The City Council of the City of Charlotte, North Carolina, met in a televised session on Monday, January 17, 1977, at 7:30 o'clock p. m., in the Board Room of the Education Center, with Mayor John M. Belk presiding, and Councilmembers Betty Chafin, Louis M. Davis, Harvey B. Gantt, Pat Locke, James B. Whittington, Neil C. Williams and Joe D. Withrow present.

ABSENT: None.

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INVOCATION.

The invocation was given by Reverend Bobby Ross, pastor of Eastway Church of God.

THE WEEK OF JANUARY 17 THROUGH 23, 1977 PROCLAIMED BY MAYOR BELK AS HERITAGE AWARENESS WEEK.

Mr. George Warren, member of the Historic Properties Commission and Co-Chairman of Heritage Awareness Week, was present to announce this observance and to receive the Proclamation from the Mayor declaring January 17 through 23, 1977 as Heritage Awareness Week in Charlotte.

Mr. Warren also presented to the Mayor, Councilmembers and City Manager gift certificates from Central Piedmont Community College for three credit hours in any course of their choosing in the General Studies area.

ORDINANCE NO. 417-Z AMENDING CHAPTER 23, SECTION 23-8 BY CHANGING THE ZONING MAP TO REFLECT CHANGES IN ZONING OF PROPERTY ON VARIOUS TRACTS OF LAND IN THE BEATTIES FORD-HOSKINS ROAD AREA, ON PETITION OF NORTHWOOD ESTATES COMMUNITY ORGANIZATION.

Councilman Gantt stated this petition has been back and forth between the Planning Commission and City Council since the Public Hearing and has generated a considerable amount of interest. Some of the reasons for this interest have to do with the philosophy on how petitions are presented to Council. He hopes when they deliberate tonight they can separate out some questions that may possibly have to be resolved at another time; that he hopes they will not be resolved specifically relating to the merits of this particular petition.

He has had the opportunity, as he is sure they have, to take a look at Petition 76-66 with regard to the specific sections and to some extent in his own mind, this may be a cumbersome petition to dispose of in that there are nine sections that they are going to have to deliberate on. But, in looking at the entire thing in what you might call, in planning terms, the microscopic view, there seems to be some legitimate concerns on the part of the petitioners to clear up what appear to be inconsistencies with regard to normal planning concepts.

The City's portion of this property is bounded by Beatties Ford Road which is without question the major artery in this area, and Hoskins Road which is a major arterial also, bounding the Northwood Estates community. In general planning concepts and in looking at much of what Council does in terms of planning policy, they have all felt to a large extent that properties lying along major arterials generally will have a higher density and generally are given over to land uses such as offices, businesses and to some extent higher density residential kinds of uses.

In looking at the petition there are some areas that the neighborhood organization asks for rezoning to single family housing along Beatties Ford Road that he could not agree with and he notes with interest that the Planning Commission did not agree with also. But, when you look further, beyond

the layer of land along Beatties Ford Road into the quality of the fairly substantial single family development behind it, he feels that there might be some cause for at least deliberation by this body in changing some of the existing zoning patterns.

Councilman Gantt stated he is proud of having been a member of this Council for the last two or three years now, where they have done, in a number of neighborhoods in the community, great justice in terms of protecting as best they can the character of the residential neighborhood. Notwithstanding the circumstances in which this petition has been presented to Council, he thinks the pleas by the neighborhood group are legitimate in terms of protecting substantial investments that have been made in single family homes in this area. For that reason he believes that the amendment that he would like to propose to the Planning Commission as recomendations will speak specifically to preserving the neighborhood and at the same time allow a balance of business uses, higher density residential uses that would be appropriate to the existing pattern of streets and roads they have in the neighborhood.

The petition was presented as follows:

Section 1 - Located south of Capps Hill Mine Road, consisting of property which is either vacant or developed for single family residential purposes, to change from R-6MF to R-9.

Councilman Whittington asked if this is the property south of Capps Hill Mine Road that you can get to by going in off Griers Grove Road, past the church and turning to the right on Plumstead, and that is now predominately developed single family? Mr. Bryant, Assistant Planning Director, replied that is correct except he would not say it is predominately developed single family. Actually it can be divided into about three layers or tiers - the portion that is closest to Griers Grove Road, right behind the church, is vacant land owned by Urban Systems. The middle tier, along Plumstead Road, is a section that is developed for single family residential purposes. The northern portion, a roughly triangle-shaped parcel, is also vacant land.

Motion was made by Councilman Gantt that this property be changed from R-6MF to R-9. His reasons were that given the interior location of the property, to allow the vacant land which surrounds the already established pattern of single family development occurring there to be developed as apartments, would do serious damage to the existing single family development. The motion was seconded by Councilwoman Chafin, and carried unanimously.

Section 2 - Consists of a built-up multi-family project area, to change from R-6MF to R-15MF.

Councilman Williams moved that this section be rezoned to R-12. He asked for confirmation that this would be conforming to the way it is developed already. Mr. Bryant replied it will conform as far as density is concerned; there may be some yard differences. Councilman Williams asked if this is a problem? Mr. Bryant replied not unless there would be a desire to expand or build additional structures within those yard spaces which is very unlikely.

The motion was seconded by Councilwoman Locke, and carried as follows:

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

Councilman Whittington stated he voted "no" on this as he has been out there and has consulted with staff and what they are doing is rezoning property that would not conform with the yard space required.

Section 3 - A narrow band of office zoning along the northerly side of Griers Grove Road at its intersection with Beatties Ford Road, to change from O-6 to R-9.

Councilman Gantt moved denial of this change, as recommended by the Planning Commission. The motion was seconded by Councilwoman Locke, and carried unanimously.

Section 4 - A vacant tract of land located south of Griers Grove Road, extending to the Royal Orleans Apartment Project area, to change from R-6MF to R-9.

Councilman Williams moved that this section be rezoned from R-6MF to R-12, the reason being it is undeveloped property at the present time, but it adjoins property that is developed for multi-family already that needs R-12 zoning for qualification; that in order to be consistent about the density, all of these multi-family tracts should be 12MF. That the ones already developed out there generally conform to 12MF. The motion was seconded by Councilwoman Chafin.

Mr. Bryant stated this would conform with the existing density of the apartment developments on either side of it.

Councilman Davis asked the number of units for R-12 versus R-9. Mr. Bryant replied R-9 is about 17 units per acre and R-12 would be about 14 units per acre. That particular property is about 12-1/2 acres which would be about 150 to 160 units.

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

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

Section 5 - Property located south of McAllister Drive, consisting entirely of the Royal Orleans Apartment Project, to change from R-6MF to R-15MF.

Motion was made by Councilman Whittington and seconded by Councilman Withrow, to deny the request. In response to a request for clarification from Councilman Williams, Mr. Bryant stated, as with the other apartment project, it would create some non-conformances in yard requirements but not in density - it still would conform to R-12 in density.

Councilman Gantt, referring to the action taken on Section 2, stated the pattern they are showing is that multi-family units are all conforming now to R-12 density with the exception of a few yard variances. Why would they in this case of an existing apartment development, want to change that pattern to an R-6? That R-12 would be consistent with what they are treating along that road.

Councilman Whittington stated his position is, after going out there and looking at the area, that he agrees with the Planning Commission on most of them and some he does not - this is one that he does not agree with. That on the first one - Section 1 - he requests that his vote be recorded differently than the way he voted because after he left out there, he was of the opinion that this property behind the church ought to be rezoned to R-9 from R-6MF. The property that was developed single family ought to be R-9 - this is the property on Plumstead. The property south of Capps Hill Mine Road that is vacant should be left as it is.

