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The City Council of the City of Charlotte, North Carolina, met in regular session on Monday, March 22, 1976, at 7:30 P.M. in the Board Room of the Education Center, with Mayor John M. Belk presiding, and Councilmembers Betty Chafin, Louis Davis, Harvey Gantt, Pat Locke, Neil Williams, and James B. Whittington present.

ABSENT: Councilman Joe Withrow.

INVOCATION.

The invocation was given by Reverend Wendell Davis, Midwood Baptist Church.

MINUTES APPROVED.

Upon motion of Councilman Whittington, seconded by Councilwoman Locke, and unanimously carried, the minutes of the last Council Meeting on Monday, March 8, 1976, were approved as submitted.

SOUTH MECKLENBURG HIGH SCHOOL COACH AND BASKETBALL TEAM MADE KNIGHTS OF THE QUEEN CITY.

Mayor Belk stated the Sabres of South Mecklenburg High School are the State Basketball Champs again for the State of North Carolina, and he would like for the members of the team and the Coach to come forward and be recognized by the Mayor and Council, as they are made Knights of the Queen City.

Mayor Belk stated the City is very proud of the fine record they have had for the entire year. The following members of the Team, the Coach and the Assistants were presented:

Jim Davis, Dwight Miller, Jerry Morris, Carter Seawell, John Fitch, Daryl Tiddy, Alphonso Jordan, James Yates, Jerome Mobley, Reggie White, Todd Crowley, Greg Little and Aaron Cunningham. Louie Moore, Billie Holcomb, Steve Engstrom, Raymond Mead, Craig Allen, Jim Davis, Junior Varsity Coach and Dave Price, Head Coach.

FORMER COUNCILMEMBERS RECOGNIZED AND NAME PLAQUES PRESENTED.

Mayor Belk recognized Mr. Milton Short, former Councilmember, and asked that he come forward and accept a plaque which contains the name plate used at his seat while he served on the City Council from 1965 to 1975. He also recognized Mrs. Short, who was in the audience.

Mayor Belk stated that former Councilmember Kenneth Harris could not be present as he had a conflict; that his plaque will be given to him at a later date.

INVITATION EXTENDED TO MAYOR AND COUNCIL TO ATTEND CHARLOTTE-MECKLENBURG BICENTENNIAL BEAUTY PAGEANT.

Mr. Larry Cole, Mecklenburg Jaycees, invited the Mayor and Councilmembers to attend the Miss Charlotte-Mecklenburg Bicentennial Pageant Friday night, March 26, 1976, at 8:00 o'clock p.m., Dana Auditorium, Queens College. This year Ty Boyd will be emcee; Loonis McGlowan, producer, and John Lamont the entertainer.

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Mr. Cole introduced seven of the 13 participants. They are Kim Keziah, Julie Ranson, Roselyn Cook, Elmira Houston, Cindy Kramer, Rita Byrd and Elaine Asbury.

HEARING ON COMMUNITY DEVELOPMENT PLAN FOR FIVE POINTS TARGET AREA.

The public hearing was held on the Community Development Plan for Five Points Target Area.

Mr. Sawyer, Director of Community Development, stated the Five Points area is generally northeast of the central business district; bounded on the north by the Northwest Expressway, on the east by Interstate 77, on the south generally by Trade Street, and on the west by Jenkins and Cemetery Streets. The most prominent institution in the area is Johnson C. Smith University located almost in the middle of the area. Beatties Ford Road is one of the major thoroughfares through the area, and Trade Street borders the area on the south. These two streets provide the major access, egress, and ingress to the area. For that reason, when there are functions at the University and at the several churches in the area some considerable traffic congestion results.

In 1970 the population of the Five Points Area was 2,636 people; there were 638 housing units in the area. Mr. Sawyer stated the physical quality of the area is generally low with poor housing quality, business zoning, housing age, and population density playing an important role in this very low ranking. He stated 57 percent of the owner-occupied housing is valued below \$10,000 and 32 percent of the units are owner occupied. This is generally a higher percentage of owner occupants than some of the other areas designated.

Councilman Whittington asked Mr. Sawyer to point out the areas blighted. Mr. Sawyer replied generally the area bounded by West Trade Street, the Off ramp of the Interstate, and Fifth Street that runs through the area which is just south of Johnson C. Smith University, is the area with the worst blight.

He stated the population density is 9,821 persons per square mile, or nearly four times the average for Charlotte. Because of the limited amount of funds allocated to the area, it is proposed to present just a brief Community Development Action Plan consisting of minor improvements for this first action year. The major improvement is the construction of a sidewalk on the north side of Fifth Street from Sycamore Street just past the Interstate to Beatties Ford Road. For the three-year program, a budget of \$716,000 has been allocated. Of that sum \$325,000 was allocated to be spent during this first year. The end of this action year is almost upon us, with only three months remaining until June 30, and because they could not plan meaningful public improvements to be executed this year, they are just recommending this improvement with the remainder of the money to be carried over into the next year when they will prepare a more completed plan for approval. The major portion of the money will be carried over. This year no acquisition of property is planned because none is necessary, no relocations, no rehabilitation loans and grants this year because no money for rehabilitation loans and grants were allocated in the preliminary plan by the Council. Just the funds in the estimated amount of \$22,000 to construct the sidewalks, \$2,200 for administration. They are renting space in an office building very close to the area and from that office will be the necessary staff to administer the activities going on. Social programs are already in action in the area approved by City Council. This is a Community Development Plan that does not involve any use of the power within the domains. Therefore, there is no Redevelopment Plan involved here.

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Councilman Gantt stated he does not understand the reasoning for only being able to find \$22,000 worth of expenditures. Is he saying the staff got started late in the action year and the only thing they could get the community to agree on was a sidewalk? Mr. Sawyer replied that is part of the problem. The other part of the problem is what is really going to be the future of the severely blighted area and no money was put in the first three years for treatment of those areas. Councilman Gantt asked are we not also likely to be in a situation here where we have about \$700,000 and that is not substantial enough to make any significant inroads in the community? Mr. Sawyer replied that is really the answer for the first three years. Allocated in the second preliminary plan, the second three-year plan, a considerable amount of money, over \$2 million, is allocated so they can get at the real problems in the area. When he said meaningful public improvements, he meant those they could be certain of that would not be wasted but not completely used if they did something in this area and a later plan destroyed that. Councilman Gantt stated his question to the Council is they have a substantial contingency this first year, \$300,000, and they are going to have that contingency next year too. He is wondering where they have the need for funds in other areas, requesting the building of housing, and other kinds of facilities needed, why they are setting this money in the back and saying to leave it alone for awhile until there is a plan for that area. If they plan to spend \$2 million in years five and six, it may well be what they are really saying is they do not have any viable program to use \$700,000 in the Five Points Area. He stated they should find some other areas they can do something with. They cannot touch the housing so why are they going through what appears to be a pretense of a physical development program?

Reverend George Battle, 531 Campus Street, stated at this particular time in the Five Points Community they have one program that is going on which the Council approved in January. He stated he is very happy to say the program is going very well. There are many things to be done in the Five Points Area, including street improvement and things of this nature. They have come tonight to express their concern and they would like to see progress continue. Once, Five Points Community was one of the most outstanding communities in the City of Charlotte, located around Johnson C. Smith University. They feel there are homes in the community which can be preserved and there are homes there which need to be demolished. One of the concerns he wanted to present to Council is the fact that in their community they have a number of houses which have become vacant. When these houses become vacant they remain open and the next thing is vandalism taking place and trash which has a tendency to blight the community.

Ms. Sadie Currence thanked Council for the kind opportunity of their children to have the tutoring program. It meant very much to them and she begged Council to look for something for them in the coming summer. She stated they have no park or other form of recreation and asked them to provide something of this type for their children.

Mrs. Wyonella McClain, 315 Dixon Street, presented Council with a list of grievances from their committee. (1) They would like to have their lots and streets in Five Points Area cleaned up. There is trash and rubbish all over the streets. (2) They would like to have flood control. By that they mean water drainage. Whenever they have a bad storm their church basement is flooded. (3) They would like to have a park for their children. They have no place for their children to go. (4) Improvement on the streets. They need more street lights as there is only scattered lighting now. They would like to see Campus Street one way, especially at the morning service, and Dixon Street one way, coming out from Dixon and Beatties Ford Road. That is a narrow street and is not really large enough for one car. If they should have a fire or need an ambulance they could not get to them if the traffic is on the street. (5) They would like to have improvement of their community service which is their

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garbage. They do not pick up their garbage; they leave trash and garbage everywhere; and the only way they can get them to clean up the garbage is to pay them - give them a little extra token. (6) They would like to have an outlet on Mattoon Street. Those people are hemmed in up there and have but one way in and one way out which is down Campus Street. There are three churches on this street and this creates much traffic on Campus on Sunday. They are only asking it be one way at the 11:00 o'clock service so they can get in or out.

Reverend Battle stated they do not come to Council with a lot of answers; they just bring these problems and hope they will try to find the answers. They are indebted to the Community Development Department for their efforts in trying to work with them and formulate things to bring to Council which they may be able to deliberate on. He stated they feel very assured progress is being made in their community but hope it will continue to be made at a rapid pace.

Councilman Gantt asked if those complaints brought by Mrs. McClain had been to the neighborhood assistance? And what is the reason many of those are not acted upon? Mr. Sawyer replied planning is a continuing function with their department in all of these areas and time has been a problem. He does not recall if these have been discussed in an open meeting; however, they might have been. He does recall the Mattoon Street problem. This has been considered and is going to be one of the problems they intend to solve in the future. With planning continuing, they can amend the plan and expect to during the year. With further meetings with them and the other neighborhood leaders, they can plan what they have identified to the extent money is available during these first three years and make further recommendations to the Council through other plans.

Councilman Whittington asked what they intend to do on Mattoon Street. Mr. Phillips, Assistant Director, Community Development, replied the proposal for Mattoon Street is to give better access in and out of the area to the north through the target area. There is traffic congestion during church services, funerals, etc., and people over to the north can hardly get through when there is a lot of parking on the street and the street is so narrow. Councilman Whittington stated the reason he mentioned this is that Mr. Hopson, Public Works and Engineering, have been trying to help with that and hopefully Mr. Sawyer's department can go ahead and get that access to the north.

He asked Mr. Sawyer if he could speak now beyond this first year or could he come back to Council in a short period of time about the second and Third year of what they can do with these funds Mr. Gantt alluded to earlier? Mr. Sawyer replied he cannot speak now because this is as far as they have gone in their planning but they do intend to come back to Council just as soon as they can.

HEARING ON COMMUNITY DEVELOPMENT PLAN FOR CHERRY TARGET AREA.

The public hearing was held on the Community Development for Cherry Target Area.

Mr. Sawyer, Director of Community Development, stated the Cherry Target Area is located southeast of the central business district, bounded on the west by Kings Drive, on the south by Morehead Street, on the east by Queens Road, and on the north by Third Street, and a portion of Independence Boulevard.

The area bounded by Henley Place, Queens Road and Morehead Street is a part of the continuation of Myers Park because it contains the same kinds of large homes similar to the ones in other parts of Myers Park. This

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area has had some conversion to single-family homes or from single-family to multi-family and some apartment and condominium units have been constructed.

