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The City Council of the City of Charlotte, North Carolina, met in regular session on Thursday, July 1, 1976, at 2:00 o'clock p. m., in the Council Chamber, City Hall, with Mayor John M. Belk presiding, and Councilmembers Louis M. Davis, Harvey B. Gantt, Pat Locke, James B. Whittington, Neil C. Williams and Joe D. Withrow present.

ABSENT: Councilwoman Betty Chafin.

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INVOCATION.

The invocation was given by Dr. Neil McMillan, Minister of Selwyn Avenue Presbyterian Church.

APPROVAL OF MINUTES.

Upon motion of Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, the minutes of the last meeting, on Monday, June 21, 1976, were approved as submitted.

COMMENTS AND REQUESTS OF CITIZENS.

Dr. Dennis O'Hara, O'Hara Veterinary Clinic, 1208 McAlway Road, stated he has a problem with sewage. He has to provide his own sewage line running all the way from the clinic up to Monroe Road, about 400 feet. With the current widening of McAlway Road, the State says the utility will have to be moved. Dr. O'Hara stated the question he has is running it on public property. That initially he wondered why he had to run his own sewage line and maintain it, much less have to move it and pay for it when the State is widening the road. He stated he talked with the Utility Department, but since Council is the policy setter, he is coming to them today. Dr. O'Hara stated having to re-route the line at least 200 feet at a cost of \$7.50 a foot is just adding insult to injury.

The City Attorney stated he is not familiar with this particular situation, but he will look into it and talk with Dr. O'Hara and try to be of some help. The Director of Utility stated he is not familiar with the situation but he will get a report on it. Mayor Belk requested that all members of Council receive a copy of the report.

Mr. C. L. Brasfield, 1520 Hawthorne Lane, stated a stream or ditch runs back of about six lots in the 1500 block of Hawthorne Lane; two of the lots are unoccupied, three are owner occupied and one is a rental house.

He stated he is one of the homeowners and has a very small front yard and a very small backyard. The drainage comes from Hawthorne Lane under the Lane Apartments, down into this ditch and for twenty years it has been wearing away what little backyard they have. He stated he does not want a sidewalk in the front, but he is concerned about trying to get the ditch filled. He is asking for help in having a pipe along the six lots, and have it covered over with dirt so they will at least have a little backyard. He gave the map which he had with him to the City Manager to look into the matter.

Mr. Brasfield stated a second concern he has is that someone broke into the rear door of his house on Tuesday morning and stole a television set. There is a lot of undergrowth on the two unoccupied lots, and it would be very easy for someone to make a quick getaway from his backyard over to that area. The lot immediately behind his house has garbage thrown out the back door and it comes down towards his property. That he takes pride in his property and tries to keep it clean and neat. He does not feel he should have to clean up after his neighbors. He asks that some pressure be put on these property owners to take better care of these lots.

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Major Tom Ginn, 5005 Idlewild Road, North, stated with Delta Road being extended from its present location that deadends into some apartments, the road will go through the immediate area where he lives, taking off a part of his lot. There are six families involved in this. One home is being taken completely. He stated his main purpose in being here, rather than to complain or disagree with the route of the new road, is that the residents of this particular neighborhood feel that they have not been given an opportunity to voice their disapproval. The first they knew about this was a little over a week ago. When they came home one afternoon stobs had been driven in their yards and no one to this day has said anything to them about it. Last November Duke Power Company came out and did some work in back of his property and tied some red flags on the property line stobs of the six families involved. But, it was not until last week they suddenly realized that the road is coming right through their property. He has been advised that it takes off about 225 square feet.

On a map provided for his use, Major Ginn pointed out Idlewild Road and identified the road that it deadends into as Lawyers Road. That his house is the third one from one of the viaducts that goes off of the new proposal on Idlewild Road. He is under the impression that possibly the three houses immediately adjoining the viaduct will be taken over or bought by the City or the State. He and his neighbors are concerned that they will be sitting in a "Y" with a four-lane highway to the back and a two-lane highway in front. The back porch of his house will be about 50 yards from the proposed four-lane highway. He is asking City Council and anyone else involved if there is a possibility of slowing down a little bit and taking a look at some alternate routes for this. He feels there are alternate routes that could very well fill the needs out there - much more so than the road which is now proposed which would ultimately do away with their property. He realizes that Council and everyone else has been bombarded with the Wendover Road situation but he feels they should have been afforded the information in time that they might have appeared before Council earlier before it was approved. Idlewild Road, just past the viaduct, seems to them an alternate route which could be veered off to a degree and fed into the new portion of Lawyers Road. It is open country, there are no houses or buildings. He has been informed that this was the first route that was considered, in that they were going to bring it in through an empty lot just beyond his home and dump it into Idlewild Road past the houses that are there. He feels that if this had been done or if they had been given an opportunity to express their opinion on this, these suggestions could have been made earlier. He feels it will be helpful in eliminating the Albemarle and Delta Roads intersection of some of the traffic and would have been just as effective as the one that is now being proposed.

Mr. Hopson, Public Works Director, stated Albemarle Road is now under construction out to a point he indicated on the map. There is a bad intersection at this point at the present time - there is a Harris-Teeter store, an Exxon station. Delta Road is part of the circumferential, feeding into the Hickory Grove area, and on south as you come around towards Mint Hill. The road has been on the books since 1960 as part of the original Wilbur Smith program. Due to subdivisions and the Brookridge Apartment development part of the road has been built and they are now designing the road to get it in line. The State is going to sponsor the construction money which is around \$400,000. They will also deadend Lawyers Road at one point and bring it in at another point which will be far enough away from the Albemarle and Delta intersection so there will be no traffic problem. Foodtown, Revco and the FCX Center have all been contacted and have agreed to this deadending of the street. The State will do all of the construction but will go forward at the same time to the completion of Albemarle Road. This is a State system road. The City is putting up money for the design, for right of way, and for the sidewalks. They will also have some trees and a nice tree lawn through the area. The city's cost is estimated at approximately \$305,000. For the benefit of the residents in the area, there will be a public hearing, held by the State, before the design is completed, so that they will have a chance to tell them what alternates they would like to see. As they see it, this is purely schematic. As they have it at the

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present time, they will only take one house, the Hovis home, and the other houses will be able to stay where they are. They will take the backs of the lots. Possibly one home will have to be moved back a few feet if they wish to stay there. The road has been under construction for quite a while. In 1972 all the apartments were built in there. The neighborhood should have had knowledge that the road would be completed some day. The day is here because of the Albemarle construction and because of the fact that that is one of the most cantankerous intersections that we have in the city. They will be given the opportunity of a public hearing, conducted by the State, before construction takes place.

The request was made to management to complete these portions of the project last fall by Perrin Anderson when he saw that the State was going to come at least this far so both the management of the City and the State Highway officials felt that now was a good time to complete this construction.

In answer to a question, he stated the date of the Public Hearing has not been set because they are just starting to get into the design - it is just a line on the map at the present time. They have not started purchasing any rights of way and they will not until the design hearing is handled by the State. They certainly do not want to take anymore houses than they have to because it is the City that will have to pay for the acquisition and the moving of any families.

Councilman Gantt asked if he could speak more specifically to Major Ginn's alternate? He understands the State will hold hearings to study key alternate routes suggested by the citizens and Major Ginn has made a specific recommendation. Mr. Hopson replied the main thrust of this highway, as with Wendover, is to move traffic rather rapidly through the area. If they come out too much farther you will have two right angle turns which breaks the continuity of the traffic and gets you back into the problems they are faced with at the intersection. He does not say that it cannot be done but they would have to weigh it in costs and in how it would affect the neighborhood. It certainly will be considered.

Councilman Whittington stated the proposed extension of Delta Road from Albemarle Road coming down to the intersection of Idlewild Road North, does that intersect at the corner of the road that goes on to Farnwood? Mr. Hopson replied that the only road shown is a short section of Elwood and another road called Allister Drive, so it does not intersect. If other things are taken into consideration and something like this could be worked they will be glad to consider it with the State.

Councilman Whittington asked if the proposed Delta Road came into Idlewild Road North it seems to him it ought to intersect with the road that goes down to Farnwood. He is talking about the old part of Farnwood - you are going out Idlewild Road, the last road to the right before you get to Lawyers Road. Major Ginn stated he thought the road Councilman Whittington is talking about is not even on Idlewild North. Idlewild Road North that he lives on goes on down about three-quarters of a mile and runs back into Idlewild Road. There is a road in there that goes to the housing development that he is talking about, but it does not run off of Idlewild Road North.