Councilman Withrow asked what if they come to the creek? Councilman Whittington stated he could agree to that.

Councilman Whittington in explaining his motion on Section 5, stated he did not vote in the affirmative on Section 2; that they should have left that alone.

Councilwoman Locke stated it is pointed out by the Planning Commission that the change would create numbers of non-conforming uses, not only in yard but in other areas as well; that they should leave it as it is which is what they voted to do.

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

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

Section 6 - Property almost completely utilized at the present time for single family residential purposes, with the exceptions of a church located on Beatties Ford Road and a recreational area north of Hoskins Road, to change from R-6 to R-9.

Motion was made by Councilman Gantt to change this property from R-6 to R-9. The motion was seconded by Councilman Whittington and carried as follows:

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

Section 7 - A single row of lots along the westerly side of Fairbrook Place, presently occupied entirely by duplexes, to change from R-6MF to R-9.

Motion was made by Councilwoman Locke that this section be denied. The motion was seconded by Councilman Williams, and carried unanimously.

Section 8 - A vacant tract of land located on the northerly side of Hoskins Road, to change from R-6MF to R-9.

Motion was made by Councilman Whittington and seconded by Councilman Withrow to deny the request, with the vote as follows:

YEAS: Councilmembers Whittington, Withrow, ~~Chafin~~ and Davis; and Mayor Belk.
NAYS: Councilmembers Gantt, Locke, ~~and~~ Williams, and Chafin.

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Councilman Gantt moved that this section be changed from R-6MF to R-12MF. The motion was seconded by Councilwoman Locke and was defeated by the following vote:

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

Councilman Whittington stated he did not vote to change this because on his inspection of this property and in talking with the staff they agree that this property should be left as it is because it is too rough to develop.

Councilwoman Chafin stated she got a very different opinion.

Mr. Bryant stated he did not know exactly what the differences in the impressions were from one time to the other. That in terms of one trip, and he does not remember which it was, it was pointed out that there is some rough land involved in this area - it is cut up considerably in terms of lot arrangements. He thinks one of the things that may have led to the differences in impression is that he thinks he and Mr. Whittington were talking in terms of changing it to single family; that they were not discussing changing it from one form of multi-family to another; that with the office zoning across Hoskins Road from this tract and the fact that all of the other lot arrangements predominating in this area back up to the site, then single family zoning would be justified.

Section 9 - Land now zoned I-1 south of Hoskins Road, owned by Coca Cola Bottling Company, to change from I-1 to O-15.

(Mayor Belk advised that he is a Director of Coca Cola Bottling Company, and he asked the City Attorney for a ruling on the section of the petition relating to the Coca Cola Bottling Company. The City Attorney advised that Mayor Belk was excused from participation on this portion of the petition during the hearing, therefore he should be excused from participation in the decision.

Motion was made by Councilman Whittington, seconded by Councilwoman Locke, and unanimously carried, to excuse Mayor Belk due to a conflict.

Mayor pro tem Whittington presided during his absence.)

Motion was made by Councilwoman Chafin, seconded by Councilwoman Locke, and unanimously carried, to deny the request for a change in zoning from I-1 to O-15.

Section 1 - Property located south of Capps Hill Mine Road, consisting of property which is either vacant or developed for single family residential purposes to change from R-6MF to R-9, reconsidered.

Motion was made by Councilman Withrow, and seconded by Councilman Davis, to reconsider Section 1; it carried by the following vote:

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

Mayor pro tem Whittington broke the tie, voting in favor of the motion to reconsider.

(MAYOR BELK RETURNED TO THE MEETING AT THIS POINT, AND PRESIDED FOR THE REMAINDER OF THE SESSION.)

After further discussion of the area, Councilman Withrow moved that all the property south of Capps Hill Mine Road, up to the creek, be rezoned for single family, R-9; and the property north of the creek remain as it is presently zoned, R-6MF. The motion was seconded by Councilman Gantt.

Mr. Bryant stated from a professional planning standpoint, this is a legitimate choice; they need to keep in mind that the property they see on their map to the west of the property, fronting on Capps Hill Mine Road, remains zoned multi-family by action of the County Commissioners. If they utilize the creek as a natural boundary between single family and multi-family, then it does relate satisfactorily from a planning standpoint, to the Capps Hill Mine Road area.

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

The ordinance is recorded in full in Ordinance Book 23, at Pages 488-491.

PETITION NO. 76-73 BY NORTHWOOD ESTATES COMMUNITY ORGANIZATION TO CHANGE THE ZONING OF PROPERTY NORTH OF THE INTERSECTION OF BEATTIES FORD ROAD AND GRIERS GROVE ROAD, AND ON BEATTIES FORD ROAD SOUTH OF ITS INTERSECTION WITH LYNCHESTER PLACE, DENIED.

The subject petition for change in zoning from B-1 to R-9 on which a protest petition sufficient to invoke the 3/4 Rule, was presented.

Motion was made by Councilman Gantt, seconded by Councilwoman Chafin, and carried unanimously to deny the petition as recommended by the Planning Commission.

ORDINANCE NO. 418-Z AMENDING THE ZONING ORDINANCE BY AMENDING THE ZONING MAP TO CHANGE THE ZONING OF PROPERTY ON ARCHDALE AND INGLESIDE DRIVE FROM R-9 TO R-6MF.

Petition No. 76-77 by Gary L. Smith to change the zoning of property at the southeast corner of Archdale and Ingleside Drive, from R-6MF and R-9 to O-6, and on which a protest petition sufficient to invoke the 3/4 Rule had been filed, was presented.

Council was advised that the Planning Commission recommends the petition be denied, except that the small amount of R-9 zoning be changed to R-6MF.

Motion was made by Councilwoman Chafin to deny the petition except that the small amount of R-9 zoning be changed to R-6MF, as recommended by the Planning Commission. The motion was seconded by Councilman Whittington, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 23, at Page 492.

ORDINANCE NO. 419-Z AMENDING CHAPTER 23, SECTION 8, OF THE CITY CODE BY CHANGING THE ZONING OF PROPERTY FRONTING 100 FEET ON THE WEST SIDE OF PECAN AVENUE, ABOUT 190 FEET NORTH OF THE INTERSECTION OF PECAN AVENUE AND CENTRAL AVENUE FROM B-1 TO B-2.

Councilman Whittington moved adoption of the subject ordinance as recommended by the Planning Commission. The motion was seconded by Councilwoman Locke, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 23 at Page 493.

SPECIAL USE PERMIT FOR THE FIRE-POLICE TRAINING ACADEMY, APPROVED.

On motion of Councilman Whittington, seconded by Councilman Withrow, and carried unanimously, a Special Use Permit was approved for the Fire-Police Training Academy at the intersection of Shopton and Beam Roads, as recommended by the Planning Commission.

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MUNICIPAL AGREEMENT WITH THE U. S. ARMY CORPS OF ENGINEERS FOR A LITTLE SUGAR CREEK DREDGING PROJECT.

Councilman Whittington moved approval, seconded for discussion by Councilwoman Locke, of a resolution authorizing the Mayor to execute a municipal agreement with the U. S. Army Corps of Engineers for a Little Sugar Creek dredging project.

Mr. Robert Hopson, Public Works Director, stated this project was started in July of 1959, almost 18 years ago. It has gone from a project that would have been probably eight miles in length down to the critical part next to our sewage treatment plant of about 7/10 of a mile in length and from an initial cost of some $800,000 to a cost now of about $1.5 million and yet we are only getting 1/10 as much dredging as they anticipated to start with. This will give us some protection in the Sugar Creek area down around the treatment plant in the Tyvola Road area near Archdale.

