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The City Council of the City of Charlotte, North Carolina, met in regular session convened on Monday, October 6, 1975, in the Council Chamber, City Hall, at 3:00 o'clock p.m., with Mayor John M. Belk presiding, and Councilmembers Harvey B. Gantt, Kenneth R. Harris, Pat Locke, Milton Short, James B. Whittington, Neil C. Williams and Joe D. Withrow present.

ABSENT: None.

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INVOCATION.

The invocation was given by Councilman Joe D. Withrow.

MINUTES APPROVED.

Upon motion of Councilwoman Locke, seconded by Councilman Short, and unanimously carried, the minutes of the last meeting on Monday, September 29, 1975, were approved as submitted.

HEARING ON PETITION OF THE CITY OF CHARLOTTE TO ANNEX 21.0 ACRES OF PROPERTY ON THE EAST SIDE OF MONROE ROAD FOR A SATELLITE FACILITY FOR PUBLIC WORKS.

The scheduled hearing was held.

Mr. Robert Hopson, Director of Public Works, stated they have prepared a small model of the satellite facility. He stated the satellite yard as presented is on Monroe Road; monies, personnel and other resources were assigned to this yard in the 1974 annexation. At that time some \$550,000 was assigned for this yard. The main thrust is to save energy by not having to drive from the central yard out to the annexation area, and to increase productivity.

Mr. Hopson stated they looked at least at four sites on Monroe Road itself for this operation to serve this area; they looked at the old county landfill on the other side of McAlpine Creek. There would be foundation problems in that area, and they are trying to maintain McAlpine Creek as a greenway, so they could not go along with allowing the use of this particular location. Tyvola Road was almost an ideal site as far as they are concerned; it has the same acreage; but it is a very valuable piece of property; and it would also have foundation problems. So they came to this area before Council today.

The Tyvola site is appraised at over \$300,000; also the City is just completing a new road in front of this site which will be open in about 60 days which will further enhance its value. As for the York Road Landfill site, the area is not growing as fast as this area; also there would be foundation problems as almost all of this is fill. Also, we are trying to get away from placing these in the western part of the city if possible in order to spread them around to cover the annexed areas.

Mr. Hopson stated the Monroe Road site is a piece of land that rapidly flows towards McAlpine Creek. They propose to place burms along the front of the property, and place trees on top of those four to six feet burms in order to be a good neighbor to the housing development. The property is zoned I-1. He stated they were offered the I-1 property across the road by John Crosland and the Planning Commission said it preferred that they stay on this side of the road, and use that as a buffer between the housing development, Sardis Woods, and the satellite area itself.

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He stated there is a bad looking situation down in the flood plain toward McAlpine Creek, and they do not propose to buy that part. That they propose to buy just the 21 acres; it is a depressed area about six or eight feet down so that anyone traversing the road would not notice the site. He pointed out the location of the entrance road for the equipment and the entrance road for the personnel. There will be parking facilities for the personnel and parking facilities further back for the equipment.

Mr. Hopson stated ultimately there will be a wash rack in there and storage towards the railroad. There will be a buffer of two rows of trees and a buffer at the side with the railroad at the back.

He stated they have searched diligently and have looked at over 20 sites. It is to serve this area of the city, and they see no real problems with it; topographically they can meet those of the drainage problems involved. He stated they recommend that Council annex this, and it be brought back for a change in zoning from I-1 to I-2. They hope to start construction around the first of the year.

Mr. Hopson stated this property was appraised at \$96,700. The City Attorney stated the City has condemned the property; the suite has been filed and the city now owns the property.

Councilman Whittington stated the Crosland Company has a concern about this being placed across the street from the entrance to their subdivision. That Mr. Hopson has said they offered the city the property across Monroe Road to build this same facility. Mr. Hopson replied that is right and it would be contiguous to their property.

Councilman Whittington asked if he has met with the John Crosland Company and gone over these plans, with the burms and the trees? Mr. Hopson replied yes; they seem to have no problem with the facility; their problem is traffic. He stated there will be approximately 40 refuse trucks going out and coming back each day, and approximately 30 street maintenance trucks. He stated they will bring the service trucks in about 260 feet from the entrance to the Subdivision; this would be 40 trucks, and if spaced out over a period of an hour, would not be that bad. That the personnel, quite a few of whom will come from the Matthews area, will come in the other entrance, and will not come in at the same location. He stated he has met with the Crosland group once, and Mr. Rea has met with them once, and they met with them when they offered the property across the road.

Councilman Whittington stated he is concerned about the curve coming down under the railroad. He asked if there is a way to come down behind the hide-a-way or come through the county property to take the entrance off Monroe Road at the blind curve? Mr. Hopson replied there will be no problem if the drivers drive decently; they cannot drive at 75 MPH but they can come through at 25 MPH. Councilman Whittington stated there have been more fatal accidents on that road, at that curve than any road in Mecklenburg County. Mr. Hopson stated the road has just recently been resurfaced.

Councilman Whittington asked if he will bring back to Council whether there is a way to come in the other way? Mr. Hopson replied there is no way without tremendous cost. For one thing, you would have to build a bridge; you would have the cost of the county property and it is all landfill. It would not make it feasible. He would prefer going back to the Tyvola Road Area.

Councilman Gantt stated Mr. Hopson has indicated there are about 70 trucks involved; he asked how many people will be employed there? Mr. Hopson replied in the neighborhood of 150 people; it is not like the large facility in town.

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Councilman Gantt stated with the other industrial use in the area and the construction all up and down there, we are probably talking about the widening of the road. Mr. Hopson replied someday it will have to come; that he would rather spend the money to take the curve out if it is done. It is a state highway, and they have had it resurfaced. Councilman Gantt stated this is a situation where you are developing a facility such as this abutting a residential neighborhood, and he wonders whether or not there are other choices where this could be in an area that would not have any kind of residential type use around it. He understands from the Crosland people that a portion of their entrance is already zoned industrial. It just seems to him to be another facility that we are putting there that may have some impact. That he has been out and looked at the site and he commends them for the design, but they still have to overcome a fairly substantial industrial area along there anyway. He just wants to make sure that we have examined every other possibility.

Councilman Harris asked why the York Road landfill is not being used? Mr. Hopson replied it would create problems of structures being built; it would be very costly. These people out there have asked this Council many times to get out of there someday. It would mean we would be in there for many, many years to come. Councilman Harris stated right across the creek is the Police and Fire Academy. He asked if they have thought about using some of the land there. It is there, and there is space, and it has good access.

