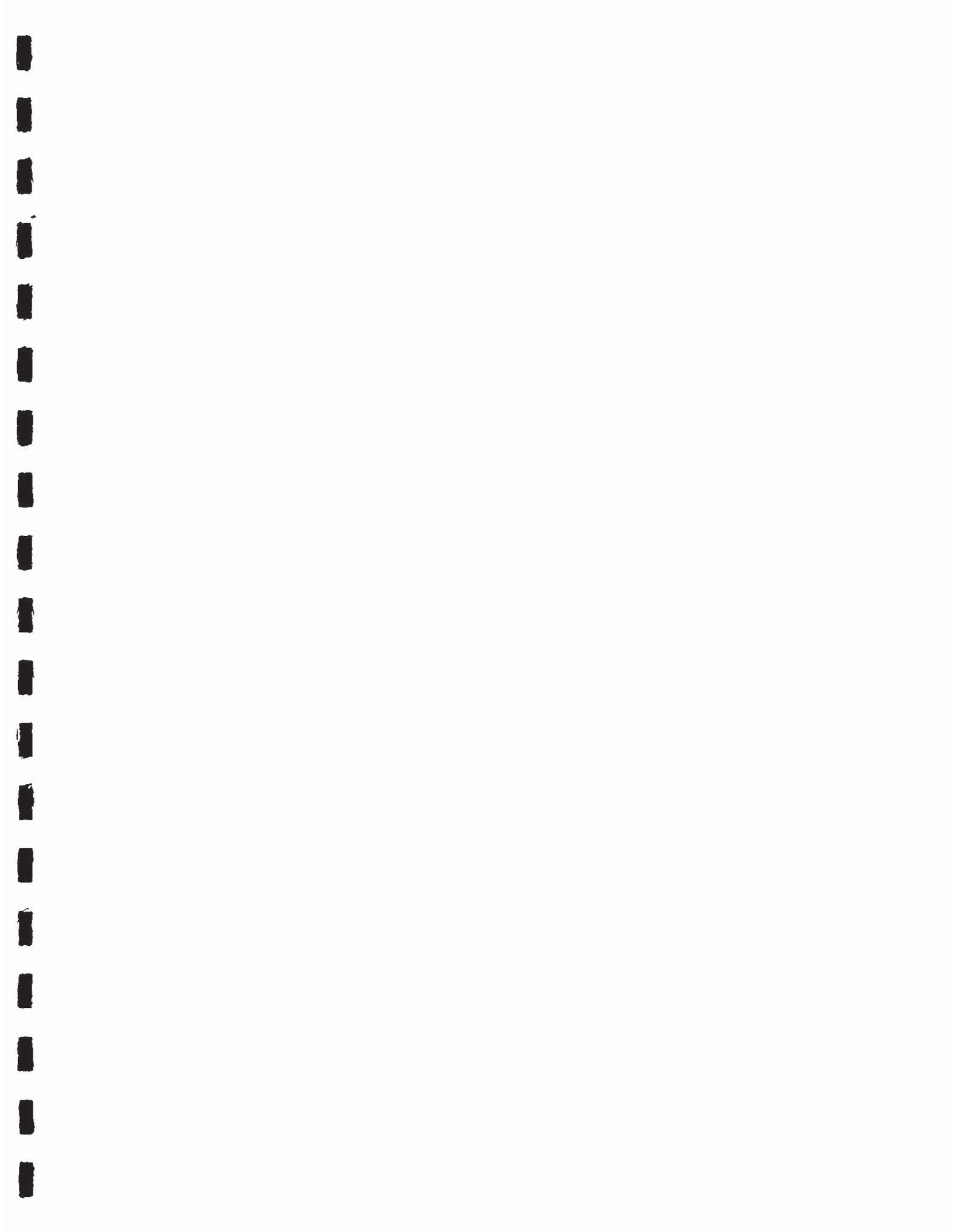
1

effective implementation of a recourse recovery facility project. We did not ask the legislative delegation to introduce these bills in the short session primarily due to both the time constraints and the procedural difficulties involved in seeking the introduction. However, the need to enact the legislation described below remains.

- a. Legislation amending Chapter 130 of the General Statutes to authorize the Department of Human Resources to designate a geographic area within which a solid waste management plan may be implemented by local government; and, further, to authorize a unit of local government to require that all solid waste generated within a designated geographic area be collected, transported, stored and disposed of at designated facilities.

