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The City Council of the City of Charlotte, North Carolina, met on Monday, April 21, 1975, at 8:00 o'clock p.m., in a televised meeting in the Educational Board Meeting Room, with Mayor John M. Belk presiding, and Councilmembers Harvey B. Gantt, Kenneth R. Harris, Pat Locke, Milton Short, James B. Whittington, Neil C. Williams and Joe D. Withrow present.

ABSENT: None.

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INVOCATION.

The invocation was given by Allan A. Bailey, Attorney.

APPROVAL OF MINUTES.

Upon motion of Councilman Harris, seconded by Councilman Withrow, and unanimously carried, the minutes of the meeting, on Monday, April 7, 1975, were approved, with the following correction:

On Page 369, under contract to Worth Keeter, Inc:
Add:

"Bids received not meeting specifications:

CIDCO	\$ 94,272.00
Roach-Russell, Inc.	102,240.00
Controlled Environment, Inc.	103,200.00
Cook Body Company	131,760.00
Sanco Corporation	151,176.00"

HEARING TO CONSIDER ADOPTION OF FLOOD AREA MAPS FOR CREEKS WITHIN THE CITY OF CHARLOTTE.

The scheduled hearing was held on the Flood Area Maps for the creeks within the City of Charlotte.

Mr. Bob Landers of the Planning Staff stated flood management is two-fold. It is preventive and corrective. In the corrective measures Council has considered and taken action on a number of creeks and tributaries such as Sugar Creek and Briar Creek where studies have been conducted. Floodway regulations adopted in early 1973 take the course of the preventive fact. This identifies the flood hazard area, based on the 100 year flood and it identifies areas where development can take place, and where development would not take place. These are defined as the floodways and the floodway fringe area.

The floodway fringe areas are areas of the flood plain that can be retriaved and could be developed. The floodways would not permit any development. Charlotte and residents of Charlotte have qualified under the federal flood insurance program and are eligible for subsidized flood insurance.

Mr. Landers then presented the creeks under consideration.

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Sugar-Irwin Creek. It terminates north of Barringer Drive in the Clanton Park Area; continues in a southerly and southwesterly direction through Clanton Park, crossing the railroad, Yorkmont Road, continues south across York Road, down York Road, along I-77; crossing Arrowood Road, crossing under I-77, and leaves the city's jurisdiction just to the south of Nations Ford Road. In the Sugar-Irwin Creek area there are some 40 structures located within the flood hazard area. Of these, six are within the floodway and 34 are within the fringe area. Because this is anticipated future development, the adoption of the map would do nothing for existing structures, but it would prevent future mistakes.

Campbell Creek. The city's jurisdiction begins at Albemarle Road, extends south to the Koger Executive Center, along beside the Idlewild Farms area, and the Idlewild Area; continues in a southerly direction down south where it joins McAlpine Creek just to the north of Independence Boulevard.

He stated where there is a shared jurisdiction between the city and county, the county has acted on these maps, and that area is now in effect.

In the Campbell Creek flood area there are only two structures within any of the flood plain area. Campbell Creek is one of the more recently developed basins, and it demonstrates the effectiveness of our already existing regulations.

Briar Creek Basin is one of the longest. There are 166 structures within this area, mostly residential and mostly single family. Briar Creek will extend all the way from the Plaza, in a southerly and southwesterly direction to Park Road where it has its confluence with Sugar Creek. Most of the structures are within the fringe area, but some are within the floodway. These residents would be particularly interested in the availability of the flood insurance. This is the best immediate remedy for those persons who already have their homes in a flood area. The jurisdiction the State gave us is limited to a drainage area of one square mile or more. By State statutes our authority would terminate at that point with the drainage area less than a square mile. It begins at The Plaza, runs in a southerly direction to the Shannon Park area across Shamrock, across Eastway through the Country Club area, continues south past Central into Chantilly and Elizabeth neighborhoods, across Independence, picking up Independence, the Briar Creek Apartments, Grier Heights and then the Eastover area with the Mint Museum. It continues south and Southwesterly past Providence Road, continuing on down at Colony, Barclay Downs and finally at Park Road where it joins with Little Sugar Creek.

Paw Creek. This is one of the smallest creeks for the City's jurisdiction and is located on the northwest side of the city, just to the north of Thrift Road. All the portions to the south have been adopted and are now in force.

Mr. Landers then explained the following:

- (1) Edward's Branch is the tributary of Briar Creek in the K-Mart-Eastway-Independence Boulevard area. It begins just by the interchange of Eastway-Independence Boulevard, runs in a westerly direction until it joins the main stream of Briar Creek.
- (2) Briar Creek Tributary No. 1 is located in the Myers Park area at Colony Road and Runneymede. It is a short tributary, and basically extends just to the easterly side of Colony Road in a southerly, southwesterly direction until it joins Briar Creek.

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- (3) Briar Creek Tributary No. 2 is in the Shannon Park area, a short tributary has its termination where the drainage area actually splits into two streams, both being less than a square mile. There are a number of homes through the area. There are 18 homes located in the floodway fringe. This is one of the older subdivisions. This tributary also joins the main stream of Briar Creek.
- (4) Little Hope Creek in the Park Road area - Woodlawn Road and Park Road. It extends from its beginning point just to the north of Woodlawn Road in a southerly direction crossing Montford, Mockingbird and Seneca Place, and then continues down and joins Little Sugar Creek. Within this tributary there are 30 homes located within the flood hazard area.
- (5) Little Hope Creek Tributary is very short and runs to the west of Little Hope Creek, and to the south of Montford Drive. It extends along Wedgewood Drive and the homes on both sides of Wedgewood Drive are in flood prone areas. There are 30 homes that might be subject to the flooding.
- (6) Dairy Branch is in the Park Road and Dilworth Areas. It is a tributary of Little Sugar Creek running basically parallel to Clayton Drive, beginning just south of Scott Avenue, and extending in a southeasterly direction to Little Sugar Creek.

He stated the others are simple revisions to the McAlpine and McMullen Creek Floodways maps that have already been adopted. They are minor revisions, such as plotting them on new city topographic maps. Also some corrective measures which actually put more area within the floodway fringe, based on a revised method in the preparation of the Maps. Mr. Landers stated there have been notes added in giving reference to additional floodway maps that are in the process of being adopted.

Councilman Harris asked the number of building permits for buildings under construction in these areas? Mr. Landers replied there is no subdivision activity within these areas at the present time. In terms of issuing building permits this is tied in directly with the federal flood insurance program. An individual would not be able to secure a permit.

Councilman Gantt asked how the flood insurance works? Mr. Landers replied basically the federal flood insurance program is a program whereby any individual, once a community is eligible, can secure flood insurance at a subsidized rate. At present it carries a maximum initially of \$17,000 and then \$35,000 worth of coverage on the structure, plus up to \$10,000 for the contents. The content insurance is available for both the renter and the homeowner. Apartment dwellers could secure the insurance. The rates are subsidized which is logically in terms of the interest of the program. The real meat of the program is that all federal related lending institutions cannot institute a mortgage or give a loan unless they have flood insurance. Many communities that do not have the mapping program are finding themselves in a position of not being able to secure any mortgages.