Councilman Whittington asked if this facility can be moved, by acquiring that land further up the hill and stay away from this residential entrance? Mr. Rae of the Public Works Department replied it could be moved but it would mean the acquisition of more property; and they would have to start at the beginning from a planning standpoint and redesign the project, and it would not be screened as well. They were trying to utilize the natural screening they have around the wooded area. It would be open to the public view. Councilman Whittington stated but there is an industrial view up there. Mr. Hopson stated you do not know what you would have in the future as it can be developed with housing if permitted by the Planning Commission. They thought when Crosland came in and offered the property across the street that they would not oppose this location.

Councilman Short asked if there is anything here that would interfere with the McAlpine Greenway in the event the project is started? Mr. Hopson replied it would help them as there is about four acres in the flood plain which will be part of the McAlpine Greenway.

Councilman Harris stated before he can vote on this location, he would like to know about the academy site and the possibilities there. Second, if we do this, he does not see why Council could not hold the public hearing for the annexation and the zoning together. Mr. Hopson stated that is not in the city either so they would have to start all over on that, and it would involve another three or four months. That he does not mind doing this if we can settle this one way or the other.

Councilman Whittington stated he is concerned about this location for the reasons he has already stated. But in fairness to Mr. Harris so he will know exactly where he stands, he is not going to vote to put anything else on York Road because we told those people that was all the land that we would acquire, and when we closed it, we would get out of there, and that would be the end of the landfill in that location. That he does not want anyone on this Council to believe that he will accept any additional development contiguous to the landfill on York Road because this Council told those people in good faith, and they accepted that was the end of it.

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Councilman Gantt stated we are in a quandary here. No one wants to provide for the "undersirable" type services that have to be related to services such as the York Road landfill. Normally he would have been prepared to go ahead almost immediately with this matter this afternoon with the knowledge of what the impact would be on that neighborhood. That he confesses some confusion that the very developer that is objecting to it offered the property on the opposite side of the road.

Mr. Ron Kennerly of the John Crosland Company stated they are speaking in somewhat opposition, actually not exactly opposition. They are asking for postponement of action on this annexation. Some months ago their company was approached by a realtor looking for a site for a service facility. They gave this realtor permission to enter into negotiations on their site which is across the road somewhat diagonal for the proposed service facility. They were told at that time that their submission of the site for consideration was too late, and a member of the firm talked with the proper agency and asked if it was too late for consideration, and could they have information as to the exact nature of the facility. After determining the exact nature of the facility, there was discussion within the Company and they asked that their site be withdrawn from further consideration. They felt the use to which the site would be put would be inappropriate for the residential community which they were developing in close proximity.

Mr. Kennerly stated he did not participate directly in those conversations. That he is reporting this to Council as hearsay.

He stated it is his understanding that members of his firm, after careful consideration of this, asked that their site be withdrawn from any consideration. They felt it was inappropriate for such a facility.

Councilman Gantt stated he thought he heard Mr. Kennerly say that at the time the realtor found out about the goings on there, they were too late. Mr. Kennerly replied they were told they were too late; but in their business when someone says no that does not necessarily mean they quit trying. Councilman Gantt stated they were willing to offer it for a service facility, admittedly not knowing the nature of the facility. That he understands their concern now is the amount of traffic that is generated along that street.

Mr. Kennerly stated they have two concerns. They are not convinced this is the type of facility, a heavy industrial facility, that should be located in close proximity to what is essentially a residential area - granted there is a strip of light industry down Monroe Road. They have looked at the site plan and they would commend the efforts of those that worked on the site plan, and feel should the site be developed it would be well protected. They find one major area of concern, and that is the primary access to this site is in very close proximity to Covedale which is the primary residential connector street into Monroe Road. They are very much concerned with the way the primary access is being developed for this property. Beyond that they have major concerns.

Their greatest concern is that of the nature and the amount of traffic that will be generated by the facility on a narrow two-lane road crossing a very narrow two lane bridge, "S" curve, under a railroad overpass. There have been numerous fatalities in this general vicinity for years. They think the addition of heavy traffic, a minimum of twice a day - some 70 vehicles will be based there. That he does not know if there are any provisions that will accommodate a larger number of trucks later on.

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He stated they have great concern for the traffic that will be generated in an area where you have heavy residential traffic going to and from work. They think it is an unnecessary risk.

Councilman Short stated when this subdivision was built, this same land could have been used for manufacture of chemicals, shipping and manufacturing or warehousing of caskets; for the manufacturing of paper products; for a rock quarry; for a drag strip, and for a sheet metal shop. It seems to him what is proposed here is a lot better than a drag strip. One of the uses is a truck terminal. Mr. Kennerly replied he believes he is reading from the City zoning ordinance as opposed to the county ordinance, and he is not sure that is a significant difference. Councilman Short stated he believes most of these things could be done if it were not annexed. Mr. Kennerly replied he recognized what he is saying; and if you look at that particular site where you have light industrial zoning already in existence, you can see the type of facilities they thought might be developed there - the warehousing type facilities.

Mr. Kennerly stated the second concern is the nature of the type of facility and the location of this type of facility in what is primarily a residential area. Third, this proposition has been presented to Council in such a manner that Council has taken title to the property through condemnation proceedings, is now faced with the decision of whether or not to annex the facility and after these things are accomplished would then sit in judgment of its own previous decisions. And only at such time as these items came forward in the form of a rezoning petition would the members of the residential communities become aware of the nature and the purpose of this facility being located in their community.

He stated they request that Council postpone the decision on the annexation of this property, and request that staff present in some detail the possible alternative sites they have examined, and they would ask that this be done in a regular council meeting, and outline the reasons for their decisions on this particular site.

Second they would ask that Council and staff meet with the members of the residential communities and explain to them, prior to annexation and prior to zoning, the nature of this facility.

It is their understanding the Tyvola Road site that was considered and considered to be too valuable was priced at around \$300,000. It is their understanding, rightly or wrongly, that the previous owners of this property were asking the city for \$15,000 an acre which is also right at the \$300,000 figure. The appraisal was around \$5,000 an acre. He stated they have examined the records in the Register of Deeds office, and based on the revenue stamps on that deed, it appears the present owners paid around \$5,900 an acre for this property in 1971. It is highly unlikely that a jury would allow the city to acquire it for the appraised value.

Councilman Withrow asked if the previous owners would take this piece of property back? He asked the City Attorney to find out if they would take this back?

Mr. Jim Ashcraft, stated he is here to represent the homeowners in Sardis Woods. They found out about this proposal yesterday, and several of them got together and they have a petition signed by 58 families. There are approximately 68 families in the subdivision at this time. The ten that did not sign were not at home. He filed the petition with the City Clerk.