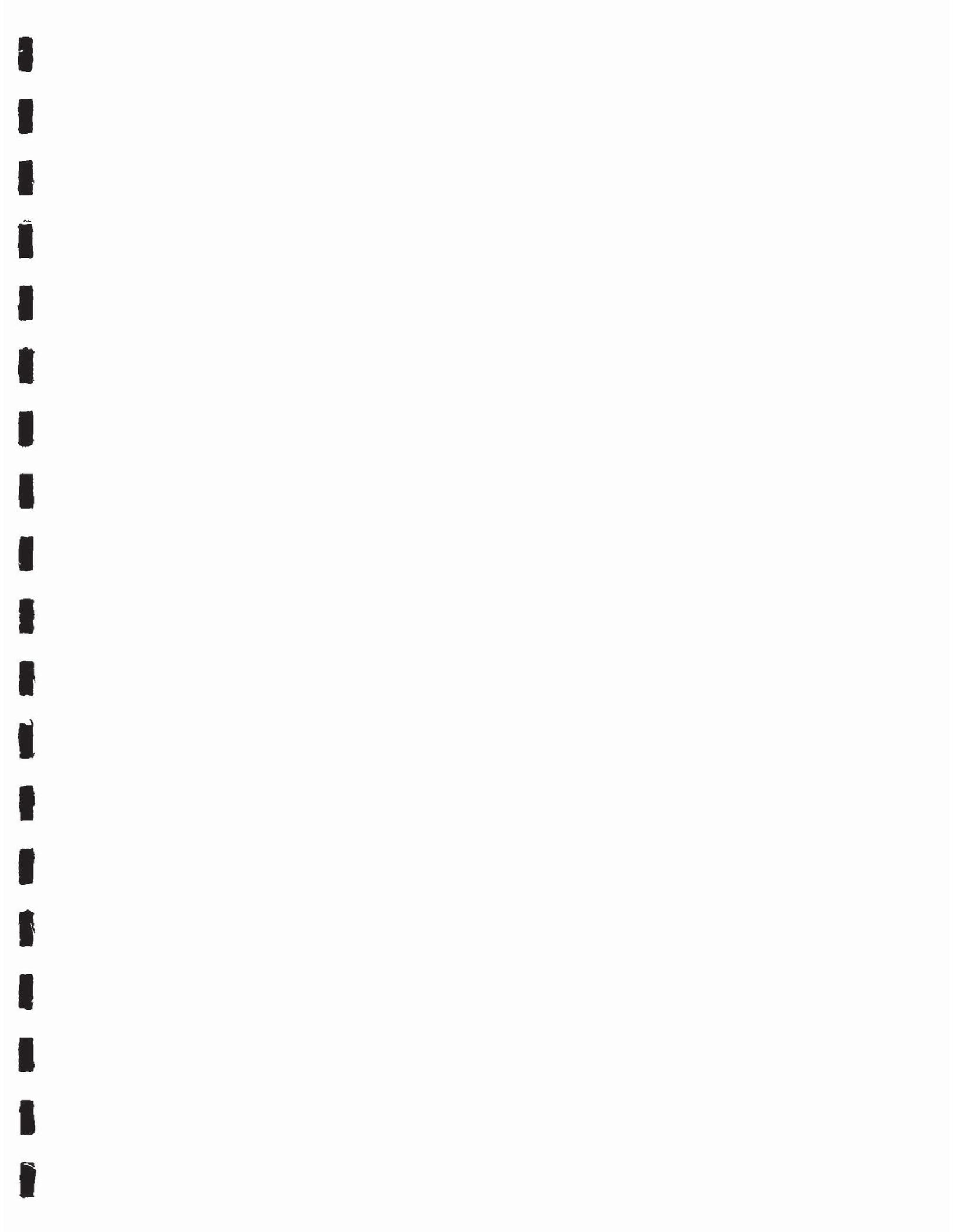
The need for this legislation stems from the recent United States Supreme Court decisions in the cases of City of Lafayette v. Louisiana Power and Light Company, and Community Communications Company, Inc., v. City of Boulder (citations omitted). Until about four years ago, local governments had little cause to concern themselves with antitrust laws. However, in the Lafayette case, the United States Supreme Court held that municipal governmental units were not necessarily immune from federal antitrust laws. In order to establish such immunity, a city must show that it was authorized or directed by the state to engage in the antitrust competitive activity involved. In the words of the Supreme Court, the city's actions must be "directed or authorized" by the state, and "supervised" by the state as part of "state policy to displace competition with regulation or monopoly public service." The Court went on further to say that such a state policy must be "clearly articulated and affirmatively expressed." The city of Boulder decision basically held that a general delegation of power to home rule cities is not the "clear articulation and affirmative expression" of a state policy to displace competition, and that something more in the way of legislation expression is needed.

The ability of the City and/or County to require that solid waste generated in Mecklenburg County be delivered to a resource recovery facility is essential. This ability to control the waste stream flow can guarantee delivery of



sufficient quantities of waste to the facility which is necessary to the marketability of the bonds and overall economic feasibility of the project. Hence, this bill authorizes the North Carolina Department of Human Resources to "actively supervise" the collection, transportation, storage and disposal of solid waste by designating a geographic area within which solid waste disposal may only be accomplished in accordance with a solid waste management plan. The units of local government affected would submit a solid waste management plan which dealt with the population of the area, the quantities of solid waste generated, the availability of sanitary landfill sites, and the method of solid waste disposal utilized. As earlier indicated, it would require that all solid waste generated within the designated geographic area be collected and disposed of only at designated facilities. It would allow the state agency to delegate all or a portion of a solid waste management program to the unit of local government. Thus, the purpose of this bill is to provide for the legally required "clearly articulated and affirmatively expressed" state policy in the solid waste disposal area so that a city might be shielded from antitrust liability.