Mr. Landers stated in the development of the floodway program it is recognized that a flood hazard area could be substantially large and to what degree it is reasonable to restrict development, and at what point it becomes a real public interest that development be restricted.

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The floodway fringe is an area where there could be retrieval of the land from the flood prone. This could be accomplished with fill or it could be accomplished through additional heights in the elevation of the structure, or through flood proofing of non-residential structures. The floodway is an area in which the regulations basically say there shall be no fill and there shall be no structures. It does not preclude parking, or some open space use. It does preclude fill because within this area you are actually putting the burden on the adjoining property owners to carry that flood water. This is determined on the basis of considering actual topography, and on a concept of what they call equal degree of encroachment. This is put into a computer program and the amount of encroachment based on this equal degree is determined and the cross section lines are established.

No opposition was expressed to the floodway maps.

Mayor Belk expressed appreciation to Mr. Landers for the excellent presentation.

ORDINANCES PROVIDING FOR INCREASE IN RATES FOR WATER AND SEWER CHARGES.

Council was presented with alternatives to increase the water and sewer rates as discussed at previous council meetings, as follows:

- (a) Ordinance increasing the water and sewer rates as proposed by the Community Facilities Committee in meeting on February 18th.
- (b) (1). Ordinance to provide for a 15 percent increase in the rate for residential customers, an approximate 20 percent increase in the reate for apartments, and a 25 percent increase in the rate block for the large volume users, which would result in a deficit for the fiscal year of about \$906,000.00.
- (2). Ordinance amending the 1974-75 Budget Ordinance adjusting appropriations within the General Revenue Sharing Trust Fund, in the amount of \$906,000 from Projection 70 to provide funds for purchase of private utility systems, which would eliminate the deficit.

Councilmembers then discussed different rates and Mr. Fennell, Finance Director, responded to questions.

Councilman Gantt stated he would like to offer a substitute to Item (b) which would make the following adjustments to the rates: Rather than the 15% for residential customers he would propose a 12 1/2 percent increase to residential customers, approximately 17.2 percent increase for apartment dwellers, and a 25 percent increase for the large volume users. He stated he understands from Mr. Fennell that this will require a minimum of at least \$1.0 million revenue sharing funds, or a maximum of \$1.5 million revenue sharing funds. Then the percentages would be 12 1/2 percent for the low volume user, 15.15 percent for the next highest bracket, 17.24 percent for the apartment users, 21.74 percent for the fourth level, and approximately 21.32 percent for the fifth level, and 25 percent for the highest volume user. Councilman Gantt moved approval of the substitute. The motion did not receive a second.

Councilman Short asked if \$1.0 million of revenue sharing money is utilized would the subsidy make possible a new rate schedule based on increases of 15 percent, 17 percent and 19 percent in the three groups. The pennies involved would be 46 cents, 34 cents and 19 cents? Those in between would be filled in. Mr. Fennell replied the figure Mr. Gantt gave would approximately require \$1.6 million; that he has not calculated these particular alternatives proposed by Mr. Short. They would come out very close.

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Mr. Burkhalter, City Manager, suggested that Council in talking refer to the three major figures as all of their calculations are based on the others being the same. The first is the basic rate for the homeowners. The third one, which is now 29 is the cut off. The last is the one the big user gets to and it is averaged on that basis. Councilman Short stated his suggestion is 46 cents, 34 cents and 19 cents. Mr. Burkhalter replied he and Mr. Fennell did look at that, and the \$1.0 million roughly would do it.

Councilman Short moved that Council adopt in percentages, 15, 17, and 19 percent, and in cents, 46, 34 and 19 cents. The motion did not receive a second.

Councilman Withrow asked if the rates go to 15, 20 and 25 and \$1.0 million from revenue sharing is used, to become effective in May, could we go another year without an increase? Is this not better than looking at it again? Mr. Fennell replied it ties in with the next extension policy, and if that is adopted and tied in it would be a possibility.

Councilman Withrow moved that Council accept (b)(1) as listed 15%, 20% and 25%. The motion was seconded by Councilwoman Locke.

Councilman Gantt stated in looking at the entire amount of dollars on rate increases since the CFC report, which initially recommended a ten percent increase and a 56 percent increase to industry, all concluded that the argument made by industry that that kind of rate increase in such a short period of time would be somewhat catastrophic to some industries. That he thinks Council has tried to make the effort to reduce that burden. But he thinks additionally the CFC was saying that we need to adjust that policy and close the gap between the rates that are paid by the large volume users and the rates paid by the average consumer. It seems to him we necessarily have to make some adjustments from the ten percent increase to residences, and he thought half way up the line would be more reasonable. A five cent increase to residents, a five cent increase to apartment users who are also residents to this city, and a four cent increase to industry would bring the industrial user more in line with what his real cost for water would be.

Mr. D. Michael Smith stated he is present to speak against the increase to homeowners. The problem in this county and in this city comes in two areas. One the past policies and the past actions of the city water department and the sewer department and the contracts with these independent builders, building homes in residential areas outside the city limits. That he has lived in a unique position; he has lived as a citizen of Charlotte his entire life; he has lived in the old city limits, he bought a home in the annexed area, and he was annexed; that he has gotten it with both barrels. The problem is they were at the mercy of Idlewild Utilities, owned by Ervin Company, and others by John Crosland and other companies. They obtained contracts to purchase water at less than it cost the city to produce. Then establishing their own private enterprising company selling water, that the bonds were supported by the people of the city, at a double retail rate. How can anyone see selling something supplied by the taxpayers at a double retail rate on a private enterprise system. This is the most ridiculous thing he has seen, and he cannot understand it. As far as the larger users, and the apartment complex owners, every bit of water they pay for is a business deduction from their income tax, and it is also added to the products they produce. They are well reimbursed for what they spend. That he has nothing against the larger users, the business people. But he would like for them to get their hands out of his pocket. The other taxpayers of this city feel the same way. He stated there was a question as to why homeowners were not at the past hearings. They have their noses to the grindstone trying to make a living and have an existence in a city and county which obviously has very little care and concern for the average citizens.

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Mr. Smith stated he would like to suggest tonight Council pass a resolution that as of now, the city not sell any more water to anyone at any time less than what it costs this city to produce. It is bad business. That is the reason the city is in the hole it is now. The pass policies, plus not using tax money on the tax rates that comes from this annexed areas to pay for this facilities as they are suppose to. They act like this revenue sharing money comes down from heaven; that is tax money also. As far as homeowners not being represented, he feels that they are suppose to have eight representatives sitting right there.

He stated it has gotten to the point where the special interest groups are taking over this city in everything that comes along, from the Sugar Creek Canal to special parking garages. They expect the taxpayer, the man who is trying to raise a family with a home and even in the higher education facilities, there is another five, ten or more dollars at the tail. He stated there are people living in the city and living in apartments who do not receive these special rates. There are single family residents, duplexes, and four unit apartments, and some of the older apartments that do not get the special rates. Why should the average renter, outside the big complex, help subsidize the big apartment owner. Why should the homeowner have to help subsidize the big businessman; why should the smaller businessman have to subsidize the big businessman. All he asks is to be treated fairly and get a fair rate. And he would like for these others to get their hands out of his hip pocket.