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Mr. Ashcraft, stated there is an "S" curve there which has been mentioned; there is a very narrow bridge which he doubts two of these vehicles could pass each other at the same time; we are talking about 70 vehicles at the beginning, going in and out, that is 140 times a day. If they increase it it could be worse. The direct access to other areas in Charlotte where they will probably be servicing will be Covedale. There are single family residences up and down Covedale. Mr. Ashcraft appealed to City Council to reconsider this annexation. He stated they live in the County and pay \$5.00 a month for garbage pickup. They have city water and sewer and pay double rates.

Councilman Whittington asked if Monroe Road is a truck route? Mr. Ashcraft replied it is heavily traveled from Mint Hill and Matthews people back and forth to work.

Councilman Harris moved that the matter be postponed. The motion was seconded by Councilman Whittington, and carried unanimously.

PETITION NO. 75-22 BY WILLIAM F. EZELL FOR A CHANGE IN ZONING FROM R-9MF TO B-1 OF PROPERTY FRONTING 349.35 FEET ON THE SOUTH SIDE OF NEWELL-HICKORY GROVE ROAD AT THE SOUTHEAST CORNER OF THE INTERSECTION OF NEWELL-HICKORY GROVE ROAD AND TANTILLA CIRCLE, DENIED.

Motion was made by Councilwoman Locke and seconded by Councilman Williams, to deny the subject petition as recommended by the Planning Commission.

Councilman Short stated in the event this is denied, would conditional category - the parallel category be considered a different classification so that it would be possible for Mr. Lloyd Baucom to come back and ask for conditional category in less than two years? Mr. Bryant, Assistant Planning Director, replied he would think so as technically you are dealing with a situation where you now have no conditional zoning in effect, and at this time it could not be considered for that. If in a few weeks, Council adopts the conditional zoning, it would be a type of zoning that he was not entitled to receive at the time the petition was brought up. Councilman Short stated he thinks that is fair, because he particularly mentioned this.

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

PETITION NO. 75-23 BY ETTA FURR SMITH FOR A CHANGE IN ZONING FROM R-6MF TO B-1 OF PROPERTY FRONTING 100 FEET ON WEST BOULEVARD AND 429 FEET ON DR. CARVER DRIVE ON THE NORTHWEST CORNER OF THE INTERSECTION OF WEST BOULEVARD AND DR. CARVER DRIVE, DENIED.

Councilwoman Locke moved to deny subject petition as recommended by the Planning Commission, which motion was seconded by Councilman Gantt, and unanimously carried.

ORDINANCE NO. 912-Z AMENDING CHAPTER 23 OF THE CITY CODE OF THE CITY OF CHARLOTTE BY AMENDING THE ORDINANCE TO ESTABLISH CONDITIONAL USE ZONING DISTRICTS WHICH WOULD REQUIRE THE USE OF SITE PLANS FOR REVIEW AND APPROVAL, AS PETITIONED BY THE CHARLOTTE-MECKLENBURG PLANNING COMMISSION.

Upon motion of Councilwoman Locke, seconded by Councilman Withrow, and unanimously carried, subject ordinance was adopted to amend the zoning ordinance to establish conditional use zoning districts which would require the use of site plans for review and approval as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 22, beginning at Page 395 and ending at Page 398.

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ORDINANCE NO. 913-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE OF THE CITY OF CHARLOTTE BY AMENDING THE ZONING MAP CHANGING THE ZONING OF PROPERTY AT THE NORTHWEST CORNER OF THE INTERSECTION OF IDLEWILD ROAD AND ABOUT 520 FEET ON IDLEWILD ROAD NORTH, AS PETITIONED BY THE TRUSTEES OF NEW HOPE BAPTIST CHURCH.

Motion was made by Councilwoman Locke, seconded by Councilman Withrow, and unanimously carried, adopting subject ordinance amending the zoning of property at the northwest corner of the intersection of Idlewild Road and about 520 feet on Idlewild Road North from B-1SCD to R-9 and B-1, as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 22, at Page 399.

PETITION NO. 75-27 BY SALLIE M. REECE HAMILTON FOR A CHANGE IN ZONING FROM O-6 TO B-1 OF LAND ON THE SOUTHEAST CORNER OF THE INTERSECTION OF MONROE ROAD AND COMMODORE STREET, DENIED.

Councilman Gantt moved to deny subject petition for a change in zoning as recommended by the Planning Commission. The motion was seconded by Councilman Withrow, and unanimously carried.

RESOLUTIONS PROVIDING FOR PUBLIC HEARINGS ON VARIOUS PROJECTS.

Motion was made by Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, adopting the following resolutions providing for public hearing dates on various projects:

- (a) Resolution providing for public hearings on Monday, October 27, on Petitions No. 75-21 and 75-28 through 75-36 for zoning changes.

The resolution is recorded in full in Resolutions Book 11, at Page 99.

- (b) Resolution calling for a public hearing on Wednesday, October 29, at 7:30 p.m. on the Community Development Plan for North Charlotte Community Development Area.

The resolution is recorded in full in Resolutions Book 11, beginning at Page 100.

- (c) Resolution calling for a public hearing on Wednesday, October 29, at 7:30 p.m. on the Redevelopment Plan for Grier Heights Redevelopment Area.

The Resolution is recorded in full in Resolutions Book 11, beginning at Page 104.

- (d) Resolution declaring an intent to close a portion of an alleyway on the southwesterly side of Bay Street, between Hawthorne Lane and Lamar Avenue in Charlotte, North Carolina, and calling a public hearing on Monday, November 3, 1975 on the question.

The resolution is recorded in full in Resolutions Book 11, beginning at Page 107.

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RESOLUTION OF THE CITY COUNCIL RELATING TO THE RETENTION OF LAND IN THE GREENVILLE URBAN RENEWAL AREA, PROJECT NO. N. C. R-78.

Motion was made by Councilman Whittington, seconded by Councilman Short, and unanimously carried, adopting subject resolution of the City Council relating to the retention of land in the Greenville Urban Renewal Area, Project No. N. C. R-78, for portion of right of way for widening Oaklawn Avenue and Statesville Avenue.

The resolution is recorded in full in Resolutions Book 11, beginning at Page 109 and ending at Page 114.

RESOLUTION AUTHORIZING THE CITY MANAGER TO FILE AN APPLICATION REQUESTING STATE GRANT ASSISTANCE FOR WATER WORKS IMPROVEMENTS.