He stated this contract with the Corps of Engineers makes them responsible to put up their share and makes the City responsible to buy the rights-of-way and do certain other utility rearrangements. They feel it is the best they can do under the circumstances; it will protect the City's treatment plant for ten-year floods; it will also protect some of the area in this section of Sugar Creek from ten-year inundations. This is a start toward some of our dredgings that are so badly needed citywide - but it is only a start.

Councilwoman Chafin asked if this project of dredging can be distinguished from what is often referred to as "channelization"? Mr. Hopson replied

this is more towards a goal of a ten-year flood control, whereas channelization is sometimes just smoothing out embankments and sometimes what they call "cosmetic" treatment, which the County is doing a considerable amount of. It does a lot of good for individual small areas of the City, but this will do a lot of good for a larger area, if they could dredge farther up the creek. You always start at the bottom of the creek and work upwards.

Councilwoman Locke asked what it will do to Pineville? Mr. Hopson replied it would not affect Pineville because this particular area goes east of Pineville and was not involved in last spring's flooding there.

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

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

The resolution is recorded in full in Resolutions Book 12 at Page 177.

CONTRACT WITH THE PITOMETER ASSOCIATES FOR A WASTEWATER SURVEY IN DISTRICTS 18, 19, 24, 38 and 42.

On motion of Councilwoman Locke, seconded by Councilman Whittington, and carried unanimously, a contract in the amount of $8,300 with The Pilometer Associates for a Wastewater Survey in Districts 18, 19, 24, 38 and 42 was approved.

ORDINANCE NO. 420 REGULATING THE PUBLIC DISPLAY OF SEXUALLY EXPLICIT MATERIAL, ADOPTED; AND PROPOSED ORDINANCE REGULATING DRIVE-IN THEATRE SCREENS DEFERRED FOR TWO WEEKS.

Mr. J. L. Wallace, 316 Edgeland Drive, stated he has obtained over 1,100 signatures on a petition supporting a strict law or ordinance that would prohibit or ban, or in some way restrict, the public display of magazines the covers of which are very offensive, not only to Christians but to other adults and minors as well. The petition also includes the public display of movie screens where people can innocently see them as they pass down the street or highway.

He stated he is a City police officer and he has seen how the display of such things can affect the community. As a resource officer working directly in the public schools, he can see the effect on the kids in these schools. That he as an adult and as a born again Christian is offended by some of these things. He hopes City Council will enact a strict law or ordinance which can be enforced and used to protect the citizens of this community.

The petition was filed with the Clerk.

Councilman Withrow asked Mr. Wallace if he felt the ordinance being proposed tonight would give the Police Department this power? Mr. Wallace replied he has not read the ordinance, but he understands we now have a state law that touches on this. But in talking with our Police Attorney, he is advised this law is so vague that it needs to be interpreted. That when a law is that way they cannot effectively use it. He would like a bold law pointing out what we do need and something they can use.

Reverend Bobby Ross, 1131 Eastway Drive, stated he is in favor of a City ordinance restricting or banning the public display of so-called adult magazines and drive-in movie screens. The covers are offensive to some adults and have an emotional impact on minors. He feels that something could be done in the City of Charlotte to regulate this. He represents thousands of people in this area in his capacity as Pastor of Eastway Church of God, a director of East Coast Bible College, and district superintendent of several churches. He feels that drive-in movies that show films of sexual content should be restricted to those who want to see such films, and not be so easily viewed by those passing by. That City Council can pass some kind of

ordinance that will help Charlotte to be not only a beautiful city but a city that is filled with righteousness and is clean morally, and he has confidence enough in the City Council to believe they will do this.

Mrs. Virginia McMahon, 9127 Sandburg Avenue, filed with the Clerk a copy of a Public Display Minors Law which she had received from a former member of the Presidential Commission on Obscenity and Pornography. She read excerpts from this model ordinance, stating she hopes it will be helpful to Council in drawing up an ordinance in accordance with the laws of our City.

She urged the passage of a strong ordinance which will bring speedy trials, prosecution and stiff penalties if convicted for offenders. Mrs. McMahon stated her attention has been called to the blatant exhibition of pornographic material being sold at Douglas Municipal Airport. She raised the question that the City of Charlotte may also be guilty of profiteering on pornography since the airport is a public facility owned and operated by the taxpayers.

It was agreed that the two subjects of the proposed ordinance be discussed individually.

Public Display of Magazine Covers: Councilman Withrow stated the ordinance being proposed is not as strong as he would like to see passed by Council. Approximately two years ago a strong ordinance was proposed but Council at that time did not pass it. That the City Attorney has stated in his memo to Council members that he believes this is as strong an ordinance as will stand up in courts right now. That since the City Attorney feels this ordinance will be upheld, we will be at least taking one step forward.

Councilman Withrow moved adoption of the ordinance on display of materials as prepared by the City Attorney, to become effective February 1. The motion was seconded by Councilwoman Locke. (The effective date was changed to March 1 later in the discussion.)

Councilman Gantt stated it appears what they are not doing in this ordinance is censoring the material itself, but concealing the covers which fit the definition of being offensive. That on that basis we stop short of censorship. The ordinance described by Mrs. McMahon goes further than that, it talks about content. It appears to him that what they are simply doing is putting a piece of brown paper over the magazine that fits the definition of being sexually explicit.

Mr. Underhill stated Councilman Gantt is basically accurate in what he says insofar as his description or perception of the ordinances he has prepared. But a point he would like to make is that there is already an existing State statute which prohibits the dissemination or display of materials that are obscene or pornographic to minors. It carries the penalties very similar to those Mrs. McMahon proposes. What he has attempted to do is prepare an ordinance that fills the gap. We already have a state law that prohibits the dissemination or display of pornographic materials. What he has attempted to do by definition is to cover things that may or may not be considered legally obscene or pornographic but which are very offensive to people. Rather than trying to prohibit the sale of those materials, because they may or may not be obscene or pornographic in the legal sense of the word, what he has tried to do is to regulate the manner in which they are displayed by requiring that only the title of such magazines can be publicly visible in any commercial establishment which seeks to sell magazines which have on their covers the things that are described and covered by the definition of "sexually explicit".

Mr. Underhill stated he has discussed this with several cities who have ordinances similar to this and there are several approaches that have been utilized. One is you require them to be delivered wrapped and sold wrapped; another is to require the store operator to place them out of public view, under the counter or in some other place, which would require the customer to ask for that particular book, magazine or newspaper. The third is the one he has included in the ordinance because it appears to him to be easier for an operator that might sell these kinds of magazines to comply with - that is that they erect a screen or border of some kind that would totally

shield the cover of these magazines from public view, all that would be allowed to be displayed or visible would the title of the magazine. That approach has been used in a number of communities whose ordinances he has looked at. He put that in for discussion; if Council does not like that approach and would want to require something else, then they can redraft the ordinance and incorporate that. What he has attempted to do is gear the ordinance to minors because the Supreme Court has recognized that you can set different standards for what minors have thrust upon them in an indiscriminate manner and what adults perhaps might be protected from. Secondly, he has not used the words "obscene" or "pornographic" throughout the entire ordinance because a lot of the things that are included in sexually explicit material have been found by the Courts not to be either obscene or pornographic - they are certainly offensive. For that reason he has tried to draw the ordinance in such a way so that all you are controlling is the manner in which they are displayed in order to be sold, not whether or not they can be sold.

Councilman Withrow asked about including "out of the reach of minors"? Mr. Underhill replied he thinks they can put that in; they may have some practical problems of enforcement. You would be talking about a place that is physically inaccessible to a minor.