Cherry is a very densely populated area, especially when you realize there are no multi-storied housing units. The population density is 7,617 people per square mile which is three times greater than the population density for Charlotte. Only 42 percent of the land in Cherry is used for residential purposes. Any program for Cherry will address some of these very serious problems, one of which is the population density.

Mr. Sawyer stated for the first activity year in Cherry they propose to present a Community Development Plan consisting of some minor physical improvements, housing code enforcement, with the anticipation of real rehabilitation under redevelopment powers during the second and third years. The Planning Commission is currently undertaking a blight study to see if the area or any part of it qualifies as a redevelopment area. At the completion of that study they will do further planning for the improvements of property and will have at that time power to acquire properties for the improvements and, if necessary, to rehabilitate some of the houses if the owners cannot or will not. For the first year, a major housing code enforcement program will take place. Residential structures will be required to upgrade to minimum housing code standards and loans and grants will be made available to property owners to assist in paying for these required improvements. Some public facilities, storm drainage and parks will be provided or improved to standards designed to strengthen the neighborhood.

A budget of approximately \$2,900,000 has been allocated for a three-year program of physical activity. Of that sum, \$490,000 is to be spent during the first action year which ends July, 1976. They intend to acquire one vacant parcel of property located between Luther Street, Main Street and Baldwin Avenue to add to Morgan Park. Since the property is vacant, there will be no relocation required. Then they intend to resurface and provide curbs, gutters and sidewalks as recommended by the Public Works Department, the CD staff and the target area residents. They will construct sidewalks along Luther Street, sidewalks and curbs along South Torrence Street, construct sidewalks and curbs along Baxter Street and a portion of Baldwin Avenue. They propose to close Main Street at the point where the property that they intend to acquire is opposite the street and to put a cul-de-sac there so the park can be extended and joined at that point. That will represent an expansion of Morgan Park; it will improve it by providing children play area, landscaping, improved baseball diamond, fencing, and improve the shelter facilities there. In addition, they propose to provide the money for the code enforcement, the loans and grants in the total amount of \$45,000 and then provide administrative money with the remainder going into contingencies. Any money that is not used the first year will be carried over into the second year when they will do more definite planning and return with further proposals.

Councilman Gantt stated the only real concern he has is partially the size of that contingency in relation to the \$490,000 being spent. He asked if Mr. Sawyer had developed a relationship between the small number of people who are home owners in the Cherry Area and the amount of money which is the loans and grants program? Mr. Sawyer replied yes. Councilman Gantt stated since they had not developed any guidelines and since Mr. Sawyer had stated this would be only for those owner-occupied units, do they have a relationship between those units that are owned by Cherry residents and the desirability of rehabilitating any of those in terms of investment? Mr. Sawyer replied he did not believe he identified the home owners as the ones against whom the coding enforcement program will be effective.

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Ms. Evelyn Arant, 217 South Torrence Street, stated she is a resident of the Cherry Community and is here to approve these plans which the Cherry Community has planned along with the Community Development for the first-year plan. She stated they are endorsing this plan but with the stipulation that if the community sees fit changes can be made. One of their priorities for the first year was the removal of TAPS from Morgan School. They still want this and plan to pursue it if they do not get it in the first year.

Councilman Gantt stated they have not decided a policy on rehabilitation loans and grants for those people who own houses in the Cherry Area but do not live there. He wants Council to understand the wording on Page 3 of the Community Development Summary might indicate that anybody who owns property is eligible for a loan or a grant. That only owner-occupied are eligible for the grants. The wording on Page 3 does not quite read that way in that property owners will be eligible for 3 percent loans. That property owners is a little different terminology from owner occupant.

HEARING ON COMMUNITY DEVELOPMENT PLAN, REDEVELOPMENT PLAN AND RELOCATION PLAN FOR WEST MOREHEAD TARGET AREA.

The public hearing was held on the Community Development Plan, Redevelopment Plan and Relocation Plan for the West Morehead Target Area.

Mr. Sawyer, Director of Community Development, stated the West Morehead Target Area is bounded generally by the Southern Railroad, West Second Street and West Stonewall Street on the north, Tryon Street on the west, Park Avenue and a portion of Summit Avenue on the south, and Mint Street, Palmer Street and Cedar Street on the West.

The area consists of approximately 370 acres and the 1970 Census indicated a total of 1,440 people and 561 dwelling units. The area's population is predominately black and experienced a 62 percent decline in the number of residents between the 1960 and 1970 Census. Residential development within the area is primarily concentrated in four significant residential pockets, each of which is affected by the presence of conflicting and adverse land uses. The whole area is affected by heavy traffic. More than 37 percent of the residential structures are substandard and warranting clearance according to the blight study, and another 49 percent are substandard and deteriorating. The remaining sections of West Morehead are commercial and industrial and this is the area primarily north of Independence Boulevard. The Planning Commission and the future plans for this area regard this area as a future industrial area and it is gradually going that way primarily through the enforcement of the minimum housing code.

The goals of the Community Development Plan and the Redevelopment Plan are to remove the conditions which have been created, contributed to, or perpetuated the decline of the area. He stated they are to preserve the existing sound housing stock fronting on Southwood and West Park Avenues, which is the housing south of Summit. That area is really considered a part of the Wilmore Community and is more related to that than it is to this West Morehead area. They are to provide improvements to insure the long-term maintenance of sound industrial and commercial development throughout the remainder of the area.

He stated a budget of approximately \$2,900,000 has been allocated for a three-year program of physical Community Development activities and that sum appears adequate at this time according to their studies to date, only to provide treatment and redevelopment of that portion south of West Independence Boulevard. They are concentrating the money in the area south of Independence Boulevard down to Summit Avenue. There will

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be relocation of families in this project; there is relocation going on now due to the enforcement of the minimum housing code in the area known as Clanton Hills. In addition to that, there will be other displacement from the housing very severely blighted and intermixed with the business and industrial uses located in the area where they propose to concentrate the major activities. Of the \$2,900,000 budgeted for the three-year program, about \$613,000 is to be spent during this first year which ends July, 1976.

The first-year program will involve the acquisition of ten parcels of land. Nine of these are vacant and will involve no relocation this year. These nine will be acquired together with the one at the corner of Palmer and Winnifred Street which contains structures and will involve some relocation. The improvement proposed is the demolition of those seven structures, improved sidewalks on Winona Street, West Summit Avenue, Palmer, Graham, Mint and Tryon Streets. They also propose to resurface sidewalks on Winona, Palmer, Graham, and Mint Streets. During the second and third years, they would be acquiring the remaining property and the extension of Jefferson Street which is really an extension of Church Street but changes its name as it crosses Independence. The extension of Jefferson Street into the area is proposed to be realigned as the area makes its gradual transition over those three years from what is predominately residential to what will become as proposed predominately industrial and commercial.

Councilman Whittington asked if he is saying the area generally west of Independence Boulevard down to the lower boundary of Summit Avenue will be industrial? Mr. Sawyer replied that is what is being proposed.

Mr. Sawyer referred to maps showing the proposed industrial use, stating this is in accordance with the present zoning which is Industrial 2, 3, and a small portion Industrial 1. They propose to retain this Industrial 1 in accordance with the present zoning. The I-2 area they propose to retain and merely remove the residential uses from the industrial area. He stated the area is gradually going industrial anyway and the program they are proposing will merely speed up that transition and during that time will make available the relocation benefits the Community Development program provides.

(Councilman Gantt asked that he be excused from any deliberations on matters such as the churches which will be discussed in view of the fact he is architect for the Church.

Motion was made by Councilman Whittington, seconded by Councilwoman Locke, and unanimously carried, excusing Councilman Gantt from participation.)

Reverend J. B. Humphrey, First Baptist Church (Black), 1020 S. Church Street, read a letter stating his church is located in the overall West Morehead Street phase of the Community Development program and has been a vital part of the life and work of the community as well as the growth and development of the total Charlotte community for a number of years. He stated their church is the oldest black, Baptist church in the City and the history of their church goes back to 1847 when it was a part of the First Baptist Church (white), now located on South Davidson Street. It became a separate organization in 1867, thus their appearance before Council is not as newcomers who may or may not have been a part of the struggle of our City in reaching its position of leadership today. They have witnessed the changes and the progress made by the City under the leadership of the City Council and feel they have been a part of this progress in contributing to the morals, spiritual life, of the community. Therefore, they stand this evening with the City Council and the City planners as they seek to upgrade the living conditions of all the citizens and put to the best use the land within the inner city. But in these

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changes in the interest of progress, they feel the cost of these changes should not be borne completely by those who are less able to pay. To be more specific, many of the black churches located in redevelopment areas have found it very difficult with the high cost of building to rebuild or relocate their facilities because of finances. Their church being aware of the redevelopment of the inner city for a number of years began to make plans in case redevelopment took place in the West Morehead Street area. Thus, they bought a building site outside of the inner city when they learned the West Morehead Street area would be designated for light industry. However, having found this site, they find it very difficult to raise the needed money for building a new church facility. They feel Council can help them with this problem by granting the following request:

"WHEREAS, our church is located in the area that has been designated to become an area for light industry within the next few years; and

WHEREAS, our church will be affected by this action within that timetable; and

WHEREAS, we are now in the process of making plans for the relocation of our church building because of the above mentioned action of our City planners, redevelopers and Council; and

WHEREAS, we need the revenue that might be derived from the settlement of sale of our church property at 1020 South Church Street at an early as possible date,

WE, THE OFFICERS AND MEMBERS OF THE FIRST BAPTIST CHURCH, 1020 SOUTH CHURCH STREET, DO HEREBY RESPECTFULLY REQUEST, that you, the members of City Council, will consider putting our property now located in the over-all West Morehead Street development area into one of the current phases of the West Morehead Street development area with the hope of an early settlement.

Your favorable consideration of this matter will be greatly appreciated by 600 citizens who constitute the membership of our church and who are making definite contributions to the progress of our City, not only religiously, but politically, educationally and economically."

Councilwoman Chafin asked if there had been any discussions with staff on this? Mr. Sawyer replied they have met with a delegation from the church, including the minister. The church is located at the intersection of Independence Boulevard and Church Street. They had concentrated their proposed acquisition south of Independence, realizing that would take away the major portion of the remaining residential uses. While that is not in their current proposal, Council's decision is their command. Councilwoman Chafin asked if he is saying it is not included in the first-year plan? Mr. Sawyer replied that is correct, but they could include it to the extent that the money is available. Councilman Whittington asked how many more churches are there? Mr. Sawyer replied there are seven churches in the total area. Councilman Whittington asked if all of them are south of Independence? Mr. Sawyer replied no, there is one located on Mint Street, between Dunbar and Independence, which is called The House of Prayer for All People. Councilwoman Chafin stated she would like to hear from Council to see if they are amenable to the idea of amending the plan to incorporate the church for the first year.

Mr. Edward High, 1709 Patton Avenue, stated he is the Chairman of the Board of Directors for the First Baptist Church. The church property located on South Church Street runs 137 feet on Church Street, 90 feet on Independence, and 90 feet on Dunbar Street, making a total of approximately 16,200 feet. This is in an area zoned industrial with businesses and light industry. This area is 25 percent vacant at this time. The land

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is vacant because of the deterioration and the people have moved away in the past 25 years. The commercial vacancies are 10 percent. The houses and buildings in this area are from 25 to 75 years old and there is no immediate new construction in this area. There were motels, restaurants, retail businesses, wholesale businesses, industrial businesses in this immediate area. Since this church was originally classified as a neighborhood church, it can no longer be classified as such because of the change in the neighborhood. As they all know, the area is destined to become commercial and industrial business. The members of First Baptist Church ask that this Council consider adding this property located at 1020 South Church Street to the first or second phase of the West Morehead Street plan and that the Community Development Department be instructed to proceed to acquire this property.

