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The City Council of the City of Charlotte, North Carolina, met in regular session on Monday, April 4, 1977, at 3:00 o'clock p.m., in the Council Chamber, City Hall, with Mayor John M. Belk presiding, and Councilmembers Betty Chafin, Louis M. Davis, Harvey B. Gantt, Pat Locke, James B. Whittington, Neil C. Williams and Joe D. Withrow present.

ABSENT: None.

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INVOCATION.

The invocation was given by Dr. Carveth T. Mitchell, Pastor of St. Mark's Lutheran Church.

INTRODUCTION OF MISS CHARLOTTE-MECKLENBURG COUNTY, MISS KATHRYN NORTON.

Mr. Phil Georges introduced Miss Kathryn Norton, Miss Charlotte-Mecklenburg County, to members of Council and the Mayor.

Mayor Belk stated he and members of Council will be pulling for her in the contest in Winston Salem on June 18.

REPORT ON SISTER CITIES INTERNATIONAL BY ASSISTANT CITY MANAGER.

Mr. Wylie Williams, Assistant City Manager, stated most of the members of Council are aware of Charlotte's involvement with Sister Cities International, a program started by President Eisenhower back in 1956, bringing the world community closer. That the world is a much smaller community today with our advanced means of communication and transportation; things that happen in other parts of the world affect us appreciably here in Charlotte.

He stated back in 1962, the City of Charlotte developed a relationship with Arequipa, Peru, a city about 600 miles south of Lima, a South American Country of Peru, and we have had several exchanges. Some of the activities which we have engaged in were some 2,000 desks which were sent to the school system there back in 1965. We sent our Symphony Orchestra Director down there for six weeks to help develop what has now become a very good symphony orchestra in Arequipa. They have had several visits and in 1971, we dedicated Arequipa Park, located next to our Library.

Mr. Williams stated Mayor Belk is a member of the National Board of Directors of Sister Cities International and that he (Wylie Williams) is the State Representative from North Carolina. That it was their privilege this weekend to host a state-wide conference of participants in the Sister Cities Program and other persons that had international interests. One of the things they found out from that Conference was that there is quite a bit of interest here in Charlotte of our international community. There was interest expressed in developing additional Sister Cities. One prominent suggestion was that of developing a relationship with Baden-Baden, in Germany, which is another one of Korf Headquarters in the world, which has three headquarters. This is the kind of interest being generated in our international linkages.

He stated they had members from the Sister Cities Program in Winston Salem, the Program in Greensboro and from many people from the local level who are interested. One of the things they hope will happen from their Conference is the revitalization of our own interest in our Sister City, Arequipa, and Council will probably be approached for support in developing a Sister Cities Committee here, to be the umbrella committee, to foster the interest that might be generated from our activities in this area. Another one of the things they are excited about is notification from the Department of State in the Office of Cultural Affairs that Charlotte will be honored with a visit from the Deputy Mayor of Arequipa during the third week in May. He will be spending a week in

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this community, and the purpose of his visit is to learn more about local government and community leadership. That he feels we have quite a bit to offer him.

He stated Mayor Belk could explain the difference in how they obtain their Mayors and how we obtain our Mayors in Charlotte. The difference is quite interesting and hopefully all the Councilmembers will get an opportunity to talk with Mr. Carlos Cabreizo.

Councilwoman Chafin stated Friday night the University of North Carolina at Charlotte was honored by the American Foreign Policy Association as having one of the outstanding Great Decisions Programs in the Country - perhaps the largest in the county - serving not just the Charlotte area, but a large regional area around Charlotte. That they were honored with a visit from Senator Frank Church who spoke to them.

She stated she had the opportunity to sit at the same table with Dr. Gray and she told her about her excitement about Charlotte's involvement in the Sister Cities Program and the fine job Mayor Belk was doing as a member of the Board.

Mayor Belk stated Dr. Gray picked Charlotte as an example of a progressive school in the Foreign Student Program; that she is writing a book and will send a copy in a few weeks. That the Sister Cities Program is very fortunate to have her, she is very talented. He stated this recognition puts a new light on the University for the people who live here.

APPROVAL OF MINUTES.

Upon motion of Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, the minutes of the meeting on Monday, March 21, 1977, were approved as submitted.

INTRODUCTION OF FOREIGN STUDENTS.

A number of foreign students in the audience were recognized and Mayor Belk presented each a key chain with the City of Charlotte Emblem.

RESOLUTION APPROVING CHARLOTTE AS A FOREIGN TRADE ZONE TO BE PLACED ON NEXT AGENDA.

Mr. Burkhalter, City Manager, stated Mayor Belk has received a letter from Mr. Ernest H. Ball, General Counsel for the League of Municipalities of North Carolina, with reference to foreign trade zones. That at the last meeting of the General Assembly, they passed an Act permitting certain cities to have foreign trade zones and one was Charlotte.

He stated subsequently they found out that our Act taxes these inventories locally and they do not in South Carolina or Virginia; therefore, we will never have a foreign trade zone. The reason that it does is because this Legislation was proposed rather hurriedly in the last General Assembly and the League stuck that little clause in there - that no local government would lose anything through taxes, just as a protective measure, not knowing what the Bill would really do. That he is not an authority on this matter but Mr. Jack Burney is here from the Chamber of Commerce if Council would like to hear from him. Also, the Mayor has asked him to ask Council what to do because the Bill is up there now to take this away and the League would like to know how Council feels about it since we are one of the foreign trade zones at our six North Carolina Official Ports of Entry - which are Wilmington, Morehead City, Raleigh-Durham Airport, Reidsville Airport, Charlotte Douglas Airport and Winston Salem Airport - these are the Points of Entry that are so designated by the Federal Government.