Mr. Burkhalter asked that they reconsider the effective date. He is not sure what would be involved but they might have to do some renovation to their places of business. Councilmembers Withrow and Locke agreed to change the date to March 1.

Councilman Davis moved the motion be tabled for two weeks to give staff time to listen to some input from the community, particularly the businesses that might be affected by this ordinance. That they are skirting the issue of pornography and attempting to regulate without really defining it; that everyone on Council would like to do something but they would like for it to stand up in Court when and if it is tested. They would also like it to be reasonable as far as having an effective date. He thinks there are probably people in the community who can give the staff some good advice on this. During this two weeks period they might get some input that would help them to draft an ordinance that would stand up or might not even be contested. What we have here is Mr. Underhill's response to a Council request. The motion did not receive a second.

Mayor Belk asked Councilman Davis what we could hope for in two weeks? Councilwoman Locke stated they have talked about this since August; it has been in the newspapers and it has been discussed openly for a very long time. Councilman Withrow asked if it is Councilman Davis' intention to make it stronger? Councilman Davis replied if we could make it stronger he would be very much in favor of doing so. He would like to eliminate pornography but he would also like to avoid having an ordinance that would have no impact, that would tie up our legal staff in defending it and end up with nothing. They should solicit input from the community - the speakers here tonight, for example, have not seen the ordinance.

Mayor Belk asked if Councilman Davis sees anything wrong with passing this tonight - it would at least be a step in that direction? Councilman Davis expressed concern about the March 1st date.

Councilman Whittington stated he respects what Councilman Davis is suggesting and he is perhaps right, but he thinks Council has this ordinance, they have had it for several weeks; it was requested last year; Mr. Underhill, with the best research he can give them, has given them an ordinance that he believes can be defended - he cannot tell them that someone is not going to challenge it. He feels they ought to tell the citizens of the community that they want to do everything they can to rid it of this material or at least cover it up. That they should go ahead and approve this ordinance.

Councilwoman Locke called for the question, and the vote carried unanimously.

The motion to adopt the ordinance regulating the public display of sexually explicit material carried unanimously.

Councilman Gantt asked what effect this ordinance would have on newspaper advertising? Mr. Underhill replied by referring to the definition of sexually explicit material on Page 1 of the ordinance, and stated with the activities described there, he does not think newspaper advertising is going to run afoul of the definition.

The ordinance is recorded in full in Ordinance Book 23, at Pages 494-496.

Drive-In Movie Theatre Screens: Councilman Gantt stated he would like to know how many drive-ins would be affected by this ordinance, or in fact if there are any and if the ordinance would have any meaning other than symbolic.

Councilman Whittington stated as he understands it, there are three drive-in movies inside the city limits - South Boulevard, Wilkinson Boulevard and North Tryon. That you can see the screens of the South Boulevard and North Tryon theatres. Mr. Underhill confirmed this although he stated he had not gone out and made a survey. He does not see how the screen on South Boulevard could be turned around - it would put them out of business. That this theatre does not show this kind of movies. He stated the screen on Wilkinson Boulevard has been fixed so that it cannot be seen from the highway. Mr. Wallace stated you can see the screen if you look. That what he is mainly concerned about is adults can definitely look the other way, but children as you ride along might see what is on the screen.

Councilman Gantt replied he understands the value of the ordinance - he does not think anyone wants their child exposed to that kind of thing - but driving along even at the posted speed limits - 25 mph - he finds it difficult to believe they will see anything. He would hate to vote for this and cause somebody to go to some unusual limits to hide a screen that for all practicality, unless one just decided he wants to sit and watch it, is not visible. The whole ordinance is prefaced on the fact of safety.

Councilman Whittington stated they could be required to screen the theatre with growth - trees, but it would take years and years to do that. The Fox Drive-In Theatre which Mrs. McMahon mentioned is outside the city, in the county, and they cannot do anything about that anyway.

Mr. Wallace stated at the movie on South Boulevard, there are traffic control lights that could stop you at the red light in full view of the screen. That this drive-in has shown some movies that he would not want to go see and definitely would not want his children to see. That the theatre on Wilkinson Boulevard has put lights around the perimeter of their screen which makes it difficult to see. Perhaps this could be done on South Boulevard, to keep it from being seen so easily.

Councilman Withrow referred to the fact it has been mentioned that the South Boulevard theatre does not show this kind of movies, but he has had many calls from people saying they do. He does not feel that any Council member wants to put anyone out of business. All they are interested in is to keep these movies from being shown where they can be seen by minors.

In response to a question from Councilman Withrow, Mr. Underhill stated if this ordinance is adopted it would make it unlawful for any operator to maintain a theatre screen in such a manner that it would be visible to any person operating a motor vehicle on the street or highway. One thing he did not try to do in this ordinance is to spell out how they might provide this screening. He thought they ought to be given as much flexibility as possible. If the ordinance is adopted, then it is a misdemeanor and violation of the criminal law of Charlotte to maintain the theatre screen so it can be seen. The owner/operator would be placed in the position of violating this law to maintain the screen so that it could be seen from the street.

Councilman Whittington stated he wants to pass this ordinance but he wants to make sure they are doing something constructive to the point that it will do what all of them want to do. It would seem to him, based on what Mr. Underhill and the police officer have said, that they could require in

this ordinance what the theatre did on Wilkinson Boulevard, the use of lights. Mr. Underhill stated the ordinance now does not prescribe a particular way of screening, but it does give them flexibility to use this method.

Councilman Davis stated he sympathizes with Mr. Wallace; that this is something they would all like to do something about. But he is opposed to this particular ordinance for the reason this is being presented as a traffic ordinance and it is entirely too narrow. In fact it is very specifically directed at two or three drive-in theatres - that is the only thing it applies to. If this is, in fact, a traffic ordinance he thinks it should be stated as such and if the drive-in theatre is a hazard to passing motorists, is a billboard also a hazard because it attracts the attention? A billboard is professionally designed to catch your eye as you are driving along. There are some billboards in Charlotte that have moving parts that change frequently just like movies, and he feels this is an unsound approach to accomplish something even though what they want to do here is something they all agreed on. He thinks it is a bad way to go about it. If they use this sort of a guise or subterfuge in dealing with our own citizens, the net result is that they are imposing an anti-pornography reservation on drive-in theatres and doing it in the form of a traffic regulation. The effect of what they are doing is to deny our own citizens the right to due process which they are guaranteed by the Constitution.

Councilman Gantt asked if Mr. Underhill talked with the drive-in theatre owners about the practicality of the ordinance? Mr. Underhill replied no; that he suggested in the memorandum that Council might consider it appropriate to ask the theatre owners to comment on what would be the best way of dealing with the problem, but he has not contacted any theatre owners.

Councilman Gantt stated he will vote against the motion because he thinks in a situation like this, they should have a public hearing or at least allow the private theatre owners to have the opportunity to express themselves prior to their voting on this. That he would hate to be some of them showing GP movies in a drive-in theatre and wake up the next morning and find out that he had $10,000 worth of expenses without having had a decent input into this.

Councilman Davis stated they have to keep in mind this was in response to Council's request that Mr. Underhill did this. That he presumes he just sat in his office and wrote this out from his law books and made no field reconnaissance; does not know which theatres are affected; and had no input from the community.

Mr. Underhill stated basically he did this as a legal research project.

Councilwoman Chafin moved that action on this ordinance be delayed for two weeks until they can hear from the drive-in theatre owners, specifically those affected. The motion was seconded by Councilman Gantt.

Mrs. McMahon asked why Council is so concerned with protecting those who are violating the rights of our children. That all Council seems to be concerned about is money. That children's lives and morals are more important than worrying about those who are in the pornography business.

