

The City Council of the City of Charlotte, North Carolina, met in regular session on Monday, April 3, 1978, at 8:00 o'clock p. m. in the Amay James Recreational Center (District 3), with Mayor Kenneth R. Harris presiding, and Councilmembers Don Carroll, Betty Chafin, Tom Cox, Jr., Charlie Dannelly, Laura Frech, Harvey B. Gantt, Ron Leeper, Pat Locke, George K. Selden, Jr., H. Milton Short, Jr. and Minette Conrad Trosch present.

ABSENT: None.

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INVOCATION.

The invocation was given by Reverend C. E. Dewberry, Minister of Gethsemane Baptist Church.

APPROVAL OF MINUTES.

On motion of Councilmember Chafin, seconded by Councilmember Short, and unanimously carried, the minutes of the last meeting on Monday, March 20, 1978 were approved as submitted with the following corrections requested by Councilmember Trosch:

- Page 320 - Minute Book 67 - first line, change "cars" to "costs"
- Page 307 - Add before last paragraph: "Councilmember Trosch asked if the present building structure would remain? The answer was yes."

MONTH OF APRIL PROCLAIMED AS CHARLOTTE SYMPHONY MONTH.

Mayor Harris recognized Mr. Bill Tyson, president of the Charlotte Symphony, and read a proclamation designating the month of April, 1978 as Charlotte Symphony month.

SUNDAY, APRIL 9, 1978 PROCLAIMED AS NEW GAMES DAY IN CHARLOTTE.

Mayor pro tem Chafin read a proclamation by Mayor Harris designating Sunday, April 9, 1978 as "New Games Day" in Charlotte in recognition of an event to be held in Freedom Park on that day to celebrate our ethnic, cultural and economic differences by engaging in new games that encourage cooperation rather than competition. Mr. Woody Woodard of the Straight-Up Program and Mr. John McCall, Director of the Charlotte Drug Education Center, accepted the proclamation.

REMARKS BY COUNCILMEMBER LEEPER.

Councilmember Leeper stated that District 3 is very glad to have the opportunity to host this Council meeting. That the enthusiasm evidenced here is just a little taste of what District 3 is all about. It is a good feeling for him and for Charlotte. People are beginning to get involved and to want to participate in the process. Communities are organizing all over District 3 and Council is going to be swamped with requests. He commended the other Councilmembers for seeing the need to go on the tour today and apologized for not going into every community in the district. It was totally impossible but they did try to get a broad area so that the Council could see some of the concerns they have and some of the good things that they have. He thanked the several churches who worked together to prepare the meal for Councilmembers, especially to Gethsemane Church.

He stated District 3 is probably the only district in Charlotte that has all the major thoroughfares going directly through it. He does not say that negatively - it helps them to get around Charlotte. They have Douglas Airport and no one else can boast of that; they have York Road Landfill. They have accepted all of these necessary evils of our City because they are necessary

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for the economic benefit of our total city. That while Council is deliberating and considering our new five-year park plan and some of the other kinds of things like the stoplight at Clanton and Barringer he wants them to give all these good and positive things some consideration too. He also thanked the residents of District 3 who came out to the Council meeting.

ORDINANCE NO. 946-Z AMENDING CHAPTER 23, SECTION 23-8, OF THE CITY CODE BY AMENDING THE ZONING MAP TO CHANGE THE ZONING OF PROPERTIES WITHIN THE SOUTHSIDE COMMUNITY DEVELOPMENT TARGET AREA.

Consideration was given to Petition No. 78-7 by Community Development Department for change in zoning from B-1, I-1 and I-2 to R-6MF, I-1 and I-2 properties within the Southside Community Development Target Area, located generally between the Southern Railroad and Interstate 77, and between Tremont Avenue and Herman Avenue.

Council was advised that a protest petition had been filed and found sufficient to invoke the 3/4 Rule requiring nine affirmative votes of the Mayor and City Council in order to rezone the property.

Councilmember Gantt moved approval of the Planning Commission's recommendation for the rezoning with the exception of those parcels on Toomey Avenue, north of Remount Road (Area 5). Motion was seconded by Councilmember Locke.

A question was asked if the 3/4 Rule applies only to Area 5, to which Mr. Underhill responded that it applies to the entire petition.

Councilmember Carroll asked if the five areas could be taken one at a time; that he is interested only in discussing the fifth area.

Councilmember Gantt stated the only difference he sees is there was debate in the Planning Commission as to whether or not the Toomey property should be zoned R-6MF or remain I-1.

Councilmember Leeper stated if he could ask a question of Mr. Sawyer regarding the property on the north side of Toomey Avenue, it might clarify the questions the other Councilmembers have. He stated that he and some of the other Councilmembers are concerned about this property. They understand that the house that is now presently zoned industrial, on the left side, behind WGIV, is a part of the request to be rezoned to multi-family. Mr. Sawyer replied that is correct. Mr. Leeper asked if the property across the street from that which is vacant property is also included in the zoning petition? Mr. Sawyer replied it is, on both sides of the street. Mr. Leeper asked if there is any possibility of separating that parcel of property? That the concern he has is that the street and the vacant property is a natural buffer for the Brookhill Apartments, but the property on the other side of the street is predominantly commercial now and he does not see any problem with that remaining industrially zoned.

Mr. Sawyer stated as far as their plan goes, they recommended that it all be rezoned. However, they understand the lack of interest for development there for anything except industry. He thinks it is accurate to say, as the Planning Commission has taken into consideration here, that if it is rezoned R-6MF, it would merely exist there as a protection for Brookhill Village rather than be a developable parcel, because it is awkwardly situated. The validity of their plan he does not think would be terribly violated if they were separated.

Councilmember Leeper stated the parcel abutting Brookhill Apartments is currently zoned I-2 and Community Development is requesting that it be zoned R-6MF? Mr. Sawyer replied yes, that was their recommendation, but it is presently zoned I-1. Councilmember Leeper stated there would be no real problem to separating that piece of property? Mr. Sawyer replied it would be no problem, it would leave Toomey Avenue as the buffer between the two.

Councilmember Carroll moved, seconded by Councilmember Short, that the first four areas be rezoned according to the recommendation of the Planning Commission.

Councilmember Cox offered a substitute motion to (a) approve Areas 1 through 4 as recommended by the Planning Commission; (b) separate Area 5 into two parts, and the part on the other side of Toomey from I-77 be approved for rezoning as requested; and (c) leave the part on the Toomey side, behind WGIV, zoned as it is. The substitute motion was seconded by Councilmember Selden.

Councilmember Short asked if this would leave the homeplace mentioned by Pat Hunter at the hearing undisturbed? Mr. Cox replied it is his understanding that the WGIV side of Toomey is the parcel with the homesite; the other side is vacant.

The substitute motion carried unanimously.

Mr. Landers of the Planning Commission further clarified the motion and the areas involved by identifying them on the map and by stating the motion as the Planning Commission would understand it. He stated the fifth area was petitioned to be rezoned from I-1 to R-6MF. The Planning Commission's recommendation was that the whole area remain I-1. Council's motion and action would rezone the area east of Toomey Avenue to R-6MF, as petitioned, with the remaining area to the west where the homesite is located to remain I-1.

The ordinance is recorded in full in Ordinance Book 25, at Pages 273-274.

ORDINANCE NO. 947-Z AMENDING CHAPTER 23, SECTION 23-8, OF THE CITY CODE BY AMENDING THE ZONING MAP TO CHANGE THE ZONING OF PROPERTY LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF EAST BOULEVARD AND LOMBARDY CIRCLE.

Motion was made by Councilmember Locke, seconded by Councilmember Short, to approve Petition No. 78-10 by Robert B. McDonald for a change in zoning from O-6 to B-1(CD) to accommodate a commercial art gallery and residence on property located on the southeast corner of the intersection of East Boulevard and Lombardy Circle, as recommended by the Planning Commission. The motion carried unanimously.

The ordinance is recorded in full in Ordinance Book 25, at Page 275.

ORDINANCE NO. 948-Z AMENDING CHAPTER 23, SECTION 23-8, OF THE CITY CODE BY AMENDING THE ZONING MAP TO CHANGE THE ZONING OF THREE PARCELS OF PROPERTY FRONTING ON THE SOUTH SIDE OF HALL STREET.

Motion was made by Councilmember Gantt, seconded by Councilmember Selden, and carried unanimously, adopting the subject ordinance to change the zoning of property from R-6MF to R-6 on three parcels fronting on the south side of Hall Street, beginning at the southwest corner of Hall Street and Nandina Street and extending westerly, as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 25, at Pages 276-277.

PETITION NO. 77-65 BY CHARLES E. HICKS AND JOHNNIE N. HICKS TO CHANGE ZONING FROM R-9 TO R-9MF(CD) FOR PLANNED MULTI-FAMILY DEVELOPMENT OF PROPERTY FRONTING ON THE EAST SIDE OF PARK ROAD, ABOUT 195 FEET SOUTH OF THE INTERSECTION OF PARK ROAD AND YALE PLACE, DENIED.

Council was advised that the Planning Commission's recommendation was approval for a change to R-15MF(CD) with a maximum dwelling unit total allowed of 60.

Councilmember Selden moved that the subject petition be denied. The motion was seconded by Councilmember Locke.

Mr. Selden stated that the presentation which was mailed to the Councilmembers was quite different from the presentation that was given in the first place. There was almost 200 feet of screen area between the adjacent properties along Marlwood Terrace and the location of the apartments in the original presentation. On the revised presentation there is something like 75 or 80 feet distance from the back of the apartments to the location.

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Secondly, the stormwater drainage problem has been designed with a ditch and berm in back of the apartments. There are 19,500 square feet of roof area, or impervious area, on the three apartments with water runoff to the ditch. The ditch runs to a sediment basin immediately adjacent to the creek. There is something like 50,000 square feet of impervious area parking for the front, which drains to a perforated pipe and to a preliminary basin, or water retention area, and then a 12-inch pipe from that area to the sediment basin, with a spillway from the sediment basin over into the creek.

He stated the reason he is describing this is that he wants to indicate to Council the very severe danger; that there would not have been a spillway designed there in the first place if they did not contemplate that it would take water overflow of the sediment basin. It is purported to be a water retention design adequate to care for a 10-year storm. If we incur a 20 or 50-year storm the likelihood or almost the certainty that a substantial amount of water will go over the spillway into that creek basin is extremely high, and the creek itself is a very high risk water area today. It is part of the floodplain design in itself, and there has been substantial flooding downstream with the conditions as they now exist, with a spillway overflowing, the possibility of substantially increasing flood conditions on a large storm most likely.

He has heard it said that the design was for a 25-year storm rather than a 10 - he does not know the accuracy of that, but obviously at some point the spillway is supposed to take effect, and when it does the addition of water will inundate the properties downstream.

Mr. Fred Bryant, Acting Planning Director, stated they must keep in mind that the final plan does show three structures as opposed to the original four structures that were in the site plan when it was heard at public hearing. This has necessitated, on the part of the petitioner, some revision in the location of the structures. It is true that at the narrowest point - the point closest to the property line - the building is 70 feet. That is the minimum distance of any part of any structure to the property line. From that point, however, the corners of the buildings extend from that narrow point of 70 feet to the largest distance of 160 feet, which is the building closest to Park Road.

The average of the first building as you go away from Park Road is 145 feet; the average of the second building is 110 feet; and the average of the third building is 105 feet. That although the closest point is 70 feet, the average is considerably greater than that.

Councilmember Selden stated that answers his questions in that the new design moves the three buildings, as opposed to the four, to a much closer dimension to the back properties. Mr. Bryant agreed that it is closer. The original dimensions were 180 to 190 feet. Previously the buildings were closer to Park Road.

Councilmember Gantt stated his tendency is to disagree with the motion, primarily because in reading the material and looking at the site plan he feels there is going to be sufficient buffer for the relatively small number of units per acre. He thinks there are ways that you can design and overcome any of the technical difficulties that they first saw with this particular site development. That before he votes he would like to get some clarification on the description that the Planning Commission gives them, in which they indicate that the stormwater run-off would in fact be less than it is now with no development. That the only thing he can do at this point is rely upon our Engineering Department with regard to this problem. Either he is misunderstanding what Mr. Selden's concern is or he is misunderstanding what the nature of the concern on the part of the Planning Commission was.

Mr. Selden stated his first opposition was the elimination of the screen; his second opposition was with respect to the management of stormwater. That he would suggest that they address a question to whoever approved the plan as to what year storm the retention was designed for.

Mr. Bryant stated all he can say is that the plan was submitted to the Engineering Department and he has a letter in the files indicated that they have accepted the design aspect of the plan as it was submitted. That there is a statement in the design package which was submitted to the Engineering Department for their review which indicates that the stormwater impoundment is at the rate of 5.7 inches to accommodate a 24-year, 24-hour precipitation. Additionally, he would point out that the sedimentation basin is a temporary basin for the purpose of handling the problem of sedimentation run-off during construction only.

Councilmember Selden stated if that is the case, what will take care of the water running along the ditch and behind the berm, that comes off of the roofs? Mr. Bryant replied there is a stormwater control basin - a depression - that is proposed all along the front of the building. Mr. Selden stated yes, but the roofs slope both ways. Mr. Bryant replied the roof is designed in such a way as to collect all of the stormwater run-off into that area in front of the building.

