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The City Council of the City of Charlotte, North Carolina, met in regular session on Monday, June 6, 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 Reverend Warren McKissick, Minister of Greater Galilee Baptist Church.

SENATOR MARTHA EVANS' EARLIER GIFT TO CITY OF FRAMED COPY OF MECKLENBURG DECLARATION OF INDEPENDENCE ACKNOWLEDGED BY MAYOR AND COUNCIL.

Mayor Belk welcomed Senator Martha Evans to the Council Meeting and stated he is happy to see her looking so well.

He stated Mrs. Evans was elected to City Council in 1955 and 1957 as Charlotte's first Councilwoman. She was the first woman appointed to be a U. S. delegate to International Congress of Local Government Authorities in 1956, which took place in Rome. She was the only woman in the Mecklenburg Delegation to the State Legislature, elected in 1962. In 1967, she was appointed to the Governor's Study Commission on Public School Systems of North Carolina. In 1967, she was chosen the "Working Woman of the Year" by the Central Charlotte Association.

Mayor Belk stated Senator Evans has presented a copy of the Mecklenburg Declaration of Independence to the City and he would like to express his appreciation to her. That there is a little token at the bottom in appreciation for the great work she has done, not only for our City, but for our State.

Senator Evans stated this is a lovely piece and she is sorry that some of the people that helped her put it together are not alive today, or in Charlotte. It is true to our history and historically significant; that she had to go to the City of Philadelphia three times and then use her family's influence to get the papyrus paper. Then a local artist illuminated the lettering for them. Everyone has been kind enough to learn a lot about Hezekiah Alexander, who is one of the signers, and has helped the Hezekiah Alexander Foundation monetarily. So, they have a great deal here in this Declaration, particularly significant in this birthplace of freedom.

She stated she would like to call Council's attention to one line that we are gathered together for a more general and better organized system of government to be established.

Mayor Belk presented Senator Evans with a Key to the City of Charlotte and a lapel pin. He thanked her for the many things she has done and especially for what she has done today.

APPROVAL OF MINUTES, AS CORRECTED.

Councilwoman Chafin stated she would like to make a correction in the Minutes of May 30, 1977. That on Page 341, she was recorded as voting "yea" on the motion to reject the Community Development bid, when in fact, she voted "nay"; that she thinks Councilman Davis voted "yea".

Motion was made by Councilwoman Locke that the Minutes of the Council Meeting on May 30th be approved, with the above correction. The motion was seconded by Councilman Whittington, and carried unanimously, with the following correction:

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

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HEARING ON PROPOSED 1977-78 FISCAL YEAR BUDGET AND GENERAL REVENUE SHARING FUNDS.

The scheduled public hearing was held on the proposed 1977-78 Fiscal Year Budget and General Revenue Sharing Funds.

Mayor Belk stated since we have quite a number of people who would like to speak during this hearing, and in order for everyone to be heard, he would like to ask Council to limit their presentations to three minutes each.

Councilman Withrow moved that each of the persons appearing before Council on this hearing be limited to three minutes each. The motion was seconded by Councilman Whittington, and carried unanimously.

Mr. Hooper Alexander, President of the Charlotte Opera Association, stated he is here today to do three things. First of all, it is his pleasure to thank the members of Council for the support and help which they gave to them last year in their 1967-77 Budget. He stated it is literally true that three years ago, Opera would have died in Charlotte had it not been for the City Council. For that help they are grateful and for the help which they have continued to give them, they are indeed grateful.

He stated they would like to address, basically, the reason for the request for an increase in the budget appropriations for the coming year and that Dr. Richard Marshall, General Director, will give that presentation later. He stated at this time he would like to call on Mr. Wolfgang Jansen, President of Korf Industries, one of our new corporate citizens, to just briefly tell Council what the availability of Opera and other art organizations in Charlotte mean to an industry which is looking for a place to move.

Mr. Jansen stated they have brought about 250 families to Charlotte. The major consideration for selecting Charlotte as their corporate headquarters is the quality of life which is found to exist in this City. That he has been here three years now and he is very happy about the decision they made. Their company, and himself, have become actively involved in the arts, in general, and in the Opera, in particular. People he knows have given freely of their time and their efforts to improve the quality of the Charlotte Opera and for the first time they have a professional management but a lot remains to be done - all of them are dedicated to making the Charlotte Opera one of the finest Operas in the country. The assistance they have received from the City Council, and hopefully will continue to receive from them, will make this possible.

Dr. Richard Marshall, General Director of the Charlotte Opera Association, stated they are asking the City Council if they would consider an increase in funding from \$27,000 to \$32,750 since they anticipate the Charlotte Opera will have 40% more people that it serves next year as compared to this year. Many of those are student programs which will increase from the City Schools which is increasing in students coming to Ovens Auditorium and they will be having a dress rehearsal for 2,500. The actual budget increase is one percent less of their total budget than Council gave them last year; 1% increase in attendance; 30% increase in budget just to maintain and improve their program. That there is just one other item he would like to mention and that is the Charlotte Opera has to bring in lighting equipment for every Opera it has; it has never been adequate, even with what they bring in. For the amount of money that they spend is totally lost when it is used as rental and they very strongly support the position of Ovens Auditorium Authority for buying some better lighting than they have in the Auditorium now; they have about 32 instruments to do Opera and things comparable and it takes about 400 units. That they would appreciate any consideration Council could give for that.

Mr. Joe Danyluk stated he is speaking for Mr. Charles McFadden with regard to the Charlotte Youth Hockey Association. That he is one of the 11 Boardmembers and his prime efforts are to try to promote funding from outside sources to deter some of their costs.

He stated several weeks ago a composite schedule of statistics of last year's budget figures was presented to Council and he would hope they have had time to review it. It included their operating budget of \$24,000. This was for 169 boys and if you figure that out per capita, it comes to an insurmountable amount which has to be provided for each boy by his parents.

Mr. Danyluk stated their League has been in operation for ten years and their prime purpose of being here is to try to solicit help from the City for their ice costs. The costs have grown from a meager \$15.00 per hour, last year, to \$65.00 per hour. This, in terms of cost per boy, grew to \$105.00 and they were able to reduce that to \$90 or \$95 with some outside business help. He stated the administrative costs for their program are negligible because of a donating basis by participating members.

Councilman Whittington asked how many children they had in the program and Mr. Danyluk replied they started the season with 169 children and through attrition and other activities, they fell off to about 150 at the year's end. Some of the fall-out was due to financial reasons.

Councilman Whittington asked how many children they expect next year and Mr. Danyluk replied they would like to have a growth potential with the funding they are asking for. They know through their last three years of fall-out that they could have retained 50 to 75% of their members who would come back if they could get this fee to a more reasonable cost.

Councilman Whittington asked the age brackets and Mr. Danyluk replied they start at the ages of 6 through 9 for their Mite Program and their oldest group, their Junior Program, is 17 through 18. This is equivalent to their "A" house rating, which is nationally organized Hockey Association just like Little League Baseball, for competitive equivalency.

Councilman Gantt asked how much money they are asking for and Mr. Danyluk replied they are asking for \$15,000 which would be approximately 60% of their costs, their total projected costs, if they kept the same number of boys, would go over \$25,000 within the next year. He stated he should add that successful efforts this year have brought in \$2,800 just in sponsorship money from independent business people. That was for eleven teams and was directed only for the cost of equipment, shirts and socks.

Mr. Bill Brawley, 808 Vickery Drive, a Charlotte Fireman, stated he is present today about the proposed budget. Everything is fine until you read down to the bottom rank and that is the firefighters. These are the people who go into burning buildings. There is nothing in the Study which was made and recommended in the budget that takes into consideration that this job is dangerous. These people get killed; these are the people who were lying out on the parking deck at the Downtowner - there were seven last Saturday. That there were nine more at the Chemical Plant on Central Avenue who were taken to the hospital and treated for smoke inhalation and heat.

He stated they are riding with the bare minimum of manpower and these men are pushed way beyond the limit of human endurance, but yet the recommendation in this study is that Fire Inspectors are going to make considerably more than firefighters. Yet, Firefighters are making the overwhelming majority of the inspections. Their trucks are making inspections while they are in service and responding to fires. The Fire Inspectors do not have to respond to a fire and are never in a burning building unless he is in there when it catches on fire.

Mr. Brawley stated in going over this complete study, it seems like the City of Charlotte is more concerned with paying people who do the bureaucratic paperwork than they are to the people who provide services to the City. In the past

three days while they were on duty, they have responded to four heart attacks, a drowning, a drug overdose and in all these cases, they were the first company on the scene. They were the first emergency people on the scene. Their people are being trained for emergency medical technicians because they are in the communities and in the neighborhoods and they are doing the work. The battle between the Lifesaving Crew and the Ambulance Service does not concern them because whoever gets there next is in charge and they let them have it, but they are the people on the scene immediately. Their people are trained but this study does not even take into consideration that these people are trained in this manner.

The study does not take into any consideration the fact that this is a hazardous job. It is the most hazardous job listed with the Department of Labor. More firemen get killed every year and are in a running battle with the coal miners, but the study does not reflect this.

