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The City Council of the City of Charlotte, North Carolina, met in a regular session on Monday, November 6, 1978, at 8:00 p. m., in the Multi-Purpose Room of Lansdowne Elementary School (District 7), with Mayor Kenneth R. Harris presiding, and Councilmembers Don Carroll, Betty Chafin, Tom Cox, Jr., Charlie Dannelly, Laura Frech, Harvey B. Gantt, Ron Leeper, Pat Locke, George K. Selden, Jr., H. Milton Short, Jr. and Minette Trosch.

ABSENT: None.

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INVOCATION.

The invocation was given by Reverend Robert Carter, Minister of St. Stephen United Methodist Church.

PROCLAMATION DESIGNATING ROTARY-SCOUT EXPO WEEK IN CHARLOTTE-MECKLENBURG.

Mayor Harris recognized Mr. Doug Cofield, Executive Director of Scouting in Charlotte, and Dr. Barry Miller who works with the Cub Scouts, for the purpose of reading a proclamation.

Mr. Cofield expressed appreciation for the opportunity of appearing before Council and introduced three Scouts - Eric Taylor, David McClure and Bill Coble - representing the 7,400 Cubs and Scouts of the Mecklenburg County Council. He stated that on Saturday there will be approximately 15,000 people at the Metrolina Fairgrounds for the 26th Annual Rotary-Scout Exposition; that the more than 7,000 Scouts will be displaying their wares and showing that they are truly proud of their Cub Packs, Scout Troops and Explorer Posts.

Mayor Harris read a proclamation recognizing that Scouting has been a builder of men and women in this community for many years and that for 26 years the Rotary Clubs of Charlotte have sponsored the annual Rotary-Scout Expo. The proceeds are used for various activities of Scouting, provide assistance for deserving Scouts, and make improvements to area Scout camps. He proclaimed Rotary-Scout Expo Week in Charlotte-Mecklenburg with the exposition being held on Saturday, November 11.

The Scouts and leaders were congratulated by the individual Councilmembers, and tickets for the Expo were made available to those assembled for the City Council meeting.

CITY COUNCIL WELCOMED TO DISTRICT 7 BY COUNCILMEMBER COX.

Councilmember Tom Cox, representing District 7, welcomed the Mayor and other Councilmembers and City Staff to the district. He expressed appreciation to Mr. Bill Ledford for the use of the facilities and recognized others in the audience - his mother and father and his wife.

Mayor Harris responded with thanks for the hospitality on behalf of the Council and Staff.

APPROVAL OF MINUTES OF SPECIAL USE PERMIT HEARINGS.

On motion of Councilmember Chafin, seconded by Councilmember Dannelly, and unanimously carried, minutes of the Special Use Permit Hearings on Tuesday, October 17, 1978 were approved as submitted.

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DECISION ON PETITION BY WADE INTERIOR DESIGN, INC. TO CLOSE A PORTION OF WEST STONEWALL STREET, DEFERRED.

The scheduled public hearing was held on petition of Wade Interior Design, Inc. to close a portion of West Stonewall Street, between South Graham Street and Wade Interior Design Building.

Council was advised that the request had been reviewed by all city departments concerned with street rights of way and there were no objections to the closing.

Mr. Robert Hopson, Director of Public Works, confirmed that this has all been checked out and it is satisfactory. He stated it is his understanding that there has been a request for a delay in a decision on this closing and they have no objections to a delay. That there are some legal interpretations that interested parties wish to clarify.

Mr. Gillie Spratt stated he speaks on behalf of Mr. Vernon Goode and Mr. Mike Rhyne; that they are all here on behalf of the Trust Department of North Carolina National Bank which owns some property adjoining the property which is being requested closed. He stated they have talked with the petitioner and worked out an arrangement with them whereby the bank will consent to the street closing provided they are given adequate driveway easement to allow access to a platform on their property. They were provided with an easement last week, but for several reasons it was found unsatisfactory and they have been unable to get a satisfactory easement in the short period of time since then. They want to accommodate them and are willing for the street closing to go through, but they ask that it be delayed formally until they have the type of easement that they think they require.

Councilmember Short addressed a question to Mr. Hopson. He stated the City evidently has a large outfall that runs into this street, and asked if the action they are taking would protect the City's rights and easement for the sewer lines? Mr. Hopson replied there is no question about that; it will be protected. He stated they may wish to check with the City Attorney relative to whether there will have to be another hearing, or whether this can be considered the hearing and when this easement is straightened out they will be all set to go.

Mr. Underhill, City Attorney, stated he has talked with Mr. Spratt about this matter; in fact, he was the one who suggested to him that he might ask Council, because of the problem his client is having, to defer taking any action on it. That he first requested that consideration be given to delaying the hearing, but to avoid problems that would be involved in re-advertising it, he suggested that perhaps he could ask the Council to hear the matter and then defer any action until his client is satisfied with the easement arrangements that they desire from the petitioner. That apparently the petitioner was willing to work this out with them. It is just a matter of getting some language in the instruments satisfactory to all of the parties.

Mr. Short moved that the matter be deferred and placed on the agenda at a time indicated by Mr. Underhill. The motion was seconded by Councilmember Chafin and carried unanimously.

DECISION ON APPROVING THE SALE OF LAND IN THE FIRST WARD URBAN RENEWAL PROJECT TO UNITED HOUSE OF PRAYER FOR ALL PEOPLE FOR CONSTRUCTION OF MULTI-FAMILY HOUSING, DEFERRED FOR TWO WEEKS.

The scheduled public hearing was held on the sale of property on East 11th Street, between Davidson and Caldwell Streets, to the United House of Prayer for All People, in the First Ward Urban Renewal Project Area, to be used for multi-family housing construction.

Mr. Vernon Sawyer, Director of Community Development, stated this parcel of property is the northern portion of the two blocks of property on which the City is building 25 units of multi-family housing in First Ward. It is one

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of two parcels, this being the first, that they will recommend to Council be sold to the House of Prayer for residential development, according to the redevelopment plans for First Ward. The only reason the other parcel did not come at this time is because they have a small church, the Union Missionary Baptist Church, that is going to occupy a portion of the second parcel and they have not yet determined how many square feet the church needs for its development.

He stated this property will be developed by the House of Prayer for All People at a maximum of ten units per acre. There are 2.4 acres of land so that will produce 24 additional units of housing in this block. The Community Development Department recommends approval of this sale.

No citizen opposition was expressed to the petition.

Councilmember Leeper asked how many units this would be and Mr. Sawyer replied 24 units. He stated the Redevelopment Plan restricts the development to a maximum of ten units per acre. Mr. Leeper asked what type of housing it would be and Mr. Sawyer replied multi-family. Mr. Leeper asked what type of multi-family, low income? Mr. Sawyer replied he is not sure; it will be developed by a private developer. The House of Prayer for All People is a non-profit developer and he suspects it will be market rents and perhaps with first choice going to members of this church. However, he does not know this; that the realtor representing the church is present and perhaps he can answer this question.

Mr. Russell Kinney stated there will be no subsidy; that the units will run about \$30,000 a piece; he does not know whether that would be considered low-cost housing. Mr. Leeper stated he is talking about the cost of building; that his question referred to the cost of renting it. Mr. Kinney stated they will not necessarily be low-cost housing, but each and every one in that community will be eligible for the units.

Mayor Harris asked about senior citizens? Mr. Kinney replied he had not given that any thought.

Mr. Leeper stated he has to register his concerns about this. We have 408 units of low income housing in Earle Village. Less than a mile away in Piedmont Courts we have close to 400 units of low income housing. It just seems to him that there is a great deal of concern in the kind of development that they are using in the First Ward Area - they seem to be using a lot of government funds to clear out an area and then they seem to be impacting that area again with apartment units. That it seems they have a real opportunity here to not only provide housing for people, but provide a balanced community as they are doing in Fourth Ward, with single family dwellings, with low income apartments and other kinds of opportunities; that he is not so sure they are really using all the mechanisms that they have to provide balanced growth. He is concerned about concentrating all of these apartments together there in the First Ward Area.

Mr. Sawyer stated he is not sure, and Mr. Kinney confirmed that, that this is going to be housing for low income people. He thinks they will have a market rent there that will afford the best opportunity to invite people into the area who are not low income. That Mr. Leeper is certainly right about the location of all of the low income people in First Ward and the vicinity. But, they are building 25 units of housing that has to be for low income - they are ordered to do that by the Courts. They are rehabilitating structures that they will either first try to sell, but then rent, with first choice to low income families, again by order of the Courts. These two parcels of land are the only two left.

Mr. Leeper stated it just seems that this whole area is being targetted for low income citizens, and he is concerned as they are getting ready to look at our Housing Assistance Plan and other kinds of things that they try to provide a balanced type of community, and not just concentrate low income citizens in an impacted area.

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Mr. Sawyer stated he does not know the answer; he does not know how to change the quality of this unless they take this land off the market, re-plat it for single family houses and try to sell it.

Councilmember Leeper asked if there would be anything wrong with doing that? Mr. Sawyer replied it is whatever the Council's wish is.

Mr. Leeper stated that part of his frustration is that he has not seen the whole plan for the area; that they are just getting it a piece at a time. They come up with a piece of property and they sell that. That some other Council drew up the plan.

Mayor Harris asked if he could interject a point. That he agrees with that point very much; that Council does need a complete layout of this; this Council has not really ever seen a layout of the entire First Ward Area. But, he would like to say too, to Mr. Leeper that he talked with the people at the House of Prayer last spring when they were first considering this. That he wishes the whole First Ward Project was as sound as this project from what he has understood about it. It was paid for by cash, by the church. There is no governmental funding involved at all in the project, and they will certainly maintain high standards because their members will be living there.

Mr. Leeper stated he is aware of the work of the House of Prayer and that is one of the things that he has been impressed with as one of the greatest churches in our community. He is not at all against the House of Prayer developing housing. He is opposed to a planned concentration of low income citizens in one given geographical area.

Mayor Harris stated the point to have a presentation is very well taken. The whole Council needs it.

Councilmember Gantt stated it occurs to him that in a hearing such as this - he is familiar with the idea of presentations of plans by non-profit groups in terms of what they intend to do - it would help Council to see what is being proposed in that area. Also, while he knows these hearings were announced in advance and they have to be carried out, clearly what Mr. Leeper has said has quite a bit of substance - that is, a review of the Urban Renewal Plan, probably before they make a final decision on this item, might be appropriate. That the question of what amount of land absorption they have already had in First Ward is very important; how much housing land do they have left; and what should be the Council's strategy in the sale of that land in the future - this is something they ought to develop, rather than on a first-come-first-served basis.

Mayor Harris asked Mr. Underhill if they can have the hearings on both of these categories and defer action on them? Mr. Underhill replied yes; that of course Council has the discretion to defer any matter; that perhaps Mr. Kinney wants to tell them about some problems they might have.

Mr. Kinney stated this is an overall plan to put about 200 units - whether it is in Redevelopment or whether it is in another part of the City. It is not a low cost housing unit by any stretch of the imagination; it is a situation where these people want to come to Charlotte and build housing units. Ten units to an acre is not what he would consider a low-cost housing. It just happens to be where he is going to build another church. It is in an area that he has been in for about forty years. They are going to build a church and will build adjoining houses of quality they have never seen before in redevelopment.

Councilmember Gantt stated he thought they should all change their terminology. That there is no such thing as low-cost housing; that what they are talking about is the users of that housing, they use the term low income housing in terms of the rental income. He stated Mr. Kinney might be able to help them in terms of the decision they will make on this by providing Council with some idea of the type of housing he is going to put in there.

Mr. Kinney stated it would be a three-bedroom affair. Mr. Gantt asked if he has plans developed for them at this time? Mr. Kinney replied they have a concept of what the building looks like, that the architects are present

to develop some housing related to the church. He referred the question of whether if this did not go through would he still build the church, to Mr. Kinney. Mr. Kinney replied he had not even thought of that situation. That if they had enough land they would build two hundred units right now. It would be at no cost to the city; it is all private money; and they can believe him, it will exceed far more than anything that has been built in redevelopment.

Ms. Trosch stated she has very similar concerns to those of Mr. Leeper; she has expressed them in the past, related to how our inner city develops. She feels it is very necessary to have a mix in the inner city and not a re-concentration. That when another parcel came up earlier, Council asked Mr. Sawyer if they could not have a presentation on this. That this has come up again without that presentation. She would very much like to know where First Ward is going before she makes this decision. That she feels they are inter-related.

Mr. Sawyer stated if he can take the time now, he will review the site plan which he has with him. Mayor Harris stated if Council wants to defer it, then there is no reason to go into all the details now.

Councilmember Leeper stated he does not want to rush into this matter, and Ms. Trosch agreed.

Councilmember Dannelly moved for deferral, seconded by Councilmember Trosch. Councilmember Gantt stated that in fairness to the House of Prayer, a time limit should be set. He suggested two weeks. Mr. Kinney stated time is a very important element right now. Mr. Gantt asked if two weeks will hurt him and Mr. Kinney replied "You bet your life." Mr. Gantt asked if two years did not hurt him that badly? Mr. Kinney replied that when you promise somebody you are going to build units, you are going to build them. Mr. Gantt stated that he promised on the basis of Council's consent; that what they would like to do is cooperate with him, but if Councilmembers have some reservations about it, they ought to at least examine it for two weeks and get a report from Mr. Sawyer.

Councilmember Trosch stated this was deferred on the petitioner's part too - about a month ago; the Mayor agreed that it was on the agenda at an earlier time and was deferred. Mr. Sawyer stated it was not this parcel; it was the commercial parcel. That the reason there was that they wanted some housing developed so that they would get a little closer to a market before they developed the shopping facility.

Councilmember Short asked if this could possibly fit the format of a luncheon scheduled at 12 o'clock on Thursday, November 9th; that they could make that a formal meeting. He asked if that would be rushing it too much?

Councilmember Gantt stated the only reason he is saying that two weeks is not going to hurt them is that the state of the plans - and Mr. Johnson will bear him out - do not indicate that he is ready to go to construction of this next week. He will admit that there is going to be a little more time involved, but they are looking at some very elementary plans at this point, and he cannot see why a two-week deferment is going to affect moving ahead with construction financing on it.

Councilmember Leeper stated one of the questions that he needs answered is are all of those properties related - would the House of Prayer still be willing to develop the property as a church property and possibly develop housing at some other site? Have they looked at other properties that the City might own? If may be that they could end up swapping some property. Mr. Sawyer stated he would try to get him the answer.