Councilwoman Locke moved adoption of subject resolution authorizing the City Manager to file an application requesting state grant assistance for water works improvements for Plaza Road Elevated Water Tank, which motion was seconded by Councilman Withrow, and unanimously carried.

The resolution is recorded in full in Resolutions Book 11, beginning at Page 115 and ending at Page 116.

ORDINANCE NO. 914-X AMENDING ORDINANCE NO. 662, THE 1975-76 BUDGET ORDINANCE, REVISING REVENUE AND APPROPRIATIONS AND AMENDING THE TABLE OF ORGANIZATION FOR THE PUBLIC SERVICE AND INFORMATION DEPARTMENT.

Councilman Short moved adoption of the subject ordinance revising revenues and appropriations in the amount of \$6,010, and amending the Table of Organization for the Public Service and Information Department to add one Switchboard Operator position, Class No. 060, Pay Range 4. The motion was seconded by Councilman Withrow, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 22, at Page 400.

ORDINANCES ORDERING THE REMOVAL OF WEEDS AND GRASS.

Motion was made by Councilman Withrow, seconded by Councilwoman Locke, and unanimously carried, adopting the following ordinances ordering the removal of weeds and grass:

- (a) Ordinance No. 915-X ordering the removal of weeds and grass from the vacant lots across from 621 Kenlough Avenue.
- (b) Ordinance No. 916-X ordering the removal of weeds and grass from vacant lots, Crestridge & Scottsdale.
- (c) Ordinance No. 917-X ordering the removal of weeds and grass from vacant lot, corner Sherrill & Ridge.
- (d) Ordinance No. 918-X ordering the removal of weeds and grass from 3128 & 3130 Reid Avenue.
- (e) Ordinance No. 919-X ordering the removal of weeds and grass from 1138 N. Church Street.
- (f) Ordinance No. 920-X ordering the removal of weeds and grass from vacant lot adjacent to 716 E. 11th Street.
- (g) Ordinance No. 921-X ordering the removal of weeds and grass at 5309 Cinderella Avenue.
- (h) Ordinance No. 922-X ordering the removal of weeds and grass at 6220 Sharon Road.
- (i) Ordinance No. 923-X ordering the removal of weeds and grass from vacant lots at 400-404-408 East Boulevard.
- (j) Ordinance No. 924-X ordering the removal of weeds and grass from vacant lot adjacent to 1905 Washington Avenue.

The ordinances are recorded in full in Ordinance Book 22, beginning at Page 401 and ending at Page 410.

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RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO JEANETTE GOODMAN; W. P. HUBERT, JR., TRUSTEE; AND FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF CHARLOTTE LOCATED AT 4200 CHELTENHAM ROAD (CORNER RANDOLPH ROAD & CHELTENHAM ROAD), IN THE CITY OF CHARLOTTE FOR THE RANDOLPH ROAD WIDENING PROJECT.

Motion was made by Councilwoman Locke, seconded by Councilman Withrow, and unanimously carried, adopting the subject resolution authorizing condemnation proceedings for the acquisition of property at 4200 Cheltenham Road, for Randolph Road Widening Project.

The resolution is recorded in full in Resolutions Book 11, at Page 117.

ACQUISITION OF SANITARY SEWER EASEMENTS FOR THE ANNEXED AREAS, APPROVED.

Motion was made by Councilman Gantt, seconded by Councilman Williams, and unanimously carried, approving the acquisition of two (2) parcels of sanitary sewer easements for the annexed areas, as follows:

- (a) Annexation Area III (6) Sanitary Sewer
1
- (b) Annexation Area I (4) Sanitary Sewer
1

PROPERTY TRANSACTIONS, AUTHORIZED:

Upon motion of Councilman Withrow, seconded by Councilman Short, and unanimously carried, the following property transactions were authorized:

- (a) Acquisition of 15' x 100.17' of easement, at 8105 Lawyers Road, from Norman F. Nixon and wife, Anne C., at \$100.00, for Sanitary Sewer to serve Ottawa Lane.
- (b) Acquisition of 15' x 240.94' of easement, at 8103 Lawyers Road, from Frank Mangum and wife, Wilma W., at \$400.00, for Sanitary Sewer to serve Ottawa Lane.
- (c) Acquisition of 15' x 240.10' of easement, at 7019 Old Forge Drive, from Roddey Caldwell Brown and wife, Caroline H. Brown, at \$800.00, for Sanitary Sewer to serve Rea Road.
- (d) Option on 145.66' x 4.18' x 114.73' x 30.99' of property, at 3826 Randolph Road, from William P. Horne, et ux, Gloria M. Horne, at \$4,963.00, for Randolph Road Widening.

CONTRACTS FOR REAL ESTATE BROKER'S SERVICES, APPROVED.

Motion was made by Councilman Short and seconded by Councilman Withrow, and unanimously carried, approving the following two contracts for Real Estate Broker's Services:

- (a) Open non-exclusive contract with Stoeber Properties, Inc., for real estate broker's services in Brooklyn Project No. N. C. R-43.
- (b) Open non-exclusive contract with Godley Realty for real estate broker's services in Greenville Project No. N. C. R-78.

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Councilman Gantt asked how many real estate brokers are working in these two areas? Mr. Sawyer, Director of Community Development, replied he does not remember the number; but there are several others. They cannot have an exclusive real estate representative; it has to be opened up for all. Before they can pay a commission they have to enter into a contract so the realtor is working for the city; not for the developer. Councilman Gantt requested Mr. Sawyer to give him a list of all the realtors working in the Greenville area.

The vote was taken on the motion and carried unanimously.

CONTRACT WITH BRICE-MORRIS ASSOCIATES, INC. FOR ARCHITECTURAL SERVICES FOR DEVELOPMENT OF THE HUMAN RESOURCES FACILITY, RECREATIONAL FACILITY AND PARK FOR THE WEST BOULEVARD COMMUNITY DEVELOPMENT AREA, APPROVED.

Councilman Gantt moved approval of a contract with Brice-Morris Associates, Inc., for architectural services for development of the human resources facility, recreational facility and park for the West Boulevard Community Development Area, at a maximum contract price of \$75,488.00 for all services required, which motion was seconded by Councilwoman Locke for discussion.

Councilman Harris referred to the statement that the architectural firms were interviewed by a Task Force consisting of the heads of the departments of Public Works, Planning, Park and Recreation, Neighborhood Centers, and Community Development. He asked what criteria is used in selecting an architect such as this? Mr. Sawyer, Director of Community Development, replied the Community Development Department will not be the user or the continuing owner so they involve these other departments of the City who either will take it over and continue to operate it or have some role to play in the development. This is a vehicle to get the consensus of all the departments involved in this particular development.