He stated there is only one other group in the City of Charlotte that is paid less below the national average than the firefighters and that is the City Clerk's Office. They do not even make the North Carolina average and they have his deepest sympathy; the whole office has his sympathy.

Mr. Brawley stated they need money for the firefighters. That he is perfectly happy with what a Captain makes in the Charlotte Fire Department. He has no complaint at that level whatsoever. They have talked about parity with the Police before and they gave him parity. He makes the same thing that his counterpart, a Police Sergeant, makes but yet the people he supervises are paid 8% less now and if this thing is put into effect, it will be 10% below a Police Patrolman. This is what he is concerned about; if it takes his raise to bring his men up, they can take his raise - they have to have the money. He stated a \$500.00 a year raise in this day and time is just not going to make it.

Councilman Gantt asked if Mr. Brawley was one of the 32 groups that appealed the PAS recommendation and Mr. Brawley replied when the original recommendation came out, he wrote a note and sent it back in. Councilman Gantt stated there were 32 groups that appealed for 67 different positions and none of those appeals were substantiated or at least none of the recommendations were changed. Mr. Brawley stated he did not even know there was a procedure for appealing other than the fact that he did not like the study and he wondered why they got a firm in Chicago. That Chicago firefighters are the highest paid firefighters in the world and someone might have gotten lynched if they tried to put this study off on the Chicago Fire Department.

Councilman Davis stated as he recalls this PAS study was requested on vote by Council. That as he recalls Councilman Whittington asked for this study and he thought the main purpose was to resolve the issue of parity for firemen or at least one of the main objectives of the study. That he does not remember Council ever doing anything about the study except receiving it as information. As it is listed on the agenda, this may be the basis for discussion of the employee's pay raise. He stated he was in the minority part that did not vote for the study; he would have much preferred to have our own Personnel Department present justification for the pay raises based on economic conditions and competitive wage scales in this area.

Mrs. Betty Alexander, City Employee in Purchasing Department, stated she is also complaining about this study. That she is appearing before City Council asking for a review of her job classification. She presented Councilmembers copies of correspondence between herself and the City Personnel Department.

She stated she has been employed by the City of Charlotte for 16 years and 13 years of this time she was Secretary for the Department Head of Purchasing Department and this was Pay Range No. 10. That three years ago, she was promoted to the position of Clerk IV, which was Pay Range 11. She stated under the proposed job classification plan, prepared by the Public Administration Services Plan, she has been assigned as Office Assistant V which is again in Pay Range No. 10. That needless to say, this is a demotion and she does not like it.

Mrs. Alexander stated in her letter to the Personnel Department on March 17, she explained her job position and stated her position was best described under the classification of Administrative Assistance I, which is Pay Range No. 14. That she is requesting that consideration be given to her job classification

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and that it be changed to Administrative Assistant I.

Councilwoman Locke asked if she appealed the classification change recommendation? Mrs. Alexander replied she did, and that information is included in the material she passed to Council earlier. That Personnel is in agreement with the PAS recommendation.

Ms. Joyce F. Griffin, 202-F Greenway Avenue, stated she has recently become involved in the bicycle legislation which is being introduced in Raleigh, but she is not sure Council is familiar with this. That there are six pieces of legislation being introduced and a few of them are local government options on how to supplement our own capital improvement program.

She stated she rides a bicycle and injured her kneecap about six months ago in a fall. There are about 11 1/2 miles of bikeway that are unuseable, and she thinks there could be some funds generated if they just had some support. Two of the pieces of legislation that are up to local governments to utilize are Bill No. 649, introduced by Senator McNeal Smith, and is an option to use the proceeds from unclaimed or stolen bicycles which are now auctioned and the funds sent to the School Board. She is not sure what the Board does with the funds but feels the bikeway project is a worthy project. Bicycles are becoming an increasing more reliable system of transportation and can only do good for the City.

The other Bill is No. 650 which is a local option to all bikeways as an acceptable use for the Powell Bill Funds. She would like Council to formulate some kind of program within the Charlotte-Mecklenburg schools, possibly having film makers show films teaching people how to safely ride. She feels the City should be responsive to their needs.

Ms. Griffin stated buses do not allow bicycles on them, but possibly a rider could pay an extra dime and lock their bicycles on a special rack to transport them across town in the case of rain.

Councilman Gantt asked about her statement that there are 11 1/2 miles of unuseable bikeways? Ms. Griffin replied that last Thursday they were shown what riding on a sidewalks does to your bicycle, and to your health if you have to go across railroad tracks. That it is outrageous. She spoke to the man who designed it, Steve Griffin at the Planning office. He said it was because of a lack of public support, and he just went ahead and used the money because unfortunately it is just like a "Peter" principle, there was all this money just standing, and you had to use it somewhere. Councilman Gantt stated he is trying to find out if the combination of sidewalks and bicycles do not work simply because of where the sidewalks are placed, or whether you need wider sidewalks? Ms. Griffin replied they need bike lanes; basically they are trying to get the bike lanes - widening of the streets like Seventh Street to give bikers a lane. The lanes would be to the right.

Mr. James Bailey, 524 E. Kingston Avenue, stated he would like to reiterate some of the things Ms. Griffin said. One reason the bikeways are unusable - as far as incorporating bicycles in the transportation scheme as a whole is because the General Assembly states that bicycles have the full rights and responsibilities as a motor vehicle on the highways, and they are entitled to that right. But while they are on the sidewalk, where our bikeways are, they have to yield to all pedestrians and traffic any place they come. That pretty much negates their use as a viable commuter vehicle downtown if you have to yield the right of way at every intersection for pedestrians or traffic. There are two main reasons why people in Charlotte do not ride bicycles. First is safety - they are afraid to ride bicycles downtown. Second is security. He feels the City could do much in the way of providing safety by first initiating an educational course in the Schools. This could be done by means of symposiums in the schools themselves, or you could make programs that are easily distributed among the classrooms.

Mr. Bailey stated the Charlotte Police Department could do their part by being educated as to the bike laws and enforcing them more strictly to keep unsafe ones off the road. There are a lot of children who use bicycles that are unlighted and are in violation of existing North Carolina Laws. He feels a lot of policemen are not enforcing the laws as they stand to the extent they could.

The second way they could make bicycling safer is an allowance for safer bike routes. This could be done downtown by providing a bike lane on the right hand side of the road. They could also commission a map for the outlying areas showing what streets are best facilitated to accept bicycling. They could be posted at regular points throughout the city or they could be distributed in paper form and distributed to children at school. Also, in many new construction projects of main roads leading into the city, a three foot bike lane on the right side could be planned. This could be done in future construction.

Councilwoman Locke asked if Mr. Bailey was aware that the voters had turned down a \$500,000 Bond Issue on bike trails and Mr. Bailey replied this was true, but we could improve the ones we have.

Mayor Belk stated Mr. Bailey had some good points on the safety aspect; that we could do a better job on the safety part than what we are doing.

Councilman Whittington stated he does not think we can say that the bike trails that we have are totally inadequate because Council has tried to do the best thing they could with the money they have available. That he feels the City has done a pretty commendable job and he would hope the citizens appreciate what has been done. He stated as far as safety and other things are another matter. That he does not see how anyone can say truthfully that the bikeways are inadequate and unacceptable at this time.

Councilman Gantt stated he does not think just because the taxpayers turned this down that we necessarily still spend those tax dollars we do have; that we ought to spend it in a way that it becomes an intolerable situation for both pedestrians and bicyclists. That very frankly, he thought we had come up with a solution that was a happy marriage between the pedestrian and the bicyclists and now the bicyclists are telling Council different things now. He stated in future appropriations of funds, we ought to look at the design of the thing again. There still may be a solution between the totally exclusive bike lane and the totally exclusive pedestrian way.

Councilman Whittington stated the UNCC students and other groups came down to Council and asked them to do what they did and told Council where to start and where to end and how to hook it up in the middle and Council did that.

Mr. Bailey stated this was probably some special interest group of some UNCC students who seemed to be asking for a trail out there to go to school. That he is not familiar with their proposal but what he would like to see for the City is that bicycling be incorporated both in short range and long range plans as part of the transportation for the City.

Councilwoman Chafin stated Council ought to encourage the citizens to use the bike ways.

Mrs. Eudora Garrison, 700 East Park Avenue, stated she represents the Dilworth Association and she has come to ask for a portion of Revenue Sharing Fund to purchase a village community house, not to be confused with the Dilworth Community Center, which was designed and used almost exclusively for sports events. This house would be used for multi-purpose functions, including social, cultural, educational enrichments and would embrace all segments of their rather

diverse community, which incidentally is getting together and they feel this house will further fuse this group that has become more congenial and is working together beautifully. This house is a 70-year old residence and a former Charlottetean's home that is located in a rather deteriorated area of East Park Avenue, bordered by other deteriorated areas of Dilworth and they feel it might be a kindness to turn this end of the neighborhood around and the whole community around which would be a help to the entire city.