Councilman Harris stated Council has been going through two months of hearings, trying to understand these figures being talked about today. That he agrees we should not be trying to put on a mass change at one time that shocks a person's pocketbook, whether it is an apartment or an individual. It is all money. For that reason he agrees with the motion that it is a reasonable increase overall; but when talking about staging it so people can understand change, and can understand that money needs to come from somewhere. To try to do it at one time, and someone receives a 20 or 25 percent increase in their bill without any warning he thinks is unfair. That Council has not questioned the \$3.0 million deficit. That they are still saying there will be a \$3.0 million deficit in these figures. There has been no adjustment from the water department at all as to whether they can get along with less. These are exactly the same deficit figures we started with. For that reason he cannot support this large an increase at one time. He can support it in two parts. He can support part in July and part in January - a two stage situation where these people can have some way of understanding that the bills are going up, but it will not go up all at one time. That he concurs in the use of the \$1.0 million revenue sharing funds. He stated he agrees with the (b)(1) except the phasing in of it. The phasing in at one time, dropping a 15 percent charge on a homeowner and a 25 percent charge and the 20 percent charge at one time, completely unplanned in these peoples' budgets this year is unfair.

Councilman Harris stated he would propose 44 cents, 33 cents and 18 cents on July 1, and 46 cents, 35 cents and 20 cents on January 1. A six months difference in the same fiscal year, and let these people adjust their pockets a little. This would stage it in versus of all at one time.

Councilman Gantt asked what it would cost by delaying the first increase until July 1? Mr. Burkhalter replied it looks as though it would be a little less; it could possibly be done May 1, and November 1. Councilman Gantt stated he is talking about deficits that are being projected.

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Councilman Harris asked what the deficit in the water department is at this time? Mr. Dukes, Director of Utilities, replied they do not have a deficit at this time because they have had the advantage of interest earned. There is a deficit because they did not get enough funds through water rates; but it has been made up with the interest earned. Mr. Fennell stated the term fiscal year they utilize \$1.6 million of fund balance; they are running approximately another \$500,000 in addition to that. You must take into consideration the gap between the revenues and expenditures. There is a \$2.0 million gap now. This was offset by interest earnings and fund balances. Councilman Harris asked how much of a deficit will there be for this fiscal year? Mr. Fennell replied we will reduce a fund balance of \$690,000 down to about \$270,000. He stated you must remember that the city is just like any other business, and we have to have working capital. That \$200,000 is inadequate working capital for a \$15.0 million operation. This is not even 30 days supply. He stated at this time, there is an expenditure - revenue gap of about \$2.0 million.

Councilman Gantt asked if the increase is phased in six months increments what effect it would have? It seems to him it would be taking in less revenue for six months than proposed in any of the proposals. Would that deficit not go up at least another 50 percent? Mr. Fennell replied he cannot give a precise figure; but any delay would obviously deprive the system of revenues during that period of time. The second step obviously would have to compensate for that lag.

Councilman Whittington asked what the 15 percent would mean to the average homeowner who uses 3500 cfc in the increase? Mr. Fennell replied the average uses around 6,000 gallons per month; under the present rate it would be about \$3.28 for water and a similar amount for sewer. This would perhaps go up about 52 cents for combined water and sewer.

Councilman Williams asked if there is an estimate of what it would cost to stage this in two increments? Mr. Fennell replied he had not anticipated that and it would require some calculations. Councilman Williams asked if it would be half again as much? Mr. Fennell replied it would not. That he would say the second rate instead of being 15 percent would probably go to about 17 percent. Councilman Williams stated that is not exactly what he meant; we are talking about appropriating revenue sharing monies in the amount of \$906,000 under the 15, 20 and 25 percent increase. If half of that increase is delayed for six months, what would it do to the requirements from the revenue sharing contribution? Mr. Fennell replied it would probably add another 1/2 million dollars.

Councilman Harris stated he is talking about the delay of six months of 1/2 of these adjustments? Mr. Fennell replied 1/2 of this adjustment would be \$1.5 million. That means you would be financing over this period of time \$1.6 million. Annually you would have \$3.2 million if you started from the outset. If you delay and put only 1/2 of it in, during the first six months instead of getting \$1.6 you would be getting \$800,000.

Councilman Williams stated because of this increased deficit in the revenue sharing account, he does not believe he can support phasing it in in two increments. When you think about it, the money coming from revenue sharing fund, and we have approximately \$2.0 million coming from Projection 70 to be sure, but if that is not used for this, it will be used for something else for the people. You are just taking it out of one pocket and putting it in another pocket if you use it for this. We might want to use some of this money for transit center sites, or something else later this year. When he started thinking about contributing some revenue sharing money it was a new theory to support the water and

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sewer fund from any monies not generated by the water and sewer fund. Some people were thinking about doing it from the ad valorem tax, but that is an additional step beyond revenue sharing, as he sees it. As Mr. Smith says, it is all tax money; but there is a difference in whether or not it is local tax money or tax money coming from the federal government.

Councilman Williams stated as he understands our problem we have this approximate \$3.0 million deficit, and he is advised that about 1/3 of that is caused by an extraordinary demand because of annexation. In the last several months, we have purchased about \$3.0 million worth of privately owned sewer lines; paid for that with four or five year short term notes, which we have to amortize over the next four or five years. It is causing the great amount of debt service, extraordinary amount of debt service, in each of those four or five years. Ordinarily something like this would be amortized over a 20 year period with 20 year long term bonds. His notion about this was to use the revenue sharing only to the extent necessary to amortize those notes in any one year. This would continue to be consistent with the philosophy of using revenue sharing only for capital expenditures instead of using it to subsidize the operations of government. For that reason he would prefer to hold the revenue sharing contribution only to an amount sufficient to defray the amortization on those notes.

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

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

Ordinance No. 587-X amending Chapter 16 of the Code of the City of Charlotte with respect to water and sewer rates is recorded in full in Ordinance Book 22, at Page 20.

Councilman Whittington moved adoption of Ordinance No. 588-X amending Ordinance No. 214-X, the 1974-75 Budget Ordinance, adjusting appropriations within the General Revenue Sharing Trust Fund to provide funds in the amount of \$906,000 for the purchase of private utility systems during the 1975-76 fiscal year. The motion was seconded by Councilman Williams and carried unanimously.

The ordinance is recorded in full in Ordinance Book 22, at Page 21.

ORDINANCE ON PORNOGRAPHY REQUESTED PLACED ON THE NEXT AGENDA FOR DECISION BY COUNCIL.

In connection with the discussion of pornography during the informal session, Councilman Withrow made the following statement:

"We have just heard and witnessed a report from the people of Charlotte, who are fed up with the general deterioration of the moral decency in the City of Charlotte. We have received numerous calls and letters from our citizens asking this government to please act with determination and wipe out pornography, pornographic literature, lewd and immoral and x-rated movies. I get the message loud and clear. We spend a lot of money to clean up the litter and garage from the street; we plant trees to beautify our city; we claim on our billboards that we are the clean city and 'Help Keep Charlotte Clean.' How about applying the same efforts and the same energy and money, if necessary, to clean up the pornography so that our people, our children and our children's children can enjoy a clean, moral environment. Social disorder poisons the well springs of human life, the family and the home."