Mr. Burkhalter stated that Councilmember Carroll had asked for plans on McDowell Street in that area and they have been trying to find the time to bring that to Council. He suggested they put the two together and do them at the same time - they will find time in the next two weeks to get them together and do it.

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Mayor Harris stated to Mr. Kinney that he should keep on selling; that we have a lot of housing to build in this city and he likes the ideas he has been talking about - we have ten target areas; if he runs out of this one, there are nine others. That Council wants to help all they can to build housing without government money.

Mr. Kinney stated they have come up to a certain point; they have hired an architect, he has done design work on it; that what they have today is what they will have next week as far as the design is concerned, at this stage of the game. Mayor Harris stated that the Council will be more together then - that is the concern right now; that they need to see the whole area first before they make a decision.

The vote was taken on the motion to defer a decision on this sale of property for two weeks and carried unanimously.

RESOLUTION APPROVING THE SALE OF PROPERTY ON EAST 9TH STREET TO THE UNITED HOUSE OF PRAYER FOR ALL PEOPLE FOR CONSTRUCTION OF A CHURCH FACILITY.

The scheduled public hearing was held on the sale of property on East 9th Street, between Alexander and Davidson Streets, to the United House of Prayer for All People, in the First Ward Urban Renewal Area, for construction of a church facility.

Mr. Vernon Sawyer, Community Development Director, used a map to point out the location of this site, stating the facility would front on 9th Street. He stated the House of Prayer for All People at one time had a church on Myers Street, between 10th and 11th. The City purchased that church and this congregation has been waiting to rebuild in the area. This land is properly zoned, it is located in an area that will be adjacent to the commercial area to which Ms. Trosch referred in the previous hearing; in fact some of the parking will be double used. He stated it is going into an area that permits churches.

Mr. Sawyer stated there is some existing housing located between 10th and 11th and Myers Streets; this housing will be almost adjacent. He pointed out the site which the Union Missionary Baptist Church wants and which Council has already approved - it is just a question of how much land they want before they can delineate the remainder of the land and have it surveyed and priced. At Mr. Leeper's request, he pointed out the location of Earle Village.

Councilmember Dannelly asked if this is approved would they be obligated to build only a church on that property? Mr. Sawyer replied yes; that the way the procedure works is that if Council approves the sale, Community Development then enters into a contract - they do not pass deed at that time; and after the purchaser is sure that he has control of the land - in this case, he will have a contract that is approved by Council - he will then proceed to develop his plans in great detail. That three stages are required. The first is just concept, which is all they have received at this stage. The middle stage will be the development of that concept; and that is approved. Then they go on to final plans and specifications. When they reach that stage and approve those plans, then the developer has to submit to CD the evidence of his financial ability to build the project. That Council does not approve the deed until that happens; that they can guarantee Council they will never get that land unless he builds what he says he is going to build on the land. This is true in any case - in the case of a church, housing or any other development.

There was no opposition expressed to this sale of property.

Motion was made by Councilmember Leeper, seconded by Councilmember Locke, to adopt a resolution approving the sale of land to United Church of Prayer for All People, for a total of \$14,212.22, for the purpose of developing a church facility.

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Councilmember Selden expressed his concern on the fairness to the House of Prayer for All People to act on this proposal in view of the fact that the other item was deferred. Mayor Harris stated after it is approved they do not have to acknowledge it - they would be in control on that matter.

The vote was taken on the motion and carried unanimously.

The resolution is recorded in full in Resolutions Book 13, at Page 482.

COUNCIL RULES SUSPENDED TO CONSIDER NON-AGENDA ITEM.

Councilmember Gantt moved that the City Council rules be suspended at this point in order to consider a resolution on the Charlotte 3. The motion was seconded by Councilmember Dannelly.

Mr. Gantt requested a ruling from the City Attorney on the need for a unanimous vote on this motion. Mr. Underhill stated that in order to proceed with what Council procedures require, the motion perhaps should be to take up this item; then move to suspend the rules to take it up at this time. He stated the first motion would require unanimous consent because it is not an agenda item; then a motion to suspend the rules would require a 2/3 vote.

Mr. Gantt amended his motion to ask that they take up the matter of the Charlotte 3 for discussion.

After referring to the City Code, Mr. Underhill stated the motion to put it on the agenda does require unanimous consent.

Mr. Gantt stated if he wants this discussed before he actually introduces the resolution as an agenda item, does he have to have the unanimous vote? Mr. Underhill replied the motion that he is making now would allow discussion of that motion.

Mr. Gantt stated he would do that first. It requires 2/3 vote? Mr. Underhill replied if the motion is to take up the item at this time since it is a non-agenda item, it requires unanimous consent of those present.

Mr. Gantt asked Mr. Underhill to start over with his explanation. Mr. Underhill replied that the rules say items not listed on the agenda can receive formal action until a subsequent Council meeting unless it is unanimously considered as requiring immediate action by the Council. He stated they have gone through this before; that it is susceptible to two interpretations. His interpretation has been - and he does not believe he has had any quarrel from Councilmembers on this - that in order to get the matter on the agenda, for even discussion purposes, requires unanimous consent. That to adopt it, once it is on the agenda, does not require a unanimous vote.

Mr. Gantt stated the issue right now is to get it on the agenda. That his original motion would still apply - if he wants to put it on the agenda for discussion purposes and ultimately move a resolution during that period of discussion, would the matter be valid?

Mr. Underhill replied he sees his motions taking place in this sequence. His first motion is that the Council be moved to have this matter placed on the agenda. If that motion carries by unanimous vote, then his next motion would be to suspend the rules to allow consideration of this agenda item at this time on the agenda.

Councilmember Cox stated it would seem to him the procedure would be just the opposite. That since they are at No. 6 on the Agenda, they would move to suspend the rules. Mr. Underhill replied it would normally be but the Clerk has not read that item.

Mr. Gantt stated they do not want to get hung up on the legal and procedural kinds of things. Mr. Cox asked why not handle this matter as they normally do with matters that come up - take it up at the end of the agenda. That has always been their practice.

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Mr. Gantt stated the reason he did that was probably in the interest of a number of people sitting in the audience who were heard earlier and who came expecting to hear the Council resolve this matter one way or the other.

Mr. Cox replied they should extend the same courtesy to those people who come and ask them to do other things too. Mr. Gantt stated they have done this before; they have suspended the rules after the hearings which are legally required to be heard at specific times, in order to extend the courtesy. That Council may be in session until 12:30 and he is wondering whether or not they should put the citizens through some fairly perfunctory matters that may come up during the meeting.

The Mayor stated a motion has been made to suspend the rules and it requires a unanimous vote. Mr. Underhill stated he does not believe that is Mr. Gantt's motion. Mr. Gantt stated his motion is that they want to discuss the matter of the Charlotte 3 - he wants to place the matter on the agenda. Mr. Dannelly reaffirmed his second. The Mayor stated that requires unanimous consent and Mr. Underhill agreed.

Councilmember Carroll stated that they are all aware that Mr. Gantt brought this up at their informal luncheon last Monday and although he did not ask them to vote on putting it on the agenda at that time, he asked for input and thoughts that people might have about it during the next week. That as Mr. Short expressed at that time, there are some of them who perhaps feel that maybe it is not an issue that the Council needs to handle in this fashion. That he thinks they will have the time to talk about, but it is appropriate, out of courtesy to Mr. Gantt, that they put it on the agenda at this time. They have had the usual notice that they ordinarily get of an item; they got Mr. Gantt's draft of a resolution at the same time they got their Agenda. That the policy behind their rule is, in fact, carried out by going ahead and putting it on the agenda because they have known about it for a week and have had the chance to discuss it with him and among themselves. He hopes they can go ahead and put it on the agenda and talk about how everyone feels.

Councilmember Short stated this matter can be put on the agenda with a majority vote if it is put on for the next meeting? That the only reason they have to have a unanimous vote is just to put it on the agenda for tonight? Mayor Harris replied that this is correct.

Councilmember Selden stated that insofar as what Rev. David Frye, and others who spoke, frankly, he knows T. J. Reddy; he thinks that something should be done, as he told Mr. Gantt on the telephone; he personally intends to write to the Governor in very much the same terms that he has said in his resolution; but he feels that there is a precedent here in terms of dealing with items of this nature - items that are not official City business. There is a great danger. He will go further to say that if it were already on the agenda, he would vote for the resolution. He will have to be the dissenting vote in terms of getting it on the agenda tonight.

Councilmember Gantt stated Mr. Selden did speak to him this afternoon regarding this issue; that the point that Mr. Carroll makes is probably the central thing here. That at the time that he told the Council that he would be considering a resolution it was his intention to alert them to the fact that it was coming, and at the time they got the resolution this weekend, it was further his intention to get their feelings on that issue and have it debated. He thinks that the concept of the unanimous vote has some validity in the sense that they are trying not to surprise the Councilmember who might not have had the opportunity to evaluate and think about a particular issue that the Council faces. In this case, he thought by a prior announcement of the issue, the Councilmembers had the opportunity to evaluate one draft and even a second draft, as of this afternoon, and that they would not hang this issue up on a procedural matter such as whether or not the Council will discuss this issue on the agenda. That if they want to register a dissenting vote - that is not the way he would like it to turn out. As he told all of them, he feels that an 11-0 vote (or even a 12-0 vote with the Mayor included) would be very significant for Charlotte; and was going to try to write a resolution that he thought everyone could adopt. Since that time he has heard from a number of people regarding

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this and was hoping that the procedural issue would be taken care of. Unfortunately, he started this whole process out by trying to get clear from the City Attorney on how to make the motion. Nevertheless, he thinks the public deserves to know at this point how they all feel; whether they agree or do not agree. He disagrees that discussion should be killed at this point. He also thinks that the Governor's decision on this - he is reviewing the matter - may be pending very soon, and Council's vote, in effect, delays discussion of this matter for fourteen days, since Council does not meet next week. He was hoping they would consider otherwise.

Councilmember Selden stated he started out with a very heavy heart because he feels that the Governor should do something; and as he has stated, he intends to write him. His concern is, not with respect to this, but with the basic procedural action on the part of this Council. This is most difficult for him to take this position. As he has stated, he intends to write the Governor and if it were already on the Agenda he would vote for it. The resolution is an excellent one.

Councilmember Frech stated she had told Mr. Gantt earlier that she intended to support the resolution, although they had some discussion about the wording. She would like to make some comments about this procedural question.

It seems to her that this Council has passed many resolutions on subjects that are not official City business; they have passed resolutions about people's birthdays and various things and that is fine to do, but they are not necessarily official City business. She does not see that they are confined to that; furthermore she believes that in the Charter there is something of a general welfare clause, that they can do anything that they think is necessary to promote the welfare of the City. Mr. Underhill confirmed that there is such a clause.

Ms. Frech stated she respects Mr. Selden's concern for procedure and that is important, but she really does not understand why they are prevented from taking this up.

Councilmember Dannelly stated he wants to be sure that he understands Mr. Selden because he thought that, first of all, they were trying to get this item on the agenda for discussion, not to vote on the resolution at this point. Mayor Harris stated that for the record, Mr. Gantt did further state that he wanted to also offer the resolution. He agreed with Mr. Dannelly that would come later with another motion. Mr. Dannelly stated he thought discussion was the issue at this point and he wants to be sure that Mr. Selden understood that, because he thought he heard him say that he would be against voting for the resolution; and at this point, in his way of thinking, have not gotten to that. He asked Mr. Selden if he was talking about voting to cut off discussion, period - not to even let it come on the agenda?

Mr. Selden replied he felt that if the matter were on the agenda as an official item of business, and there was a resolution presented, he would vote for what Mr. Gantt has written. That sounds like it is talking out of both sides of his mouth at once; he does not mean it to be, but he must say that he does have reservations.

Councilmember Locke stated a little history is in order. That the reason this rule was made was that prior to her coming on Council five years ago, and prior to Mayor Harris' coming on Council, it seems that at each and every Council meeting something would come up that was put on the agenda right then and there. So, the rule was made that it would have to be a unanimous vote in order to get it considered because Council was obviously at that time full of surprises each week.

She stated this resolution has been passed around and it was obvious to all of them that it was coming; and it was no surprise to anyone. She respects what they are saying and understands too about the principle of leaving the door open for them to have such resolutions as weeks go by, but they can prevent that by this very rule that requires a unanimous vote, when they have not seen resolutions as they have in this case. They have all made comments and she believes it is in order that they go ahead and vote on it and support it.

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Councilmember Cox stated it is his opinion that this Council has been very loose with procedures and he has spoken on that several times. He views what they do here as a business meeting, it is the business of the City of Charlotte, but he does view it in the same way he would view a business meeting. That is, you set up rules and go ahead and abide by those rules. If you do not abide by the rules, then you begin to have flippances and those flippancies ultimately result in major damage to the way that you are doing business.

However, this Council has never been afraid to talk about anything. He will vote to put it on the agenda, in spite of what he has said, but he also feels very strongly, as he has mentioned to Mr. Gantt and Mr. Carroll earlier in the day, that matters such as this one are properly handled as individuals. As a matter of fact, he read to Mr. Gantt a letter which he would be willing to sign - very much like the resolution - and mail to the Governor.

He stated that going back to the campaign of a year ago, people would ask him what he felt about the Panama Canal and he told them very seriously what he would do with the Panama Canal - zone it business and put a shopping center there. People ask him about ERA, about what he thinks about the prairie dogs in Texas. The point is that on some of these issues he just does not know enough about them and cannot take the time to research each of these issues. If he were asked about the guilt or innocence of either of these three gentlemen, he could not respond to that - does not want to respond to that. If they ask about the Panama Canal, he has to respond "Well, I just do not know." If they are asking his opinion he will give his opinion, for what it is worth; if they are asking him to vote on it, then he has to have a lot more information than he would normally have. That what he is saying is germane to the issue.

With those things said, he thinks he has to vote to put it on the agenda just because he is not afraid to talk about anything, but would hope that the Council would, in the interest of matters that may come before them at a later date, handle the procedure in the way that he has talked with Councilmembers Gantt and Carroll today. It would not take away from the weight of what they, as eleven individuals, are trying to say to the Governor.