Major Ginn requested the record to show that he is taking 1/2 day's vacation to appear before Council today, with approval of Police Chief Goodman.

Mr. Charles Bell stated he is here in connection with the Trade-Fourth Street connector. That his offices front on Irwin Avenue which he pointed out on the map. He stated the main hardship they will have to encounter is that they cannot get into Irwin Avenue from Trade Street and they cannot leave the office and get back to Trade Street. It cuts him off entirely. There is a little street back of his office - Waccamaw - but it is not wide enough for two cars to pass, you have to stop when you are meeting another car. Building this thing and not acquiring this property will be tantamount to putting him out of business. Mr. Bell stated people coming in, after they have been cut off from Trade Street, would have to come through Waccamaw

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and it is actually a one-way street, and they would not have any parking, it will decrease the value of his property. They have a three-member law firm with seven employees. It is a small business but it is very important to them.

Mayor Belk asked if he is cut out from getting in there? Mr. Bell replied he thinks it is going to cut out all their trade. Councilman Gantt asked if he had any way of having access from the connector itself. Mr. Bell replied no, no access from the connector. Mayor Belk stated he could come around Trade on the other side of the connector. He asked if they could make Waccamaw a one-way street? Mr. Bell stated if they made it a one-way street it would not do them any good.

Councilman Gantt asked Mr. Bell what he was requesting Council to do? Mr. Bell replied he is asking Council to take his property along with the rest of the block. They will sell it very cheap.

Councilman Gantt asked the City Attorney, on the basis of something like this - his house is not in the right of way for the street, but he is apparently making a case for a business hardship because he will be isolated and access to his business made difficult, is there a precedent for this?

The City Attorney replied his understanding of the law in North Carolina is if you take access so that the property no longer has any access, of course that is a compensable take. But if you make his access more difficult, more circuitous, which is what they are doing here, then his understanding of the law is that is non-compensable. It is certainly damaged but not damage that he can be compensated for. That is the reason they have not purchased his property.

Councilman Gantt asked if we could purchase the property if we wanted to? Mr. Underhill replied yes. Mr. Bell stated that is what he is asking Council. If they can see their way clear to do this. They have been there for a long time and he thinks it would be an advantage to the city.

The City Attorney stated he knew Mr. Bell was coming so he had a map prepared for Council so they could envision the situation. Councilman Williams asked if the City had bought Lots 1 through 6 which front on Trade Street? The City Attorney stated they bought the strips off the front for widening but he did not know about the entire lot. Mr. Bell stated he understands they bought one on Trade Street and the one on the corner. The City Attorney stated on the first two lots they had taken a very substantial part of the lot and the improvements, but as you get away from the Irwin Avenue intersection in a westerly direction it tapers off and they took a smaller portion off the front. Councilman Williams asked if they would still have access onto Trade Street. Mr. Hopson replied most people would have driveway access onto Trade Street. Councilman Whittington suggested that staff get the information and place it on Council agenda.

Mr. Ernest Foard, 1949 Wendover Road, stated that he and other residents out Providence Road are grateful for the sidewalks; they think it is wonderful that they came out there and laid the sidewalks, from Briarcreek all the way to the top of the hill to Harris Road, but they need one more block of sidewalk in there to make the job complete. They have sidewalks along Wendover Road, but people walking out from town cannot get to them. They walk up to Harris Road and it is blocked off, no way to get to Wendover Road. Since the crews are still working around the City laying sidewalks, the program has not been finished yet. They certainly wish that they could get this other one block done.

Mayor Belk asked Mr. Burkhalter if he could give Mr. Foard an answer on why they left this block out, or if we could get it done? Mr. Foard stated all they would have to do is just tell Mr. Burkhalter to do it and he will have it done in a few days because he has seen him operate. In other sections, before you know it he has it all fixed.

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Councilman Williams stated he has noticed that a lot of our sidewalks are five feet wide - the ones on Wendover are proposed to be five feet wide - which is 20 percent wider than he feels like they need to be. If they took 20 percent off the width and added it to the length, they could have more linear feet of sidewalk. Councilwoman Locke stated they are not five feet sidewalks on Providence, they are four feet. Councilman Gantt stated they are five feet so you can ride bicycles. Mr. Foard stated he did not ride but a lot of people out there do. A lot of people on their street are elderly and they walk - up to the corner and they cannot go any farther.

REPORT ON BUS WEEK ACTIVITIES JULY 12-16, 1976.

Mr. Kidd, Transit Planner, stated on April 5, City Council authorized the filing of Section 9, Technical State Grant, in the amount of \$56,800 for the planning work next year, primarily to prepare the transit development program he keeps talking about. Today, word was received that the program has been approved, and in the next couple of weeks they will be signing contracts and finally starting the program.

He is present today to present a schedule of events for Bus Week, July 12-16, 1976. There will be a display bus that will tour the city at various points which are shown on the schedules he has given to each Councilmember. On the Square, July 12, there will be a ceremony involving the Mayor and Council and other people which will be a form of dedication for the system. At that time they will show several things they have been working on for the past several months.

On Tuesday, a ceremony will be held at Strawn Village at 9:30 to more or less highlight the relationship of the transit system with the various elderly and handicapped citizens of Charlotte who utilize the system now.

On Wednesday, the Chamber of Commerce is sponsoring a reception in honor of the new transit system between 4:30 and 6:30 at the Commerce Center.

On the other two days the bus will be around in various places.

He encourages everyone to come out and see what has been put together. They will see a lot of the things on Monday, but if they are interested in these other things they have provided, additional information on precise times and dates will be available.

CONTRACTS FOR COMMUNITY DEVELOPMENT DEPARTMENT, APPROVED.

Motion was made by Councilman Gantt, seconded by Councilwoman Locke, approving the following Professional or Technical Contracts for the Community Development Department:

- (a) Amendment to the Contract between the City and the Accounting Aid Society to extend the contract sixty-two days from the expiration date of June 30, 1976 through August 31, 1976.
- (b) Contract with Mecklenburg County Area Mental Health Board to engage in certain planning and execution activities directly related to a RESPITE CARE Program for mentally retarded Community Development Area Citizens, at a total contract amount of \$48,447.00.
- (c) Contract with Mecklenburg Court Volunteers, Inc. to engage in certain planning and execution activities directly related to a Volunteer Probationer Assistance Program for Community Development Area Youth Probationers, at a total contract amount of \$19,270.

Councilman Gantt stated he has trouble with the different fiscal years or when we end a first or second-year program. What is the cycle of Community Development Revenue Sharing funds, when does their year start? Mr. Michie, Assistant Director of Community Development, replied today, July 1, is the

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beginning of the second Community Development year. They had an adjustment of 20 some odd days because their first fiscal year was from date of approval of their first application, June 6. They requested that it be the same as the city's fiscal year and this was done so they are now on the same budget year as the City.

Councilman Gantt stated the Federal government is going to start their budget on October 1. Are they going to allocate money on that basis too? Mr. Michie stated they do not know yet. Mayor Belk stated they had not settled that.

Mr. Burkhalter stated there is something that is going to be continually confusing because the first year's accomplishments are never going to be the same as the first year's allotment, which is never going to be the same as the first fiscal year. They will always be different. It is built into it because these things cannot start on that day. You always get that full year - it may be six months behind. Some of the programs that Council approved in the first year have not been started yet. So, it is a year behind but we will still get that full year plus the next full year.

Mayor Belk stated we are still on the first of July, though.

Mr. Michie stated we carry over the funds; they are not lost. What they are doing - when contracts come up now before Council, they have already done some of these adjustments of a renewal, they will fund them for X number of months, shorter than the first year, so eventually once we go through a full twelve months' cycle, of contracting services in Community Development, then they will get them all to start ending on June 30. Every opportunity they get to write a contract may be for an odd number of months to carry over the first year and get them on the scene with their fiscal year. Hopefully, for the next eighteen months we will have had all of the contracts coming through roughly at the same time.

Councilman Gantt stated his last question has to do with the contract with Mecklenburg Court Volunteers, Inc. Some time ago this group came to Council - we were funding them \$5,000. Mr. Michie replied it was \$4,000 and something, because they were going for title claims. Councilman Gantt stated they were not able to find any funds anywhere else? Mr. Michie stated it is an allocation problem that Mecklenburg County, as he understands, is going through with the State on how to find the claim money. He talked with Ed Chafin about this this morning and they still have very grave problems with enough money coming from the State and allocated to Mecklenburg County and the Court Volunteers got caught in the crisis.