She stated there are a great number of talented people in Dilworth that have readily agreed to offer their services to help renew this house and they might even find it comes under the guidelines of Historical Preservation. They would appreciate any consideration Council could give toward the purchase of this because they feel it would be used as a great advantage for the community or the entire city.

Mayor Belk stated the Dilworth Committee has done an outstanding job.

Councilman Gantt asked where their association now carry on their activities and Ms. Garrison replied in a fragmented part of the community. One group is held in a church, another is held in a little youth house in another church and some of the activities are in homes, some are in the Park. He asked if her association wanted the City to purchase this house and have her association maintain it and Ms. Garrison replied that is correct. They would renovate it and landscape it and have a really focal point for the community where they could have teaching and learning experiences and also where people could show their arts and crafts; have workshops, social events, club meetings and a kitchen so when they have the Dilworth Jubilee, they can have bake-sale goods prepared there and it would be a real asset to the community.

Councilman Gantt asked if there would be any city control once the house was purchased and Ms. Garrison replied she did not know how that would work- that would have to be worked out. Councilman Gantt stated he wondered about the expenditure of funds for projects that the City would no longer have much to do with and what kind of precedent this would set up for every other neighborhood group in town that wanted a community house purchase on that basis. He stated this is an intriguing kind of idea but wonders whether or not it would cause problems for expenditures of city funds when the deed, or title, to the property would belong to the association.

Ms. Garrison stated this would be for the betterment of the community and would give them more opportunity to do things for the enrichment of the community. That the community center they have now is totally inadequate for the purposes they are using it for and it is used almost exclusively for sports events that occur all the time.

Councilwoman Locke asked if they ever used the Dilworth School for meetings and Ms. Garrison replied only on a very limited basis. They have on-going programs in the community house that would happen all the time. They have been able to use the Auditorium in the school for meetings only on occasions.

Councilwoman Chafin asked if at one time they were renting some space in Dilworth and Ms. Garrison replied perhaps she is thinking about the Scout Troop at Dilworth Methodist where Helen Randall had her office.

Councilwoman Chafin asked if she had investigated any private sources of funding and Ms. Garrison replied they had not because they wanted to ask about the Revenue Sharing Funds.

Mr. H. R. Thompson, 9700 Sunway Drive, a member of the Fraternal Order of Police, stated he would like to talk to Council about the police salaries, on the up-coming budget and the PAS Study. He stated the Police Department had asked for a study about the comparisons and they got the study so basically they cannot complain. That he would like for Council to remember that the 6.75% raise which has been recommended for all city employees, this is getting a little bit of age on it now because the cost of living does not seem to slow down.

He stated he would ask that Council consider putting in a cost of living increase every six months or so, maybe not an increase, but whatever it might be so they will not have to go back to another study; this will help us in many ways. Also, there are a couple of problems areas that he can see in this study. One is the criteria that the Master Patrolman would have to reach; they do not disagree with the term Master Patrol, however, they would like to know a little more about how they would be selected and what criteria they must reach.

Mr. Thompson stated also the Investigators are not mentioned in the study until you get toward the back of the report into the Master Patrolmen section and he feels that the Investigators should be kept at parity with the Master Patrolmen or with the top patrol salary. That he is not kicking the uniformed officer in any way because he does a good job out there but the Investigator comes in day and day out with cases already stacked up on his desk. Under this Study, the Investigators would only receive a 1.75% raise and they should be kept at parity. One other phase if the educational incentive and the Study recommended only the Master Patrolmen and the Sergeant; they contend that the educational incentive is needed and well-needed throughout the ranks - all the way up to the top, as it is now.

He stated they had information that the Master Patrolmen will not be able to receive educational incentive pay; according to the study, it says they will. This is part of the criteria for Master Patrolmen that they are concerned about. Above the educational incentive and beyond, they have experienced throughout the City an insurance increase in December and they are expecting to go up on insurance again in July and therefore, this should be taken into consideration so the City could help bear part of the burden on this. That basically, they asked for a study and they got a study and he cannot come up here and kick the entire study to Council. That parts of it; perhaps the people were not experienced in dealing with, that should be dealt with by police officers instead of by civilians. He stated he appreciates Council giving him this time to be heard.

Mr. William Tyson, 110 East Seventh Street, stated he would like to express his appreciation to Mr. Wolfgang Jansen for his comments earlier on the value of the quality life has in this community towards Korf Industries move to Charlotte. He stated he was sure that Mr. Jansen was speaking, as he is, for the Charlotte Symphony. In the past, through the cooperation of Charlotte, the Symphony has been able to be a leader in developing community interests in the performing arts. They have been very, very successful in their programs and as a result of this the community is constantly demanding more from the Symphony and they are providing more, both in terms of quality of their performances and in terms of numbers of their performances. The sidewalk concerts, which are free, were very well-received this past year. With a new Music Director and with an intensified promotional program associated with these, he feels they will be even more successful this next year. That the Symphony is a very labor-intensive organization; they have very, very little in the way of fixed assets, in other words, bricks and mortar; even their typewriters were donated to them. But because they are labor-intensive, they are subject to increasing costs. He has heard several people today make comments regarding the salaries for their respective groups. The average musician employed by the Charlotte Symphony on a full time basis, under a contract, receives less than \$5,000 per year so the fact that they are a labor-intensive

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organization creates tremendous pressures upon them for funding. They are very, very heavily dependent upon the funds received from the City of Charlotte and they would very much appreciate Council's consideration of their request for funding this year.

Councilman Gantt asked if we did not have a conversation last year about having a joint recommendation from the Arts and Science Council to avoid this very thing and Councilwoman Locke replied yes and at the end of the budget she is going to make a recommendation for a resolution saying that Arts and Science Grant Committee come to our Budget Department and make a recommendation to them rather than coming to Council.

Ms. Dorene Williams 2301 East 8th Street, stated she is Vice President of the Mecklenburg County Humane Society. She stated the Humane Society compliments the persons responsible for the 1973 Animal Control Ordinance which contains provisions for a low-cost government operated sterilization clinic. However, four years after the passage of that ordinance, they believe it is time to get on with the business of establishing their clinic. The City of Charlotte does have an animal over-population problem. That during fiscal 1974-75 our City Shelter destroyed a total of 14,726 dogs and cats and in fiscal 1975-76, there was destruction of 13,789 dogs and cats; the two year total is 28,585 animals. These are animals for whom there are no homes, animals which are the product of surplus breeding. Actually these figures do not tell the true story because cats are not defined as an animal in our ordinance, therefore the cats involved are the ones brought to the shelter voluntarily by individuals. If the shelter sought out cats as they do dogs, then the number of cats would surely be doubled.

She stated in March of this year the Humane Society contacted Mr. Paul Bobo and asked him to explore the possibility of a sterilization program for Charlotte. That Mr. Bobo's response, after receiving information from the Animal Control Department, was "our leash law works to the point that over-population is not a problem for Charlotte, not to the extent that such a program would cost all taxpayers."

Mrs. Williams stated the Humane Society strongly disagrees with Mr. Bobo's statement. If Council will look at the statistics, the City Shelter has issued citations for violations of the leash law during 1974-76, for a total number of 6,576 and this gives us 6,576 dogs which were roaming, probably reproducing and thus contributing to the animal over-population problem. That since the cats are not covered by the ordinance, there are no statistics on cats, but cats certainly reproduce more often than dogs and with larger litters.

She stated in June of 1974, three of their members spoke to Mr. Bill Roberts, Superintendent of the Animal Control Department. He estimated a total cost of \$57,000, including salaries, operating tables, instrument supplies for one year and a building. With their research and three years of inflation, they estimate a first year cost of \$80,000, the second, and succeeding years, would not reflect the cost of the building and necessary furnishings. Many cities across the United States have established low-cost programs, the most notable is the Pioneer in Los Angeles, established in 1971. The first was so successful, they opened two more in 1972; the figures from the Los Angeles Animal Control Department show that during the first year of operation, there was a 5% reduction in the number of animals impounded and euthanized and the figure grew to 6% in the second year. What is an outlay in one department is compensated by a reduction of costs in another department. The Los Angeles Clinic, as in the case of most city services, is not self-sustaining and they subsidize each operation, \$3.00.

Ms. Marge Harvey, 2608 Portland Avenue, stated she is also representing the Mecklenburg Humane Society and she is the Past President of the Society. She stated they commend the City Council for its advance planning; they have a Planning Commission, zoning laws and projected traffic problems, etc. They have a problem with over-population with animals. There are 415 human beings being born each hour in the United States but at the same time there are 3,000 dogs and cats born in the Charlotte; 72 million animals in the United States must die each day to prevent an increase in over-population; 13½ million animals are destroyed each year in the United States. In the 1960's, pet population increased over 40%; and human population only 10%.

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Animals are more prolific than humans. One female dog in five years time, counting two females per litter, can produce or be responsible for 494 female dogs. Cats are more prolific - they have four or five litters a year compared to two for dogs. The cat problem is completely ignored by Charlotte. Cats are not animals, under the ordinance.