Mr. Gantt stated even if they are sloped both ways, you can collect the water from that which slopes opposite to the drainage and carry it back. Mr. Selden stated there is no representation on the plot plan for pipe or anything else from the back of the building, but there is the berm and the ditch designed. Mr. Gantt stated site plans do not normally show that - he does not know what the roof looks like.

Councilmember Leeper stated that looking at what was initially proposed and the kinds of concessions the developer has made now in regard to stormwater detention are his major concerns. It seems to him that based on the plan they now have before them, a 24-year flood detention, his inclination is to support the petition as it is. Initially there were 80 units proposed; now there are 60; the detention that has been initiated, the buffer. All these were his concerns and based on the concessions that have been made, he is inclined to support the petition.

Councilmember Selden stated the design of drainage ditches along Park Road when Park Road was doubled in width increased the impervious area that drained into this creek by approximately 50,000 square feet, if you measure from the high point at one point on Park Road to the high point at the other side. There is a 48-inch culvert that goes under Park Road at this particular point that drains water from St. Luke's Church across the road; it also drains water from an uphill vacant area along Marsh Road. If you put together all of these potential increases in waterflow, on this very creek, which are substantial, they will be multiplied by whatever construction is developed along Marsh Road in this same water basin.

Going back to the design of the stormwater run-off management, if the water was all to come from the front, there would not be a 12-inch pipe that extended from that water retention area to the left front of Building No. 3 to the back part if it did not contemplate carrying water to the extent that a 12-inch pipe would carry. In other words, it contemplates a substantial increase in waterflow down to the creek. That this is a high risk stream in the first place, and however you look at it it is going to have a greater risk, if not on a 10-year storm and if the design facility is set for a 24-year storm and you get a 30-year storm, you are going to have a substantial increase in flooding below stream above that you would normally have if the property was not developed in this fashion.

Councilmember Trosch stated this is currently zoned for single family. If it were developed for single family, it is her understanding there could be a maximum of 27 homes in this area. That would be development without stormwater control. Would this not, as alluded to in the information they received, be better with the controls than as single family?

Mr. Bryant replied you have to start with a base understanding that anytime you develop in any form or any fashion any property, there is going to be a certain amount of impervious cover that is going to be installed and, therefore, if that impervious cover run-off is not contained it is going to add to problems that exist along the collecting tributary system adjacent to it. If you develop this property for single family residential purposes, then you are obviously going to have to install a street, driveways, roof areas for the homes. It is true that there are no regulations in effect

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that would require any sort of stormwater management system to be installed in single family development placed on the property. Since they are faced here with a situation where it does allow you to consider a stormwater management system on this property if developed in accordance with this petition, he would have to say that just on the basis of stormwater management by itself, forgetting all other factors related to zoning, that the plan before Council will provide a more effective means of controlling stormwater run-off than would single family development of the property.

Councilmember Carroll asked if it would be possible to have the proper stormwater detention facility for these buildings and have the buildings located closer to Park Road as in the original site plan?

Mr. Bryant replied if they will examine the two plans side by side, he thinks they would see that there really is not that much difference in the placement of the buildings. They must keep in mind that the first plan had four buildings which meant that the one which was closest to Park Road was indeed much closer to Park Road than either one of the three in the second plan. But, that one of the problems that you run into in terms of moving the buildings generally any closer to Park Road is the fact that this plan attempts to keep all of the parking in front of the structures. It makes an attempt to keep some clear space between the beginning of that parking and Park Road itself so that any movement of those structures closer to Park Road is going to affect the design of the parking area, probably congregate it more, etc. It may be entirely possible to push the buildings somewhat closer to Park Road, but it would require a re-design of the parking and everything else.

Councilmember Short stated he wants to make sure he understands a comment Mr. Bryant made a few moments ago. After the construction period is completed, the parking lot itself will be the stormwater detention facility? Mr. Bryant replied no, there is an area between the parking lot and the structure that would be a collection basin for the stormwater run-off.

Councilmember Selden stated he agrees with Mr. Leeper when, as they were riding today, he said there are many areas in which he had great concern. That he himself has great concern for the fact that this apartment structure will have 30 units of 625 square feet, one-bedroom; and 30 units of 812 square feet, two-bedroom; which are extremely cramped and close-quarter type apartment structures. That the area south of the apartment at the corner of Marsh Road and Park Road is totally residential, single-family, in design; it has some institutional type land use that is permitted in residential under today's conditional zoning, but from that point all the way to the beginning of the Park Road business area, it is solidly residential, single-family in design.

He is very concerned about the placement of this apartment with the small units on it in the middle of the area which is totally single-family except for the institutional, quasi-residential, which is permitted in the area. He is concerned about its being changed over, not just with respect to this property, but the six and a half acres immediately adjacent which has a price tag on it of \$160,000 or \$170,000 on the market today and which is waiting in the wings for further development, not as single-family. He believes that the two tracts of land can very appropriately and practically be developed on a single-family basis; that if it is approved as multi-family tonight or anytime soon, they will have very shortly a request for multi-family on the six and a half acre tract. He strongly believes that Mr. Hicks should be allowed to make use of his property, but that it can be more appropriately used on a single-family basis.

Councilmember Trosch asked what the normal density is? That in the information they received they were allowing a density higher than what is normally permitted in order to achieve a marketable plan because of the stormwater management.

Mr. Bryant replied he does not know that they can identify a normal density per se. The density, of course, considering multi-family zoning, is really whatever Council chooses to make it. In an area that they are dealing with here in total - keeping in mind that it is zoned single-family at the present time - R-9 - which would allow about five units per acre. This plan, as recommended by the Planning Commission, would allow slightly in excess of 10 units per acre - about 10.2 or 10.3.

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Ms. Trosch stated her second concern related to what Mr. Selden has mentioned is that on December 19 at the hearing, Councilmember Gantt asked to look at the bigger picture and make sure the recommendation was in light of the entire area. That the information given them she does not really think indicated a total look at the future of this side of that street, except perhaps that the rest would not be as dense.

Mr. Bryant replied he would have to agree with Mr. Selden to the extent that they have to recognize that there are other properties in the area from Marsh Road to Hillside which are susceptible to other forms of development than they have on them at the present time. As far as the staff is concerned, they identified for the Planning Commission approximately 40 or 41 acres along that stretch of Park Road which conceivably could have the expectation of some form of eventual re-use of the property. That was discussed but it was not one of the strong points as far as the eventual Planning Commission recommendation. That is the reason it did not appear in the written memorandum. Mr. Short asked if the 40 acres is developed and Mr. Bryant replied that most of it has one house on large acreage tracts. That maybe the adjoining tract which Mr. Selden referred to is the only totally vacant parcel in that area.

Ms. Trosch stated she has real problems related to 41 possible acres of future development without knowing about the density.

Mr. Bryant stated he would amplify the Planning Commission's comments on that without trying to depart from those comments. Their discussion along this line was that in this particular instance they were recommending a density of somewhat in excess of 10 acres because of the extra expense that was necessary for a developer to go to to provide the stormwater management system. Their view was that even though there might be other sites or tracts that would be susceptible to request, that each one of them would have to go on its own merits in terms of what would be allowable on it, based on what was the best circumstances under those conditions. What the Planning Commission was saying was that in their perspective, they were not pre-determining in their own minds that everything up and down this section of Park Road would have to be approved at 10 units per acre.

Councilmember Frech stated the recommended zoning is R-15MF; is there an even more restrictive category? Mr. Bryant replied there is R-20MF but it allows only about 8.5 units per acre, so that it was not a possibility in this case. Actually, where you are dealing with conditional zoning, except for the minor differences in set-backs, there really is not the differentiation between multi-family districts as there once was. R-15MF, for example, allows a maximum normally of 12.5 units per acre, but at this rate you are actually determining the number of units that would go on. So, you could zone it R-15MF and allow only 40 units, 30 or whatever.

Councilmember Gantt stated this is one of those gray area zoning decisions that you do not look right or wrong on either one; they have had a lot of concern for the neighborhood, about preservation of neighborhoods, a lot of reference to the comprehensive plan with regard to whether this Council which committed itself to neighborhood preservation in fact would be doing the right thing by allowing some multi-family development along Park Road. Again, the Council has also been dealing with the issue of trying to control suburban sprawl which is going on in this county, developing and directing growth in certain areas. Much of that discussion related to development in the inner city itself and preservation of neighborhoods. That examining either of these concepts, one could easily get confused on what the proper action might be along Park Road, along Woodlawn Road, along Eastway Drive and in a number of cases. He suspects we have done a lot to encourage development on our fringes and have sent apartment developers to the edge of the city, enhancing and increasing the problems we face now with transportation. That one of the experiments that we ought to try is to see whether or not we can bring back multi-family development in certain locations that will not destroy the neighborhood. That he probably could understand the neighbors a lot better had they been proposing the development of fast-food service in that area; or had they been proposing unusually high densities in that area. But what they are talking about are apartment units of a very small size that he thinks are an advantage to the neighborhood. You are not talking about large numbers of people occupying 825 square feet of properties. You are not even talking about large numbers of children, but you are talking about a place of residence in the city, not on the edge of the city, that has an opportunity to be a model of the kind of development

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we would like to see, rather than the 300 and 400-unit development that occurs now on our fringes - the idea of small developments. The question comes up - what do we do about the remainder of Park Road? He agrees with Ms. Trosch - you could not answer the question. He does not know that they have the time to answer the question; he would hope that we are still looking at the answer to that question along with the answer to Woodlawn Road and Eastway Drive. The experiment needs to be tried.

Somebody says "Well, you are experimenting with my neighborhood." One of the biggest concerns that the neighbors had was the stormwater run-off question. He submits that there is not only an answer being suggested in this solution to the problem, there is an aesthetic answer being suggested as to how to solve that problem. He thinks they ought to try it, because he thinks the Council is going to have to look someday at what to do with multi-family residential on arteries that are just not local streets anymore.

Councilmember Short stated R-20MF was mentioned. This is a conditional zoning that will allow about 38 units on this tract of property. That zone was created a few years ago for situations just about like this one where economic and financing factors make single-family development difficult, but the neighborhood is a generally settled neighborhood of R-9 or R-12 or R-15 single-family development. The R-20MF zone does not allow a lot of efficiency apartments to be moved into a settled neighborhood. It would not allow 60 efficiency type apartments or 30 apartments with 625 square feet to be moved into this neighborhood. He would think that is introducing individuals with other objectives and another lifestyle from those who are already there. On the other hand, this zone is one that is usually economically feasible and that seems to be pretty well established by the fact that we have a number of them around that seem to be flourishing. He agrees that some of those developers did not want to go from R-15MF to R-20MF when it occurred, but they went ahead with it anyway and there are a number of these around which seem to be fairly prosperous.

He asked what is wrong with this zoning for this particular tract of land? He thinks the neighbors and the developers could examine this possibility and might very well find that they could live with it. He knows this would curtail the number of units - it would be a compromise on the number of units. This zone is always conditional; there is no other R-20MF, other than the conditional type, so that the conditions relating to stormwater or anything else they wanted to apply could be put in.

Mr. Short stated he has done nothing to sell this idea to anybody. He is sure Mr. McQueen and those who are involved here maybe have thought about this sort of thing, but it would be a question with them whether they could use this zoning. He has not sought to secure any support from other Councilmembers for this, but he believes it is a good plan and a natural plan for this tract of land. With reference to the remaining 35 or 40 acres, it is just like any other zoning, it is not going to be rezoned for anything unless Council decides to rezone it. That R-20MF is not necessarily considered a precedent for anything up and down the street. When there is an opportunity to make a motion it would be his thought that this would be a help in this situation and he will make such a motion.

Councilmember Chafin stated she will support Mr. Selden's motion. That Mr. Short raised an interesting possibility but she questions, given the discussions that she knows have already taken place, whether his proposal would even be economically feasible for the developer because of the stormwater management features which she gathers are rather expensive.

She certainly does not find the petition without some merit. It would appear that the design plan incorporates a number of features which respond to concerns expressed earlier relative to the stormwater run-off problem, the need for lower density, and maintaining the buffer area. She also clearly recognizes, as Mr. Gantt pointed out, the need for residential knit in inner-city neighborhoods which includes high-density development. She would remind the Council that that area is not without some multi-family development already. She is concerned that the Planning Commission's recommendation contains what she thinks is a rather strange suggestion that the area of Park Road in question does not now have a predominately single-family appearance. That anyone who drives down Park Road would deny this.

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Admittedly, there are some non-residential facilities - a church, a "Y", a day care center, a school - all of which are compatible with single-family development and allowable under single-family zoning ordinances.

She stated the Planning Commission's recommendation further concerns her in that it just does not at all adequately address the question of the domino effect. What happens to the rest of Park Road, that undeveloped area? One cannot deny that there will be an impact on the adjoining property owners in the neighborhood. All of us are aware that the people in the neighborhood are strongly opposed to this rezoning petition. They perceive that this multi-family development will not benefit their neighborhood. She is not at all sure that the Planning Commission, at least not to her satisfaction, has proven the case that the rezoning will benefit the neighborhood. This bothers her. The Planning Commission's recommendation recognizes that approval of this petition probably will result in similar petitions in the future and that this could be even a landmark decision. She stated this is a precedent that she would prefer not to set and she hopes Council will follow Mr. Selden's guidance and defeat this petition.