- b. Legislation relating to the letting of contracts for the construction, design and operation of solid waste facilities which authorizes cities and counties to evaluate proposals on the basis of factors other than price alone, and which authorizes cities and counties to negotiate a contract with the selected bidder. The present state law (G.S. § 143-129) requires that contracts for construction of any public project must be awarded to the lowest responsible bidder. The thrust of this proposed legislative amendment is to allow the negotiation of certain substantive contract terms. If legislation is not passed in this area, the request for proposals or bids for construction would have to include a completed contract for construction and operation of the facility with all substantive issues defined. All bidders would be required to submit a proposal based upon those contracts. This would eliminate the ability of a city or county to negotiate certain portions of a



contract which may have a significant impact on the price of the facility. Experience in other states suggests that if the City wants the selected bidder to assume substantial risk for the successful operation of the resource recovery facility, it is essential that the City have the authority to negotiate key terms of the contract with the successful bidder.

This bill allows the evaluation of a bid proposal on the basis of factors other than cost alone, including but not limited to facility design, operational experience, system reliability, energy production efficiency, long-term operational cost, compatibility with source separation and other recycling systems, environmental impact and operational guarantees. It further authorizes the unit of local government to award the contract to the bidder whose proposal is deemed most responsive, and to negotiate with that bidder for the performance of the services set forth in the request for proposals. The bill further authorizes a city to contract for the design, construction and operation of a solid waste management facility for a contract term not to exceed 40 years.

It should be emphasized that the bill specifically provides that the exemption created by this legislation does not involve the construction work of any facility or structure which is ancillary to the solid waste management facility such as roads, water and sewer lines, transfer stations, scale houses, administrative office buildings, and other project amenities. Construction work for these type facilities would continue to be competitively bid.

- c. Legislation expanding the power of municipalities with respect to the financing of systems, facilities and equipment for the collection, treatment, or disposal of solid waste. This final piece of legislation would amend Chapter 159 of the General Statutes to permit, with voter approval, the pledge of taxes to help support Revenue Bonds that might be issued for systems, facilities, and equipment for the collection, treatment, or disposal of solid waste.

Currently, under North Carolina law, a city cannot be compelled to use tax monies to retire Revenue Bonds should revenues prove insufficient, except for two sorts of Revenue Bond projects:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99  
100

(1) airport facilities, and (2) hospitals. This bill would add solid waste facilities to that list. Taxes may be pledged for either of two purposes. First, they may be pledged to meet any "operating supplement requirement." When such a pledge exists, the issuing unit determines each year whether revenues will be adequate to meet operating expenses, debt service, and any necessary payments to the debt service reserve. Any insufficiency, up to the amount of the pledged tax, is then made up by levying the tax. Second, a unit of government may pledge to meet any "debt service retirement supplement requirement." With this sort of pledge, the issuing unit determines the amount, if any, withdrawn from the debt service reserve fund during the current fiscal year; the taxing unit then levies for the next fiscal year a tax sufficient to fully replenish the fund.

Please keep in mind that any tax pledged pursuant to this law is subject to approval by the: (1) the Local Government Commission, and (2) the voters of the pledging city or county. Adoption of this legislation increases a city's options in financing a resource recovery facility.



**CITY OF CHARLOTTE**  
**INTER-OFFICE COMMUNICATION**

**DATE:** November 17, 1982

**TO:** O. W. White  
City Manager

*M. M. Vines*  
**FROM:** M. M. Vines  
Chief of Police

**SUBJECT:** Handgun Management Material for City Council Agenda

Attached is background information to be used as a supplement to my presentation to the Council concerning gun management. There are six sections included in this information packet. They are:

1. Background and Purpose
2. Problem
3. Current North Carolina Law Regarding Purchase and Carrying of Weapons
4. Handgun Management In Other States and Municipalities
5. Alternative Responses to the Question of Handgun Management
6. 1982 Fact Sheet on Gun-Related Homicide and Aggravated Assault.

I look forward to discussing this matter in more detail with the Council on Monday.

MMV/bh



## Background and Purpose

Shortly after the shooting death of Officer Ernest Coleman on July 1 of this year, a member of City Council asked what, if anything, could be done to address the increasing problem of handgun-related crime in Charlotte. That question was referred to the Chief of Police for consideration and he, in turn, requested a review of the issue by the Police Attorney's Office. Their response, discussed at Council's November 8, 1982, meeting, recommended that, if Council wished to take action concerning the handgun issue, it should seek local legislation from the General Assembly. This would allow for utilization of stiffer penalties and avoid any potential conflicts between state law and local ordinance (i.e. preemption problems).

The purpose of this document is to (1) more fully define the problem of handgun-related crime in Charlotte, (2) outline current North Carolina law concerning handguns, (3) identify laws from other states and municipalities which address the issue of open possession of handguns, and (4) summarize alternatives for management of handguns in Charlotte.

## Problem

The problem of handgun-related crime is increasing in Charlotte, as it is in most other large cities. The most dramatic increase in violent crime has been in the area of aggravated assaults which have, in the period from January 1 - October 31, increased 34.5% over 1981. During the first ten months of the year, 31.2% of all aggravated assaults were committed with a gun. Homicide is the other violent crime most often associated with the use of a handgun. Although the homicide rate has not increased over that of the previous year, 85% of homicides in 1982 involved the use of a firearm.

Both homicide and aggravated assault are crimes of passion in which ready access to a gun can be the ultimate impetus for commission of the crime. Almost half of the aggravated assaults and homicides involving the use of a handgun took place in parking lots, streets, fields, lounges, pool halls, or other areas where the public has access. In 70% of handgun-related homicides and assaults, the victim and perpetrator were known to one another.