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Mr. Burkhalter stated roughly this means that a foreign corporation can bring goods in here for distribution and not pay any taxes, federal, state or local taxes, until it is distributed, but it is stored and inventoried here and they can bring it into the Charlotte Port of Entry. He has not been able to find out how this would cost us money; there might be some way, but he just does not know of it - he has asked these people and he has asked the Chamber if they know of any way it would cost us. He stated they did not do it now and if they did it, then they would not be taxed.

Mayor Belk stated he talked to Mr. Ball in Raleigh Thursday. That he thought this was fine until he had to clear it with the six cities. He asked if he had been able to clear it with the six cities and Mr. Burkhalter replied this is the process - he has written to our Mayor and has written each of the other cities. He does not think any cities would be affected except Charlotte and Wilmington, the only two Ports of Entry.

Mr. Jack Burney, Manager for Economic Development of the Greater Charlotte Chamber of Commerce, stated he presented Mr. Burkhalter with some material for Council which explains foreign trade zones and would answer some of the questions about its purpose.

Councilwoman Chafin asked what Council needed to do and Mr. Burkhalter replied Council needs to tell the Mayor what to tell Mr. Ball.

Mayor Belk stated we are trying to promote this because it is a great asset. They bring in all this equipment, ship it in here, and if it is in-between sales, they are taxed on an inventory basis. Now they are trying to get that part changed. It has no bearing on the time it sits here and is not sold - unless it is sold, it does not come under this. This is what we are trying to get changed.

Mr. Burkhalter stated under this Act, you can ship in parts and assemble them.

Councilman Whittington asked if we are doing for the foreign shipper what we are not doing for local warehousemen and suppliers who have to inventory their merchandise, equipment or stocks and pay tangible taxes on it at the first of the year. Mayor Belk replied no; what they are trying to do is be just like other states. That until it is sold, it is not taxed, as long as it is in the warehouse. For example, there is a German company building here and they are talking about moving more plants away from Germany because they have more confidence in our economy than in Germany's. What he is trying to do is until he gets this thing set up, he does not have to pay the taxes on it until that time. It is an international thing, not a local, until it is sold.

Councilman Whittington asked the difference between this and what he would have on inventory on the first of the year? Mayor Belk replied this is coming in on board, whereas the merchandise that he buys, they get in the store, it is not taxed at the time.

Councilman Williams asked if this is ad valorem taxes, personal property tax, that only attaches to what someone has on January 1st? The reply was at the end of his fiscal year, whatever that date might be. Councilman Williams stated then it is theoretically possible for anyone to have huge inventory at all other times of the year, 364 days a year, and get rid of it on that 365th day and not have any tax liability for it.

Mr. Burkhalter stated they are talking now just about the foreign trade zone, where there would be no ad valorem tax period. This would permit the establishment of a foreign trade zone wherein goods were shipped in and shipped back out - they may never actually enter domestic commerce in which case, they do not pay any import duties at all.

Councilman Whittington moved that Council instruct the League that the City of Charlotte is in favor of this, which motion was seconded by Councilwoman Locke.

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Mayor Belk stated since we are a distribution area, he believes in '64 we became, through the Federal Government, able to receive goods into Charlotte. For example, we receive a lot of air freight; Wilmington will receive a lot of freight internationally by boat; we can't, but they can. We receive a lot down in Charleston; we can receive some from there, bring it in here on this basis, especially by air, directly in here. This is what we are trying to do - have an international port - Atlanta is one. We think this will continue the atmosphere that we have created by being a regional area and we think that this will make us an international area and we will be a Port of Entry, even though we can't come in by boat, we can bring them in to Charleston, then it becomes a North Carolina thing and it is taxed, so it would go to another spot. What we are trying to do here is get this in, it has nothing to do with the local tax base. It is like we buy shoes and are taxed by North Carolina, South Carolina, or wherever it went. This way it would not come in and we would have this foreign trade zone here which they think will put us into an international area that we do not cater to at this time.

In answer to a question from Mr. Burkhalter, Mr. Burney stated the Port of Entry figures for the year ending 1976 was in excess of \$11.0 million. That it has been a high as \$17.0 million.

Councilman Davis stated he thinks this would probably be a good thing for Charlotte to become a foreign trade zone and he made a substitute motion that the City Manager draft a letter, or a resolution, to the North Carolina League of Municipalities, supporting this Senate Bill, and have it placed on the Agenda for next week, and at that time, have comments from our Tax Department to reassure Council that they are dealing fairly with all of our local merchants and local tax ordinances. Councilman Whittington stated he has no objections to that, and would second the motion.

Mr. Burkhalter stated he does not know of any way that our tax people could tell us any more than they know now - that Mr. Burney is really the authority on this. What he has been asking himself is what will this do? He knows it will bring inventory in here which we might get a tax on, but will we get it without it? That is the only question we have to ask.

Mr. Burney stated we would have little chance of getting this tax otherwise. That Charleston already has a foreign trade zone; Greenville, South Carolina is now putting together its Act and they understand they are moving ahead. That in the absence of the kind of change they are talking about, he cannot imagine that any profit-minded organization would be remotely interested in coming in.