Ms. Kathleen R. Crosby, 915 Druid Circle, stated a lot of people say it is no good to come to City Council because the decisions have already been made but she has had a different kind of experience with this Council. She stated she thought of a very creative idea - they have all this redevelopment money and seem to have a sort of guideline they use to redevelop communities and she noticed each time Mr. Sawyer discussed Five Points and other areas he said they were going to give the community sidewalks. That seems to be about the only creative idea they have but she has a more creative one to give them. They would like for Council to consider very seriously taking their church property into its first phase in that they really need dollars right now. She stated they are a church known not to beg too much but are known as a church to build and they have built many Christian citizens for this community. Many of the citizens in their church have offered their valuable services. They feel their church has a unique history in that it is an outgrowth of First Baptist Church which is now a gorgeous edifice on Second Street. The people almost 100 years ago in that church decided they would buy with their own money and build with their own hands a church. They have one member who is 101 years old and she remembers being a girl who held candles while her father laid bricks for that church. When the historical sites were being chosen she was hoping somebody would think enough of their church to go down and look at the gorgeous stained glass windows, the elevated church sanctuary which is very rare in churches, the beautiful solid mahogany pews. She stated each Sunday morning when she gets on the steps to go up to the second floor to teach her Sunday School class she always wonders will this be the day the second floor will fall in because those men did not have the money to have steel beams in the church. She stated the building is about to fall down; the plastering is falling. She stated they have spent a lot of dollars in that church and they are asking Council now if they will reconsider very prayerfully their request to bring this property into the redevelopment program right now. She stated she knows there are a lot of other churches there but doubts if there is any church in that area which has the history and the years behind it their church has.

Reverend C. E. Dewberry, Minister of Gethsemane Baptist Church, located at 1236 S. Winnifred Street, stated he is present to speak to Council on behalf of the total membership of approximately 800 members. Their church is located in the West Morehead Target Area and the population surrounding their church has decreased almost completely except for businesses. He stated many families have moved out; some relocated through the Community Development Department; many families are left absent of knowledge as to where or when they shall have to go. Their church family has had to move quickly in search of a new location out of fear of being set out like other church families have been exposed to in the past. He stated Gethsemane Baptist Church has broken ground at the new site and recently has begun construction. But what of their old structure? What does the City of Charlotte plan on doing to its residents, its businesses, its schools, its homes and its churches? If it takes all

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of these agencies to make up this beautiful city of ours, then it stands to reason all of them should have some input in the planning, relocation and changes of the growth of the City. He stated they have no intentions of standing in the way of the growth of so great a city; therefore, so they might be able to see the light and relocate their church family, they would recommend to Council they consider the plan of the Community Development Department and the Relocation Department for the Target Area of West Morehead Street. They would like to ask the City Council if they would consider purchasing the old site of Gethsemane Baptist Church so they might get on with the redevelopment and the growth of the City.

Ms. Mattie Ross, Church Street, stated she heard the churches were going to be torn down in that area. She lives in that area. That Council has so many millions of dollars to tear them down but do not have millions of dollars to build a place for them to live. Where they are going to go, she does not know and she would like to know where she is going to lay her head. She would like to have a new house but knows she cannot pay for it. She stated she has been living on Manson for 24 years. She knows there is no answer but would like to know if they have all that money to tear down that area, why can't they build a place for them to live before they tear it down? Mayor Belk replied she has a good point and that is why they call it relocation.

Mr. Vernon Sawyer, Director of Community Development, commented one of the portions of the presentation he made on the West Morehead area was relocation and he has not gotten to that yet. He stated they have surveyed the families in the area which is to be acquired. There are 59 families and 27 individuals, for a total of 86 located there and 14 businesses in the area to be acquired.

Councilman Gantt asked if this lady, Ms. Ross, is in that particular area? Mr. Sawyer replied Manson Street is in the Target Area but not in the area proposed to be acquired. If there is code enforcement or any other action and she has to move, then they will give her relocation assistance as they are doing in the Clanton Hills area now. Clanton Hills is an area being demolished through the code enforcement program and not through the Community Development program and they are offering relocation full benefits and assistance to those residents. If her residence is acquired in the future or is forced to be demolished through code enforcement, then they will assist her in the same way.

Mr. Paul Larson, UNC-C, read a statement prepared by Ted Fillette of the Legal Aid Society as follows:

"If the true purpose of the City's Community Development Plan is to provide decent, safe, and sanitary housing in environmentally sound neighborhoods for low income people, then the entire West Morehead plan is conceptually flawed. Of the \$2,289,000 budgeted for the second and third year programs, \$1,555,900 alone is allocated for acquisition of real estate; and another \$303,000 is slated for improvements and demolition. There is nothing budgeted in this enormous program for the production of admittedly low-income housing. The Redevelopment Department in the city of Portsmouth, Virginia, is presently proposing to build upon city-acquired land some fifty units of low-income garden apartments for an amount of Community Development funds which is half the amount budgeted by Charlotte acquisition alone in West Morehead. Portsmouth's proposal is an amendment to their second and third-year plan for clearance for a blighted area and this construction amendment is under the last-resort housing provision. There should be little debate that a high percentage of the residential structures in West Morehead are beyond rehabilitation but since the city can order the owners of such structures to close and demolish them through code enforcement anyway, the city should not spend over \$1.5 million for land acquisition to accomplish the same end. The

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other key omission of the West Morehead plan is its failure to provide for a feasible relocation program in fact. The relocation program for this target area must be viewed in conjunction with the overall plan to try to relocate 488 families and individuals on a city-wide basis. This displacement is in addition to the ongoing displacement by other government assisted activities, including airport expansion, street widening, code enforcement and urban renewal. The legal and practical obstacles to the City's having a feasible relocation plan have already been thoroughly explored by me (Ted Fillette) at my presentation and recorded in the Minutes of the City Council Meeting of March 1, 1976. We are compelled to point out the relocation program for West Morehead, like previous plans for the other target areas, does not specifically identify the size and incomes of families to be relocated or to identify any specific housing resources available. Thus, as drafted, it is impossible to determine whether the City's staff has a feasible relocation plan at all. We recommend deferring approval of the West Morehead plan until the entire physical development program of the Community Development Plan has been reviewed and amended."

Mr. James Griffin, A & A Brass, 1315 Jefferson Street, stated he has property in the target area to be redeveloped. He has talked to some of the people in the Redevelopment Department and they told him if he upgrades his building they will be able to stay where they are. He requested his property be taken off the list of property to be acquired so they may redevelop it themselves. The property is on the corner of Lincoln and Jefferson Streets and they propose to close the part of Lincoln they are on which would not bother them too much but it would bother them.

Mr. Vernon Sawyer located the property on the map and stated they had talked with Mr. Griffin and they would be willing to work with him in accomplishing his objective with Council's approval. He stated this is one of the industries which should be there.

Mr. Sawyer resumed his relocation program stating the area to be acquired they had surveyed and found 59 families and 27 individuals, for a total of 86, and 14 businesses. In the Clanton Hills section there were 31 families, 19 individuals, for a total of 50, but no businesses there. So, they have a total relocation workload in the West Morehead area of 90 families, 46 individuals, total of 136, and 14 businesses.

Mr. Sawyer indicated by charts the workload in the West Morehead area which included the consolidated concurrent relocation displacement by all governmental actions over the next three years. This includes the entire Community Development Program, the current and existing urban renewal program, rehabilitation in the CD program that will displace families, code enforcement, right-of-way acquisition, airport expansion and all foreseeable relocation. The total number of families and individuals is 1,008 to be displaced over the next four years. Mr. Sawyer identified all the housing resources which will be available prior to the displacement of these families and individuals which included the public housing program currently under construction on scattered sites, generally on the eastern sector of the City, by the Charlotte Housing Authority. Also identified were rent supplement Department of Housing and Urban Development assisted programs and housing. In addition, certain private rentals were identified from surveys as well as other housing they feel confident will be available to these 1,008 families and individuals. So, they have identified 4,561 units they anticipate will be available prior to the displacement of these families. He stated they have in the City currently approximately a six percent vacancy ratio. That coupled with the housing they have identified, primarily the public assisted housing, they feel adequate relocation resources will be available.

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Mayor Belk stated he had seen some different figures from those and was glad to get the right figures.

Councilman Whittington asked Mr. Sawyer if he would consider amending this first-year plan to include the two churches - First Baptist and Gethsemane Baptist? Mr. Sawyer replied if they would bring that back to Council then they will do that. Councilman Whittington moved an amendment to the first-year plan to include acquisition of First Baptist Church and Gethsemane Baptist Church. The motion was seconded by Councilwoman Locke, and carried unanimously.

RESOLUTION STATING AN INTENT TO CLOSE PORTIONS OF SIX STREETS IN THE GREENVILLE URBAN RENEWAL AREA, AND CALLING FOR A PUBLIC HEARING ON THE CLOSINGS ON MONDAY, MAY 3, 1976.

Councilman Williams moved adoption of the subject resolution, which was seconded by Councilman Whittington, and carried unanimously.

The resolution is recorded in full in Resolutions Book 11, beginning at Page 338 and ending at Page 345.

RESOLUTION SETTING MONDAY, APRIL 26, 1976, AS THE DATE FOR PUBLIC HEARING ON PROPOSAL TO REZONE CERTAIN PORTIONS OF MYERS PARK NEIGHBORHOOD.

Councilwoman Chafin stated in 1973 the Charlotte-Mecklenburg Planning Commission conducted a study of 23 inner-city neighborhoods and recommended that the neighborhood southeast of the central business district, including Myers Park, which are currently zoned multi-family should be carefully considered for rezoning to single-family to preserve the residential character of these neighborhoods. The Comprehensive Plan for 1995 suggests that healthy inner-city neighborhoods are vital to the overall health of the City and cites Myers Park as one of those areas deserving commitment by the City for preservation. Myers Park is located in an area for which zero to six dwelling units per acre is proposed. Myers Park area has been cited by a number of planners and architects as one of the first planned subdivisions in the country, with its wide landscaped boulevards, parks and open spaces. It includes gracious homes, churches, and a college. It represents the best example of what visitors to Charlotte find unique in this community - beautiful tree-shaded residential neighborhoods.

Several years ago the Myers Park Homeowners Association presented a petition for rezoning which was studied in detail by the Charlotte-Mecklenburg Planning Commission resulting in a number of recommendations after a series of compromised meetings with the Myers Park Homeowners Association to City Council which was supported by over 2,000 residents of the Myers Park neighborhood, Charlotte Observer, Charlotte News, WBTV and WSOC TV. The City Council turned down the request over vocal opposition from certain developers.