Regulatory measures concerning the open possession of a handgun might reduce the number of incidents and the severity of injuries in cases where a gun was used simply because the individual had ready access to it.

Gun management is a complex issue which is complicated both by the competing interests of numerous segments of the population and the emotional response that it evokes in a large number of people. Any resolution of the gun management question will require a delicate balancing of the rights of the general public (including those people who may be potential victims of crime), of individuals having a legitimate need to carry a firearm, and of police personnel who, of necessity, must confront individuals carrying handguns. It is imperative that any proposed changes in handgun regulation be responsive to the concerns of as many segments of the population as practicable without undue interference with an individual's liberties. Any choice which places restrictions on the right to freely carry weapons is likely to be attacked on constitutional grounds but fair and reasonable regulatory measures can probably withstand such attack.

#### Current North Carolina Law Regarding Purchase and Carrying of Weapons

- . It is illegal to carry a dangerous or deadly weapon concealed on or about the person. Handguns may be transported in a motor vehicle either unconcealed, or, if concealed, in a location where the vehicle's occupants do not have ready access to the firearm.
- . There is no law prohibiting an individual from openly carrying a handgun.
- . There is a law which prohibits an individual from openly carrying a handgun in such a manner that causes terror to others (i.e. displaying the weapon in an irresponsible or dangerous manner).
- . North Carolina requires a permit to sell, give away, transfer, purchase or receive a firearm.
- . The permit is issued by the Sheriff upon proof of an applicant's good character, the applicant's sworn statement that the gun is for the protection of his home, and the payment of a fee.



- . The Sheriff must keep a record of all permits for handgun sales and gun dealers must maintain accurate records of all sales.
- . There are no requirements for a permit to be carried by the possessor of the handgun.

#### Handgun Management In Other States and Municipalities

- Two states and the District of Columbia restrict the carrying of loaded handguns on the person or in a vehicle in public areas.
- At least eleven states require some form of permit or licensing by seller or purchaser.
- Numerous municipalities have enacted their own ordinances concerning handgun management, e.g., the total prohibition of handguns in Morton Grove, Ill., or the Fairmont, W. Va., restriction against carrying a handgun within the city limits.
- The most common type of municipal restriction on carrying handguns is a carry permit issued to persons meeting specific requirements on character, age, use, etc.
- Currently, no state unconditionally forbids the open carrying of all handguns.

#### Alternative Responses to the Question of Handgun Management

There are several possible responses to the question of handgun management in Charlotte. The first two cover both extremes of the issue. The third is an approach that would address the concerns of varied segments of the population while imposing only a minimal intrusion into an individual's personal liberty.

Possible alternatives are as:

- . Take no further action concerning handgun management and leave all existing laws and ordinances as they are presently.
- . Seek legislative approval to ban completely the open display of handguns in public places.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99  
100

- . Seek legislative approval of a regulatory system under which an individual must obtain a permit to carry a handgun in the City of Charlotte.

Should Council elect to pursue the idea of a permit system or some other method of handgun regulation there are a number of elements which would merit consideration. These include:

- . Age of Applicant
- . Character of Applicant
- . Residency Requirements for Applicants
- . Waiting Period
- . Location Where Handguns May Be Carried
- . Time of Day When Handguns May Be Carried
- . Applicant's Purpose For Carrying A Handgun
- . Manner of Displaying the Handgun
- . Distinctions Between Loaded and Unloaded Handguns
- . Fee for Permit
- . Administration of the Permit System
- . Guidelines for Revocation of Permit
- . Requirement that individual have permit with him during times at which he/she is possessing the handgun

#### 1982 Fact Sheet on Gun-Related Homicide and Aggravated Assault

##### Homicide

- 40 cases between January 1 - October 31
- 85% involved guns (67.5% handguns, 17.5% shotgun/rifle)
- at least 65% of the victims and offenders were acquaintances, friends or relatives
- 42.5% occurred in public areas (street, parking lot, open area, bar, etc.); 57.5% occurred in a residence

##### Assault with Firearm

- 737 offenses between January 1 - October 31
- 31.2% of all aggravated assaults involved guns
- approximately 75% of the victims and offenders were acquaintances, friends or relatives \*
- approximately 58% occurred in public areas (street, parking lot, open area, bar, etc.) \*
- 76.1% of the firearms were handguns \*

\* Results of a random sample of assaults with firearms



DATE September 20, 1982

PETITION NO. 82-45

PETITIONER(S) John Simpson

REQUEST Change from B-1 to B-2(CD)

LOCATION A .325 acre site on the southerly side of Shamrock Drive about 153 feet east of the intersection of Shamrock Drive and Florida Avenue.

ACTION The Planning Commission recommends that the petition be denied.

VOTE Yeas: Boyce, Culbertson, Curry, Evans, Jernigan, Lawing, Smith and Trotter.  
Nays: None

REASONS:

The following issues associated with this request can be identified:

1. Overall Objectives. Would the approval of this request be consistent with overall zoning and land use objectives for this area?
2. Proposed Use. Would the proposed use, a repair garage, be compatible with the surrounding area?