The vote was taken on the motion and carried unanimously.

CONTRACT AMENDMENTS BETWEEN THE CITY OF CHARLOTTE MANPOWER DEPARTMENT AND VENDORS OF SERVICES TO PARTICIPANTS IN THE CETA TITLE I PROGRAM, APPROVED.

Councilwoman Locke moved approval of the following contract amendments with the following vendors of services to participants in the CETA Title I Program, which motion was seconded by Councilman Whittington, and carried unanimously:

- (a) Community Health Association to extend the contract through September 30, 1976 to bring the department's planning and budgeting cycle in line with the new federal fiscal year, and to provide some additional services, increasing the contract amount by \$10,628 to \$57,148.
- (b) Goodwill Industries, Inc. to extend the contract through September 30, 1976 to bring the department's planning and budgeting cycle in line with the new federal fiscal year, and to provide a continuation of services, increasing the contract amount by \$7,403 to \$39,145.
- (c) Central Piedmont Community College to extend the contract through September 30, 1976 to bring the department's planning and budgeting cycle in line with the new federal fiscal year.

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MOTION TO CONSIDER AGENDA ITEM NO. 5 LATER IN THE MEETING, APPROVED.

Councilman Davis stated that several people called him during the interim since the last meeting and he indicated to them that the Council Meeting would start at 3 o'clock today - he did not know that the formal meeting would start at 2 o'clock. There may be some people who want to speak to this item or wanted to hear their discussion of it that will not be here until 3 o'clock. He moved that the item be placed at the end of the agenda.

Mayor Belk stated he felt that would be a little inconsiderate of those who came in early. He thinks they ought to hear those who requested to be heard on this who came on time. Councilman Gantt suggested a compromise - rather than hold it to the end of the agenda, wait until after the hour of 3 o'clock. Mayor Belk replied they had one man who came on time, he thought he ought to be heard. Councilman Gantt stated they were talking only about ten minutes.

Councilman Davis stated that since it was his error in telling these people 3 o'clock, he would like to beg the indulgence of the people who came on time if they will agree to Council extending this item, as Councilman Gantt suggested, to after 3 p. m. Councilwoman Locke stated she thinks that is reasonable, and she would second the motion.

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

AGREEMENT BETWEEN THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION, MECKLENBURG COUNTY AND THE CITY OF CHARLOTTE AUTHORIZING THE PLANNING COMMISSION TO RECEIVE SECTION 112 TRANSPORTATION PLANNING FUNDS TO SUPPORT ELEMENTS OF THE CONTINUING TRANSPORTATION PLANNING PROCESS AS REQUIRED BY FEDERAL STATUTE, APPROVED.

Upon motion of Councilman Gantt, seconded by Councilwoman Locke, and unanimously carried, subject agreement was approved between the North Carolina Department of Transportation, Mecklenburg County and the City of Charlotte authorizing the Planning Commission to receive Section 112 Transportation Planning Funds to support elements of the continuing Transportation Planning Process, as required by Federal Statute.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE AUTHORIZING THE MAYOR TO SIGN A PETITION ON BEHALF OF THE CITY TO ANNEX A PIECE OF PROPERTY CONSISTING OF 158.76 ACRES LOCATED AT THE INTERSECTION OF BEAM AND SHOPTON ROADS, WHERE THE POLICE AND FIRE TRAINING ACADEMY IS SITUATED.

Motion was made by Councilman Whittington, seconded by Councilman Williams, and unanimously carried, adopting subject resolution authorizing the Mayor to sign a petition on behalf of the City to annex a piece of property consisting of 158.76 acres located at the intersection of Beam and Shopton Roads, where the Police and Fire Training Academy is situated.

The resolution is recorded in full in Resolutions Book 11, at Page 468.

ORDINANCE NO. 155-X, THE 1976-77 BUDGET ORDINANCE, FOR THE OPERATION OF CITY GOVERNMENT, AND ITS ACTIVITIES FOR THE FISCAL YEAR BEGINNING JULY 1, 1976 AND ENDING JUNE 30, 1977.

Councilman Whittington moved adoption of subject ordinance, the 1976-77 Budget Ordinance for the operation of City Government, and its activities for the Fiscal Year beginning July 1, 1976 and ending June 30, 1977, which motion was seconded by Councilman Withrow, and unanimously carried.

The ordinance is recorded in full in Ordinance Book 23, beginning at Page 199.

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RESOLUTION AMENDING THE PAY PLAN, PERSONNEL RULES AND REGULATIONS AND EMPLOYEE GROUP INSURANCE PLAN TO INCORPORATE CHANGES REVIEWED BY CITY COUNCIL AS PART OF ITS DELIBERATIONS ON THE 1976-77 BUDGET.

Motion was made by Councilman Whittington and seconded by Councilwoman Locke, to adopt subject resolution amending the Pay Plan, Personnel Rules and Regulations and Employee Group Insurance Plan to incorporate changes reviewed by City Council as part of its deliberations on the proposed 1976-77 Budget.

Councilman Gantt stated in Item (b), which is the Pay Plan and Personnel Rules and Regulations, it should be made clear that Council itself is in fact raising its expense allowance \$25.00. That this was not clearly said to the public before and it ought to be pointed out at this time.

The vote was taken on the motion and carried unanimously.

The resolution is recorded in full in Resolutions Book 11, beginning at Page 469.

JAMES A. STENHOUSE APPOINTED TO HISTORIC DISTRICT COMMISSION AS A REPRESENTATIVE OF THE CHARLOTTE-MECKLENBURG HISTORIC PROPERTIES COMMISSION.

Councilman Whittington moved appointment of Mr. James A. Stenhouse to the Historic District Commission as the representative of the Historic Properties Commission. The motion was seconded by Councilwoman Locke, and carried unanimously.

WALTER TOY REAPPOINTED TO THE CHARLOTTE-MECKLENBURG HISTORIC PROPERTIES COMMISSION FOR A THREE YEAR TERM.

Upon motion of Councilman Withrow, seconded by Councilwoman Locke, and unanimously carried, Mr. Walter Toy was reappointed to a three year term on the Charlotte-Mecklenburg Historic Properties Commission for a three year term.

HOWARD J. CAMPBELL REAPPOINTED TO CHARLOTTE-MECKLENBURG PLANNING COMMISSION FOR A THREE YEAR TERM.

Motion was made by Councilman Gantt, seconded by Councilman Whittington, and unanimously carried, reappointing Mr. Howard J. Campbell to a three year term on the Charlotte-Mecklenburg Planning Commission.

NOMINATIONS TO CIVIL SERVICE BOARD TABLED UNTIL FURTHER NOTICE.

Councilman Whittington moved that Council not consider his nomination for the Civil Service Board at this time. The motion was seconded by Councilwoman Locke, and carried unanimously.

Councilman Withrow moved that Council not consider his nomination for the Civil Service Board at this time, which motion was seconded by Councilman Whittington, and carried unanimously.

Councilman Gantt asked the reason for tabling these two nominations? Councilman Withrow replied one reason is that members of the Civil Service Board have spoken to quite a few of the Councilmembers about the good work Mr. Thomas has done as chairman of the Board. Councilman Whittington stated that Board Member Grier Martin spoke to Council about the need for continuing Mr. Thomas in this position because of continuity. Councilwoman Locke stated it is a fairly new board and they do need that continuity.

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ACTION ON POLICY OPTIONS RELATED TO HIRING AND DOING BUSINESS WITH RELATIVES OF CITY EMPLOYEES, DEFERRED FOR A RECOMMENDATION FROM THE CITY MANAGER.

Mr. Burkhalter stated that the Mayor had asked for a report on administrative procedures and he has given him the procedures used now for hiring persons related to persons already working for the City with the recommendation that no change be made in that. If they want to discuss it they are prepared to do so.

Councilman Davis proposed that the City Personnel Rules and Regulations be amended to state that members of the immediate families of employees or elected officials of the City of Charlotte, Mecklenburg County or the State of North Carolina, are ineligible for employment by the City of Charlotte for any program involving tax money over which the City exercises any degree of control, without written approval of this Council. Seconded by Councilman Gantt.

Councilman Gantt stated as he read the memorandum, one of the points that the City Manager and the Personnel Director indicated is that they are subjective to Title VII. He also understands from their memorandum that there is a so-called unwritten rule that they do not hire, at least within departments, persons who are relatives.

Mr. Burkhalter stated they try to use some judgment in the matter so that it will not be a real problem.