Councilwoman Chafin stated she is presenting for Council's consideration eighteen separate requests, each of which can be judged on its own merit for approval, disapproval, or modification. She felt it appropriate for this City Council with its commitment to neighborhood and historical preservation and its endorsement of the Comprehensive Plan to take a fresh look at rezoning of this particular area of Myers Park to prevent office and commercial encroachment in the northern end of the area and high-rise multi-family development and parking lots in the heart of Myers Park. She stated they had made this sort of commitment in Elizabeth, Dilworth, North Charlotte, Druid Hills and The Plaza Road area. With few exceptions, the amendments calling for zoning changes from R-6MF or B-1

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and O-6 to R-6, R-9 and R-12, are dealing with areas currently all single-family. The R-6MF zoning is the City's lowest grade multi-family zoning category, permitting the greatest building density for units per acre. She feels these areas should be preserved as single-family. The amendments calling for zoning changes from R-6MF to R-15MF are for the most part empty lots which are appropriate for multi-family development but not high-rise, high-density multi-family. That low-density, multi-family development in these areas would blend in attractively with the surrounding single-family residential areas.

This action on the part of Council can prevent the deterioration of this fine old neighborhood and encourage the upgrading of these lovely homes in the area under consideration as they are purchased by people who have a commitment to preservation through renovation. It is exciting to observe what has taken place in the way of painting, repairing and landscaping in the Dartmouth Road-Hermitage Court-Moravian Lane areas. These areas which are among the entrances to the Myers Park neighborhood are very unique and contain some of the most special architectural structures in Charlotte.

Councilwoman Chafin moved the adoption of a resolution to set a public hearing date of April 26, 1976 so these recommendations can be reviewed by the Planning Commission and brought back to Council for action. Councilman Whittington seconded the motion, which carried unanimously.

The resolution is recorded in Resolutions Book 11, beginning at Page 346 and ending at Page 348.

REPORT ON WORK BY CHARLOTTE-MECKLENBURG PLANNING COMMISSION TO RESOLVE DIFFERENCES BETWEEN CITY AND COUNTY ORDINANCES RELATED TO GROUP HOMES IN RESIDENTIAL DISTRICTS, HEARING AUTHORIZED FOR APRIL 26.

Mr. Fred Bryant, Assistant Planning Director, stated Council had asked for information relative to regulations which were passed both by the City of Charlotte and Mecklenburg County in the past months as it involves the institutional uses in residential districts, and particularly the treatment of group homes by the regulations.

He stated in November, 1975, the Charlotte City Council adopted amendments to the zoning ordinances as it pertains to these types of uses and activities. Then in February, 1976, the Mecklenburg County Board of Commissioners adopted similar recommendations applying to County areas. While these two actions parallel each other for the most part, there are a few significant differences between the version passed by the City Council and that passed by the Board of County Commissioners.

These are the differences: First of all, the City in adopting its changes used the term "half-way house" in referring to facilities which provide sheltered living conditions for certain types of individuals. As a result of discussions he had with the Mental Health Agency personnel as well as other interested persons, by the time this got to the Board of County Commissioners recommendation on that had been changed and more appropriately termed a "group home" facility. This is the terminology present in the County version throughout.

The second difference is that in adopting the definition for these half-way or group home facilities, the City version consists of a statement which says they consist of "a residential home provided by an agency, organization or individual for three or more persons not related by blood or marriage and operated in these sheltered living conditions." The County adopted the definition, deleting first of all the reference to the three or more persons defining it merely as "a residential home

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provided by an agency, organization, etc." The differences between these two versions, in addition to the changing of the name of the facility to group homes, also deletes any reference to the maximum number of people who will be allowed in a group home setting. The purpose of this change was to install a definite control number in the table of permitted uses rather than in the definition itself, thereby indicating how many clients would be allowed its use by right and how many would require conditional approval in the table of permitted uses itself.

Third, the definition of a day-care center in the City version was slightly different from that in the County. In the City version it included the terminology "an agency, organization or individual providing daytime care of children" while the County version included the language "agency, organization or individual providing pre-school instruction or daytime care." The difference here being the addition of the word "pre-school care" which is of some significance in certain situations and constitutes a better wording.

The fourth difference, and the one which has perhaps caused more difficulty than any other is the fact the City version adopted by the City of Charlotte indicates that up to three clients in a group home would be allowed use by right while three or more, up to ten, would require conditional approval in a residential district. The County version allows up to six clients by right and treats from seven to ten as a conditional use. The difference here of course is the fact in the City version the number permitted by right is limited to not more than three, and the County version of this allows up to six. The difference is significant and since there has been strong belief on the part of the people, particularly those associated with the Mental Retardation Program, to restrict these uses by right to the three the City version has is overly restrictive and they feel it would make them unsuccessful in securing conditional approval for what they would consider legitimate sites in residential areas.

The County version, by allowing up to six clients in such a home, would mean in most instances the home could be feasibly established without having to go through the conditional use process. Most of the homes which are established under this process do probably involve less than seven clients. That is the most significant difference between the two and one that perhaps has caused more misconstruction of the intent of the regulations than any other. The County version apparently has more acceptance, particularly with the Mental Retardation program, than does the City version.

One final difference is the City version stipulates the maximum number of people associated with a group home will be ten. This would include attendants and clients. He would tend to think the County version is better since it would allow up to ten clients without restricting the number of attendants so you could have ten clients plus the necessary number of attendants to care for them. This is a difference which could make some substantial change under some circumstances.

Mr. Bryant stated these areas constitute the major differences between the two ordinances. They have been looking at both the City version and the County version since the County finally decided what they wanted to adopt on this. They are now ready to go back to the Planning Commission at its April 6 meeting to present to them these differences. Unless Council prefers to handle it differently, they would then come back to Council for the purpose of holding a public hearing based on the recommendations of the Planning Commission and what they feel would be the proper treatment of the differences. He believes this would end up in a recommendation that the County version be adopted rather than the present City version.

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Councilman Whittington stated when they adopted the City version of the ordinance they thought they were clarifying the ordinance by allowing more of these children to be placed in the homes. He commended the Planning Commission and hopes they will get this on the agenda for the 26th so the City ordinances can be made like the County and not have that conflict in the future. Mr. Bryant stated the only way they could get it on the 26th would be for Council to tell him tonight to go ahead and put it on in their behalf without taking it to the Planning Commission first. If he has to wait until the April 6 meeting of the Planning Commission, this will not give sufficient time to get it back. Councilman Whittington asked if it is necessary to take it back to Planning? Mr. Bryant replied Council can tell him they wish to sponsor a hearing on the 26th on those changes in the City ordinance to make them agreeable with the County.

Councilman Whittington moved for a hearing on April 26. Motion was seconded by Councilwoman Locke and unanimously approved.

Councilman Davis stated he had had a number of people contact him about this and many are in the audience. He called for Council recognition of citizens from the community, staff members of the Mental Health Department and other areas concerned with group homes who were in the audience because of this agenda item.

He stated there are some reservations he has which Council should know about and also the public should be aware of. There are some basic discrepancies in their zoning ordinance which may come up in the future. He previously circulated to members of Council information pertaining to Ordinance 971 and he is of the opinion the entire portions pertaining to group homes should be rescinded. They are on hold on this now, pending the outcome of legal action initiated in Southern Pines. If that legal action there which is currently in the Appeals Court is upheld, then he is going to work with Mr. Underhill to bring this matter back before City Council to consider rescinding Ordinance 971. He also asked Council to keep in mind the discussion tonight, the amount of staff time, the amount of Council time which has gone into this discussion as he would like to bring this up at a subsequent meeting for another matter. He stated the agenda item as it is defined here really concerns a number, whether it should be three according to the City version or six in the County version. He feels something of this matter could much better be handled by the Planning Commission without reference to Council because the number of children which can be kept in a home is a function of the square feet of floor space, cubic feet of air space, entrances, and things of that nature, and could better be handled by the Planning Commission direct.

He stated the policy issue which more appropriately should be before them is why the matter is here in the first place. A group home facility, for those who have never been in one, is just what the name implies - a home for children who live there with parents, frequently a man and wife who do the complete job of parents or just one parent in some homes as in some normal homes. They live completely in a family atmosphere in a residential area and this is one of the most advanced techniques we have for treatment of retarded, emotionally disturbed, and other health-care problems. Not only has it been the most effective therapeutic technique but it has also been done at approximately one-half the cost to the taxpayers as previously experienced in institutions. The matter of Council using the zoning code and putting any number on this or any restriction at all other than giving them residential use by right is based on our zoning code. In the zoning code, the purpose of zoning is set out in a very short paragraph which says, "The zoning regulations as herein set forth have been designed to lessen congestion of the streets, safety from fire, panic and other dangers, promote health and

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general welfare, provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, facilitate the division of transportation, water, sewage, schools, parks, and other public requirements." Where in this zoning ordinance the City Council operates under they find any right to restrict the number of people who live in a home based on whether they are related by blood or not is beyond him. He stated he would like to bring this up at a later date for these reasons.

Mr. Rick Dancy, Mental Health Department, stated he had requested this time slot to allow the Chairman of the Mental Retardation Advisory Board and the Chairman of the Association of Retarded Citizens to say essentially what Mr. Davis has already said.

COUNCIL RECOGNIZES FORMER COUNCILMEMBER.

Council recognized former Councilmember Kenneth Harris who was absent earlier in the Council Meeting. Mayor Belk expressed appreciation for the years of service to the City of Charlotte.

LOAN AGREEMENTS FOR THE IMPROVEMENT AND RESTORATION OF BUILDINGS LOCATED IN THE FOURTH WARD RESTORATION PROJECT, APPROVED.

Motion was made by Councilman Gantt, seconded by Councilman Whittington, and unanimously carried for approval of the following three loans for improvement and restoration of buildings in the Fourth Ward Restoration Project:

Frederick P. Hill, Jr.	\$42,500	412 N. Poplar Street
Calvin E. Hefner and Dennis Cudd	\$55,000	326 W. Eighth Street
James Dennis Rash and wife, Marsha	\$55,000	320 W. Ninth Street

RESOLUTION TO DIRECT THE CITY MANAGER TO STUDY NEW PROCEDURES AND POLICIES RELATIVE TO THE INVESTIGATION OF POLICE CONDUCT IN CASES OF FATALITIES AND DISCLOSURE OF FACTS IN ALL CASES.

Upon request by Councilman Gantt, the City Clerk read the following resolution:

"WHEREAS, it is the responsibility of local government to provide sufficiently for the protection of person and property for its citizens; and

WHEREAS, the Mayor and City Council of Charlotte acting through its Police Department is entrusted to fulfill the responsibility of law enforcement; and

WHEREAS, it is important that the discipline and conduct of police officers be above reproach in order to promote citizens' confidence and law enforcement; and

WHEREAS, the need for clearly defined policy in alleged or actual police officer's misconduct is of utmost priority to maintain peace and tranquility;

BE IT RESOLVED, that the Mayor and City Council hereby direct the City Manager to study new procedures and policies relative to the investigation of alleged police misconduct and that such procedures and policies include public hearings and disclosure of facts in all such cases; and

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BE IT FURTHER RESOLVED, that such hearings and procedures incorporate a cross section of police personnel and lay citizens who would administer jointly hearings and disclosure of facts to the public; and

FURTHER RESOLVED, that in all such cases of alleged police misconduct that involve the loss of life or lives such officers involved will be automatically suspended without pay during the period of investigation and hearing. If said officer is exonerated of charges, he should be reinstated and paid back pay with interest from date of initial suspension."