Councilmember Leeper stated he had hoped to wait until it got on the agenda, but it seems they are discussing the item now. That he appreciates Mr. Cox's comments; he will make his comments to Mr. Selden. That he and Mr. Selden have probably voted opposite each other since they have been on Council more than anyone else, but he has always respected his position. He would like to ask him personally to at least allow this to be placed on the agenda. That Mr. Gantt, in all good faith, has allowed them all an opportunity to review what he was going to bring before them. That whatever happens, after this meeting he will still respect each and every Councilmember's decision (what they feel they honestly have to make) but he would like in all fairness to Mr. Gantt, an opportunity for Councilmembers to discuss publicly, for the citizens an opportunity to know, that they have tried to maintain an open meeting and discuss the issues openly. So that they can get on with their agenda, he would urge them to place it on the agenda.

Councilmember Carroll stated that at the last meeting they put on the agenda to appeal the unconstitutional ordinances which Mr. Short brought to their attention. That what they have here is where they have complied in spirit very much with the standing rule they have that it will take the unanimous consent, and he would not like to feel that they were not abiding by the spirit of that rule, but in not allowing this matter to be discussed they are in fact undercutting the spirit of that rule and perhaps there is a procedural way to get around that. In order to do that, he moved they suspend the standing rule which requires the unanimous consent in order to put something on the agenda. The motion was ruled in order by the City Attorney and was seconded by Councilmember Leeper.

Councilmember Selden stated not because of an end run in any way, shape or form, but because apparently there are ten Councilmembers who are very anxious to discuss this and because he has a good deal of compassion for the situation of Mr. Reddy, he will reverse his position.

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Mr. Carroll withdrew his motion at this point and the vote was taken on Mr. Gantt's original motion to place this matter on the agenda. It carried unanimously.

RESOLUTION REQUESTING THE GOVERNOR OF NORTH CAROLINA TO COMMUTE TERMS OF IMPRISONMENT FOR T. J. REDDY, JAMES E. GRANT AND CHARLES PARKER (CHARLOTTE 3).

Councilmember Gantt stated that last week he informed the Council that given the incident of the so-called Charlotte 3 situation as it relates to the burning of the Lazy B Stables, that he felt, in the interest of peace and tranquility and more harmonious relationships between our citizens, that the Council should speak as one voice to the Governor, since the Governor is having that particular case in review. That he said to the Council at that time, because of his personal knowledge of some of the members of the Charlotte 3, that he did feel that they were not overstepping their bounds by communicating to the Governor their interest in the case, the importance of the case beyond the question of guilt or innocence.

He stated he did not want to convey the feeling that what the Council was going to do was sit in judgment of the Charlotte 3, one way or the other. But, to review their case in the context of what a resolution that provided for some relief of their prison terms - what that would do in terms of lifting the collected spirits of this community. That all of them know the kinds of concerns that have been expressed on both sides of the issue. He felt they have come a long way over ten years to where we are now; and it just seems to him that this Council could not be impotent in this overall public discussion of this issue.

In that vein, he prepared a draft resolution that took a lot of time (later he found out that it was rather verbose). The direction of that original resolution was to try to convey to the community that this was an issue that Charlotte was vitally interested in, and its government was vitally interested in. He circulated that initial draft to the Council when they received the agenda last Friday. He asked that they contact him today and indicate those areas where they felt that some redrafting was needed to take place. On the basis of that he prepared an alternate resolution.

Councilmember Gantt read the following resolution and moved its adoption; the motion was seconded by Councilmember Carroll:

"A resolution of the City Council of the City of Charlotte in regular session assembled the sixth day of November, 1978.

The burning of the Lazy B Stable in 1968, and the subsequent trial, conviction, imprisonment, and appeal of three of Charlotte's citizens is considered by many to be a most unfortunate incident in our city's history. The turmoil and social upheaval evident in the country during that era can never be eradicated or forgotten. Neither can we erase the history of the so-called Charlotte 3 case. But we can build on the lessons that that era of our history has taught us all.

We therefore applaud your willingness, Governor Hunt, to review collectively and individually the cases of T. J. Reddy, James Earl Grant, and Charles Parker. We as a Council, are fully aware that the criminal justice system has run its full course in this case. The question of these men's guilt or innocence may remain a subject of debate among our citizens for some time to come. But of central importance to us is the question of whether the public interest is served by further imprisonment.

We do think the public interest can be served by tempering the arm of justice with the hand of mercy. The release of the Charlotte 3 would unite these men with their families. The release of the Charlotte 3 would allow a man of such talent as T. J. Reddy to continue in making the positive contribution to the Charlotte community that has been so evident over the past two years. But most important,

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the release of the Charlotte 3 would lift the collective spirits of this diverse community and heal yet another wound in our struggle to maintain harmony among our citizens.

We resolve therefore, as elected men and women of the City Council of Charlotte, to petition, pray and request that you will review both severally and individually the cases of T. J. Reddy, James Earl Grant and Charles Parker, in the matter of the Lazy B Stable incident, and upon consideration, provide whatever relief you deem appropriate through commutation of their terms of imprisonment."

Councilmember Cox read the following letter which he stated he read to Mr. Gantt and Mr. Carroll on the phone today, stating he would sign it and mail it to the Governor:

"We, the undersigned of the Charlotte City Council, applaud your willingness to review the case of the Charlotte 3. We are fully aware that the criminal justice system has run its course in this case. We do not raise the question of these men's guilt or innocence. Of central importance to us is whether the public interest is enhanced by further imprisonment. We think not.

We cannot erase from history the turmoil and social upheaval evident in much of the country a decade ago. We cannot erase from history the case of the Charlotte 3. But, the nation and the City of Charlotte can continue to heal the wounds of that time.

We think that the release of T. J. Reddy and Dr. James E. Grant would help us do that. The release of Reddy and Grant will lift the collective spirit of this diverse community and help us in our continuing struggle to maintain harmony among our citizens.

We resolve, therefore, to petition and request that you review the records of T. J. Reddy and Dr. James E. Grant on an individual basis and provide some relief through commutation to the terms of their imprisonment."

Mr. Cox stated the issue here, as he stated to them on the phone today, is not whether he would sign a letter of that kind or not; the issue here is a balancing between the weight that such a letter, or such a resolution as they have before them, would have if it were signed individually by the members of the City Council, versus the weight that it would have if it were passed in public session. He thinks the difference in weight of those two vehicles is very small.

He stated every elected official has a responsibility to inform himself of issues about his community. As an elected official of Charlotte, he has the responsibility and duty to inform himself of issues that are germane to the business of the City of Charlotte. He does not want them to misunderstand. He wants to keep the right to have no opinion on an issue. If there are other issues that come before Council that they enthusiastically support that are beyond the normal business of the City of Charlotte, then he wants to have the right to be silent on those issues. He did not sign on to this City Council to have to comment on prairie dogs in Texas. That should not be misunderstood - it is his way of communicating his thoughts. It does not mean that he thinks this issue is of that magnitude.

In his own mind he weighed the difference in impact that the two vehicles would give, versus the potentiality that this Council could become the forum for issues that are not really the regular business of the City of Charlotte. He stated he would prefer that Mr. Gantt say "Dear Jim" at the top of this resolution and he would sign the resolution. That he told Mr. Gantt that today. With that not happening, he will have to vote against the resolution for the reasons he stated.

Councilmember Locke stated she thinks Mr. Cox has made some excellent points. That she can sympathize with him. On this she is ambivalent and has been. Five, four or three years ago she could never have voted for this resolution,

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but as time has gone by, there are times when one must speak out; that in this case she thinks they must speak out - this incarceration period is just absolutely incredibly hard on so many people that it is a Charlotte issue. She understands Mr. Cox's feelings; but now she supports it wholeheartedly when three years ago she could not have. She stated T. J. Reddy has done so much for Spirit Square and so much for the people of Charlotte that she thinks they must speak out on this issue.

Councilmember Cox stated that again the point is not that they speak or not speak - the point is the vehicle. He hopes they understand that.

Councilmember Chafin stated she feels that Mr. Cox is somewhat hung up on a technicality; that, yes, a letter from this Council to the Governor would carry a certain amount of weight, would be persuasive; but they are being asked to do more than speak to the Governor in Mr. Gantt's resolution; that they are being asked to exercise their leadership and speak out to this community. That many of them ran for City Council with a pledge to provide some leadership to Charlotte and through support of this resolution, which she thinks is a very mild resolution - it does not ask this Council to research and take a position on the guilt or innocence of the men in question, but merely asks them to take a position on a question of social justice. She would hope that he will recognize this as an issue of this Council taking leadership on a position that is of concern to a large number of Charlotteans. It is not analogous to the Panama Canal or to the prairie dogs in Texas.

Councilmember Frech stated Ms. Chafin has said some of what she wanted to say. She still does not really understand the feeling that this is not a proper issue for Council to take up. That the general welfare clause does empower them, indeed gives them the duty, to deal with social problems in the community. She feels strongly that discussing this and taking this action will help to heal the wounds in the community. She would have to say that she cannot agree with Mr. Cox that writing individual letters will have the same effect. She hopes they will not have this same argument everytime something comes along that the majority of Council thinks is important.

Councilmember Carroll stated he does not think there are going to be too many issues of this magnitude that come along; that he feels Mr. Cox's points are well made and that they need to understand them and he believes they will. It is right interesting - the power to exercise executive clemency goes back to the old days when the king was the one who did it and he was also the spiritual leader as well as the civil leader, and it was an exercise in spite of what society had done to people, or what people had done to society, and it was an act of forgiveness and absolution that was of benefit to everyone. The Governor still retains the civil side of that sense of history and they are talking about our history in Charlotte and our role in which we exercise a moral leadership and become a part of that process which the Governor is the one who has the final word. He does not expect to be faced with any similar issues anytime soon. That he thinks Mr. Cox's points have been well understood and they probably will not. But, he would think, having made his points very well, he would hope he would see his way clear to go to the heart of the same issue that would be in his letter to the Governor.

Councilmember Leeper stated this is a very sensitive and emotional issue with him because of the people involved - Jim Grant and T. J. Reddy are very good friends of his. He urged Councilmembers to consider supporting the resolution.

Councilmember Cox stated he would like to clarify something with Ms. Frech - it was not individual letters; all Mr. Gantt has to do is put "Dear Jim" at the top of this resolution and he will sign it, along with each of the other ten members of Council. He hopes he understands his point - that a single letter signed by the eleven members of Council carries the same kind of weight. That way he preserves the options that he talked about before.

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Councilmember Dannelly stated that in his experience of the past ten or eleven months on this Council, he can certainly assure Mr. Cox that this Council will not become a forum for what they are about at this time - it is not really that kind of Council to allow that.

That the people who are becoming a part of our justice system are more human and are becoming more sensitive to our times. That he would certainly urge Councilmembers, as Mr. Leeper has said, to support this. He says it not because of heresay. That as much as possible he tries to be a quiet person about what he is about and what he has been about. That some twelve years ago he worked with both of these young men in our community in trying to bring about a better community for all people; that he knows their quality of character and feels strongly they should support the resolution.

Councilmember Gantt stated that maybe it is a lot to ask of this Council, but he has seen signs here tonight that say they can come together, as diverse as they are, on an issue; that he really wanted this Council to hang 12-0 together. To some people that is not very important. That he thinks it is very clear, around the table, that they have a majority for this resolution, and a fairly substantial majority. That he is appealing again to Mr. Cox; that he thinks it is the gravity of the issue.

Councilmember Cox stated he spent the last seven days going through this in his mind; he went to church and did not even listen to the sermon - he was writing stuff about the Charlotte 3. That yesterday afternoon he became at peace with himself with the decision that he had made. That he has talked as best he can about that decision. He woke up this morning and was at peace with himself on the decision he had made. He stated he was moved by the people who talked tonight; he was moved by Council's arguments; but he is just too pigheaded to change his mind on something that he has spent so much time on and for which he sees a very, very clear alternative.

Councilmember Selden stated they have spent a lot of time on this; he feels that both his and Mr. Cox's positions, with respect to not bringing up matters that were not germane to the City's business, may have some little weight on the future of what this Council does. Councilmember Cox stated that is what he is hanging on to; he wants to hang on to that.

Mr. Gantt stated that he wished Mr. Cox would go along; that he personally would not want to change the motion at this time to make it a letter; that there is too much of a majority who would favor the other way and he wishes he would reconsider in the next second or so.

Councilmember Trosch stated she has wrestled with the same thing that Mr. Cox has; she has come down on the other side in her decision on this matter, as Mr. Gantt knows, through much wrestling this afternoon with a few differences in the motion. However, she also feels that they as a Council need to respect people who cannot come down on that side. She respects Mr. Cox and respects his decision on this issue and feels that rather than pressure him further that they need to proceed with the vote.

The vote was taken on the adoption of the resolution and carried as follows:

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

NAY: Councilmember Cox.

The resolution is recorded in full in Resolutions Book 13, at Page 483.

RESOLUTION EXTENDING SYMPATHY AND HONORING THE MEMORY OF THOMAS S. SADLER.

The following resolution was introduced by Councilmember Chafin, seconded by Councilmember Short, and carried unanimously:

"WHEREAS, it is with deep regret that the City Council learned of the death of Thomas S. Sadler on Saturday, October 28, 1978, and

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WHEREAS, at the time of his death, Tom Sadler was Mayor of Davidson and had served in that position for a period of nine years. Prior to serving as Mayor, he had served as Town Commissioner for twenty years; and

WHEREAS, Davidson and its citizens have suffered a great loss for he was truly a dedicated man and an advocate of the town and its welfare;

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Charlotte, in regular session assembled this 6th day of November, 1978, that the Mayor and City Council do, by this resolution and public record, extend its sympathy and recognize Thomas S. Sadler for his significant contribution to the Town of Davidson, Charlotte's neighbor, and to Mecklenburg County, for his death is a distinct loss to those with whom he worked and won deep respect.

BE IT FURTHER RESOLVED, that this resolution be spread upon the minutes of this meeting and a copy thereof be forwarded to his family and to the Davidson Town Commission."

The resolution is recorded in full in Resolutions Book 13, at Page 484.

DECISION ON PETITION NO. 78-52 BY COMMUNITY DEVELOPMENT DEPARTMENT TO CHANGE ZONING OF PROPERTY AT THE SOUTHWEST CORNER OF NORTH DAVIDSON AND EAST TENTH STREETS, DEFERRED.

Consideration was given to the Planning Commission's recommendation of approval of the subject petition to change zoning from R-6MF to B-1 of property fronting 184 feet on the south side of North Davidson Street, at the southwest corner of North Davidson and East Tenth Streets.

Motion was made by Councilmember Cox, seconded by Councilmember Carroll, that a decision be deferred.

Councilmember Selden stated there is a statement that one piece of property does not belong to the City and he would like clarification on that.