She stated in 1976 the Pet Food Institute did a survey, including both pet owners and non-pet owners. They found that the majority of the public favors more control requiring neutering of pets, and wants local government to take action. The goals of such a clinic would be twofold; (1) To prevent the suffering of innocent animals and (2) to reduce the taxpayers' expenditure for animal control. They would not be competing with veterinarians; they are competing with the euthanasia system.

She stated authorization for the clinic has been on the books before; they think it is time for implementation.

Mayor Belk asked what recommendation Ms. Harvey would make about cats?

She replied her suggestion would be that they be licensed. She thinks it would be unreasonable to assume that cats would wear collars and leashes. What they would really advocate is that cats be kept indoors and not be allowed to roam, but you are not going to get everybody to do that. She stated some cats are psychologically unable to wear collars.

She stated the Humane Society recommends a thorough reorganization of the City Animal Ordinance, from A to Z. One of the provisions would be that it would not be the dog or cat that is licensed, it would be the owner of animals to be licensed. Each owner would make a declaration of the number of animals he had and what type. He would pay maybe 15 cents a year for a mouse, 25 cents a year for a gerbil, 2 dollars for a cat, 5 dollars for a dog; and have differential licensing so that unaltered animals, like dogs and cats, would have at least double the amount of license fee.

Councilman Gantt asked if our capital budget projected a need for this kind of clinic four years ago? Ms. Harvey replied no - the authorization as she understands it was included in the ordinance in 1973. She has not checked with the City Attorney on this, but this is the word she got from someone - she was not here at that time.

Councilman Gantt stated she is talking about \$87,000 as an initial expenditure for the building of the clinic and the operation? Ms. Harvey replied \$50,000 for the building - originally it was \$25,000 but building costs have gone up; that is another point - the longer they wait the more expensive it will be. As a result, there will be eventually a reduction in the shelter costs. It is estimated it costs from \$12 to \$20 for each animal that is handled by the shelter, whether it is reunited with its owner, whether it is placed and adopted or whether it is euthanized. Someone has said that for the amount that they pay to collect the garbage at the shelter - which means dead animals - they could spay every one of those animals.

Mayor Belk asked Mr. Stuart to see if he could make a suggestion for improvement on this. Mr. Burkhalter stated he has met with the people from the Humane Society as well as their regional people. There is considerable debate on how much we can do. That Mr. Roberts has some concern about you only neuter those animals that do not belong to anybody and those animals are disposed of now, so how much you can save in this way is a debatable subject.

Councilwoman Locke stated if it could be made available for owners to have their animals neutered, that would be helpful.

Ms. Harvey stated another thing that will really cut down on the excess population is a rule that no animal can be placed from a shelter unless it is altered. What they are doing now is re-circulating our animals - someone takes a female puppy from the shelter, six months later it has a litter of pups, they cannot place them, so they give them back so you have six dogs instead of one. She stated at first it would mean more animals euthanized, but you have to look at the long view; you cannot just feel sorry for those because eventually there will be just that many more killed.

Councilman Davis stated what they have already asked the Manager for will get them an up-date on the economics of the spay-neuter clinic but in addition to a number of the ideas that Ms. Harvey and Ms. Williams discussed the thinks the idea of having a variable tax where an animal that has not been spayed is taxed at a higher rate than one that has been fixed might be something they could do that would not cost a lot of money that would maybe provide some additional funds to do some of these things with. He requested that staff comment on that when they bring this back to Council.

Councilman Whittington stated he would like the City Manager to give some consideration and give Council some thoughts about increasing the number of animal wardens; that we are doing a terrible job on our leash laws. One of the reasons he believes this is true is that we do not have enough people to enforce them.

Mr. Burkhalter stated he feels that raising their cost will do more than adding them in. The problem we are having is not with the run-of-the-mill; it is the people who can easily afford to pay the fine and let them go again.

RESOLUTION TO CLOSE A PORTION OF KINGS DRIVE LOCATED BETWEEN PARK DRIVE AND ELIZABETH AVENUE IN THE CITY OF CHARLOTTE.

The scheduled public hearing was held on the subject street closing.

The was no opposition expressed to the abandonment and closing of this portion of Kings Drive.

Motion was made by Councilwoman Locke , seconded by Councilman Whittington, and carried unanimously, adopting the resolution to close Kings Drive between Park Drive and Elizabeth Avenue.

The resolution is recorded in full in Resolutions Book 12, beginning at Page 391.

RESOLUTION AMENDING THE ANNEXATION REPORT FOR THE NORTH TRYON-TOM HUNTER ROAD AREA, AND ORDINANCE ANNEXING THE NORTH TRYON-TOM HUNTER ROAD AREA, AS REVISED.

Motion was made by Councilman Gantt, and seconded by Councilman Williams, to adopt the Resolution amending the Annexation Report for the North Tryon-Tom Hunter Road Area.

Councilman Davis stated there has been some concern expressed by Councilmembers about our policy - are we setting a new policy? He does not really believe what they are doing here is changing our policy because looking at the staff summary of the laws pertaining to annexation, there are four requirements. The fourth one says "in addition to developed areas, the municipality may extend city limits to include open areas lying between existing city limits and areas which are developed for urban purposes."

This recommendation excludes the open areas; these open areas are lying on the outside of the proposed annexation area and should have been excluded in the first place.

Mr. Underhill stated that is not correct. He thinks what Mr. Davis is reading from is an excerpt from the general statute the intent of which is what he calls the land bridge situation. Suppose you have property that is out on the fringes or perimeter of a proposed annexation area that is fully developed, meets all of the statutory standards as being urbanized sufficiently to annex it, but you have an area that is between the city limits line and that urbanized developed area. If it is necessary to extend services such as water and sewer - in our case we have a unique situation because we have a consolidated department, but in other municipalities where they do not have a consolidated department, there is a limitation as to how far you can extend city water services to an unincorporated area of the County. If it is necessary to get to that developed area by crossing through an undeveloped area, the law permits you to annex that, even though it may not meet the statutory criteria in order to provide the services necessary. It is really an area that is in between the developed area and the existing city limits, not areas on the fringe.

Councilman Davis stated then what they are proposing to do today would represent a change in policy?

Mr. Underhill replied if the policy he is referring to is to annex all that qualifies under the statute, what he proposes here to do would deviate from that.

Councilman Davis stated this does represent a change or an exception in our policy which he would vote to exclude all of these large open areas that are rural in character and usage and accept this. This is a precedent-setting decision and he thinks they should realize that before they vote on it.

Councilman Gantt stated he raised the question last week in regards to this simply because he thinks the staff ought to spend some time developing some criteria when it departs from the actual minimums given by the State Law. The reason he says that is because in previous annexations, when that law has been carried out, it has been non-discriminatory in every fashion. He is supporting the amendment they are making to the Tom Hunter - North Tryon Street Area simply because that is a very easy one to amend. They are not going through a very rural area to get to a heavily urbanized area. They are dealing with a very clearly defined urban area and what the staff did clearly do, from the testimony given, was to go out as far as they could to get it to the required persons per acre. They could just as easily have left off, as they did in their amendment, the large rural area. There was some definable, clear characteristics about why that could be done. He thinks that some of those things that would allow an adjustment in how you annex can be defined - such as major roads, such as the topography or some existing natural characteristics that do not in fact lend themselves to being a part of the city. He would like to see the staff do that; he is making the motion to adopt this simply because on the face of what they see in the record and the justification for it, it is the obvious thing to do. He would like to follow this entire Question No. 5 by asking the staff to go back and look at some final criteria. The next time we do this they may find themselves in some very grey areas and they will have this precedent already set.

Councilman Williams stated every rule or law, or most every one, discriminates against somebody. Even a law against murderers and robbers discriminates against the murderers and robbers. The question is is there a rational basis for the discrimination? If anyone ever objects to the type of decision they are making today on that grounds of discrimination, they can point out to them the rational basis for the decision. At least he thinks it is rational. The things like the land use you take into consideration - is it being used for agricultural purposes, for livestock? You take into consideration matters like do you have to go across a less populated area in order to annex a more populous area such as in the Pawtucket situation? He thinks it is a matter for Council to exercise its judgment on when each case presents itself.

Mayor Belk stated Councilman Williams is saying their judgment on it, but the most important thing is the future planning which is open land and you are not using that as a judgment - it is the planning of a city. That they are allowing open land which in itself is nothing, but if it is developed later and this land is not developed into a future urban area, you can almost never get it back in. The intent of the State Law is for your future planning outside. We are still the only city of any size that still has no decision on a perimeter area of zoning, which is the same sort of thing towards the planning of a city. That they are going to find this on these pockets that will develop, that they had discussed at the luncheon meeting today. You have to develop a pocket like that.

Councilman Gantt stated he agrees we have to have some open space in these things.

Councilman Whittington stated he voted against this last Monday and he is going to vote against it today and he wants everybody to know again why.