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Councilman Withrow requested that on Monday, April 28, this be placed on the agenda, and at that time a decision will be made by the City Council and at that time anyone can speak to this ordinance.

RESOLUTION APPROVING A GRANT OFFER, ORDINANCE TRANSFERRING FUNDS, AND CONTRACT AWARDED FOR PAVING THE NEW NORTH-SOUTH PARALLEL RUNWAY AND EAST PARALLEL TAXIWAY SYSTEM.

Motion was made by Councilman Whittington to adopt a resolution approving a Grant Offer, in the amount of \$5,643,876 from the Federal Aviation Administration for reimbursement of construction costs in the development of the Airport Master Plan, for paving of new North-South Parallel Runway and East Taxiway System. The motion was seconded by Councilwoman Locke, and carried unanimously.

The resolution is recorded in full in Resolutions Book 10, at Page 401.

Councilman Short moved adoption of Ordinance No. 589-X transferring \$7,696,100 from the 1972 Airport Bond Fund and establishing a revenue estimate for a Federal Aviation Administration Grant to provide an appropriation for paving the North-South Parallel Runway and East Taxiway System. The motion was seconded by Councilman Withrow, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 22, at Page 22.

Upon motion of Councilman Gantt, seconded by Councilman Short, and unanimously carried, contract was awarded the low bidder, Rea Construction Company, in the amount of \$7,020,014.50 for paving the new North-South Parallel Runway and East Parallel Taxiway System, subject to the FAA's concurrence in the award to the low bidder, satisfying the Equal Employment Opportunity compliance as determined by FAA, and subject to the FAA Grant Offer and Official acceptance by the City.

The following bids were received:

Rea Construction Co.	\$7,020,014.50
Claussen Paving Co.	7,172,867.69
Wright Contracting Co.	7,210,294.85
Ballenger Corporation	7,394,865.29
Southeastern Highway Contracting	8,641,664.34

ORDINANCE NO. 590-X AMENDING THE 1974-75 BUDGET ORDINANCE BY TRANSFERRING FUNDS WITHIN THE GENERAL FUND TO COVER THE COST OF THE CITY BOND ELECTION.

Motion was made by Councilwoman Locke, seconded by Councilman Whittington, and unanimously carried, adopting the subject ordinance transferring \$27,000 within the General Fund to cover the cost of the City Bond Election, held on April 8, 1975. The ordinance is recorded in full in Ordinance Book 22, at Page 23.

CONTRACT WITH RALPH SQUIRES COMPANY FOR CONSTRUCTION OF SANITARY SEWER, APPROVED.

Councilman Whittington moved approval of a contract with the Ralph Squires Company for constructing a 3,034 linear feet of 8-inch sanitary sewer to serve Country Roads Subdivision, Phase I, outside the city, at an estimated cost of \$45,500.00. The motion was seconded by Councilman Withrow, and after discussion, carried unanimously.

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SUPPLEMENTAL AGREEMENT TO CONTRACT WITH J. N. PEASE ASSOCIATES, APPROVED.

Upon motion of Councilman Whittington, seconded by Councilwoman Locke, and unanimously carried, the subject Supplemental Agreement to contract with J. N. Pease Associates for METRO Charlotte 201 Wastewater Facilities Study to include the period of time our contractors must maintain a file for federal audit which is necessary in order to receive EPA payments for the METRO Charlotte 201 Study, was approved.

CHANGE ORDER NO. 1 IN CONTRACT WITH SANDERS BROTHERS, INC., APPROVED.

Motion was made by Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, approving subject Change Order No. 1, in contract with Sanders Brothers, INC., increasing the total contract price of \$301,133.08, by \$1,999.70, to lower pipe and extend the concrete encasement under Swan Run Branch to avoid conflict with a new culvert to be installed by the Public Works Department.

MOTION ON ORDINANCE ORDERING THE DWELLING AT 320 FRAZIER AVENUE TO BE VACATED AND CLOSED FAILS TO CARRY.

Ordinance ordering the dwelling at 320 Frazier Avenue to be vacated and closed was presented. Council was advised the house is located within a proposed CDRS Area, and the Superintendent of Building Inspection advises the exposed wiring and general deterioration necessitates this action.

Councilman Gantt stated he is very concerned about this and cannot vote for it. He stated 320 Frazier Avenue is in the CDRS area, and apparently if this is an occupied unit this particular family will not get any of the benefits that would come to them under the CDRS program. Mr. Jamison of the Inspection Department, stated they are hoping this will cause the owner to do what is necessary to make the building safe. It does have some bad electrical wiring and other features that are totally unsafe.

Councilman Gantt asked if the owner has indicated that he would be willing to improve the dwelling. He is asking that question because in previous situations it has been noticed that to improve or bring the dwelling unit up to housing code standards often was more in terms of the dollar outlay than the units were appraised or were worth. He asked if this would be the situation with 320 Frazier Avenue? Mr. Jamison replied it would not.

Councilman Withrow stated a house in the CDRS area that is bought by someone else and they want the structure torn down, is there any liability for that owner to pay for relocation? Mr. Jamison replied there is no liability for the owner to relocate the tenant. In these areas, after the CDRS goes into effect, there is available relocation funds for the tenants.

Councilman Short asked how many of the 10 houses under consideration tonight are occupied? Mr. Jamison replied five, and that includes the one at 320 Frazier Avenue. It is hopeful they will not have to move. This is an action that is necessary to get the owner to do what is necessary.

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Councilman Short asked how many of those five families are in a dangerous situation, such as the likely hood of a fire while they are asleep? Mr. Jamison replied under the provisions of the Code any of the deficiencies are considered to deem the dwelling unfit. It could be unfit and still not be actually dangerous to occupants. That he has not examined all the houses personally, and he cannot answer exactly how many would be in immediate danger.

Councilwoman Locke moved adoption of the ordinance ordering the dwelling at 320 Frazier Avenue to be vacated and closed. The motion was seconded by Councilman Whittington, and after discussion, lost by the following vote:

YEAS: Councilmembers Locke, Whittington and Withrow.

NAYS: Councilmembers Gantt, Harris, Short and Williams.

ORDINANCES AFFECTING HOUSING DECLARED UNFIT FOR HUMAN HABITATION ADOPTED.

Councilman Whittington moved adoption of Ordinance No. 591-X ordering the demolition and removal of the dwelling at 1008-10 North Church Street. The motion was seconded by Councilwoman Locke, and carried unanimously.

Councilman Whittington moved adoption of Ordinance No. 592-X ordering the demolition and removal of the dwelling at 1124 South Church Street. The motion was seconded by Councilwoman Locke, and carried unanimously.

Councilman Harris moved adoption of Ordinance No. 593-X ordering the dwelling at 400 East 15th Street to be vacated and closed. The motion was seconded by Councilman Whittington, and carried unanimously.

Councilwoman Locke moved adoption of Ordinance No. 594-X ordering the dwelling at 713 Belmont Avenue to be vacated and closed. The motion was seconded by Councilman Whittington, and carried unanimously.