In arriving at answers to the above questions, the following facts should be considered:

1. Existing Zoning. The petitioned property is presently zoned B-1 as is property on both sides. The predominate zoning district in the immediate area, however, is the R-6MF district. The broader area pattern reflects other multi-family and single family classifications.
2. Existing Land Use. The petitioner's property is currently being used as an automobile repair garage. Neighborhood-oriented uses such as convenience stores are also nearby. The predominate land use in the area is residential development. This mostly reflects a single family pattern, but a large concentration of duplex structures, Shamrock Terrace, is also in the immediate vicinity.



3. Site Plan. The site plan submitted as a part of this request indicates that the property will be used for an automobile repair garage. An existing garage is already in operation on the site. Screening will be provided in accordance with ordinance requirements.

The following general findings can be arrived at:

1. Comprehensive Plan 1995. The Plan Map indicates residential development, 0-6 dwelling units per acre, in the vicinity of the petitioner's property.

Based on the above issues, facts and general findings, the following detailed findings may also be made:

1. The subject property is zoned neighborhood retail as is all the business-zoned property adjacent and nearby. No B-2 general business zoning exists.
2. The site is developed with a repair garage. This use is not permitted in B-1 and, thus, the necessity by the petitioner to request a zoning change.
3. General business zoning at this location would be inconsistent with the neighborhood-oriented commercial zoning in the area.
4. An automobile repair garage is a characteristically noisy operation and usually presents a very cluttered appearance. Such a use would not be compatible with the existing uses in the area, particularly with respect to homes adjacent to the rear and across the street on Shamrock Drive.
5. The neighborhood retail uses in this vicinity have experienced some marketing difficulty. For example, one convenience store that opened is now not in use and presents a somewhat negative appearance and a service station nearby was demolished several years ago. Therefore, any attempt to intensify business zoning, particularly with respect to the proposed use, will only add to visual problems associated with this commercial area and should be discouraged.
6. In light of the above, this request cannot be justified.

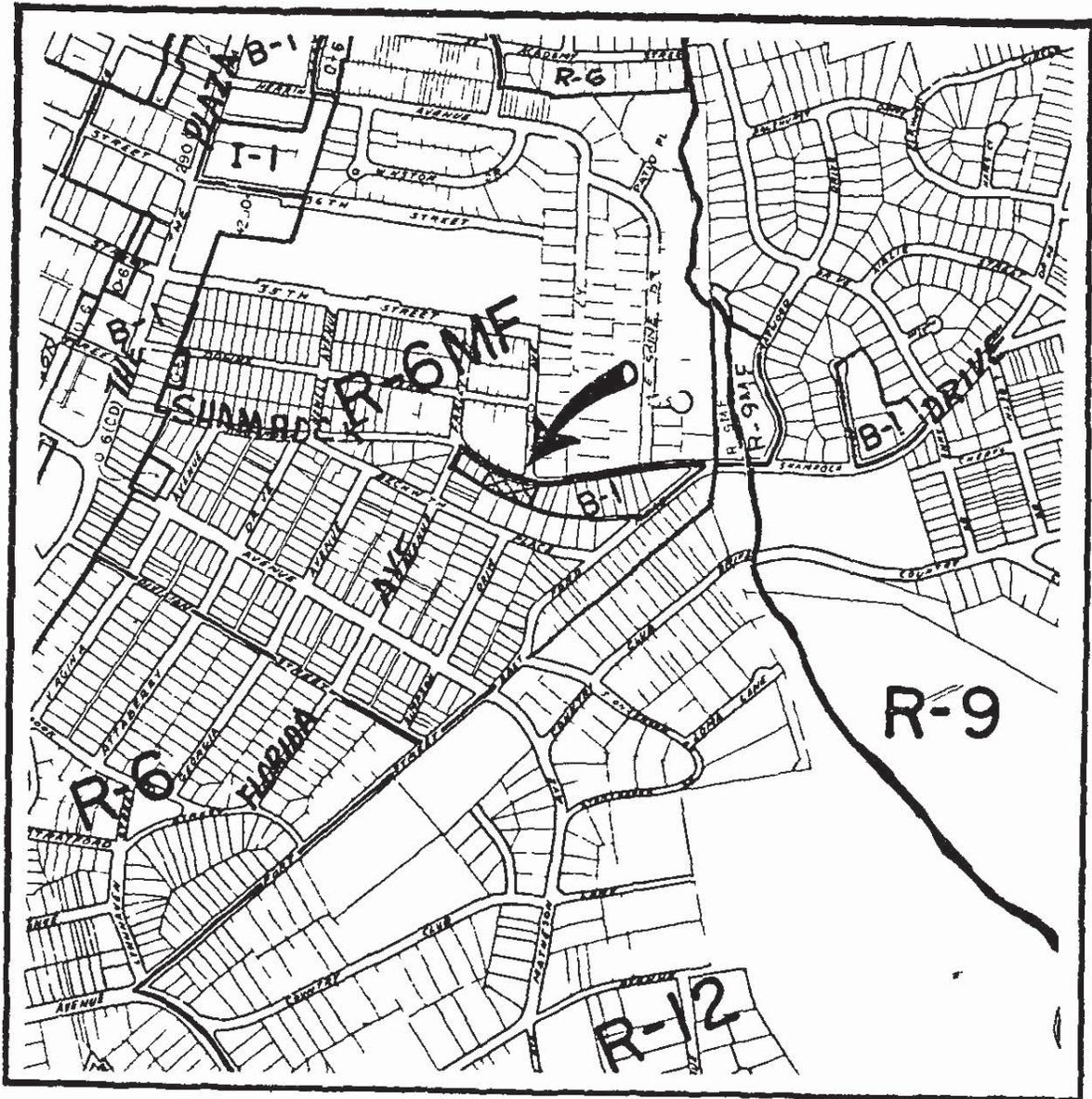


PETITIONER John Simpson

PETITION NO. 82-45 HEARING DATE 9/20/82

ZONING CLASSIFICATION, EXISTING B-1 REQUESTED B-2(CD)

LOCATION A .325 acre site fronting 205+ feet on the southerly side of Shamrock Drive approximately 153 feet east of the intersection of Shamrock Drive and Florida Avenue.