Councilman Davis stated it sounds like a good deal. That he knows the Chamber of Commerce has been working on it for a year or more and it is something we probably ought to do, but he hates to by-pass our staff on it.

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

ACTIONS RELATING TO MANPOWER PROGRAMS UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT, APPROVED.

Motion was made by Councilman Gantt and seconded by Councilwoman Locke, to approve the following actions:

- (a) Submission of an Application to the U. S. Department of Labor for a Grant of \$647,865, for implementation of a summer youth program for Fiscal Year 1977.
- (b) Submission of a Budget and Program Modification to the U. S. Department of Labor to increase the CETA Title II Grant by \$147,167, for Fiscal Year 1977.
- (c) Submission of Preapplications for the CETA Title I and Title II Programs for Fiscal Year 1978.

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Councilman Williams stated he would hope that we will not be getting into any more pitfalls on this and that our own department will be controlling the program and not farming it out to the School Board again. Mr. Person replied they will not contract this Program out to the School Board, but the Manpower Department would not be operating the program directly. Last year and this year, they have asked the Employment Security Commission to administer the program. That last summer's program was administered according to regulations that specified that we have not only monitored the program during its operation but have checked it since that time and have had D.O.L. people in to take a look at it. As far as they can determine, there are no discrepancies or anything that we need to be concerned about.

Councilman Withrow asked if the people covered under Item (c) can be used with carpenters working for the City to do repairs, insulation or energy saving categories for rehabilitation of houses? Mr. Person replied he does not know if he can give him a yes or no answer today; the reason being that building and trade industry has been so despressed in previous months until he does not know that he can say yes, we can use carpenters and other personnel to carry out what he has described here. He could give him a report on it later.

The vote was taken on the motion and carried unanimously.

RESOLUTION AUTHORIZING THE CHARLOTTE-MECKLENBURG PLANNING COMMISSION TO FILE AND EXECUTE AN APPLICATION WITH THE URBAN MASS TRANSPORTATION ADMINISTRATION FOR SECTION 9 FUNDING WITH LOCAL MATCHING FUNDS.

Councilwoman Chafin moved adoption of subject resolution authorizing the Charlotte-Mecklenburg Planning Commission to file and execute an Application with the Urban Mass Transportation Administration for Section 9 funding, in the amount of \$58,556, with local matching funds of \$14,639, to conduct the following:

- (a) Transit Data Collection
- (b) Evaluation of transportation plans
- (c) Participation in the Technical Coordination Committee sub-committee on air quality
- (d) Update the Transit Development Plan as required by federal guidelines
- (e) Participate in an implementation study of transportation alternatives for the elderly and handicapped.

The motion was seconded by Councilman Williams.

Councilman Gantt asked if this was the five year TDP and if the funding Council gave in 1976 for this only covered that one year? Mr. Kidd replied it covered five years and we will have a five year program developed from that. These funds are to add the fifth year each year; it is a continuing transit planning program.

Councilman Davis asked what the Technical Coordination Committee on air quality is and Mr. Kidd replied that is what they are anticipating working with on the air quality program. That this committee is set up by the Planning Commission as part of the ongoing transportation planning process. These funds are eligible for us to participate in the Technical Coordinating Committee's meetings and the one on air quality is going to be very important to them.

Councilman Davis referred to Item (e) and stated Council just authorized a study of some sort to coordinate the various activities going on for the elderly and handicapped. Is this coordinated with that or is this an entirely new effort? Mr. Kidd replied this coordinates with that - it is funding for people in his office to participate in that effort.

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The vote was taken on the motion and carried unanimously.

Mr. Burkhalter stated they may have gotten the wrong impression about the Technical Coordinating Committee. It is composed of elected officials and highway officials under the Federal Highway Act - it is a sub-committee of that group; not a Planning Commission Committee.

The resolution is recorded in full in Resolutions Book 12, at Page 340.

RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO APPROVE CLAIMS AGAINST THE CITY IN AMOUNTS NOT EXCEEDING \$5,000 FOR PERSONAL INJURY OR FOR DAMAGES TO PROPERTY ARISING OUT OF THE OPERATION OF THE CHARLOTTE TRANSIT SYSTEM.

Councilman Gantt moved approval of the subject resolution. The motion was seconded by Councilman Davis.

Councilman Whittington referred to Attachment 3 which explains new personal liability and property damage insurance coverage which has been secured, and asked if this is the beginning of the costs we are going to be involved in because we changed transportation companies and Mr. Burkhalter replied we have always had to pay for this sort of thing. This is setting up a procedure for handling the claims.

Mr. Kidd stated we had the same type of coverage with the other management company - \$25,000 self-insured. It gives them an established procedure for handling the claims.

Councilman Gantt asked if the \$102,000 that we will pay is any different from what we paid the City Coach Line last year and Mr. Kidd replied it is up slightly; that the City Coach Line policy was written on an annual basis for the period July 1, 1976 through June 30, 1977. The premium was slightly smaller, however, the cost of liability insurance has gone up so much they were expecting a rather substantial increase next June. The new policy was set up in March so that they did not have the full cost for the year. He will have to look up the figures in order to tell them the exact difference. Councilman Whittington asked Mr. Kidd to give Council, at its next meeting, the difference in costs of all insurance, workmen's compensation and everything else because of the change in management. He stated that anytime Council gets a request like this, he would like to know how much more it costs than with the other company.

Councilman Gantt stated he thinks Mr. Kidd is saying that it is almost impossible to compare apples and oranges in this situation because of the difference in rates; that he feels Councilman Whittington's question is a legitimate one and he would like to have that information himself.