Councilman Withrow moved adoption of Ordinance No. 595-X ordering the dwelling at 713 E. 13th Street to be vacated and closed. The motion was seconded by Councilman Whittington, and carried unanimously.

Councilwoman Locke moved that Ordinance No. 596-X ordering the dwelling at 521 Winston Street to be vacated and closed be adopted. The motion was seconded by Councilman Withrow, and carried unanimously.

Councilman Withrow moved adoption of Ordinance No. 597-X ordering the demolition and removal of the dwelling at 2251 Blanton Street. The motion was seconded by Councilman Whittington, and carried unanimously.

Councilwoman Locke moved adoption of Ordinance No. 598-X ordering the dwelling at 1708-10 Euclid Avenue to be closed. The motion was seconded by Councilman Whittington, and carried unanimously.

Councilman Whittington moved that the ordinance ordering the dwelling at 308 Ingle Street to be closed be withdrawn. The motion was seconded by Councilwoman Locke, and carried unanimously.

Councilman Withrow moved adoption of Ordinance No. 599-X ordering the dwelling at 632 Pennsylvania Avenue closed. The motion was seconded by Councilman Whittington, and carried unanimously.

The ordinances are recorded in full in Ordinance Book 22, beginning at Page 24, and ending at Page 32.

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Councilman Short stated we are doing a serious thing here. It is a rather drastic procedure for the purpose of getting action; nevertheless, from our point of view, we are actually ousting families from houses in Charlotte where there is very little low income housing available. We are ousting families under a circumstances of confused information. That he does not know which houses are occupied and which are not.

Councilman Short requested that in the future, when this is brought to Council, that pictures be presented to Council which will state on the picture whether or not that house is occupied.

Mayor Belk stated Mr. Jamison will be glad to do this, and he will even take Councilmembers out and view each of the houses.

Councilman Withrow asked the City Attorney what liability Council incurs should the house on Frazier Avenue burn down and someone is killed?

Councilman Gantt stated he is not concerned nor is he interested in having a lot of these houses that are unfit for human habitation. The point being made is a point of principle - that we try to do everything within our power until the Community Development Revenue Sharing Program is underway to avoid a situation where landlords are abandoning units when they are condemned by the city agency, and the problem of trying to find housing, decent housing, for those people who live in those units. With the CDS program we have the opportunity to better handle the situation through relocation grants. That he is more worried about the fact that that particular family lived in that unit for years, probably, with a similar problem, and a month and a half or two months before we get the CDRS program underway, they are moved out into a situation where they get no assistance at all. Councilman Withrow stated he agrees with all that. He is only asking about the liability. That he would like to know are we incurring a liability.

Mayor Belk stated the house on Frazier Avenue is dangerous, and he would ask Mr. Jamison to appoint someone to be sure that something is done about the electrical wiring because it is endangering the people who live there.

Mr. Underhill, City Attorney, stated Mr. Withrow's question is pretty tough. Under the Housing Code, Chapter 10A there is a provision, and a similar provision in the State Law, which authorizes the City to adopt Housing Codes, that no officer, agent, or employee of the Municipality (and he would assume that would mean a council person) charged with the enforcement of the Housing Code shall be personally liable for any damage that may occur to persons or property as a result of any act requiring or permitting the discharge of his duties under this chapter unless he acts with actual malice. Mr. Underhill stated it does not say omitted or failed to act. It would be his opinion since this housing code enforcement is an exercise of police power, you could not be held personally liable as a council for failure to act on the situation unless it is done with actual malice.

Councilman Whittington stated he was under the impression that Council had asked Mr. Jamison and Mr. Burkhalter if the City could make these improvements where the owners of the property will not do them. If that could be done, then the thing all of us are concerned about could be eliminated to some degree. He asked that the City Manager have staff to bring recommendations to Council to be considered when this type of units are brought up in the future.

Councilwoman Locke stated she would also like to have staff bring back the recommendations for Council to study.

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BARRINGER DRIVE TO BE TAKEN OVER FOR CONTINUOUS MAINTENANCE BY THE CITY FROM PRESSLEY ROAD TO 1,200 FEET NORTH.

Upon motion of Councilman Short, seconded by Councilman Whittington, and unanimously carried, Barringer Drive was approved for continuous maintenance by the City from Pressley Road to 1,200 feet north.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO J. B. PIERCE AND WIFE, DORIS H. PIERCE, LOCATED AT 4243 NORTH SHARON AMITY ROAD.

Motion was made by Councilman Whittington, seconded by Councilman Harris, and unanimously carried, to adopt the subject resolution authorizing condemnation proceedings for the acquisition of property belonging to J. B. Pierce and wife, Doris H. Pierce, located at 4243 North Sharon Amity Road.

The resolution is recorded in Resolutions Book 10, at Page 402.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO ROSCOE W. FAULK AND WIFE, LOIS P. FAULK, LOCATED AT 4233 NORTH SHARON AMITY ROAD.

Councilwoman Locke moved adoption of the subject resolution authorizing condemnation proceedings for the acquisition of property belonging to Roscoe W. Faulk and wife, Lois P. Faulk, located at 4233 North Sharon Amity Road, which motion was seconded by Councilman Short, and carried unanimously.

The resolution is recorded in full in Resolutions Book 10, at Page 403.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO LLOYD L. FOSTER AND WIFE, LITHA A. FOSTER; FRANK THIES, TRUSTEE; AND THIES REALTY AND MORTGAGE COMPANY, LOCATED AT 4115 NORTH SHARON AMITY ROAD.

Upon motion of Councilman Withrow, seconded by Councilwoman Locke, and unanimously carried, the subject resolution was adopted authorizing condemnation proceedings for the acquisition of property belonging to Lloyd L. Foster and wife, Litha A. Foster; Frank Thies, Trustee; and Thies Realty and Mortgage Company, located at 4115 North Sharon Amity Road.

The resolution is recorded in full in Resolutions Book 10, at Page 404.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO A. A. BAILEY AND WIFE, EVOYDEENE W. BAILEY, THOMAS C. RUFF, TRUSTEE; AND N. G. SPIER, INC., LOCATED AT 3812 NORTH SHARON AMITY ROAD.

Motion was made by Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, adopting the subject resolution authorizing condemnation proceedings for the acquisition of property belonging to A. A. Bailey and wife, Evoydeene W. Bailey, Thomas C. Ruff, Trustee; and N.G. Spier, Inc., located at 3812 North Sharon Amity Road.

The resolution is recorded in full in Resolutions Book 10, at Page 405.

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RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO ENCHANTED FOREST, INC., A NORTH CAROLINA CORPORATION; JOSEPH L. BARRIER, TRUSTEE; IDA MOORE ALEXANDER (SINGLE); JOSEPH L. BARRIER, TRUSTEE FOR FIRST UNION NATIONAL BANK OF NORTH CAROLINA, TRUSTEE UNDER THE WILL OF NATHANIEL ALEXANDER AND WIFE, MARY B. ALEXANDER, LOCATED AT 4600 BLOCK OF SHAMROCK DRIVE.