Councilmember Short asked if Mr. Bryant would explain why he said that R-20MF was impossible. Mr. Bryant replied he did not say it was impossible; that what he said was that there really is not that much reason to think in terms of R-20MF. You could leave it R-15MF and place the 38-unit limit on it if you wanted to because they have the freedom of the conditional approach under any zoning district. It is not impossible.

Councilmember Leeper stated he fails to see, taking under consideration the real concern that most of the residents in that area have about flooding problems and particularly the gentleman who lives along side the creek that says his property floods regularly, with development of residential in that area it would certainly increase the problem rather than decrease it. Based on that and the plan as set forth, he moved that Council approve the petition as requested. The motion was seconded by Councilmember Frech.

Ms. Frech stated the Comprehensive Plan has been discussed a great deal as the proper basis for Council's decision in this case. She does not know that that is the basis on which they should make the decision, but she would like to point out some things that the Comprehensive Plan says about this kind of situation.

It clearly calls for a more compact, convenient community. On Page 89, the Plan states "every effort should be made to provide people with living accommodations close to places where they work and shop." She is beginning to wonder what the Comprehensive Plan really is. It looks like a document that anybody can find anything they wish in it to support any position they wish to take. She wants to point these things out since the Comprehensive Plan has been quoted to them. There is one particular part of it which is alleged to say that there can be no rezoning unless it is clearly beneficial to the neighborhood. She believes that section of the Plan says that there should be no change from residential to non-residential use, it does not say any change at all in zoning.

She stated it is not clear to her whether this is considered an inner-city neighborhood or a suburban neighborhood. Mr. Bryant stated he would call it a transition neighborhood. It is transition in the terminology of the Comprehensive Plan, not transition in the sense that there is changes already ongoing in the area. Ms. Frech stated she hopes everyone will understand that she is talking about definitions of neighborhoods as set forth in the Comprehensive Plan.

She stated that the Plan says that "higher densities in transition areas may be permitted where warranted by proximity to employment and to the services of the central core." That in all sections of the Comprehensive Plan policies it states site plan review is essential and careful control of densities is important. She has to say that, like Mr. Gantt, she is committed to neighborhood preservation; that an important part of neighborhood preservation is controlling traffic.

On the traffic question, on this particular rezoning - forcing apartments to go farther out means the same people will be driving on Park Road; they will just be driving farther out; they will be driving right past that area. The stormwater retention has been taken care of; the traffic problem appears not to be as severe as some would say. She has to agree with Mr. Gantt and Mr. Leeper in that, although she said farther back that she would not vote for this rezoning if she thought it would damage the neighborhood, she does not think it will damage the neighborhood; that in the long run it would be beneficial to the area in that they have the precedent established of a carefully controlled, attractive development. By no means does this set a precedent that all other land along Park Road will have to be rezoned multi-family. If people are willing to accept very stringent conditions for the rezoning - that is what this precedent is - that there will be no rezoning unless most stringent restrictions are accepted. She is willing to participate in Councilmember Gantt's experiment in trying to see if we can cure part of our city's great problem which is urban sprawl and traffic problems and this is one way to do it.

Mayor Harris asked Mr. Leeper to clarify his motion. He stated the motion was to approve the recommendation of the Planning Commission.

Councilmember Carroll stated one thing which the whole Council is wrestling with is what several have already talked about and that is how they go about making our city a more efficient place to live and at the same time make it an enjoyable place to live. They are talking about taxes, transportation, and a lot of things which are extremely important. He does not feel that multi-family housing on this particular parcel of land is necessarily a bad thing. He is very well aware that what really makes a neighborhood tick is its single-family housing and having a good solid component of it; that what is harmful to neighborhoods, particularly is dropping multi-family housing down on non-thoroughfare streets that exist in neighborhoods.

On this particular petition he thinks they are looking at an area which is on a major thoroughfare; they are looking at a neighborhood which has some vitality in its single-family residential area. They have some of that vitality present tonight and have heard a lot from it. He is also concerned that in the proposal before Council, and the manner in which it has gotten there, that as Mr. Gantt originally asked for, was a clear look at what is going to happen on Park Road and what the Planning Commission thinks should happen. He is a little concerned that they do not have that tonight to take as a part of their decision. That they also have with them tonight a very good suggestion from Mr. Short that perhaps a less dense zoning would be something which would be compatible, not only with the perceived problems but with any real problems, in this particular area. He has had some of the residents in that area tell him that they do not have any problem with multi-family zoning on this parcel; it is just this particular density and this particular design. He thinks that is partly because, when they are talking about single-family zoning, there is some emphasis on the family part of that and the size of the particular units here is at variance with that concept.

Councilmember Carroll moved that action be deferred on this petition and request the Planning Commission to give Council an overall view of what they see as the future of Park Road and that the developer be asked to consider, if he wants to, a site plan that would provide for R-20MF zoning. The motion was seconded by Councilmember Short.

Councilmember Locke stated she does not think they should defer it, nor does she think it should be zoned R-20MF. That they should vote this issue up or down, one way or the other, and leave it R-15MF. She will speak for the developer and say that the developer could not possibly make any money with all of the controls that have been put into this plan, with only 38 units. That they have discussed the plan with 60 units; he came in with 80 units and the Planning Commission cut it down to 60. She just thinks this Council should vote this thing up or down today and not leave these people in limbo as they have for the past many, many months.

Councilmember Selden stated he agrees that it is unfair to let either the developer or the neighborhood wait longer. That he would like to point out a couple of factors. They are talking about this as an inner city neighborhood. It so happens that, airline distance, the building in which they are meeting is closer to the center of Charlotte than the property location they are discussing. So, it is really not in truth an inner city neighborhood. He is very much in favor of building multi-family structures on properties that are appropriate for multi-family structures in the inner city and in some of the near suburban areas, to reduce transportation costs.

(Mayor Harris reminded Mr. Selden at this point that the motion for discussion was that to defer action.)

Councilmember Gantt stated to Mr. Carroll that while he respects what he is trying to do, he believes that in situations like this, if they are asking of a developer certain requirements, then they cannot fail to offer him some incentives. That in this case it would not be economically feasible.

The vote was taken on the motion to defer and it was defeated as follows:

- YEAS: Councilmembers Carroll, Cox, Short and Trosch.
- NAYS: Councilmembers Chafin, Dannelly, Frech, Gantt, Leeper, Locke, and Selden.

The vote was taken on Councilmember Leeper's substitute motion to approve the Planning Commission's recommendation and was defeated as follows:

- YEAS: Councilmembers Leeper, Frech, Gantt and Dannelly.
- NAYS: Councilmembers Chafin, Carroll, Cox, Locke, Selden, Short and Trosch.

The vote was taken on Councilmember Selden's original motion that the petition be denied, and it carried as follows:

- YEAS: Councilmember Chafin, Carroll, Cox, Locke, Selden, Short and Trosch.
- NAYS: Councilmembers Leeper, Frech, Gantt and Dannelly.

MEETING RECESSED AND RECONVENED.

Mayor Harris called a recess at 9:15 p. m. and reconvened the meeting at 9:20 p. m.

COUNCILMEMBER CARROLL EXCUSED FROM VOTING ON NEXT ITEM.

On motion of Councilmember Short, seconded by Councilmember Selden, and carried unanimously, Councilmember Carroll was excused from voting on the next agenda item, due to a conflict of interest.

ORDINANCE NO. 949-Z AMENDING CHAPTER 23, SECTION 23-8, OF THE CITY CODE BY AMENDING THE ZONING MAP TO CHANGE THE ZONING ON PROPERTY LOCATED ABOUT 200 FEET TO THE REAR OF PROPERTY FRONTING THE EAST SIDE OF EASTWAY DRIVE, ABOUT 160 FEET SOUTH OF THE INTERSECTION OF EASTWAY DRIVE AND MEDFORD DRIVE.

On motion of Councilmember Locke, seconded by Councilmember Short, and unanimously carried, the subject ordinance was adopted changing the zoning from R-6MF(Conditional off-street parking) to O-6 of property located about 200 feet to the rear of property fronting the east side of Eastway Drive, about 160 feet south of the intersection of Eastway Drive and Medford Drive, as requested by B.C.P. Corporation and Marsh Realty Company (Petition No. 78-9).

The ordinance is recorded in full in Ordinance Book 25, at Page 278.

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RESOLUTION OF THE CHARLOTTE CITY COUNCIL SCHEDULING A BOND REFERENDUM ON TUESDAY, JUNE 20, 1978, ON THE ISSUANCE OF \$47 MILLION OF AIRPORT GENERAL OBLIGATION BONDS, ADOPTED.

Councilmember Chafin read the following resolution:

WHEREAS, the growth of air travel at Douglas Municipal Airport has continued at a rate which has made a substantial impact on the present terminal facilities; and

WHEREAS, to meet these growth needs and to provide for future orderly growth, extensive study and planning revealed that a new passenger terminal and related facilities should be constructed and ready for occupancy by 1982; and

WHEREAS, General Obligation Bond financing presents the most efficient and economical means of financing the City's cost in the development and construction of a new passenger terminal and related facilities; and

WHEREAS, the City's cost is projected to require \$47 Million in General Obligation Bonds.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina, in regular session duly assembled, that a General Obligation Bond referendum in the amount of \$47 Million for airport bonds be scheduled for Tuesday, June 20, 1978, to seek voter approval for these much needed facilities; and that the City Manager, the Director of Finance and the City Attorney are hereby directed to take the necessary steps to schedule the referendum on this date.

Ms. Jo Ellen Wade, Rt. 4, 8201 Douglas Drive, stated she read in the paper that this issue was coming up tonight and she wanted to come and say that she believes this Council would be creating a tremendous credibility gap with the voters to try and push for a new terminal when air carrier traffic at Douglas has scarcely risen in five years and has been continuing to decline since 1976. That the figures for January 1978 are lower than the air carrier traffic figures for January of 1977. The figures for February of 1978 in air carrier traffic are less than they were in February of 1977 and just today she confirmed that the figures for March of 1978 continue the decline. That while up slightly from last month, air carrier operations are still declining from where they were last year. She just does not understand - it seems to her that this is not a logical time to be pushing for a larger terminal.

The other question she would like to ask is that the resolution refers to extensive study that was done on the need for a new terminal and since none of the present figures seem to reflect this need for a new terminal, she is wondering when that extensive study was done?

Mr. R. C. Birmingham, Airport Manager, stated he will be happy to address this question - he has been addressing questions from Ms. Wade for a long time. That they have been discussing this for many years and he is sure he will not convince Ms. Wade of anything, and she will not convince him. He stated that air carrier operations are not directly related to a new passenger terminal. Air carrier operations plus other general aviation and itinerary are related to the construction of a new runway, which at this point is a mute question because it is in the process of being completed, with a hopeful completion date of sometime in January.

Air carrier operations relate basically to the types of airplanes that are being used. In the past year and a half there have been changes in equipment types. They have brought in bigger airplanes which have reduced the operations of the air carriers. That is not to say that in the future different types of airplanes will not be brought in here. Those will increase. In fact, the Environmental Impact Statement says collectively that by 1985 there will be 90,000 air carrier operations in this area.

But what he is really saying is that you cannot relate air carrier operations to a new passenger terminal - you have to relate passengers to that, and passengers are on the upswing.

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He stated that in the last eighteen months they have added about 10,000 seats and reduced the number of aircraft.

He stated as far as the study is concerned, it started with the Environmental Impact Report on the runway, as well as on the new terminal area; it also includes the financial plan that was revealed to Council some three or four weeks ago.

Ms. Wade stated she is not sure she agrees with Mr. Birmingham that there is no parallel between the growth in air carrier operations and the need for a new terminal. The air carrier operations are the commercial passenger carriers and general aviation operations, which are the small planes, at the moment outnumber air carrier operations by a two to one margin, and those those planes, except for some portion of the air taxi planes, do not use the terminal at all. She thinks this has a direct bearing on the new terminal.

Mayor Harris advised that there would be a public hearing on this matter. The issue tonight is just the resolution.

The motion was made by Councilmember Chafin, seconded by Councilmember Short, for adoption of the resolution.

Councilmember Cox asked if Mr. Culp of the Elections Office had been contacted? Mayor Harris stated he has talked with Mr. Underhill about this and that Mr. Culp is present. That there is a memorandum which indicates that they would prefer that it not be held this close to the May elections but they feel it can be done.

Mr. Bill Culp, stated the Board of Elections just felt it was important to point out that in the unlikely event that there would be some challenge to the May 30th second primary and School Board run-off, naturally the voting machines would be sealed and there would be no voting machines on which to vote on June 20th. Of course, even though a matter like that might be settled within a week or ten days, there would not be sufficient time, since there would only be a total of 21 days between the second primary and June 20th. That has never happened in recent history and that is why he used the term "unlikely event", but it is a possibility.

Councilmember Leeper stated Mr. Culp made another point which to him has some merit and that is the possible negative effect of having a vote on another issue that close to an election. He certainly supports a new terminal but thinks they should take all of this into consideration in scheduling a vote on the bond referendum.

Mr. Culp stated they took a survey back in February in conjunction with UNC-C and they found out that approximately 18 percent of the voters who responded to that survey said they felt there were already too many elections. That the Board is just concerned when elections are held so close together. That in this case, there would be three held in a period of less than sixty days and it seems a lot to ask of voters to go back to the polls that many times. From that standpoint, they feel there could be a negative reaction on the part of the public, as far as the date is concerned.