(1) They are doing in this annexation procedure what has never been done before under the annexation laws that this Council is dealing with. (2) That Mr. Plemmons that lived out on Tuckaseegee Road pointed out his property facing Tuckaseegee Road and there was not one thing between him and Wilkinson Boulevard. He thought Council was discriminating against him just as Mr. McLaughlin is winning the battle here saying they are discriminating against him in taking in his land because it is vacant. That the people in the

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Pawtucket area he thought proved very well that they were being discriminated against because we were going out and grabbing Pawtucket which complied with the law, but we took in all the vacant land between them, on Toddville Road as an example, and the Pawtucket area. Those people over there feel as though they are not being treated fairly. But, the thing wrong with this is that this Mr. Backus who went on this bus tour and gave them all maps and thought they ought to come back to the power line; Mr. McLaughlin and his neighbors sent a petition in saying they thought they ought to be eliminated because they had a bunch of cows and a bunch of horses out there. The truth of the matter is that all of this land complies under the ordinance because of the apartment project and the mobile home projects in the area. He thinks that it is unfair to do for these people what they have not done before. That they are opening up lawsuits they have not been subjected to before and in the next annexation they are going to be under heavy pressure to alter the boundaries again. Because they have not done it before, because to a lesser degree the people in Pawtucket and on Tuckaseegee Road think they have been discriminated against, and also in Area 9 where the attorney for Mr. Short came here and said he was dead in the middle with 41.7 acres and they were taking him in when he had industrial on one side and multi-family on the other.

Mr. Whittington stated these people remind him of what Council did not do for them and what they are now doing for people who hollered the loudest; and he thinks it is bad business, bad precedent and he is not going to vote for it.

Councilman Withrow stated he thinks the Council will make a grave mistake if they change in the middle of the stream. That people out on the west side and in the Pawtucket area - there are a lot of areas out there that he personally knows about that are in just as bad shape as these areas. They are taking one area out of this annexation and setting it aside - it is not fair. They have never done it before.

Councilman Whittington stated all of the people who are in the flight pattern at the airport think they should not be annexed because of that. He stated the motion is on the floor and he has stated his position and Council can do what they want to.

The vote was taken on the motion and carried with the following vote:

YEAS: Councilmembers Gantt, Williams, Chafin, Davis and Locke.

NAYS: Councilmembers Whittington and Withrow.

The resolution is recorded in full in Resolutions Book 12, beginning at Page 395.

Motion was made by Councilman Gantt, seconded by Councilman Williams, to adopt an ordinance to annex the North Tryon - Tom Hunter Road Area, as revised to become effective December 1, 1977, and carried on the following vote:

YEAS: Councilmembers Gantt, Williams, Chafin, Davis and Locke.

NAYS: Councilmembers Whittington and Withrow.

The ordinance is recorded in full in Ordinance Book 24, at Page 207.

ASSIGNMENT OF OPTION BY CHARLOTTE NATURE MUSEUM, INC. AND ACQUISITION OF PROPERTY FROM B.J. STACKS, ET UX, FOR ACQUISITION OF PROPERTY FOR DISCOVERY PLACE.

Councilman Whittington moved approval of the assignment by the Charlotte Nature Museum, Inc. of an option to purchase Parcel No. 6, Block 25, 309 North Church Street, from B. J. Stacks and wife, Earlene J. Stacks; and the acquisition of the 94' x 187' x 94' x 187' lot and coin gates, at 309 North Church Street, from B. J. Stacks, et ux, at \$50,000; as property for Discovery Place. The motion was seconded by Councilwoman Locke and carried unanimously.

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Mr. Robert V. Sisk, President of the Nature Museum, reviewed the plans to acquire land for Discovery Place, using a map to illustrate his remarks. He pointed out the area which is intended for parking. He stated they had set aside and broke down, both for Council, the staff and the public, the money they proposed to spend for land in the primary block, where they plan to build the museum, and in the secondary block, planned for parking.

He stated they talked to property owners earlier and obtained some options, and these he pointed out as colored in yellow on the map. The parcels in green are those on which they did not obtain options. Following the successful bond vote, the City hired appraisers to appraise that property on which they had options. In some cases the appraisal was higher than their option price and in those cases they proposed to exercise the option. There is other property on which they had options and on which the appraisal was lower than their option price and they could not justify to Council the option price and the options have been permitted to expire.

Councilman Gantt asked if any of these options were taken after the bond vote and Mr. Sisk replied no. Councilman Gantt stated one of the questions he raised last week was whether or not they had looked into the block immediately to the south for parking, giving them two one-way streets to run in opposite directions. He asked if in their early analysis that property was available? Mr. Sisk replied they did choose to use the block marked, primarily because of the configuration in that all of the property facing the proposed museum was available on the street that was facing the museum. It was desirable in that way both for accessibility and for potential expansion if that should be down the road anywhere in the future.

Another factor is that, based on tax values, that piece of property is much, much cheaper than the piece of property Mr. Gantt mentioned. He ran a calculation on that before coming to Council and even if they use the cheapest way they can go on Block 13, according to tax values it is a little more than twice that of the block they propose.

ORDINANCE NO. 554-X TRANSFERRING FUNDS FROM THE GENERAL FUND CONTINGENCY INTO THE PARK AND RECREATION CIP ACCOUNT FOR SEALING AND REPAIRING THE SWIMMING POOLS AT REVOLUTION, DOUBLE OAKS AND CORDELIA PARKS.

A motion was made by Councilwoman Locke, seconded by Councilman Whittington, adopting the subject ordinance to transfer \$10,500 from the General Fund Contingency into the Park and Recreation CIP account for sealing and repairing the insides and bottoms of the swimming pools at Revolution, Double Oaks and Cordelia Parks.

The ordinance is recorded in full in Ordinance Book 24, at Page 216.

MOTION TO BAN SMOKING DURING ATHLETIC EVENTS AT THE CHARLOTTE COLISEUM, DEFEATED.

Councilwoman Locke made a motion that a no-smoking ordinance be adopted for athletic events in the Coliseum. She stated after reading all the material that was sent to them, she would comment that the people in The Omni in Atlanta do feel that there is an ordinance down there because there is no smoking in that coliseum during athletic events and that a City Councilmember in Greensboro feels - she guesses he does not even realize there is no smoking ordinance - there is such an ordinance and that is the reason there is no smoking during athletic events in Greensboro. They have prominent signs that say "No smoking allowed in the Coliseum." This is something we do not have; the only thing we have are signs scattered in various and sundry places that say "Please, no smoking." The motion was seconded by Councilman Williams for the purpose of getting the motion on the floor. He made a substitute motion to make it applicable all the time. He asked for the rational basis for applying it only to athletic events?

Councilwoman Locke replied at many of the events in the Coliseum there is smoking of all kinds and it would be very difficult to enforce a law, but during athletic events it would be enforceable.

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Mayor Belk stated it has been the general consensus that athletic events is where people who do not smoke would attend; at these rock 'n roll shows they are going to smoke - those who do not want to smoke, just do not go to this type show.

Dr. Larry Stearns, 1229 Marlwood Terrace, and a representative of GASP, stated several weeks ago when he was talking to a friend about their efforts to get City Council to pass an ordinance protecting them from tobacco smoke pollution, his friend told him he felt they were wasting their time because he had seen the State Legislature pass over such legislation. That in talking with several legislators who had voted against it he found that they had voted on the basis of political considerations rather than on the basis of human health. He was disturbed by that, and Dr. Stearns stated frankly he is too.

He stated this "argument" (he thinks it is more of an excuse than an argument) of the enforcement problem, to him the problem is not the problem of enforcement, but a problem of priority. Our first problem should be health. We have fire laws intended to protect property; should not we extend this protection to people? Surely few people would suggest that the fire laws are not worth enforcing. We have health ordinances intended to prevent contamination of food - he is referring to Charlotte's ordinance prohibiting in food preparation areas of restaurants. Should not we also provide people with the same protection. Many of our laws are inadequately enforced but that does not mean that they are unworthy of enforcement. Also, making the assumption that it would be hard to enforce is only an assumption, nothing more. The National Institute of Health survey a couple of years ago found that 80 percent of Americans are in favor of restricting smoking more than it is now. This included more than half of the smokers in this survey. One can easily make the assumption that enforcement should not be a problem, based on these statistics.

He stated tobacco smoke pollution is simply that - pollution pure and simple; air pollution. It should be as strongly regulated or prohibited as other forms of pollution are. The litter laws are hard to enforce but who would say that they are unworthy of our attention, or unworthy of enforcement. The most conservative idea in medicine is that of preventive medicine. A substance that is known to be toxic and dangerous to some should be considered harmful to all and prohibited. That Beaufort County, South Carolina recently recognized that allowing smoking in public buildings, those maintained with tax revenues, might be considered discrimination in a court of law and they moved to prohibit smoking in those buildings. He applauds them; it is a logical solution. Medical science has long told us of the hazards of smoking; let's add our logic to this very large body of knowledge and act on restricting smoking in the closed public places.