Councilman Withrow moved adoption of subject resolution authorizing condemnation proceedings for the acquisition of property belonging to Enchanted Forest, Inc., a North Carolina Corporation; Joseph L. Barrier, Trustee; Ida Moore Alexander (single); Joseph L. Barrier, Trustee for First Union National Bank of N. C., Trustee under the will of Nathaniel Alexander and wife, Mary B. Alexander, located at 4600 block of Shamrock Drive which motion was seconded by Councilman Short, and carried unanimously.

The resolution is recorded in full in Resolutions Book 10, at Page 406.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO RUTH C. BRADLEY, TRUSTEE UNDER THE WILL OF JOHN K. CIVIL; RAY W. BRADLEY, ET AL, TRUSTEES; AND HOME FEDERAL SAVINGS & LOAN ASSOCIATION, LOCATED AT 4500 NORTH SHARON AMITY ROAD.

Upon motion of Councilwoman Locke, seconded by Councilman Whittington, and unanimously carried, the subject resolution was adopted authorizing condemnation proceedings for the acquisition of property belonging to Ruth C. Bradley, Trustee under the will of John K. Civil; Ray W. Bradley, et al, Trustees; and Home Federal Savings & Loan Association, located at 4500 North Sharon Amity Road.

The resolution is recorded in full in Resolutions Book 10, at Page 407.

ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR THE CONSTRUCTION OF WATER MAIN TO SERVE TUCKAWAY PARK, APPROVED.

Motion was made by Councilman Whittington, seconded by Councilman Short, and unanimously carried, approving an Encroachment Agreement with the North Carolina Department of Transportation for the construction of a six-inch cast iron water main within the right of way of SR 3652 and SR 3653, Carmel Club Drive, to serve Tuckaway Park.

PROPERTY TRANSACTIONS, AUTHORIZED.

Councilman Short moved approval of the following property transactions, which motion was seconded by Councilwoman Locke, and carried unanimously:

- (a) Option on 24,458.66 square feet, plus construction easement on 72.027 acres at 3400 block of Randolph Road, from Mecklenburg County, at \$30,000 for Randolph Road Widening.
- (b) Right of Way Agreement for 891.84 square feet, plus construction easement, at 4468 Woodlark Lane, from Ben E. Douglas, Sr. and wife, Mary L., at \$1,000.00, for Randolph Road Widening Project.
- (c) Option on 1,294 square feet, plus construction easement, at 4244 North Sharon Amity Road, from Houston Properties, Inc., at \$6,600.00, for Sharon Amity Road Widening, Section III.

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- (d) Right of Way Agreement on 697 square feet, plus drainage and construction easement, from James W. Miller and wife Betty A., at 4101 North Sharon Amity Road, at \$1,000.00, for Sharon Amity Road Widening, Section III.
- (e) Right of way Agreement for 430 square feet, plus construction easement, at 4545 North Sharon Amity Road, from Charles Vaughn, Sr., Frances Vaughn, Eleanor Vaughn and Charles Vaughn, Jr., at \$500.00, for Sharon Amity Road Widening, Section III.
- (f) Construction easement at 4720 North Sharon Amity Road, from Charles Vaughn, Frances A. Vaughn, Eleanor Vaughn and Charles Vaughn, Jr., at \$50.00, for Sharon Amity Road Widening, Section III.
- (g) Right of Way Agreement on 1,630.50 square feet of easement at 800 Johnette Drive, off Albemarle Road, from George H. Martin and wife, and Billie N. Martin and wife at \$516.00, for Sanitary Sewer Trunk to serve Birnam Woods, Section 7.

ACQUISITION OF PROPERTY FOR CAMPBELL CREEK SANITARY SEWER OUTFALL, ANNEXED AREA, APPROVED.

Upon motion of Councilman Whittington, seconded by Councilwoman Locke, and unanimously carried, approval was made for the acquisition of 30' x 63.46' of easement, at 6851 Independence Boulevard, from Gus G. Gallins and wife, Athena P., at \$125.00, for Campbell Creek Sanitary Sewer Outfall, annexed area.

SPECIAL OFFICER PERMITS, APPROVED.

Motion was made by Councilman Whittington, seconded by Councilman Harris, and unanimously carried, approving the following Special Officer Permits:

- (a) Renewal of permit to James E. Kivett, for use on the premises of J. B. Ivey & Company.
- (b) Renewal of permit to Judy Ann Overturf for use on the premises of J. B. Ivey & Company.
- (c) Renewal of permit to George H. Terrell, for use on the premises of Jefferson First Union Tower.
- (d) Issuance of permit to Vincent McNeely for use on the premises of Johnson C. Smith University.
- (e) Issuance of permit to Thomas Eugene Simpson, for use on the premises of Johnson C. Smith University.

MRS. EDNA GASTON REAPPOINTED TO HOUSING APPEALS BOARD FOR A THREE YEAR TERM.

Councilman Gantt moved the reappointment of Mrs. Edna Gaston for reappointment to a three year term to the Housing Appeals Board as a representative of the Tenant-Occupant (\$6,000.00), which motion was seconded by Councilman Whittington, and carried unanimously.

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RESOLUTION REQUESTING THE LEGISLATIVE DELEGATION FROM MECKLENBURG COUNTY TO INTRODUCE AND SPONSOR LEGISLATION IN THE GENERAL ASSEMBLY TO PERMIT MUNICIPALITIES, AT THEIR DISCRETION, TO USE POWELL BILL APPROPRIATIONS FOR THE OPERATION OF PUBLIC TRANSPORTATION SYSTEMS IN ADDITION TO USE FOR CONSTRUCTION AND MAINTENANCE OF MUNICIPAL STREETS.

Motion was made by Councilman Williams, and seconded by Councilwoman Locke for discussion to adopt the subject resolution requesting the legislative delegation from Mecklenburg County to introduce and sponsor legislation in the General Assembly to permit municipalities, at their discretion, to use Powell Bill Appropriations for the operation of public transportation systems in addition to use for construction and maintenance of municipal streets.

Councilman Whittington stated he has to disagree with Mr. Williams because the North Carolina League of Municipalities, as long as he can remember, has opposed legislators in the House and Senate meddling with this fund. This is really all that the cities have, except where the state is to build a road, to maintain and improve our streets. About three years ago the Legislature changed the procedure on the amount of paved streets we have from one to both ways. For that reason he thinks it would be a serious mistake for this City government to go to the Legislature and ask to change the Powell Bill Fund appropriation.

He stated everyone knows the citizens of this community voted no to the use of current revenue or tax money to support a bus system which they authorized the city to purchase, which makes the problem of transportation even more severe. But he would urge this Council to not support this resolution because this is the only program we have today to get funds to build streets, maintain them, as well as culverts. He stated he knows the North Carolina League of Municipalities, which we appropriate a lot of money to every year, would urge you not to do this because it will fly right into the legislation they are proposing for municipalities.