Councilman Williams stated the item on the agenda deals with procedure in handling these minor claims, under \$5,000. He asked how many such claims can be anticipated in a typical year and Mr. Kidd replied it would be difficult to say without going back and looking at the records - it varies from year to year. Mr. Watts, Deputy City Attorney, stated he cannot give them an idea on this because he has not been involved. He asked about the expense of a policy that would cover under \$25,000 and Mr. Kidd replied they could only find two carriers who would quote under \$25,000 and it was much more expensive; they felt this was the cheapest way for the City to go.

Councilman Williams stated that is no change because City Coach had a high deductible policy, too. Mr. Kidd stated it was \$10,000 the previous year and last July 1 it went to \$25,000; that was the best insurance they could secure. Mr. Watts stated the reason we do not have that on this, is that the old coach company had its own insurance adjusting service. Mr. Kidd stated that is correct and they invoiced us after payment was made and claims were settled.

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Councilman Williams stated if there are only a dozen or so of these a year, they probably ought to come by the Council, but if there are a hundred of them, Council does not have time to get involved with the ordinary claims. Mr. Kidd stated he can tell him that there are more than a hundred claims a year; everything from people tearing a raincoat when they sit down on a bus seat to falling and soiling a garment, etc.

The vote was taken on the motion and carried unanimously.

The resolution is recorded in full in Resolutions Book 12, at Page 342.

ORDINANCE NO. 478-X AMENDING CHAPTER 20, SECTION 86(c) OF THE CITY CODE TO ESTABLISH THE SPEED LIMIT OF 45 MPH ON FAIRVIEW ROAD EXTENSION, FROM SHARON ROAD TO PROVIDENCE ROAD.

Motion was made by Councilwoman Locke, and seconded by Councilman Withrow, that the subject ordinance be adopted, amending Chapter 20, Section 86(c) of the City Code, to establish the speed limit of 45 MPH on Fairview Road Extension, from Sharon Road to Providence Road.

Councilman Gantt asked if this has anything to do with speed limits. That they have had some questions about speed limits on other newly widened or new rights of way that we have opened in Charlotte and a lot of them had to do with the speed limit being too high because of residential traffic. That most of this particular extension the 45mph limit certainly is reasonable. He had a call, however, from people who do live on Fairview Road Extension near Sardis Road, and they complained about the darkness, wondering whether they are going to get any lights out there.

Mr. Corbett, Traffic Engineering Director, replied that in their budget request for this year is an item for \$15,000 for lighting Fairview Road from Sharon Road all the way to Providence Road. It will not be done until after July, assuming that it is approved all the way through the process.

Councilman Davis asked the speed limit on Carmel Road where it takes off from what is now Fairview Road Extension? Mr. Corbett replied he believes parts of it are 45mph and part 35mph, but he cannot be sure without checking. Councilman Davis asked if there is any change planned on that? Mr. Corbett replied not at the present time.

Councilman Williams stated he does not mind going for a speed limit of 45mph on that road but he does not want anyone to misconstrue the vote as being an indication of his willingness to make that a commercial road. That he was out there the other day for the first time and he was a little bit surprised at the way the road was built. It is a great, wide road - five lanes - with sidewalks right up against the curb; it just looks like a road inviting commercial development. He hopes that is not true and his vote on this speed limit is not an advance indication that he thinks it ought to be a commercial street. Mr. Corbett replied he would not encourage that it be developed commercially.

The vote was taken on the motion and carried unanimously.

The ordinance is recorded in full in Ordinance Book 24, at Page 64.

DISCUSSION ON THE CITY'S POLICY FOR INSTALLATION OF LIGHTS ON NEIGHBORHOOD STREETS.

Councilman Gantt stated some weeks ago they discussed the policy of street lights and Mr. Corbett recounted for Council the change in policy on street lights being provided, particularly in the newly annexed areas. Some question came up as to whether we notified those residents of the annexed areas that the policy had been changed. Mr. Corbett replied no we did not; that following the last major annexation we went into a forceful program of putting street lights in the newly annexed areas and

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almost without exception, before they did that they would announce neighborhood meetings and go into the neighborhoods with their proposals and let them evaluate the proposals and actually vote on what they would like to see done and they would do it. There were some exceptions previous to that when they just put them in and it generated a lot of animosity. Since then they have terminated their policy of lighting neighborhoods and they wait now for those in the neighborhoods to request installation and they put them in only on a request basis. Councilman Gantt asked if all the residents of the newly annexed areas know that? Mr. Corbett replied no they do not. Councilman Gantt stated what he is trying to get at is apparently there are people sitting out there waiting for the City to provide them street lights and saying that the annexation does not work because we have not provided them with all of the services.

Mr. Corbett replied the difficulty is lack of funds - they presently have only enough money to install thirty street lights per month and as the requests come in they process them and install thirty per month. That one neighborhood can take thirty very quickly. They get a lot of requests for street lights; they are running about three months behind in processing the requests and two to three months behind in getting them installed.

Councilman Gantt asked if he would suggest any kind of publicity campaign that says neighborhoods request to get on a waiting list? Mr. Corbett replied not unless they could have some additional funds.

Mr. Burkhalter stated there may be isolated areas where they do not know this because he thinks that at least one person in everyone of the annexed areas has been contacted. Mr. Corbett stated the one case he thinks Councilman Gantt may be referring to that they had a neighborhood meeting and the neighborhood was not in favor of street lights.