Councilmember Short stated he appreciates Mr. Culp's professional advice, but if we do not do this on June 20th it looks like it would have to be something like September 12 - we just do not have an alternative. Mr. Culp stated he can certainly understand that and he and the Mayor have discussed this. He just felt that it was important to at least point out these factors.

Mayor Harris stated he would like to make sure that everyone understands that he and Mr. Culp have had many conversations on the phone. That he was asked at the last meeting to do a lot of research and check out the dates and get a chairman. He does not think they are in disagreement; that Mr. Culp has been totally supportive. He is just trying to bring out the points that the Elections Board thinks Council should consider. That after weighing those various factors, they still feel that June 20th is the preferable date from the standpoint of having the bond referendum.

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Councilmember Trosch asked what is the timetable that is requiring us to do this June 20th as opposed to Mr. Short's September date? Mr. Birmingham replied that, as he has stated to Council before, he thinks another six months is too long to delay; that the escalation in costs is tremendous for a six months period.

Ms. Trosch stated her problem comes somewhat to what Councilmember Leeper said in relationship to the voter reaction. After all what they are depending on is popular support for the building of this terminal; and a summer election when many people are not even in the City to vote; and given again the need for popular support and the rallying behind this, the June 20th date does cause her concern.

Mr. Birmingham replied he is not speaking for that part of the question; that someone else has to make that determination; but he thinks they have the momentum going now - there is a mood in the community right now to go ahead and approve this terminal; that the community needs this terminal.

Mayor Harris stated that is the important thing they are talking about; that they are not expediting the election at all; that this has been going on since before the 1975 election. That the negotiations for all the new contracts with the airlines have been going on since last September.

Ms. Trosch stated this was clearly turned down and that is why timing wise she would want a good public reaction. Mayor Harris replied they have considered all of these things - even to waiting until next spring but the idea of trying to come up with a date, realizing again that once the thing has been put together, from there on there has been so much discussion about it that to wait six months it would just be sort of an afterthought type thing.

Councilmember Frech asked how much consideration was given to any problems that might arise from undertaking this referendum right in the middle of budget discussions and just a short time before Council actually set the tax rate? Mayor Harris replied that was a very big consideration, it was discussed and they still concluded it would be preferable to do it on June 20th.

Councilmember Chafin stated she would like to make some comments about going through the budget process for the benefit of the new Councilmembers. They are usually sort of "geared up" during May and June, and plan their schedules to be very, very busy during that period of time. Once the budget is approved, you generally let down, and she has a real concern about the difficulty of gearing people up for a campaign in late August and early September. Many of you have gone through August primaries before, tried to campaign during August, and it is very difficult. People are on vacation. She thinks the June date would be much easier from the point of view of involving people in an organization, identifying them now, getting the campaign structure going. She thinks it would be extremely difficult to do this in the month of August and early September.

Mayor Harris stated Council will be working in the budget; the citizens committees will be doing the organizations and campaigning. He is organizing to have a chairman running the campaign, and Council will be asked to speak out, but the committees running the bond referendum itself will be more involved. They are not asking Council to take on two jobs at one time. Actually by June 20, Council will have its budget work completed, hopefully. And Council will be approving the budget June 26 for the coming year.

Councilmember Frech stated she is not thinking about the work required of Council as much as what the voters will think of this referendum being scheduled just a few days before Council finally approves the budget. Mayor Harris replied they will find that people get interested in the tax rate in September or October or November when they get the bill to pay their taxes.

Councilmember Carroll stated the last time this was discussed, and prior to seeing it on the agenda today we were in the process of deciding whether or not to consider looking at revenue bonds or general obligation bonds. At least he was laboring under some of those misapprehensions. He sees the resolution decides how we are going to the voters as well as the date we are going to the voters. After the last meeting and after the discussion

about revenue bonds - he had not made up his mind about what would be the best way to go - he talked to some of the people up in Greensboro, the Chairman of the Airport Authority there, who said they considered the possibility of general obligation bonds and rejected it, and in fact invited the Council to come up there and talk with them, or they would be glad to come down here and talk with us. He stated one thing he thought was quite significant was that in a month or two they will complete their package for their revenue bonds so it will be available for us to look at at that point. Stanley Frank, who is Chairman of the Airport Authority, did also suggest that perhaps there was some merit in looking at the whole Piedmont Crescent.

He takes it that a number of them have already gotten to the decision about what kind of bonds we should be asking the voters to vote on. He has not quite gotten there, but more importantly for him is the fact that this proposal has been defeated once and, as he understands it, they can look for poor participation in the voting in June. That because of the fact that it is something that has been defeated in the past, they should be trying to maximize the public's opportunity to speak on the issue. As he understands from talking with Mr. Culp, referendums of this sort are usually more successful on general elections. We would certainly get greater participation. We would also save about \$30,000. He would very much like to see them wait and have this at the time of the general election and continue Council's discussion in the meantime about the form by which they want to present the issue to the voters. That many of them have perhaps made up their minds about that but that Ms. Wade's comments indicate that there is going to be some public debate about the issue and that Council should try to maximize that opportunity so that it is fairly debated.

Councilmember Carroll made a substitute motion to set as a tentative date, without deciding the form of bonds, the November general election date as the day on which we would present the airport referendum to the voters. The motion did not receive a second.

Councilmember Locke stated she knows Mr. Frank and she knows what is happening down there, and there is absolutely no way they can go the G.O. Bond route because it is two county airports. They have to go the revenue bond route. Councilmember Carroll replied they can go G.O. but they have to get the County to approve it. Councilmember Locke stated they would also have to have a vote on that issue, and they decided they could not do that, so they decided to go the revenue bond route. There was much discussion about it, but it is a two county regional airport, and there is no way they could go a G.O. Bond route. Councilmember Carroll stated Mr. Frank told him they could, and they considered it, and for various reasons decided not to.

Councilmember Selden stated he spent about 25 hours evaluating the comparatives between G.O. and revenue. Revenue would cost us both the difference in interest and capitalization of construction interest somewhere between \$12 and \$14.0 million additional dollars; and most particularly we would lose two key plums. One with respect to 82 percent of the noise liability, and the other with respect to the accumulation of reserves which have come out of the negotiations with the airlines themselves. In terms of calculation this is on the basis of 75 basic points, which is about the difference on today's market of the jeopardy / ^{against} losing the Triple A rating is literally non-existence with respect to Moody's and other bond evaluation houses. The cost of the likelihood of the liability on the voters themselves is almost non-existent, not withstanding the fact of the G.O. bonds, our actual bonded indebtedness at this point is such to make it not in jeopardy.

When you put all this together, the arguments in favor of G.O. bonds are overwhelming. The arguments in favor of prompt action relate one to the increase in risk factor at the time the tax bills come out in the fall; the delay until next spring which will undoubtedly increase the actual construction cost due to the inflationary spiral, and delay the completion of the airport terminal. If there were some practical mid-summer date that would be a little bit further away from the May primary, there may be some advantage in that. But the people away from Charlotte would create a very rank dis-

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advantage. All things considered, he urged that Council go with the resolution, Councilmember Selden moved to call the question, which was seconded by Councilmember Gantt, and failed on the following vote:

YEAS: Councilmembers Selden, Gantt and Dannelly.

NAYS: Councilmembers Carroll, Chafin, Cox, Frech, Leeper, Locke, Short and Trosch.

Councilmember Cox stated he supports the airport; reluctantly he is going to vote for the June 20 date. In his opinion, we desperately need the airport. What he does not understand is why we could not have managed a May 2 date. We are spending \$30,000 just because we could not manage to get it done by May 2.

Mr. Burkhalter, City Manager, stated it was legally impossible from the time that staff met with the Mayor and Council and got the information to them about the financing they had requested. Mayor Harris asked why we did not have the information from all the consultants, and all the meetings and everything in plenty of time to set the date? That is what Mr. Cox is asking. Mr. Birmingham, Airport Manager, stated no one is dragging their feet on this. Negotiations with the airlines take a long time; they have been doing this since October. That he believes the original date they gave was April 30 when they said they would have the agreement. It is pushing to do that. Councilmember Cox stated that does not take away the fact that maybe we should have started two months earlier. Mr. Birmingham replied the reason they did not start earlier was because the Council had a mandate out that there would not be anything done until the runway question was resolved. It was all tied to the runway, Judge McMillan's decision on July 25, and the subsequent Fourth Circuit Court Appeal in February.

Mr. Burkhalter, City Manager, stated with all due respect to Mr. Carroll, let's not let Greensboro tell us what to do about our airport. There is not anything they would like better than for us to use revenue bonds on that airport to increase their competitive position. That would be number one. Number two, the Mayor has been a little modest in telling Council everything that has been going on that Council asked him to do. That is to come back with some recommendations about when to hold this referendum. He has consulted every facet of this part on when it would be appropriate to hold it. He stated he does not know anybody who can tell you when it is the time to hold an election; but the Mayor has questioned it from every viewpoint - from public relations; from those people who are going to support it; the people who are going to help work on the issue; all these people have had an input. The scheduled contract with the airlines is to begin July 1. It is to begin immediately to begin to accumulate \$2.0 million. If there has not been an election by July 1, we are going to have to do something about the scheduled contracts. That could be done. But we are hoping to have a contract to Council by after April 30 in order that there would be a signed contract that they can go into the referendum with and say it is signed, and this is what the airlines are going to do; this is what they will pay; this is how it will be paid for; and all of this effective July 1 to bring in the money to pay for the bonds and to pay for the reserve account they have. This is what it is geared to. This and the fact we could not make the last election are the reasons those people who have been advising the Mayor and those he has been involved with have recommended that date as being the logical date to take advantage of the momentum that has built up now for approval of the airport bonds.

Councilmember Carroll stated he was not suggesting that we let Greensboro tell us how to run the Charlotte Airport. But he was trying to suggest, and Mr. Burkhalter mentioned the competitive position, the reason the government is in business at the airport is because we have more at stake than just competition. That is, we are trying to serve the air needs of people from a public point of view, and he thinks that includes looking beyond just Charlotte, and looking at greater needs. That is not something we have even talked about. And he thinks it is too late for any of them to want to pursue that.

Councilmember Carroll stated one other point. We have all been talking about having another bond issue this year; and that is in regard to why a lot of people are here tonight, and that is parks. The fact that we issue this much debt at this particular time has some bearing on what kinds of decisions we can make about parks. That is one the reasons he would have gotten his act together a little sooner. He had set up an appointment to talk with Mr. Fennell, Finance Director, about what our financial position would be, and have not had it. He stated he did not realize this issue was coming up tonight. He understands from the agenda Council has received from Mr. Underhill, City Attorney, we are locked into making the decision if we are going to get our notices out; and if we are going to do what needs to be done to have the election in June.

Mayor Harris asked Mr. Carroll if he was at the financial meeting Council had at the Training Center? Councilmember Carroll replied he was, and he talked with Mr. Fennell at length there in order to determine what the impact would be on our ability to issue bonds for additional things such as parks; and Mr. Fennell would like at least ten days or two weeks to do a little figuring; and he said that was fine and he would be back in touch with him as soon as that time is passed.

Mayor Harris stated to answer the question about Parks; we have already been addressing that for the last couple of weeks; and there is a resolution on the agenda tonight. Recently when talking about the airport, he said he supported also a bond referendum on parks this year. The only things that have occurred other than that is the possibility of merging the functions with the county; and that is a real possibility. He talked with the Chairman about that, and he originally was hoping to put the packages together on the same referendum. Now with the Resolution this evening authorizing the City Manager to work with the County, that will take at least 90 to 120 days for them to come back with their recommendations so that we will know which Body should be getting the authorization for bonds - whether it be the county or whether it be the city, or if it should be split. Hopefully by the general election date, the package could be ready.

Councilmember Carroll stated he had thought if that possibility was pursued whoever issued bonds would have to take into consideration what the city's financial position was, and how much debt they had issued at any given time. He is sure the collective wisdom of Council as he sees it emerging here is something he is going to be willing to go along with; but he wants to share with them his concerns, not to slow up this project which they are all concerned about; but one reason he is suggesting to postpone it until a time when we have a little more leeway is because he has not satisfied himself to all the points he should have done as a councilman to make the decision. He yields to their collective wisdom, but he is going to vote against it.

Mayor Harris stated he would hope that Council in its consideration of this resolution realize we are asking the voters to vote on a choice of funding of the terminal, not for the terminal itself. And that is a very important question because this is what we are going to the voters hopefully to ask for permission to use their credit through the general obligation bonds and method of funding. He wants this in the minutes because last election for some reason or other some people said they thought they were voting for the terminal as such. They are voting for the funding. That is usually what your bond referendums are all about.

Councilmember Cox stated at the financial meeting he understood Mr. Fennell to say that the issuance of the general obligation bonds would not affect our future credit picture in the sense of changing our credit rating. With that assurance and with the background assurance that these bonds backed by a revenue producing body like an airport are counted in the figuring as a general obligation bond not backed by a revenue producing body. Then he went ahead with the general obligation thing. If Mr. Carroll finds out in his discussions with Mr. Fennell over the next couple of weeks that is not true, he would be willing to reconsider his position. He does not think he is going to find that out though.