Mr. Sawyer stated this Task Force acted as a committee, using the same criteria that would have been used if any one of them had done it individually. They started with a list of architects who had expressed an interest in the project - that was 14 firms in the city. They then narrowed the field down to six by either seeing whether or not they were on the list, (and several were eliminated because they were not on the approved list, or they had done work for the city, or had contracts at the present). He stated the full committee interviewed the architects, and based the recommendation on several things including the description during the interview of the firms' approach to solving the problems of this particular development. They do have some site problems and facility problems. One of the very important aspects of this particular development that makes it different from others, and different from the usual kinds of developments is the citizens participation in the planning and designing stage. He stated they were very much impressed by this firm's attitude and willingness to work with the citizens groups in the course of planning the facility.

Councilman Harris asked if they had ever done this kind of project? Mr. Sawyer replied they have either done these kinds of projects or similar projects or worked with other firms that had done projects of this nature. They have never had a city contract. He stated both Mr. Morris and Mr. Brice are in the audience today. Councilman Harris stated this goes along with what Mr. Gantt brought up last week relating to small firms, and other firms, as it related to the sidewalk. That he thought about that as he read this as it relates to architects, or any people we hire for services. This is the kind of consideration that should be given - the broadening of our reach to other firms.

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Councilman Harris stated his second question concerns the statement that an agreement has been reached regarding the location of the site and facilities. He asked if Council should not approve that decision? Mr. Coffman, Assistant City Manager, replied a memorandum was sent to Council expressing the wishes of the citizens, and said in advance of the meeting the C-D people would have out there, that they wanted to informally notify City Council of their interest, and asked if any member of City Council had any objections or recommendations to the them they should let staff know and they would stop the process there. Since the acquisition of the land is not required, this has not come back as a formal item. Councilman Harris stated several sites were discussed out there, and there was a lot of input from the people and comments at the public hearings. He remembers that; but he wants to make sure that Council is agreeable on this site, and he does not think that official action has been taken. Mr. Coffman replied the memo was extremely specific in that it was the site the citizens wanted, and the one staff would recommend. City Council has not formally acted on this as an agenda item since there was no land acquisition involved.

Mr. Burkhalter, City Manager, stated the land does not have to be transferred. Councilman Gantt stated there is a breakfast meeting tomorrow on the Community Development. He asked if the meeting will get into the decisions made by the staff of the Community Group on the two sites? Mr. Coffman replied it will. Councilman Gantt stated he would like to know what is going on.

Councilman Harris stated he disagrees with the point about the proposed location on vacant land owned by the Utility Department of the City. He asked if we are not reimbursing the Utility Department for the use of this land? Mr. Sawyer replied they are not proposing to pay any acquisition costs. Councilman Harris asked if this land was bought with Utility Bonds and Utility Revenues? Mr. Bobo, replied he does not recall; but the city has owned the property for 30 to 40 years. Councilman Harris stated he is concerned about the water and sewer users. This goes back to what was discussed last Spring. This is an asset of the Utility function; and he thinks there should be some inner fund transfers from the standpoint of reimbursing. Councilman Gantt stated he would have serious objections to that for several reasons. One of the reasons we tried to find, in this particular case, city-owned land was to soften the impact on the kind of facility wanted for that particular neighborhood. We did not want to get into \$200 to \$300 thousand dollar land acquisition in that park because it would take away some of the facilities we thought would be needed. There is only \$1.1 million given to the West Boulevard area; and he would have serious objections to this. Councilman Harris replied he agrees with his concern from the standpoint of the use of funds for the facility; but we have other people in this community who are paying their water and sewer rates and they have an asset basically that they are using these rates for. If we use that type of property and use it for a different purpose, then we are talking about setting water and sewer rates in the future, then he thinks that is an inequity. The idea of using a facility that we are using specific revenue for, and where we could create \$200,000 or whatever it is in the Utility fund for debt retirement or whatever, and not use that, then he thinks it is inequitable.

Mr. Burkhalter, City Manager, stated we transferred some land for Public Housing, Utility land, out in the Archdale site. This is a cash transfer. The Utility Department is reimbursed for this. In the case of the West Boulevard site, and in discussing with the Departments the use of this land, the Utility Department did not wish to get rid of the land; they own the land and did not want to sell this land; but it could be used for recreational purposes without destroying the use.

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They want nothing to ever be built here. They do not want anything to get too close to the sewage treatment operation. By placing this there, it is a use that is compatible with land they have and that is to keep it vacant. It will be worked on a year to year lease basis. He stated staff looked at it just as it does school land - that school bonds buy. The only thing he had to be very careful about was how the land was purchased to be sure that we did not have any bond indenture problems, and we do not have that.

Councilman Harris stated he is for what Mr. Gantt is talking about getting maximum use of our dollars; but he does not think we should subsidize it from the standpoint of equity from the Utilities fund. Can we work out a lease arrangement and pay them something for the land so that some money flows back to the Utilities fund? Councilman Gantt stated the problem would be whether it is appraised at its value today, or what it was 40 years ago. That he is fearful we might get into something that would reduce the \$1.1 million for that area.

Councilman Short stated over the years we have had discussions about the selection of architects. That he thinks Council should say to the City Manager at this time, that in the future interviewing of architects by a task force or department managers of any city personnel that this should be done at some scheduled time, scheduled in advance, and that councilmembers be advised of this time and be allowed to come and sit in on this. The selection of the architect is very, very critical to his mind, and it determines to a considerable degree the nature and character, and the expense of the project that is going to be built. Those who are supposed to be trustees of the public's money should be in on this critical decision rather than doing as is now done, not just rubber stamping a name presented to Council, printed on a public agenda at a public meeting. If the councilmembers could have had an opportunity to be involved in the selection of architects for the police and fire academy, or Belmont Center, or for the airport, that it could have been profitable in several ways. The important thing is to realize that councilmembers really have a valid part to play in the process here where a half dozen architects with varying ideas are going to be selected. That he is not trying to eliminate the preferred or approved list of architects, and to eliminate the feature where the department heads get into this, and have a leading role in it. But he thinks it should be scheduled and councilmembers should have an opportunity to come there.