Councilman Gantt stated he is trying to find out from Mr. Davis, what prompted this order, if there are some incidents where this happened? The memo referred to another condition which was persons entering into third party contracts with the City in which they may be employed either as an elected official or an employee of the City in which they might have some interest.

Councilman Davis stated based on staff memorandum, this concern about relations with people who do substantial business with the City is already covered under Section 9.101. He stated to summarize briefly, this proposal and reason for it - he quoted from the report: "An inquiry into the City of Charlotte Personnel Rules and Regulations did not reveal any written administrative procedures governing such employment practices." He stated however they go on to say they have on an informal basis had a policy of discouraging department and division heads from hiring members of their immediate family. "The Personnel Department also has an unwritten administrative policy of discouraging the employment of two or more members of the same family or close relatives within the same department, division or work unit." He stated that apparently the Personnel Department and the City Manager's staff recognize that this is a potential problem and they have dealt with it in this manner.

They go on to say "The Personnel Director feels that the unwritten policy has been effective. He does not recommend that the City's Personnel Rules and Regulations be amended to include it as a formally adopted policy. His recommendation is based on the belief that if those policies are written the City may be at odds with the EOC . . . The Director of Personnel's opinion is that any regulation governing employee hiring could potentially result in discrimination charges . . . if it could be shown that the regulation has the effect of discriminating." Councilman Davis stated this is certainly true of any Personnel regulations we have. But, he does not really feel like that is adequate reason for declining to adopt what they think are comprehensive and fair personnel rules and regulations. In fact, he will take sharp issue to this and believes it is Council's conclusion that if we have department heads and people concerned with hiring that have discretion, and you say to one man "discourage hiring relatives of employees", he might discourage it one hundred percent; another department head might discourage it in an entirely different manner. He thinks that if anything would get us in trouble with the EOC this type of selective procedure would do it. That this is not a valid reason for not adopting this. The proposal that he has is not to make the City Council an employment

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bureau - it is only a requirement to advise Council in writing before the City takes action to hire individuals in situation where a potential conflict exists. All this proposal asks for is a little sunshine on the public information. This should be welcomed by everyone, especially the prospective employee. That public awareness tends to diffuse any potential conflict of interest.

Councilman Whittington stated what Mr. Davis is trying to do with his motion is to not allow the employment of a new person to the City if he has a father or a son or a brother already employed? Councilman Davis replied no - if Councilman Whittington had four sons and they all wanted to work for the City, that would be great, but all he wants to do is have their names come before Council and have that on the public record. Councilman Whittington stated he is not talking about the policy they now operate under where we do not encourage it but we hire - for example - if Mr. Burkhalter had a son who wanted to come to work for the City, because he is not an elected official, that would not come before Council? Councilman Davis stated yes it would - it would be employees or elected officials. They would take no action to disturb their hiring anyone - that is not the intent - they just want to know that by taking administrative notice of the fact that Mr. Burkhalter's son came to work for the City in a certain department (or Mr. Davis' son or Mr. Williams' son).

Councilman Withrow asked how far down you go - third cousins, fourth cousins? Councilman Davis replied immediate families - your spouse, etc. Councilwoman Locke stated that is a very cumbersome thing for the Personnel Department to have to do. Councilman Davis stated it is what they are doing now.

Councilman Withrow stated what concerns him is that doing business with the City - he does not see that. Councilman Davis replied that is already covered in Section 9.101 - "The City Charter prohibits any employee from becoming directly or indirectly financially interested in or receive profits from any purchase by the City."

Councilman Whittington stated he wishes Councilman Davis would not ask Council to take action on this today. He is not familiar with what Mr. Davis is doing; he has no information about what has been presented to Council on June 7; he has not read what is in Attachment No. 7 and if he insists that they take action today, he will have to vote against it.

Councilman Davis stated that what they would be voting for today would be for the staff to prepare in their own words a carefully worded amendment to the Rules and Regulations which would then be presented to the Council for adoption.

Councilman Whittington asked if he would consider that being presented at the next Council Meeting and give him an opportunity to have some input with the City Manager and the Personnel Director? Councilman Davis replied yes. In fact, he fully supports the staff's recommendation that if we do this, "Based on the discretion of the Legal Department, that if desired, a written policy could be prepared and adopted which would formalize our current unwritten policy. However, it would have to be carefully drafted in order to be consistent with the intent of Title VII so as not to have the effect of discriminating against anyone on the basis of sex, race, color . . . Allowing time for various department reviews, it would take several weeks to develop this document." Councilman Davis stated when it comes back to Council they may act one way or the other. The proposal would be to ask staff to bring back such a proposal for amendment.

Mr. Burkhalter stated he would not be present for the next meeting and this probably will come up. That he is very familiar with the information they have before them. That he wants to point out some of the difficulties of administration. One of the things they run into so much in the City is the over abundance of rules and regulations and requirements that hamper almost every move they make. To put in another one here that they have to come back to Council to do this is going to create a rather severe problem - they exercise their judgment in discussing this with say 200 people who

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come for employment who have relatives somewhere, and they say no and they go on about their business and the City does not hire them. But three of them come and they recommend their hiring or do not recommend their hiring but they come to Council and say "Look, we want to be hired." The difficult part here is that Council cannot hire them - they can only tell the staff that they cannot hire them. They are going to run into a problem of selectivity which he thinks is going to be a lot more discriminatory than the other. If they are going to do anything, just ask them to prepare some rules and regulations which you can see which will judge this sort of thing.

Councilman Davis stated this is what he is asking. Mr. Burkhalter replied no, he was asking it be brought back to Council for approval - that is the part he is talking about - he does not think it is right. Councilman Davis stated it is just the rules and regulations he wants brought to Council for approval - he has no intent for the Council to become involved with selectively hiring or not hiring anyone. He wants to be administratively informed if he hires his son or any Councilman's or employee's son to work for the City of Charlotte. It does not have to be acted on by Council as long as they are administratively informed of it.

Mr. Burkhalter stated this comment would be a little redundant now, but is there some problem with this, is he trying to avoid some problem that he sees in the future? He has not known any problem with this in the last five years. Councilman Davis stated he had no problem in mind.

Councilman Gantt stated that was the purpose of his first question, whether or not Mr. Davis knew of some situation. He personally cannot object to having an ordinance prepared to see whether they can formalize the unwritten rules. Somehow unwritten rules he does not like. Sometimes they tend to be used in a vague way and if they can make that rule more formalized he cannot see any harm in doing so.

Mr. Burkhalter stated he has no objections to formalizing it, but as they can see, it is a lot easier the other way.

Councilman Williams stated he is curious about a rough estimate of how many relatives there are. The Personnel Director replied there is no way he could give him that. Councilman Williams stated that he supposes what Councilman Davis is suggesting is something like the advice they get on promotions during the year. In the back of the agenda sometimes they get an indication of who has been promoted to what. Councilman Davis agreed - administrative notice. He does not want to vote on it - they are not hiring anybody - he just wants to be informed of it, for the protection of the employee as much as anything else.

There was some question from various Councilmembers as to what they are voting on. Councilman Davis stated he is moving that Council ask the City Manager to bring back before Council at an early date a proposed amendment to the City of Charlotte Personnel Rules and Regulations, stating that members of the immediate family of employees or elected officials of the City of Charlotte, Mecklenburg County or the State of North Carolina, are ineligible for employment by the City of Charlotte for any program involving tax money over which the City exercises any degree of control without written approval from the Council.

Councilman Gantt stated he could not second it with the written approval. Administrative notice, yes. Councilman Davis stated he was agreeable to that.

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Councilman Williams stated he has a little quarrel with that. It sounds a little bit as if one member of the family might be employed by the State and the other member of the family would not be eligible for employment by the City. He does not think that is what he means, but that is the way he heard it come out.

Councilwoman Locke stated what she thought he asked for is for staff to come back to Council. Councilman Gantt stated he is asking staff to come back with a recommendation and they will vote on it at that time, he is asking the staff to prepare something in that line. Councilwoman Locke stated he also states what he wants. Councilman Davis stated this is in general what he is asking for. When they get the staff recommendations back if there is some difference in wording, he is perfectly agreeable. Anything that accomplishes in principle what he wants to do. Councilwoman Locke stated she cannot go along with the wording.

Councilman Whittington stated in the future when Councilman Davis comes with proposals like this, he would hope he would consider giving Council this information before he makes a motion on it so at least they would be in tune with what he is trying to do. He thinks it would be totally unwise for them to vote on Councilman Davis' motion here today. He has read it out of the context that he has written; no one else knows the purpose of it and no one has seen it prior to now. Councilman Davis does not operate his business that way and no one else does.