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Councilmember Carroll stated what he told him was -and he has been leaning to general obligation bonds - it would not affect our credit rating. He did say in light of this, he would not advise us to issue that much more debt for something like parks in the near future. Mayor Harris stated he was indicating \$47.0 million worth of park bonds. That he answered the question by saying a like amount of park bonds. Councilmember Carroll stated he talked with him afterwards because he thought it was important. That in his priorities, parks are more important to him right now in Charlotte than an airport terminal. He would vote that we pursue that as a priority. You talk about cost rise in the cost of land rising to acquire parks is going up every bit as fast, or faster than building this new terminal. He does not know there is a necessary conflict. He is just saying he has not been able to resolve all these things, which were important questions to him. That is the reason for the position he has.

Mayor Harris stated if he thought there was any conflict about the funding for the necessary parks that we have already talked about, he would not be proposing this at all. The land, where we are trying to acquire park land, is in the county; and they are trying to work out this matter concerning consolidation.

Mr. Burkhalter stated he is quite sure because he thinks he is under mandate from this Council to consider the park bonds. He would have urged the Mayor to bring them to Council's attention except they have not finished their meetings; they do not have the information Council instructed them to get. In discussing this with the Mayor's group and others, they had every intention of suggesting that as a general election opportunity that park bonds could come on the general election. At that time they will know what kind of money they are talking about. There is no problem at all of this city issuing \$5.0 to \$7.0 to \$9.0 million in park bonds at all, if they issue the airport bonds. These bonds are paid by other revenues; it will be looked upon in that direction. They have been told that by everyone who advised them on this matter. The general obligation bonds on parks will be strictly paid from the tax revenues; they will be an issue themselves, and the people make a choice. There is no question about that even coming close to the limit.

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

YEAS: Councilmembers Chafin, Short, Cox, Dannelly, Frech, Gantt, Leeper, Locke, Selden, and Trosch.

NAYS: Councilmember Carroll.

The resolution is recorded in full in Resolutions Book 13, at Page 220.

NEIL WILLIAMS TO BE CHAIRMAN OF THE COMMITTEE ON AIRPORT BONDS.

Mayor Harris stated Mr. Neil Williams will be Chairman of the Committee on the Airport Bonds. He agreed to accept this responsibility, and he is working right now on developing appropriate committees. He has made one request. He wants at least two nominees from each district who would be serving on a neighborhood committee regarding the Airport Bond Referendum. Mayor Harris stated he made that specific request of the District Councilmembers.

ACTIONS ACCEPTING AN ADAP GRANT REVISING THE FEDERAL FUNDING FOR THE CONSTRUCTION OF THE NORTH/SOUTH PARALLEL RUNWAY.

(a) Motion was made by Councilmember Chafin, seconded by Councilmember Selden, and carried unanimously to adopt a resolution accepting ADAP funds for a total of \$1,503,081.

The resolution is recorded in full in Resolutions Book 13, at Page 221.

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(b) Motion was made by Councilmember Locke, seconded by Councilmember Trosch, and carried unanimously adopting Ordinance No. 950-X revising the appropriation for the construction of the base course of the North/South Parallel Runway for a total of \$9,348,067, an increase of \$4,585.

The ordinance is recorded in full in Ordinance Book 25, at Page 279.

(c) Motion was made by Councilmember Selden, seconded by Councilmember Locke, and carried unanimously, adopting Ordinance No. 951-X revising the appropriation for the clearing and electrical construction on the North/South Parallel Runway and East Taxiway for a total of \$1,403,845, an increase of \$304,347.

The ordinance is recorded in full in Ordinance Book 25, at Page 280.

WRITTEN REVIEW ABOUT THE NORTH/SOUTH PARALLEL RUNWAY REQUESTED OF AIRPORT MANAGER.

Councilmember Cox stated it seems like every week we get another thing on the runway, for his own information, he would like a written review or projection about what we will be doing. He requested the City Manager to have the Airport Manager give him this information.

PROPOSED STORMWATER RUNOFF ORDINANCES, DEFERRED.

Councilmember Short, Chairman of the Operations Committee, stated we have available a set of ordinances to accomplish what the majority of the Operations Committee is recommending on stormwater runoff. That he believes it is accurate to say the only difference in the recommendations is the threshold involved, which is the 20,000 square foot the majority favored, and the 7,000 square foot of the minority.

He stated there are a number of ordinances, and they would be identical whichever way the Council decides to go with the exception of that one figure. The City Attorney tells him Council can vote on all of these at one time on one motion.

Councilmember Short moved adoption of the ordinance amending Chapter 18, the ordinance amending Chapter 23-87, and the ordinance adding a new section 23-30.01, effective September 1; and adoption of an ordinance effective immediately providing for employment and equipping of one Civil Engineer I and one Civil Engineering Aid III. If Council votes for this motion they will be approving requirements for storm water detention facilities in future construction where there is 20,000 square feet or more of impervious surface involved. The motion was seconded by Councilmember Locke.

Councilmember Short stated if the Council wants to go with the 7,000 square feet of impervious surface, they can vote the same ordinances but with the 7,000 square feet provision.

Councilmember Trosch asked Mr. Short to explain the difference between the original committee's recommendation of 5,000 to 7,000, and the present recommendation of 20,000; and why in his mind this is a better motion?

Councilmember Short replied it is true that an earlier committee, which included him, recommended the 7,000 square foot threshold. This was under a previous Council, and it seemed to that Committee that was all they could get from the subject of drainage. The previous Council did not give any evidence of a plan to go further into drainage with reference to the 85% of the city that is already developed. That ordinance was made rather stringent. If it had been adopted by the previous Council, or if it were adopted by this Council tonight, it would mean that several hundred of these facilities would probably be built in Charlotte next year.

The situation as he sees it is completely changed. The present Council is very much interested in dealing with the existing development, and has requested the Operations Committee to get into this subject and make some further recommendations.

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Councilmember Short stated some of the things he has heard from Committee members, and from other members of Council is they would like to consider in reference to drainage problems in the existing developments in the city, are very, very liberal.

He thinks we should go slow here and handle at the moment the emergency type problems - only the real big parking lots and so forth that would create excessive amounts of runoff, and put box ourselves in for the future. He thinks we can reconsider and handle this matter with greater freedom and not be boxed in when the Committee, hopefully, comes back fairly quickly - a meeting has been scheduled for this purpose - with further suggestions about things that can be done in the entire city on a comprehensive basis, including the developed portion of the city.

To summarize and make it more specific. What if we did force several hundred citizens to build detention ponds next year at their own expense, and later on, and even this summer sometime, we are trying to look in some other direction entirely as to the 85 percent of the city that is already developed.

Councilmember Trosch stated the problem she has is in reading the Planning Commission, which is the original body that upped it from 7,000 to 20,000, the rationale is entirely different than that, it being that in their view it should be 7,000 but that the administration of it should be tested at 20,000 and then the wise thing to do would be to move it down to 7,000. Now, this seems to be a different rationale than was contained in the report.

Mr. Short stated let's go back to the word "do-able". He expects that all the City Engineer can do next year is going to be approximately 140 of these, which is what he prophesies is what would be done under the 20,000 square foot ordinance. The several hundred that he mentioned would be the number that we would have to do if we had the 7,000 square foot ordinance. The budget involved here, and the personnel to be employed, and the gearing up procedure of writing this manual, etc. probably means that we would not get more than the 140 done in any event next year.

Ms. Trosch stated, yet in his request Mr. Hopson says "whether it is 7,000 or 20,000 it will take two additional persons to do the job whereas a year and a half ago it would have taken no new personnel." That what she is trying to get at is, is it really an administrative problem? She does not see that it is, from Mr. Hopson's comments.

Mr. Short replied he does not visualize the change from 7,000 to 20,000 as basically an administrative problem, although the Planning Commission apparently did. He feels like the 7,000 is going to box us in rather dangerously as we attempt to get to what is really the greater problem - that is, the 85 percent of the city which is already developed.

Ms. Trosch stated, so we are dealing with two rationales as far as the Planning Commission rationale and the committee rationale - is that correct? Mr. Short replied he is not sure what the feelings of the other members of the committee are, or what their rationales were, but his own rationale is as he stated it. Ms. Trosch stated, in looking at the Planning Commission's report, if indeed what Mr. Hopson said is true, then she feels that the 7,000 is the appropriate one to go with, if they can administer it, as the Planning Commission questioned whether we could to begin with.

Councilmember Cox stated the discussion since this ordinance was brought up has centered on whether 7,000 or 20,000 was the proper previous size for the city. (Mr. Short stated that at one time it was 5,000.) He stated that Mr. Short was on the original committee. That in reading the minutes of the February 24, 1978 Operations Committee meeting, in the "anti" section, several people representing civil engineers and the development people questioned whether this stormwater drainage ordinance will have the intended effect. Whether it would be "do-able" regardless of the previous lot size. He asked if Mr. Short would care to speak to that.

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Councilmember Short replied the efficacy of the proposed system from an engineering point of view is certainly good, in his opinion. You can get engineers who will argue in all directions. They had about three or four engineers on the original committee - Mr. Phelps, Mr. Hoffman, Clark Reading, etc. There have been engineers who have made statements in both directions, but he does not see how it could help but work, if you are going to detain the water, you are going to detain the water. It is about like preventing somebody from blowing smoke on their neighbor when they are smoking. You just do not blow it on them. In this case, you just do not run the water off on them. He does not see how it could fail to work.

Councilmember Cox stated in his mind, this kind of retention system seems to make sense, but the reason he asked the question is that he has heard and felt vitriolic hatred against this thing and he just wondered from whence those arrows come. He really hates to do this. But, having discovered on Friday that this was going to be on the agenda, he spent a good bit of the weekend and all of this afternoon reading over all of the material and he is not at all comfortable voting either way - for 5,000, 7,000 or 20,000. That he for one would like to defer the whole thing until he has had a chance to study it more - he moved that the matter be deferred.

Councilmember Chafin seconded the substitute motion, stating they do need more time to review the material.

Mr. Short stated the developers have not been vitriolic - they have been quite mannerly.

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

YEAS: Councilmembers Carroll, Chafin, Cox, Dannelly, Frech, Gantt, Locke, Selden, Short and Trosch.
NAY: Councilmember Leeper.

ORDINANCE NO. 952-X TRANSFERRING FUNDS FROM THE UNAPPROPRIATED BALANCE OF THE 1965 SEWER BOND FUND TO PROVIDE FOR SANITARY SEWER SYSTEM REHABILITATION IN THE EDWARDS BRANCH DRAINAGE BASIN.

Councilmember Locke moved adoption of the subject budget ordinance transferring \$27,500 from the unappropriated balance of the 1965 Sewer Bond Fund to provide an appropriation for Sanitary Sewer System Rehabilitation in the Edwards Branch Drainage Basin. The motion was seconded by Councilmember Short.

Councilmember Selden asked what are the rehabilitation needs of the particular sewer system - what is it estimated to cost?

Mr. Lee Dukes, Utility Director, stated they estimated \$27,500 and they have the bids with the low bid being \$21,730. They had hoped this would be on the agenda tonight. Councilmember Selden stated then this is actually a little bit more than is needed and Mr. Dukes replied that is correct.

The vote was taken on the motion and carried unanimously.

The ordinance is recorded in full in Ordinance Book 25, at Page 281.

CONTRACT WITH WESTWOOD UTILITY COMPANY FOR PURCHASE BY THE CITY OF THE USABLE PORTIONS OF THEIR WATER AND SEWER SYSTEMS.

Council was advised that funds were appropriated in the FY78 budget for this purpose; that the total proposed purchase price is \$904,782.57. On motion of Councilmember Chafin, seconded by Councilmember Gantt, and carried unanimously, the subject contract was approved.

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RESOLUTION REQUESTING THAT THE CITY AND COUNTY MANAGERS JOINTLY DETERMINE THE FEASIBILITY AND REQUIREMENTS OF CONSOLIDATING THE CITY AND COUNTY PARKS AND RECREATION DEPARTMENTS.

On motion of Councilmember Selden, seconded by Councilmember Locke, the subject resolution was adopted unanimously.

The resolution is recorded in full in Resolutions Book 13, at Page 230.

ACTIONS NECESSARY FOR THE CLOSE-OUT OF TWO FEDERALLY FUNDED PROGRAMS OPERATED BY THE CITY - 1973 EMERGENCY EMPLOYMENT ACT PROGRAM, AND MODEL CITIES FUND.

1. Ordinance No. 953-X transferring \$1,714.00 from the General Fund Contingency to establish an appropriation for the close-out of the 1973 Emergency Employment Act Program activities, was adopted on motion of Councilmember Chafin, seconded by Councilmember Selden, and carried unanimously.
2. Ordinance No. 954-X transferring \$6,653.72 from the General Fund Contingency to the Model Cities Fund to complete close-out activities, was adopted on motion of Councilmember Selden, seconded by Councilmember Chafin, and unanimously carried.

The ordinances are recorded in full in Ordinance Book 25, at Pages 282 and 283.

TOM TURNER NOMINATED TO THE AUDITORIUM-COLISEUM-CIVIC CENTER AUTHORITY; APPOINTMENT TO THE AUTHORITY DEFERRED.

Councilmember Trosch added the name of Mr. Tom Turner to the list of nominees for appointment to the Auditorium-Coliseum-Civic Center Authority.

Motion to defer the appointment until the next meeting was made by Councilmember Chafin, seconded by Councilmember Short and carried unanimously.

Ms. Trosch requested that a list of the present committee be included in the agenda. Mayor Harris stated she could secure the list from the Clerk's office. Councilmember Gantt called attention to the fact that appointments are for a three year term by action of the Legislature in 1977.