Councilman Williams stated the Powell Bill is state legislation which refunds to municipalities a portion of the state tax collected on gasoline; there is a tax of nine cents a gallon on every gallon of gasoline sold in North Carolina. Of this nine cents, one cent is put into a general fund, and then divided up among all the municipalities based upon a population ratio, and paved streets. Charlotte has been receiving between three and four million dollars from this fund. The voters in the bond election about ten days ago approved the issuance of bonds to purchase the bus system, but then did not approve the tax levy to operate the bus system - that was a tax levy on real estate. He stated he thought about why the voters might do that, and perhaps out of instinct they are saying something that should be listened to. Perhaps they are saying they do not see the connection between property taxes and running a bus system. That he can see that point. In many municipalities, across the nation, they use a portion of the sales tax to support this kind of thing. In Atlanta it is a penny on the sales tax. We are already at four cents on our local sales tax, and it would be hard to go to five. That he is having trouble seeing where the money might come from to operate these buses which we are about to acquire. The federal government is going to contribute 50 percent of a deficit for the operation of these buses, which means even if the deficit went as high as a million dollars a year as some project, we would have to come up with half that figure. If we have between three and four million dollars in Powell Bill money to operate with, it seems to him to be reasonable to take 1/2 million of that to use for the operation of buses. For over a half century in this country we have subsidized, in one way or another, the

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Councilman Whittington stated there are 401 towns and cities in North Carolina who say what this would do is a mistake. If the Legislature wants to change the Powell Bill fund, and allocate some of it for transportation that is their business. But we should not bother something that is of benefit to this city at this time, and the 400 municipalities across the state when it is all we have. That he does not know what the options are either. But do not bother this at this time.

Councilman Gantt stated the whole concern of Mr. Williams' proposal relates to how we are going to operate the bus system, particularly in trying to find funds to go with the 50 percent we are likely to get from the federal government; this is a question we are all asking. That he does not think we have seen enough other alternatives available to us. That he thinks that is the frustration Mr. Williams worked under. Seeming to go with the idea that we should, in fact, be using some of the funds we use for automobile transportation for public transit. That he personally would support that policy concept as he sees it now happening at the national level. That he thinks it is going to eventually have to happen at the state level. That he would not simply support the legislation if it appears to be a political impossibility.

Councilman Gantt stated Council has not asked the question as to what the alternatives are in terms of the operation of the public transit system. We should get a report from Staff as to what the alternatives are so that a decision can be made.

Councilman Harris stated he is always open to options and would like to have as many options as he can.

Mr. Burkhalter, City Manager, stated he was at the meeting in Asheville. Of all the things that came up before that meeting, the overwhelming opposition was to the use of Powell Bill funds. The maintenance costs have gone up anywhere from 20 percent to 117 percent in the last two years on paving materials. There are a lot of streets in the annexed areas that need maintenance work. Last year only about \$300,000 of the \$3.3 million was used for construction work, such as widening street intersections and improvements of this kind. All the remainder was used for maintenance.

Mr. Burkhalter stated the question is whether there is other money available, and of course there is. Sales tax money can be used; license money can be used; anything can be used that is not categorized as property tax money. Whatever is used, it will have to be replaced, or cut out what it is now being used for. That applies to Powell Bill and other.

He stated in this case Council has already authorized a request for funds from the federal government for operational purposes which we hope to get, and will reduce the cost 50 percent in the operational category. Second we hope to be able to use other funds from other areas to replace that 50 percent. There is still some question about revenue sharing, and we have been trying to get some interpretations on whether it is legal to use these funds.

Councilman Withrow requested Staff to come back with what alternatives are available to Council, and at the same time try to interpret what the voters said. Mr. Burkhalter replied he will have some good recommendations for Council in this area.

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Councilman Short stated when Mr. Williams first mentioned using Powell Bill funds he indicated he thought it might be a good idea. On thinking about it, it seems to him that any way we cut it it will not be enough to really make up for that we did not get from the voters in the last referendum, and he is afraid it will be something to prevent us from doing other things that would provide enough. Also, he has learned that raids on the Powell Funds have been numerous, and it has taken a very staunch attitude on the part of the League and certain of the older legislators to keep this fund from being dissipated, and fragmented for a whole lot of purposes. That he would not vote for this motion.

Councilman Short stated about a year ago when there was a committee of Council studying transportation matters, Mr. Hoose and Mr. Feahr gave out a lengthy paper that stated what various other cities were doing. He stated he thinks it would be good for Council to have this information and he requested the City Manager to have this distributed.

Mr. Burkhalter stated the League has not been entirely negative about this. They have sponsored and pushed hard for a transportation bill. Their idea is if the State wants to give us money for transportation, that would be great. But it should be additional money because this is an additional cost. They have supported this, and it would be well if Council supported that.

Councilman Whittington made a substitute motion that Council not consider this legislative option as recommended by Councilman Williams. The motion was seconded by Councilman Withrow, and carried as follows:

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

CONSIDERATION OF LEGISLATION AUTHORIZING THE CREATION OF A CHARLOTTE TRANSIT AUTHORITY, DEFERRED.

Councilman Short stated this legislation was prepared by the Committee that was appointed to study transit matters, and presented it to Council. That he was under the impression from comments from the Attorney that nothing had been done about it.

Mr. Underhill, City Attorney, stated in April of last year, the City Council approved the submission of the bill which was sent to Council in their agenda today. The bill was sent to the General Assembly for its consideration to grant the city authority to establish a transit authority. Because of the shortness of time, the Delegation was unable to consider it, and vote upon it and have it introduced as part of the 74 Legislative Session. He stated he was operating under a misapprehension as to whether Council's intentions were to consider this as part of the 75 Legislative program.

He stated Mr. Hoose called him today and said he has some concern with the jurisdictional limits placed in the Bill. This is under Section 5, Page 3 of the Bill. It basically established the jurisdiction of the authority to the corporate limits and within four miles outside the corporate limits. Mr. Hoose says some of the things they are looking at in the long range manner would be limited by a four mile limitation and would ask Council to consider some appropriate language that would increase the territorial jurisdiction in the Bill. He did not give a specific figure. He would like to have it increased beyond the four miles as presently provided in Section 5.

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Mr. Underhill stated it can go as far out as the General Assembly will allow so long as it is not in conflict with an intra-state public transportation system licensed by the ICC; or you operate over routes that are already franchised by the Utilities Commission. Mr. Hoose did not give any specific recommendations, but he said for example that four miles outside the corporate limits would not carry them out far enough for some of the routes they have projected right now.

Mr. Underhill stated he is at a loss as to whether Council wants this as part of the 1975 package. It was authorized in 1974, and he was unclear as to whether it was to be included in 1975. He would like Council to give him some directions on that.

Councilman Short stated without a motion, everyone on Council knew when that was passed and submitted that it was too late in the legislature for local bills. That he thinks the previous action was intended to be a part of this current legislative package.

Mayor Belk asked if it could be put in without a limit on the route? Mr. Underhill replied it would be appropriate if some statement is included, even though it is a general statement, that the Winston Salem Bill states the City of Winston Salem and its immediate community or something to that effect.

The City Manager stated it will be sometime before the City owns the bus system. That he would not like to see anything occur that would interfere with the normal regular process of the acquisition of the bus system. Second, before the City has any experience at all, they are talking about some other way to do it. He does not think this is good business now. He thinks the system should be acquired, decide what is the best interest of the people the Council represents, and then they will have plenty of time to go to the legislature to get any legislation needed to do what they think is best. This would remove a lot of responsibility from Council by doing this, but right now he thinks Council should be the absolute controlling factor.