Mr. Bob Landers of the Planning Commission staff stated in terms of the entire block, all but one single parcel is owned by the City of Charlotte and the Community Development Department. He does not have at hand the name of the lady who owns the parcel.

Mr. Selden asked if that piece of property is in the tract that was just acted upon in respect to the church site? Mr. Landers replied no.

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

Councilmember Carroll requested that Mr. Sawyer be sure and see if the House of Prayer might not also have some interest in participating in the neighborhood shopping center on Seventh Street. They might be the people they are looking for to get that package put together.

ORDINANCE NO. 418-X ESTABLISHING AN APPROPRIATION FOR THE CHARLOTTE-MECKLENBURG UNIFIED WORK PROGRAM.

Motion was made by Councilmember Selden, seconded by Councilmember Locke, to adopt the subject ordinance establishing an appropriation for the Charlotte-Mecklenburg Unified Work Program, for a total of \$148,500. Council was advised that \$118,848 of the funds are provided by the Federal Highway Administration Section 112 Grant, with a local match of \$29,712.

Councilmember Trosch stated the agenda material says that in 1974-1979 funds were available; that obviously we have only tapped into \$23,000 of \$259,000. Was this something we were aware of, or we were holding back? Why have we not utilized this fund since it has been available since 1974?

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Mr. Randy Jones, Transportation Program Coordinator, replied these funds were not used for perhaps many reasons. One is that a procedure was not set up to use them, such as what they have worked on with the Budget Office and with participating departments to deal with it in the past several months. Secondly, many of the staff may not have been aware exactly how to use them. Thirdly, there may not have been the incentive to use them because most of the staff services that they are talking about reimbursing were fully funded. The Federal Government came to this newly created department, knowing that this office was set up to increase the use of federal funds, and asked that this fund be used.

Ms. Trosch stated that was the point of her question - if perhaps this was an impetus for us becoming more aware of these funds and utilizing these funds that were there, which would make it an important decision to create that office.

Mr. Burkhalter stated it is a change in philosophy too. We did not have the instruments, and without casting any reflections on anyone, this works through the Planning Commission - it is called planning funds, in a way; and the policy of the Planning Commission was to do it only for new projects and this money was not created for that purpose. They had one project which did not get funded; the City had to supplement the funding for it because we did not go through the proper procedure. But, the real problem with it was they did not want them to use it in that way. So, with Mr. Jones' help and his cooperation with these people they have brought this thinking around so that they can use it. It really is just a supplement to the budget.

Councilmember Short asked if it is not true that this is reimbursing Mr. Jones, Mr. Bryant and various individuals for just simply the time that they put in on planning roads. Mr. Burkhalter replied "right." Mr. Short stated if that is the case, their salaries were already in the budget, so the City has \$148,500 that we can just use, added to our contingency? Mr. Burkhalter replied it would not be added to the contingency, but it will be in the general funds.

Mr. Jones added that it would not be the \$148,500, but \$118,848. It is not there now but will be coming over many months' time, as they voucher against the existing staff services.

Mayor Harris asked Mr. Jones what he is doing on getting some money for this reverse laning, and other studies they have talked about before - any of our highway projects? Mr. Jones replied there are a group of them who work within the framework of the Technical Coordinating Committee that is set up to look at what they call the Transportation System's management; they hope to come before City Council with the full plan for implementing this type of improvements. It has not been finalized yet but they are working on it. The Mayor asked if he has any idea of the date and Mr. Jones replied not yet.

Councilmember Gantt asked if Mr. Jones could tell them whether the meeting is set for November 15 regarding the Independence Freeway design? Mr. Jones replied the State will be present to discuss with Council the Independence Freeway - its design, landscaping and other environmental amenities - on November 15 at 12:30. They are bringing down quite a crew - the State Highway Administrator, the Assistant Administrator, the head of their design branch, the head of landscaping.

Councilmember Carroll stated he thinks Mr. Short hit on a point; that because of the good work that has been done on using these funds for things that we were undertaking anyway we get \$118,000 that we did not think we had. That as he understands from talking with the Budget Director, it goes into the fund balance. Responding to Mr. Short's question is he getting ready to spend it, Mr. Carroll stated he is getting ready to suggest that next week Mr. Finnie bring them an ordinance which allows Council to put this money into the Contingency Fund.

Mr. Burkhalter stated they cannot do that next week - the money will not be here. Mr. Carroll asked Mr. Finnie if that is possible? Mr. Finnie replied it is possible, but he would suggest that there are some other things they

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might want to consider. (1) It could go into the General Fund as another source of revenue, over and above what has been projected; (2) In that General Fund they also have some revenue sources that may not come in as high as projected. Specifically, there is revenue from the County projected in the approved budget and that money is not all going to come in. The County made a decision - much later than Council made its decision - to cut the amount of money they will provide the City. It was well after we had any opportunity to do anything in our budget. So, not all of the revenues are going to come in as high as expected. That while Council can transfer money by ordinance, he would suggest they put it off a little longer than the next two weeks. That they might want to gain a little more history and see how the other revenue comes in. That we are behind in property tax right now, slightly.

Mr. Carroll suggested Mr. Finnie bring Council an evaluation sometime in December, letting them know what he thinks they can safely, in light of this \$118,000 windfall, put in the Contingency budget. That they should keep it in the General Fund balance if they need to; but if they do not need to do that, it is a resource they ought to try to use.

The vote was taken to adopt the subject ordinance and carried unanimously.

The ordinance is recorded in full in Ordinance Book 26, at Page 368.

TRAFFIC ENGINEER TO RECONSIDER PROPOSAL ON SPEED LIMITS TO SEE IF HE CAN DOWNGRADE SPEEDS ON THE LISTED STREET: ALSO CONSIDER THIS IN RELATIONSHIP TO THE OFF-STREETS: AUTHORIZED TO ESTABLISH THE 25MPH SPEED IN SCHOOL ZONES.

Consideration was given to the adoption of ordinances setting speed limits on City and State maintained streets as recommended by the Traffic Engineering Department.

Mr. Bernie Corbett, Traffic Engineering Director, stated that frequently as a result of certain actions such as extending the city limits, and constructing new streets, it is necessary that new street speed limits be established on many roadways within the City of Charlotte. The City Code specifically establishes the method by which this is to be done.

Mr. Corbett quoted from the Request for Council Action as follows: "The purpose of speed regulations and speed limits is to restrain a driver's freedom to drive at any speed he wishes. Speed limits should be imposed, then, only when they will promote better traffic flow or increased safety. If motorists do not recognize particular speed limits as being reasonable, the limits will be disrespected and ineffective. Therefore, it is necessary to establish speed limits on the basis of roadway and environmental conditions in order to be readily acceptable by motorists."

He stated that in this vein, his department has conducted studies of many roadways in Charlotte, prevailing speeds, physical features and traffic characteristics. They applied them to the roadway network which is being considered today. He stated Councilmembers have been provided a very extensive list of speed limits on streets, divided into several parts. He called their attention to a map which was displayed on which the solid lines (whether they were red, green or black) indicated posted speed limits which already exist. He stated many of the streets which are on the list already have the speed limit recommended posted on the street. It became necessary for him to come to Council for an ordinance because parts of these streets were recently annexed, and those streets already are posted for the recommended speed limit. But, it is necessary for Council as the governing body of the City to adopt an ordinance on those streets since they are now in the City and no longer in the County. What they did in that case was to rescind the previous ordinance, which read from Point A to the City Limits and wrote a new ordinance from Point A to the new City Limits.

He stated we have several different types of streets - state maintained streets and local streets - which must by law be treated differently. On state maintained streets, the City must pass an ordinance. Once that is

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done, then the Department of Transportation must pass a concurring ordinance. They have very specific rules and guidelines that must be followed in writing those ordinances, which are much more extensive than what they have before them.

He stated that on the State maintained streets, there are three basic lists - 55 mph, 45 mph and 40 mph. The 55 mph streets are shown in green - Wilkinson Boulevard, a small section of York Road, Beam Road and Independence Boulevard. Those already exist except for York Road. It has been operating as a 55mph zone and they propose to keep it that way even though it is not posted at the present time.

The 45mph zones all exist and the speed limits are solid. There are several which are dashed and which are the proposed changes. Beginning on the west side, those which are shown are basically at the present time 55mph zones, or they were while they were a part of the County, and they are merely asking that they be lowered and made 45mph. On the eastern side there are a couple of streets which some of the Councilmembers have been interested in - Newell-Hickory Grove Road which has been 55mph, they are suggesting it be 45mph. Parts of Hickory Grove Road and also parts of Albemarle Road. The big change on that side is The Plaza which they are asking be made 45mph from Sugar Creek Road out to Milton Road. That was previously a 35mph zone. The reason for the recommended change is that the road has been widened to four lanes with a median and construction has just been finished. Parts of North Tryon which were previously 55mph, and on Sugar Creek Road, are also being recommended for reduction to 45mph. Everything on the map which is dashed in red is being reduced, with two exceptions - the belt road and Tyvola Road.

That as he mentioned earlier, the City Code, among other things, requires that an engineering survey be made. Previous to the construction of the belt road, or any road for that fact, the design criteria were determined. One of those is the design speed for the highway, because the design speed which is selected determines the ultimate cost of that roadway. For example, if the roadway is designed for 50mph then the hills are flatter and the curves are flatter and it costs more to build them. The belt road was designed in this way. As they well know, there was a sacrifice made on one section, between Providence and Sharon Roads, to save the trees. They are in agreement with this and is what they propose here. That on each end of the belt road, they already have 45mph in existence - all the way from North Tryon down to Monroe Road; on the other end from Park Road all the way over to I-77. What they are proposing is to fill in the other and make it a uniform roadway. They are recommending that that section extending from Monroe Road down to Providence Road be posted at 45mph; it is presently posted at 35mph. It was done that way because when it was finished they had not had the opportunity to come to Council for an ordinance, and it was posted because of the general State law which says that streets inside the municipality are 35mph unless otherwise posted.

He stated the section between Providence and Sharon Roads they are recommending be 40mph because of the fact that the trees are there and create a substandard situation and they do not believe that it is safe for 45mph. A small section of Sharon Road is treated in this same manner. On Runnymede the recommendation is 45mph to tie all the way over into Park Road which is an extension of Woodlawn Road.

He stated Tyvola Road is presently 45mph, from I-77 over to South Boulevard. The other end, on Fairview Road, going from Sharon Road out, is also 45mph. They are recommending that they fill in the middle part. As they well know, the recently opened section which extends from Park Road down to Wedgewood - four lanes with a median - they are recommending that be 45mph, as well as the remainder which basically, in many people's terms, is residential from Wedgewood over to South Boulevard.

Also delineated on the list are school zones. State law requires that when you write a speed limit for a street, that it be written so that the school is taken out separately. All of the school zones are already in existence and are functioning today, and are not new.

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Local city streets - (He stated he picked up Tyvola too quickly - it is one of the local city streets and is not state maintained.) Included in the local streets are Chesapeake, Delta, Fairview, Hickory Grove. Part of Fairview is new - the part which extends from Park Road over to Sharon Road - with a 45mph speed limit; as well as that part which goes down past the sewage treatment plant. The remainder of it which goes on over to Providence and Sardis Roads is already posted at 45mph.

Hickory Grove Road, as he mentioned, is a lowering, as well as Moore's Chapel Road, Old Concord, Paw Creek, Toddville, Tuckasegee until you get down to Tyvola.

Councilmember Cox noted that the people who had registered to speak to this item have waited through an unanticipated part of the agenda and expressed appreciation to them for their interest.

Ms. Rhonda Innes, 2711 Dunlavin Way, stated it has been a while since she spoke out on transportation issues but she wants to go back to about a year and a half ago when about twenty neighborhoods came before Council with a common problem - the problem of cut through traffic. She reminded Council why these people really had a problem; what the basic problem is with cut through traffic. Nobody wants to have their roads dead-ended; that she thinks Council will agree that speed was the basic concern of all of the neighborhoods who spoke at that time. She stated that although it was the previous Council, half of the present members were here.

She stated she also wanted to express her gratitude for the comments in the news today and hopes that maybe Mr. Cox will get his way and they will get their public hearing for people's opinions on these speed limits. The ideas, charts and figures that the traffic engineers go by, where 85 per cent of the cars are exceeding the speed limit; well, then they have to take a good look at that speed limit - well, fortunately we have not taken that attitude in the school zones; we have not had much luck slowing people down to 25mph. But should we really use those figures as our basic reason for raising the speed limit. She feels we need to look at the principle; we need to perhaps encourage programs like The News is running right now in advocating slower speeds where they are needed, and just perhaps educate our public a little bit in having a little more regard for other concerns other than getting from one side of the city to the other in a few minutes shorter time.

Mrs. Robert L. Cunningham, 2900 Sharon Road, stated her home is at the intersection of Sharon with Wendover Road. She would not only urge Council, but she would beg them, not to increase the speed limit on the belt road. She agrees that any belt road should be planned to safely allow speeds of 40 to 45mph, but one does not have to be an engineer to know that this one with its many sharp turns and curves and intersections running through residential and school areas was not designed to do this.

She stated it is difficult to speak of problems caused by speeding traffic to people along this road without sounding melodramatic. It is, however, the horrible truth that she has not had enough sleep, much less a good night's sleep, since this road opened. She and her neighbors are awakened in the night by the screaming of tires and brakes as automobiles speed around the 110 degree turns at this intersection; and by the cars with manual gear shifts picking up speed after stopping at the traffic light.

She stated it is useless to try for a nap in the daytime. In addition to all of these other noises, in the daytime you have the noise of trucks. She has closed her four windows nearest the road, added storm windows to all of the other windows and extra insulation above and on some side walls, but it has not solved the problem. There is, of course, no question about whether to open a window for fresh air - there is nothing but highly polluted air since this road was built. Increased speed limits would only increase the noise and pollution.

Then there is the problem of the hit-and-run drivers damaging their lawns, shrubs and trees. One woman came across their lawn, hit a large tree about 35 feet from the curb, dug a big hole in the lawn with her tires, and ran on down 70 feet from the curb going completely over a 9-foot

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flowering quince and two large boxwoods, which she also managed to run back over as she turned around and speeded away, leaving parts of her car all over the lawn. They ran out to help and got her license number. She stated this same quince tree and boxwoods have been run over three times with damage to the lawn by hit-and-run drivers.

Then there was the truck at 2:30 in the morning week before last that a man wrapped around another large tree on their lawn 27 feet from the curb. The truck was such a wreck he could not drive away. That accident awakened people blocks away. She stated that McNearly Arborists, the tree experts, have informed them that continued damage to these trees will kill them. Of course, if they do not hit one of the trees first they may hit her house. Sooner or later a motorist is going to be killed or seriously injured at this intersection.

