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The City Council of the City of Charlotte, North Carolina, met in regular session on Monday, October 4, 1976, at 3:00 o'clock p. m. in the Council Chamber, City Hall, with Mayor John M. Belk presiding, and Councilmembers Betty Chafin, Louis M. Davis, Harvey B. Gantt, Pat Locke, James B. Whittington, Neil C. Williams and Joe D. Withrow present.

ABSENT: None.

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INVOCATION.

The invocation was given by Reverend Maggie L. Nicholson, Minister of the AME Zion Church.

MINUTES APPROVED.

Upon motion of Councilwoman Locke, seconded by Councilman Whittington and unanimously carried, the minutes of the last two meetings on Monday, September 13, and Monday, September 20, 1976, were approved as submitted.

MAYOR AND MEMBERS OF CITY COUNCIL INVITED TO ATTEND SCOUT EXPOSITION AT METROLINA FAIRGROUNDS ON NOVEMBER 20, 1976.

Mr. Doug Cofield, Scout Executive for the Mecklenburg County Scout Council, stated the Rotary Scout Exposition has been held in Charlotte for 27 consecutive years. That Councilman Whittington is the General Chairman of the Exposition this year; City Manager David Burkhalter served in that capacity last year.

The Exposition will be held at the Metrolina Fairground on November 20 from 12 o'clock until 7 o'clock. It is just a big Scout Fair or a booth show where the Cub Packs, Scout Troops and Explorer Scouts display their skills and activities. Last year about 15,000 people attended. The goal this year is 25,000 parents, Cubs, Scouts and Explorers in attendance. An invitation was extended for the Mayor and each Councilmember to attend.

He stated one of the ways they have of promoting the Exposition is through ticket sales. The ticket sales kick-off was this past Saturday morning. He introduced Cub Scout Rayford Wilkes of Pack 60 and Scout Tommy Ryan of Troop 82, who sold tickets to Mayor Belk and members of Council.

PROCLAMATION DECLARING WEEK OF OCTOBER 4 THROUGH OCTOBER 10 AS BLACK STUDIES WEEK IN CHARLOTTE.

Mayor Belk recognized Dr. Bertha Maxwell, Director of Black Studies at the University of North Carolina at Charlotte and presented a document proclaiming October 4 - 10, 1976 as Black Studies Week in Charlotte and asking all our citizens to honor this observance in recognition of the importance of black studies in education and to encourage its development in our schools and universities.

Dr. Maxwell extended an invitation to Mayor Belk and Councilmembers to attend the opening session of a conference of citizens, students, and faculty from both North and South Carolina as well as other states, at the Holiday Inn North on Friday night at 7:00 o'clock. Workshops will be held on Saturday.

Councilman Gantt stated he had the opportunity a few years ago to serve on a Black Studies committee at Massachusetts Institute of Technology and they thought they had a very good program. He thought they had a very good program too until he found out what Dr. Maxwell has been doing at UNC-C. It

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is recognized as one of the best Black Studies programs in the Country. Many of these programs which proliferated across the United States eight or nine years ago are no longer in existence. Charlotte is fortunate to have a resource of this magnitude and that Council as well as the City of Charlotte is proud of it.

Professor Herman Thomas, Assistant Director of Black Studies at the University, was introduced as the co-convenor of the North Carolina Conference on Black Studies. Dr. Maxwell stated their major had been approved by the Board of Governors, which they feel is quite an accomplishment.

Councilwoman Chafin stated the University of North Carolina is very proud of Dr. Maxwell and Dr. Thomas and their program. It has made a major impact on the campus.

RESOLUTION APPROVING AMENDMENT NO. 1 - REDEVELOPMENT PLAN AND THE FEASIBILITY OF RELOCATION FOR GRIER HEIGHTS TARGET AREA, ADOPTED.

The public hearing was held on the subject amendment.

Mr. Vernon Sawyer, Community Development Director, stated they are proposing some minor Redevelopment Plan text changes and also some map changes. The proposals are essentially technical refinements to the Plan and they know of no opposition to them.

Text Changes.

1. Revise Title Page to indicate the date of the Amendment as July, 1976.
2. Revise Page 2 to indicate the revised date of the map exhibits as July, 1976.
3. Revise Page 8, Paragraph 5 (b.) and 5 (c.) to not allow play space in the required setback, setting minimum fence height at 3 feet and requiring a minimum lot area of 6,000 square feet for the first eight children and 2,000 square feet for each additional seven children as opposed to 2,000 square feet minimum lot area for each eight (or remainder over the multiple of eight) children.

The reason they are recommending this change is because the local day care ordinance was amended after this Plan was approved. This merely brings the Plan in conformance with the Ordinance.

4. Revise Page 25, Paragraph 4 by adding the requirements of the City's Zoning Code: At Day Care Centers, no parking of motor vehicles shall be permitted in the required side yard setback abutting residential districts.
5. Revise Page 41, Paragraph 3 - "Estimated Cost and Method of Financing" to add the allocated amounts already approved by Council for the project for the years 1977 and 1978. The categories approved for 1976 are already included. This is to prevent their coming back each of those succeeding years and amending the Plan. If Council will approve all of them as they already have approved them in the Plan for the next two years, that would save their returning.

Map Changes

Add the whole area between Billingsley Road and Ellington Street, and the Randolph Clinic. This area was left out of the original boundary because it was in another census tract. It is still a part of the Grier Heights Community. There are a number of houses in there, none of which is so sub-standard that it cannot be brought up to standard. They plan no acquisition here with the exception of one property.

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Using an "existing conditions map" he pointed out the area. The sub-standard houses will be brought up to standards of the Plan, using their Loan Grant program. They are recommending that a few additional pieces of property be added to the acquisition map for right-of-way only. This is being done now after Engineering's design for these streets has been completed and they see the need for it. They had already provided for some additional right-of-way acquisition which is indicated in an amber color on the map; illustrated in red is merely frontage off of the abutting properties which will allow Ellington Street to be properly aligned as proposed; and on Heflin Street which will have a turnaround for traffic.

Councilman Whittington stated he really does not see the need for adding on this property, but obviously there is a need. But he is concerned about how much they are going to delay what they have started in Grier Heights by adding on this property?

Mr. Sawyer replied there will be no delay in starting. This would merely be added so that as they go along from year to year, loans and grants will also be available for that area. They have already started. There was some delay in getting inspections completed and the applications for the loan grants approved.

Councilman Whittington stated the point he is making is we are now in the second year - he should not have used the word start. It is a three-year program and we really have not made a dent in any of these areas yet. Now we are going to take two more areas - this one and the Morehead - and add to it.

Mr. Sawyer replied in Morehead they are adding one parcel - a church - which they have already approved. But, in this case, this is extra territory and that does represent an additional load. In the other case it meant only a re-scheduling.

Councilman Gantt asked if he is saying they added this property because those houses are really a part of that neighborhood and we have the opportunity for those residents to gain the benefit of loans and grants? That is the primary reason? Mr. Sawyer replied yes. Councilman Gantt stated none of that delays the development of the public improvements that he talked about? Mr. Sawyer replied that they have already started. He does not believe there are any public improvements scheduled here because Billingsley Road is already improved, Ellington Street was already included and that is not a new addition, they were going to do that anyway. The major effect of this is to make available loans and grants.

Councilman Gantt asked if the amendment includes an adjustment in the amount of money allocated for the loans and grants? Mr. Sawyer replied it has not at this time, but they anticipate that as their experience increases along the way, they will be back recommending some additions there because the number of applications that they are receiving so far in the old area is a little ahead of their expectations. This is very good - it is what they hoped would happen. They have a contingency in this project and all of the projects for the purpose of making adjustments as needed along the way, with Council's approval.

Rev. Preston Pendergrass, 1027 Nancy Drive, stated he is a member of the Steering Committee of the Grier Heights Community Development Target Area. That they approve the amendment adding the land along the south side of Billingsley Road but they are aware that most of these are rental homes or apartment type homes. They are not advocating the sale or acquisition of land for those absentee landlords. What they are interested in as a committee is code enforcement or whatever it takes to bring those areas up to code. Some of them are pretty dilapidated - not only the few private homes that are there, but some of the rental homes.

No opposition was expressed to the amendment.

Upon motion of Councilman Gantt, seconded by Councilwoman Locke, and unanimously carried, the subject resolution was adopted and is recorded in full in Resolutions Book 12 beginning at Page 78.