Councilman Harris stated, again this is just another option. Mr. Burkhalter stated no one really knows at this point what they want. It may be entirely different when they get into it. That he cannot tell Council the extent they want to do these things. He can tell them the bus riding is falling off today, and it is less than it was when we started. We have to make changes and we have to do a lot of things.

Councilman Withrow stated he did not know whether Staff still concurred with a transportation authority or a transportation department. He was in hopes Staff would study it and come back to Council with recommendations on the best way to go. Councilman Gantt stated he is concerned about the development of another department; it might take away some of the control that Council would need. He would want to see the alternatives to this.

Councilman Withrow moved that it be deferred. The motion was seconded by Councilman Whittington, and carried unanimously.

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CITY ATTORNEY INSTRUCTED TO PREPARE AN APPROPRIATE STATUTE AND SEND IT TO THE LOCAL DELEGATION TO CONTINUE THIS NOVEMBER THE NON PARTISAN FORM OF ELECTIONS AND CITY COUNCIL UNDER ITS HOME RULE POWERS TO PROCEED TO PLACE THIS ON THE BALLOT IN NOVEMBER FOR VOTERS OF THE CITY TO DECIDE WHETHER THE CITY ELECTION IN 1977 WILL BE PARTISAN OR NON-PARTISAN.

Councilman Withrow moved approval of an act to provide for non-partisan elections in the City of Charlotte. The motion was seconded by Councilman Short.

Councilman Short stated the citizens who have voiced to him an interest in partisan elections have, without exception, been active political party workers. But he believes that just about all other citizens, other than the active party workers, do not want city elections turned over to the political parties. He thinks clearly this is the vast majority of citizens. All other elections whereby we in this country elect public officials, are partisan elections, and have in effect, been turned over to these two tremendous political parties.

The legislation calling for a partisan city election in Charlotte this November was passed in the 1974 Legislature without referring the matter to the voters in a referendum. In fact it was not even referred to this Council; but was passed in the Legislature without referring it as far as he knows to candidates or anyone in this county, other than certain political workers who did urge the legislature to be this way.

Councilwoman Locke stated during this period of time she has been lobbied, arm twisted, cussed, discussed by both Republicans and Democrats on this issue. That she is in a very unique position. Her heart tells her to vote for non-partisan elections. This allows people like herself, who ran independent of the party, for whatever reason the party or candidate choses, to run for office and in her case to be elected. Her heart tells her she is in favor of non-partisan elections. Yet she has always, and still believes, in a strong two party system. From the time she started working with the Republican Party in 1962 through 1968, she worked very hard and preached for the two party system - a strong two party system. In these troubled times when the party system is in trouble, due in large measure to the Watergate affair, she feels we need to rebuild the confidence of the party system, through a strong two party system, and for that reason she will vote for partisan elections.

Councilman Harris stated it is obvious that there is not a unanimous vote on this Council. That is what has been good about the two party system. Mr. Short has mentioned that it has not been submitted to the voters. It was passed by the Legislature, and now we are thinking about putting it back to the Legislature to have them wipe it out, still without any vote of the people.

Councilman Harris made a substitute motion that this be placed on the ballot in November, as far as peoples' choice related to the partisan or non-partisan issue, together with the next item on the agenda, relating to the terms of the Mayor and Council as set out in the Agenda. The motion was seconded by Councilwoman Locke.

Mr. Underhill stated the legal problem he has with that motion is the partisan election process was established, not under the home rule provisions, but under a bill by the general assembly. It seems to him that only the general assembly can repeal its action. Putting it on the ballot as a referendum would be advisory only to guiding the Council in what action to take. The partisan election procedure which we have is through the legislative bill, which in his opinion would have to be repealed. Then Council could go to the option of a home rule type question.

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Councilman Short suggested that the motion by Councilman Withrow be amended to read as follows, "Instruct the City Attorney to immediately prepare an appropriate statute, and immediately transmit it to our Delegation, which will continue this November the non-partisan form of election that we have had heretofore in Charlotte, and that Council under its home rule powers proceed with the necessary procedure, and put on the ballot this November, on the same day as the city election, a referendum so that the voters of this City can decide whether the City election in 1977 and thereafter will be a non-partisan or partisan."

Councilman Withrow accepted the amendment as the motion, which was suggested by Councilman Short who seconded the motion.

Councilman Whittington stated he is going to vote for this motion because if Councilman Harris had not pulled down Item 21, he was going to make a substitute motion that this be decided by the people in November.

Speaking for the partisan elections was Mr. Zake Smith, Chairman of the Republican Party.

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

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

AMENDMENT TO THE CITY CHARTER TO INCREASE THE TERMS OF THE OFFICE OF THE MAYOR AND CITY COUNCIL DEFERRED.

After discussion of the amendment to the City Charter to increase the terms of office of the Mayor and City Council, Councilman Harris moved that it be deferred. The motion was seconded by Councilwoman Locke, and carried unanimously.

COUNCIL ADVISED THAT 55 POSITIONS WILL REMAIN VACANT IN THE CITY BUDGET THROUGH THE REMAINDER OF THIS FISCAL YEAR.

Councilman Harris referred to the memorandum from the Assistant City Manager, Jerry Coffman, concerning the positions that were vacant at the time. Of the 84 positions, 39 are in the General Funds, 28 in the Utility Fund, 11 in the Park and Recreation Fund, and the remaining six scattered among four other funds.

He stated he would like to see these positions, which are vacant presently, frozen not deleted, at the present time, and the City Manager be asked to come to Council if he needs to fill one of the positions between now and July 1.

He stated he is recommending this action at this time primarily because of concern about some of the positions, and he does not think it will harm the operations of any department.

Mr. Burkhalter, City Manager, stated of the 84 positions, we need to employ about 30 of them. That 55 of these positions today can be frozen and he will tell Council at this time he will not hire anyone in 55 positions. Some of the 84 are in the process of being hired and some of them may already be employed. There are 55 we can freeze, and he will agree to freeze and hold out without any question. He will come back to Council before employing any of them. He will keep 55 of these vacant until June 30.

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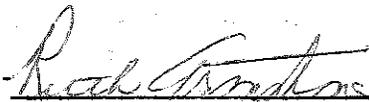
Councilman Gantt stated he does not understand the logic of this at all. Two or three weeks ago we put together jobs under the CETA program to employ people because of the unemployment situation. We apparently have funds budgeted already for some of these positions. This is talking about not hiring people. It seems on one hand some federal program talks about trying to hire people and putting them to work. There are positions in the city open that they would like not to hire people for. Mr. Burkhalter stated he hopes that everyone knows we will not employ people we do not need; just to employ them because the job is there.

Mr. Burkhalter assured Council that he will keep 55 vacant positions between now and the end of the fiscal year. That he can do this. An example is that the building field is down, and there have been two resignations in Building Inspection, and they do not need to replace them now. If building starts back then it will be necessary. But he is sure we can make it until June 30.

Councilman Whittington stated that satisfies Mr. Harris, and he asked that Council move on.

ADJOURNMENT.

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



Ruth Armstrong, City Clerk