Councilwoman Chafin explained that Council just wants to be sure they are clear on the impact of this particular ordinance.

The vote was taken on the motion to defer for two weeks, and carried as follows:

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

BOND REFERENDUM IN AMOUNT OF $7.2 MILLION FOR WATER AND SEWER BONDS, AUTHORIZED.

Councilman Whittington stated when Council had the all day session at Belmont Center he said that he thought the best way to support annexation is to use the unspent bond money, the Revenue Sharing money, and other funds, and let the people who are to be annexed pay for these services. He has given this a great deal of thought and he cannot support that position at this time because it is not the way they have treated everyone else. At that discussion a date was given that Mr. Burkhalter stated everyone would pay for these services. He believes the date was in 1978. Those people who are out there, if they can successfully pass the bond issue, will know that if they do not get these services by a certain date in 1978 they are going to have to pay like everybody else from that time on. For that reason, he is convinced they ought to go the bond route and do what they have all tried to do in the past as objectively, as energetically and enthusiastically as they can get out into the streets and try and pass this issue along with the other parts of the package between now and the 19th of April.

Councilman Withrow stated on two other occasions they have asked that they get a report from CFC. That last time they were on vacation. Why can they not get their recommendation?

Councilman Davis replied he thinks it involves timely notice. Normally when you want to make a deliberation about a rate increase - the State Utilities Commission with a large professional staff takes maybe six to nine months - and, they call the CFC and give them three days notice and say how about giving us a resolution of support for a bond issue for $16.5 million and maybe send them one or two pages of material. They cannot do it in a responsible manner.

Councilman Withrow stated let's just see how long it has been. The last bond referendum has been how many months? Councilman Davis stated on that bond referendum they gave the CFC three days notice, and on the second go-around when Council had the all-day session at Belmont Center, the Community Facilities Committee had not even been informed that Council was meeting. They should have been a part of the meeting and part of the staff deliberation that made up the recommendations of Alternative II.

Councilman Withrow asked if they were not told at the last Council meeting that the CFC had met; that they had a decision but that some of them were on vacation? Councilman Davis stated Mr. Burkhalter said they met one time. That it is a very hard working committee and they have given Council some good solid advice; that to cast dispersions that they are on vacation or not doing their job he thinks is very unfair.

Councilman Withrow stated he did not mean to say they are not doing their job, but he thought it was the understanding that they would have an input into this for tonight for this discussion and have a recommendation. Maybe the other Councilmembers had a different understanding. Councilwoman Locke stated they were asked for a recommendation after their all-day meeting which was back in December and she would like that to be a part of the record. Councilman Withrow stated it has been about six or eight weeks since they were asked for the recommendation.

Councilman Williams stated his understanding is if they want to put any water and sewer bonds or a proposition involving water and sewer bonds on the April 19th ballot, they have to do it tonight or it is not done by default; this is the last time they can do it and get in under the time constraints. He agrees with Councilman Whittington that Council should go back to the voters for the water and sewer bond proposition in preference to either Alternatives I or II which are fall-back positions that staff provided Council with after defeat of the bonds in November.

Councilman Williams stated his biggest question at this point is how much that bond referendum ought to be for. In November it was for $16.5 million. He would assume that if they do what Mr. Whittington wants to do it will be

$16.5 million again. What he wants to do, as he understands it, is to allow the newly annexed people to tap on within a certain period of time on an advantageous basis - that is, they would not have to pay a tap-on fee. Of course, people who live in the city at the present time, if a house is built on a lot that person would have to pay a tap-on fee. Our whole policy will change in 1978, so that all tap-ons after that will have to be paid for.

He thinks Mr. Whittington's point is "Do we treat these newly annexed people the same way we have treated newly annexed people in the past?" Those are the groups he is talking about equal treatment for and that is a question Council is going to have to come to grips with. He would like to have some discussion about the amount. If they do not treat them the same, as Councilman Whittington says, if they do require the new people to pay a tap-on fee, by deduction and this is only a guess since he does not have any expert guidance from anyone in this area, they could reduce the amount of the bond package somewhere in the neighborhood of $9.0 million. There is a fundamental question there as to how Council wants to deal with the tap-on fees for these new people.

Councilman Whittington asked if, trying to do what he thought they ought to do at the beginning of this discussion, could they take this unspent bond money and reduce the package by that amount and put that amount up to the voters?

Mr. B. A. Stuart, Budget and Evaluation Director, stated if they were going to ask for $16.5 million you could take the $2.0 million of unspent bonds and use that to reduce the amount and end up with $14.5 million. It would basically be on the assumption that the City through its bond funds would be picking up the cost for extending local lines, rather than extending them through the tapping privilege fee. Councilman Whittington asked what would be wrong with that?

Mr. Stuart replied that is entirely up to Council. That basically, this was recommended and suggested as an alternate primarily because of the new tapping privilege fee policy that was placed into effect by Council in 1975.

Councilman Whittington stated the reason this worries him is if they take Alternate I which sounds good, looks good, at half the cost, you are doing to those people we are going to annex now what we did not do to the last group that were annexed and the group before that. Everybody knows what is going to happen to them in 1978, but all of those people out there that we take in in those nine areas would not know this until they were told and they would not like it, and he does not blame them. He thinks they should not do Alternate I and reduce it as much as we can and try and pass it. Then if we cannot pass it, we still have Alternate I to come back to.

Councilwoman Chafin asked if Councilman Whittington is suggesting that in 1978 the people to be annexed would begin paying a tap-on fee just as all other people who have been annexed. Councilman Whittington replied, as he understood the presentation at Belmont Center, on a date in 1978 (May) if you are living on a street and you want these facilities that are not there, then you have to pay for it.

Mr. Burkhalter stated the May of 1978 date is the date that all people - it is the cut-off date they gave because of the fact that we did start off the annexed people under the old rules. In order to be as fair as possible this date was proposed because they felt that by that time everybody that had been annexed under the old system would now have an opportunity to get in under the attaching privileges that we had used before.

Councilman Davis asked if he meant before we had any tapping privilege fees for anybody? Mr. Burkhalter replied that is right. Councilman Davis stated so we were trying to treat the newly annexed people just like we treated people inside the city at that time? Mr. Burkhalter replied yes, that is true.

Mr. Burkhalter stated it is sort of a mute question to use that as a basis because he does not think anybody who is annexed now will have an opportunity to get on one before May of 1978. The nearest date they think annexation can become effective would be next December and we have a year from that date before we can even put it under contract. He is sure there will be some who will be eligible to get on the sewer; that there will be some exceptions, but he thinks he can say with reasonable accuracy that everybody in the annexed area probably will come in after the May 1978 date. They will have to extend this date if they give them that privilege.

Councilman Davis stated he thinks that is a good point. The fact that we had no tapping privilege fee prior to 1975, we want to treat the annexed area the same. Today we do have a tapping privilege fee and if you live in the City of Charlotte and tap on today, you have to pay that fee. If we waive that fee for the annexation area, we are treating them better than we treat our own present tax-paying citizens.

Councilman Gantt stated there appears to be a bonus at this point to annexing property. He is a little worried about that and the extension of utilities and all of the other kinds of things that tend to put pressure on our resources. He thinks that the alternative that had the reduced amount is eminently fair in view of the policies that we have already established, particularly the tapping privilege fee. He can appreciate Councilman Whittington's desire to want to treat all people taken into the City most recently alike; except he believes we changed the policy in 1975 as a means of allowing us to finance the extension of sewer lines. He thinks it was a very good move that was made and people who are to be annexed ought to understand that all other citizens who tap on, who are in the city, are now doing the same thing. The biggest question he had in his own mind in whichever approach they decide to take is whether or not we go back to the people to ask their approval for the use of general obligation bonds or do we use other alternatives that are available to us. On one hand, it seems to him that we run the risk of getting this issue confused with the question of whether we are going to annex these properties. In his own mind, that is not the question. They all know that those areas are going to be annexed. That they are asking the citizens of Charlotte to assist them in the method of financing the annexation.