Councilman Davis stated it is in the minutes of the June 7th session and the material was provided to all of them in the agenda. Councilman Whittington stated they had an informal session, according to the information he has, on June 7th. He said to Councilman Davis at the beginning that in all honesty he has not read that and if he was asking him to do the same thing, he would respectfully postpone it until he could at least be as knowledgeable on the subject as Mr. Davis is. Councilman Davis and Councilman Gantt want to vote on this and he thinks it is wrong and he is not going to vote for it.

Councilman Gantt stated he sees no harm in what Mr. Davis is asking for, simply because they still have to get a recommendation from the staff on the wording of such a regulation and they can at that time, after being informed, vote either way.

Councilwoman Locke stated she does not like the wording of his amendment - change the motion then for staff to bring back a recommendation on Personnel Rules and Regulations, period.

Councilman Withrow stated that Mr. Burkhalter has heard everything that has been said. He asked Councilman Davis and Councilman Gantt if they would agree to leave it without a vote and if Mr. Burkhalter knows the intent of what they want, that he come back to Council with the whole thing.

Councilman Davis stated he believes Mr. Burkhalter understands what he wants.

Mr. Burkhalter stated that there is a difference in what Councilman Davis wants and what he would recommend. For example, he would not recommend that it say Council's prior approval. What he would say would

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be the practice of hiring relatives, that is a very simple thing. Every Federal Bureau has it and most States have it. We do not have one but he can write one - it can be done - they will probably have some problems with it. What Council wants to do and how they want him to keep them informed about it, they can do what they want to. If he were writing one he would not write one that Council had to be notified everytime a cousin was hired or brother or sister.

Councilman Davis stated he thought there would be a lot of detail in this that would be brought out, but as far as whether they get notified this week or next week is no great importance to him. All he wants is administrative notice of it.

Councilman Withrow made a substitute motion that Councilman Davis get with Mr. Burkhalter and they work out something and bring it before Council at their convenience.

Mr. Burkhalter stated they started off with what policy do we have about the employment of relatives. He can get them a policy of that that would be an administrative recommendation on this. The rest of it they can add to or take from anyway they want to.

Councilman Davis asked Mr. Burkhalter if he will bring a proposal before them to adopt this administrative notice to Council when we hire members of an immediate family? Then Council can vote on it. That is his motion, to ask Mr. Burkhalter to bring this back before Council.

Mr. Burkhalter stated this would not suit Councilman Gantt because he wants a plan.

Councilman Gantt stated he thought Mr. Burkhalter was coming back with recommendations. He guesses they are making a mountain out of a mole hill. Whatever they can do to accomplish the purpose.

Councilwoman Locke made a substitute motion to defer Item 10 and ask the City Manager to bring it back with recommendations. The motion was seconded by Councilman Withrow, and carried on the following vote:

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

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CONTRACT AWARDED JOINT & CLUTCH SERVICE, INC. FOR AUTOMOTIVE FILTERS.

Upon motion of Councilwoman Locke, seconded by Councilman Withrow, and un-animously carried, contract was awarded the low bidder meeting requirements, Joint & Clutch Service, Inc., in the amount of \$15,983.45, on a unit price basis, for automotive filters.

The following bids were received:

Joint & Clutch Service, Inc.	\$ 15,983.45
Battery & Ignition Dist.	16,023.81
Brake Service Co. of Charlotte	20,993.37
Genuine Parts Company	22,043.62
Dixie Automotive Parts, Inc.	24,035.25

Bid. received not meeting specifications:

Hayden Joyner Tire & Auto Parts	8,687.28.
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CONTRACT AWARDED MORETTI CONSTRUCTION INC., FOR THE GENERAL CONSTRUCTION OF THE TRAFFIC CONTROL SHOP.

Motion was made by Councilman Withrow, seconded by Councilman Whittington, and unanimously carried, awarding contract to the low bidder meeting requirements, Moretti Construction, Inc., in the amount of \$126,000, for the general construction of the Traffic Control Shop.

The following bids were received:

Moretti Construction, Inc.	126,000.00
D. R. Mozeley, Inc.	128,000.00
Blythe & Isenhour, Inc.	129,200.00
Metrolina Builders, Inc.	132,593.00
Laxton Construction Co., Inc.	142,290.00
William R. Morris Constr. Co.	144,972.00

CONTRACT AWARDED ACME PLUMBING & SUPPLIES, INC. FOR PLUMBING CONTRACT FOR THE TRAFFIC CONTROL SHOP.

Councilwoman Locke moved award of contract to the low bidder meeting requirements, Acme Plumbing & Supplies, Inc., in the amount of \$13,220.00 for the plumbing contract for the Traffic Control Shop, which motion was seconded by Councilman Davis, and carried unanimously.

The following bids were received:

Acme Plumbing & Supplies, Inc.	13,220.00
Tompkins Johnston Co.	14,124.00
Sullivan Plumbing & Heating Co., Inc.	15,150.00
Mecklenburg Plumbing Company	15,235.00
Shanklin Air Conditioning, Inc.	15,400.00

CONTRACT AWARDED ROSS & WITMER, INC. FOR MECHANICAL CONTRACT FOR THE TRAFFIC CONTROL SHOP.

Upon motion of Councilman Williams, seconded by Councilman Withrow, and unanimously carried, contract was awarded Ross & Witmer, Inc., low bidder meeting requirements, in the amount of \$13,962.00 for the mechanical contract for the Traffic Control Shop.

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The following bids were received:

Ross & Witmer, Inc.	\$ 13,962.00
Mechanical Contractors, Inc.	14,079.00
P. C. Godfrey, Inc.	14,475.00
Climate Conditioning of Charlotte, Inc.	14,860.00
Southern Comfort of Charlotte, Inc.	15,400.00
Shanklin Air Conditioning, Inc.	15,500.00
Moore Air Conditioning Co., Inc.	16,308.00

CONTRACT AWARDED E & W ELECTRIC COMPANY, INC. FOR ELECTRICAL CONTRACT FOR TRAFFIC CONTROL SHOP.

Motion was made by Councilwoman Locke, seconded by Councilman Whittington, and unanimously carried, awarding contract to the second low bidder meeting requirements, E & W Electric Company, Inc., in the amount of \$22,229.00, on a unit price basis, for the electrical contract for the Traffic Control Shop.

The following bids were received:

National Electric Co., Inc.	\$ 20,400.00
E & W Electric Co. Inc.	22,229.00
Driggers Electric & Control Co., Inc.	22,396.00
Interstate Electric Co., Inc.	23,500.00
Ind-Com Electric Company	23,635.00
Port City Electric Company	24,653.00
Shanklin Air Conditioning, Inc.	26,400.00
Howard Electric Co. of Concord, Inc.	26,500.00
Fudge & Greene Electric Co., Inc.	26,868.00
Mosley Electric, Inc.	27,800.00

CONSENT AGENDA.

Councilwoman Locke, moved approval of the following consent agenda items, which motion was seconded by Councilman Whittington, and carried unanimously.

- 1.) Resolution approving an agreement with the North Carolina Department of Transportation, in the amount of \$8,000, covering expenses to be reimbursed for the installation of signs to change name of Northwest Expressway to Brookshire Boulevard and Sleepy Hollow Road to Tyvola Road.

The resolution is recorded in full in Resolutions Book 11, at Page 500.

- 2.) Change Orders for Police & Fire Training Academy.
 - (a) Change Order No. G-2 in contract with Parke Construction Company, adding \$9,700.00 to the original contract price of \$454,500.00
 - (b) Change Order No. G-1 in contract with Gray R. Boone Construction Company, by adding \$15,265.50 to the original contract price of \$570,450.00
- 3.) Tax refund request denied, in the amount of \$174,971.54 filed by Music Distributors, Inc., and Tillman Music Company, as recommended by the City Attorney.
- 4.) Resolution authorizing refund of certain taxes, in the total amount of \$238.20, levied and collected through clerical error and illegal levy against one tax account.

The resolution is recorded in full in Resolutions Book 11, at Page 498.

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5.) Contracts for construction of sanitary sewer mains and water mains.