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RESOLUTION APPROVING AMENDMENT NO. 1 - REDEVELOPMENT PLAN AND THE FEASIBILITY OF RELOCATION FOR WEST MOREHEAD TARGET AREA, ADOPTED.

The public hearing was held on the subject amendment.

Mr. Sawyer, Director of Community Development, stated these are minor changes proposed in the text of the Plan, and changes in the map.

Text Changes.

1. Revise Title Page to indicate the date of the Amendment as July, 1976.
2. Revise Page 2 to indicate the revised date of the map exhibits as July, 1976.
3. Revise Page 33, Paragraph 3 - "Estimated Cost and Method of Financing," to add the years 1977 and 1978. The totals have not changed; they are the same as approved by Council in the three-year Community Development Plan. He stated there were changes in the 1976 figures for Real Estate and Expenses and the Public Improvements. The Real Estate figure was reduced and the Public Improvements were increased to reflect more closely what had actually been done, but just the reverse occurred in 1977 so the total figures for the three years, they have not changed.

Map Changes.

The map changes are merely to include the one parcel, north of Independence Boulevard - the northwest corner of South Church Street and Independence Boulevard - which is the First Colored Baptist Church of Charlotte, Inc. That church was approved by the Council for acquisition and this change will reflect that.

The other change was to include the property for Gethsemane Baptist Church located on South Winifred Street - the church property and three vacant parcels - from the second year to the first year. That is merely a re-scheduling of the acquisition of that property.

No opposition was expressed to the proposed amendment.

Councilman Whittington moved that Councilman Gantt be excused from voting on this item. Motion seconded by Councilwoman Chafin and unanimously carried.

Motion was made by Councilman Whittington, seconded by Councilwoman Chafin, and unanimously carried, adopting the subject resolution.

The resolution is recorded in full in Resolutions Book 12 beginning at Page 82.

RESOLUTION APPROVING AMENDMENT NO. 1 - REDEVELOPMENT PLAN AND THE FEASIBILITY OF RELOCATION FOR SOUTHSIDE PARK TARGET AREA, ADOPTED.

The public hearing on the subject amendment was held.

Mr. Sawyer, Director of Community Development, stated these are also minor changes proposed in the text and maps.

Text Changes.

1. Revise Title Page to indicate the date of the Amendment as July, 1976.
2. Revise Page 2 to indicate the revised date of the map exhibits as July, 1976.
3. Revise Page 23, Paragraph 2 by adding the following Amendment requirement of City Code Zoning Ordinance No. 971: At day care centers, no

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parking of motor vehicles shall be permitted in the required sideyard abutting residential districts.

4. Revise Page 38, Paragraph 3 - "Estimated Cost and Method of Financing" by adding the figures for 1977 and 1978, approved by Council in the three-year plan. There is no change in the total and no change in any of the figures in the budget as approved.

Map Changes.

A change is recommended in the configuration of the proposed commercial site at the intersection of Remount Road and South Tryon Street. In the original plan, they assumed that one developer might buy the entire parcel and develop it and, therefore, could arrange for parking for the whole center. It might be located on either end or somewhere else. It developed that the Tyson Grocery Store was the first commercial development proposed for this area and his location is right at the corner of Norfolk Avenue and Remount Road. They decided to permit that and recommend to Council a change which would permit individual developers or businesses such as this to go ahead and buy the property lot by lot as long as they could coordinate the plan so that each module would fit into the total. In doing that, each developer has to provide totally for the parking required by his development.

They are proposing that change be approved by Council for the area from Baltimore Avenue to South Tryon Street. This action would simply approve what is happening because they do not perceive now that a single developer might buy the entire parcel and develop it as a shopping center. They also think it is more fair to the small business man to be able to develop in this fashion because that appears to be the way it is desirable for it to happen and the way it is happening.

They are proposing two parcels be removed from acquisition - Tyson Grocery Store and one other near the Bethlehem Center on Baltimore Avenue. In doing this they are keeping Norfolk Avenue open in the revised plan.

In answer to a question, Mr. Sawyer stated Mr. Tyson is being permitted to rebuild right where he was. He has temporarily relocated in order to permit the construction, but he owns the property and he will re-occupy it as soon as it is completed.

No opposition was expressed to the proposals.

On motion by Councilman Whittington, seconded by Councilwoman Chafin, and unanimously carried, Councilman Ganst was excused from voting on this amendment.

The motion to adopt the subject resolution was made by Councilman Whittington, seconded by Councilwoman Locke and unanimously carried. The resolution is recorded in full in Resolutions Book 12 beginning at Page 86.

Councilman Whittington restated the comments he made earlier that his concern is that we get on and get done what we started without adding on and delaying what they have started and Mr. Sawyer indicated that, of course, this would not delay the work in Grier Heights. He also indicated it would be necessary to bring some of those houses up to standard.

ORDINANCES DESIGNATING BERRYHILL HOUSE, OVERCARSH HOUSE AND MORRISON HOUSE IN THE FOURTH WARD AREA AS HISTORIC PROPERTIES, ADOPTED.

The public hearing was held on the designation of the subject houses as historic properties.

Dr. Dan Morrill, Executive Director of Historic Properties Commission, presented a summary report of the procedures that are followed in the designation of historic properties; the consequences which result; and an explanation of the differing viewpoints; assessments and attitudes of the twelve members of the Commission in their evaluation of these properties.

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Dr. Morrill and Mr. Underhill, City Attorney, answered questions from Councilmembers relative to funding, acquisition, number of presently designated and potential properties.

Mr. C. L. Helt, architect with offices in Northwestern Bank Building, spoke in favor of these designations, stating it is a great advantage to Charlotte and he hopes Council supports it. He has observed in the fifteen years he has lived in Charlotte that the City has made a tremendous change but one of the areas it has neglected is in its history. There is validity in saving something of significance to the past. He stated these Victorian homes will be the catalyst that motivates what happens in Fourth Ward.

Mr. James R. Johnson, Jr., 146 Brevard Court, architect, also spoke in behalf of the designation of these three properties, citing criteria for historic properties prepared by the author of the original legislation which is incorporated in our State Statutes. He is convinced from personal visits to the properties and from the research that has been done that there is no question but what these houses are connected with both individuals and events in Mecklenburg County that are very significant and that they embody distinctive characteristics of a type of work that links us to our past, architecturally.

Mr. Edgar Love III, a member of the Historic Properties Commission, stated he enthusiastically endorses the action of the Commission in this recommendation. He stated some remarks have been rather negative in tone which do not convey the very genuine conviction that the Commissioners have that this is a great step forward.

Mr. Walter Toy, Chairman of the Historic Properties Commission, stated he was on the Planning Commission which initiated the development of Fourth Ward. At that time and when he voted for these designations, there was no other way of protecting the Fourth Ward. The Fourth Ward is now a complete Historic District which gives much more protection for the preservation of these houses than does historic designation.

Councilman Whittington stated much has been said today about what the Historic Commission has done since 1972, but he thinks the Council and the Planning Commission also deserves credit for what has and is taking place in the Fourth Ward. This did not start in 1972. They started in the 60's trying to use Fourth Ward as a way to change apartment construction, off street parking, as an incentive to get developers to come back downtown and develop that area.

He stated that having lived in the Fourth Ward from 1938 to 1941 he is familiar with this area and that he does not agree entirely with the minority report mentioned here. He would be in agreement with some of the minority report and that is that these houses should not be approved. However, it would be unfair for the City Council not to approve these houses because it is a part of the Historic District and they were bought by the purchasers with the understanding they would be declared historical. Based on what Dr. Morrill, Mr. Love and Mr. Toy have said, he hopes they will not bring any more houses in the Fourth Ward to this Council because they are in the Historical District and have that protection now.

Upon motion of Councilman Whittington, seconded by Councilwoman Locke, and unanimously carried, the following ordinances were adopted designating the three houses as historic properties:

(a) Ordinance No. 312-X designating a building known as the "Berryhill House" located at 324 West Ninth Street in the City of Charlotte as Historic Property.

(b) Ordinance No. 313-X designating a building known as the "Overcarsh House" located at 326 West Eighth Street in the City of Charlotte as Historic Property.

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(c) Ordinance No. 314-X designating a building known as the "Morrison House" located at 226 West Tenth Street in the City of Charlotte as Historic Property.

The ordinances are recorded in full in Ordinance Book 23, beginning at Page 371 and ending at Page 379.