Dr. Brenda Blackwelder, 6239 Rosecrest Drive, stated being a non-smoker she attended the Coliseum about a year ago to go to a Bluegrass concert and she will not go back. She has a very severe allergic reaction to cigarette smoke; it causes her terrible headaches and she stays groggy for two or three days; her eyes burn and become very dry - it is very uncomfortable. It is also offensive to her - the cigarette smoke clings to her clothes, her hair and her skin and the only way to get rid of it is to immediately leave, go home, take a bath and wash her hair and send her clothes to the cleaners. That often is not very practical.

She stated as far as long range problems concerning health, cigarette smoke in enclosed areas is known to increase the non-smoker's chance of getting cancer by about ten-fold. Regarding the right to smoke or not to smoke in a public area - this is often debated. She feels a person does have a right to choose to smoke; that is his decision and she would not deny any person that right, however, a non-smoker also has the right to make the decision not to smoke. But, by occupying an enclosed area with a smoker that right is denied because they are forced to inhale smoke that they choose not to inhale. No human being has a right to deny another human being his rights.

She stated she has seen it become enforced in some of the public theatres. She had quit going for quite a while, but at a movie the other night there was no smoking in the auditorium and it was very pleasant. For once she left and did not remain sick for two or three days. She feels that people

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who smoke are generally unaware of the problem that they cause to non-smokers. They become desensitized to the smell of cigarette smoke. If we had a public ordinance prohibiting smoking in public areas, this would make them become aware of the majority of people who do not smoke. She very seldom encounters anyone who refuses to put out a cigarette when she tells them that it really bothers her. Once in a while she will run across someone, but they are probably the same people who tailgate you on the interstate because you are doing 55. She thinks a smoking ordinance could be enforced and that it does not mean you have to arrest everybody who lights up a cigarette. That asking them to please not smoke in the area would be sufficient.

Mrs. John Rogers, 4910 Carmel Park Drive, stated she would like to ask City Council to allow her the use of the Coliseum. She is now denied that right even though her tax money goes into running the Coliseum. She does not go now because she has a severe allergy to certain chemicals in tobacco smoke. She is not allergic to tobacco, but certain chemicals from the burning. Her doctor says he can not desensitize her - he says stay away from it. Therefore, she feels that she is handicapped. There have been a lot of laws coming about recently about not prohibiting handicapped people from public areas. She feels she is handicapped, and so are many thousands of others with allergies such as she has, with asthma or other respiratory problems. By not allowing smoking in public places, you are allowing those who cannot tolerate it, the use of them. Such as this room. She has asked three people if they would please put out their cigarettes today. The thing is if they are going to allow smoking in this room, then she cannot come to City Council meetings. She is being denied the right to come to City Council. The people she made the request of were very polite and very cooperative and did not smoke.

She stated in doing this they are not abusing the right of smokers by passing laws that prohibit smoking in public buildings. They are not telling the smokers they cannot come in; they are just telling them that they cannot indulge in a particular activity while they are in the area. Therefore, she hopes that Council will consider those who consider themselves handicapped as they are very limited as to where they can go.

Mrs. Rogers stated at a recent hearing she attended, Councilman Gantt addressed the question of enforcement. Only one-third of the adults smoke; therefore, that is two-thirds of the population you do not have to worry about. She would say that of the one-third who do smoke, most are law abiding, nice people who if you say you have an allergy, they will put it out. She would say that perhaps a fifth of the smokers would be abusive and say "I am going to smoke wherever I please and nobody is going to tell me not to." Unfortunately, there are a few of these, but she does not feel that enforcement is going to be that hard. When signs are posted where smokers can see them, most smokers will generally go by them, when they can see them. So often they are behind a display or something and people do not see them.

She stated we cannot place a policeman on every corner that we have marked 35mph so therefore we cannot enforce 35mph speed limits one hundred percent of the time, but that does not mean that we should not have speed limits because we cannot enforce them at all times. She would hope that Councilman Williams' motion would carry, because she likes to go to other events than athletics at the Coliseum.

Mr. Buddy Lippard, representing the Metrolina Lung Association, stated he knows his appearance is no surprise to any of them because whenever anything comes up about cigarette smoking you can always count on the Christmas Seal Association to be there to say something.

Mr. Lippard stated he has a tape in his hand that he carries with him that is dated January 28, 1974. He recorded this in Council Chambers as he sat on the front row three years, four months and nine days ago. He stated Councilwoman Locke at that time introduced a bill to ban cigarette smoking in the Coliseum. Mr. Buck was here, the Coliseum Authority was here and they asked that Council let them handle it. He wants to openly commend Mr. Buck and this group for what they have done because now you can go in there and sit down and see a sports show.

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As to enforcement, Mr. Lippard stated he serves as a volunteer usher at Ovens Auditorium and there is no smoking allowed there. Last Friday they had a rock group and it was a sell-out crowd. He does not hesitate to go tell a person to put it out, or get out, because smoking is not permitted. They would be surprised how many people will come up to the ushers and say "He's smoking." They do not mind telling you and the usher goes down and asks him quietly to leave.

He stated they do not want laws that say you are going to charge them fifty dollars or find them guilty so they have a record. That is not what they want; they are thinking in terms of the protection of the human being. That Council spent seventeen minutes discussing the welfare and the development and protection of cats. All he can say to Council is that they think about this. They do not want to deny smokers the right to smoke. They have the right to decide whether they want to smoke or not, but when they start offending someone else -- they must remember that we have 47,000,000 Americans that cannot tolerate cigarette smoke. They are suffering with allergies, asthma, hay fever, sinusitis, emphysema, heart disease; these people are denied the use of the Coliseum.

He stated all the Lung Association wants to propose is to consider this; do not worry about the enforcement. Mr. Buck has done a good job with it; give him some relief now and just do away with it. He thinks they will be surprised as most smokers are considerate individuals.

Mr. Bill McCracken, 6529 Monroe Road, Apt. 1, and a GASP representative, stated he again wants to emphasize the need for this ordinance. As to the question of enforcement, he has made surveys of the large retail stores where we have no smoking ordinances to see if it was working without the presence of law enforcement officers. This is what he has found at the Independence Shopping Center.

(1) Harris-Teeter Market - he visited daily last week and he observed a total of four smokers during the week. Three signs were posted within the store.

(2) Eckerd's Drug Store - the same observation but he observed eleven smokers during the week. The entrance was posted and there were two signs in the store. Smoking is permitted at the lunch counter but some of these smokers forget and wander into the retail section.

(3) T. J. Maxx Clothing Store - Entrance is posted with three signs and signs in the store. He observed no smokers for the entire week. The manager has instructed his employees to inform smokers if they see them to put it out or leave the store; and any employee caught smoking in a perimeter area would be fired. This is total compliance, and good compliance.

(4) Piedmont Floor Covering, which recently opened is covered by the ordinance but not complying with it. There are no signs posted, smokers are scattered throughout the store daily. He presented the co-manager a copy of the ordinance two weeks ago and he promised to comply. As of noon today, there was no compliance, so obviously to get him to comply they will have to try to obtain a warrant against him for violation of the ordinance.

Mr. McCracken stated he believes these examples demonstrate that when proper posting of signs is maintained, there is no significant problem with enforcement of no smoking laws. This ordinance was first presented for consideration by the Council on January 28, 1974. Mr. Paul Buck wanted to control smoking by requesting no smoking, a voluntary method. It did not work. The no smoking sign lights up and so do smokers.

The reason voluntary compliance will not work is that the general, habitual smoker is addicted to nicotine - research has established this. This type of smoker will only comply when there is a law to compel him. Evidence presented to support a legal petition to the FDA to restrict the sale of cigarettes to drug stores proves that nicotine is addictive; it is easier to stop heroin and other similar drugs than it is to stop nicotine. One of the examples they use is a smoker who is addicted to nicotine - you can take away his smoke, he starts to have withdrawal symptoms, give him a minute injection of nicotine or give him a nasal spray to inhale the nicotine and immediately the desire to smoke is gone.

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He stated it is also now proven that non-smokers can get cancer from tobacco smoke. He quoted from a recent research report which said that "side stream smoke contains more than ten times the toxic substance than that which the smoker inhales through his cigarette." One hour in such indoor places the substance a non-smoker absorbs through breathing is comparable to smoking a pack of cigarettes. This ordinance is the only solution to protect non-smokers' rights at the Coliseum and other public places.

Mr. Everett Suddreth, president of the Auditorium-Coliseum-Civic Center Authority, was recognized for the purpose of answering questions from Councilmembers.

Councilman Whittington asked what the position of the Authority is on the motion which has been proposed, namely, that no smoking be allowed in the Coliseum during athletic events.

Mr. Suddreth replied the Authority has not discussed this question recently. There is a great concern on his part and on the part of the management on the enforcement aspect as it relates to functions other than athletic events. He thinks he can safely speak for the Authority, if Council is considering an ordinance that would encompass all events in the Coliseum, they perceive possible confrontation with patrons. Personally, he thinks it would be very ill advised. As far as athletic events, he cannot take issue with that proposal.