- (a) Contract with John Crosland Company for the construction of 2940 linear feet of 8-inch sanitary sewer main to serve Candlewych, Section V, outside the city, at an estimated cost of \$44,100.
- (b) Contract with Willard Lead Products Company for the construction of 60 linear feet of 8-inch sanitary sewer lines to serve 101 New Bern Street, inside the city, at an estimated cost of \$1,570.00.
- (c) Contract with William Trotter Development Company for construction of 4,360 feet of 8-inch C.I. water main and 420 feet of 6-inch C.I. water main and three fire hydrants to serve Sardis Forest Subdivision, Section I & II, outside the city, at an estimated cost of \$48,400.00.
- (d) Contract with Arrowood-Southern Company for construction of 2,650 feet of 8-inch C. I. water main and four fire hydrants to serve Cordage Street, outside the city, at an estimated cost of \$32,000.00.

6.) Ordinances ordering the removal of weeds and grass, at following locations:

- (a) Ordinance No. 156-X, vacant lot adjacent to 1649 Patton Avenue.
- (b) Ordinance No. 157-X, 1220 Fairmont Street.
- (c) Ordinance No. 158-X, vacant lot adjacent to 2028 Russell Street.
- (d) Ordinance No. 159-X, vacant lot adjacent to 2006 Russell Street.
- (e) Ordinance No. 160-X, 1809 Irma Street.
- (f) Ordinance No. 161-X, 2109 St. John Street.
- (g) Ordinance No. 162-X, vacant lot adjacent to 912 Rodey Avenue.
- (h) Ordinance No. 163-X, vacant lot adjacent to 205 S. Irwin Avenue.
- (i) Ordinance No. 164-X, vacant lot at 2813 Lake Avenue.
- (j) Ordinance No. 165-X, Vacant lot adjacent to 3600 School House Lane.
- (k) Ordinance No. 166-X, vacant lot at 419 East Boulevard.
- (l) Ordinance No. 167-X, vacant lot adjacent to 3426 Mountainbrook Road.
- (m) Ordinance No. 168-X, 900 Calvine Street.
- (n) Ordinance No. 169-X, 4309 The Plaza.
- (o) Ordinance No. 170-X, vacant lot adjacent to 1710 Irma Street.
- (p) Ordinance No. 171-X, 1521 Princess Place.
- (q) Ordinance No. 172-X, 4651 Munsee Street.
- (r) Ordinance No. 173-X, vacant lot adjacent to 1936 St. Mark Street.
- (s) Ordinance No. 174-X, 1615 Beatties Ford Road.
- (t) Ordinance No. 175-X, 111 North Gardner Avenue.
- (u) Ordinance No. 176-X, 5316 Hughes Drive.
- (v) Ordinance No. 177-X, Corner of Seigle Avenue and East 16th Street.
- (w) Ordinance No. 178-X, adjacent to 2300 Pinckney Avenue.
- (x) Ordinance No. 179-X, vacant lot adjacent to 2609 The Plaza to the left
- (y) Ordinance No. 180-X, 4936 Winchester Street.
- (z) Ordinance No. 181-X, vacant lots Dalton Village Dr. and W. Boulevard.
- (aa) Ordinance No. 182-X, 1718 South Tryon Street.
- (bb) Ordinance No. 183-X, 2038 Choyce Circle.
- (cc) Ordinance No. 184-X, 334 Arrowood Road.
- (dd) Ordinance No. 185-X, vacant lot adjacent to 5617 Park Road.
- (ee) Ordinance No. 186-X, adjacent to 517 East 18th Street to the right.

The ordinances are recorded in full in Ordinance Book 23, beginning at Page 208, and ending at Page 238.

7.) Resolution providing for public hearings on Monday, July 26, at 7:30 P.M., on Petitions Nos. 76-57 through 76-61 for zoning changes.

The resolution is recorded in full in Resolutions Book 11, at Page 499.

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RESOLUTION CONCERNING CONSTRUCTION OF WENDOVER ROAD SEGMENT OF INNER BELT LOOP, ADOPTED AS AMENDED.

Councilman Williams moved adoption of a resolution concerning construction of Wendover Road segment of inner belt loop. The motion was seconded by Councilman Gantt.

Mr. Hopson, Public Works Director, stated his June 28 memo to Council dealt with the history of the subject street improvement. So many staff presentations have been made on this subject he will not burden Council further with the history or need for the improvement.

He stated he will not address the project, but will address the two points of the resolution, and hopes Council will make a final decision on the project today.

Mr. Hopson stated he will divide his presentation into two sections. One is from Randolph Road to Providence. They have reviewed the plans and find that although, topographically, the park, or lawn strip, presents problems, a considerable area can accommodate the wide tree lawns, up to eight to ten feet. However, at the intersection there will be sidewalks that will have to be put in at the curbs.

There are also some very good individual trees along this section that should be saved by building a sidewalk in a meandering, or non-uniform effect, they can create an excellent aesthetic atmosphere. They will utilize large trees, 4-inch maples, approximately, placed either behind the curb or beyond the sidewalk where they cannot get the sidewalk further from the curb and can obtain a very pleasant effect.

Since the State will only rough-grade, as they do not build sidewalks, or do landscaping, they can treat the area in this fashion after the State has completed their work. As far as Councilman Williams' concern about sidewalks themselves, on the map, starting at Providence and going on over, he pointed out the locations where the sidewalks would have to be at the curb.

From this point, they will meander and the trees, in some instances, be on the owner's side of the sidewalk and in other instances, particularly as they go on over to the other end of the project, they will be able to plant considerable numbers of trees in the tree lawns between the sidewalk which is at the back of the 80-foot right of way and the right of way itself. This is what they think they can do at this point and it would have a very pleasant effect.

Mr. Hopson stated he would suggest the resolution be re-worded to "We would recommend the resolution be reworded to direct us to build the sidewalk as far from the curb as is practical and to exercise our best judgment in establishing and planting a tree lawn as wide as practical upon completion of the street construction by the State", rather than to limit them to 8½ or whatever the resolution presently says because in some places it would be fantastically costly to build retaining walls, etc to get the job done.

Mayor Belk asked if there are sidewalks located in this area now, and Mr. Hopson replied not at the present time.

Mr. Hopson stated in the area from Providence to Sharon, there is no problem, because the sidewalk will remain there regardless of whether there is a 44-foot section or a 48-foot section. There is no problem there.

Councilman Whittington asked if Mr. Hopson's recommendation about sidewalks is an amendment to No. 2 of the subject resolution and Mr. Hopson replied that is correct. Rather than holding them to the footage that is in there now, they would like to be given some judgment as far as the trees and the

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tree lawns are concerned, particularly in the section from Providence Road over to Randolph; the other section, they have no problem with.

Councilwoman Locke asked if Council agrees to Mr. Hopson's amendment, would that mean they would have to agree that the road be 48-foot and Mr. Hopson replied not necessarily. On the 48 versus the 44-foot section which concerns cutting trees either way, they will have an adequate tree lawn.

Councilman Williams asked about the width of the sidewalks, and Mr. Hopson replied the sidewalks located in this section will be five feet. Councilman Williams asked if there is any reason why it is five instead of four feet? Mr. Hopson replied normally on the city's major thoroughfares we have five feet.

Councilman Williams asked if it is because it is right beside the curb and he is trying to get it as far away as possible? Mr. Hopson replied that is one of the reasons.

Mr. Hopson stated about 95% of the sidewalks they have built under the 2.4 million program, which is now nearing completion, are four-foot sidewalks; the ones which have been widened are where they are considered for bikeways because it is helpful to have that additional foot for two bicycles to pass on. That is the reason why on the major thoroughfares, we have pretty well gone to five foot sidewalks.

Councilman Williams stated he would agree with Mr. Hopson that they need some flexibility instead of rigid direction, but at the same time he would still like to have it on record somewhere that the Council still hopes it can be wherever practical eight to twelve feet. If Council agrees to "as wide as practical" where it can be eight to twelve feet, that is fine with him. He would also like to say something about the width of the sidewalk because he really does not see the need for that extra foot of sidewalk; that is 20% more money laterally when you could go 20% longer.

Mr. Hopson stated it goes back about two years ago when the bicycle was "the" thing and a lot of people still feel that way - particularly the environmentalists and the ecologists who wanted six foot sidewalks. So they compromised where the major thoroughfares were to build five foot sidewalks, but they will do it either way.

Councilman Williams amended his motion to build the sidewalks, between Randolph Road and Sharon Road, as practical, but Council still hopes to have it from eight to twelve feet wherever possible. The motion was seconded by Councilman Gantt, and carried unanimously.

Mr. Hopson stated with reference to the other part of the resolution, they have heard this, re-heard it, re-checked it and he hopes today they will make a final decision and they can get along with the project.