ORDINANCE NO. 315 AMENDING CHAPTER 23 OF THE CITY CODE TO AMEND THE TEXT OF THE ZONING ORDINANCE TO PROVIDE FOR BUS STOP SHELTERS.

Motion was made by Councilman Williams, seconded by Councilwoman Chafin and unanimously carried, adopting the subject ordinance to provide for bus stop shelters, as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 23, at Pages 380 and 381.

ORDINANCES NO. 316-Z and 317-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE ZONING ORDINANCE TO AMEND THE ZONING MAP BY CHANGING ZONING OF PROPERTY ON HERMITAGE COURT, BETWEEN PROVIDENCE ROAD AND HERMITAGE ROAD, FROM R-6MF TO R-6 and R-6MF (CD).

Councilman Gantt moved adoption of an ordinance changing the zoning of property on either side of Hermitage Court, between Providence Road and Hermitage Road, from R-6MF to R-12MF on the Heath property, and a combination of R-6 and R-6MF(CD) on the Wolf property as recommended by the Planning Commission. The motion was seconded by Councilwoman Chafin.

Councilman Withrow made a substitute motion to leave the northerly tract, being the Heath property, as it is presently zoned for R-6MF, and the southerly tract, being the Wolf property, be rezoned to a combination of R-6 and R-6MF(CD) as recommended by the Planning Commission.

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

YEAS: Councilmembers Withrow, Locke, Davis and Whittington.

NAYS: Councilmembers Chafin, Gantt, and Williams.

The ordinances are recorded in full in Ordinance Book 23, at Pages 382 and 383.

PETITION NO. 76-60 BY HAROLD C. KEITH AND PAUL STEWART TO CHANGE ZONING OF PROPERTY ON EAST SIDE OF STATESVILLE ROAD, FROM BURRIS AVENUE SOUTHWARD AND FRONTING ON JANE AVENUE FROM BURRIS AVENUE SOUTHWARD FROM R-9 TO B-2 and R-9MF, DENIED.

Councilman Gantt moved that the subject petition for a change in zoning from R-9 to B-2 and R-9MF be denied as recommended by the Planning Commission. The motion was seconded by Councilman Whittington, and carried unanimously.

RESOLUTION PROVIDING FOR PUBLIC HEARINGS ON MONDAY, OCTOBER 25 ON PETITIONS NO. 76-64 THROUGH 76-70 AND PETITIONS NOS. 76-62 AND 76-63, ADOPTED.

Councilman Whittington moved adoption of the subject resolution providing for public hearings on Monday, October 25 on petitions for zoning changes. The motion was seconded by Councilman Withrow.

Councilman Whittington stated he understands that an error has been made by the newspaper in the legal notice on Petitions No. 76-62 and 76-63; but the people in that area are very upset about the rezoning of that area of the City. He is glad to hear that steps are being taken to make sure that these legal advertising problems do not reoccur.

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

The resolution is recorded in full in Resolutions Book 12, at Page 90.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON REQUEST FROM YWCA ON PARK ROAD TO GRANT CONDITIONAL USE REQUEST FOR GROUP HOME FACILITY ON TUESDAY, NOVEMBER 9, 1976 AT 2:00 O'CLOCK P. M.

Councilman Gantt moved adoption of the subject resoluition provding for a public hearing on Tuesday, November 9, 1976 at 2:00 o'clock p.m., in the Council Chamber. The motion was seconded by Councilwoman Locke, and carried unanimously.

The resolution is recorded in full in Resolutions Book 12, at Page 91.

COUNCILMAN GANTT EXCUSED FROM PARTICIPATING IN FOLLOWING ITEM CONCERNING JOHNSON C. SMITH UNIVERSITY VARIANCE.

At the request of Councilman Gantt, Councilwoman Locke moved that he be excused from participating in the discussion and vote on the variance request of Johnson C. Smith University. The motion was seconded by Councilman Williams, and carried unanimously.

VARIANCE GRANTED J. C. SMITH UNIVERSITY FOR CITY CODE REQUIREMENTS FOR SIDEWALK, CURB AND GUTTER AND STORM DRAINS IN CONJUNCTION WITH NEW BUILDING CONSTRUCTION.

Councilman Whittington stated he wanted to say to Mr. Burkhalter, the Engineering Department, and particularly Mr. Hopson, he does not know how many other institutions that Mr. Withrow and himself have on bended knees tried to help and they could not because neither agency would recommend any variance and here today they are recommending a variance based on trees. He is sorry it is a university - it is university versus the Church. It is going to be very difficult for him as a member of Council to defend this action based on the fact that he backed the Department of Public Works, Engineering, and Mr. Burkhalter on other institutions which happened to be all religious institutions and said no they had to comply with the ordinance.

Councilman Withrow pointed out that the greatest number of people who have asked for variances are churches. Very frankly, in every case they tried to justify not doing it for churches on the basis that we were going to lay sidewalks or we would try to include them in our program if we were going to lay them in that area. It seems to him there is another overriding factor in this case - they know in that area they are going to be doing some improvements which would probably destroy all of this if it is done now.

Councilman Whittington stated he spoke at a church yesterday and this is one of the things - he used two paragraphs about what religious institutions ask cities to do - variances of City Ordinances and administrative policies. Now, we are fixing to do what he said we don't do to all of these other institutions. That is the point he is making.

Mr. Burkhalter stated this has only been done twice, to his knowledge. The other was on Woodlawn Drive, right at the railroad. That was a case where Council decided putting sidewalks in there would not be in the best interest of the City.

Mr. Hopson stated he agreed with Councilman Whittington and Mr. Burkhalter that they have sweat blood over a lot of the churches involved. Their decision in this case is based 99 percent on topography. He has driven around and walked most of the area around Johnson C. Smith and there is just no way to put a sidewalk in there without almost totally destroying the security of that institution. The topography varies anywhere from four to 12 or 15 feet. This is an additional problem; the trees are in the neighborhood of

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50 to 75 years old; they would come down when they have to slope back to get the sidewalk in. His recommendation to grant Johnson C. Smith a variance is based on the topography and this is involved with the very narrow streets out there which are about 28 to 30 feet in width. It would just totally destroy their security which is not only the trees but a chain link fence - all that would have to go, so they would have no screen. He assumes once Community Development does get in there we will have wider streets and have a place to put sidewalks. If they put the sidewalks in there now on the Johnson C. Smith side, they would have no security left. He thinks this is compatible with the way he has tried to interpret what Council passed in 1973. He has nothing against churches. He has tried to get some help for these churches and has succeeded in various areas where money was made available through Revenue Sharing. He thinks the variance recommended here is compatible with what they have been trying to do with the churches. There have been two variances granted before - one that he recommended at the bank at South Boulevard and Woodlawn; and the one Council determined about a half-way situation on Woodlawn Green.

Councilwoman Locke moved approval of the request for the variance. The motion was seconded by Councilman Whittington for discussion.

Councilman Withrow stated sometimes good common horse sense is a rule to use. He is talking about some of the churches. One church in particular, out on Freedom Drive, the sidewalk they were trying to require them to build went nowhere except beside the church. They offered, at a later date, if the City ever built the sidewalk on up the street they would put it in, but he could not get anyone to agree to that. Mr. Hopson stated he asked them to put that in writing and they would not. Mr. Withrow replied he understood they would and now about every month they get another letter from Public Works Department. He thinks they need to use a little common horse sense on these kinds of things.

Councilman Davis asked Mr. Hopson when he referred to security - security from what? Dr. Greenfield, President of Johnson C. Smith University, responded that certainly from the blighted area would be one aspect; preventing vandalism; and many other aspects. This is the greatest security they have on that particular side of town until something is done in that area. It really needs to be worked on immediately. They are working with Mr. Sawyer in the whole Five Point area and there is a tremendous amount of work to be done. Hopefully, it will be a cooperative effort. They would have to take the fence down and the trees out and everything. It would mean there would have to be standing patrol in that area all the time.

Councilman Whittington stated they all know he is not against Johnson C. Smith. But he has been down this road many times and he has said no to everybody else, that they have to put in these improvements. Now, today they are saying we will waive that. There are some of his Presbyterian and Baptist brethren who are going to be upset he is sure.

Responding to a question from Councilman Davis, Mr. Hopson stated his criteria for a variance is based on topography and not on the petitioner's requirements for security.

The vote was taken on the motion and carried unanimously.