Councilman Gantt stated he would like to delete the entire last sentence of the resolution and amend the portion of the resolution calling for the automatic suspension without pay to read as follows:

"FURTHER RESOLVED, that in all such cases of alleged police misconduct that involve the loss of life or lives such officers involved will be automatically suspended with pay during the period of investigation and hearing."

Councilman Gantt stated he believes he is asking Council to generally direct the study on the part of the City Manager, notwithstanding the fact he thinks the City Manager has indicated his information is in this particular area. Furthermore, to be more specific in that direction in that we look to the possibility of a joint police-civilian review board and an automatic suspension policy with regard to cases where a life is lost in conduct of police duty.

He stated the record should be set straight as to what motivations or intentions were for introducing the resolution. First of all, it is not intended to be some sort of political response, political stunt, or a knee-jerk reaction to the unfortunate incident which occurred at the airport. Although there is no question that incident itself prompted him to review what the procedures are with regard to police action in cases where lives are lost or alleged police misconduct may come about. Secondly, the resolution is not intended to be a putdown or an effort to hamstring law enforcement in the City of Charlotte. Third, he did not intend it to be an attack on police personnel, the police chief, or any officer on the police force.

He stated his intentions were the following: To insure that we, as decision makers in this community, continue to seek ways to improve law enforcement; furthermore, to seek ways in which we can INCREASE confidence and trust in law enforcement personnel in this community; and that we allow adequate opportunity for citizen inquiry and adequate public disclosure on all cases of alleged police misconduct.

As he understands the present situation they have which involves any particular case of police misconduct requires the plaintiff or citizen to report this alleged misconduct to the Police Department. Then, Inspection and Control, an investigatory body, will investigate the complaint. Or, he may submit the complaint to the Community Relations Committee which would then initiate the same kind of action within the Police Department. The investigation is carried out by superior officers and peers of the alleged police officer committing the misconduct and the police chief makes a final decision and disposition of the case. He believes the complaintant is then sent a letter by the police chief stating the results of the investigation. Or, if the chief finds cause as a result of that investigation, he may at his discretion turn this over to the District Attorney. The problem with the process as he sees it is one of perception; perception on the part of the public itself; perception on the part of whether a substantial minority of this community may or may not in fact see the Police Department itself in a positive light so when one looks at that particular process we now have in existence if one has a

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negative attitude toward law enforcement in this community, one might construe the Police Department is acting as judge and jury on that particular complaint of police misconduct. He believes that minority is substantial enough to give this matter some concern.

He stated he has talked to police personnel and their objection to a civilian review board is in the area that police conduct must be disciplined by police personnel. That were we to involve civilians in any substantial way in any deliberation with regard to police conduct, they are likely to find police officers asking and demanding the normal rules of evidence they would have in a court of law. They will all be seeking lawyers, and it would be substantially difficult to discipline these officers. In addition, there is a general feeling that to involve civilians in the process might encourage political mischief, political misconduct or so much politicking that it becomes almost impossible to run an efficient and effective instrument for law enforcement in the community. He stated his only rebuttal to that particular argument is that particularly in the case of rules of evidence and police defending themselves is maybe that is their right.

If a policeman feels in an administrative hearing he needs protection, due process, hiring an attorney, then cases such as that which was involved at the airport might substantiate a policeman having protection. His proposal, however, speaks to some of the concern of police personnel with regard to the layboard. In other cities there are things called Civilian Review Boards. The NAP Commission in New York is probably the prime example of one of these kinds of boards. But in other cities they have seen civilian review boards that are 100% civilians, or outsiders. He does not argue police personnel's point that such boards can easily become political bodies which have no interest in law enforcement. What he suggests is a board made up of police personnel, including the chief, and lay citizens who are also appointed to that particular body. The essential difference is what he is concerned about and they have a formal structure which oversees investigations and would handle the public document which should be disclosed in all such situations and that there be input from the police side, because they know police procedures and their department, and from the citizen side because they are an interested party. He believes that kind of process can in no way damage the existing ability to administer and run the police department. In fact, he believes it would have the benefit of removing in many cases the stigma from 99 and 44/100% of police personnel who are good upstanding citizens concerned about doing a good job.

He asked the City Manager to look at the entire procedure surrounding how citizens make complaints regarding police misconduct, but to say more than the process is A, B, C, or D. They need to look at how the citizenry perceives the department. He does not have any indication of the number of people who have alleged police misconduct in the City in the last five years. They can probably find that out. He wonders about the number of people who decided not to file a complaint on the basis that nothing is going to happen anyway. It seems to him examination of the procedures, and looking very closely at the possibility of an administrative hearing board made up of police, with the chief, and lay citizens would be a proper course of action to take in lieu of incidents such as the one that occurred at the airport, incidents which occurred two or three months ago regarding some citizen who was allegedly beaten up by a policeman, and the numerous other incidents that apparently occur. He stated he receives calls on Friday, Saturday and Sunday night regarding police misconduct. It seems to him the problem is serious enough that it justifies this Council taking a very hard look at procedures.

Finally, it seems to him they should make it crystal clear, notwithstanding the fact our officers are trained in certain police procedures, that the

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taking of a life - be it a criminal, a citizen who happens to be in the way, an incident such as occurred at the airport - that we should have a policy in the interest of community tranquility that any officer involved in the line of duty with taking a life should be automatically relieved of duty, suspended, until such time as the administrative hearing has taken place. Such a hearing should be done speedily so the officer is not out of work. He suggested this policy because he does not think incidents such as at the airport can be left totally at the discretion of the police chief to handle. As decision makers in this community, Council has a responsibility to maintain peace and tranquility here and to relieve officers involved in such altercation immediately as an automatic kind of thing takes a lot of pressure off the police chief. It takes a lot of pressure off the police officer and it seems to be the fair thing to do in the interest of keeping down unrest. He feels this should be something that happens as a matter of course. He has withdrawn provision that this be done by suspending officers and not paying them. He believes that might have been punitive and admits to an error in the resolution. He would feel, however, that suspension with pay should be the proper kind of thing to do in the interest of tranquility. He does think the Council has to do something. He does not believe they can continue with a no-policy situation with regard to deaths such as this. He does not think they can continue with a no-policy situation or a no-change in the policy with regard to police misconduct.

Motion was made by Councilman Gantt that the resolution be adopted. The motion was seconded by Councilman Williams for discussion.

Councilwoman Locke made a substitute motion that the resolution be changed at the resolves as follows:

"BE IT RESOLVED, that the Mayor and City Council hereby direct the City Manager to study new procedures and policies relative to the investigation of police conduct in cases of fatalities and relative to the disclosure of facts in all cases; and

BE IT FURTHER RESOLVED, that in cases that involve a loss of life such officers involved be reassigned during the period of investigation."

The motion was seconded by Councilman Williams.

Reverend Wendell Davis, Midwood Baptist Church, stated he has not come to speak to Council as a minister but as a taxpaying citizen of Charlotte. He has been greatly impressed by the way our citizens have been received by Council tonight and the attention given to them. He deemed it a privilege to come and speak on behalf of our policemen. He stated he had heard Mr. Gantt well and appreciate his intentions, but as a citizen, when he looks at our policemen, he considers them the men who stand between him and a vast army of criminals about us who are well armed, who have guns and lethal weapons. He is not there to say they are without fault, but to say "let him without sin cast the first stone." He has been in Charlotte for seventeen years and well remembers the death of Officer Annas. His wife became a widow and his children became orphans. He stated as he has lived in this City he has seen the emphasis continue growing on the rights of criminals and has seen the red tape increase as our policemen are seeking to do an honest and fair job. When they make an arrest and go to court, it is so often the officer who is put on trial. When they see a continuing liberal judicial system, often times the criminals are turned loose faster than the officers can apprehend them. When an officer in this city puts on a uniform, he becomes a target and he well knows it. He referred to the Charlotte Observer today which carried an item about a runaway car and Officer Hovis who was injured. He stated the last paragraph in the article is what impressed him. "In June 1974 Hovis was attacked by six or seven men who beat him with their belts

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outside K-Mart at 4115 North Tryon Street. Hovis received eight stitches in his head after the fight, which began when one of the attackers bumped him in the store. Mr. Hovis was off duty and not in uniform. It was when he identified himself as a police officer that the men jumped him." Yesterday, a Charlottean was charged in a lounge fracas; he drew a gun on three officers. He stated he would like to know what we expect these men to do. Do we expect them to stand and smile while they are made targets and shot at? When a criminal draws a gun on an officer and snaps it at him, what do we expect an officer to do? Smile back? That it was only the wisdom of the officer at the airport that kept us from having the corpse of a policeman rather than a Marine. He stated he regrets the death of the Marine, but the Marine was the criminal. We paid the officer to protect us and to defend our liberties. The officer was not the criminal. He stated our police officers already have to report to a sergeant, a team lieutenant, a major of the district, an assistant chief, a major of inspections and control, a disciplinary board, and Mr. Jack Bullard of the Human Resource Committee is allowed to come in on this disciplinary board. They report to the chief of police; they report to the Civil Service Board. He stated he has a report all of Council should have from 1975. This report tells that 167 of our officers were assaulted in 1975; 40 of them when they went to investigate civil disturbances; 10 of them when they were in pursuit of vehicles; 46 in other cases; and 22 when they approached suspicious citizens in vehicles. 20 of our policemen were assaulted with pistols and guns; 126 were assaulted by hand, feet and fists, making 200 total assaults on our officers individually in 1975.

Reverend Davis stated most of us would not have the job these men have at their pay. They are not at it for the pay; most of them are there because they are dedicated to a job. The problem in the City of Charlotte is not police brutality; the problem in the City of Charlotte is criminal brutality. He stated he admired the courage of those who may want to put our policemen in further handcuffs and put further restrictions upon them; but he cannot admire their judgment. He does not feel we need a civilian review board in Charlotte for our policemen. That we need civilian support instead. We need support from a public that does not want to get involved, who will stand aside and allow policemen to be attacked and not render any help. We need support from the citizens of the City of Charlotte for our entire department, assuring them of our confidence, and letting them know we are going to be with them 110% to help fight the tidal crime wave upon our city. He stated a civilian review board cannot be any help; that we should get behind these good men who are risking their lives to protect our liberties while we are asleep.

Mr. L. F. Snyder, 1300 Reece Road, stated Reverend Davis had already stated much of what he had on his mind. That with all said in the newspapers and on the radio, not one time to his knowledge has there been anything said that the revolver the soldier at the airport grabbed from the officer was the black officer, not the white officer, that he had to act to protect his life as well as others. He feels it is a miracle some of the officers or other people were not killed. He stated when Kelly Alexander came before Council, he did not bring out these facts but tried to lay the blame where he would like to see it put. He stated Mr. Gantt at the last meeting did not bring out these facts when he made his resolution; maybe he did not know the full facts at that time as to whom the revolver belonged. He feels all present tonight would have acted in the same way to protect our lives and the lives of others. He feels Chief Goodman is a good man and a good chief. He asked they not make the mistake of tying Chief Goodman's hands where he will not be able to perform his job as he should. That when we start letting the public run his job then we are in trouble. He feels the Chairman of our present Public Relations Committee is so brainwashed now he does not know what is going on. He asked Council not to make any more mistakes by adding other biased members to the committee.