They have drawn up some cross sections of 44 and 48 foot. Talking with the architect earlier they have said they would go for the 44-foot and whatever the State could figure out, provided we could save the trees. They have had many specialists look at these trees and only one so far has come up and said a substantial number of the trees can be saved.

He referred to a map which showed the 44-foot alternate, as suggested by the residents of the neighborhood and is the one that City Council is on go with at the present time. The 48-foot is the State's recommendation.

The 40-foot section, plus the two feet for the curb and gutter makes a very small area, very similar to Independence Boulevard which was constructed 20 to 25 years ago. Anyone who drives that street at 40 or 45 miles an hour

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finds problems with it, particularly where you have telephone poles. They did not have the big trees involved out there. He illustrated on a chart a car coming out of a driveway, provided he can get headed out, showing a total blind area that he will be faced with as he comes out on the street itself. From a safety viewpoint, he is going to have some problems getting into the flow of traffic on Wendover.

The State has assured them if they go to the 44 foot they will save these trees, at least temporarily. The trees will be standing there unless they fall during construction. Allowing about 8 to 12 inches for getting the forms back of the curb, they will cut the roots from these beautiful trees, and he pointed out on the chart what they would have left of the root system. About 40 percent of the root system is gone regardless of whether the drainage is put on one side or the other, or even if there is no drainage put in. They have to go down so far to get the sub-grade for this construction project. They have measured all of the trees and find as they see on the map, 25 feet from the edge of the tree to the center line and 24 feet. So they have only 49 feet. To get the 46 feet they need for construction really does not allow much space. They will be cutting into these trees, some not quite as much as others. In landscaping last year they planted over a thousand trees, so they are trying to keep the tree system in the City viable.

They are going to have some trees there which are pretty badly damaged, if they go to the 44-foot section. They also have safety problems, and it will be slightly more costly to build it that way. With the 48-foot section, with the new trees - they are recommending at this point some kind of oak, six inch oak, with a two-inch dogwood in between. It will be a beautiful row of trees and as time goes on will be more beautiful as evidenced by Sharon Lane - a man who comes out of his driveway will at least have a fighting chance to get into the flow of traffic.

Another chart shows where everyone, including Dr. Kramer, said the trees will have to go and those 33 trees are gone; 58 trees remain. There are 28 homes fronting on the street and they will be left with the magnificent trees in front of them.

He stated it would be considerably more costly to build the 44-foot road. With the 48-foot they can maintain local traffic easier during construction; there would be a shorter construction time. People living in these 28 homes will have a better chance of getting out safely than they have at present, and the 11-foot lanes over the 10-foot lanes, they have what the engineers call a "shy distance" - it is not quite as bad as when you see these overwhelming trucks coming down at you on Independence Boulevard or other streets that are pretty narrow at the present time.

They also believe, and their arborist believe, and the State officials - other than Dr. Kramer, that the uniformity of the landscape will be a great plus in favor of this. Council has to deal not only with an engineering and landscaping problem, but a social problem. Everyone except the people in the neighborhood seem to think that with the new trees they will have a prettier street, particularly in five or ten years.

Councilman Gantt asked him to repeat the approximate size of the trees they propose to put in. Mr. Hopson replied they are talking about 6-inch white oaks in place, costing about \$600 a piece; the 2-inch dogwoods will be very beautiful spreading trees under the oaks in the years to come. The oaks would be between 15 and 20 feet tall to start with; the dogwoods would be about 10 to 12 feet in height.

Councilman Davis asked if there is any significance to the fact they have lighting on the 48 foot section, but not on the 44 foot? Mr. Hopson replied they have lights on both of them. If they could space the dogwood where the lights are, it would be helpful. Councilman Davis stated the residents do

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not have a choice as to whether they get lights or not? Mr. Corbett, Traffic Engineer, replied normally on a thoroughfare widening project of this type they would go ahead and install lighting without any input from the residents.

Mr. Hopson stated this is what they did on Sharon Lane and one of the most vocal opponents of the improvements was a man where the lights shone in his bedroom. Since the trees have grown up they do not hear a thing from him. He would think from a safety viewpoint at night and from the safety viewpoint of the homes out there you would need lighting.

Sharon Lane is the best example in this city of what Wendover will look like under the 48-foot proposal, except they did not have the benefit of an 80-foot right of way. They can set these trees back a little better on Wendover which will make them grow considerably faster. On Sharon Lane you do not have the uniformity of back up trees. When they got into the more detailed study of this, it surprised him that the row of trees there now which looks to the casual driver to be uniform, how they vary.

Mr. James Johnson stated he speaks as an architect and as a citizen of Charlotte, and he in no way intends to express the wishes or represent the people on Wendover. There may be those here from the neighborhood who feel that appearing may not be in their best interest in view of their legal case at this time, but there may be others who would like to speak.

He stated in planning this roadway, they are beginning to understand that roads and streets are the common element in the planning and they are not only hard surfaces on which vehicles move, but they include other very viable human factors - the pedestrian. Mr. Hopson has made good reference to the relationship of the sidewalk to the street. The pedestrian walks along the sidewalk, sheltered from the street by sizeable mature oak trees, feels much happier in that relationship to the surface where vehicles are traveling. He is happy to see that emunerated to some degree in this design. Although engineering ideas do put the trees in the tree lawn, he prefers to see them in the park strip for the safety of the pedestrian.

What they set out to do here is not the most practical thing to do. The most practical thing to do is just to cut and replant. What he understood the Council wanted was to listen to the citizens and to reduce the negative impact of the road on the residential community. It seems to him that this set the stage for hearing something other than the most practical thing. The 44-foot roadway which they have talked about a great deal seems to be established as an adequate roadway width. He thinks the City's experience with Runnymede which is immediately adjacent to this, which is only 44 feet wide, is a good example of a safe roadway, a very adequate roadway. The State apparently thought it is a very safe one when they put it in as part of the belt road. To shave six inches off of each lane of Runnymede would not be a reckless step. It apparently was not a reckless step when Council years ago built Selwyn Avenue which is four 10-foot wide lanes. He feels that is tight but he does not feel that a 42 foot wide road is very unsafe and you would be shaving only six inches off of each lane on Runnymede. The car, in the last eight years, has shrunk at least about 6 or 8 inches and they are asking to take less than that off of each lane. He is not an advocate of a road less than 44 feet, but what he is saying is that in the process of the final design of this road, if it is found that by going to something like 43 or slightly less to eliminate all risk of losing the trees, he hopes it would be considered.

Mr. Johnson stated there has been some figures bantered about in the press of \$250,000 in the budget for this section. There has been no mention of that figure here today, but he does want to go on record as saying that some checks have been made on this, and it was found the road could be done well within that figure, with either system. He suggests if the Council moves toward any comment about cost, it not agree to pay anything more than the budget the state has already set up. The \$85,000 he does not understand at all.

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Another comment he thinks they ought to know. What would be the actual figures if you took down all the trees on each side right now versus taking them down one by one later if they happen to perish. Dr. Kramer says there is very little risk in this? He has been told by a reputable tree removing outfit if they remove the right hand side all at once they could do it for about \$7,000; if they remove the left hand side all at once, they could do it for about \$10,700. The figure would be somewhere around \$17,500 to remove all the trees in one fell swoop. That would be to remove the trees, grind out the stumps, remove all the wood and sawdust which results. To take them down one at a time later the estimated cost would be between \$200 and \$400 a tree, depending on the size of the tree. That would be about \$21,000. The difference between moving them piecemeal and removing them on a wholesale basis is only about \$3,000. That is what the taxpayer will pay. So, the risk that you take of losing the trees from a dollar analysis is not that great.

The noise aspect of the street has come into play a great deal, and other things like air pollution. It appears the street will be a much noisier street if the two inner rows are removed. That there is a great deal of sound deadening to have those large oak trees there. He thinks this should be a consideration. Noise in the neighborhood is a problem.

As to the root system of the trees, as he understands it the root system of the large oak tree is essentially not under the pavement but it turns out and goes out into the tree lawn where it can get moisture. It does not seek moisture underneath that pavement. When you cut roots on that side you are not in effect essentially taking away the foundation of that side, it has a little foundation there already. The wind flow on these trees as they are bunched together in groups will be much less if they are in groups - the upper limbs intertwine and the pressure is much less. It seems the danger of the tree falling has been overplayed although he cannot speak as an expert. But the root system is what he wanted to define for them - it is not under the road, it is more under the tree lawn.