CONTRACT WITH HORNETS' NEST GIRL SCOUT COUNCIL, INC. FOR SCOUTING PROGRAM FOR COMMUNITY DEVELOPMENT AREA GIRLS, APPROVED.

Councilman Whittington moved approval of the contract with Hornets' Nest Girl Scout Council, Inc. for a scouting program for Community Development Area girls to begin on October 1, 1976 for a 12 months period, in a contract amount of \$16,350.00. The motion was seconded by Councilman Williams, and carried unanimously.

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STREET NAMES ASSIGNED TO TWO UNNAMED STREETS OFF SOUTH BOULEVARD.

Motion was made by Councilman Whittington, seconded by Councilwoman Chafin, and unanimously carried, approving the assignment of names to the following streets off South Boulevard:

- (a) Unnamed street off South Boulevard across from Lance Package Company, between Old Harrelson Ford Building, and Dick Keffer Pontiac car lot, named MUSTANG LAND.
- (b) Unnamed street one block off South Boulevard, north of Mustang Lane, parallel with South Boulevard named MAGGIE LANE.

EXTENSION OF CONTRACT WITH MS. CHRISTINE WAITE FOR 15 MONTHS FOR SERVICES TO CITY'S COMPUTERIZED SIGNAL SYSTEM, APPROVED.

After explanation by Director of Traffic Engineering, Councilwoman Locke moved approval of the extension of the existing contract with Ms. Christine Waite for an additional fifteen months for services to the City's computerized Signal System. The motion was seconded by Councilman Whittington, and carried unanimously.

APPOINTMENTS TO AIRPORT ADVISORY COMMITTEE.

Councilwoman Locke nominated Kenneth Harris to fill one of the terms on the Airport Advisory Committee and moved that the nomination lay on the table for one week. The motion was seconded by Councilman Davis.

After discussion, it was the consensus of the Council that they would like to vote on the nominations at this time. Councilwoman Locke then withdrew her motion to delay the appointments for one week.

By unanimous consent, Council voted to decide on the appointments at this time.

Councilman Withrow moved the appointment of A. J. Little to the Airport Advisory Committee for a three year term to fill the vacancy created by the expiration of Ben Douglas' term on the Committee. The motion was seconded by Councilman Whittington, and carried as follows:

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

Councilwoman Chafin moved the appointment of Ralph Easterling to fill the remaining vacancy on the Airport Advisory Committee. The motion was seconded by Councilman Gantt, and carried as follows:

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

DON DAVIDSON APPOINTED TO COMMUNITY FACILITIES COMMITTEE FOR A TWO YEAR TERM.

Councilman Withrow moved the appointment of Don Davidson to the Community Facilities Committee for a two year term. The motion was seconded by Councilman Williams, and carried unanimously.

CONFIRMATION OF APPOINTMENT OF ROBERT B. LONG TO THE VETERANS SERVICE COMMITTEE.

Motion was made by Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, confirming the appointment by the County Board of Commissioners of Robert B. Long to the Veterans Service Committee for an indefinite term.

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RESOLUTION ESTABLISHING A CHARLOTTE-MECKLENBURG YOUTH ADVISORY BOARD.

Councilwoman Chafin moved adoption of a Resolution establishing a Charlotte-Mecklenburg Youth Advisory Board. The motion was seconded by Councilman Gantt.

During the discussion, Councilman Whittington asked if the Park and Recreation Commission has had any input into this? Councilwoman Chafin replied she feels Parks and Recreation is only one of many concerns that this Youth Advisory Board would deal with. Councilman Whittington stated we have Girl Scouts, Boy Scouts, Little League baseball, Youth Hockey, and a little bit of everything. Parks and Recreation in some way or other is involved in all of it. Councilwoman Chafin stated she sees that aspect of youth life in Charlotte as just one of many this Board will deal with. In communities where such a Board has been established, the Board has become involved in a number of areas of political life in the community, governmental life, informing the total youth of the community as to ways in which they can become involved in the governmental and civic life of the community.

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

The resolution is recorded in full in Resolutions Book 12, at Page 92.

RESOLUTION ON DISTRICT REPRESENTATION AND DISCUSSION DEFERRED FOR ONE WEEK.

Councilwoman Chafin read the following resolution:

"WHEREAS, the majority of the Charlotte City Council has at some time expressed an interest in developing a plan to establish electoral districts for the election of council members; and

WHEREAS, the Dimensions Program identified broad community support for the concept of City Council electoral districts and a recent survey conducted by Dr. Schley Lyons of UNCC indicated 68 percent of the residents of Charlotte support some form of district representation; and

WHEREAS, as a result of City Council/County Commission discussions on consolidation under the sponsorship of the Urban Institute, Dr. William McCoy of UNCC has conducted a study of districts and has proposed several alternative plans for consideration by the elected bodies; and

WHEREAS, the establishment of districts for the election of council members is a logical first step, along with additional functional consolidation, toward governmental unification for Charlotte-Mecklenburg.

NOW, THEREFORE, be it resolved that the City Council of the City of Charlotte, in regular session duly assembled, shall move immediately to develop a plan for a combination of districts and at-large seats for the election of council members in the 1977 municipal election; and

BE IT FURTHER RESOLVED that the primary criteria to be considered in developing the plan shall be:

1. The Council shall determine the total number of seats, the ratio of district vs. at-large seats and the method of electing district representatives.
2. District lines shall be drawn so as to conform to voting precinct boundaries as they will exist after the proposed annexation.
3. Districts shall conform to all court and constitutional requirements for population uniformity.
4. Districts shall, as far as possible, relate to homogeneous areas and preserve the integrity of neighborhoods.

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5. Districts shall take into consideration the potential consolidation of City and County governments and potential electoral districts under a unified government.
6. The Council shall seek professional assistance from knowledgeable sources as it deems necessary in developing the plan."

Councilwoman Chafin moved the adoption of the resolution. The motion was seconded by Councilman Ganft.

Mr. Sam H. Smith, 114 Queensgate Lane, stated his remarks are made on behalf of the Westside Community Organization. His group feels that one of the strongest arguments for representation election by districts is the inequities they think exist in the appointed positions of both the City and the County that have developed in the at-large system.

They did some research and determined that approximately 70 percent of all appointed positions in the City and the County were made from the Southeast part of the City which contains approximately 36 percent of the population. He exhibited a map showing with the use of pins the location by residence of the appointments of the City (red pins); the County (black pins); combined appointments (yellow pins), stating that it is fairly obvious the overwhelming majority are in the Southeast quadrant of the City.

They think it is fairly obvious that the basis for appointments has not been that the citizens represent a cross-section of the County, the basis has not been that they be fairly knowledgeable or close to the problems of all of the areas of the City. On appearance, anyway, it seems that the primary basis for appointment has been that the appointee reside in the Southeast area of the City. They determined that in the Northwest quadrant of the City there is one appointment for every 1,476 members of the population; in the Southwest quadrant it is even worse - one per 2,255; in the Northeast it is one per 2,967, but in the Southeast there is one appointment per 503 individuals.

They are not claiming that the people in the Southeast are not sensitive to the problems of the other parts of the County, but they do not think they can be as sensitive or as responsive as the people who live in those sections. They think it is simply not fair for an area representing 36 percent of the County population to hold 70 percent of the decision making positions on appointed bodies. They are aware that a lot of these appointments are not that powerful in decision making, but some of them are, such as the Airport Advisory Board, the Planning Commission, and zoning bodies. It has been held many times that people should not be equally taxed unless they are fairly represented in the decision process. Until Council corrects this obvious inequity the members of the City outside the Southeast area are not getting a fair return on their tax dollar.

The Westside Community Organization calls on the Council to do three things: (1) To proceed with due diligence plans for electing Councilmembers by districts, at least partially by districts; (2) To implement a plan to insure that future appointments will be made more equitably throughout the City; (3) Until that plan can be implemented to give serious consideration in making appointments outside the Southeast.

Mr. Gary Alden, 6613 Elmforest Drive, stated he applauds the efforts of this Council in following through on what he considers a very critical campaign issue during the prior election. At the last Council meeting a member of Council mentioned a concern about sharing the issue of district representation with the County Commissioners. On September 30 he asked seven of the current County Commissioners their reaction to whether consolidation should be a prerequisite to district representation. Six of those seven candidates said no. So he would like to say in terms of that information, that he feels City Council should move forward with district representation regardless of the County Commission. Also at that meeting, one member currently on the County Commission said they were going to be very interested in what happens with the City Council as it wrestled with this particular issue.