ZONING MAP NO. 6

SCALE 1" = 800'

PROPERTY PROPOSED FOR CHANGE



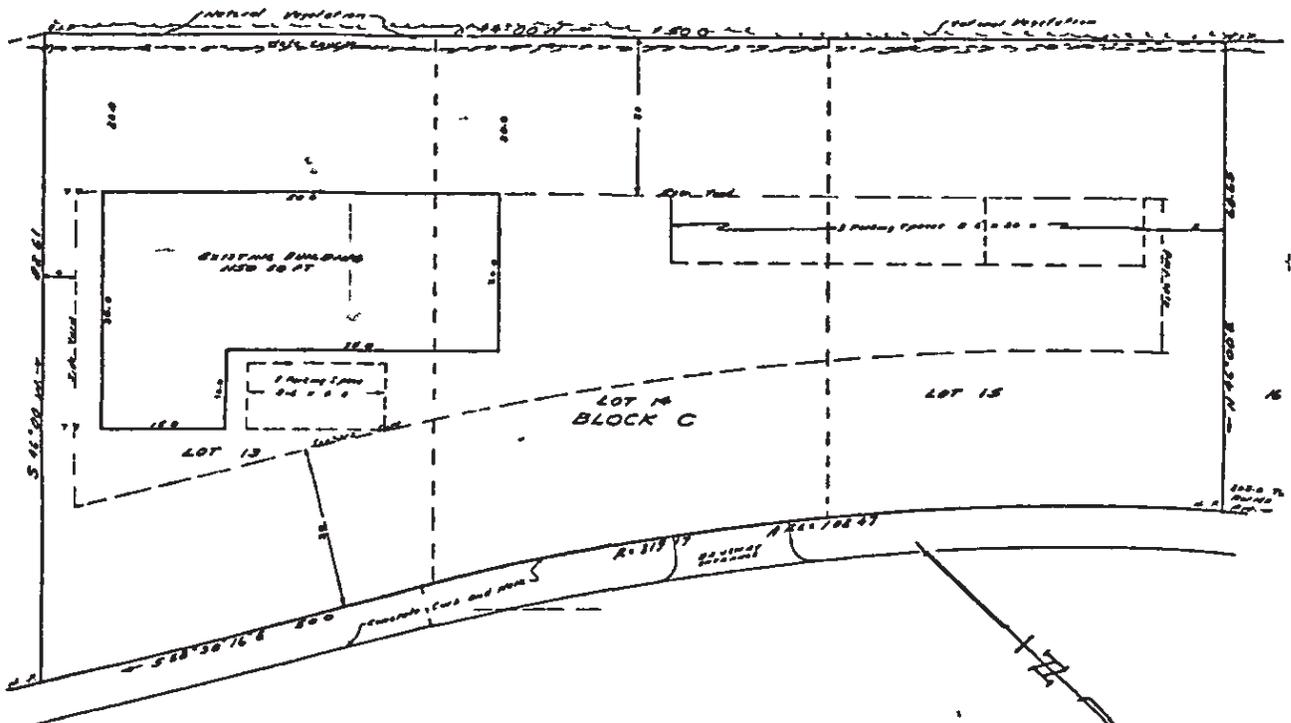
BLOCK B

LOT 10

LOT 11

LOT 12

15 ALLEY



SHAMROCK DRIVE

REQUEST FOR ZONING  
 AMENDMENT FROM  
 B-1 TO B-2(CD)  
 SURVEY AND PLAT BY  
 KEITH A MOEN N.C.R.L.S. L.S.S.  
 JULY 7 1982



LOTS 13, 14 & 15 BLOCK C BEVERLY HILLS  
 (See Map Book 9, Page 471)  
 Property Address - 1800 Shamrock Drive  
 Property Owner - Frank Farnest  
 Existing Zoning Classification - B-1  
 Proposed Re-zoning Classification - B-2(CD)  
 Purpose - Automobile Repair Shop  
 Total Area - 10087.50 FT<sup>2</sup> (0.2325 ACRS)

NOTES  
 1) SCREENING TO BE PROVIDED PER  
 SECTION 23-30.10 OF THE CITY OF  
 CHARLOTTE ZONING ORDINANCE

Fi 8a

2 Appointed by Mayor  
5 Appointed by City Council

HOUSING AUTHORITY

(7 Members)

Membership - Appointed for five-year terms.

Responsibilities - To build, maintain, and operate safe and sanitary low-rental housing for persons of low income.