RESOLUTION APPROVING A SUPPLEMENTAL AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR TRAFFIC CONTROLS ON SARDIS ROAD, BETWEEN PROVIDENCE ROAD AND RANDOLPH ROAD.

Motion was made by Councilman Whittington, seconded by Councilwoman Locke, and unanimously carried, adopting a resolution to approve a supplemental agreement with the North Carolina Department of Transportation for traffic controls on Sardis Road, between Providence Road and Randolph Road.

The resolution is recorded in full in Resolutions Book 12, at Page 344.

ORDINANCE NO. 479 AMENDING CHAPTER 10, ARTICLE II OF THE CITY CODE AMENDING THE LITTER CONTROL ORDINANCE TO UPGRADE REFUSE COLLECTION IN THE CENTRAL BUSINESS DISTRICT.

Councilman Gantt moved approval of the subject ordinance amending the Litter Control Ordinance. The motion was seconded by Councilman Whittington.

Ms. Judy Ranson, 236 Huntley Place, stated she represents the Charlotte Clean City Committee as vice-chairman; that she is Municipal Operations sub-committee chairman. The Charlotte Clean City Committee is keenly interested in reducing litter by improving solid waste handling techniques and is constantly seeking new methods to sustain and increase the 65% to 70% litter reduction that their program has achieved.

She stated unfortunately they cannot claim credit for this latest innovation but they have worked closely with the Public Works Department, Sanitation Division, on it and the committee has unanimously endorsed the amendment to the Litter Control Ordinance. Passage of this amendment will allow that portion of the Central Business District which utilizes rear-loading packer refuse collection to receive daily service - Monday through Friday; and permit the use of plastic bags with closures for refuse receptacles. Service for bulk containers is not affected. This plan was implemented on an experimental basis in early December and its success has prompted this request to amend the Litter Control Ordinance. She stated the Committee's primary

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interest in this program is its potential for bringing about litter reduction in the Central Business District. That since Saturday service is eliminated there is no need for refuse receptacles and loose trash to be on the streets after Friday evening. This will improve the appearance of our sidewalks and eliminate the possibility of loose trash blowing from improperly prepared refuse put-outs. More significant is the intensive educational effort which the Community Improvement Division conducted to notify property managers of the service change and the regulations for refuse storage and handling. They felt the service could be increased and it should be accompanied by an increase in compliance with the Litter Control Ordinance. The inspectors personally contacted each address using this service in the Central Business District - 260 total - and explained in detail what Public Works wanted to do and why. This approach brought about an enthusiastic response from property managers and real cooperation in complying with the regulations. They also pointed up a flaw in the original plan and those contacted came up with a solution. Several people explained that in certain situations metal refuse containers were not practical for this district since most curbside collections were carried out after 5 p. m. and no one was around to return the receptacles to the storage areas until morning. They heard reports of stolen cans, lids being blown away by the wind. These people requested they be able to use plastic bags for loose trash. During the experimental period these have worked well. Their concern that the bags would be broken, thus creating a litter pile, has not materialized. The merchants and the crew members are pleased with this compromise.

Ms. Ranson stated both Public Works and the Central Business District merchants are to be commended for their real cooperation in this program. That contacting everyone and distributing posters and running a test has taken time, but the results of a cleaner Central Business District and increased service and efficiency without an increase in cost are, in their opinion, worth it.

Colonel Jack Miller, Central Charlotte Association, stated the association has worked with the Public Works Department's Sanitation Division and the Community Inspection Department throughout the preparation of this. They are wholly in favor of it and urge Council's support. They also urge consideration of an enforcement campaign in those very rare cases where it does not seem to have the proper kind of emotional appeal at this point.

The Mayor stated that he, and Councilmembers Locke and Davis were at a meeting recently that involved Colonel Miller; that it was an excellent meeting. It was not only very informative but it was well done - an excellent choice of panel members.

Councilman Davis stated it is interesting to note that since a West Point graduate is connected with this ordinance, it is one of the rare ones Council gets that combines a decrease in service cost with an increase in service level. That this is not to detract from Mr. Hopson's and Mr. Rea's accomplishments.

Mr. Charles Mason, 1620 Hartford Place, stated he is a deacon of First Presbyterian Church and they are heartily in favor of using plastic containers rather than the metal or any other kinds of cans. They anticipate no problems in the future; they think it will be quieter, cheaper and look better.

The vote was taken on the motion and carried unanimously.

The ordinance is recorded in full in Ordinance Book 24, at Page 65.

CONTRACT WITH SCHWARTZ AND SON, INC. FOR THE RECLAMATION OF WHITE GOODS (HOUSEKEEPING APPLIANCES).

On motion of Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, contract with Schwartz and Son, Inc. for reclamation of white goods was approved.

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ORDINANCE NO. 480-X AMENDING THE 1976-77 BUDGET ORDINANCE TO ADD ONE SCHOOL CROSSING GUARD TO SERVE J. MASON SMITH JUNIOR HIGH SCHOOL.

Councilman Whittington moved adoption of an ordinance amending the 1976-77 Budget Ordinance amending the Table of Organization for the Police Department to add one school crossing guard to supervise school crossing at the intersection of Tyvola Road and Glenham Road to serve J. Mason Smith Junior High School. The motion was seconded by Councilman Gantt.