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Ms. Louise C. Feidler, 401 Cherrywood Lane, stated she would like to speak on Mr. Gantt's subject concerning police misconduct and would also like to speak on citizens' support for the police officer and for the police enforcement groups of our community. She felt it wise to point out that unless there is a troubled area, you usually do not have a lot of commotion or questions from citizens of the community.

She stated on February 7, 1975, she was a subject of police misconduct. It involved three officers and herself. She does not feel she is large enough to be much of a physical threat to any police officers, unarmed. That since that time she has in her personal files at home eighteen reports from the Observer-News questioning the subject of police misconduct. That three of those cases involved diabetics. She stated in each case the investigating officer of our police force has had an excuse for a police officer not being able to recognize diabetes. She feels this in itself is a very severe problem. That if Charlotte does not have enough money to train their police officers properly, then we should appropriate the money to do so. In addition to the eighteen reports in the newspaper, she has personally interviewed nine other persons whose cases never hit the newspaper; her case did not hit the newspaper. The incident involving her happened on February 7. On February 12 she called Jim Whittington, Mr. Withrow, the Mayor's office, Mr. Burkhalter, Chief Goodman, Donald Stahl, Liz Hair, and a number of other persons in the community to find out how a citizen went about correcting a situation like this. She stated she went to the investigative officer at the Police Department; she has yet to hear from him again. She went to the Community Relations Board. She referred to a booklet written by the City Council and City and County Government and distributed by them. According to this booklet, any information a citizen gives to the Community Relations Board is handled in confidence. She went to the Board on February 12 and gave them a deposition. Before her deposition was completed, it had been circulated around the City and County Police Departments without her signature, without corrections.

She stated the other day she had occasion to need a law officer. She was assisted by an officer who will next year retire - 30 years of service on the police force. After 30 years of service, that officer is making less than \$8,500 a year. When he retires he will make \$9,100 a year. To her it seems to be a paradoxical situation. She does not know how we can expect to find men who will serve our community and serve on the police force and not even make wages barely above poverty level. Yet, they do put their lives on the line. She feels if these men cannot be properly paid and properly trained we cannot expect anything from them.

She stated as citizens we do have a right to have our complaints heard, to receive answers, to know where to get information. She has made several calls and has yet to know what kind of laws govern the police department. She has been trying for over a year to find out. She has no idea what kind of budget we spend or what happens to our budget so she cannot talk intelligently about trained police officers when she cannot even get information of what we are doing now. She stated she would like to work with Mr. Burkhalter and see this situation corrected in Charlotte.

Ms. Carrie Graves, 2206A Farmer Street, stated the incident that happened at the airport was just one of many. Even though it has been stated the young man was in error, she does not remember seeing where the man was a criminal. Also, she has not seen what the young man was charged with. She stated if this police officer was protecting anybody she does not know who because why would he leave one bullet from his gun. That it seems he was expecting something. Also, that the same officer who was black kicked a pregnant woman in the stomach. She feels if this is the kind of officers we have trained, that she has a few kids at home who could train them on how to handle other human beings.

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Councilwoman Locke stated her resolution asks the City Manager to come back to them with a study for new procedures and policies just as Mr. Gantt has asked for and believes they do need some guidelines so when citizens have reports of misconduct they will know where to go, what to do, and what happens. She stated this will not be hidden from anybody; it will be disclosed properly at the proper time in case of fatalities and misconduct. Two years ago she was asked about a citizen review board and she had problems with it. She had said they, the City Council, appoints so many members to Community Relations and the County Commissioners appoint so many to the Community Relations Board and she believes that is probably the proper procedure to go. She stated they do sit in on these procedures.

Councilman Williams stated as it can be seen this can become a fairly emotional issue. He asked them to remember the two parts of both resolutions, the original resolution and the substitute resolution. That is in the first instance to create a civilian review board and in the second instance the policy about suspending or reassigning an officer who has been involved where there has been a loss of life. He asked them to think through the first issue about the civilian review board. The question which comes to his mind is what purpose would you have of a civilian review board if you had one to serve? He does not think a civilian review board would be in a position to suspend or discharge an officer even in the event of the finding of misconduct or wrongdoing. He stated the City Charter, which is part of the State law and not even a local law they can change, in Section 4.616 says that no employee or officer of the police department can be discharged except on written charges made by the police chief and then reviewed by the Civil Service Board. Of course, Council appoints that Civil Service Board, but the point is the Civil Service Board stands between the officer and any disciplinary action even if there has been a finding of misconduct. In the next Section of the Charter, the same general rule applies to suspension. Even just for a thirty-day suspension, the officer has a right to appeal to the civilian review board the police chief's decision. Councilman Gantt asked what about the citizen's right to appeal that? Councilman Williams said no, this Section of the Charter does not speak to that. The police chief has to institute any disciplinary action against his man. He added there is another interesting sentence in the same Section which says: "In the conduct of said investigation each member of said board shall have full power and authority to secure by subpoena both the attendance and testimony of witnesses and the production of books and papers relative to such investigation." He stated it would be his opinion that any board which the City Council created they could not clothe with subpoena power; it would take an act of the State Legislature to confer subpoena power. Without subpoena power, he wonders how effective an investigatory body could be. Some police officers have told him it is sometimes difficult enough to get statements from witnesses who do not want to get involved, but if that same witness knew he or she were about to become a public figure and maybe appear in front of television cameras and their name appear in the news that same witness might be a little more reluctant even to come forward and say whatever it is he had to say. He could not be compelled to without the subpoena power the Civil Service Board now has but does not see how this board they are talking about could have.

Councilman Gantt stated he anticipated that kind of comment would come and part of that he wanted the City Manager's staff to look into. When he speaks of a civilian review board, he is not looking for a body that is going to pass sentence on police officers. What he is looking for is a body that would sit and administer any hearings on a particular matter. For example, he does not believe there is one member of Council who has read the complete case of the airport; he did. In order to do that, he had to have the Major and the investigating officers visit him and they

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read every statement taken. Some were statements and some were questions - a kind of interview situation. He stated none of Council read that and he doubts if the public knows much about what has gone on regarding that particular incident. He stated he hesitates to use the airport incident as there will be people, such as some of the citizens who came before Council tonight, who will feel the effort here is to somehow persecute in public the police officers involved in that incident. For the record, he read all the information with regard to the airport incident. In his opinion, the police acted in the only way they knew how to act. But, that still does not get around the perception the public has of that incident and other incidents. He stated Council does not have any means other than that process by which he went through, reading the entire document, other than the summary sent to Council which said we had 16 people, 14 agreed, 2 did not. 14 statements concurred and two statements were different from that. He stated this Council does not go any further than that and the public does not know any more. That when he is questioned on that, he does not know any more. He feels they need a procedure by which that information can be made public. There are people who complain that when they file a complaint they may get a letter back; they may not. He stated the civilian review board itself may have as its prime responsibility the overseeing of a public document, one that discloses the results of that hearing. It would have civilians involved in that process who are able to do that, and they may recommend to a police chief, who has to be sanctioned by the Civil Service Board. He stated his effort is not punitive as much as it is to make sure the citizens sit in on this and official responses are given to people like the citizen who came up earlier and others as to exactly what their findings were. He stated this was concurred by some boards that looked into this. That as it stands now, it is police who investigate; it is police who make the judgment; the nature of the evidence is police who turn this over to the District Attorney. It seems to him they can add this element of civilians.

Councilman Williams stated if the goal is public disclosure then he thinks the substitute motion Mrs. Locke offers addresses that point and leaves enough maneuvering where later on whatever the City Manager recommends to achieve that goal by this body. He believes the goal of public disclosure is laudable and desirable and they should pursue it. That if there is a weakness in the system now, that is it. The public cannot follow what is happening or what has happened. He stated aside from a civilian review board not being able to take any action against a person in the event they found some misconduct, even of a personnel type, but also they could not take any criminal action. That would be up to the District Attorney and the Grand Jury. It could not indict; it could not fire or suspend. For that reason, he believes some kind of procedure short of a formal civilian review board could accomplish this goal of public disclosure or at least move toward it. Regarding suspension or reassignment, when you talk of suspending someone you imply some wrongdoing in the beginning. He could agree that an officer involved in some kind of altercation or fracas or loss of life should be reassigned pending the outcome of the investigation, possibly reassigned to administrative duties. Certainly, he should not participate in the investigation going on nor have access to the results of it until the appropriate time when he would have a chance to answer the charges against him if charges do flow from it.

Councilman Davis stated there had been some fair amount of misinformation discussed tonight and almost every speaker has had something to say. At least it is different from his understanding of the situation. When this first came up at the last Council Meeting he asked the staff to have someone brief them on exactly what their policies and procedures were. He stated his understanding for example when Ms. Feidler talked about pay for the policemen, he believes the starting pay for a patrolman is \$9,616

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per year. He does not believe it is a situation where they have no policy and he does not think they have left this totally to the discretion of the police chief. He stated in the last six years, they have had seven incidents where as a result of police action a civilian was killed. He believes they should keep in mind as one citizen brought out earlier they have 565 policemen who are continually patrolling a city of over 300,000 people. All of these 565 policemen carry guns. During the last year they answered over 150,000 calls. Over the six-year period they are discussing that is almost 900,000 calls. During 1975, 348 of these 150,000 calls resulted in the use of some force. Of those 348 incidents involving some force, it did result in 167 assaults. Some of these were multi-assaults where they assaulted more than one police officer. There were 202 police officers assaulted during that same one-year period. That means that during the period of six years when seven people were killed, there have been something over 1,200 police officers assaulted. If there is a problem, it involves public relations and public information, and does not involve police conduct or misconduct or discipline. The problem grows out of the need to balance the citizen's right to be fully informed promptly, with the obligation we have to protect the rights of any police accused of a crime growing out of the incidents.

Councilman Davis stated he visited the Police Inspections and examined the type of material available to the public such as arrest sheets, offense reports, accident reports and such, and examined the investigative report of the airport incident which is the type of material not available to the public. It has, however, been widely circulated. Numerous copies have been out to the Community Relations Council, the City Manager, FBI, Marine Corps, District Attorney and it is available at Police Headquarters for persons authorized to see it.

There are excellent reasons why these must be kept confidential. If there is a crime involved, it would be almost impossible to get a conviction on any criminal if the investigative report is made public. A lot of hearsay creeps into the testimony in any investigative report; publication in the news media would make it impossible to get a conviction practically 100 percent of the time. Also, there is the matter of the witness. How many people would be willing to testify if they should see a slaying and see 10 or 15 of the person's buddies standing around; or knowing they would be listed in the newspapers and TV stations the next day. Revelation of the investigative reports would constitute a hazard to the policemen. Under the present procedures, as he understands them, the use of the Community Relations Council, and the number of incidents that involved death where the District Attorney has been called in to rule on whether or not there was misconduct is a good system. It has built into it civilian oversight to the police department through the CRC, City Manager and City Council. Before going to a system such as the NAP system in New York, he would call attention that New York is a place where 100 people looked out their apartment windows and watched a young girl be assaulted and killed over a period of fifteen minutes. No one offered to help. Someone belatedly called the police. This is not the kind of public support of law enforcement we want in Charlotte. Under the present leadership, and under the present policies and procedures we have good discipline, good conduct, and good morale in the Charlotte Police Department. The Department does enjoy the confidence and support of the vast majority of our citizens.

Councilman Davis stated he is opposed to both motions. If both motions fail, he intends to move that Council commend the Police Department for the good work being done.