RESOLUTION TO RESCIND AUTHORIZATION TO INSTITUTE CONDEMNATION PROCEEDINGS AGAINST PROPERTY BELONGING TO THE ESTATE OF FRANK O. RATCLIFFE FOR THE DISCOVERY PLACE PROJECT; AND APPROVE THE ACQUISITION OF THE PROPERTY AT \$108,000.

On motion of Councilmember Selden, seconded by Councilmember Chafin, and carried unanimously, the subject resolution was adopted rescinding previous authorization to institute condemnation proceedings and approving the acquisition of property belonging to the Estate of Frank O. Ratcliffe for The Discovery Place project.

The resolution is recorded in full in Resolution Book 13, at Page 231.

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CONSENT AGENDA APPROVED.

Motion was made by Councilmember Cox, seconded by Councilmember Selden, and unanimously carried, approving the consent agenda, with the exception of Items 17, 18 and 24, which were voted on separately.

1. Open Non-Exclusive Contract for Real Estate Broker's Services with Dunbar Realty, Inc. in the Community Development Target Areas.
2. Resolution approving exchange of property in the Fourth Ward Urban Renewal Area between the City of Charlotte and Robert C. Whitton and Susan S. Whitton.

The resolution is recorded in full in Resolutions Book 13, at Page 232.

3. Loan Agreement between the City of Charlotte and John and Rosa D. Clark, 3109 Marney Avenue, in the Grier Heights Target Area, in the amount of \$8,500.
4. Resolution authorizing the Mayor and City Clerk to execute an encroachment agreement with the Southern Railway Company to construct and maintain a 6-inch sanitary sewer pressure line upon the right-of-way and beneath the railroad track.

The resolution is recorded in full in Resolutions Book 13, at Page 234.

5. Encroachment Agreement with the North Carolina Department of Transportation for installation of Fire Hydrants along NC-49 from NC-29 to W. T. Harris Boulevard.
6. Ordinances ordering the removal of trash and other items from properties in the City:

- (a) Ordinance No. 955-X ordering the removal of illegal tree limbs on vacant lot adjacent to 4011 Plato Circle.
- (b) Ordinance No. 956-X ordering the removal of illegal tree limbs at 117 West Kingston Avenue.
- (c) Ordinance No. 957-X ordering the removal of trash and rubbish at 624-634 Billingsley Road.
- (d) Ordinance No. 958-X ordering the removal of trash and rubbish at 1605 Kenilworth Avenue.
- (e) Ordinance No. 959-X ordering the removal of trash, rubbish and junk at 4000 block of Glory Street.
- (f) Ordinance No. 960-X ordering the removal of trash, rubbish and junk on 7.94 acres off Glory Street, at rear of K-Mart.
- (g) Ordinance No. 961-X ordering the removal of an abandoned motor vehicle at 4231 Mantle Court.
- (h) Ordinance No. 962-X ordering the removal of an abandoned motor vehicle at 2612 Weddington Avenue.

The ordinances are recorded in full in Ordinance Book 25, at Pages 284 through 291.

7. Resolution authorizing the refund of certain taxes which were collected through clerical error and illegal levy against one tax account, in the amount of \$866.40.

The resolution is recorded in full in Resolutions Book 13, at Page 235.

8. Streets taken over for continuous maintenance by the City:
 - (a) Simsbury Road, from 815' north of Mullens Ford Road to Fairview Road.
 - (b) Lilly Mill Road, from 100' east of Tattersall Drive to cul-de-sac.
 - (c) Greenleaf Avenue, from 270' northwest of Elliott Street to Westbrook Drive.
 - (d) Garthwood Road, from 265' northwest of Woody Ridge Road to Woody Ridge Road.

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9. Contracts for water mains and sanitary sewer mains:

- (a) Contract with A & R Construction Co., Inc., for the construction of 270 feet of 2-inch water main to serve Delane Avenue, inside the city, at an estimated cost of \$1,500, with no funds required from the City.

Located inside the city, immediately south of Monroe Road and west of Sharon Amity Road.

- (b) Contract with Charlotte Memorial Hospital and Medical Center for the construction of 290 feet of 8-inch sewer main to serve Blythe Boulevard, inside the city, at an estimated cost of \$13,000, at no cost to the city.

Located inside the city, Blythe Boulevard near Brunswick Avenue.

- (c) Contract with Westminster Company for the construction of 2,930 feet of 8-inch, 6-inch and 2-inch water mains to serve Stonehaven Section 30, outside the city, at an estimated cost of \$28,000, with no cost to the city.

Located outside the city, west of Monroe Road and north of McAlpine Creek.

- (d) Contract with The Ralph Squires Company for construction of 2,545 feet of 8-inch and 6-inch water mains to serve Heathergate Subdivision, Phase 1B, outside the city, at an estimated cost of \$25,200, with no cost to the city.

Located outside the city, immediately east of Wilson Grove Road and north of Kuck Road.

- (e) Contract with S & M Development Company for the construction of 8,126 feet of 8-inch sewer main to serve Medearis Subdivision, inside the city, at an estimated cost of \$121,900, at no cost to the city.

Located inside the city, off Sardis Road north of Boyce Road.

- (f) Contract with Syragan Realty Company, John Crosland Company, Agent, for construction of 3,580 feet of 8-inch, 6-inch, and 2-inch water main to serve Idlewild South #2, inside the city, at an estimated cost of \$31,000, with no cost to the city.

Located inside the city, immediately south of Idlewild Road and east of Piney Grove Road.

- (g) Contract with John Crosland Company for the construction of 910 feet of 8-inch, 6-inch and 2-inch water mains to serve Chestnut Lake Section IV, outside the city, at an estimated cost of \$7,950, all at no cost to the city.

Located outside the city, south of Lawyers Road and east of Idlewild Road North.

- (h) Contract with Bevins Development Company for the construction of 3,280 feet of 6-inch water mains to serve Taragate Farms, Section III, outside the city, at an estimated cost of \$26,000, at no cost to the City.

Located outside the city, west of Sandy Porter Road and north of York Road.

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- (i) Contract with D. L. Phillips Investment Builders, Inc. for the construction of 1,600 feet of 8-inch sewer main to serve Dwight Evans Road at Pressley Road, inside the city, at an estimated cost of \$24,000, at no cost to the city.

Located inside the city, Dwight Evans Road at Pressley Road.

- (j) Contract with The Ralph Squires Company for the construction of 2,757 feet of 8-inch sewer line to serve Heathergate I-B, outside the city, off Wilson Grove Road at Central Avenue, at an estimated cost of \$41,355, at no cost to the city.

10. Property Transactions:

- (a) Acquisition of 7.5' x 142.84' of easement, plus a temporary construction easement at 6600 Crab Orchard, from Sherrill D. Curtis and wife, Lynda B. Curtis, at \$300.00, for Sanitary Sewer to serve Slatewood Section IV.
- (b) Acquisition of 25' x 1,160.66' of easement, plus a temporary construction easement at 8350 East Independence Boulevard, from Juanita H. Jordan, at \$1,690.00, for Beards Creek Interceptor.
- (c) Acquisition of 15' x 117.03' and 7.5' x 152.02' of easement, plus a temporary construction easement at 900 Everette Place, from Henry B. Lewis and Virginia P. Lewis, at \$500.00, for Annexation Area I Sanitary Sewer.
- (d) Acquisition of 15' x 250.47' of easement, plus a temporary construction easement at 500 Neal Drive, from Robert K. Mishler and Jessie M. Mishler, at \$1,000.00, for Annexation Area I Sanitary Sewer.
- (e) Acquisition of 15' x 100.07' of easement, plus a temporary construction easement at 6217 King George Drive, from Bryon W. Yandle and wife, Nathalie D., at \$300.00, for Annexation Area I Sanitary Sewer.
- (f) Acquisition of 15' x 95.18' of easement, plus a temporary construction easement at 6205 King George Drive, from John L. Sturgis and wife, Frances J., at \$600.00, for Annexation Area I Sanitary Sewer.
- (g) Acquisition of 15' x 107.07' of easement, plus a temporary construction easement at 6500 North I-85, from Walter Kassuba Realty Corporation, at \$200.00, for Annexation Area I Sanitary Sewer.
- (h) Acquisition of 15' x 1,270.17' of easement, plus a temporary construction easement at 6300 North I-85, from Walter Kassuba Realty Corporation, at \$1,500.00, for Annexation Area I Sanitary Sewer.
- (i) Acquisition of 15' x 760.28' of easement, plus a temporary construction easement at 1620 Sugar Creek Road West, from Robert F. Hunter and wife, Bernie F., at \$750.00, for Annexation Area I Sanitary Sewer.
- (j) Acquisition of 15' x 358.56' of easement, plus a temporary construction easement at 1600 Sugar Creek Road West, from Vernon Bland Atkins and wife, Myrtle L., at \$360.00, for Annexation Area I Sanitary Sewer.

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- (k) Acquisition of 7.5' x 266.04' of easement, plus a temporary construction easement at 6016 Johnette Drive, from Excell Smith and Lucille J. Smity, at \$384.00, for Annexation Area 2 Trunk to Delta Road.
- (l) Acquisition of 15' x 231.67' of easement at end of Johnette Drive, from Mary Johnston Wallace, at \$301.00, for Annexation Area 2 Trunk to Delta Road.
- (m) Acquisition of 15' x 475.54' of easement, plus a temporary construction easement at 6121 Delta Road, from Lucy M. Watts, at \$475.00, for Annexation Area 2 Trunk to Delta Road.
- (n) Acquisition of 15' x 289.44' of easement, plus a temporary construction easement, at 1237 Mulberry Avenue, from Mattie Kathleen King, at \$364, for Annexation Area 2 trunk to Delta Road.
- (o) Acquisition of 15' x 211.70' of easement, plus a temporary construction easement, at 6121 Delta Road, from Johnny Lee Whitley and Brenda Kay Whitley, at \$499, for Annexation Area 2 trunk to Delta Road.
- (p) Acquisition of 15' x 455.70' of easement, plus a temporary construction easement, at 6100 block of Delta Road, from Glenn Avery Howie and wife, Mary Phyllis Howie, at \$580, for Annexation Area 2 trunk to Delta Road.

RESOLUTION SETTING A PUBLIC HEARING ON APRIL 17, 1978 FOR CONSIDERATION OF THREE HISTORIC PROPERTIES - McMANAWAY HOUSE, KENMORE HOTEL AND INDEPENDENCE BUILDING.

Motion was made by Councilmember Chafin, seconded by Councilmember Gantt, adopting the subject resolution to set a public hearing on the three historic properties for April 17, 1978, at 8:00 o'clock p. m., at the Education Center.

Councilmember Selden stated there are four questions he would like answered at the hearing:

1. What are the tax appraisal values of each of these properties?
2. Does the recommendation include interiors as well as exteriors?
3. What are the tax and occupancy prospects of each if, after the hearing, each is designated as an historic property?
4. What are the tax incentives applicable in each case?

The vote was taken on the motion and carried unanimously.

The resolution is recorded in full in Resolutions Book 13, at Pages 236 and 237.

RESOLUTION DECLARING AN INTENT TO ABANDON AND CLOSE A PORTION OF COKER AVENUE, AND CALLING A PUBLIC HEARING ON THE QUESTION ON MONDAY, MAY 8, 1978.

Motion was made by Councilmember Gantt, seconded by Councilmember Short, adopting the subject resolution declaring an intent to abandon and close a portion of Coker Avenue, and calling a public hearing on the question on Monday, May 8, 1978.

Councilmember Selden asked who owns the property on the southeast side of Coker Avenue, along the portion to be closed? Mr. Underhill, City Attorney, replied the City of Charlotte owns the property on both sides. Mr. Selden asked how will mobile visitors access to the park if the road is closed?

Mr. Bob Hopson's reply was inaudible, but Mr. Selden stated, in other words, it would be closed at different hours.

The vote was taken on the motion and carried unanimously.

The resolution is recorded in full in Resolutions Book 13, at Page 238.

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ORDINANCES AFFECTING HOUSING DECLARED UNFIT FOR HUMAN HABITATION.

1. Ordinance No. 963-X, ordering the demolition and removal of an unoccupied dwelling at 1401 North Davidson Street, was adopted on motion by Councilmember Gantt, seconded by Councilmember Locke, and unanimously carried.
2. Ordinance No. 964-X, ordering the demolition and removal of an unoccupied dwelling at 1101-03-05 Herrin Avenue in a Target Area, was adopted on motion by Councilmember Locke, seconded by Councilmember Dannelly, and carried unanimously.
3. Ordinance No. 965-X, ordering the demolition and removal of an unoccupied dwelling at 1928 Pegram Street, was adopted on motion by Councilmember Selden, seconded by Councilmember Chafin, and carried unanimously.
4. Ordinance No. 966-X, ordering the occupied dwelling at 1403 North Davidson Street to be vacated and closed, was adopted on motion by Councilmember Short, seconded by Councilmember Frech, and unanimously carried.

Councilmember Carroll stated he thinks it is important for them to pause for a minute and take a closer look at these because a lot of questions have come up related to the in rem remedy. That they are in rem remedying these properties. The question they have talked about before is how they do that - in what manner.