MEMBER	DIST.	BUSINESS/ PROFESSION	ORIGINAL APPTMT.	RE- APPTMT.	TERM	EXPIRATION
(M)James R. Bryant, Jr. W/M	7		10/23/73	11/18/81	5 yrs.	12/17/84
(C)W. Donald Carroll W/M	1	Attorney	1/25/82		5 yrs.	12/17/86
(C)Hattie Harris B/F		Day Care Instructor	1/25/82		5 yrs.	12/17/86
(C)M. W. Peterson W/M	6		3/16/73	12/28/77	5 yrs.	12/17/82
(M)Sam Smith W/M	0		11/21/78		5 yrs.	12/17/83
(C)J. Randolph Taylor W/M	6	Minister	11/21/78	1/25/82	5 yrs.	12/17/86
(C)Walter Tucker B/M	2	Banker	9/23/77	9/14/81	5 yrs.	12/17/85

11/14/82

FD

Talent Bank Nominees for Housing Authority

<u>Name</u>	<u>Address</u>	<u>Sex</u>	<u>Race</u>	<u>District</u>
Croy, Sandra L.	2625 Warnath Drive Charlotte, N. C. 28210	FEMALE	WHITE	0
Bailey, Grace M.	3600 Meredith Avenue Charlotte, N. C. 28208	FEMALE	WHITE	3
Ledwell, Jerry J.	3401 Country Club Drive Charlotte, N.C. 28205	MALE	BLACK	4
Shaw, Jr., Billy B.	4540 Strangford Avenue Charlotte, N. C. 28225	MALE	WHITE	4
Lee, Fitzhugh W.	2342 Richardson Drive Charlotte, N.C. 28211	MALE	WHITE	6
Mansfield, C. Franklin (Frank)	735 E. Kingston Avenue Charlotte, N.C. 28203	MALE	WHITE	9
Whitfield, Paul L.	6028 Bentway Drive Charlotte, N. C. 28211	MALE	WHITE	CO
Grimmer, Harry	4000 High Ridge Road Matthews, N. C. 28105	MALE	WHITE	CO

6 #2

# Request for Council Action

## Charlotte

To the City Council

From the City Manager

Action Requested That City Council declare a City-owned parcel located at 501 Moncure Drive surplus and permit advertising for sale by the sealed bid process. Tax Code - 175-111-37.

Responsible Department Engineering Department

This request should be organized according to the following categories Background Explanation of Request Source of Funding, Clearances Bibliography

**BACKGROUND:** Engineering/Real Estate Division proposes that City Council declare a tract of vacant land at 501 Moncure Drive as surplus and permit advertising for sale by the sealed bid process. This property was donated to the City in 1964 by B. D. Heath and wife.

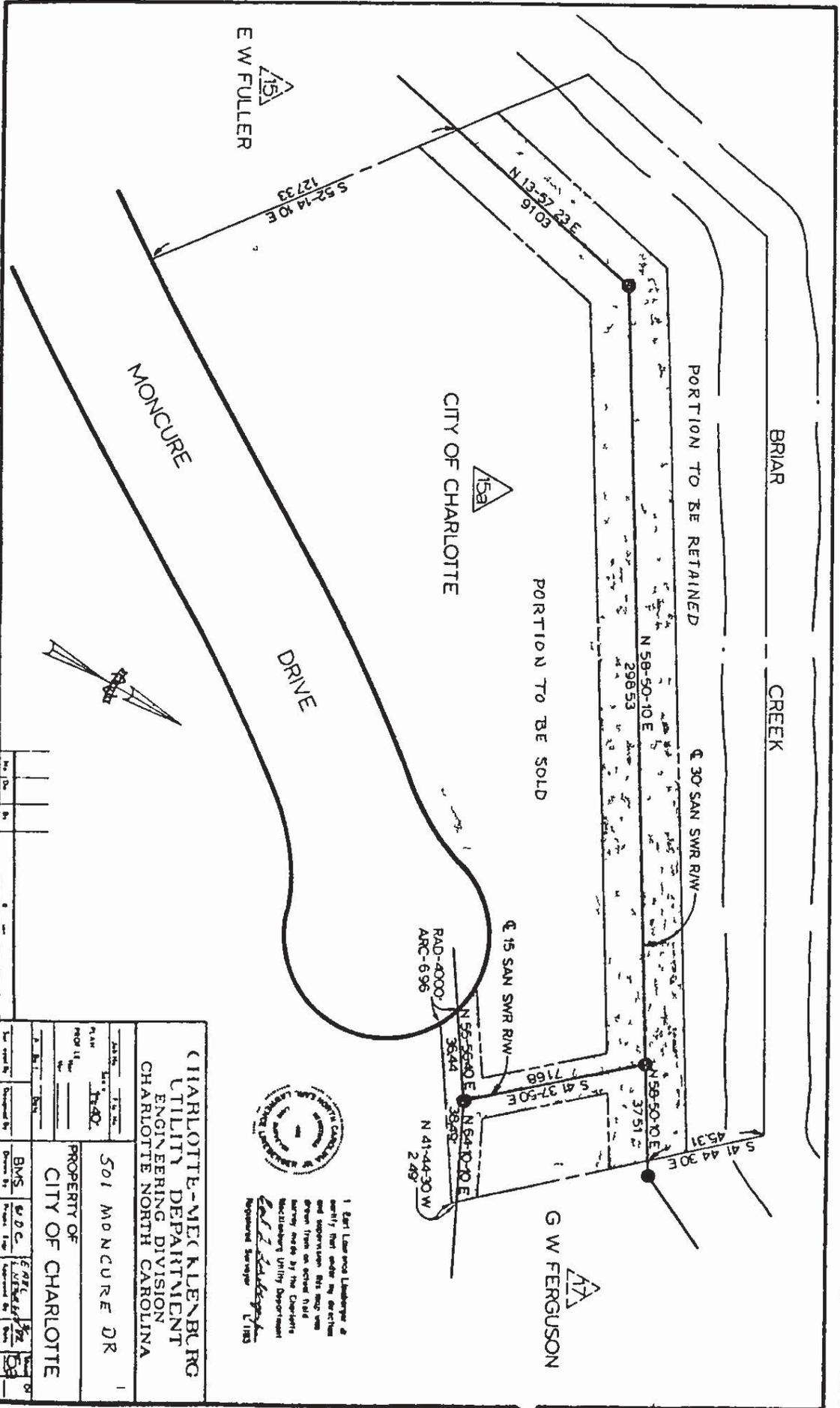
**EXPLANATION OF REQUEST:** Disposal of City-owned property is in accordance with the disposition objectives for FY82-83 in Real Estate. By returning parcels to private ownership, additional tax revenues are generated and the maintenance of these parcels is no longer required. An interest has been shown for the purchase of this parcel.