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Mr. Alden stated during the last campaign we also recognized the need and he thinks each of the Councilmembers expressed at one time or another the need for citizens' input. That he looks at district representation as one way of accomplishing that - at least to lay the basic foundation for that. To actually have a district representative that people know, they voted for, that there is a name recognition for that candidate, would enhance the value of that citizen's input greatly to this body. It has been 30 years since a change has been made, and there have been a lot of changes in this city, some fine changes, in that 30 years; but he thinks it is time to update the governing bodies to reflect the changes that have occurred in this great city and county. He asked Council to move forward with this as Mr. Smith suggested.

Mr. Nilo Niccolai, 6613 Williams Road, stated he lives in Grove Park, in the northeastern part of the City. Having listened to all the speakers he does not think there is any real need to convince Council about the need for district representation, and the desirability of district representation. He wants to reaffirm his feelings and the feelings of all those he has spoken to about this particular issue, that there is a need. He views this as being something similar to the recent move to Council committees. He thinks there is a need to have people on Council who have a greater expertise on a particular area of the City. This would be accomplished with certain members of Council who would be elected from geographical districts. One of the problems now is that each Councilmember is responsible for all the City, and that raises the problem when a citizen has a situation they would like to discuss, they are not quite sure who they should approach - which specific person would be the one they can approach who would have the time and understanding for their problem.

He stated from his own experience and the experience of a lot of other officials - elected and non-elected - it is the cost of running for office. This has to be considered seriously. With the at-large system that cost is rapidly becoming prohibitive. This is an important issue and citizens feel this is an important issue. That Council has the information - Dr. Lyons' report and Dr. McCoy's report. He urged that they move expeditiously on this matter.

Mr. John M. Dunn, Jr., 3742 Arvin Drive, stated he is appearing in support of the premise that Councilmembers should be elected on a combination of district and at-large, instead of the present system of all being elected at-large. His concern is directed to the matter of providing geographical appointments by the Council to boards and commissions which today are disproportionately favoring Southeast Charlotte. In the event Council sees its way clear to go with district representation, that will be negated to some extent. Nevertheless it seems to him that in a picture of fairness all future appointments should be spread around the city. There are competent people residing outside the Southeast.

The premise of having district elections has a lot going for it. The City Charter allows it as an alternative as not requiring an amendment to any legislative matter. A goal the Dimensions approved was for the geographical appointments. The research by Dr. Lyons and Professor McCoy lends weight to this premise and also indicates there is public support for it. What is needed now is progressive action by the City Council itself to put it into effect. He suggested that the Council be enlarged to nine members with the selection of six from districts and three elected at large. This anticipates and is expected, because of financial costs and otherwise, that the three at-large would be elected from the Southeast plus the additional one from the specified district. It will wind up with four out of the Southeast and five throughout the remainder of the city.

Why change the format at all? He finds several reasons that makes for sound reasoning: (1) It assures that the basic citizen's right to representation in government is protected. That right is inherent in our Constitution, and is reflected at all levels of government except local. The Supreme Court decisions on one man-one vote cases support this constitutional right; (2) It would reduce campaign costs due to the smaller area

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and the number of people involved in the district. This would encourage a broader spectrum of candidates and it would be desirable since the Council would be more representative of the entire community of Charlotte. (3) It would involve a shorter ballot in voting in that you would be voting for only the candidate in your district. The voters would be more aware of it, and would perhaps be better informed as to the candidate's position and the individual voter would feel more involved in the political process. (4) It would provide for greater possibility for more open and responsive government. Under the district representation, it is anticipated that the Councilman would reside in the area he represents, and would be more knowledgeable and aware of the area's needs and the constituents' concerns. There is a hesitancy to pick up the phone and call a Councilmember. This would enable the residents to have someone they would feel comfortable about calling. (5) It could provide for a more effective committee system on Council. (6) No matter how conscientious an at-large Councilman is, there is no way for him to know all the concerns and problems of the diverse elements of the community. (7) District representation offers the possibility of reducing the alienation of Charlotte's citizens, and really getting some participation in the government by the citizens.

As a citizen concerned about this and who believes strongly that district elections are in the best interest of the overall community, it is his hope the Council will proceed as quickly as possible to revise the method of electing its Council to reflect the districts, and not continue entirely at-large.

Ms. Barbara Mattingly, 4817 Coronado Drive, representing the Coventry Woods Community Association, stated the association would like to go on record as in favor of district representation for City Council. They urged the City Council to proceed with deliberate speed to implement a system of district representation.

Councilman Withrow stated it is difficult to tell how many people each of the speakers are representing. He asked if they would object to a referendum if a plan is drawn and then present it to the people for a vote. If the voters are for the plan, then Council would move ahead with the plan for district representation? He asked if they object to giving the people of Charlotte a right to vote on the question?

Mr. Dunn stated he did not say he was representing his community organization. But he knows them well enough to know how they would feel, and he would have no objection whatsoever and he would invite a referendum.

Mr. Alden stated he is not representing any neighborhood group; just himself. He feels it would be rather pretentious on his part to not encourage a referendum in terms of what we are trying to do. He is all for it.

Mr. Smith stated the statement he read was basically a resolution passed by the convention of the Westside Community Organization. They obviously do not represent every single person over there; they think they do most of them. They would have no objections to a referendum. They have conducted a survey of the Westside and the fifth biggest concern in their survey was representation by districts.

Ms. Mattingly stated she is speaking for the Steering Committee of their organization and she is sure they would have no objections to a referendum and would welcome it.

Mr. Niccolai stated he thinks a referendum would be fine.

Councilman Gantt stated he has no objections to referendums in this situation; but notwithstanding this resolution, which he considers an official first step to get moving with the plan, it would seem to him the resolution or any special election would not put the question of whether or not you favor the existing system, or whether or not you favor district representation. He would hope Council would see its responsibility as going ahead, and deciding on a plan that would have the vote of the public behind it; or

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have the public sanction it. The majority of Council is on record favoring district representation. His concern right now is that we set some timetable, some specific steps to move toward assigning the districts. The resolution resolves things that have to be decided ultimately by this Council - the number of seats, the number of district seats, the number of at-large seats; most importantly how we draw the line. She has pointed out some criteria such as population, uniformity, compactness, homogeneity in neighborhoods. These are things the Council would have to decide ultimately before putting it before the people. The question is whether staff can do it in workshops with Council or whether we should invite the resources of the UNC Urban Institute or some other group. He would hope Council could make some definite decisions today.

He stated Council could pass this resolution and set on it until next October and not do anything. That Council has a kind of critical mass of data now. If we believe Dr. Lyons' poll for example, at least 68 percent of the people are in favor of some form of district representation. We know there are a number of possibilities for how we draw those lines. We know there is a consensus that the lines have to be drawn primarily by precincts; we know that at least the County Commission is generally in favor of moving with district representation as a part of the whole consolidation picture. All these factors can be tied together. He would like to see Council vote today for this resolution and to seek the assistance of some professional guidance if it is needed, and he thinks Council does; and involve the Planning Commission, and this Council in definite steps toward developing the plan to such that it can be put before the people in the spring or early summer of next year.

Councilman Withrow stated he is asking about the referendum because we went to the voters on consolidation. Time and time again he has been told it was because of the way gerrymandering of the lines of the districts that defeated it.

Councilwoman Chafin stated she would hope if Council passes the resolution today that we will schedule a session almost immediately with Dr. McCoy so that he can review some of his alternatives with Council. Also point out some criteria that he believes Council needs to take into consideration that he outlined at his press conference. That it would be very helpful in pointing Council in sound direction to have such a session with Dr. McCoy. Then at that time, or today Council can decide on other steps that should be taken toward the final development of the plan.

Councilman Williams stated he thinks he hears a consensus forming among members of Council to have a referendum on that subject. There are two sides to that fence. One side is that practically everyone on the Council ran on a platform of some form of district representation. So you could say that was the referendum on district representation when we had the last municipal election. And that this Council will offer to do its duty and discharge its responsibility and go ahead, take the bull by the horn and vote some form of district representation. On the other hand, everyone ran on a platform of some form of district representation. The surveys he has heard reference to indicate that 68 percent favor some form of district representation. It is a far cry from a system comprised of four districts and four at-large to 12 districts, which we would be permitted to go to under the enabling legislation already in existence. That he expects getting together on the precise plan may be a little difficult. Secondly, argue in favor of the referendum on the subject it is such a big thing to change your form of government. A strong case could be made for the proposition of submitting it to a referendum, and let the people have their say on it. It is correct that this Council is going to have to have a precise plan to submit to a referendum. For these reasons he is offering an amendment to the resolution.