Councilman Davis stated he has listened very carefully to the speakers today and has been very much impressed by the arguments they have advanced and the manner in which they presented them. He is very much in sympathy with what they are trying to do. He suffers from the same things they do. Sitting in Council Chambers his eyes get irritated and he gets a headache sometimes. In response to what they are trying to do, they may not like what he is going to propose, but he believes it responds to what they are trying to do and it may in the long run work out better than the proposal on the floor.

He stated most of the speakers today have said they have seen good results from voluntary compliance. That even if you have a law on the books, it has always depended largely upon voluntary compliance. They know from experience that you cannot just pass a law and bring about some sort of social change. That the Police Chief was before Council a couple of weeks ago and told them he is unable to enforce speed laws in school zones - something that you would think there would be no trouble getting compliance with. He stated he has heard the opinion expressed that we would certainly be unable to enforce no smoking in the Coliseum. That maybe a few years from now something like this would work, but he thinks that if they pass such an ordinance now it would only serve to put another ordinance on the books which could not, or would not, be enforced. That would only serve to diminish respect for the laws that are on the books and for law enforcement personnel.

Councilman Davis made a substitute motion that the City Manager express Council's concern to the Auditorium-Coliseum Authority and ask them to come up with a positive program to restrict smoking in the Coliseum on a voluntary basis.

Councilman Gantt stated he is a "pocket" smoker - he only smokes in a place where no one else is around. That no one has ever seen him smoke in the Council Chamber. However, there is an overwhelming amount of evidence here that they are looking at from Coliseums all over the South, and several from outside the South, and the story is the same. He wonders whether the gentlemen who responded to their survey had a conflict of interest; whether all of them were smokers and simply were biased in favor of people who smoke. But, it keeps coming through over and over and over that voluntary compliance is what you have to do; the kind of thing you have to depend on.

He stated the GASP people say also that voluntary compliance and the attitude of people who smoke with regard to the rights of people who cannot stand smoke is getting better. He keeps wondering whether or not if they pass this ordinance that if Mr. McCracken might find himself at the Coliseum trying to issue warrants to two or three hundred people who just refuse to comply.

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It is that kind of circumstance that gives him some concern. That a very interesting letter was written by the managing director of the Greensboro Coliseum with regard to the fact that they might be guilty of some capriciousness if they pass an ordinance that they know they cannot enforce. He keeps envisioning 12,000 people sitting there - 1,000 that are smoking. What occurs to him is whether or not we really need the ordinance, or whether we need to take a very hard look at how we might get voluntary compliance.

That maybe signs that say "No Smoking" will have an impact; maybe even selling tickets to a no smoking section such as is done now on airline flights might help also. What he is trying to do is alleviate the problem of those who are allergic to the smoke without getting Council into a situation where they are passing an ordinance that they know they cannot enforce.

Mr. McCracken stated if you have a request for a no smoking law here and you have 3,000 people and 1,000 of them are smokers, 95 percent of the smokers will comply with the law. It is being done today where there are adequate signs posted.

Councilman Gantt stated the other fifty people who do not comply would require fifty officers possibly to enforce it.

Councilwoman Locke stated in Greensboro they do think they have a no smoking ordinance - the Councilmembers think they have the ordinance - and they were bragging to her about how great it was enforced at the athletic events.

Councilman Gantt stated he is talking about voluntary compliance. He thinks these people have a real problem; he just wonders whether or not they should be looking at some other policy with regard to this. The other thing is, if you examine the ordinance, what they are saying is they will not allow smoking inside the arena, yet no one can use the restrooms without being inundated with smoke, or in the corridors. What he is trying to say is that those very people who are allergic to the smoke are subjected to being prisoners of the arena while they are there.

Councilman Withrow asked if the Authority has ever considered a no smoking section or how much it would cost to put in a section like this? Mr. Suddreth replied no they have not. It occurs to him from a standpoint of how many tickets they sell that it is almost next to an impossibility, and that is a broad word. It is possible he supposes. That the Authority has, over the last three years or so, made considerable efforts to limit smoking in the arena area and it has been brought out today that signs have been put up and announcements have been on the public address system and also on the score board. That this has alleviated the condition substantially.

The vote was taken on the motion and was defeated by the following vote:

YEAS: Councilmembers Locke and Williams.

NAYS: Councilmembers Chafin, Davis, Gantt, Whittington and Withrow.

RESOLUTION CALLING FOR A PUBLIC HEARING ON MONDAY, JUNE 27 TO CONSIDER A PROPOSAL BY MOTION, INC. FOR PURCHASE OF HOUSES AND LOTS IN THIRD WARD COMMUNITY DEVELOPMENT TARGET AREA.

Upon motion of Councilwoman Locke, seconded by Councilman Withrow, and unanimously carried, a resolution calling for a public hearing on Monday, June 27, 1977, at 3:00 o'clock p.m., to consider a proposal by MOTION, Inc., for the purchase of three single-family houses and lots located in the Third Ward Community Development Target Area, was adopted and is recorded in full in Resolutions Book 12, at Page 407.

SUPPORT OF LEGISLATION TO PERMIT MEMBERS OF CITY COUNCIL AND CITY EMPLOYEES TO PURCHASE PROPERTY IN REDEVELOPMENT AREAS FOR USE AS THEIR PRINCIPAL RESIDENCES FAILS.

Mr. Underhill, City Attorney, stated as he pointed out in his memo, that because of time problems, it is necessary for this language to be sent to the Legislative Delegation so the Bill could be introduced if someone on the Delegation saw fit to do so. He is informed, about third hand, that such a Bill was introduced Thursday or Friday that encompasses or incorporates this language. So there is already a Bill pending in the General Assembly. What Council is being asked to do is whether they will support it, or not support it, or ask that it be amended in some fashion.

Councilman Gantt asked if he should be exempted from this discussion? Mr. Underhill replied since the legislation under discussion does not call for validating his previous action, he would think it would be permissible for Mr. Gantt to participate in the discussion. However, that is a decision this Council has to make.

Councilman Whittington moved that Council not consider this and not support this legislation. The motion was seconded by Councilman Davis.

Councilman Whittington stated he thinks Mr. Gantt cleared this Council and himself of any involvement in Fourth Ward or any redevelopment project last Monday when he took the action he did. As the Mayor said a minute ago, he cannot sell overalls to the City, and he as a Councilmember cannot do anything to contract with the city. No member of this Council can. For that reason, he thinks with the connotations that could be brought into this by the public, it would be best for Council not to support this legislation.

Councilman Davis stated he thinks this general statute that deals with this kind of conflict is generally a well written law, and it seems to work. When you go about amending the state law, he thinks you should be very careful of the legal precedence, the legal ground, you are on. The proposed amendment, which Mr. Underhill says was drawn rather hastily, incorporates some potential for abuse, and he would add that in some areas he can see several things that leave a lot of areas that would be questionable. He agrees with Mr. Whittington that we would be buying ourselves a lot of trouble. What we are trying to do is make a law to serve the purposes of this Council, and elected officials and department heads, and amend the law that is designed to serve the public.

Councilman Gantt stated in light of the statement made last week, and which the total Council accepted, he does not believe this would be a conflict of interest to act on this legislation which he thinks would take into account future situations that might arise. Under the present law, he understands they would be limiting the right of city employees - a clerk or anybody - to buy property or have an interest in Fourth Ward or any other similarly developed area. They have talked about the Metrocenter Complex and he suspects they would be limiting their rights if the same kind of situation occurred.

He stated since the proposed bill is not retroactive to his land purchase, it would seem to him that would absolve the Council of any present conflict of interest. That he thinks they all agree that specifics of this particular piece of legislation - requiring that the person making the purchase cannot

purchase it from the governing body, meaning it is a normal private transaction between two individuals; would require that the redevelopment plan for the area already have been adopted, meaning the whole thing would be made public, in fact the public would have knowledge of what the intent of the City was; and finally, the requirement that the individual make public disclosure of his intent to buy and to make it a principal place of residence - seem to satisfy all of the particular questions that have been raised with regard to conflicts of interest or speculation on some of the other kinds of things that occur. He stated he thought that in the time that the City Attorney, Mr. Rash and Mr. Smith had to develop the legislation they came up with a very good amendment to the law; that it would allow them to provide a situation where city employees and the Council might in the future be able to do this.

Councilman Williams stated there is a State Law that permits Councilmembers to be excused from discussion and voting if their economic interests or conduct are involved. He asked if this law is passed and the Councilmembers were then in a position to acquire property in Fourth Ward, for example, would that same blanket provision also apply so that the member would be required to be excused? Mr. Underhill replied yes. If this law is passed and, for example, Mr. Williams bought a piece of property in Fourth Ward for a residence, and he made the disclosure that is required prior to the acquisition and bought it from someone other than the City, then in the event later Council was asked to take action on something that might involve or affect his economic interests then Council would have to vote to allow him to abstain from voting on that matter. There would not be anything in this law that would allow a Councilperson to vote on any matter which might subsequently affect his financial interest.