He stated on this particular one the City is spending \$400 of the owner's money to vacate and close the property that is occupied, as opposed to spending \$1,150 to have it repaired so that the tenants can continue to live there. He is not suggesting that they not go ahead and vacate and close, but he did want to point out to Council what he thinks is a serious policy option they are skipping over, and have skipped over in the past. That what they have agreed to is to pursue the possibility of this option in four limited Target Areas before looking at the broader areas of the City which includes where this is, but while they are doing this, it is good for them to be conscious of exactly what they are doing, the housing shortage and other things. That they are, in fact, by their actions on this and the previous ordinance closing two dwellings that are occupied.

Councilmember Gantt called attention to the fact that a procedure was formerly used with the previous Council, in which pictures of such units were shown Councilmembers. Mr. Burkhalter stated they are in the report; that the value of the dwelling is \$2,480, the value of the land is \$1,200, the estimated cost of repair is \$1,150; the estimated cost of vacating and closing is \$400. He asked Mr. Jamison if this is a house the owner could elect to repair once Council has taken this action or is it condemned? Mr. Bill Jamison, Superintendent of Building Inspection, replied if the owner elected to repair the property after this action is taken that would be fine; this is what they would like him to do. It can be salvaged and they have been trying to get him to do this, but he has refused, and this is the process they follow to get him to take some action.

Councilmember Cox stated he remembers a lot of discussion about the in rem remedy and it was a presumption on his part that they were going to refer that matter to a committee. Did this every happen? Councilmember Short replied this was referred to the Operations Committee and that he suggested to the committee that perhaps they should pursue the drainage matter and then get into this. That they certainly have every intention of doing that. The drainage matter has been a little intense with them recently.

Councilmember Gantt stated the thing he is a little concerned about is that even repairing this property, he is afraid if it looks like some of the dwellings they went in today, if they went in and fixed an outlet and did a couple of other things, and assume that they have made it fit for human habitation, it stretches the question a little bit. He does not know that the answer is what they are doing here because closing the unit also shuts off the option for a possible housing unit and that person has to look somewhere else. We do not assist that individual in

finding that housing because they are not a part of the CDRS area. Mr. Carroll stated he is assisted but not financially. Mr. Gantt stated it also appears to him that the value of these units is so much lower - when you put the house and the lot together it comes to about \$3,700 - and he would not imagine that this is very much different from a lot of the houses they have condemned and paid \$13,000 or \$14,000 for. He does not know that he could support a motion to simply repair it using the in rem remedy in that situation. He would probably want to see what they do with the areas they have designated to work on.

Mr. Carroll stated he was not suggesting they take the repair option with this house, and he certainly agrees that it is something that has to be applied on a case-by-case basis to determine whether it is in a neighborhood that is a part of a residential area, and a lot of other factors. He did think it was important to point out that this is the in rem remedy - vacating and closing and spending \$400 of the owner's money to fix it up. The alternative is, of course, to spend that money to repair it if it can be done.

Referring to the question Councilmember Cox asked, Mr. Carroll stated that as he understands the situation, Council has instructed the staff to pursue presenting that option to them in the four particular target areas, while at the same time the Operations Committee will undertake to try to develop some other options as well as review the in rem remedy itself and how it might work.

5. Ordinance No. 967-X, ordering the occupied dwelling at 1752 Dunkirk Drive to be vacated and closed, was adopted on motion by Councilmember Chafin, seconded by Councilmember Gantt, and unanimously carried.

Councilmember Leeper stated he is familiar with this particular dwelling; that Mr. Turner White is the person living there now. This is not the kind of housing that Mr. Gantt just mentioned. The value of the property is \$6,000 and basically all the problem is there is some water running under the basement that has washed a pillar out, which makes it dangerous. Basically, it is a sound house and it is certainly the owner's prerogative to determine whether he wants to repair that dwelling or not. At this point he is concerned about Mr. White. How long will a person be allowed to live in that dwelling prior to the City's closing it down and what kind of assistance will Mr. White get in terms of relocation?

Mr. Jamison replied if some emergency work is not done there pretty soon, he is going to have to move out. The water pipes are bursted inside of the house and water is running out the back kitchen to the ground on the outside and the peers are actually falling under the house. He thinks he should get out pretty quick. Mr. Leeper replied he agrees but he is concerned about what kind of assistance the City is going to give him in giving him another place to live.

Mayor Harris stated there is no assistance outside the CD area; and Mr. Jamison stated the relocation people will assist him in finding a place but they will not pay for it. Mr. Leeper replied he is aware of that but he was concerned if we would be giving him assistance in finding a place to live. Mr. Jamison stated the owner has completely neglected the property.

6. Ordinance No. 968-X, ordering the unoccupied dwelling at 1200 West Boulevard to be closed, was adopted on motion by Councilmember Frech, seconded by Councilmember Chafin, and carried unanimously.

Councilmember Leeper stated this dwelling is valued at \$7,500, the estimated cost to repair is \$500; it will cost the City \$250 to close it up. Would the City not be doing the owner a favor in fixing it up? Mr. Jamison replied this house is unoccupied and is in pretty good shape. It should be secured. If someone does not secure it pretty soon it is going to be vandalized and then it will probably take more than 50 percent of its value to repair it. That the owner will not touch it. Councilmember Cox stated that is the in rem remedy. He stated he has seen some of these pictures before, and they have been doing this in rem remedy before.

Mr. Jamison replied absolutely, on closing and demolition work. It is not new. The ordinances are recorded in full in Ordinance Book 25, beginning at Page 292.

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MOTION TO CONSIDER A NON-AGENDA ITEM.

Councilmember Chafin moved that Council place on its agenda the request brought by Mr. Taylor in the informal session for permission to have beer in Latta Park for the race on May 7. The motion was seconded by Councilmember Short, and carried unanimously.

REQUEST TO DISPENSE BEER AT LATTA PARK, MAY 7, AFTER BICYCLE RACE, APPROVED.

Mr. Burkhalter, City Manager, stated Mr. Taylor said tonight they wanted to give the beer away, and he misunderstood because he had thought they were asking for permission to sell beer.

Mr. Taylor stated their intention originally was they wanted to give it as a courtesy to the racers who come from a far distance, and spent the time to come down to our race. They also feel that spectators there are going to be interested in it, and they do not want to discriminate against them. If they are going to sell beer, they are going to need some lead time to get a permit so they can pay the taxes and everything.

Mayor Harris asked if they are going to sell beer, or give it away? Mr. Taylor replied they are just happy to give it away. No where in their promotions will they advertise the fact that beer is going to be there.

Councilmember Cox stated he read the letter Mr. Taylor wrote to Council with great interest and was struck by the fact that his proposal was as responsible as about anything that he has seen in giving away free beer. They have the neighborhood involved; they have a time limit on the dispensing of the beer. Mr. Taylor stated the nature of this event predicates the fact they have to have controls. They are probably going to have 75 competitors here, where people ride sophisticated bicycles, with the average cost of one of these bicycles \$700.00, and they would not want someone who is intoxicated walking in front of them.

Councilmember Cox moved that the request be approved, which motion was seconded by Councilmember Short.

Mr. Burkhalter, City Manager, stated there is no one from the Parks here, and it may violate their regulations for them to sell something without the profit going to the Parks; there is a policy about concessions on parks. Mayor Harris stated he thought Mr. Taylor said they were going to give this away, and Mr. Taylor replied they are going to give it away.

Councilmember Trosch asked why they are coming to Council for this permission? Is it because it is our park and there are regulations on this? Mr. Underhill, City Attorney, stated prior to about a year ago the city ordinance completely prohibited beer or wine from being consumed in a public park. About a year and a half ago, a group with the International Festival was putting on an event, and the German booth wanted to sell beer along with their food. Council was interested in that, but it violated the ordinance. So the ordinance was amended to say that the dispensing of beer and wine in any park, in connection with community-wide celebrations of national, state or city events on such occasions or upon such terms as approved by the Commission (read Council now). It is permitted upon such terms as Council permits, and upon those occasions. That is why Mr. Taylor is before Council tonight.

Councilmember Trosch stated if he is saying anybody who comes, and all the beer you want? Mr. Taylor replied in his letter he stated they will have the main event, and it will end approximately 3:30 p.m. The people who participated in that event will have the first shot at what beer they have. Then they will dispense beer until they do not have any left. The activities will close around 6:00 o'clock. It will be about a two and half hour period.

Councilmember Locke stated she was in the Park yesterday, and people were openly drinking, and the police were out there dumping it out, and were doing an excellent job. There were a lot of families at Freedom Park picnicking as she was, and she was pleased to see what the police officers

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were doing out there.

The vote was taken on motion, and carried by the following vote:

YEAS: Councilmembers Cox, Short, Carroll, Chafin, Dannelly, Freck,
Gantt, Leeper, Locke and Selden.

NAYS: Councilmember Trosch.

COMMENTS AND ANNOUNCEMENTS OF INTEREST TO MAYOR AND COUNCIL BY
CITY MANAGER.

Mr. Burkhalter, City Manager, stated it is going to cost several thousand dollars to get the information about personal property taxes in order to send this information to each individual in connection with the Municipal Service District. It is a massive task to get this done, and we have asked the County Tax Collector to do so. But before spending this kind of money he wants to be sure the Mayor and Council know about this. We are talking about six or seven thousand dollars to do this.

Mr. Burkhalter stated the Planning office sent out information to Council concerning the April 24 meeting, and two of the envelopes went out empty as the information came back from the post office.

Mr. Burkhalter reminded Council that the Planning and Public Works Committee of Council is scheduled to meet Tuesday morning at 10:00 P.M.

Councilmember Short advised the Operations Committee meeting scheduled for Wednesday morning April 5 has been rescheduled for Wednesday, April 26, 1978.

COMMENTS AND REQUESTS OF COUNCILMEMBER CARROLL.

Councilmember Carroll stated in regards to Mr. Burkhalter's comments about the Municipal Service District, he had asked earlier about some suggestions of alternative sources of funding. That he is still interested in that possibility; that he is very much interested in what the Municipal Service District would do. He would be interested in us funding it perhaps from another source. That he does not know if that has any bearing on what Mr. Burkhalter was just talking about, but he thought he would mention it.

Mr. Burkhalter replied it does to the extent that in order to do what a Municipal Service District does in the way of funding. To levy a tax, we must mail out to each property owner a notice. In order to meet the deadline we have now, we must start on it now. We cannot wait until formal approval is given to it. That is the point. We will get in the same condition he was talking about on the airport. We must start now, or we cannot do it. They agreed to do it, but it is a big job for them. Councilmember Carroll stated he will talk to him about this later.

Councilmember Carroll stated he knows that a lot of members of Council have received some comments from various citizens, and he has raised some questions regarding the Independence Expressway downtown, and whether or not it is doing the kind of job for downtown we would like for it to do. That he has had some contact with several people in the academic community, particularly a planner and architect at the North Carolina State University in Raleigh who has agreed to take a look at this project from an overall planning point of view, and what will meet the needs of the downtown and all of the city.

He does not know what they will come up with; but they have volunteered to do this for free. That he wanted to pass this along that it is happening, and he hopes it will serve to either reinforce, perhaps make some minor changes, for City Council to reconsider if there are other alternatives. He thinks it will add some extra light to the problem.

Councilmember Carroll requested that the City Manager be instructed to place the Open Housing Resolution drafted by the City Attorney on the Agenda in the near future.

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NOMINATION OF DAVID G. MARTIN FOR REAPPOINTMENT TO THE CIVIL SERVICE BOARD.

Councilmember Short placed in nomination the name of David G. Martin for reappointment to the Civil Service Board for a three year term. That Mr. Martin is the Chairman of the Board and his term runs out in about a month. Because of some of the things going on on the Board, it seemed like a good idea to make it known that he would like for him to continue there. Mr. Martin is an excellent man, particularly in the situation they have now, where the Judge has ruled they do not have subpoena power.

REQUEST THAT REALIGNMENT OF DISTRICTS BE PLACED ON AGENDA.

Councilmember Chafin stated now that we have established a date for the airport referendum, it seems to her it might be appropriate to place on the agenda the question of realigning the districts. The Manager has assured Council to the extent possible that we probably will not have an annexation that would be effective prior to the next municipal election.

Given the time table of the Planning Staff as she understands it, the report will probably be presented to Council at a time when we would follow similar procedure to that we followed most recently.

The City Manager stated he is due to get some information right away on this. He is not aware of any reason why they should not proceed. Councilmember Chafin stated she thinks it is important that Council do this. Mr. Burkhalter stated he does not know of any reason now to say there would be an annexation recommendation. He asked if Council wants this on the next agenda? Councilmember Chafin replied as soon as possible.

Councilmember Leeper stated he questions putting it on the agenda that soon. There are some people in the community doing some surveys and looking into these particular questions we are addressing. He would like to have a couple of weeks for people to begin to see it. That is his only concern about it; and two or three weeks from now he would be willing to put it on the agenda.

Councilmember Chafin asked why it could not be on the agenda for the next week and establish a date for a public hearing if Council felt the need to do that? Councilmember Leeper stated he does not think the information will be compiled in that time. Councilmember Leeper stated we can have the bond referendum without redoing the districts. Councilmember Chafin replied she thinks it would be better to do it before the election. Councilmember Dannelly stated he fails to see where it would be that important to the airport referendum as long as the people are in the city. He also questions getting into it prior to the county elections on May 2. That at this point we should direct ourself to keep from additional confusion around that time to our voters and citizens, it would benefit us. He thinks it will create confusion to get into the discussions of redistricting prior to that May 2 election.