Councilman Gantt stated he is prepared to change the position which he had earlier which was to take the alternatives suggested in Item II and use Revenue Sharing funds, annexation reserves and the existing water bonds in addition to the possibility of about $4.2 million of general obligation bonds money and go ahead with it. Except that rather than take the alternative of using these funds without voter approval they would simply include $4.2 million in the bond package coming up on the 19th of April. He says that with some reluctance because he has the feeling that if this particular bond issue fails, he would probably turn right around and vote to use the authority Council has - the authority they have been granted by the General Assembly. If Council approves such an approach, he would have to make that statement very plain to every citizens group that he talked to. The truth of the matter is, if $11.0 million is what is required to provide the services needed to annex this property, they are still going to have to find the means to finance this, and what they want the voters to do is concur. What all of them want to do is go down the road thinking that the citizens are behind them on this, and this allows them the opportunity to do it. $4.2 million sounds a whole lot better than $16.0 million at this point.

Councilman Withrow stated he thinks that is why the other bond referendum failed - they did not get to the people and inform them that this Council was committed to annexation and that they were only asking them to allow them to borrow cheaper money by using the credit of the taxpayers. That if we put this bond referendum to the taxpayers we say if they do not allow us to use their credit to get cheaper money then we will go the other route which is more expensive, but would require people outside the city to pay the same tap-on that the ones inside pay.

Councilman Williams stated that has a great deal of appeal to him - what Mr. Gantt said. In a way, it is expressing a vote of confidence in the people in saying to them "We have faith in you, we think that if you have all the facts you are going to make the best decision." He much prefers that to taking it upon themselves to move funds around by re-issuing what is known as 2/3 bonds. Somehow he just does not like that because the voters in the first instance did not necessarily vote those bonds for this purpose - we do not know what the purpose was. That this is a better way of keeping faith with the people; he has confidence that this time they will be more receptive to passing this issue. The only place that he might disagree with Councilman Gantt is on what happens if this should fail. People will say "It failed the second time and you do anything, you are really doing an end run around the field." He does not know that it would be any more of an end run the second time than it would be right now because the voters have had a chance to speak on it. His fall-back position would not be the same as Councilman Gantt's; it would be that which is expressed in Alternative I which is not to annex all these areas. He is not going to worry about a fall-back position at this point; he thinks they ought to get in behind getting another bond issue passed April 19th.

Councilwoman Chafin stated Councilman Gantt has certainly helped her out. She came tonight committed to the idea of going back to the people for a vote on financing water/sewer services, but her major question too was how much are we going to ask them to authorize? She is convinced that if Council does what she thinks it did not do last fall - go out and explain to the citizens what they are asking them to do, how the financial picture will work, they will authorize Council to go ahead and sell the bonds. She very much likes the idea of asking authorization for the $4.2 million.

Councilwoman Locke stated she would like to put in there the General Revenue Sharing money, $2.8 million, because we can use that General Revenue Sharing money for other things. If we are going to go for $4.2, why not $6.0 million - that is little enough.

Councilman Williams asked Councilman Davis what he thinks about this proposition because he has had an opportunity to study it and must have some pretty firm opinions.

Councilman Davis stated he thinks the business with the CFC has gotten kind of distorted and we have a very valuable community resource in these five people on that Commission that could be of great help to Council. For some reason there is no coordination between this commission and our staff or perhaps this Council. He thinks that should be corrected; that we need, as Councilman Whittington pointed out before, Councilman Williams and himself, the counsel of interested citizens who take the time to study this and give Council their input. He would personally like to have that on matters pertaining to the Utility Department.

He stated Council, some months back, voted 100 percent to go with an annexation policy, generally to annex areas as soon as they become eligible. He still has that position, with the slight modification that he would now say he would be in favor of annexation as soon as an area becomes economically justified. Another important point is that we have taken this issue to the public in a referendum. For his own part, he feels bound to the decision the public makes in a referendum. That if we do something that Councilman Gantt suggested, if his first proposal works out and we put the $4.2 million up for a bond issue and it passes, we are okay, but as he went on to say, that if this does not pass, that the public is supposed to understand that we are going to do it by revenue bond financing.

Councilman Gantt stated his only argument is that Council is going to have to come to a decision on how it will finance the annexation. At some point they are going to have to decide, with the CFC recommendation or not, how they are going to fund the annexation of the nine areas. That Councilman Withrow put it better with asking the right to use cheaper money.

Councilman Davis stated this is where he disagrees because they, as Council members, can understand what Mr. Withrow means, but he does not think that point will ever get to the public. If they vote against those bonds and

the City turns around and issues revenue bonds the citizens are going to feel like Council has thwarted their will, just like they did about the County Courthouse. Many people have commented to him about this, particularly in regard to the Airport. They are scared to death that they voted down an airport expansion and the City is going to ram it down their throat with some alternate kind of financing. He thinks that this would really seriously damage the credibility that Council has left. If they went to the option that Councilman Gantt described and if it is turned down by the voters, then they are left with issuing some other type of bond without voter approval.

Councilman Gantt asked if what he is suggesting is what they ought to have is a referendum on whether to annex or not annex? Councilman Davis replied no. The only reason for going to the public is for permission to borrow money. That is the only thing required. The only thing he feels Council is free to do is to proceed with Alternative I which requires no borrowed funds. They can do that without any voter approval. In the meantime, he thinks they ought to get better organized, get Alternative II if they want to use that or Mr. Gantt's modification, or whatever they want to take to the public; give the CFC time to process it in an orderly manner and take it back to the voters. He does not think they can do that on April 19th.

Mayor Belk stated they are down to the point where they have to decide tonight whether they are going to put it on the referendum for April 19th or not.

Councilman Williams stated what he thinks Councilman Davis is saying is that he prefers the staff's Alternative I which is sort of a pay as you go type of financing; annex not all of the areas that are legally eligible. That is a policy and a philosophical question that he feels Council has to come to grips with - Do we attempt to annex all of the areas that are eligible or not? Up until now it has been his understanding that the Council position has been that should be the case, that all areas technically and legally eligible should be annexed from the standpoint of fairness to the people who are being annexed.

Councilman Gantt replied that is right, but they also said in the future, after the adverse experience we had with the annexation, where we had a number of complaints and had our resources spread too thin trying to take care of them, we would prefer to make future annexations in smaller bites.

Councilman Whittington stated that on Alternative I he thinks the gravest mistake they could make would be to try and do parts of this rather than all nine areas. Because if, for example, you take in the Seaboard Industrial Park, or say, you leave them out and take in Moore's Park and the Pawtucket area they are going to be accused by residents saying they favored an industrial development versus a residential development. There is no way they can do this because one of the big things that has been pointed out to this Council - more to the Planning Commission and staff than to Council - is how in the world Eastland Mall was left out this long. He thinks they have to go all the way and do exactly what the law tells you to do. To do anything else would be a serious mistake.

He does not know how you do it. He is very concerned about doing something here and someone say to him "You are not treating me like you treated the people you took in in 1973." That is what worries him about Alternative I and what Councilman Gantt is talking about with Alternative II.

Councilwoman Locke moved that a bond referendum be held for $4.2 million plus $2.8 million that they would use to get Revenue Sharing bonds - a $7.0 million issue. The motion was seconded by Councilman Williams.