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Councilman Williams moved that the resolution be amended to state that whatever plan is devised by Council be submitted to a referendum. The motion was seconded by Councilwoman Locke.

Councilman Davis stated he thinks district representation is a mixed bag. There are two primary benefits to be gained, and two main disadvantages. The benefits would be that the government would be more responsive, and more representative. For these reasons he has favored district representation. The disadvantages are (1) The hazards of ward politics developing in Charlotte; (2) The fact that district representation would probably tend to eliminate some highly qualified people who would be willing to serve in public office, or on the boards and agencies.

Since it is a mixed bag, he has in his own mind several criteria he would like to see met in moving to district representation. (1) District representation should come after a City/County consolidation. (2) All seats, including the ward seats, should be elected by the entire community at-large. You would have to live in your ward or district, but you would run at large because you would in fact represent the entire community. (3) The majority of Council should be at-large seats, and a minority district or ward seats. This would require a change in the general statutes. (4) This should only be done after extensive public debate and hearings, or probably a referendum.

Councilman Davis stated the reason he thinks it should come after consolidation is because it would avoid the confusion and upheaval; at least it would avoid going through it twice - once before consolidation and once after. Second, we now have seven Councilmembers and five County Commissioners. The political difficulties involving the two bodies would only be made worse by having ten, eleven or twelve Councilmembers, and eight, nine or ten County Commissioners. Third, the need for district representation comes with the size of the area to be governed. This size would expand greatly when we move to consolidation. That is when the need for district representation would become critical. Last, he thinks the County Commissioners have stated some position on district representation, and individual members of City Council have stated their positions. If there is to be any district representation prior to consolidation, it would more logically come from the County where there are only five representatives over the entire County of Mecklenburg. In the City we have seven representatives over a smaller geographic and population area. For those reasons he would not favor any immediate action on district representation; that he would like to have some time to study this proposal before voting on it.

Councilwoman Locke stated she would agree with that. She stated she has championed a consolidation form of government and district representation since 1971 when we had the referendum. This is a good step forward; but she thinks it should lay on the table maybe a week and let Councilmembers think about it, and maybe get some input from the community. That she is in favor of the resolution and will support it and vote for it; but she thinks it should wait and give them time to think about it.

She stated this cannot be done over night. It will take a long time. Each member of Council has different ideas about how the districts should be; how many districts, and it cannot be done and will not be done over night. That she does not feel the Urban Institute should be Council's only helper in this. It has to be the Councilmembers, some members of the Urban Institute; but also the public at large should be in on it. Perhaps Council should think about dividing into sub-committees. The task is so large Council needs to think about it and let it lay on the table, and Council come up with some ideas. For that reason she would ask it be deferred until next week.

Councilman Whittington stated in the Council race last year he said he favored some form of district representation. But at that time and in elections prior to that, he did not promise anyone in this City a rose garden.

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As we think about consolidation and district representation this is an issue that must be decided by the people who are going to have this kind of government put upon them if it passes. He thinks we should have a referendum, and he said so when Council had its retreat at Myrtle Beach, and said so on television last week when each member of Council was interviewed. Every member had a different way to interject district representation. For that reason we have to decide what it is we want. That he thinks it should be taken to the people in a referendum. He is going to say that when this time comes he is going to oppose district representation in local government for many reasons. The main reason is with district representation he thinks it will deny the majority of the citizens of this City an input into local government, or proper representation in local government.

We had district representation here at one time. It was bad then. Now they are asking to go back to that. Second, in talking to the administrative assistant to the Mayor in a City last Saturday where district representation takes place in Georgia, he says it was not working there. That he does not know whether it is district representation or not, but it is not working in Raleigh. He does not think this Council can vote on any matter that will have a subtle but very profound impact on the quality of government in Charlotte without taking it to the people; and the people have all the facts. That he would have to disagree with Ms. Chafin in that we should invite Dr. McCoy in, and he would have to disagree with Dr. Lyon's survey. All that survey said was yes or no. Certainly the survey was not talking to the people who are knowledgeable about district representation. The people have to know what district representation is. They have to know how one ward Councilmember or district Councilmember is going to be trying to get his situation against another Councilmember from another district.

Councilman Whittington stated he thinks it is a mistake and a step in the wrong direction. When the time comes, he would be against it.

Councilman Gantt asked if he heard him say he would support some form of district representation? Councilman Whittington replied he stated he said that then; but he said too, that he did not promise anybody a rose garden in the last election, or the six before that. That he would oppose district representation when it is presented to the people in the form of a referendum.

Councilman Gantt stated he thinks the resolution is a very mild one. He does not think it denies the fact that Council has a lot of work to do. There are no final decisions made here unless they construe resolution number one which says we are talking about a combination rather than all districts or at-large. It seems with the exception of that particular item, all the others are like applie pie, God, mother and country. Councilwoman Locke stated she would like to defer it to lay on the table about a week. Councilman Gantt replied he understands she wants to; but he sees no reason to defer simply because the resolution is only the first step. There is a substantial amount of work that has to be done. In fact, his point is we need to even do more to designate a schedule of action. That he does not think the Council has made any specific decisions. To Mr. Whittington he said he agrees that while all may have different ideas of what the combination of district and at-large representation might be, that it is clear the Council itself in its own operations will have to come to one decision on what it is. It does suggest in the process of reaching those decisions that we may have to examine the problems with Raleigh, or the problems of any other form of government that might be existing or that someone may want to bring up.

He has to say that as he gets the feeling there is an attempt on the part of some Councilmembers to railroad this process through. There is the possibility that some of us might see the passing of this resolution today as a possible scheduling of other events to say we could decide the question of district representation over night. He does not suggest that is the case at all. But he does suggest we have to make a first step.

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Councilman Withrow stated he thinks we need some clarification, or will next week, in the last "Now, therefore" and strike out the "at large", period. The rest of it would be determined on the referendum. Mayor Belk suggested it would be better for Council to decide whether or not they will vote on it today or next week before deciding on this.

Councilwoman Locke made a substitute motion to table the motion and amendment until the next meeting. The motion was seconded by Councilman Williams.

Mr. Underhill, City Attorney, stated he would like to make several points while they are fresh in his mind. (1) If you go to a referendum you have to go with a specific plan; a particular plan would have to be drafted with Council given the responsibility of drawing that plan and drawing the boundary lines for the districts. They would still have to go through the public hearing process; take as much input as is available through that public hearing process; then vote to approve a particular plan, which would incorporate the questions of total numbers of seats, boundary lines, and any questions of that nature. (2) Council should be aware that the referendum, if they decide to go with that approach, has to be held not later than 90 days after adopting whatever plan the Council comes up with and considers putting to the voters. That he thinks they would want to keep the Board of Elections in mind in scheduling because of their difficulties in scheduling other types of referendums. The second time limitation Council should be aware of is that whatever is done has to be done at least 90 days prior to the next municipal election in order to make it effective for that election. The plan has to be finally approved, and if it is at a referendum it has to be at least 90 days prior to the municipal election in order to make it applicable for the seats in the 1977 election.

Councilwoman Chafin asked if that means we would have to have the referendum 90 days prior to the primary? Mr. Underhill replied yes, it is before the first election for Mayor or Councilmembers held thereunder; that would be the primary. The primary would be in September.

Mr. Burkhalter, City Manager, stated we have been advised by the Elections Office that April 7 or 8 is about as early as we can have an election in the spring - any election, referendum or whatever. This is a special election conducted by the local office.

Mr. Burkhalter stated it is a simple matter to ask each one if they would prefer seven, ten or the number of districts. But it is not that easy because when you see six districts, and what it does, then they may decide they want eight districts. But when they see a certain number on paper and see what it does to the city then they may decide differently on the number. As they look at those things they should try to come up in their minds on ideas. After they get some consensus of what they want, he thinks they can divide up into groups and prepare what they want, and debate among themselves.

The vote was taken on the substitute motion to defer one week, and carried unanimously.

AWARD OF CONTRACTS FOR VARIOUS ITEMS AND PROJECTS.