She stated it is, of course, unsafe for anyone to walk on the sidewalks in this area; and they are assuming a big risk when they do any yardwork on the front of their lawns. It is not a pleasant way to live. Neither the motorists who use the road nor the people who live along it can possibly benefit from an increased speed limit. She can only urge the Traffic Department to concentrate its efforts on enforcing the 35mph limit for the safety and benefit of everyone. This speed limit has not been enforced since this road was built. The speed limit will perhaps need to be reduced on this area of the road.

Mr. Robert W. Byrum, 1553 Wendover Road, stated he is a relatively newcomer to the City of Charlotte; he formerly lived in Wilmington, Delaware for ten years and prior to that in Kinston, North Carolina. He is a native North Carolinian. His line of work requires that he do extensive traveling - he is in Atlanta, Greenville and Spartanburg, S. C., Washington, D. C., Philadelphia and Wilmington. With that sort of background, he would like for Council to consider his opinion of the average driver in Charlotte - he is a reckless, somewhat irresponsible driver. There are more traffic lights that are violated in this city than you will find, in his view, in any of the cities he has just mentioned. The reason he thinks they are violated is because the drivers are driving too rapidly to stop.

He stated that the driver basically will recognize that the purpose of a traffic light is for safety and he is to stop; if he is going slow enough, in most cases he will stop. He does not think it is a willful violation, but it is just that he is going too quickly. In all due respect to Mr. Corbett because one of his functions is to move traffic as well as to maintain safety, he does not see how in good judgment he can make that statement when he is contemplating increasing the speed limit to 45mph. He is not talking about Wendover Road; he is talking about all of the major thoroughfares in the City where you have residents on the streets. That cannot be increasing safety. It is great to move traffic, but another thing is to think about those families who are living on that street. It is just not safe to exit your driveway with traffic moving 45mph.

As the former speaker stated, someone is going to be killed. In all probability she is right, and in all probability it will be because of speed.

Mr. Byrum stated there is another point - he drives to the airport occasionally. There is a stretch on East Boulevard that is 55mph; it is unconscionable for the speed limit to be that fast in that area because 15 feet away are apartment houses. Those people are being used - to have a speed limit that fast; it is just not safe. He appealed to Council to please reconsider and lower all of the speed limits, particularly those in residential areas. He cannot argue about Independence Boulevard because that is business; but he appeals to them in the interest of safety, in the interest of quality of life, and also in the interest of patriotism - the faster you drive, the more gasoline you consume. With the situation in Iran today, we may not have as much gas next month as we do today.

Mrs. Robert W. Byrum, 1553 Wendover Road, stated you can go out your front door on Wendover and if there happens to be a patrolman on the street you may find cars going 35mph, but it is very seldom. There have been many

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incidents on Wendover where police have stopped cars and they were exceeding 55mph and the tickets were written up as 45mph. The reason - ten miles over the speed limit is quite a bit.

Her primary reason for speaking tonight is to appeal to Council to be careful with the speed on Wendover because of the children. There are a large number of children on Wendover. There is a bus stop for the elementary school across the street from her home; there are five elementary school children catching the Eastover School bus. During the first three weeks of school, two cars passed the school bus with the children in the road. Eastover School took measures and now runs two buses on Wendover. One bus picks up the children on one side; another bus picks them up on the other side. There are a half dozen young people who cross Wendover to get the West Charlotte bus at 6:15 in the morning; there are eight or nine at the corner of Vernon and Wendover who catch the AG bus and they cross Wendover. If you have come from Randolph and go down Wendover toward Providence, there is a downgrade that makes your car go faster. At the corner of Vinewood and Wendover is a bus stop. Twice cars have passed the school bus here because it is very hard to see the bus if you are coming from Randolph - there is a turn and there is a downgrade, you are going fast and it is very easy to go around the bus.

She stated they also have elementary school children crossing Wendover to get the Myers Park Traditional School bus, as well as the Catholic school bus. They have extremely fast traffic at 3:30 in the afternoon - parents getting home because their children are coming home. She stated this is a dangerous stretch of road and asked that Council please not increase the speed limit.

Mr. Joseph J. Tierney, 1429 Wendover Road, reminded Council that the residents opposed the building of this road on a number of occasions. He stated that many of the people in the room feel that this discussion is absolutely incredible, for two reasons. First of all, that it is taking place in the first place in view of the numerous hearings they attended both in Charlotte and in Raleigh where assurances were given by not only the Council but by the State Highway Department that absolutely no consideration would be given to any speed on the innerbelt loop other than 35mph.

The other reason they feel that the discussion is really incredible is that the speed limit has already been raised - it is, in fact, 50mph. That the people who have preceded him to the rostrum tonight can testify to that.

He described a situation which he stated occurs at ten minutes of eight every morning. At this time he and his wife go to Wendover Road with their children to get the Myers Park Traditional School bus, and it is absolutely essential for him to stop the traffic in both directions at great risk to his life, with his children standing behind him. Once the traffic is stopped he ushers them across the street and waits until it clears enough for him to get back across without stopping it the second time. There have been at least a half dozen occasions where he has gone through this procedure while the children are still entering the bus. Traffic has passed the school bus with the blinker lights on and the flag out; in one case, in both directions. This is absolutely beyond his imagination.

He stated many of the parents of children on Wendover - he is sure this goes for all of the people who live on the innerbelt - think that a tragedy is simply a matter of time.

He stated the noise has already been described so he will not go into that. The screeching of tires at all hours of the night is absolutely incredible. The blinker light at Vernon Drive mysteriously disappeared and apparently will not reappear. That makes a stop trying to cross on Vernon to go down to Providence, crossing Wendover, sometimes a ten-minute affair, waiting for traffic to clear.

The litter is another problem - the beer cans, the cigarettes, etc. He stated that some of their residents, in order to make the situation a little more palatable, reached an agreement with the State Highway

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Department to plant azaleas along side of the trees that were planted by the Highway Department. The residents purchased the trees and they were planted by the Department of Transportation. It will be an absolute miracle if any of them survive - there are three planted on either side of each tree.

He stated that what they are looking at in the proposal which Mr. Corbett has given Council is what the residents of Wendover consider to be a giant step backward. The posted 35mph speed limit currently is interpreted by the average driver in Charlotte at 45mph - that is a fact. If they raise the speed limit on the innerbelt loop to 45mph, the interpretation of our average Charlottean will be 55mph. Wendover Road will become an interstate highway - the national average speed limit for interstate highways is 55mph.

He stated the advantages of a lower speed limit have already been pointed out. They are all aware of the number of lives that have been saved since the national speed limit was reduced to 55mph on highways. Any rational thinking human being could relate the same thing to lowering the speed limits within the City.

He stated driveways are an absolute hazard; that they are fortunate in that their driveway is on Vernon. That what they would ask Council to do instead is take a giant step forward - leave it at 35mph or reduce it.

Ms. Fran Jenkins, 2919 Sharon Road, thanked the Council for listening to the residents. She stated she has lived at this address for fifteen years and speaks for herself and her family, and for her neighbors in that area. That the innerbelt road has only been open about four months in their area and already they find it almost impossible to get out of their driveways.

She stated that when the public hearings were held on the proposal to build this road, it was promised and agreed by Federal, State and City engineering departments that the belt road speed limit would never exceed 35mph. Furthermore, the State Department of Transportation agreed, because they were allowing the trees to remain on Wendover that that 44-foot corridor would never have a limit more than 25mph because of safety.

She stated Mr. Corbett's proposed plan will not make speed along the innerbelt road uniform. If you are traveling toward Wendover in the Park Road area it will be 45mph on Runnymede. In order to turn west on Sharon Road you would reduce to 40mph. Mr. Corbett's department has already put up a sign that says "Safe Speed - 30mph" if you want to go north on Wendover. So, in one single block you have about two or three speed limits.

She will concur with everything that has been said that they already find that motorists are going 40 and 45mph in an area that is zoned 35mph. If it is increased to 40 and 45mph they will be going 50 and 55mph and it will be very unsafe. In a single day last week, from her home on Sharon Road to the Park Road Shopping Center, she saw patrolmen who had stopped five different motorists and they were given tickets for speeding. That is about a six block area.

She asked if they are proposing this because they cannot enforce the present speed limit, or are they thinking about the safety? She stated Mr. Corbett gave two reasons for his proposed ordinance. One was to increase safety in our city. She urged this Council and the Mayor to consider the speed limit and leave it at 35mph so that they will not disrupt neighborhoods but will make them more safe and they can have liveable communities.

Ms. Madeline McHale, 2013 Tyvola Road, stated everyone has stolen just about everything she was going to say. She sympathizes with the people on Sharon Road and Runnymede because the residents on Tyvola have lived with it a little bit longer and they have also installed storm windows and insulation and found that it did not work.

She stated that the road in front of Smith Junior High School, between Baker and Glenham, is a curve and she defies anyone to travel on that road over 35mph and stay in the marked lanes. It is impossible; it cannot be

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done; the road was not designed for that. Your car will bounce sideways. She would like for them to all try it and see whether it is just the people she knows who drive the road that cannot keep their cars in the correct lanes. The lanes are so narrow on Tyvola Road, particularly in that spot where there is a curve. Of course, they know that the cars do not slow down for the school zone.

She stated, as has already been pointed out, that at a time when we are asked to reduce speeds to conserve energy, it seems that this recommendation to increase the speed limits is ill conceived and ill timed. The homeowners should be considered; they are also taxpayers. If they must keep this traffic flowing, then she believes they should remove all of the traffic lights. Today, she went to work and there was a truck which tailgated her all the way down Tyvola Road. Most of the time, for her to go to her job, near SouthPark, she has to take a right turn on Tyvola Road, out of her driveway, and go around the block and come up to the stoplight at Wedgewood because she cannot cross Tyvola to go over to SouthPark. This truck driver who was in such a hurry, who was going 55 or 60mph, by the time she got to Park Road and Fairview, at 35mph, was sitting there in the traffic lane with five cars stacked from the stoplight - it did not help him one bit to travel at that speed. She firmly believes that the 35mph speed limit should be kept, or even reduced, because they too have the problem of people going 55 or 60mph on Tyvola Road. She has speeded up at times to see how fast the cars were going and at 60mph she could not catch up with them - she did that at 5 o'clock this afternoon on Tyvola Road.

She stated that the reasoning for increasing the speed limit on Tyvola Road is not logical and does not compute.

Councilmember Trosch stated at the hearing last week on the Independence Corridor, the Mayor made a good point that we have a love-hate relationship with the car in this city. She thinks all the speakers here tonight, as well as she, came in a car. We drive our cars. However, she feels sometimes the car is accommodated at the expense of safety in the neighborhoods. Mr. Corbett mentioned the widening of a street or the design speed. We lay that street, but we do not take the driveways up, or the homes off. To her that is as great a consideration as the speed that can be handled by that design on that road. Her constituents say to her they do not know why Charlotte has such high speeds. When you go to other states they have 40 as a maximum, and 30 or 25 on off-streets. This weekend she was in another state - they say it is a problem with North Carolina because it does not have any big cities, and so they have 35. But when cities are very large they reduce them because the neighborhood streets become thoroughfares, and the thoroughfares become major highways or major arteries. She looked at some areas in Pennsylvania and West Virginia, and found 25 on the neighborhood streets and 40 on thoroughfares.

Ms. Trosch stated she is not a Traffic Engineer, and she respects the City's Traffic Engineer. However, she sees that the speed on our thoroughfares need to be linked and studied in relationship to our neighborhood streets. Because if your speed on your thoroughfare does not carry your traffic faster than a neighborhood street can carry it, a cut through street, then all your streets become thoroughfares. She understands that link. She does not think you can make your thoroughfares 35 and your off-streets 35 because you then create a problem for the whole city. They will go off thoroughfares and will cut through streets if they can go at the same speed. She asked Mr. Corbett if he has related these speeds to the neighborhood speeds or the possibility that perhaps working with Mr. Finger in the department of neighborhood cut through traffic. She was expecting a more comprehensive look at where we are going in this city, speed-wise; and attitude toward speed-wise; hoping Mr. Finger deals with why people go on neighborhood streets.

Mr. Corbett replied one of the major difficulties in Charlotte today is speeding in neighborhoods. The reason for that and the reason for cut through traffic is we go to great expense to build thoroughfares. When we finish, we immediately fill them full of restrictions and restraints and traffic cannot move on them

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and it has no alternative but to go into the neighborhood streets. That is what we are seeing everywhere we go. We fill them up with traffic signals; with all kind of rules and regulations and the traffic cannot move; so it finds alternative ways to go. Or on the other hand, we do not improve the streets; and the streets fill up; so there is no other place to go.

Councilmember Trosch stated in this relationship he has 35 and 45mph, which is a ten mile difference, and she can understand the need for the difference. If you had a 40 and 30, you would still have the differential that you need to make people perceive and hopefully in reality be moving faster on the thoroughfare; but at the same time we do see impetus to go into the neighborhoods.

Mr. Corbett replied that is a possibility. On the other hand, if you reduced it another ten miles you could do the same thing. One of the tools they use is setting speed limits; one of the speakers referred to the 85 percentile speed. Regardless of what most people think about the average motor vehicle operator he or she is a sane and reasonable person. They can take any speed in Charlotte and post no speed limit signs at all; 85 percent of the people sitting in this room tonight, including all of us, will drive at a speed reasonable and prudent for that section of the roadway. They will automatically observe the character of the roadway - the hills, curves and widths - and will govern themselves to travel at that speed. Ms. Trosch asked whether it is residential or just the road? Mr. Corbett stated he is talking about the roadway, the character of the roadway, the design of the roadway. It makes no difference whether these drivers are passing through an area that is developed commercially or so-called residentially; they will drive at a speed which is reasonable and prudent for the design of that roadway.

Councilmember Trosch stated then she feels it is our responsibility to add another impetus for them to respect the residential nature of the road. Mr. Corbett stated what he is trying to tell them is that you cannot make them respect it. Ms. Trosch asked then why not take all the speed limits away? Mr. Corbett replied they can do it; but he would guarantee there would be no change from what we have on the streets today. It has been proven in thousands of experiments. All you do is make more people speeders. When you lower the speed limit the driver does not respect it, because he drives at the speed that is safe in his evaluation for that section of the roadway because he is a reasonable and intelligent person. This is what is happening on some of our streets right now. A good example is Wendover Road. They have recommended part of it 45, and part of it 40. The 85 percentile speeds actually measure on both sections - on the 45 section it was 45, and on the 40, where the trees were, it was 40. So the drivers recognize the hazards, and they automatically slow down. He stated they measure speeds with electronic device which give them some degree of accuracy.