Councilman Wnittington asked for an explanation of what that will do to people to be annexed if it passes. Mr. Burkhalter replied each one who gets on will have to pay about $750 to tap on.

Councilman Williams stated sooner or later some annexed area will not be treated the same way as poeple in 1973 or prior thereto were treated because of our new policy which will take effect in May of 1978 or shortly

thereafter. So, if it does not come to haunt them at this annexation it will at the next one. Sooner or later they will just have to come to grips with that issue and decide what they are going to do.

He stated that maybe more important than that is that you always hear the question raised "Who is supposed to pay for expansions of the utility system?" Is that not what the whole thing is about? That Duke Power is having their problems with that right now. Do the present customers pay for the expansion to serve customers in the future? Then, who is supposed to pay to serve the new customers who will be annexed - some 30,000 of them? By requiring them to pay a tap-on fee they are paying for the expansion, or paying more of it, and the people who are in the old city are not subsidizing that expansion to them. He thinks that would go easier with a lot of people who have to pass on this proposition on April 19th. A lot of people are worried about paying for expansion to somebody else that they are not going to get the benefit of.

Councilman Whittington stated he could agree with Councilman Williams if they move that date from May 1978 to May 1980, for example. The reason he says that is again "this is different now". If you pass Mrs. Locke's ordinance here tonight you are treating those people differently than the last group. Councilman Williams stated you are making them pay more of their own way. Councilman Whittington replied right, which we did not do to the other folks. He agrees that they have to have a policy. Councilwoman Locke stated people in the city have always paid to tap on; they are just equaling it out.

Councilman Davis stated he thinks it is particularly important that Council have the advice of our Community Facilities Committee on this. That the basic reason is he thinks this Council very wisely decided to have an enterprise system in our Utility Department. That means it should pay for itself. Right now the Utility Department is our biggest single department. The debt service in our budget alone is about $16.0 million and probably over 60 percent of this is from the Utility Department. That Charlotte right now is in good financial condition, we think; it enjoys an excellent credit rating - AAA. This credit rating comes about when a bond rating service comes down here and examines our budget and looks at this debt service requirement of $16.0 million; when they can take 60 percent of that or 75 percent and say this debt is funded by the Utility Department and that is a pay-as-you-go system, the rate pays all of this debt service requirement so we can set that aside, that does not have to come out of the Charlotte taxpayer's pocket. They can also take out the Airport debt and say this debt is funded by revenue generated by the airport, so we will not count that against the City of Charlotte. Then we are left with a very small amount of debt and that is where we are able to get a high credit rating.

But this is the scenario that bothers him. Suppose that we pass the $16.5 million bond issue and the public got the idea that there need be no sewer or water rate increase as a result of this bond issue. Then, suppose that six months from now the EPA requirement is imposed with a deadline and we have to use $40.0 million to meet EPA requirements - $10.0 million of which would be local money. That would require another bond issue. Then, suppose this resulted in a substantial water/sewer rate increase - we might have an increase of a magnitude that the public would not accept, and having seen public pressure brought to bear on this Council before, he thinks their resolve sometimes melts rather easily and he can visualize a situation where great pressure would almost make it impossible to get a water/sewer rate increase and then Council would be tempted, out of fairness, to take the money from our general tax funds and subsidize a water and sewer system. Then, on the next trip South, the bond rating service would look at our budget and say "Now there is a new ballgame - you are taking money from general tax funds to support this Utility Department debt". Once the flow starts from the general tax funds into the water and sewer debt, then the bond rating service will dump that whole debt in on the general taxpayer and say that "I've got to consider this whole thing might have to come out of general tax funds", and our AAA rating will go out the window and we will probably drop two or three notches in credit. To ask anyone to proceed into an undertaking of debt of this magnitude without the advice of our Commission that was set up for this purpose would be irresponsible.

Councilwoman Locke amended the motion, stating they have done some adjusting and the figure is $7.2 million. Councilman Williams agreed to a change in the figure.

In answer to a question from Councilwoman Chafin, Mr. Burkhalter stated $100,000 of the Revenue Sharing was to be used to match what had already been set aside to do the other kind of work - not water and sewer.

Councilwoman Chafin stated she sympathizes with Councilman Davis' position in that she had very much hoped they could have the input of the CFC. She thinks this Council values their advice and she thought they had given them opportunity. That in talking with members of the CFC prior to the holidays they felt very strongly at that time that they would be able to give us a recommendation by January 10. She is not sure what happened.

She stated her concern is if it is the concensus of this Council, and she believes it is, that they want to go back to the people for a vote, if they do not do it on April 19th, she thinks they may be saying to our Planning staff "Go back to the drawing board and research the whole thing," and they are probably talking about postponing annexation for a considerable amount of time. There are many, many areas that in a very short period of time will be eligible for annexation.

Councilman Davis stated the last time they went back to the drawing board, the amount dropped $5.0 million; maybe another trip would be in order.

Councilman Williams stated on January 13 of this year, Mr. James Sheridan, Chairman of the Community Facilities Committee, wrote a letter to Assistant City Manager Paul Bobo in which he said he cannot be very detailed about what to recommend at this point but he does recommend a couple of general concepts. Two of those concepts are very interesting. One is that all areas under consideration be annexed, stating that the majority of the CFC feels that way. The second statement Mr. Sheridan made is that Council should have a bond referendum for financing this. He does say that the CFC may have to grapple with the amount at a future time.

Councilman Williams stated in view of the time constraints Council has in scheduling any bond referendum, they are going to have to set the amount tonight. That he thinks they are going to be following the two broad concepts the CFC has recommended.

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

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

Councilman Whittington stated he voted for this because it is necessary to do so, but he feels very strongly about what he has already said - that these people, hundreds of them, are going to be treated differently than they treated the others. That the City Manager and his staff, and Mr. Bill Guerrant, should do everything they can to write each one of these people and let them know the effective date of this new plan to charge them for services so that they will know from this day forward what this Council is doing.

Mr. Burkhalter stated there is a plus sign to this and he feels Council should look at it this way. That they have not received the complaints mentioned earlier about annexation; he is sure Council has gotten them, that people do not want to be annexed; but as far as services rendered, he has not received that many complaints. Most of the complaints that they did have came from people who were concerned about the installation of water and sewer lines. There were complaints about the line being too low or cutting up their yards and this sort of thing.

He thinks they will find a plus to the degree that if they go into the plan which they have discussed, it is to be by petition. If 50 percent of the available lots that are developed in an area petition them, they will

be saying they want this service installed at that particular time and they are going to be the instigators of the action and not the City. They are not going out "willy-nilly" and putting them up and down every street. He does not know of anyone who likes to pay if they can keep from it, but he thinks they will find that once they do this, the process will be more suitable to everybody involved.

Councilman Withrow stated he thinks it should be explained that they went back to the drawing board and cut this down from $16.5 million down to $7.0 million. He thinks the people should know that they did not hoodwink them in cutting it down. It should be explained to them in the newspapers the difference in the $7.0 million and the $16.5 million - that they did what Councilman Whittington did not want them to do, they took away from those citizens we are going to have to annex the privileges that we had given the people we had annexed before; that made up the difference between the two figures. That people need to know this; that they did not just automatically cut it to $7.0 million and did not need the $16.5 million.

MS. MARY ANN CLAUD APPOINTED TO THE BOARD OF DIRECTORS OF WTVI, INC.

On motion of Councilwoman Locke, seconded by Councilwoman Chafin, and unanimously carried, Ms. Mary Ann Cloud was appointed to the Board of Directors of WTVI, Inc.

CONSENT AGENDA APPROVED.