(a) Motion was made by Councilman Whittington to award contract to the low bidder, Lynchburg Foundry Company, in the amount of \$382,209.35, on a unit price basis for cast iron pipe. The motion was seconded by Councilwoman Locke, and carried unanimously.

The following bids were received:

Lynchburg Foundry Company	\$382,209.35
Glamorgan Pipe & Foundry Co.	390,560.00
American C.I. Pipe Co.	391,383.00
U.S. Pipe & Foundry Co.	392,600.00
Clow Corporation	399,110.00

(b) Councilwoman Locke moved award of contract to the low bidder, Atlantic Envelope Corporation, in the amount of \$10,697.04, on a unit price basis, for water bill envelopes. The motion was seconded by Councilman Whittington, and carried unanimously.

The following bids were received:

Atlantic Envelope Co.	\$ 10,697.04
Double Envelope Corp.	11,224.92
United States Envelope Co.	14,179.26

(c) Upon motion of Councilman Withrow, seconded by Councilman Whittington, and unanimously carried, contract was awarded the low bidder, Ben B. Propst Contractors, Inc., in the amount of \$385,152.20, on a unit price basis, for water main construction along U. S. 21 North.

The following bids were received:

Ben B. Propst Contractors, Inc.	\$385,152.20
Rand Construction Company	394,023.40
Burnup & Sims, Inc.	395,158.60
Sanders Brothers, Inc.	406,574.10
RDR, Inc.	410,921.80
Blythe Industries	418,694.00
Propst Construction Co.	422,662.10
P & H Construction Co.	424,765.00
Gilbert Engineering Co.	456,119.00
CFW Construction Co.	458,231.00
C. R. Duncan Construction Co.	481,572.50
Harrison-Wright Company	490,391.00
A. P. White & Associates	491,245.00
Hickory Sand Company, Inc.	519,376.62

(d) Motion was made by Councilman Whittington, seconded by Councilman Williams, and unanimously carried, awarding contract to the low bidder, Harold E. Casperson, in the amount of \$7,800 on a lump sum basis, for renovation of building at 2601 East 7th Street for Grier Heights Site Office.

The following bids were received:

Harold E. Casperson	\$ 7,800.00
H & H Home Improvement	8,300.00
Tarheel Contracting & Cleaning Company	14,988.00

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(e) Councilman Whittington moved award of contract to the low bidder meeting all requirements, Minnesota Mining & Mfg. Company, in the amount of \$20,175.81, on a unit price basis, for 57 rolls scotchlite sheeting. The motion was seconded by Councilman Withrow, and carried unanimously.

The following bids were received:

Minnesota Mining & Mfg. Co.	\$ 20,175.81
Mitsubishi International Corp.	20,671.98
Southeastern Safety Supplies	22,710.00

Bid not meeting specifications:

Morgan Adhesives Company	19,945.00
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(f) Councilwoman Locke moved award of contract to the low bidder meeting all specifications, Minnesota Mining & Mfg. Company, in the amount of \$6,651.55, on a unit price basis, for 18 fonts of letters and two rolls scotchcal. The motion was seconded by Councilman Whittington, and carried unanimously.

The following bids were received:

Minnesota Mining & Mfg. Co.	\$ 6,651.55
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Bids not meeting specifications:

Morgan Adhesives Co.	\$ 324.00
Mitsubishi International Corp.	5,400.00

CONTRACT FOR TYVOLA ROAD WIDENING DEFERRED FOR ONE WEEK.

Councilwoman Chafin moved that Council defer action on the contract for Tyvola Road widening for one week. The motion was seconded by Councilman Withrow, and carried unanimously.

CONTRACT AWARDED CROWDER CONSTRUCTION COMPANY FOR SUBDIVISION REPAIRS TO QUAIL HOLLOW ESTATES.

Councilman Withrow moved award of contract to the low bidder, Crowder Construction Company, in the amount of \$20,454.50, on a unit price basis, for subdivision repairs to Quail Hollow Estates. The motion was seconded by Councilwoman Locke, and carried unanimously.

The following bids were received:

Crowder Construction Company	\$ 20,454.50
T. A. Sherrill Construction Co.	22,665.00
Cardinal Construction Company	22,968.00
Lee Skidmore, Inc.	25,080.00
Blythe Industries, Inc.	31,677.00

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY FROM LUCILLE HOOD, AT 5400 SARDIS ROAD, FOR THE SARDIS ROAD WIDENING PROJECT.

Councilwoman Locke moved adoption of the resolution authorizing condemnation proceedings for the acquisition of property from Lucille Hood, at 5400 Sardis Road, for the Sardis Road Widening Project. The motion was seconded by Councilman Whittington, and carried unanimously.

The resolution is recorded in full in Resolutions Book 12, at Page 93.

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CONSENT AGENDA APPROVED.

Motion was made by Councilman Williams, seconded by Councilwoman Locke, and unanimously carried, approving the following consent agenda items:

(1) Settlements.

- (a) Settlement in the case of City of Charlotte v. Florence T. Gossett, (widow), in the total amount of \$8,200.00, for the Randolph Road Widening Project, Parcel 13.
- (b) Settlement in the case of William Richard Ross and wife, Peggy Ann Ross v. City of Charlotte, in the amount of \$700, for damages to residence at 738 Heather Lane caused by sewage back-up.
- (c) Settlement in the case of City of Charlotte v. Don J. Kelleher and wife, Jean B. Kelleher, in the total amount of \$1,200 for Annexation Area I (2) Sanitary Sewer Trunks Project, Parcel 564.
- (d) Settlement in the case of City of Charlotte v A. H. Alexander and wife, Helen W. Alexander, in the total amount of \$29,000 for Plaza Road Water Tank.
- (e) Settlement in the case of City v. Gary H. Watts, et al, in the total amount of \$28,000 for the Trade-Fourth Connector, Parcels 7 and 20.

(2) Municipal Agreements with North Carolina Department of Transportation:

- (a) Resolution approving an agreement to install flashing warning signals at the Southern Railway crossing on Remount Road, with the City to pay ten percent of the project cost. The City's estimated cost is between \$2,000 and \$4,000.
- (b) Resolution approving an agreement to install electrical signals at seven railroad crossings in the City with the city to pay ten percent of the cost. The City's cost is estimated at \$36,000.

The resolutions are recorded in full in Resolutions Book 12, beginning at Page 94.

(3) Contracts for Community Development Department:

- (a) Contract with Mecklenburg County Area Mental Health Board and its subcontractor, Respite Care Organizing Committee, to change the beginning date of the contract to October 1, 1976 for a 12-months period and to end September 30, 1977.
- (b) Contract with Greater Gethsemane A.M.E. Zion Church to continue the Special Education Program for Five Points, Third Ward and West Morehead CD area youth for the 1976-77 school year, changing the contract price from \$157,852 to \$160,959.

- (4) Contract with John Crosland Company for the construction of 3,083 linear feet of 8-inch sanitary sewer to serve Walnut Creek, Section 5, outside the city, at an estimated cost of \$46,245, with the applicant to construct the entire system at his own proper cost and expense, and the City to own, maintain, operate and retain all revenue, all at no cost to the City.

- (5) A 20-inch wide drainage easement for the County to do the necessary drainage project and sloping of the creek banks along Taggart Creek, as planned between Old Dowd Road and Morris Field Drive.

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(6) Encroachment agreements with North Carolina Department of Transportation.

- (a) Agreement permitting the City to construct a 16-inch water main in the right of way of Beatties Ford Road, beginning at the intersection of Sunset Road, and running north to a point north of the intersection of Lakeview Road, with crossing in Beatties Ford Road, at five various intersections.
- (b) Agreement permitting the City to construct an 8-inch sanitary sewer line in South Tryon Street (N.C. 49).
- (c) Agreement permitting the City to construct an 8-inch VCP sanitary sewer line in Central Avenue, near Huntersville, N. C.
- (d) Agreement permitting the City to construct a 15-inch VCP and one manhole within the right of way of Gilead Road and McCoy Road for sanitary sewer project for Torrence Creek Outfall, Phase I.
- (e) Agreement permitting the City to construct a 36-inch sanitary sewer line to encroach on Beatties Ford Road for McDowell Creek Outfall.