Councilmember Frech stated citizens are now telling Council things she and Mr. Dannelly have been pointing out for several weeks. She is very interested in getting this observation from Mr. Byrum who comes from somewhere else, and has observed what she has been pointing out. She thinks now the virus of irresponsible driving has entered the bloodstream of our city. She warned several weeks ago it might, and it would be dangerous.

Ms. Frech stated she has thought about traffic; she knows the problems about wanting the traffic to move faster. She thinks it is the stop lights that slow the traffic down on our thoroughfares. With the stop lights we apparently have to have, there is no way to move traffic rapidly. People are driving too fast in this city, and she has said it for sometime. She agrees with Mr. Byrum who says they are violating red lights because they are going too fast to stop or to her it looks as though it is more deliberate than that. They are driving too fast because they are allowed to drive too fast. If you are allowed to drive 45 on a thoroughfare then you will drive faster on a residential street; there is a spill over; it is contagious; 45 is dangerous on our thoroughfares that go through residential areas. If you drive 45 on Eastway Drive you run a risk of running into the rear of a car that is making a left turn into a hamburger stand. The road may be built for a certain speed, but where there are houses along it and children and dense traffic getting worse day by day, it is unsafe. If you set the speed limit at 45, people are going to go at least five miles over; probably ten miles over. They will not be able to stop for the school

zones at 25mph. That is the reason they do not stop on Independence Boulevard for Chantilly School because they are going 45, 50 or 60; and it is too much to ask them to slow to 25mph. That is why she is why she is more and more coming to the position, and she agrees with the lady who said all the people who pass you when you are going 35 to 40 on the belt road, and they pass you at 50, they end up at the stop light right along with you. She does not think you are moving traffic when you set a 45mph speed limit.

Ms. Frech stated she would like to investigate whether we can set no greater than 40 on the thoroughfare or any of them, and perhaps reduce to 30 on the smaller residential streets. If we keep it at 45 it means people are going 50 and 55 and the police probably do not start citing anyone until they are going at least 50, she thinks we will just have to try to enforce it.

She stated safety demands that we not say we are just going to allow people to drive whatever speed this road allows them to drive.

Mrs. Gibson Smith, 1511 Wendover Road, stated she is going to have to disagree with Mr. Corbett; she drives 35mph when it says 35 and 55 when it says 55. She thinks other people should. They have a condominium at Wilmington, and they are passed by every car on the road. The elected officials have to put their foot down somewhere along the line, and stop this. They put in a curved driveway, and when she tries to come out of the driveway into Wendover Road, if she does not speed up to 35 or 45 as they want her to, the women hold up their fist and shake their fist at her. There is something wrong with a population that does not respect a homeowner's property. When speeding the car up around this city becomes more important than the people who live on the street, there is something wrong with our administration.

Mayor Harris stated Mr. Corbett is the safety and traffic engineer. He has two responsibilities. First is safety - he is suppose to recommend things from an engineering point of view. Second, he is suppose to recommend what he thinks the general acceptance of rules within guidelines. It is up to this City Council to make the rules.

Councilmember Selden stated he has requested this matter be brought up in the first meeting in November with respect to Woodlawn Road where the speed limit is 45mph where there are 108 driveway intersections; people are living dangerously to back out of their driveways; and where there is a great need for a 35mph; yet no part of this presentation has even addressed the existing speed limit on Woodlawn; that is, between Park Road and South Boulevard.

Mr. Corbett replied their recommendation is to retain the 45mph on that section.

Mr. Selden stated several times in the last two or three weeks he has driven the section on the inner belt between Randolph and Monroe, and on that curve you cannot make 45mph without the tires screeching. It is impossible. To say that particular section is designed to take 45mph speed just is not so. There are a number of other areas where 45mph speeds are posted and you cannot make that. He wants to go on record and move that an ordinance be drawn whereby no street in the City of Charlotte, except limited access, be over 40mph. The motion was seconded by Councilmember Frech.

Councilmember Short stated he believes Council Members do not believe with a statement Mr. Corbett has here - "It is necessary to establish speed limits to be readily acceptable to motorists." From the remarks here, he thinks Council Members think that speed limits should be set to consider the needs of pedestrians, of those trying to back out, or front out of driveways; or those trying to come out of side streets; and of those who want to avoid a noisy neighborhood

That 85 percentile that is going to drive reasonably on a street without any sign is going to drive reasonably for them and for their benefit and for their purposes, which is to get to work on time. He does not believe that on unmarked streets 85 percent are actually going to consider the other critical needs involved in speed. For example, the person who is just trying to pull out of a side street and who cannot judge that a person is going at a certain speed - 50 or 60 mph - half way down the block. He is a little reluctant to simply adopt a 40 mile maximum as proposed in the motion, because it is a highly technical matter, and one that requires careful professional input.

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Councilmember Short made a substitute motion to ask Mr. Corbett, Traffic Engineer, to reconsider his proposal and see if he cannot substantially downgrade the speeds listed on some of the streets here. The motion was seconded by Councilmember Leeper.

Councilmember Leeper stated first of all he supposes Mr. Corbett has taken a beating here tonight, but as the Mayor has indicated Council will be the ones to eventually make a decision. He does have some concerns and that is why he seconded Mr. Short's motion. We have a professional staff to make recommendations and he would hate to take that out of their hands, without the option of coming before Council and making recommendations as they see it from a technical standpoint.

Another road that was recommended that has the same kinds of problem as Woodlawn is Tyvola with a school there, and people backing out on that road, particularly with the problems we are having now with people speeding in school zones. There is the same problem on Nations Ford Road with an elementary school there. People are driving 45mph, and all of a sudden they realize they are suppose to be doing 25mph in a school zone. It is difficult for people to slow down at that pace when they are going 45mph. That is the kind of thing he would hope Mr. Corbett would evaluate as he looks at this, particularly areas with school zones and areas with people backing out of drives. We might consider providing a lower speed so that safety feature will be available there.

Councilmember Dannelly stated he has some ambivalent feeling recognizing the amount of work that has gone in; he can agree with most of what citizens have said. He can agree with a lot which they have disagreed with that Mr. Corbett has said. First, people do have a tendency to drive a speed that a street more or less dictates with or without a zone sign there. If they do not believe anyone will do that, he would invite them to drive Beatties Ford Road, from Oaklawn Avenue to I-85. If you do not drive a safe speed there is something wrong with you unless you are in that 15%. You can turn off Beatties Ford Road right onto Oaklawn Avenue, and you will have a tendency to go faster. You can hit some undeveloped streets in Philadelphia and in Atlanta and you would be afraid to go over the speed limit because of the roughness of the street, etc. In Charlotte, in his opinion we are blessed in that we have pretty well developed streets where they can be widened.

He stated one thing in the report puzzles him. From South Boulevard on Tyvola to Wedgewood is less than safe in his opinion from the density of people living on that particular section as opposed to the density and the width of the road, and the safeness of it on Wendover, from Providence to Sharon. But the same street is suggested. That he cannot agree with. Not the same speed, but it was suggested for 45mph from South Boulevard through on Tyvola. What he is saying is that Wedgewood to the south is very unsafe, and it dictates that it is unsafe in the density of housing, and the people there as opposed to the 40mph limit suggested from Providence to Sharon on Wendover. He could not understand that; and because of that, recognizing that people are human.

Councilmember Dannelly stated he has a lot of respect for the proposal; but he has a lot of respect for the concerns of the citizens. He said what he heard in this besides the posting of the speed limit, we need to do what our police officers are doing, and that is crack down on the speeders. Enforcement is a part of obeying the law. He hears both of those things. Because of that, and the leeway Mr. Short's motion dictates he will support his motion.

Councilmember Chafin stated it is clear from what the citizens and members of Council are saying, there is somewhat a consensus, and we do need to do as Mr. Short has suggested, and ask Mr. Corbett and his staff to re-think the proposal, and perhaps present a more comprehensive view as Ms. Trosch suggested. She has found Mr. Corbett and his staff to be very responsive.

Ms. Chafin requested Mr. Short to include in his motion approval for Mr. Corbett to move immediately to establish those 25mph speed limits in school zones, and that we agree we want to move we want to move toward the lower end rather than the higher end. The amendment was accepted by Councilmember Short.

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Councilmember Trosch asked Mr. Short to add to the motion that Mr. Corbett look at this in relationship to the off-street speeds also - the 30 or 40. She believes we deal at cross purposes if we do not. When we reduce the speed at one place, and do not reduce it in the other. At least she would like to have feedback from Mr. Corbett in his report.

Mr. Short responded saying it seems to him the motion encompasses this sort of thinking anyway. She is speaking of the fact we have certain streets listed. Ms. Trosch replied yes; and we are really speaking in terms of the thoroughfare in relationship to the off-streets. Mr. Short stated then she is saying these streets and those streets that lead into them should be considered. He agreed to the amendment.

Councilmember Short stated he does not know if we want a motion to tell him to study the speed limit on every single street. Councilmember Trosch replied no; but the policy behind it; the conceptions behind it.

Councilmember Selden asked if the motion deals with just the streets listed in the agenda; or does it deal with all these thoroughfare streets he has shown in solid red. Councilmember Short replied Ms. Trosch has a good point; that we should expand it a little bit. But he does not want to put on Mr. Corbett a job that will take him forever to do. Mr. Selden stated he does not want that either; but he is anxious for Woodlawn, between Park Road and South Boulevard, to be included in this analysis. Mr. Short stated that is fine with him.

Councilmember Short stated his motion as he worded it included the listed streets; but other members of Council have added features that will make it a little more comprehensive. Mayor Harris stated they have added Woodlawn and the concept of what Ms. Trosch is talking about.

Councilmember Gantt stated they should keep a couple of things in mind. While all of them agree with what they heard the citizens say tonight about speed and traffic - some excellent points were made about the land use in relationship to traffic in addition to the design of the road, he thinks they should also be willing as a community and the Council to understand the implications of what they are about to do. There is a line in Mr. Corbett's memo to Council that keeps ringing over and over - "If motorists do not recognize particular speed limits as being reasonable, the limits will be disrespected and ineffective."

He stated motorists are not some people for miles over there who get themselves into machines and drive down streets; they are, in fact, us - all of us. It is his opinion that if they make these changes and fine tune this policy - and he agrees with it; neighborhoods ought to have a little different consideration than open country; there are parts of Tyvola that do not make sense to him and there are parts of this thing that he shows at 55mph that he does not see any reason why it should not be because it is open country. On the other hand, they ought to be ready to back up posted speed limits by increasing our surveillance which may, in fact, bring about a request from Chief Goodman and the City Manager to hire more policemen to police our thoroughfares. He thinks they should be ready to do that. They are kidding themselves if they design these roads - there are arteries that you can get on around here because they are smooth and wide and nice and no matter what the speed limit is you find yourself drifting up with these powerful automobiles to higher speed limits. Posting them and satisfying this audience tonight by reducing the speed limits means not a thing as far as he is concerned unless they are also going to be ready to enforce the laws to make this thing work.

Mr. Gibson Smith, 1511 Wendover Road, stated that most of the things he had in mind to say have already been said, but he wants to thank Council for coming to this kind of conclusion. It is exactly what they want - something reasonable. He stated to Mr. Corbett that they have worked together in City Government for many years, but he would have to say that he does not believe he put many counters out on Wendover Road between Randolph and Providence because that is made for a speedway, it is banked for a speedway, there is no light, no caution light or anything to stop them.

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That from Randolph over to Providence he would say that the average driver goes 55mph in peak times; that is what these girls are talking about.

The vote was taken on Councilmember Short's motion and carried unanimously.

Mr. Burkhalter stated he feels they can come back with some projections which they will find helpful. There is some information which they did not get tonight; some which perhaps they should have. He will ask Mr. Corbett to bring this to them. There are certain scientific facts about this which have been brought out, and that is what they are trying to give Council. Then they will have to make the decision. He thinks they ought to know that the faster you go, the less pollution you have in the air - the lower the speed, the more pollution. That they ought to know that the change from 35mph to 40mph only increases the decible about one, which is insignificant to the human ear. These are scientific facts; they have to recognize these.

He stated they know what the problems are; they are what everybody has with speeding, particularly the people who live on streets where there is speeding. He thinks they should have this information when they are making these decisions.

The other thing he thinks they ought to know is there has to be a certain reasonable amount. They can be given all the policemen in the world - they could put one on every car to enforce speed limits that are not sensible. Right now (he just asked the Chief to be sure) we are averaging a hundred violations a day - right this minute. This means somebody is paying \$27.50 a hundred times a day. That can be done if they set these speed limits reasonable and they can get it to conform; they can do it with the manpower they have now.

GENERAL ORDER REGULATING POLICE SURVEILLANCE IN THE CHARLOTTE POLICE DEPARTMENT, APPROVED.

Motion was made by Councilmember Cox, seconded by Councilmember Selden, to adopt a General Order regulating Police Surveillance in the Charlotte Police Department. The motion carried unanimously.

Councilmember Carroll expressed appreciation to Mr. Pat Hunter, Police Attorney, for the efforts he has put into this; for showing some particular attention, not only to developing a workable policy, but also to developing a framework which is understandable so that the citizens of Charlotte know what is involved with this policy. That the Chief had some thoughts which he was going to deliver; and perhaps the Manager can circulate them to the Council because they are pertinent to the policy. It is not their habit to approve general orders and he thinks the explanation and legal background that the Chief has to give them is appropriate.

He suggested to Mr. Hunter, in terms of the applicable statutes that are referred to on the back of the Orders, that he add the Fourth Amendment to the United States Constitution. It is referred to in the body of the Order and it is important to see that in this they are dealing with some pretty difficult limitations that our State and our City has nothing to do with in terms of emergency problems, but what they are trying to do is to as fairly as possible deal head-on with the kinds of problems that we do have.

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RESOLUTION AMENDING THE PAY PLAN OF THE CITY OF CHARLOTTE TO ESTABLISH JOB CLASSES FOR BUDGET & EVALUATION DEPARTMENT.

Motion was made by Councilmember Cox, seconded by Councilmember Chafin, and carried unanimously adopting the subject resolution deleting Job Class Number 2020, and adding the following classes:

Budget & Evaluation Analyst I - Class 2020
Budget & Evaluation Analyst II - Class 2021
Assistant Budget & Evaluation Director - Class 2024

The resolution is recorded in full in Resolutions Book 13, at Page 483.