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

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

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ACQUISITION OF PROPERTY FROM WENDELL S. KARR, AT 2724 BEAM ROAD FOR POLICE AND FIRE TRAINING FACILITY.

After explanation by the Public Works Director, Councilman Whittington moved approval of the acquisition of property located at 2724 Beam Road, from Wendell S. Karr, at \$59,250.00, for the Police and Fire Training Facility. The motion was seconded by Councilwoman Locke.

Councilman Whittington stated he has been out to this location on several occasions, and he voted for this training facility - the purchase of the land - from the beginning; the training facility itself. This is the only piece of property left in that area that the City attempted to buy or intended to buy in the beginning. This piece of property sits there with a six or eight foot fence all the way around it, 150 feet from the training facility. That he thinks Council would do well to buy it.

Councilman Williams asked if there is any use being made of the portion of the tract across Beam Road? Mr. Hopson replied there is nothing being used there. It will probably be used for a tree nursery this summer. It is held in reserve for future use. One is 27 acres and the other is 131 acres.

Councilman Williams stated he was one of the ones originally who did not vote to acquire this one-acre parcel. That he did it mostly as a protest against the tract across the road as he did not think the second tract was needed - the 27 acres. He was hoping that one day we could get the money to buy the one acre from the tract across the road. That he really thinks this should be a part of the tract.

The vote was taken on the motion and carried unanimously.

ORDINANCE NO. 44-X TRANSFERRING FUNDS FROM THE 1972 UTILITIES SEWER BOND FUND FOR FIVE SANITARY SEWERAGE SYSTEM IMPROVEMENTS.

Councilman Whittington moved adoption of subject ordinance transferring \$1,957,000 from the 1972 Utilities Sewer Bond Fund for five sanitary sewerage system improvements, which motion was seconded by Councilwoman Locke, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 23, at Page 53.

ORDINANCE NO. 45-X TRANSFERRING FUNDS FROM THE 1972 WATER BOND FUNDS FOR SEVEN WATER SUPPLY SYSTEMS IMPROVEMENTS.

Upon motion of Councilman Whittington, seconded by Councilman Gantt, and unanimously carried, subject ordinance was adopted transferring \$1,100,000 from the 1972 Water Bond Funds for seven water supply systems improvements.

The ordinance is recorded in full in Ordinance Book 23, at Page 54.

ORDINANCE NO. 46-X TRANSFERRING FUNDS WITHIN THE UTILITIES CAPITAL IMPROVEMENT FUND FOR THE NORTH MECKLENBURG REGIONAL WASTEWATER TREATMENT FACILITY TO FINANCE ENGINEERING COSTS, RIGHT OF WAY AND LAND ACQUISITION.

Motion was made by Councilman Whittington, seconded by Councilman Gantt, and unanimously carried, adopting subject ordinance transferring \$411,108 within the Utilities Capital Improvement Fund for the North Mecklenburg Regional Wastewater Treatment Facility to finance engineering costs, right of way and land acquisition.

The ordinance is recorded in full in Ordinance Book 23, at Page 55.

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U. S. CORPS OF ENGINEERS' SUGAR CREEK DREDGING PROJECT, AMENDED.

Councilman Whittington moved approval of the amendment to the U. S. Corps of Engineers' Sugar Creek Dredging Project to reduce the scope and limit it to the lower part of the project, to begin at Archdale Drive and go to the junction of Briar Creek, near Park Road. The motion was seconded by Councilman Davis, and carried unanimously.

INTERIM TRANSIT MARKETING PROGRAM, AND THREE CONTRACTS APPROVED.

Motion was made by Councilman Gantt, seconded by Councilwoman Chafin and unanimously carried, approving an Interim Transit Marketing Program by the following contracts:

- (a) Contract with Ilium Associates, Inc., in the amount of \$46,843.00 for a Transit Interim Marketing Program to include short range marketing analysis of consumer attitudes, review of transit services and system-image.
- (b) Contract with Cargill, Wilson and Acree, Inc., in the amount of \$40,928.00 for developing a public communications and public relations program to promote additional bus passengers, through August 1, 1976.
- (c) Contract with Cargill, Wilson and Acree, Inc., for a program to begin after August 1, 1976, for advertising in newspapers, radio and outdoor billboards for a cost-plus per contract.

ORDINANCE RELATING TO SPEED LIMIT ON TYVOLA ROAD, FROM ITS JUNCTION WITH SOUTH BOULEVARD TO ITS JUNCTION WITH I-77.

Councilwoman Locke asked if this has to be 45 MPH? Can it be left at 35 MPH? Mr. Corbett, Director of Traffic Engineering, replied it could be kept at 35 MPH. The character of this area is primarily industrial; it extends between South Boulevard on the east and I-77 on the west. They feel because of the zoning and the character of the development the road has been built to accommodate 45 MPH traffic, and the speed limit should be 45 MPH.

Councilman Whittington stated he made the motion for the item to be deferred at the last meeting, to ask that Mr. Corbett come to Council. That he is opposed to this. This is a road that many citizens in this community oppose; they opposed it in the bond issue and did their very best to stop it as they did not want another residential street coming from I-77 and Sleepy Hollow interchange through their property onto Park Road. He stated he opposed the 45 MPH because he thinks we should do everything we can to discourage and control the speed of traffic. That is number one. Number two, when you allow the traffic to increase, the next thing they will do is take the parking off this residential street - that he is talking about Tyvola, the residential side. It has been mentioned that Tyvola Road on the other side is an industrial development. On the 29th of this month Council will make a decision to rezone most of that vacant property on one side for commercial development, which he thinks will be a mistake. For that reason, he would hope that Council would concur with him that nothing be done to this Tyvola Road. Do what can be done to keep the residential atmosphere of the street from South Boulevard to Park Road; do everything that can be done to stop commercial development on the other side of the railroad track to I-77, and leave the speed at 35 MPH. We are talking about neighborhood preservations; about the safety of people and vehicular passengers. This should be the first start, and leave the speed limit at 35 MPH.

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Mr. Corbett stated they considered each of those things. They have no intention in their proposal before Council of doing anything to any part of the road which extends through a residential area. Their proposal is only for that part of the road which is in an area presently zoned I-2. Even if the petition which will be before Council on the 29th should pass, it would then be commercial development, and there would be no residential development in this area. The R-9 and R-9MF area on the west side of I-77, and on the east side of South Boulevard will retain the speed at 35 MPH, which now exists.

Councilman Gantt stated he thinks there is some logic in what Mr. Corbett is proposing as a 45 MPH speed limit through this area of vacant land right now. That he would be just as concerned about a 45 MPH speed limit in a residential area. But Mr. Corbett is only talking about the identified area. That he was concerned about land uses abutting that road, whether or not they fed large residential subdivisions. As he sees the map there is no way that it does. Mr. Corbett stated the only development there at present is an office complex on the north side of the road, and the concrete mix plant. The remainder of the area is vacant.

Councilman Whittington moved to deny the increase in speed limit. The motion was seconded by Councilwoman Chafin.

The vote was as follows:

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

Mayor Belk broke the tie, stating the speed will be 45 MPH.

AGREEMENTS WITH DUKE POWER COMPANY AND SOUTHERN BELL FOR UNDERGROUND WIRING FOR THE KINGS DRIVE RELOCATION PROJECT.

Motion was made by Councilwoman Locke, seconded by Councilman Whittington, and unanimously carried approving the following agreements:

- (a) Contract with Duke Power Company, in the amount of \$11,875, for underground wiring and steel poles w/mast arms for traffic signals at the Elizabeth Avenue-Kings Drive intersection.
- (b) Contract with Southern Bell, in the amount of \$15,100, for underground wiring on Elizabeth Avenue, between McDowell Street and Kings Drive.

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RESOLUTION AUTHORIZING A MUNICIPAL AGREEMENT BETWEEN THE CITY AND THE NORTH CAROLINA BOARD OF TRANSPORTATION.

Upon motion of Councilman Whittington, seconded by Councilwoman Locke, and unanimously carried, the subject resolution was adopted authorizing a Municipal Agreement between the City and the North Carolina Board of Transportation outlining the cost responsibility for intersection improvements at North Graham Street and Atando Avenue.

The resolution is recorded in full in Resolutions Book 11, beginning at Page 349.

CONFIRMATION OF APPOINTMENT OF MRS HUGH B. CAMPBELL, JR. TO THE CHARLOTTE-MECKLENBURG HISTORIC PROPERTIES COMMISSION.

Motion was made by Councilman Whittington, seconded by Councilwoman Chafin, and unanimously carried, confirming the appointment by the County Commissioners of Mrs Hugh B. Campbell, Jr. to the Charlotte-Mecklenburg Historic Properties Commission to fill the unexpired term of Boyce Crothers, who resigned.

PERMIT ISSUED TO CHARLOTTE ALL AMERICAN SOAP BOX DERBY TRACT ON CITY PROPERTY LOCATED ON TYVOLA ROAD.

Councilman Davis moved approval of the issuance of a permit to Charlotte All American Soap Box Derby, Inc. to utilize the Soap Box Derby Tract on City of Charlotte property located on Tyvola Road on the following dates: (a) April 17, 1976 or rain date of April 18, 1976; (b) June 19, 1976 through July 19, 1976; and (c) September 18, 1976 or rain date of September 19, 1976. The motion was seconded by Councilman Whittington, and carried unanimously.

RESOLUTIONS THANKING CONGRESSMAN MARTIN, GOVERNOR HOLSHOUSER AND THE DIRECTOR OF NORTH CAROLINA BICENTENNIAL COMMISSION FOR ASSISTANCE IN GETTING APPROPRIATE REFERENCE TO THE MECKLENBURG DECLARATION IN THE OFFICIAL BICENTENNIAL FILM.

Councilwoman Locke stated she attended the meeting with the Bicentennial Commission in Raleigh. That the reference to May 20, 1775 will be included in the Bicentennial film. They asked that we pay the monies needed, and she said that no public monies would be used; that it would be private donations to include this in the bicentennial film.

Councilwoman Locke asked the City Attorney to draft a resolution to send to Congressman Martin and the Governor of North Carolina thanking them for their help in getting this passed. Mayor Belk requested that a resolution also be prepared to send to Dick Ellis, the Director of the North Carolina Bicentennial Commission.

The requests received the unanimous consent of Council.

The resolutions are recorded in full in Resolutions Book 11, at Pages 357 and 358.

CONTRACT WITH THE CONNELL COMPANY, INC. TO PERFORM THE ACTUARIAL STUDY FOR CHARLOTTE FIREMEN'S RETIREMENT SYSTEM.

Upon motion of Councilman Whittington, seconded by Councilwoman Chafin, and unanimously carried, contract was approved with The Connell Company, Inc. to perform the actuarial study for Charlotte Firemen's Retirement System, at a cost not to exceed \$2,050, plus \$2.00 for each included

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employee in excess of 600 employees, which will bring the total cost of the 1976 study to \$2,146.00.

Councilman Davis asked what agency has done this in the past? The City Manager replied he does not have that information at hand. This company has not done it; it is a new company.

Councilman Davis requested the company include certain information in their report to Council. He would like to know why we keep loosing ground in the years it would take to amortize our unfunded liability in the Firemen's Retirement Plan. He would like their recommendations to include some proposal that would get the fund on a more sound actuarial basis. Mr. Burkhalter, City Manager, stated it is on a sound basis; it is not completely funded; but it is on a sound actuarial basis.