Councilwoman Chafin stated at least one of the local news media has called attention to the fact that apparently we have some enforcement problem with the speed limits at some of our schools. She thinks it is something Council needs to be concerned about and she has asked the City Manager to look into it and come back with a report so that they can continue to monitor our enforcement policy in this area for the safety of our school children.

Councilman Whittington asked if staff is going to give Council an opinion on an overhead walkway at Briar Creek Road and Independence Boulevard? Mayor Belk stated they had asked Mr. Burkhalter to bring a report back on it.

Councilman Gantt asked if there are funds in the budget for the school crossing guard? Mr. Hunter replied there are sufficient funds to finance this.

The vote was taken on the motion and carried unanimously.

The ordinance is recorded in full in Ordinance Book 24, at Page 66.

Mayor Belk stated, on the subject of the speed limits, he feels they have been a little lax in the school program and it is a safety feature, especially with spring coming up.

ORDINANCE NO. 481 AMENDING CHAPTER 13, SECTION 31 OF THE CHARLOTTE CITY CODE RELATING TO THE PUBLIC DISPLAY OF SEXUALLY EXPLICIT MATERIAL IN ESTABLISHMENTS FREQUENTED BY MINORS.

Councilman Gantt moved that the city ordinance relating to the public display of sexually explicit material in establishments frequented by minors be repealed in its entirety. The motion was seconded by Councilman Davis.

Deputy City Attorney Bill Watts stated it is entirely up to the City Council as to whether or not the ordinance is repealed. If it is the will of Council this ordinance can be enforced perhaps as it is. It is a question of what they want rather than what the law is. He knows of no law that says you cannot enforce it the way they started out. But if Council should decide this is not what they want to do - that it is too stringent - they can repeal the whole thing, or any part of it. That is basically the City Attorney's position on it.

Councilman Withrow made a substitute motion that the ordinance be left as it is. The motion was seconded by Councilman Whittington.

Councilman Williams stated he thinks they have seen that it is difficult to apply this definition to all materials in a non-discriminatory way and still not affect the innocent material that nobody intends to try to regulate. For that reason he thinks they ought to do something to the ordinance. That outright repeal would be preferable to trying to enforce it the way it is, but something in between would be even a better measure and he would like to see them delete the portion of it that is causing the difficulty.

Councilman Whittington stated he cannot argue with what Councilman Williams is saying except to say these merchants who are calling him know what this ordinance says, they know they are in violation of the ordinance, and there are many ways they could go ahead and comply and not be coming down here every day. That Mr. Underhill gave Council the best ordinance he could and it stood up in court so far. He thinks they ought to leave it alone. If the court throws it out, then again they have done all they can, as they did in a previous ordinance that most members of this council had a part in.

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Councilman Gantt stated it is hard to be against this; that they have really spent a lot of time in the three years he has been on Council dealing with pornography issues and it goes back to the kind of comment he made to Mr. Ted Law about the stopping of unscrupulous salespersons coming into the community and ripping off our people. He just does not know whether this is doing what they want it to do and whether they do not get into some serious problems. He thinks it is a bad law and that is the reason he made the motion to repeal the entire thing. He would feel a little better if they went into some kind of public relations campaign with merchants and tried to get them to voluntarily understand what Council is trying to do in terms of not having this kind of material exposed to our minors. When you start a strict interpretation of the law such that you end up with the kind of demonstration that Councilman Williams pointed to a couple of weeks ago, they have problems. He agrees with Councilman Whittington that the first test in court indicates the judges are going to uphold that law, but he cannot predict what will happen down the line. He just does not think it is a good law and he really cannot go along with Councilman Williams in that if they eliminate the couple of lines in there that the problem is resolved. We would still have those people who wanted to see some sort of cover-up law, objecting to the fact that we still have a substantial number of magazines with what they would consider pornographic material.

Councilman Whittington stated he thinks they are talking about public information. If that is a problem, he thinks the City Manager can say to Council that can be resolved by calling on these people and telling them what they are doing wrong as far as the ordinance is concerned. They know what they are doing wrong, and they know that the ordinance says.

Councilman Gantt stated what he has in mind is an educational campaign with the store owners in locations that are violating the ordinance. A lot of people talk about self-regulation being better than having it imposed by "big brother." He wonders if that would not be a better way to go about it. Councilman Williams stated he would agree with him if we were talking about adults only, but this pertains to the protection of minors.

Councilman Davis stated we are having a great deal of difficulty defining pornography, and our efforts seem to have partially failed in this case; and we are not the only ones having this difficulty. He does not believe we are going to be able to have an ordinance that will protect the youth of Charlotte. Most of us are particularly concerned with involuntary exposure to pornographic material as far as youth are concerned. He does not believe this Council, with all its attorneys, can write an ordinance that will protect our youth as long as a significant portion of our adult population subscribes to and reads pornographic magazines, materials, and frequents adult book stores, and other areas that most of us consider to be pornographic. He just does not think there is any way we can do it.

The vote was taken on the substitute motion by Councilman Withrow, and failed on the following vote:

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

Councilman Williams made a substitute motion to amend the ordinance by deleting the following language at the end of Section 31(b)(1), and placing a period after the word "areas": ". . .and the exposure of the female breast or breasts below the top of the nipple except those of infants." The motion was seconded by Councilwoman Chafin.

Councilman Withrow stated he would rather have the ordinance as it is; but this is better than repealing the ordinance.

Councilwoman Locke stated she will vote for this because it is better than having everything thrown out. She would rather have the original ordinance.

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

The ordinance is recorded in full in Ordinance Book 24, at Page 67.