(7) Property Transactions:

- (a) Acquisition of 15' x 28.27' x 15.05' x 27.08' of easement at 5711 Sharon View Road, from John W. McWhirter, at \$175 for Sharon-view Road Culvert.
- (b) Acquisition of 15' x 1,098.91' of easement on west side of Monroe Road along the east side of McAlpine Creek from Mecklenburg County, at \$1.00 for sanitary sewer right of way to serve Sardis Woods Subdivision.
- (c) Acquisition of 30' x 250.60' of easement at 2425 Dogwood Drive, from Edythe M. Johnson, at \$1,000 for Paw Creek Outfall, Phase II.
- (d) Acquisition of 15' x 1,167.07' of easement at 1101 McCorkle Road, from Melvyn E. Miller and wife, at \$1,450, for Long Creek Pressure Line.
- (e) Acquisition of 30' x 562.64' of easement at 2200 Toddville Road, from Robert B. Taft and wife, Georgia L., at \$1,000 for Paw Creek Outfall, Phase II.
- (f) Acquisition of 30' x 1,144.09' of easement at 1102 Gum Branch Road, from John James Oates and wife, at \$2,000 for Gum Branch Outfall.
- (g) Acquisition of 30' x 430.69' of easement at 1016 Gum Branch Road, from Barbara O. Tomlinson and husband, N.M., at \$1200 for Gum Branch Outfall.
- (h) Acquisition of 30' x 218.31' of easement at 444 Gum Branch Road, from James B. Kiser and wife, Mary Lou B., at \$1,000 for Gum Branch Outfall.
- (i) Acquisition of 30' x 152' of easement at 625 and 716 Coulwood Drive, from Coulwood Community Council Ltd., at \$200, for Gum Branch Outfall.
- (j) Acquisition of three parcels in Southside Park CD Target Area:
 - (1) 5,700 sq. ft. at 2616 Baltimore Avenue, from Thelma W. Inman, at \$6500;
 - (2) 8,625 sq. ft. at 2517-19-21 Baltimore Avenue, from Dr. Grady Ross, at \$18,500;
 - (3) 10,300 sq. ft. at 2632 S. Tryon Street, from Michael J. Begley, Bishop of the Roman Catholic Diocese of Charlotte, at \$17,300.

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- (k) Acquisition of 5,200 sq. ft. at 1110 South Church Street, from GeorgeAnna Thomas, at \$6500, in West Morehead CD Target Area.
 - (l) Acquisition of 4,371 sq. ft. at 812-14 Greenleaf Avenue, from Mary Shealey Eames, at \$2000, for Third Ward CD Target Area.
 - (m) Acquisition of 16,400 sq. ft. at 433 and 437-39 Skyland Avenue, from Gail J. Vinson, Trustee, at \$10,500, for Grier Heights CD Target Area.
- (8) Special Officer Permits.
- (a) Renewal of permit to C. Fred Peterson for use on the premises of Douglas Municipal Airport.
 - (b) Renewal of permit to Robert C. Lawing for use on the premises of Park & Recreation Commission.
 - (c) Issuance of permit to Ray Wilson Alexander for use on the premises of Park & Recreation Commission.
- (9) Ordinances ordering removal of weeds, grass and trash at the following locations:
- (a) Ordinance No. 318-X, from vacant lot adjacent to 413 East 15th Street to the right.
 - (b) Ordinance No. 319-X from property at 316 West Boulevard.
 - (c) Ordinance No. 320-X, from rear 1401, 1405 and 1409 Belle Terre Ave.
 - (d) Ordinance No. 321-X from 1226 Kohler Avenue.
 - (e) Ordinance No. 322-X from vacant house property adjacent to 648 Bradford Drive.
 - (f) Ordinance No. 323-X from 1126 Choyce Avenue.
 - (g) Ordinance No. 324-X from vacant lot across from 2115 Maplecrest Dr.
 - (h) Ordinance No. 325-X from creek rear of 1544 Duckworth Avenue.
 - (i) Ordinance No. 326-X from rear of 1524 Duckworth Avenue.
 - (j) Ordinance No. 327-X from 1127 Skyview Road.
 - (k) Ordinance No. 328-X from vacant lot adjacent to 2917 Burgess Drive.
 - (l) Ordinance No. 329-X from 2809 Alleghaney Street.
 - (m) Ordinance No. 330-X from 2812 Coronet Way.
 - (n) Ordinance No. 331-X from across from 1509 Montgomery Street.
 - (o) Ordinance No. 332-X from vacant lot adjacent to 1509 Montgomery St.
 - (p) Ordinance No. 333-X from 419 North Smith Street.
 - (q) Ordinance No. 334-X from rear of 3640 Dresden Drive.

The ordinances are recorded in full in Ordinance Book 23, beginning at Page 384 and ending at Page 401.

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- (10) Resolution authorizing, adopting, approving, accepting and ratifying the execution of a grant agreement for Project No. 6-37-0012-11 between the U. S. of America and City of Charlotte.

The resolution is recorded in full in Resolutions Book 12, at Page 96.

REPORT OF CHARLOTTE TREE ADVISORY COMMISSION ON WENDOVER ROAD.

Councilman Withrow moved that the following letter from Dr. Hechenbleikner of the Tree Commission be made a part of the minutes. The motion was seconded by Councilman Whittington, and carried unanimously:

"Mayor John M. Belk
City Hall
600 East Trade Street
Charlotte, North Carolina 28202

Subject: Report of the Charlotte Tree Advisory Commission on Wendover Road.

Dear Mayor Belk:

Now that the Tree Commission has access to all the pertinent material, maps, reports, and so forth concerning the trees on Wendover Road, we feel that it is timely to render our opinion on the subject of saving the trees on Wendover.

After considerable discussion and on-site visitations by the Tree Commission members, both in groups and individually, the following observations are made for your consideration:

1. Of the ninety-one trees on Wendover Road, only fifty-eight are designated to remain. Of these remaining, some are already in weakened condition, and others will be exposed to root disease due to construction and reduction of the root system. The Tree Commission, of which four members are professional arborists, feels that even following Dr. Kramer's suggestions, the number of trees surviving in a healthy and safe condition will not be sufficient to justify saving them.
2. The potential safety hazard of trees being uprooted by storms creates an unnecessary and very real risk. Massive root loss due to construction significantly weakens the anchor roots of trees, and many examples are available in Charlotte for comparison.
3. We are concerned about the expense of saving the trees and the condition in which they will be left after construction. Hidden costs, such as the frequent irrigation which will be required as per Dr. Kramer's report, concern us. Many trees in Charlotte are dying and will die due to our severe drought of recent months. The continued cost of nursing trees, removing dead trees, and, finally, replanting trees along Wendover concerns us, and as a responsible commission, we do not want the tax payers of Charlotte unduly burdened.
4. Continuous sight obstruction posed by the rows of trees on the winding curb line creates a risk to through traffic as well as to automobiles exiting from residential driveways.

It is with considerable reluctance that the members of the Tree Commission recommend the removal of the trees on Wendover Road. We feel that the planting of desirable shade trees along Wendover at the proper spacing for a long life will assure a much more satisfactory end result ten, twenty, and fifty years in the future.

Sincerely,

For the Tree Commission
Herbert Hechenbleikner, PhD.
Chairman"

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NOMINATIONS TO FILL VACANCY ON CHARLOTTE-MECKLENBURG PLANNING COMMISSION.

Councilman Whittington placed in nomination the name of Thomas H. Broughton to fill the existing vacancy on the Charlotte-Mecklenburg Planning Commission.

Councilwoman Chafin placed in nomination the name of Don Carroll to fill the vacancy on the Charlotte-Mecklenburg Planning Commission.

Councilman Williams placed in nomination the name of David L. Anderson to fill the vacancy on the Charlotte-Mecklenburg Planning Commission.

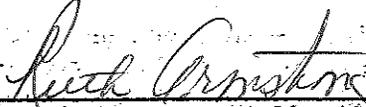
SUGGESTION THAT MAINTENANCE SHOPS OF CITY AND COUNTY BE CONSOLIDATED.

Mayor Belk stated he has had some discussions and received a letter from Chairman Liz Hair of the County Board of Commissioners and it seems they do not want the City's maintenance shop out on Monroe Road, along the McAlpine Creek Greenway. He stated he will send copies of the letter and other information to the Councilmembers.

Councilman Withrow stated he thinks the time is now and the City should make some overtures to the County on the consolidation of the maintenance shops. Mr. Burkhalter, City Manager, stated the next council agenda will have an item to sell the County the property to build their maintenance shop.

ADJOURNMENT.

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



Ruth Armstrong, City Clerk