CONTRACT AWARDED O.G. PENEGAR COMPANY FOR OFFICE FURNITURE.

Councilmember Cox moved award of contract to the low bidder meeting specifications, O. G. Penegar Company, in the amount of \$12,598, on a unit price basis, for office furniture. The motion was seconded by Councilmember Trosch, and carried unanimously.

Bids received are as follows:

O. G. Penegar Company	12,598.00
Millers Office Furniture & Eqpt.	13,116.00

Bids received not meeting specifications:

Penegar Interiors	11,126.00
Kale Office Outfitters	12,048.00

COUNCILMEMBER CARROLL EXCUSED FROM VOTE ON THE FOLLOWING ITEM.

At the request of Councilmember Carroll, a motion was made by Councilmember Gantt, seconded by Councilmember Chafin, and carried unanimously excusing him from the vote on the following item.

CONTRACT AWARDED DICKERSON INCORPORATED AND CROWDER CONSTRUCTION COMPANY (A JOINT VENTURE) FOR WASTEWATER TREATMENT PLANT CONSTRUCTION, MCALPINE CREEK.

Councilmember Short moved award of contract to the low bidder, Dickerson, Inc. and Crowder Construction Company (A Joint Venture), in the amount of \$12,687,990, on a unit price/lump sum basis for McAlpine Creek Wastewater Treatment Plant (Up-Grading - Contract No. 1). The motion was seconded by Councilmember Chafin, and carried unanimously.

The following bids were received:

Dickerson, Incorporated & Crowder Construction Co (A Joint Venture)	\$12,687,990.00
Blythe Industries, Inc. & R. T. Dooley, Inc. (A Joint Venture)	13,317,000.00
Ballenger Corporation	13,570,000.00

CONTRACT AWARDED CHRISTOPHER CONSTRUCTION COMPANY FOR MCALPINE CREEK WASTEWATER TREATMENT PLANT (EXPANSION - CONTRACT NO. II).

Motion was made by Councilmember Chafin, seconded by Councilmember Short, and carried unanimously to award contract to the low bidder, Christopher Construction Company, in the amount of \$11,972,000, on a unit price/lump sum basis, for Wastewater Treatment Plant (Expansion - Contract No. II), McAlpine Creek Wastewater Treatment Plant.

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The following bids were received:

Christopher Construction Co.	\$11,972,000
Blythe Industring Inc., and R. T. Dooley, Inc. (A Joint Venture)	12,456,000
Crowder Construction Company and Dickerson, Inc. (A Joint Venture)	13,123,000
Ballenger Corporation	12,098,000

CONTRACT AWARDED CROWDER CONSTRUCTION COMPANY FOR GENERAL CONSTRUCTION WORK FOR WASTEWATER TREATMENT PLANT CONSTRUCTION (SLUDGE DRYING BEDS- CONTRACT NO. IV) MCALPINE CREEK.

Upon motion of Councilmember Selden, seconded by Councilmember Trosch, and carried unanimously, contract was awarded the low bidder, Crowder Construction Company, in the amount of \$2,490,000 on a unit price/lump sum basis, for wastewater treatment plant construction (sludge drying beds - general construction work, Contract No. IV), McAlpine Creek Wastewater Treatment Plant.

The following bids were received:

Crowder Construction Company	\$ 2,490,000.00
Dickerson, Inc.	2,570,000.00
L. O. Chapman	2,763,696.00
Sanders Brothers	3,045,000.00
R. T. Dooley, Incorporated and Blythe Industries (A Joint Venture)	3,063,300.00

CONTRACT AWARDED WATSON ELECTRIC COMPANY FOR WASTEWATER TREATMENT PLAN CONSTRUCTION (SLUDGE DRYING BEDS - ELECTRIC WORK - CONTRACT NO. V), MCALPINE CREEK WASTEWATER TREATMENT PLAN.

Councilmember Chafin moved award of contract to the low bidder, Watson Electric Company, in the amount of \$15,197, on a lump sum basis, for Wastewater Treatment Plant Construction (Sludge Drying Beds - Electrical Work - Contract No. V), McAlpine Creek Wastewater Treatment Plant. The motion was seconded by Councilmember Selden, and carried unanimously.

The following bids were received:

Watson Electric Company	\$15,197.00
Ind-Con Electric Company	15,641.00
The Industrial Electric Co.	18,500.00

COUNCILMEMBER COX EXCUSED FROM VOTE ON THE FOLLOWING ITEM.

Motion was made by Councilmember Chafin, seconded by Councilmember Gantt, and carried unanimously to excuse Councilmember Cox from the vote on the following item.

CONTRACT AWARDED DATA MANAGEMENT, INC. FOR COMPUTER SYSTEM, TO BE USED BY THE BUDGET AND EVALUATION DEPARTMENT.

Motion was made by Councilmember Locke, and seconded by Councilmember Short to award contract to the low bidder, Data Management, Inc., in the amount of \$22,546, for computer system, to be used by the Budget and Evaluation Department.

Councilmember Selden stated there is a difference in the costs. He asked if there are hidden costs involved? The first cost on one is more substantial than the other; but the annual cost for the five year period is reversed? Mr. Motto, Director of MIS, replied the system proposed by Data Management, Incorporated, the initial cost was for a Honeywell Level Six to serve 23 computers, and it was more than the initial cost of the micro computer system proposed by the F.M. Weaver Associates. But the F.M. Weaver Associates proposal included a \$450 per month licensing fee for the softwear which would be charged the city for the life of the system. In estimating the five year life time of the system, the total for the F.M. Weaver Associate proposal was almost \$43,000. Considering the maintenance cost for the Data Management Incorporated system, the overall cost for the estimated five year life of the system, was only thirty four plus thousand dollars.

Councilmember Selden stated the question he is raising is if the Data Management system contract includes softwear, and all the things the other contract includes? Mr. Motto replied yes.

The following bids were received:

F. M. Weaver, Associates, Inc.	
Cost of equipment and system development	\$15,995.00
Cost of annual maintenance & Licensing agree.	5,400.00
Data Management, Incorporated	
Cost of equipment & system development	22,546.00
Cost of annual maintenance	2,376.00

COMMENTS REGARDING THE BIDS ON THE 201 PLAN - WASTEWATER TREATMENT PLANT.

Councilmember Gantt stated the contracts on the Wastewater treatment plant is a part of the 201 program. He noticed that we had \$28.0 million in the budget for this, and it came in at \$27.1. That is a good piece of estimating, and he hopes there is enough left in there for contingency to make it through the entire project. That is pretty good on four different bids to come in at this cost.

Councilmember Gantt asked if there is another bid out? Mr. Campbell, Assistant Director of Utility, replied they are not finished yet; there is at least \$2.0 million more, and they will be seeking additional grant funding.

RESOLUTIONS OF CONDEMNATION.

(a) Motion was made by Councilmember Selden, seconded by Councilmember Trosch, and carried unanimously, to adopt a resolution authorizing condemnation proceedings for the acquisition of property belonging to Horace J. Wyatt, 5001 Freedom Drive, in the City of Charlotte, for Annexation Area 8 Sanitary Sewer Trunks Project.

The resolution is recorded in full in Resolutions Book 13, at Page 486.

(b) Councilmember Locke moved adoption of a resolution authorizing condemnation proceedings for the acquisition of property belonging to Walnut Cove Developers, Inc., at 40.55 acres at the terminus of Running Deer Road, in the City of Charlotte, for Annexation Area 8 Sanitary Sewer Trunks Project. The motion was seconded by Councilmember Trosch, and carried unanimously.

The resolution is recorded in full in Resolutions Book 13, at Page 487.

(c) Upon motion of Councilmember Selden, seconded by Councilmember Trosch, and carried unanimously, a resolution was adopted authorizing condemnation proceedings for the acquisition of property belonging to Samuel J. Stroud and wife, Shirley H., located at 2350 Toddville Road, in the City of Charlotte, for Annexation Area 8 Sanitary Sewer Trunks Project.

The resolution is recorded in full in Resolutions Book 13, at Page 488.

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CONSENT AGENDA APPROVED WITH EXCEPTION OF AGENDA ITEMS 14, 16 AND 19.

Motion was made by Councilmember Locke, seconded by Councilmember Short, and carried unanimously to approve the consent agenda with the exception of Agenda Items 14, 16 and 19.

- (1) Public hearing scheduled for Monday, December 4, 1978, at 3:00 o'clock p.m., in the Council Chamber on Colony Road Extension.
- (2) Loan agreement with Motion, Inc., for property at 917 Greenleaf Avenue, in the Third Ward Community Development Target Area, for \$27,000.
- (3) Contracts for water and sewer installations:
 - (a) Contract with Whitner Farms, Inc. for construction of 1,356 linear feet of 8-inch sewer main to serve Sturnbridge IV, outside the city, at an estimated cost of \$27,120, all at no cost to the city.
 - (b) Contract with Whitner Farms, Inc. for construction of 740 linear feet of 8-inch water main, 400 linear feet of 6-inch water main, 1,350 linear feet of 2-inch water main and two fire hydrants to serve Sturnbridge Subdivision, outside the city, at an estimated cost of \$19,200, all at no cost to the city.
 - (c) Contract with Summit Properties for construction of 1,620 linear feet of 8-inch sewer main to serve Interstate 85 Service Road, inside the city, at an estimated cost of \$32,400, all at no cost to the city.
 - (d) Contract with Urban Land Company for construction of 2,260 linear feet of 8-inch sewer main to serve Waverly Hall Subdivision, inside the city, at an estimated cost of \$45,200, all at no cost to the city.
 - (e) Contract with Carmel Land Company for the construction of 3,421 linear feet of 8-inch sewer main to serve Hampton Leas Subdivision, Phase I, outside the city, at an estimated cost of \$68,420, all at no cost to the city.
 - (f) Contract with Hobart Smith Realty Company for the construction of 4,700 linear feet of 8-inch, 6-inch and 2-inch water mains and five fire hydrants to serve Ridglock Subdivision, outside the city, at an estimated cost of \$39,000, all at no cost to the city.
 - (g) Contract with Apartment Associates One for the construction of 600 linear feet of 8-inch water main and one fire hydrant to serve Reddman Road Apartments, inside the city, at an estimated cost of \$6,600, all at no cost to the city.
- (4) Property acquisitions for Douglas Municipal Airport:
 - (a) Acquisition of 145' x 185' x 91' x 175' of property, with a single family brick residence, at 3643 Besser Drive, from James Ryland Farmer and wife, Gloria, at \$39,000, for Besser Drive and Wallace Neal Road.
 - (b) Acquisition of 160' x 175' x 160' x 175' of property, with a one story brick residence, at 3701 Besser Drive, from Norman R. Truitt and wife, Alice Hall Truitt, at \$42,500, for Besser Drive and Wallace Neal Road.
 - (c) Acquisition of 200' x 106' x 200' x 103' of property with a one story brick residence, at 3911 Besser Drive from Clyde A. Dendy, at \$35,500, for Besser Drive and Wallace Neal Road.
- (5) Property transactions:
 - (a) Acquisition of 15' x 234.20' of easement at 5100 Carmel Road, from Charles C. Ervin and wife, Caroline R., at \$1.00, for Carmel Valley Subdivision sanitary sewer.
 - (b) Acquisition of 20' x 1,940.41' of revised easement, plus a construction easement at 7000 Rockland Drive, from Hobart Smith Construction Company, at \$1.00, for Toby Creek Outfall.
 - (c) Acquisition of 15' x 60.98' of easement, plus a temporary construction easement, at rear of 611 Austin Drive, from William Sidney Abernathy, Jr., at \$172, for Annexation Area I Sanitary Sewer.

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- (d) Acquisition of 15' x 100.62' of easement, plus a temporary construction easement, at rear of 611 Austin Drive, from Nancy Abernathy Starrette, at \$300, for Annexation Area I Sanitary Sewer.
- (e) Acquisition of 15' x 128.99' of easement, plus a construction easement, at 6538 Louglen Circle, from E. W. Wampler, Jr. and wife, Judy C., at \$954, for Annexation Area 2 Sanitary Sewer.
- (f) Acquisition of 15' x 575.94' of easement, plus a temporary construction easement, at 4221 Robinwood Drive, from Harry Haynes Baird and wife, Cornelia W., at \$3,160, for Annexation Area 2 Sanitary Sewer.
- (g) Acquisition of 15' x 272.27' of easement, plus a temporary construction easement, at 4400 Pineville-Matthews Road, from Mrs. Will Delaine Sachsenmaier, at \$272, for Annexation Area 5 Sanitary Sewer.
- (h) Acquisition of 15' x 260.25' of easement, plus a temporary construction easement, at 7519 Windyrush Lane, from Ernest L. Young, Jr. and wife, Dinny F., at \$400, for Annexation Area 5 Sanitary Sewer.
- (i) Acquisition of 20' x 66.85' plus 15' x 156.28' of easement, on vacant land Cedar Croft Drive and Hillside Lane, from Sides Realty Company, at \$224, for Annexation Area 5 Sanitary Sewer.
- (j) Acquisition of 15' x 197.38' of easement on vacant land Cedar Croft Drive and Hillside Lane, from Sides Realty Company, at \$198, for Annexation Area 5 Sanitary Sewer.
- (k) Acquisition of 15' x 40' of easement, plus a construction easement, at 1408 Little Rock Road, from Robert L. Henson and wife, Virginia L., at \$200, for Annexation Area 8 Sanitary Sewer.
- (l) Acquisition of 15' x 190.93' of property, plus a temporary construction easement, at 6524 Wilkinson Boulevard, from Merlin Conrad Wilson and wife, Mary L., at \$1,000 for Annexation Area 8 Sanitary Sewer.
- (6) Approval of the renewal of a special officer permit to Gil McElravy, 230 W. Summit Avenue, for use on the premises of Charlotte Park & Recreation Commission.

RESOLUTION SETTING A PUBLIC HEARING ON PROPOSAL BY MOTION, INC. FOR PURCHASE OF STRUCTURE AND LOT IN THIRD WARD TARGET AREA.

Motion was made by Councilmember Chafin and seconded by Councilmember Trosch to adopt a resolution calling for a public hearing on Monday, December 4 at 3:00 o'clock p.m., to consider a proposal by MOTION, Inc., for the purchase of a six unit multi-family structure and lot located in the Third Ward Community Development Target Area.