Upon motion of Councilwoman Locke, seconded by Councilman Gantt, and carried unanimously, the consent agenda was approved, as follows:

1. Settlement in the case of City of Charlotte versus Tenneco Oil Company in the amount of $6,500, for the Sharon Amity Road Widening Project, Parcel 59, as recommended by the City Attorney.

2. Ordinances affecting housing declared unfit for human habitation:

   a. Ordinance No. 421-X ordering the unoccupied dwelling at 1905-07 Gibbs Street to be closed.

   b. Ordinance No. 422-X ordering the unoccupied dwelling at 1912-14 Gibbs Street to be closed.

   c. Ordinance No. 423-X ordering the occupied dwelling at 1413 Kennon Street to be vacated and closed.

   d. Ordinance No. 424-X ordering the unoccupied dwelling at 1821-23 Gibbs Street to be demolished.

   e. Ordinance No. 425-X ordering the unoccupied dwelling at 318 State Street to be demolished.

   The ordinances are recorded in full in Ordinance Book 23, at Pages 497-500, and Ordinance Book 24, at Page 1.

3. Resolution authorizing the refund of certain taxes, in the amount of $619.98, which were levied and collected through illegal levy and clerical error against fifteen tax accounts, as recommended by the City Attorney.

   The resolution is recorded in full in Resolution Book 12, at Pages 178 and 179.

4. Resolution to abandon a portion of Sardis Road, between Randolph Road and Providence Road, and a petition to the North Carolina Department of Transportation for all future maintenance and responsibilities, as recommended by the Director of Public Works.

   The resolution is recorded in full in Resolution Book 12, at Page 180.

5. The following streets to be taken over for continuous maintenance by the City of Charlotte:

   a. Creekbed Lane, from Park Road to 1,160 feet west.
   b. Hawkstand Lane, from Creekbed Lane to 530 feet west.
   c. Quail Hill Road, from Park Road to 1,950 feet north.
   d. Elkston Drive, from Quail Hill Road to 340 feet west.
   e. Hopeton Road, from Quail Hill Road to Sharon Road West.
   f. Wellston Drive, from Hopeton Road to 300 feet north.
   g. Bradenton Drive, from Hopeton Road to 81 feet north.
   h. Quail Hill Road, from Hopeton Road to 65 feet north.
   i. Tennessee Avenue, from 70 feet north of Dakota Street. to 100 feet north of Plainwood Drive.
   j. Plainwood Drive, from Tennessee Avenue to 860 feet west of Tennessee Avenue.
   k. Grove Park Boulevard, from Lakeside Drive to 700 feet north of Lakeside Drive.
   l. East Lane Drive, from Dorn Circle, to 1,180 feet east of Dorn Circle.
   m. Flintwood Lane, from Sharon View Road to 1,000 feet west of Sharon View Road.
   n. Old Bell Road, from Mountainview Drive to Wilby Drive.
   o. Jennings Street, from 242 feet south of Newland Road to 400 feet north of Newland Road.

6. Encroachment Agreement with the North Carolina Department of Transportation permitting the City of Charlotte to construct an 8-inch fire line in Westinghouse Boulevard east of N. C. Highway 160.

7. Property transactions as follows:

   a. Acquisition of 7.66' x 123.60' of easement at 1122 River Oaks Lane, from James E. Ferguson II and wife, Barbara T., at $550.00, for sanitary sewer to serve River Oaks Lane at Swan Run Branch.

   b. Acquisition of 7.66' x 125.15' of easement at 1122 River Oaks Lane, from Ann G. Jones, formerly Ann G. Wright, at $123.00, for sanitary sewer to serve River Oaks Lane at Swan Run Branch.

   c. Acquisition of 15' x 316.79' of easement at 5026 York Road, from Alabama Long Shuman Heirs - Susie H. Shuman, C. Floyd Shuman, Winfrey H. Shuman, at $316.00, for sanitary sewer to serve 5100 South Tryon Street.

   d. Acquisition of 15' x 516.91' of easement at eight acres east off U. S. 21, south of N. C. 73, from Robert L. Blakely and wife, Mae, et al, at $1,500.00, for sanitary sewer to serve Lake Norman Shopping Park.

   e. Acquisition of 30' x 2,605.20' of easement from Henry Howard Banks and wife, at 150 acres east off SR 2137, Cook Road, at $2,600.00, for McDowell Creek Outfall, Phase II.

   f. Acquisition of 15' x 53.76' of easement from James W. Sweet and wife, at 2615 Wensley Drive, at $330.00, for sanitary sewer to serve Archdale Drive Housing Authority Site.

CITY MANAGER TO SEND COPIES OF PROPOSED PLANS ON DISTRICT REPRESENTATION TO COUNCIL FOR REVIEW.

Mr. Burkhalter, City Manager, stated the Planning Commission now has ready two different plans with information on seven district areas. He requested Council's approval to mail to them the small map and breakdown of the information - the distribution being made on a heterogeneous basis and another on a homogeneous basis. He would like them to get this and look at it and for them to keep closely together on it so they can meet the proper schedule to bring it back to Council. He believes it is two weeks when they have to

make a decision on the seven districts. About that time he will have Mr. McIntyre come with all the colored maps and all the information and after that they can make their decision.

Councilman Whittington referred to an article on District Representation in The Charlotte News by Councilman Williams, stating he felt it was an excellent statement and commending Mr. Williams on it. Councilwoman Locke stated she felt it was well written. Councilman Williams replied he does not have a very good feeling about the whole matter of District Representation because, as they know, he thinks there is some merit in a balanced approach to it but perhaps not this. That you have to take a position in life now and then, and this is his position.

Mr. Underhill explained the timetable, stating that sometime about the middle of February they have to publish a notice of the election - that has to be done at least 30 days prior to the last day a person can register to vote. He would say they have until the middle of February in which to make a decision on which plan and set the date of the election.

STATEMENT CONCERNING VOTE ON SUGAR CREEK PROJECT.

Councilwoman Chafin stated she hopes her vote against the Sugar Creek project will not be interpreted as being against flood control or flood management, but she does have some concerns because the project is very close to channelization and could perhaps lead to erosion and increased downstream flooding.

CITY MANAGER AND STAFF TO CONTACT DIFFERENT AGENCIES AND CITIES, AND COME TO COUNCIL WITHIN NEXT 30 DAYS WITH RECOMMENDATION ON FORMATION OF A COMMITTEE ON EFFICIENCY IN GOVERNMENT.

Councilman Davis requested that Council consider the formation of a Committee on Efficiency in Government; that Mr. Burkhalter contact the Institute of Government in Chapel Hill and perhaps also at UNCC to get some background information on committees of this type; and also some advice from any other cities that have had any experience with this type of thing.

That he visualizes a bi-partisan commitee of citizens skilled in administration, finance, budget, auditing, accounting, management - things of that nature; this committee would be appointed by, and report to the Council; it would have responsibility and authority to study any facet of local government, and make recommendations to Council. The reason we need this sort of thing is that in government there is no such thing as a Profit and Loss Statement to enforce the discipline in economy that is necessary in every successful business or even in every well run home. Even with the vigorous backing of political leadership, which is not always the case, a professional staff itself is hard pressed to affect any real economies because, ironically, government organization tends to reward waste and actually seems to penalize efficiency. Money saving ideas from such a committee, if it is found to have merit, could be pursued by Council and staff with virtually assured backing of the public. A group of well qualified citizens would volunteer their services at no cost to the city.

He requested the City Manager to get preliminary information back to him and other interested Council members within 30 days and he will circulate a more specific proposal and determine if sufficient interest exists to schedula a formal agenda discussion.

ADJOURNMENT.

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

Ruth Armstrong

Ruth Armstrong, City Clerk