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MS. NELLE B. LORICK APPOINTED TO PARK & RECREATION COMMISSION FOR ~~FIVE~~^{THREE} YEAR TERM.

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Councilwoman Locke moved the appointment of Ms. Nelle B. Lorick to the Park and Recreation Commission for a ~~five~~ year term to fill the expired term of U. Chester Whelchel. The motion was seconded by Councilwoman Chafin, and carried unanimously.

NOMINATION OF JERRY TUTTLE TO THE AUDITORIUM-COLISEUM-CIVIC CENTER AUTHORITY.

Councilman Whittington placed in nomination the name of Jerry Tuttle to succeed himself on the Auditorium-Coliseum-Civic Center Authority.

CONTRACTS AWARDED.

(a) Motion was made by Councilwoman Locke, seconded by Councilman Whittington, and unanimously carried, awarding contract to the low bidder, The Leslie Company, in the amount of \$6,672.85, on a unit price basis, for 17 breathing apparatus for the Fire Department.

The following bids were received:

The Leslie Company	\$ 6,672.85
Triad Fire & Safety Eqpt. Co.	6,747.00
Action Fire & Safety, Inc.	6,941.55
Allied Safety Supply Company	7,004.75
Jones Safety Supply, Inc.	7,251.00

(b) Upon motion of Councilman Withrow, seconded by Councilman Whittington, and unanimously carried, contract was awarded the low bidder, Frank H. Conner Company, in the amount of \$21,118, for construction of a metal building for the Fire Storage Facility at the Police & Fire Training Academy.

The following bids were received:

Frank H. Conner Company	21,118.00
Harkey and Associates, Inc.	21,400.00
Myers & Chapman, Inc.	23,102.00
Juno Construction Corp.	23,122.00
Carolina Builders of Lancaster	25,988.00
D. R. Mozeley, Inc.	26,244.00
Laxton Construction Co.	32,000.00

(c) Councilwoman Locke moved award of contract to the low bidder, Sanders Brothers, Inc., in the amount of \$284,896.50 on a unit price basis, for sanitary sewer construction to serve Woodlawn Area. The motion was seconded by Councilwoman Chafin, and carried unanimously.

The following bids were received:

Sanders Brothers, Inc.	\$284,896.50
Ben B. Propst Contractor, Inc.	302,214.32
Dickerson, Inc.	310,731.00
Rea Brothers	328,887.10
Blythe Industries	346,088.00
Rand Construction	409,725.00
Propst Construction	456,824.50
Breece & Burgess, Inc.	608,413.00

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(d) Upon motion of Councilwoman Chafin, seconded by Councilman Whittington, and carried unanimously, contract was awarded the low bidder, Abernethy Construction Company, in the amount of \$28,154.40, on a unit price basis, for sanitary sewer construction to serve Billingsley Road.

The following bids were received:

Abernethy Construction Co.	\$ 28,154.40
Ben B. Propst Contractor, Inc.	28,180.79
Rea Brothers, Inc.	30,063.20
Blythe Industries, Inc.	31,514.00
Sanders Brothers, Inc.	36,309.70

(e) Motion was made by Councilman Whittington, seconded by Councilman Gantt, and unanimously carried, adopting an ordinance transferring funds, and awarding contract for sidewalk and pedestrian bridge for Allen Hills Park, as follows:

- (1) Ordinance No. 482-X transferring \$25,000 within the General Revenue Sharing Fund to provide a supplemental appropriation for the construction of sidewalk and pedestrian bridge across Irwin Creek, and park improvements at Allen Hills Park.

The ordinance is recorded in full in Ordinance Book 24, at Page 68.

- (2) Contract awarded the low bidder, Crowder Construction Company, in the amount of \$17,665, on a unit price basis, for construction of sidewalk and pedestrian bridge for Allen Hills Park.

The following bids were received:

Crowder Construction Co.	\$ 17,665.00
T.A. Sherrill Construction Co.	18,975.00
Lee Skidmore, Inc.	21,698.50
Blythe Industries, Inc.	23,651.25

Councilman Whittington stated this is another response this Council has made to neighborhood requests, and he says this in defense of at-large representation.

Councilman Withrow stated it would be interesting to see how much money the city receives for Community Development projects and other projects that go into districts as proposed, 1, 2, 3 and 4.

(f) Motion was made by Councilwoman Chafin, seconded by Councilman Withrow, and unanimously carried, awarding contract to the low bidder, Sanders Brothers, Inc., in the amount of \$55,842.50, on a unit price basis, for construction of 12-inch and 8-inch water main along Wilmount Road.

The following bids were received:

Sanders Brothers, Inc.	\$ 55,842.50
Abernethy Construction	58,326.00
Ben B. Propst	60,758.75
Rea Brothers, Inc.	66,076.00

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR GRIER HEIGHTS COMMUNITY DEVELOPMENT TARGET AREA.

Motion was made by Councilwoman Locke, seconded by Councilwoman Chafin, and

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unanimously carried, adopting a resolution authorizing condemnation proceedings for the acquisition of property on Marvin Road, belonging to Fred and James Ardrey, in the Grier Heights Community Development Target Area.

The resolution is recorded in full in Resolutions Book 12, at Page 345.

CONSENT AGENDA APPROVED.

Councilman Whittington moved approval of the Consent Agenda, which motion was seconded by Councilwoman Chafin, and carried unanimously.