Councilman Harris stated he wanted to bring up the same thing. There is a distinction not in this particular case probably, but in other areas. There is a difference where you want to have the expert advise from the standpoint of a feasibility study. Someone to do some work to give you some ideas before making a decision on whether you are going to do a project. That he does not have an idea right now of how many arrangements we have with professionals that have strings attached from a standpoint of continuing parts. When we got into the discussion of the city office building, something came back from three or four years before that out of the minutes that had something to do with it, if not legal, a feeling of a moral commitment that was attached to one firm. He thinks there should be further definition about whether we use professionals for feasibility studies, pure and simple on a fee basis without any strings attached, versus a continuing relationship where they come up with the item, then we are bound to use them regardless of when the project goes into effect, whether it be five years, two years, two weeks or whatever. That Council does not even see the contract.

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Councilman Gantt stated the idea of being aware of when professionals are interviewed is a good one, and he sees nothing wrong with that, and would support a resolution to allow an opportunity to sit in on interviews. That he would like to add something. Last week he requested a copy of a contract simply for his own information, and to see what it is we are contracting with these firms to do. It might be good to distribute copies of contracts on all professional services so that all members of council would know what it is. He is certain the architects do not mind that.

Councilman Gantt stated he does not see any specific reference to planning a park. He sees reference to the human resources building. As he recalls we are talking about a recreational facility. Does this mean that another contract will be coming for the landscaping and development of a park facility? Mr. Sawyer replied no; that Brice-Morris Associates has agreed to associate with Design, Find and Research Association, a local firm.

Councilman Gantt asked that at the milestone points of the development of this project as it is presented to the community groups, or prior to presenting it to the community groups, that Council receive continual updates, so that Council will hear what the architects are spending on cost, see the development as it proceeds through schematic designs and developments of the program.

The vote was taken on the motion and carried unanimously.

Councilman Harris stated he wants some provision in here to reimburse the Utility Department for this land; that he wants some arrangement worked in on that. Mr. Underhill, City Attorney, stated that will have to be treated as a separate motion, as it is not relevant to the main motion. Councilman Whittington stated he agrees with what Mr. Harris is saying; but suggests that the City Attorney and City Manager bring that back to Council. Councilman Harris stated he does not want that to die, and he would like to hear from it.

Mr. Burkhalter stated if Council wants to pick the architects, the door is open; that staff reluctantly assumed this responsibility at Council's insistence. He stated staff does review them; and presents to Council every architect in this city who would like to be on the approved list from which Council has instructed staff to select. Council has approved this procedure.

He stated the only instructions given by Council in the selection of the architects for projects such as this was to rotate the projects, and look carefully to see that it is rotated among the various people capable of doing it. The one thing they did not do today, and should have done, was to submit two other names to Council at least with staff's recommendation, but two others that were interviewed and would be acceptable for the job. That he has done this on prior occasions. If Council wants to talk with them, then he would suggest that they wait until it is narrowed down to three or four firms and then when staff is ready for a recommendation then Council come in for the interviews. Councilman Short stated his suggestions was not to go back to the old catch as catch can; rather that Councilmembers have an opportunity to sit in with the staff at the interviews. Councilwoman Locke stated she would prefer waiting until it is narrowed down, and then come in and listen and see what is going on.

CONTRACT AWARDED ROSENBLATT & ASSOCIATES, INC. FOR TRAFFIC SIGNAL EQUIPMENT.

Councilman Whittington moved award of contract to the only bidder, Rosenblatt and Associates, Inc. in the amount of \$8,937.00 for traffic signal equipment. The motion was seconded by Councilman Short.

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Councilman Harris stated he drove out the intersection of Davidson and Third Streets on Saturday, and the lights were working at that intersection. He wonders why this is on the agenda when it has been installed for some time. Mr. Corbett, Traffic Director, stated this is for the control mechanism which was borrowed from the intersection of Brevard and Caldwell. Both cannot be run; and the intersection of Third and Davidson was much more critical because of the accidents taking place over the last year. So this is to buy a controller to put back at Brevard and Caldwell Streets to replace the one installed temporarily at Third and Davidson Street.

Councilman Harris stated he received a memorandum from Mr. Corbett's office about this intersection; that no one could believe that a signal was needed. The report sounded contrary to that. There were a lot of accidents. Mr. Corbett stated there were 71 accidents at Third and Davidson in three years; that is about twice as many as occurring at Third and Caldwell. Councilman Harris stated most people could not understand why one was not put at Third and Caldwell rather than placing it at Third and Davidson Street. Mr. Corbett replied they plan to place signals at Third and Caldwell as well as Third and Davidson. They had to do them one at the time, and the situation was critical at Third and Davidson.

Councilman Harris stated he was suprised at the total cost of putting up a stop light at an intersection. Mr. Corbett stated depending upon the type of equipment it can run up as high at \$20,000 - most of them run from ten to fifteen thousand. Some run up to \$30,000.

Mr. Corbett stated the controller for operating the signals at Third and Davidson are presently installed at Third and Caldwell; they ran their signal control cables from Third and Caldwell down to Third and Davidson and hooked up the signals. They have to buy controls to put in at Third and Davidson, and hook the wires back into the signals at Third and Caldwell. We will end up with signals at both Third and Caldwell and Third and Davidson Streets.

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

CONTRACT AWARDED SOUTHEASTERN SAFETY SUPPLIES, INC., FOR SCOTCHLITE MATERIAL.

Upon motion of Councilwoman Locke, seconded by Councilman Whittington, and unanimously carried, contract was awarded the low bidder meeting requirements, Southeastern Safety Supplies, Inc., in the amount of \$8,717.34, on a unit price basis, for scotchlite Material to be used in the fabrication of various traffic control signs.

Bids received not meeting specifications:

Minnesota Mining & Mfg. Co.	\$ 10,105.38
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CONTRACT AWARDED PRISMO UNIVERSAL, FOR PAVEMENT MARKING PAINT.

Councilman Withrow moved award of contract to the low bidder, Prismo Universal, in the amount of \$36,260.00, on a unit price basis, for Pavement Marking Paint. The motion was seconded by Councilman Short and unanimously carried.

The following bids were received:

Prismo Universal	\$ 36,260.00
Wm. Armstrong Smith Co.	36,300.00
Carolina Coatings, Inc.	40,293.00

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CONTRACT AWARDED AIR MASTERS, INC., FOR FURNISHING AND INSTALLATION OF A CENTRAL AIR CONDITIONING SYSTEM.

Motion was made by Councilman Short, seconded by Councilman Whittington, and unanimously carried, awarding contract to the low bidder, Air Masters, Inc., in the amount of \$18,307.00, for furnishing and installation of a Central Air Conditioning System for Fire Station Number One.