**CLEARANCES:** All City Departments have been canvassed to express their interest in retaining the parcel for City use. The Mecklenburg County Park and Recreation Department requested we retain the portion of the tract designated in the 100-year flood plain for future inclusion in the Greenway system and the Charlotte-Mecklenburg Utility Department wishes to reserve the fifteen (15) and thirty (30) foot sanitary sewer rights of way across the property. The sewer rights of way are in the flood plain area, therefore, this portion of the parcel will be retained and the remaining part offered for sale. The Planning Commission has reviewed the Mandatory Referral and recommends the proposed sale with the City retaining the above mentioned portion of the property.

**BIBLIOGRAPHY:** The disposition file is available in the Real Estate Division for review. A map of the parcel is attached.

Attachment

sd



E W FULLER  
15

CITY OF CHARLOTTE  
15A

G W FERGUSON  
17



I, Earl Lawrence Landwehr, a  
surveyor duly sworn by election  
and expiration this day see  
shown thereon as actual field  
work made by the Charlotte  
Mecklenburg Utility Department  
Approved Surveyor L7185

(CHARLOTTE-MECKLENBURG UTILITY DEPARTMENT ENGINEERING DIVISION CHARLOTTE NORTH CAROLINA)		501 MONCURE DR PROPERTY OF CITY OF CHARLOTTE	
JOB NO. _____ DATE _____ PROJECT _____	DRAWN BY _____ CHECKED BY _____ APPROVED BY _____	BMS DATE _____ SCALE _____	DATE _____ SCALE _____

# Request for Council Action

## Charlotte

To the City Council

From the City Manager

Action Requested That City Council Accept a Gift of Land from Mr. and Mrs. William P. Allan and Mr. and Mrs. George R. Trotter, Jr. Containing 6.39 Acres Located on the Northerly Margin of Green Oaks Lane

Responsible Department Engineering Department

This request should be organized according to the following categories Background, Explanation of Request, Source of Funding Clearances, Bibliography

**BACKGROUND.** A letter was received from Mr. and Mrs. William P. Allan and Mr. and Mrs. George R. Trotter, Jr. offering to donate to the City a 6.39 acre tract of land located on the northerly margin of Green Oaks Lane, west of Eastcrest Drive and north of Commonwealth Avenue and known as Tax Code - 129-052-03 with a tax value of \$38,970.00.

A Resolution adopted by City Council on May 11, 1978, requires that all proposed gifts of land be referred for Mandatory Referral to the Planning Commission. The Planning Commission considered the Mandatory Referral on October 5, 1982, and unanimously recommended the acceptance of the gift of land. Two possible uses for the land were suggested as follows 1. The land could be used to increase the neighborhood park development opportunities for the area or 2. A possible subsidized housing site to be developed by a third party. Mr. Marvin F. Billups, Jr., Director of Park and Recreation Department, has indicated a definite interest in securing this property because the City now owns 11.27 acres adjacent to this parcel. By combining these parcels, they may be able to develop the entire site as a neighborhood park. We also have a letter from Attorney Parker Whedon certifying that Mr. and Mrs. Trotter and Mr. and Mrs. Allan are fee simple owners of this property and are prepared to pay the necessary legal expenses to deed said property to the City. All other requirements for accepting gifts of land have been met.

**EXPLANATION OF REQUEST.** The requirements, as established by City Council, for the City accepting gifts of land have been met, therefore, it is recommended that Council approve the gift of 6.39 acres of land on the northerly margin of Green Oaks Lane from Mr. and Mrs. William P. Allan and Mr. and Mrs. George R. Trotter, Jr.

**CLEARANCES.** Engineering/Real Estate Division, Planning Commission, and Park and Recreation Department concurs in this request.

**BIBLIOGRAPHY:** A map indicating the location of the gift of land is attached. The donation file is available for review in the Real Estate Division.

Attachment

Ino  
cc: Ms. Pat Sharkey  
City Clerk