Mr. Burkhalter stated he thought that Council wanted to do this prior to any election. Councilmember Chafin replied that was her feeling; she feels we are discussing it tonight, when the appropriate thing to do would be put it on the agenda.

The City Manager stated he will bring this up informally at the next meeting.

REQUEST THAT RESOLUTION REGARDING THE OUTER BELTWAY ADOPTED BY CITY COUNCIL ON MARCH 20 BE SENT TO EACH MEMBER OF THE N.C. BOARD OF TRANSPORTATION, AND TO ALL CITIES AND TOWNS IN MECKLENBURG COUNTY.

Councilmember Gantt stated the Council at its last meeting made a decision to support the northern route for the outer belt loop. He wants to make sure our position is well known among all those persons who have to make decisions in regard to this situation.

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For that reason, with Council's permission, he would like to ask the City Clerk to forward to the members of the North Carolina Department of Transportation a copy of the resolution passed by Council on the 7-4 vote, and copies of that resolution be sent to all the neighboring towns and cities in the County of Mecklenburg. Further that an invitation be addressed to any member of the Board of Transportation who wants to come and speak to Council as a group, or individually to let them hear the reasons for the decision.

He stated our position has been confused by a lot of people who have not understood, and he thought personally the resolution did cover a number of points, and that it ought to be clear what the Council voted on.

Councilmember Locke stated that is fine as long as it will show it was a 7-4 vote.

Councilmember Cox stated he has an objection to that. Council talked last time about at some later date having the opportunity to amend the resolution. Mayor Harris stated you always have the opportunity to amend any resolution.

Councilmember Trosch stated if the minutes are sent with the resolution, it is included in there.

Councilmember Cox stated that discussion was not included in the minutes. Councilmember Gantt stated he thinks he is out of order; the minutes covered a number of pieces of discussion including two other resolutions. He is talking about, and made specific reference to the 7-4 vote resolution that was voted upon, to be sent. If what he wants is to send the minutes of the entire discussion on the outer belt, that is fine. Councilmember Cox replied the only thing the minutes did not include the language that insued between Mr. Gantt, Ms. Chafin and himself primarily that said he was going to make some amendments to the resolution, primarily because he had not seen the resolution. He just wanted to reserve that option. He has seen the resolution now, and it is lengthy, and he still thinks he would like to reserve the option to make some amendments to it.

Councilmember Cox stated when he tried to make some amendments that night the words he received were -"let's do it later". He accepted that and said for the record that at some future date he would be given the opportunity to amend the resolution. That he said those words and they were not in the minutes.

Councilmember Chafin stated her understanding was that Council was not talking about amendments to that resolution, but a separate resolution at some future date. Councilmember Cox replied he was specifically talking about amendments. Councilmember Chafin stated she does not think that most members understood that.

Councilmember Cox stated it was rather strange to him that the words he said for the record, he wanted the record to show what he just stated, and it was not in the record. It was stated that he would have the opportunity to make some amendments to that resolution.

Mayor Harris stated he should have corrected the minutes at the beginning when the minutes were approved. That Council should always corrects the minutes if they think they are incorrect. He asked the Clerk to go back and listen to the recorded records, and verify Mr. Cox's request.

Councilmember Gantt stated he does not want this issue to be clouded. That he thinks it is very clear that the intent of that resolution was to support the northern route. He asked if the amendments he is about to make will change the nature of the location of the route? Councilmember Cox replied no. Councilmember Gantt asked if he will elaborate on what the amendments will be about? Councilmember Cox replied he would rather not at this time. He wants to talk about the right to make those amendments. Councilmember Gantt stated he agrees with everyone else that he has the right to change and ask for reconsideration of any resolution that passes. What he is

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saying is that on a certain date this Council passed a resolution. He is only asking that that resolution be distributed to all towns and cities in this county, and to every member of the North Carolina Department of Transportation. Mayor Harris stated just as he distributed it to the County Commission. Councilmember Gantt stated that is exactly what he is asking.

Councilmember Carroll stated if Mr. Cox has it put on the agenda again, and amendments are made to the resolution, then we would send those also. That he thinks Mr. Gantt is in order in wanting to communicate to the decision making body what the Council has done.

Councilmember Short stated it seems to him that any Councilmember could ask the Clerk to send any portion of the minutes to anybody in the world. Mayor Harris stated if it is a matter of public record.

Mayor Harris stated Mr. Gantt has requested to send the minutes together with the vote to the Department of Transportation, and the cities and towns in Mecklenburg County.

MS. ANNIE HONEYCUTT NOMINATED FOR APPOINTMENT TO THE HOUSING APPEALS BOARD.

Councilmember Leeper placed in nomination the name of Ms. Annie Honeycutt as the Tenant Occupant to the Housing Appeals Board.

DISCUSSION OF TRAFFIC SIGNAL AT BARRINGER AND CLANTON ROAD REQUESTED PLACED ON AGENDA.

Councilmember Leeper requested that a discussion of the placement of a traffic signal at Barringer Drive and Clanton Road be placed on the agenda.

REQUEST THAT SYSTEM OF NOMINATING AND APPOINTING PERSONS TO BOARDS BE PLACED ON AGENDA FOR DISCUSSION.

Councilmember Frech stated she is not happy with the system by which City Council nominate and elect people to boards. In the past couple of weeks we have all been put in some most peculiar position by some tactics used in support of some.

She suggested that Council move toward announcing that it will take nominations until a certain date, and Council will vote on that date. She would prefer having all nominations in so Council members can consider them all at once, and is not subjected to certain types of pressure.

Councilmember Locke stated this should be placed on the agenda for discussion as it is very worthwhile.

Mayor Harris stated he thinks she is right, and it does need evaluating. It should be discussed at a time when there is a good P.A. system.

Councilmember Frech stated she would like to have it on the agenda for discussion.

FURTHER COMMENTS ON OUTER BELTWAY.

Councilmember Frech stated on the subject of the belt road, she asked if there will be further discussion with the County Commission. The implication from what she read in the paper about the Mayor's discussion with Mr. Foley indicated there would be some more after they had had their vote.

Mayor Harris replied he gave Mr. Foley a copy of the resolution as instructed by City Council; that Mr. Foley said he would take the resolution and give it to all members of the Commission immediately, which he understood he did.

They then agreed that after the votes were taken they would get back together and see if anything else needs to be done. Where do we go from there? That

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is where they left it. There may be a possibility of meeting with the Secretary of Transportation about it.

Councilmember Frech stated she just wants to make a point of supporting that our position be made quite clear. She thinks all the minutes should be sent along with the resolution.

Councilmember Gantt stated he does not have any concern with that. But all of us get a lot of data all the time. If you send the 23 members of the Board of Transportation the minutes, and somewhere in those minutes is embedded the resolution, it may never get read. Send the minutes fine; but be sure the resolution is pulled apart so they can read the resolution, and if they want to read the backup information they can have it.

Councilmember Trosch stated she would like to reaffirm what Ms. Frech has said because we have heard a great deal of talk about compromise related to our position on the road. That we very clearly stated in a 7-4 vote our position on the road, and we would advocate this position reconfirming the feeling we have when we have people calling us.

COMMENTS AND REQUESTS BY COUNCILMEMBER TROSCH.

Councilmember Trosch requested that the map be included when a zoning matter is brought to Council for decision. That they went out today to look at some of the areas and did not have the maps to use.

Councilmember Trosch stated there is a Storm Water Management presentation on Council's schedule for Thursday, April 20, at the Roadway Inn. She asked what this concerns. Mr. Burkhalter, City Manager, replied a very detailed presentation was made to the previous Council by some people from the University and from the State to give Council an overall picture of what the drainage problem is, and ways to attack it. That Staff thought before Council became too involved in this individually they might like to hear this overall situation.

COMMENTS AND REQUESTS OF COUNCILMEMBER SELDEN.

Councilmember Selden asked that the speed limit on Nations Ford Road be reviewed by Mr. Corbett, Director of Traffic Engineering, and that a recommendation be made to City Council.

Councilmember Selden stated as a result of a request he made one or two council meetings ago, Mr. Hopson, Director of Public Works, presented to him through the City Manager, a list of eleven high priority storm water problem areas, which included Enderly Park, Mr. Finley's property, and others. He had a price tag on these lead areas at \$1.605 million. In talking to the Chairman of the Operations Committee in terms of doing something about existing problems, he believes we can bring them up and discuss them in detail, and give some consideration of a recommendation to Council regarding them. But he does not want to foreclose on the use of revenue sharing funds totally until this aspect has been explored as a possible alternative in revenue use.

He requested an open option of the revenue sharing at whatever time it is going to come up as a possible use for this purpose.

Councilmember Short asked who is putting together the suggestions for general revenue sharing money? Mr. Burkhalter, City Manager, replied the budget office, and it will be brought forth on May 18.

Councilmember Selden stated in connection with Councilmember Cox's comments, he has a distinct recollection that when he proposed an amendment to the resolution that was passed on the outer belt, he started reading off some things he wanted included, and Ms. Chafin was saying yes, and there was no factual recording of this. Then he read off one item and he was watching Ms. Chafin's face and she said no in effect. Councilmember Selden stated he is saying there were some things in there that were deserving and he heard Ms. Chafin say she could fold them in, which is part of why Mr. Cox had this feeling. That he got a reaction that was negative, and that is when it did not go for all the items. That he is simply throwing this in for clarification. That he thinks the recorded record will show this.

COMMENTS AND REQUESTS OF COUNCILMEMBER COX.

Councilmember Cox stated he was under the impression that we would have the opportunity to amend the resolution. On the basis of that understanding he has asked Mr. Corbett, through the City Manager, to prepare some traffic figures indicating some proposals if the road were not built at all; if the road was built on the southerly alignment; if the road was built on the northerly alignment. We do not have those numbers today.

The heart of what he is trying to get at is that it is important to him that we have this road; it is important to the neighborhood traffic in that area; it is important for the neighborhood traffic in the northeast. It is important to him that we have the road.

If you had a list of three, that to him would be number one. After that the difference between north and south, he happens to vote south, the important thing to him is the road, and he does not think that message was a part of that resolution.

What he wants to say to the Board of Transportation is first of all is we as a Council said before, we feel like this road is very important and it is to go north; but we also desperately want a road. That is what he wanted to say. When Ms. Chafin asked him last week when we were going to get together to modify the resolution, he had in mind that we would do it today. When he received his agenda this weekend, he was surprised when it was not on there.

People called him over the weekend and asked what kind of resolution, or if he was going to introduce any resolutions on Monday. He replied not that it is not on the agenda and that he guessed they decided to put it off until the next meeting because this was a night meeting.

Councilmember Cox stated that is the kind of amendments he would like to introduce; he has no intention of introducing amendments that would strike at the heart of the resolution, even though he does think that resolution could be cleared up. That he can see 24 of the members, Board of Transportation, from a city in North Carolina reading the resolution and saying what are they trying to tell us. He thinks it can be cleared up in that regard to strengthen it. But one thing he wants to do is build a road. That he is kinda like Voltair in that regard, he will defend his right to say that to make those resolutions, and that is what he is kinda after. The difficulty now is that the moment has passed. The moment passed two weeks ago when he was lead to believe we would have the opportunity to make resolutions later, and he backed off because of the late hour. And people were tired and people were upset and he did not want to pursue it; it was not the time to pursue it. Now it is very difficult for him to get it back on the agenda. How do we get it back on the agenda to talk about it? Councilmember Chafin replied he should state he wants it to be on there. Councilmember Cox stated all he wanted was to clarify that message because if they heard what he said the other night, he said "we have to send a very clear message to the Board of Transportation, because they are going to be getting many, many different messages from a lot of folks." Councilmember Gantt stated he does not hear anything in the message we are offering to the Board of Transportation that says the Council is not for the outer belt concept. All of what Mr. Cox has just said, says this Council endorses the concept of an outer belt road, and he wants that made clear. That in his own mind he does not know that he would want to say that the road can go anywhere just so long as we have it out there. He is not ready to say that yet.

Councilmember Cox replied he wanted the opportunity to have the Council vote on that. Councilmember Gantt stated then let's put it on the agenda for next week.

Mr. Burkhalter, City Manager, suggested that Mr. Cox draft what it is he wants Council to do, and give it to him and he will send it out to all members of Council, and then Council can put it on the agenda if they want to.

Councilmember Cox stated he thinks it is important that these kinds of things be done in public forum. Mayor Harris asked if he would like to draft what he has, and then it will be put on the agenda. Councilmember Cox replied if that what it will take to get the matter considered, then he will do that.

REQUEST THAT SIDEWALK MATTER BE PLACED ON AGENDA.

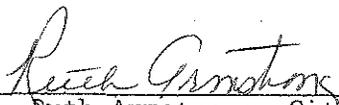
Councilmember Cox stated he would like for the sidewalks to be placed on the agenda for the next meeting. The City Manager replied they will be on the agenda April 24.

NEXT DISTRICT MEETING SCHEDULED FOR MAY 1, IN DISTRICT 4.

Mayor Harris stated the first of May, Council will be meeting in District 4. He hopes we will have a good P.A. System by then. Mr. Guerrant, Director of PS&I, replied Council will consider the bids on the new system at its next meeting.

ADJOURNMENT.

Upon motion of Councilmember Trosch, seconded by Councilmember Selden, and carried unanimously, the meeting adjourned.



Ruth Armstrong, City Clerk