The following bids were received:

Air Masters, Inc.	\$ 18,307.00
Moore Air Conditioning Co., Inc.	18,465.00
Mechanical Contractors, Inc.	18,880.00
Ross & Witmer, Inc.	20,630.00

APPOINTMENTS TO THE BUILDING STANDARDS BOARD.

Upon motion of Councilman Whittington, seconded by Councilwoman Locke and unanimously carried, the following appointments to the Building Standards Board were approved, as recommended by the City Manager:

- (a) Reappointment of C. S. Halfhill, Engineer, for a three year term.
- (b) Reappointment of R. P. Cochrane, Electrical Contractor for a three year term.
- (c) Appointment of W. R. Moore, Mechanical Contractor, for a three year term.
- (d) Appointment of J. C. Evans, Homebuilder, for a three year term.

APPOINTMENT TO THE BOARD OF DIRECTORS OF CHARLOTTE AREA FUND DEFERRED FOR ONE WEEK.

Councilman Gantt stated he has not received the data information on Ms. Helen Kirk who has been nominated for appointment to the Charlotte Area Fund Board of Directors, and he asked that no action be taken on the appointment until the next Council Meeting.

NOMINATIONS TO CHARLOTTE AREA FUND BOARD OF DIRECTORS AND COMMUNITY FACILITIES COMMITTEE.

Councilman Short placed in nomination the name of Mr. Arthur Lynch to fill one of the two vacancies on the Charlotte Area Fund Board of Directors.

Councilman Williams placed in nomination the name of Nancy (Mrs. David) Johnston to fill the unexpired term of Ms. Rae Bradshaw on the Community Facilities Committee. He passed around copies of the resume of Mrs. Johnston to the Mayor and Councilmembers.

POLICY ON AWARDING CONTRACTS FOR STREET WIDENINGS AND IMPROVEMENTS WHEN MEDIANS INVOLVED.

Councilman Williams moved adoption of a resolution establish a policy for openings in street medians where medians are proposed in either the widening of existing streets or new streets, as follows:

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"For all projects involving either the widening of existing streets or new streets which when constructed will provide four (4) or more lanes of traffic and which will carry traffic in both directions and where a median is proposed to be provided, the following policy shall apply:

1. Median openings will be provided at least at all intersections that are 750 feet or more apart.
2. Where intersections are more than 1000 feet apart, an additional median opening shall be provided between the intersection at a location to be determined by the Traffic Engineer taking into consideration the adjoining land use and the appropriate safety considerations.
3. When, for safety reasons, it is the judgment of the City staff that the above policy cannot be adhered to, the staff shall present to Council for its consideration, recommendations for variances from the above-stated policy."

The motion was seconded by Councilwoman Locke.

Mr. Burkhalter, City Manager, suggest that the word "city" be added as the third word after "all", so that it will read "For all city projects...."

Councilman Harris asked Mr. Corbett, Traffic Director, what he considers a policy as far as medians go? Mr. Corbett replied as a traffic engineer he frowns upon a policy for a number of reasons. As a general policy regarding median use he would like to see medians installed on every road that is built or widened to at least four lanes - two lanes travelling in each direction no matter where it might be. Over the past months they have discussed the utility of medians from a standpoint of serving traffic and from beautification. If we were to adhere to a policy of median openings placed 400 feet apart, of that 400 feet, 240 feet is taken up in transition from two lanes to the three lanes, leaving the median of roughly 160 feet to be divided up into two left turn lanes.

Because of the width of the street, there is no room in that for planting at all. They would not be able to have planting unless they did one of two things. One would be to put the median openings further apart. Second would be to widen the pavement. They tell us in land stitching that a planted median should be at least eight feet wide. If we were to stick with median openings 400 feet apart, and have planted medians, then the median width, rather than being two to four feet would have to be at least eight feet, which means you would have to acquire an additional four feet of property on either side of the street, or eight feet on one side. This would mean additional cost from \$2.00 a foot up running the length of the facility.

Mr. Corbett stated if they are 700 feet apart, it would permit 150 feet of storage at each end, which they think is proper, and will leave a wide area in the middle in which you can achieve some planting. It will vary from four feet at one end to about 12 feet, and back to four feet at the other end.

He stated he would like to point out some problems of not having medians at all. He referred to a typical five lane section. The fifth lane in the middle would be available for traffic in both directions. A vehicle coming from one direction wishing to turn left in a drive way, would have difficulty with a vehicle coming from the other direction wishing to turn left in another driveway. At some point there is a no-man's land. Another critical point without a median is when a vehicle approaches the intersection that is signalized with a tripping device for a left turn crossing over the tripping device, calls for the left turn signal, turns left into a driveway and after he is gone the signal turns left for him.

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Another consideration is site distance both vertical and horizontal. He referred to a diagram with a hill in the middle, and indicated the difficulties. He stated the same is true with horizontal site distances. He stated these are the types of things they consider in determining median openings, particularly those between intersections.

Mr. Corbett stated they would hope that a policy would not be adopted with respect to distance in median openings.

Councilman Gantt stated beyond the question of safety and volume of traffic that has to be carried along an arterial, he asked if there should not be one additional criteria for measuring whether or not a median is advisable or not. Would that not be land use, particularly in a situation like Sharon Amity Road situation where businesses along there argued another kind of road alignment and development? Mr. Corbett replied the greater the attraction of traffic associated with abutting land use, the greater is the need for the median for safety reasons. Councilman Gantt stated he can see a policy in a road that is along undeveloped property, and we want to encourage a certain kind of land use as opposed to strip zoning. That the road itself can act as regulator for the kind of development we want along that road. But in situations where we find ourselves dealing with development in an existing area, then do we not have to measure very carefully what the impact of that road is. Is there not an additional measurement? Mr. Corbett replied no; the mere numbers of vehicles which would attempt to cross the center lines of the road become greater depending upon certain land uses, and thereby increase the problem. That it becomes more imperative that we consider a median in that situation. If you wanted to get by with a median, the time would be when the abutting land was very low in density, and probably open farm land with very few driveways.

Councilman Withrow asked if it would not be a difference when business is already there and the neighborhoods? Mr. Corbett replied as far as he is concerned, no.

Councilman Gantt stated his biggest concern now is how we are going to proceed with a policy for widening roads that abut varying kinds of land use. He asked Mr. Corbett if he would agree with a policy of an opening at least every 750 feet. Mr. Corbett replied he will accept it; he would not necessarily like it. It is considerably better than the 400 feet, and it is better than not having a median.