Councilman Davis stated we need to put additional money into that based on last year. Mr. Burkhalter stated Council has already asked officially for information about this. That this is what he is trying to get. Perhaps in the course of getting that information this will come out.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO THE MORRIS S. TATE ESTATE, LOCATED AT ROSETTA STREET (OFF BEATTIES FORD ROAD) FOR THE NORTHWEST JUNIOR HIGH SCHOOL AREA PARK SITE PROJECT.

Motion was made by Councilman Whittington, seconded by Councilwoman Chafin, and unanimously carried, adopting the subject resolution authorizing condemnation proceedings for the acquisition of property belonging to the Morris S. Tate Estate, located at Rosetta Street (off Beatties Ford Road) for the Northwest Junior High School Area Park Site Project.

The resolution is recorded in full in Resolutions Book 11, at Page 352.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO CLARA J. WILSON AND HUSBAND, RICHARD E. WILSON, JR. LOCATED AT 1009 WEST TRADE STREET, FOR THE TRADE-FOURTH CONNECTOR PROJECT.

Councilman Whittington moved adoption of the subject resolution authorizing condemnation proceedings for the acquisition of property belonging to Clara J. Wilson and husband, Richard E. Wilson, Jr., located at 1009 West Trade Street, for the Trade-Fourth Connector Project. The motion was seconded by Councilman Williams, and carried unanimously.

The resolution is recorded in full in Resolutions Book 11, at Page 353.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO GARY H. WATTS AND WIFE, TROY ANN WATTS AND DAVID KINNEY AND WIFE, EFFIE C. KINNEY, LOCATED AT 1005 WEST TRADE STREET, FOR THE TRADE-FOURTH CONNECTOR PROJECT.

Upon motion of Councilman Whittington, seconded by Councilwoman Locke, and unanimously carried, the subject resolution was adopted authorizing condemnation proceedings for the acquisition of property belonging to Gary H. Watts and wife, Troy Ann Watts and David Kinney and wife, Effie C. Kinney, located at 1005 West Trade Street, for the Trade-Fourth Connector project.

The resolution is recorded in full in Resolutions Book 11, at Page 351.

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RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO MARIAH ALEXANDER, LOCATED AT 3201 JEWELL STREET FOR THE GRIER HEIGHTS COMMUNITY DEVELOPMENT TARGET AREA.

Motion was made by Councilwoman Locke, seconded by Councilman Whittington, and unanimously carried, adopting the resolution authorizing condemnation proceedings for the acquisition of property belonging to Mariah Alexander, located at 3201 Jewell Street, for the Grier Heights Community Development Target Area.

The resolution is recorded in full in Resolutions Book 11, at Page 354.

CONSENT AGENDA APPROVED.

Motion was made by Councilman Gantt, seconded by Councilman Whittington, and unanimously carried, approving the following consent agenda items:

- (1) Issuance of a special officer permit to Ed Cobb for a period of one year for use on the premises of Charlotte Park and Recreation Commission.
- (2) Resolution authorizing the refund of certain taxes, in the total amount of \$3,445.46, which were levied and collected through clerical error and illegal levy.

The resolution is recorded in full in Resolutions Book 11, at Page 355.

- (3) Ordinances ordering the removal of Weeds, Trash, Grass and Rubbish:
 - (a) Ordinance No. 47-X ordering the removal of trash and rubbish from the premises at 4217 Sheridan Drive.

The ordinance is recorded in full in Ordinance Book 23, at Page 56.

- (b) Ordinance No. 48-X ordering the removal of weeds, trash and grass from the premises at the corner of Pegram and Van Every Streets.

The ordinance is recorded in full in Ordinance Book 23, at Page 57.

- (4) Change Order No. 1 in contract with Dickerson, Inc. for the construction of trunk sewers in Annexation Area II(7) by adding \$9,715.00 to the original contract price of \$587,443.80 for miscellaneous revisions.

- (5) Contracts for Construction of Water Mains and Sanitary Sewer Mains:

- (a) Contract with AMSCO, Division of Union Oil Company of California, for the construction of 460 feet of 8-inch C.I. water main and one fire hydrant to serve Goodrich Drive, outside the city, at an estimated cost of \$5,200.00. The City will prepare the plans and specifications and will own, operate and maintain the mains. Applicant will finance the entire project at no cost to the city; a deposit, representing 10% of the estimated cost, has been filed by the applicant.

- (b) Contract with Foard Construction Company for construction of 750 linear feet of 8-inch sanitary sewer main to serve Tyvola Road Extension at Southern Railroad, inside the city, at an estimated cost of \$13,400.00. The applicant will construct the entire system at their own proper cost and expense, and the City will own, maintain and operate said system, and retain all revenue, all at no cost to the City.

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- (6) The acquisition of 15' x 379.78' of easement from R. Read Tull and Charles W. Tull and Phyllis B. Tull, at 6061 Monroe Road, at \$380.00 for Annexation Area I(4) sanitary sewer.
- (7) Encroachment Agreements.
 - (a) Agreement with North Carolina Department of Transportation permitting the City to construct a 12-inch water main in U.S. 21 and SR 2598, from NC 115 to Juvenile Diagnostic Center.
 - (b) Agreement with North Carolina Department of Transportation permitting the City to construct a 6-inch cast iron water main in Park Road, south from Riverbend Road to Creekbed Lane.
 - (c) Agreement with North Carolina Department of Transportation to change existing water and sewer utilities, located in the right of way of Monroe Road and McAlway Road.
- (8) Property transactions for various projects:
 - (a) Acquisition of 15' x 657' of easement at center of Central Avenue in Timbercreek Subdivision, at \$1.00, from Ralph Squires Construction Company, for sanitary sewer to serve Timbercreek Sections 1, 3 and 4.
 - (b) Acquisition of 15' x 1,433' of easement at center of Old Meadow Road in Timbercreek Subdivision, at \$1.00, from Ralph Squires Construction Company, for sanitary sewer to serve Timbercreek Sections 1, 3 and 4.
 - (c) Acquisition of 15' x 1,805' of easement at center of Old Meadow Road in Timbercreek Subdivision, at \$1.00, from Ralph Squires Construction Company, for sanitary sewer to serve Timbercreek Sections 1, 3 and 4.
 - (d) Acquisition of 15' x 317.56' of easement at Sharonbrook Drive, at \$1,000.00, from Martha B. Farmer (widow), for sanitary sewer trunk to Knights Bridge Road and Sharonbrook Drive.
 - (e) Acquisition of 15' x 80.91' of easement at 2.444 acres east of Knights Bridge Road, at \$1.00, from Sharon South Homes Assoc., for sanitary sewer trunk to Knights Bridge Road and Sharonbrook Drive.
 - (f) Acquisition of 15' x 2,134.04' of easement at 26.61 acres south of Knights Bridge Road, at \$1.00, from City Properties, for sanitary sewer trunk to Knights Bridge Road and Sharonbrook Drive.
 - (g) Acquisition of 15' x 413.46' of easement at 4506 NC 49, at \$1.00, from The Foundation of the University of North Carolina at Charlotte, for sanitary sewer to eliminate College Downs Pump Stations.
 - (h) Acquisition of 15' x 2,041.24' of easement at southside of College Boulevard, at W. T. Harris Boulevard, at \$2,050.00, from University City Properties, Inc. for sanitary sewer to eliminate College Downs Pump Station.
 - (i) Acquisition of 15' x 200.54' of easement at 1401 Bonnie Lane (off Highway 49), at \$400.00 from Richard C. Mills and wife, Phyllis F. Mills, for sanitary sewer to eliminate College Downs Pump Station.

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- (j) Acquisition of 15' x 191.91' of easement at 18.2 acres on Suther Road (off Concord Road), at \$350.00, from James F. Kirk and wife, Golden C., for sanitary sewer to eliminate College Downs Pump Station.
- (k) Acquisition of 15' x 628.81' of easement at 18.2 acres northeast of Bonnie Lane at Nottaway Drive, at \$800.00, from Cora Suther Kirk Heirs, for sanitary sewer to eliminate College Downs Pump Station.
- (l) Acquisition of 15' x 192.96' of easement at 1101 East Third Street, at \$1.00, from State Employees Credit Union, Inc. for sanitary sewer to serve State Employees Credit Union, Inc.
- (m) Acquisition of 30' x 560.58' of easement at 8038 Marshall Acres Drive, at \$660.00, from American Cyanamid Company, for sanitary sewer trunk to serve Ticer Branch Church of God Campground.
- (n) Acquisition of 15' x 128.28' of easement at 7000 Sardis Road, at \$1.00, from Sarah Hunter, for sanitary sewer to serve Sardis Road and Sardis Lane.
- (o) Right of way agreement for 60.38' x 59.74' x 4.85' at 129 South Clarkson Street, at \$650.00, from Arthur D. Thompson and wife, Willie R. Thompson, for Trade-Fourth Connector.
- (p) Right of way agreement for 5.99' x 33.92' x 5.06' x 33.72' at 804 West Fourth Street, at \$500.00, from Edna R. Godley (widow), for Trade-Fourth Connector.
- (q) Right of way agreement for 0.67' x 207.50' x 207.58' x 2.02' x 100.04' x 100.30' at 4849 Randolph Road, at \$782.00, from Providence Baptist Church, for Randolph Road Widening.
- (r) Right of way agreement for 0.67' x 520.29' x 20.62' x 27.93' x 501.92' at 4849 Randolph Road, from Providence Baptist Church, for Randolph Road Widening.
- (s) Right of way agreement for 124.62' x 2.02' x 124.84' at 4849 Randolph Road, at \$624.00, from Providence Baptist Church, for Randolph Road Widening.
- (t) Option on 100' x 140' x 100' x 140' of property at 2408 Elsie Street (off Beatties Ford Road), at \$2,000.00 on property of James E. Norwood and wife, Rosa Lee, for Northwest Junior High School Area Park Site.
- (u) Acquisition of two parcels of real property in the Grier Heights Community Development Target Area, as follows:
 - 1.) 6,020 square feet in the 200 block of Alpha Street, at \$2,400, from Ms. Allyn B. Choate.
 - 2.) 78,300 square feet at 71 Goldwyn Street, at \$31,300.00 from James Woodrow Smith.

COMMENTS ON COORDINATING STREET WORK SO THAT STREETS WILL NOT CONTINUE TO BE TORN UP.

Councilman Davis stated he has received a number of complaints that the City paves roads, and then comes back in six weeks and digs it up and does something else. This seems to be a recurring complaint.

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The City Manager replied there is great cooperation between the public utilities and the private utilities. The City does all the patching of street work in this city; the city charges for it, and a permit is required to cut the streets. There is no way to pave a street tomorrow and know when a water pipe is going to break, or a gas line will erupt or a telephone cable will break, which causes people to go into the street. There is no way to anticipate this at all. Often, working on and paving a street causes these problems. Councilman Davis stated he understands we have accidents which cannot be avoided; but in other cases it looks as if some type of planning could have prevented this. This is his concern.

Councilman Davis stated he wanted to relay these concerns which have been expressed to him by many people over a period of two or three years. He would like for the city to do everything it can to prevent this.

ADJOURNMENT.

There being no further business before the City Council, the meeting adjourned.



Ruth Armstrong, City Clerk