Councilman Withrow asked if redevelopment property should be up for sale and his family decided they wanted to build a huge office building, what complications would be raised? Mr. Underhill replied this property cannot be acquired from the City for one thing, and can only be acquired for a present residence.

Councilwoman Chafin stated she thinks all possible safeguards have been built in.

Councilman Davis asked if this passes and they had authorization to buy and build a home in Fourth Ward or any other redevelopment area, it seems to him that he would not do it because if you build your home there, you have a nice road that the City furnished in front of you, you have a park that the City bought and you have all these things right around your home, it would involve the appearance to the public because they would not be aware of the proceedings that went on; they would only see the results two or three years hence when the fine home was there and they go down and see all of the public money that went to enhance Fourth Ward. He just does not believe it would be effective and they would have to refrain to avoid the appearance of wrongdoing.

Councilman Gantt stated he will abstain from voting on this issue, but he thinks Council is making a mistake with regard to the way this legislation is being viewed. He does not think the general public would construe it to be something that is out of line.

(COUNCILMAN GANTT EXCUSED FROM VOTE ON PROPOSED LEGISLATION TO PERMIT PURCHASE OF PROPERTY IN REDEVELOPMENT AREAS FOR USE AS PRINCIPAL RESIDENCE.

Motion was made by Councilman Davis, seconded by Councilwoman Chafin and unanimously carried to excuse Councilman Gantt from the vote on the item.)

The vote was taken on the motion by Councilman Whittington, and carried as follows:

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

Mayor Belk broke the tie, voting in favor of the motion.

COUNCILMAN WHITTINGTON LEAVES MEETING.

Councilman Whittington left the meeting at this time, and was absent for the remainder of the session.

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CONTRACT AWARDED TRANSPORTATION MAINTENANCE EQUIPMENT CORPORATION FOR ONE HIGH PRESSURE CLEANING UNIT.

On motion of Councilwoman Locke, seconded by Councilman Withrow, and unanimously carried, contract was awarded to the low bidder, Transportation Maintenance Equipment Corporation, in the amount of \$6,777.54, on a unit price basis, for one high pressure cleaning unit.

The following bids were received:

Transportation Maintenance Equipment Corp.	\$ 6,777.54
Hotsy Carolinas	8,019.00

CONTRACT AWARDED APPLE TUCK AND ASSOCIATES FOR CONSTRUCTION OF THE IDLEBROOK DRIVE CULVERT.

Motion was made by Councilman Withrow, seconded by Councilman Davis, and unanimously carried, awarding contract to the low bidder, Apple Tuck and Associates, in the amount of \$49,765, on a unit price basis, for construction of the Idlebrook Drive culvert.

The following bids were received:

Apple Tuck and Associates	\$49,765.00
Crowder Construction Co.	53,508.30
Sanders Brothers	72,175.00
Blythe Industries	84,742.50
Hickory Construction Co.	89,291.20

CONSENT AGENDA APPROVED.

On motion of Councilman Davis, seconded by Councilman Withrow, and unanimously carried, the following consent agenda items were approved:

1. Disposal of Building Inspection Department housing records, consisting of copies of complaints and notice of hearings, and findings of fact and orders, dated from January 1, 1973 through December 30, 1974.
2. Ordinances ordering the removal of weeds, grass, trash, junk and abandoned motor vehicle:
 - (a) Ordinance No. 555-X ordering removal of weeds and grass at 4205 Plato Circle.
 - (b) Ordinance No. 556-X ordering removal of weeds and grass at 4211 Plato Circle.
 - (c) Ordinance No. 557-X ordering removal of weeds and grass at 3915 Woodleaf Road.
 - (d) Ordinance No. 558-X ordering removal of weeds and grass on vacant lot adjacent to 3101 Central Avenue.
 - (e) Ordinance No. 559-X ordering removal of weeds, trash and junk at 1804 Finchley Drive.
 - (f) Ordinance No. 560-X ordering removal of an abandoned motor vehicle at 1747 Merriman Avenue.
 - (g) Ordinance No. 561-X ordering removal of weeds and grass at 1101 Herrin Avenue.

The ordinances are recorded in full in Ordinance Book 24, beginning at Page 217.

3. Property transactions:

- (a) Acquisition of temporary construction easement of 170' x 45' at 5829 Sharonview Road, from Clyde E. Pope and wife, Ruth S., at \$1,000, for Sharonview Road Culvert at Swan Run Branch.

- (b) Acquisition of temporary construction easement of 190' x 45' at 5711 Sharonview Road, from John W. McWhirter, at \$500, for Sharonview Road Culvert at Swan Run Branch.
- (c) Acquisition of 15' x 4.11' of easement at 4520 Sharon Road, from United Federal Savings and Loan Association of Rocky Mount, at \$1.00, for proposed sanitary sewer to serve Sharon Road at Coltsgate Road.
- (d) Acquisition of 30' x 638.36' of easement at 12215 Statesville Road, from Bryce Kanoy Hurd and wife, Linda S., at \$1,200, for Torrence Creek Outfall, Phase II.
- (e) Acquisition of 30' x 1,025.74' of easement at 20,200 Floral Lane, Cornelius, N. C., from Mecklenburg County, at \$1.00, for McDowell Creek Outfall, Phase III.
- (f) Acquisition of 30' x 668.85' of easement at 12301 Statesville Road, from John Young Barnette, at \$1,200, for Torrence Creek Outfall, Phase II.
- (g) Acquisition of 15' x 173.21' of easement at 4214 Ella Street, from John J. Nicholaides and wife, Ruth E., at \$175, for sanitary sewer to serve Hartley Street and Joe Street Areas.
- (h) Acquisition of 15' x 209.25' of easement plus construction easement, at 20.14 acres at I-85 Service Road at Starita Road, from Car-Ky Land Company, at \$600, for sanitary sewer to serve Hartley Street and Joe Street Areas.
- (i) Acquisition of 7,598 sq. ft., at 310 Orange Street, from William L. Billings, at \$3,000, for Grier Heights Target Area.
- (j) Acquisition of 17,295 sq. ft., at 404, 408 and 410 S. Clarkson Street, from Joseph Messina, at \$15,500, for Third Ward Target Area.

MOTION TO CONSIDER NON-AGENDA ITEM.

Councilman Withrow moved that Council consider the item relating to the support of the State Clean Water Bonds at this time. The motion was seconded by Councilwoman Locke.

Councilman Davis stated he will agree to put it on the agenda for discussion only. That he does not see anything wrong with doing this, but he has objections to doing things on an emergency basis. He does not see why this has to come up in this manner so that we have to write our Legislators out of some degree of ignorance; that he needs to have his memory refreshed on these things before he feels he can cast a responsible vote. He does not see any reason to consider this on an emergency basis and he is going to oppose the motion today, and would prefer that Council members contact the delegation individually if they feel it is something that urgent.

Councilwoman Locke stated this has been talked about by the N.C. League of Municipalities for two years. Mr. Underhill, City Attorney, stated one reason he brought it up today is that he just received it in the morning's mail. The Bill is pending in the House Finance Committee; the North Carolina League has asked if possible their member cities support this legislation, and contact their Delegation and indicate their support.

Councilman Davis stated of all people, it seems the League of Municipalities would know the way Councils function, and the way the Legislature functions, and would have this support lined up in advanced. Mr. Underhill replied, in effect, this is probably not necessary because Council has endorsed the League package. This is part of that package. He does not like to write letters to the Delegation or send telegrams stating that Council asked him to do so unless he has the opportunity to tell Council that is what he is doing. In fact, he does not do that unless it is a clearly stated endorsement of Council from some previous occasion. In this instance, since the Council has approved and supports the League package, he would think this Council has already taken the action in support of this. This was one of the primary goals for the League this year.

Councilman Davis stated since Council is merely reaffirming its previous support of this, he will go along with the motion.

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

CITY ATTORNEY TO WRITE LETTER TO LEGISLATIVE DELEGATION SUPPORTING CLEAN WATER BONDS.

Councilman Withrow moved that Council request the City Attorney to write a letter to the Legislators stating Council's support of the Clean Water Bond Issue. The motion was seconded by Councilwoman Chafin, and carried unanimously.

NOMINATION OF MARY ROGERS TO THE CIVIL SERVICE BOARD.

Councilwoman Chafin placed in nomination the name of Mrs. Mary Rogers for reappointment to the Civil Service Board for a three year term.

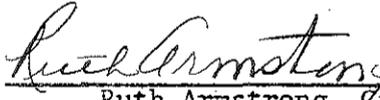
COUNCIL ADVISED THAT ANY MEMBER OF COUNCIL MAY SUPPORT PENDING LEGISLATION.

Councilwoman Chafin asked the City Attorney the ramifications of what Council did today in voting not to support legislation that last week, Council asked him to draw up; the legislation has already been introduced and is moving very swiftly through the legislative process. She asked if they are free as individual members of Council, if they support that legislation, to indicate such support? Mr. Underhill replied any member of Council can support legislation.

At the request of several council members he advised he will find out the Bill number and advise Council.

ADJOURNMENT.

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



Ruth Armstrong, City Clerk