1.) Settlements of claim and suit:

- (a) Claim by William R. Echols and Rodney L. Purser, Attorneys at Law, in the amount of \$500 for the removal of a tree from 3823 North Sharon Amity Road.
- (b) Case of Michael Lee Taylor versus The City of Charlotte and George Lewis Taylor versus The City of Charlotte, in the total amount of \$500, in the case 76-CVD-846.

2.) Encroachment Agreements.

- (a) Agreement with the North Carolina Department of Transportation permitting the City to construct a two-inch water main in Nations Ford Road, north of Greenwood Avenue.
- (b) Resolution authorizing the Mayor and City Clerk to execute an agreement with Southern Railway Company for a crossing, improvement, relocation and upgrading of signals on Statesville Avenue.

The resolution is recorded in full in Resolutions Book 12, at Page 346.

- (3) Contract with Walnut Properties for the construction of 4720 feet of water main, and five fire hydrants, to serve Walnut Creek Subdivision, Section III, A, B and C., outside the city, at an estimated cost of \$35,000, with the applicant to finance the entire cost, and the city to own, maintain and operate the mains.
- (4) Contracts for real estate broker's services for Community Development:
 - (a) Lat Purser & Associates, for Brooklyn Project No. N.C. R-43.
 - (b) Bruce Rinehart for Brooklyn Project No. N.C. R-43.
- (5) Property transactions.
 - (a) Acquisition of 30' x 245.84' of easement from William Jack Francis and wife, at 7801 Park Road, at \$1.00 for sanitary sewer trunk to serve 7700 Park Road.
 - (b) Acquisition of 15' x 1,065.46' of easement from Malvena Alexander Greene, at 6600 Nations Ford Road, at \$3,050, for sanitary sewer trunk to serve Springfield Subdivision Pump Station.
 - (c) Acquisition of 15' x 79.45' of easement, plus temporary construction easement, in the 1100 block of Amble Drive, from Kathleen T. McRee, R. Wade McRee, Sr., Millard Brady Thomas, Jr. and Martha K. Thomas, at \$179, for Derita Branch Trunk.

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- (d) Acquisition of 15' x 1,379.87' of easement, plus temporary construction easement, at 1145 W. Sugar Creek Road, from Margaret B. Wilson, Edgar A. Flowe, Pearl McCorkle Flowe, at \$1830, for Derita Branch Trunk.
- (e) Acquisition of 58,391 square feet at 3027 Milton Road, from Housing Authority of the City of Charlotte, at \$1.00, for proposed right of way for Dillard Drive Extension.
- (f) Acquisition of two parcels for Grier Heights Community Development Target Area.
 - 1.) 9,250 sq. ft. at 318 Alpha Street, from Trustees of the Antioch Church of God, at \$23,500.
 - 2.) 477 sq. ft. at 3723 Ellington Street, from Mary Ann Stradford, at \$250.
- (g) Acquisition of seven parcels for Third Ward Target Area.
 - 1.) 282 sq. ft. at 1001 W. Trade Street, from Mary E. Watts Chamber, at \$1,000.
 - 2.) 1,541 sq. ft. at 1005 W. Trade Street, from David Kinney and Gary Watts, at \$3,000.
 - 3.) 8,712 sq. ft. at 1000 Waccamaw Street, from J.W. McClung, Jr. at \$11,000.
 - 4.) 4,140 sq. ft. at 108-10 S. Irwin Street, from Mary E. Watts Chambers, at \$11,300.
 - 5.) 4,248 sq. ft. at 238 Victoria Avenue, from Mr & Mrs. James H. Ellis, at \$9,000.
 - 6.) 4,250 sq. ft. at 234-36 Victoria Avenue, from Dr. & Mrs. Joseph L. Butler, at \$6,500.
 - 7.) 4,862 sq. ft. at 820 Greenleaf Avenue, from Elizabeth R. Womble, at \$7,050.
- (h) Acquisition of 3,500 sq. ft. at 1113 Jefferson Street, from Minnie Cochran, at \$12,000 for West Morehead Community Development Target Area.
- (i) Acquisition of two parcels in the North Charlotte Target Area.
 - 1.) 9,222 sq. ft. at 4243 Dinglewood Avenue, from Floyd Peterson, at \$3,200.
 - 2.) 30,000 sq. ft., at Howie Circle, from Jimmie D. Allen, at \$5,400.

EXECUTIVE SESSION OF COUNCIL SET FOR MONDAY, APRIL 18, 1977.

Councilwoman Locke moved that City Council hold an executive session on Monday, April 18, 1977, at 6:00 p.m., on the fourth floor of the Educational Center, Room 411, for the purpose of conferring with the City Attorney regarding the Kannon and Harris lawsuit, pursuant to G.S. 143-318.3. The motion was seconded by Councilwoman Chafin, and carried unanimously.

LETTER TO BE WRITTEN TO LEGISLATIVE DELEGATION ON COUNCIL'S POSITION ON PERIMETER AREA.

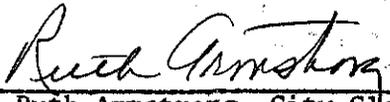
Councilwoman Chafin moved that the City Manager write a letter to the local legislative delegation stating Council's position on the perimeter area legislation; that Council appreciates the Delegation considering this, but conditions have changed since asking for this, and Council feels it is not in

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the City's best interest to have this legislation re-enacted. The motion was seconded by Councilman Whittington, and carried unanimously.

ADJOURNMENT.

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



Ruth Armstrong, City Clerk