Councilmember Chafin requested at the time this item appears on the agenda that Council receive a status report on the MOTION contract; at least have someone from MOTION present to give Council a status report.

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

The resolution is recorded in full in Resolutions Book 13, at Page 489.

ORDINANCES AFFECTING HOUSING DECLARED UNFIT FOR HUMAN HABITATION.

(a) Motion was made by Councilmember Locke, seconded by Councilmember Dannelly, and carried unanimously to adopt Ordinance No. 419-X ordering the demolition and removal of the dwelling at 1601 Parkwood Avenue.

The ordinance is recorded in full in Ordinance Book 26, at Page 369.

(b) Motion was made by Councilmember Trosch, and seconded by Councilmember Selden to adopt Ordinance No. 420-X ordering the dwelling at 2405-07 Marshall Place to be vacated and closed.

Councilmember Carroll stated unfortunately we are still in the in between stage where we do not have our policy firmed up. His concern is there are some houses that are occupied; some of them have a fairly substantial repair cost as opposed to the vacating cost. One is only \$2,000 to repair and \$425 to close; that one is not occupied. He asked Mr. Jamison, Director of Inspections, if he has information that leads him to believe the dwellings which are occupied would be fixed up if Council passes the ordinances? Mr. Jamsion replied he thinks that all but one would be

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fixed up. The one on Marshall Place would have to be vacated due to the extent of the work to be done. It is a two story house and the decay is extensive. Councilmember Carroll stated the repairs are about a third of the value of the dwelling, and it might not be one that would fit with a policy Council might want to bite off and take hold of if the policy is changed. It does give him a great deal of discomfort that Council continues to have to deal with these without having a little more fine tuning. In the light of Mr. Jamison's representation that we will probably get the work done by passing the ordinances he will vote for the motion. Mr. Jamison stated perhaps all from this one on Marshall Place; and he doubts the people will spend this money.

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

The ordinance is recorded in full in Ordinance Book 26, at Page 370.

(c) Motion was made by Councilmember Selden to adopt Ordinance No. 421-X ordering the dwelling at 1220 Pegram Street to be vacated and closed. The motion was seconded by Councilmember Chafin.

Councilmember Leeper stated this is recommending the vacating and closing of this dwelling for \$1,000 repairs which is relatively small. Mr. Jamison replied there is a relatively small amount of work; and he thinks it will be done; but he believes this action is necessary. The tenants have complained about the various items; they are minor. Councilmember Leeper stated that is probably his question. Obviously there has to be some other things involved as this says screen doors were missing, and broken glass. Mr. Jamison stated several screens from windows are missing; vents from the foundation are out; rear screen door is off. Mr. Leeper asked how long the property owner will have to make the repairs. Mr. Jamison stated it will take about 30 to 60 days during the course of vacating and closing; any time during this interim he will have the opportunity to make the repairs. He does not think there is any question that it will be repaired; but some owners just wait until it goes the full route.

Councilmember Selden stated it looks from the picture as if the roof is being held up by a cross brace? Mr. Jamison replied this is a metal awning that is a superficial part of the structure.

Councilmember Carroll requested Mr. Jamison to give Council a report after this process has run its 30 to 60 day period to let them know what has happened on all of these dwellings.

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

The ordinance is recorded in full in Ordinance Book 26, at Page 371.

(d) Motion was made by Councilmember Selden, seconded by Councilmember Dannelly, and carried unanimously to adopt Ordinance No. 422-X ordering the dwelling at 428-30 East Worthington Avenue and 1902-10 Lyndhurst Avenue to be vacated and close.

The ordinance is recorded in full in Ordinance Book 26, at Page 372.

(e) Motion was made by Councilmember Chafin, seconded by Councilmember Selden, and carried unanimously to adopt Ordinance No. 423-X ordering the dwelling at 2000-02 Gibbs Street to be vacated and closed.

The ordinance is recorded in full in Ordinance Book 26, at Page 373.

ACQUISITION OF TWO PARCELS OF REAL PROPERTY IN WEST MOREHEAD COMMUNITY DEVELOPMENT TARGET AREA.

Motion was made by Councilmember Selden, and seconded by Councilmember Dannelly to acquire three parcels of property in West Morehead Community Development Target Area for demolition.

Councilmember Carroll stated we are dealing with moving ahead on something that is still in limbo in terms of our policy; and it is also related to Mr. Cox's memo

about the request that his Committee take a look at how we might better and more economically handle our acquisition and rehabilitation, resell and inspection procedures. In trying to get a windshield idea into whether any of these houses might be ones, which depending on what we can come up with and like some of the others which we have gone ahead and acquired and have on hold while we are developing a policy, it seems to him the only one of the three in that category is 1538 South Tryon Street. It is a two unit building and does come in under \$30 a square foot; that is still more than we want to bite off he thinks; but it may be something that is feasible depending on whether we can develop some sort of CETA force to help with this kind of program.

Councilmember Carroll made a substitute motion to acquire and demolish 1439 South Church Street, 1441 South Church Street, 1443 South Church Street and 1508 South Tryon Street, and acquire but not demolish 1538 South Tryon Street. The motion was seconded by Councilmember Selden.

Councilmember Selden asked that they hold open the question to resolve the feasibility under the Finance Committee. Mr. Carroll replied that is what he is suggesting.

Councilmember Cox stated on the Economic Feasibility Work Sheet if he is correct we proposed to acquire the piece of property at 1538 South Tryon Street at \$36,000; but the estimated market sales price after rehabilitation is estimated to be \$27,225. After we put \$51,000 into it we are going to get \$9,000 less than we paid for it. He asked Mr. Carroll to amend his motion to not acquire this piece of property until we can work out these numbers more satisfactorily; he believes the motion was to acquire that piece of property at \$36,000.

Councilmember Carroll stated he will be glad to amend his motion.

Councilmember Cox stated he is talking about 1538. It is called 1538 on the feasibility and it says it has two units; then on the small printed page it is called 1536, and it says it has one unit. He assumes one is a clerical error. Mr. Sawyer, Director of Community Development, stated all the sheets with the exception of the last one comes from their construction advisors; the summation, last sheet, is taken from appraisal reports, and that must be a clerical error.

Councilmember Cox stated in addition it says that on the deed dated December, 1953 someone paid \$5500 for that structure. We are going to pay \$36,000 for a structure that is probably not appreciated in market value over that 25 year period. That \$36,000 to him is a questionable number here; and he does not think we should pay it. At least we should look at it.

Councilmember Carroll amended his motion to exclude the acquisition of this property at this time, and that it be included into the reference to Mr. Cox's committee to look into that problem. (This is Block and Parcel 51-12.)

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

FINANCE COMMITTEE CHARGED TO LOOK INTO PROCEDURES FOR ACQUISITION, REHABILITATION, RELOCATION, RESELL AND INSPECTION PROCEDURES ON HOUSING, AND TO REPORT BACK BY JANUARY 1, OR SOONER.

Councilmember Cox stated he would like to propose that the Mayor assign to the Finance Committee the task of looking at our acquisition, rehabilitation, relocation, resell and inspection procedures from a cost point of view; and to recommend any changes to increase our return, without sacrificing the goals of the Community Development program. The questions revolve around four or five different items we are all aware of - acquisition of property policy; emphasis on disposal; the CD code versus the Housing code; cost effectiveness of a rehabilitation program; and the use of dedicated crews for rehabilitation.

He does not propose that the Finance Committee be charged to make policy in these areas. He does propose two things. That the Finance Committee evaluate, with the help of staff, the cost implications of some of our current policies, or perhaps of some of our proposed policies, or policies we are about to put into effect. Second, that the Finance Committee report back to Council prior to January 1, or sooner if possible, on as much as it can do over that two month period. He hopes the Mayor's charge will include a mandatory reporting date of January 1; but hopes he would enjoin them to report back sooner if there is incremental data the Committee can give. Councilmember Short stated he will second the motion.

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Mayor Harris stated the information he is talking about is very pertinent to the Housing Study that is being done by the Housing Task Force; and there needs to be a general relation to that report to their Committee work because he thinks they are going at the same purposes in some of the areas as far as cost effective building of housing in the community.

Councilmember Chafin stated they are awaiting the report from staff report on the Housing Task Force. Mayor Harris asked if that will be the same staff members? Councilmember Cox stated he sees it as being a little different. Councilmember Carroll stated he thinks it is related. Mayor Harris stated he does not want to do two different things. Some of this should be inter-related with what you are doing there. Councilmember Carroll stated there is a special problem that needs immediate attention that Mr. Cox is trying to address. Mayor Harris stated he is just trying to pull out the Housing Task Force report a little earlier. Mr. Burkhalter, City Manager, stated he does not see any conflict in this.

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

COUNCIL REQUESTED TO READ ARTICLE FROM BUSINESS WEEK REGARDING THE CETA PROGRAM; AND CITY MANAGER'S RESPONSE TO COUNCILMEMBER COX QUESTIONS CONCERNING THE ARTICLE.

Councilmember Cox asked Council to look with interest on the excellent return of a question he sent to Mr. Burkhalter on an article from Business Week on the CETA program. They will receive a copy of it soon. The title is "Why is CETA in Trouble?". His question to Mr. Burkhalter specifically was - "Are we doing any of these things that other cities are doing wrong?". Mr. Burkhalter wrote a very excellent response to that, and he hopes each member of Council will read it with interest.

Mayor Harris stated he hopes they will all attend the briefing on Wednesday from 11:00 to 1:00 as it is most important. This is in connection with housing. Councilmember Cox stated this is more than a dedication of the Archdale site.

COMMENTS ON PREVIOUS VOTE ASSIGNING CHARGE TO FINANCE COMMITTEE.

Councilmember Dannelly asked if the vote on the charge to the Finance Committee is a legal vote? Councilmember Short stated he is saying Council should have voted to put it on the agenda first. The City Manager stated this is something that the Mayor can assign to the Committee. Mayor Harris stated Mr. Dannelly has a good point.

COMMENTS AND REQUESTS OF COUNCILMEMBER FRECH.

Councilmember Frech stated she would like to request the Parks and Recreation Department to investigate whether it is possible to change the policy of selling things in the parks to allow non-profit organizations or neighborhood groups to continue selling T-shirts? Mr. Underhill, City Attorney, replied this is an ordinance and all it requires is a permit to be obtained from the Superintendent. The sales are not prohibited if they have a permit. The permit procedure is spelled out in the ordinance. The permit is issued by the Superintendent - Mr. Diehl. Mayor Harris asked what if he does not want to issue the permit? Mr. Underhill replied under the ordinance that is his decision to make, and he is the final authority on it.

Councilmember Carroll asked that Council receive some clarifications on the guidelines he uses in exercising his discretion? Mr. Burkhalter, City Manager, replied this is something he has asked for; so he will get this to Council.

Councilmember Frech stated Mr. Corbett, Traffic Engineering Director, met with the people on Vickery and Briarwood who object to that section of the median on The Plaza. She was present and heard some of the discussion. She is sure he is going to have a report for Council on some of the traffic problems they have out there.

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COMMENTS AND REQUESTS BY COUNCILMEMBER LEEPER.

Councilmember Leeper stated he was on a talk show last night, and a citizen stated they were not getting any response in terms of maintenance for the Northwest Park. There was a little flack on the park proposal because they were having some problems getting someone to look at some maintenance for the tennis courts. He asked that someone look into this.

Councilmember Leeper asked for an update report on where we are in reference to the purchase of property around the airport. He needs some idea of where we are going in terms of disposing of the property - selling of the houses and this sort of thing. He is not sure he knows how we are going to dispose of it and to whom.

Mr. Burkhalter, City Manager, stated he has asked for this once and that it be considered for infill purposes, as to whether it is practical. That he will get him a report on it.

COMMENTS AND REQUESTS BY COUNCILMEMBER SHORT.

Councilmember Short stated Randy Jones sent Council a memorandum in August which pointed up the fact the State might build a Visitors' Center on I-77 near Charlotte if Council would push this point a little bit. He stated he thinks we should push it, and Mr. Jones agrees. The spot now being considered is approximately down where the outer belt loop is going to intercept I-77. This is something the State has put around at various interstates close to the North Carolina line, and he thinks we should have one in Charlotte. If they would like to do this now, they could make a motion to put it on the agenda now, and adopt a resolution.

Mayor Harris stated he received a memo on this Friday, and staff said they are not ready for it as far as taking official action. It was a memo from Randy Jones to Paul Bobo regarding this subject, and Mr. Bobo had indicated staff was not ready to make a recommendation. Mr. Burkhalter, City Manager, stated they have another site they have selected which should please us.

Councilmember Short stated Mr. Jones said tonight that a little nudge from Council would be a help on this matter.

Councilmember Short moved that this item be placed on the agenda in two weeks. The motion was seconded by Councilmember Selden, and carried unanimously.

Councilmember Short requested that Mr. Jones give Council the most updated information at that time.

COMMENTS BY COUNCILMEMBER DANNELLY ON STREETS SIGNS DIRECTIONS TO HOSPITALS.

Councilmember Dannelly stated there was an article in the paper several weeks ago, and he is really concerned about it. He has been in other cities and know you find these things in other cities. He is talking about signs - unique signs - on streets directing people to our various hospitals. He thinks this Council needs to look at that. It is terrible when you have an emergency, and you do not know how to get to the hospital.

Mayor Harris stated he is glad he brought that up. He has received several calls regarding the same subject. He would think every major thoroughfare would have signs pointing to every major hospital because there are so many people outside the city going to them. There has been some flack about that in the paper. He asked the City Manager to look into this.

Mr. Burkhalter, City Manager, stated the Finance Committee has been requested to look at the possibility of financing parking on the Central Avenue project. In some of the staff work in researching for information, they ran across the fact there is a definite procedure Council must take before they can proceed with off-street parking.

It calls for the following:

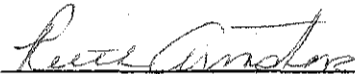
- (1) Traffic engineering study using statistical analysis, etc.
- (2) Council receives this report.
- (3) After receiving the report, Council must authorize any public hearing on the matter.
- (4) After the public hearing, the Council may take action as it sees fit.

Mr. Burkhalter stated if there is no objection from City Council, staff will proceed to go through this procedure first, and then give the information to the Finance Committee. He has talked with Mr. Cox about this.

Councilmember Cox stated that leaves the Finance Committee meeting on Thursday to consider just the privilege use tax; that could be a 30 minute meeting. He stated the Finance Committee meeting on Thursday would be cancelled.

ADJOURNMENT.

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


Ruth Armstrong, City Clerk