Councilman Whittington stated Council is saying here that they do not want to happen again what happened between Albemarle Road and Central Avenue. That is Council wants to know how the road will be designed, and where the median cuts will be; and let the people who are going to be affected by this know what is going to happen before it is done. Councilman Harris stated that is what he would like. Councilman Williams stated he certainly wants to avoid this; but he wonders if people will be aware of this, or wake up one morning and it is there.

Councilman Whittington stated he will go along with what he is suggesting; but he thinks all of us have been saying that anything in the future that comes before this council that is controversial, or where there is a difference of opinion by the citizens that Council will not make a decision until all sides have had an opportunity to have an input into the decision.

Councilman Short stated he thinks we might have a policy that does not refer to any figures. Suppose we had a policy that reads as follows: "Council favors medians in new street projects. Council favors the optimum number of cuts in medians compatible with safety. Council favors maximum advance notice, and public hearings on medians."

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Councilman Withrow stated the Traffic Engineers are supposed to be experts, and then we do not listen to them sometimes when we should. That he thinks we have to agree that on new construction you do guide businesses because the median is already there, and there is no problem.

Councilman Williams stated that sub-paragraph three of his proposal has a safety valve to allow for these kinds of situations where the Traffic Engineer feels strongly about something on the hill or on a curve. That he does not think it is all that iron clad. It just shifts the burden from the Council to the staff.

Councilman Gantt stated we have public hearings relating to the roads themselves in terms of effectively how it is designed. It seems to him the Traffic Engineer could come before Council with the designs of the roads and his proposals for alternate roads, and an evaluation of land use, proposed land use, safety and aesthetics so that Council can hear it, and then have a public hearing on this to hear citizens, rather than having these businessmen show up after the work is done.

Councilman Harris stated as a result of the action on Sharon Amity Road, Council received a report on medians on streets, and this is the kind of information Council is looking for. Then Council should have the information publicly so they will know it is going to be there. If someone asked him why there will be 2800 foot strip of median on Randolph Road up to Billingsley and then it will be open all the way to Wendover, he does not have the slightest idea. The point is communication directly to the Council, and then the people understand it before it is done.

Mr. Burkhalter, City Manager, suggested that he be instructed that Council will not approve any more contracts for widening of streets with medians until the plans have been approved in advance. In other words, do not bring the contract until Council has seen what it will look like. Then they can do anything they want with it. That he does not find a lot of quarrel with Mr. Williams' suggestion; that he thinks he removes all the fangs when he says you can go on and design it safely if that is not safe. The burden is there; Council has to approve the contract to build the street. That he thinks Council should see the schematic, including the turn outs and everything.

Councilman Withrow made a substitute motion that it be handled as outlined by the City Manager. The motion was seconded by Councilman Whittington, and carried unanimously.

ANN VEEDER AND CITY EMPLOYEES THANKED FOR OUTSTANDING JOB WORKING WITH THE UNITED APPEAL.

Mayor Belk stated Ann Veeder, Research Assistant with the City Manager's Office, has done an outstanding job working with the United Appeal, and he and Council would like to congratulate her. That they would also like to thank all the employees for the work in this effort.

NICHOLS VS. CITY SUIT REQUESTED PLACED ON THE AGENDA FOR THE NEXT MEETING.

Councilman Harris asked if Council is going to take any action on the Nichols vs. City suit concerning residency requirements.

Councilman Short stated he would appreciate it if Council placed this on the agenda for next week.

Councilman Harris stated he will not be here next week, and he would like to make the point that he would favor repealing the requirement.

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Councilman Williams asked how much time we have to appeal, and Mr. Underhill, City Attorney, replied there is about 20 days left. Councilman Harris stated he will not be here next week. That he would like to say he would like to appeal the residency requirement.

Councilman Whittington asked if we can make a policy statement that we will instruct personnel to state that any new person hired by the City of Charlotte must live inside the city limits, as a hiring and firing policy? Mr. Underhill replied you would be right where you are now. In effect you would have a residency requirement that would require new employees to live inside the city limits as opposed to the present policy of requiring them to live inside Mecklenburg County. That he does not think the situation would be any different. That he does not think if the Court were faced with the question that the decision would be any different; that would be a more restrictive policy than we have now.

Councilman Whittington stated he does not agree with the Court. That he thinks it is unfair for a person who works for the city, and the taxpayers of the city paying the salary and he can live any place he likes. That is absolutely absurd.

Mr. Burkhalter, City Manager, stated as Council is thinking about this during the week, he hopes they will think about several things. One, if we are going to appeal, sometimes we should think about appealing in order to be sure that is the law. They might want to change the whole thing. That he thinks Council should have the power to determine this, whether the requirement is repealed or not. That he resents the Court being able to tell them everything they are doing. If employees are to be allowed to live any where, then Council should make that decision. Second, if Council thinks it should not be appealed, then give some serious consideration of directions for staff to proceed. That he is going to have to move rapidly in drafting a different approach.

Councilman Short stated he favors the appeal because this community does not have the payroll tax, and is probably about the largest community in the country with no payroll tax, and 40,000 people coming in from adjoining counties to work. That we should be able to at least symbolically combat this kind of community problem. It is not a legal problem; but it is a policy matter. He thinks it should be appealed, and try to stand our ground.

Councilman Harris stated he agrees that he does not like the Courts telling us what to do about running the city as that is what Council is elected to do. But on one hand we talk about having a great city. That he lives here because he wants to live here. The point of requiring someone, by putting up an artificial barrier to someone saying they have to live within the corporate limits is the artificial way. We have a great city and have a lot to offer. If people do not want to live here, he thinks they have made a bad decision.

Councilman Short stated a situation where some 40,000 bread winners can take their income back into another county, and even into another state, and spend it there is not only a tax disadvantage; it is a drain on the economy.

Councilwoman Locke stated we have 305,000 residents, and you should be able to hire qualified people out of that 305,000 people.

Mayor Belk stated this will be on the agenda for next week.

CONSIDERATION OF BIKE PATHS REQUESTED PLACED ON NEXT AGENDA.

Councilman Gantt requested that the bike paths be placed on the next agenda.

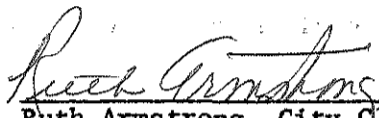
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CITIZEN'S COMMENTS.

Mayor Belk stated he has a request from Peter Gerns to be heard on comments on plans of purchasing the bus system. The Chair ruled that he was not present at the time of citizens hearings so he would not be heard at this time. Mayor Belk stated he can talk with the Assistant City Manager who will be able to assist him.

ADJOURNMENT.

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



Ruth Armstrong, City Clerk