The left turn lanes will have to be there. The distances from the end back to where they start to curve, he thinks should be as little as possible. He has seen roads where it is 300 to 500 feet. In this short section the traffic lights are going to control how much traffic moves through there more than the width of the lanes. Therefore, he would like to see an effort made to reduce that widening at the end as much as possible and not stick to the standard if they were building a new road out in open terrain. He thinks they can be shortened to 150 to 200 feet and still be adequate.

He has heard another comment from a resident to the affect that down at one end the State is planning to remove at least one or two second line trees for a temporary easement for equipment. That was not made reference to and he hopes they will not have to do this.

He stated he is hopeful they will agree to narrow the road to 44 feet, not as the most practical way but as a symbol of where we began a more human aspect to road planning.

Councilman Gantt stated Mr. Johnson suggests if Council consents to a 44 foot road, the cost of taking these trees down individually is probably going to be minimal; to come back one at a time over a period of years or probably before construction is completed, there would not be much difference in the cost. He takes it by that suggestion you would say we have eliminated a substantial portion of the safety argument that has been made by the fact that people trying to get out of their driveways cannot see because of the trees being so close to the road? Mr. Johnson replied if this becomes a problem you can take them down, you have not spent the money.

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Councilman Gantt stated that assumes tearing the trees down and moving the wood plus repairing the curb that has already been in place. He stated if we make the argument we consent to the 44 foot wide road, Dr. Kramer has already said that of the 58 trees that are left, 16 of them are unthrifty now and four of them are showing signs of decay. That leaves 38 trees. He projects that with some care we might be able to save all 10, so we gain 10 trees. That means we have 48 trees that are likely to be saved. Assume we finish construction of a 44 foot wide road, go back periodically and have to take them out as they continue to die. We must remember that he predicated his analysis with "a little bit of luck." So, we may have to go back individually and pull these trees out as they become unthrifty. Is this going to only cost us \$3,000? Mr. Johnson replied that was the difference in the figures. The figure is if you take them out individually, right now because in five years the cost will have escalated, is \$200 to \$400 a tree. He is using the figure of 70 trees which is larger than he thinks they are talking about and at an average of \$300 a tree this would amount to \$21,000.

Councilman Gantt stated he finds that part of it very hard to buy. He suspects they will get into a little more money than that. The second part of his question: What they do on Wendover may indeed be a symbolic act in terms of what this Council is going to do to not let the automobile dominate the environment. There is a small question that exists in the back of his mind that what they really are talking about, or the best advice here, is the possibility of with a little bit of luck, saving 38 trees, as against the possible safety problems. Six inches closer is in fact one foot closer if each lane is reduced six inches. When we are talking about bus transportation, he wonders whether or not we may not be compounding our problems. We have all these experts and the only optimistic one we have says "with a little bit of luck", this is what we might be able to do. Now, we have a new element that Mr. Johnson introduced that says at any risk we ought to go ahead and save these trees on the basis if we have to take them out individually, okay we take them out individually. He is not so sure that the cost is what it is represented to be and how much of a symbol they are getting into

The City Manager stated there has been considerable talk about the cost of moving these trees. He asked Council not to consider cost in this matter as they make this decision. The cost is going to be greater as far as monetary concerns involved if you build a 44 foot street. Although he is concerned about the cost, he hopes their decision is made on what they think is the best because money is not significant enough in this case to make it the basis of their decision. The decision should be made on whether or not you can save these trees logically and whether or not saving them, in the condition they are in, is going to be in the best interest of everybody involved; whether or not five years from now they will have something they will be proud of because you did make an attempt to save some which every expert except one has told you could not be done. If they can save all those trees there is not a person he has worked with who would not come here and say do it if it costs \$300,000. That has not been the factor that they have used in presenting this information to them. They will find the funds somehow for whatever the Council wants to do about it.

Councilman Williams stated there are three reasons offered by the State Department of Transportation for not building a 44 foot road. Those same three reasons were adopted by our own staff. He has a lot of respect for experts in any field; but he wonders in the way our technology has advanced in recent years in this country if we have not become totally reliant on experts at the cost of not relying so much on common sense of ordinary people. An expert in any field who has dedicated his whole life to that field is going to have a subconscious slant on that, whether it is an insurance salesman, a lawyer or a doctor or a road builder. Somebody who has been in the business of building roads all his life is going to be interested in the best road he can build and maybe become a little myopic in the sense of not seeing some of the side issues, losing some peripheral vision.

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He stated the road experts have mentioned three reasons why not to do it.

(1) The traffic operation will be compromised, it will not move as efficiently along this area because of the reduced lane width. He might agree with that except for where this particular stretch of road is. He does not see how this road can possibly move traffic as efficiently as some of the other thoroughfares because of the dogleg at Sharon Road. Traffic approaching Sharon Road from Providence is going to have to slow down in order to turn left and proceed a few hundred yards and turn right on Runnymede. The opposite would be true of traffic coming from the other direction. So, it is going to be slowed down. Someone mentioned the light would slow the traffic down too. He is not sure that it is a valid reason to say that at this particular location the narrower lanes would be a drawback. Another thing, Runnymede is 44 feet wide, which is the very next block of the same road, on the other side of the dogleg. If the width is the same as Runnymede he cannot see that they have compromised very much to efficiency.

(2) The narrower width will result in reduced safety. That is probably the most potent reason that has been offered. It is hard to quarrel with, except to say that in many areas of our City we have utility poles, trees which are right against the street and he has not heard of too many really tragic accidents except for one in the past few years where a child had his head collide with a utility pole when his head was out of the bus. Of course, if something like that happens he would feel bad the rest of his life about this decision. But that happened one time in his memory and we have all these trees and poles all over the city. So, in balancing the benefits from the losses it may be worth it to make this road like so many of the others.

(3) The probability that the reduced width will still have a severe impact on adjacent trees - the trees might die anyway. The way he looks at that is "nothing ventured, nothing gained." Suppose we do not save them, where are we? We would still have a road 44 feet wide, the same width as the very next section of this road, and we would have a wider planting strip in which to plant. In his opinion, we would still gain even if every tree should die that we are trying to save.

Councilman Williams moved that Wendover Road, between Providence Road and Sharon Road, be constructed to a width of 44 feet. The motion was seconded by Councilman Gantt.

Councilman Withrow stated Council has just recently voted to take over the bus system, and this Council has gone on record as saying they want buses to cross bus so they can go from the west to the east without going downtown. He rides every morning on Fourth Street by Presbyterian Hospital and it is impossible to have two buses if they should meet there, and two cars to pass each other. It is not possible. If the buses get over close to the telephone poles they will knock their mirrors off the side of the bus. Therefore, the buses move over to the right, out of that 11-foot lane. If we go to all-mini buses and not have the big buses, but he does not believe we are going to scale them down. He has heard people out on Wendover say they are not as concerned about the trees, but they do not want the road at all. He stated he will have to vote for 48 feet because, in years to come when we hope to have a transportation system like other cities of buses going up and down streets, taking the automobile off, we would have to have streets wide enough - Runnymede itself might have to be widened another four feet. He would like to satisfy all of these people. It hurts him to vote against them if this is really what they want, but he has to vote his convictions.

Councilman Gantt stated he has read through all of these reports and has talked to some individuals and he really feels they are at the point where they ought to see what would happen. He does not intend to be frivolous. One major argument they make is the safety problem. He agrees that the

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passing of buses and cars would be less safe. They have some extenuating circumstances here that he thinks are worth special consideration. What they are trying to do is retain as much of a certain kind of environment as they can. He cannot see why this Council would not try this. It goes against all the advice they are getting from Traffic Engineering, Public Works, the State, even our Tree Commission, but at best if the trees have to come out later on, as Councilman Williams said, you still have a 44 foot wide road, and there are many arteries around this town of even less width. He is going to vote for it because he thinks Council ought to see what happens.

Councilman Withrow stated he has heard someone say that sometimes for people in political office, it takes a lot of nerve to step foward and "cut the cake". He did that and it did take a lot of nerve. He hates to do it but he thinks some time or another you have to do that.

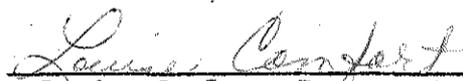
The vote was taken on the motion to widen Wendover Road to 44 feet between Providence Road and Sharon Road, and carried by the following vote:

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

The resolution is recorded in full in Resolutions Book 12, beginning at Page 1.

ADJOURNMENT.

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



Louise Comfort, Deputy City Clerk