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The City Council of the City of Charlotte, North Carolina, met in regular session, on Monday, February 7, 1977, at 3:00 o'clock p. m., in the Council Chamber, City Hall, with Mayor John M. Belk presiding, and Councilmembers Betty Chafin, Louis M. Davis, Harvey B. Gantt, Pat Locke, James B. Whittington, Neil C. Williams and Joe D. Withrow present.

ABSENT: None.

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INVOCATION.

The invocation was given by Mr. Phillip Gerdes.

MINUTES OF JANUARY 19 AND JANUARY 24, 1977 APPROVED.

Motion was made by Councilwoman Locke, seconded by Councilman Whittington, and carried unanimously, to approve the minutes of the City Council meetings of Wednesday, January 19, and Monday, January 24, 1977, as submitted.

PROCLAMATION RECOGNIZING THE YWCA'S 75TH ANNIVERSARY.

Mayor Belk read a proclamation recognizing the Young Women's Christian Association on its 75th Anniversary. He stated that Charlotte has the second largest YWCA of the Southeast; it has initiated numerous programs, such as Travelers' Aid, which have continued on their own; it maintains facilities on Park Road and on Trade Street, with a residency of 75 young women at its Park Road Center. It offers instruction to hundreds of women and girls, men and boys, in arts, crafts, music, dance, gymnastics, swimming and tennis. He commended the YWCA for its many contributions to the City of Charlotte. Ms. Mickie Riddick received the proclamation on behalf of the YWCA and introduced Ms. Sallie Watkins, President of the YWCA; and Mrs. Sarah Alyce Wright, national Executive Director of the YWCA.

Mrs. Wright expressed her pleasure at being present, stating she is proud of the Charlotte YWCA's accomplishments; that it is not only the second largest in the Southeast but is one of the outstanding YWCA's in the country and very much in the forefront in working for those ideals and goals which the YWCA holds for itself.

The Mayor introduced Mrs. Wright to each of the Councilmembers and presented her with the key to the City of Charlotte.

RESOLUTION OF APPRECIATION TO LUTHER H. HODGES FOR SERVICES AS CHAIRMAN OF THE BOARD OF DIRECTORS, CHARLOTTE CHAMBER OF COMMERCE.

Mayor Belk recognized Mr. Luther H. Hodges and read a Resolution of Appreciation for his services as Chairman of the Board of Directors, Charlotte Chamber of Commerce during 1976. Under his leadership, membership in the Chamber of Commerce increased; through his guidance the Chamber has interacted and become more involved with community organizations; during his tenure as director, the Charlotte Chamber of Commerce was able to embark on bold and innovative programs which helped to promote civic interest in the Charlotte-Mecklenburg area; he has served this community and its citizens in public matters in many other capacities.

Mr. Hodges responded, saying he is very honored; that Charlotte is a good example of the business community and government sector working together.

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THIRD YEAR PRELIMINARY COMMUNITY DEVELOPMENT PLAN APPROVED.

Motion to approve the Third Year Preliminary Community Development Plan was made by Councilman Gantt and seconded by Councilwoman Locke.

Councilman Withrow asked that it be understood that relocation money would be used to fund the addition of the Lunsford triangle to the North Charlotte project area; that it is not necessary to put this in the motion.

Councilman Williams asked if this is what they talked about at the breakfast meeting? Does it include all of the relocation at the Five Points area? Mr. Sawyer replied that is part of this. Councilman Williams stated he understood that Councilman Gantt had some serious reservations about the relocation.

Councilman Gantt stated he is willing to approve the plan, but at the point in time that they get around to the specific requirements for relocation, he stipulated at the breakfast meeting that he would not go along with the removal of 221 families, or whatever number of families, unless they were sure about replacement housing. He cannot see making an adjustment at this point because he does not know what the alternative would be.

Mr. Sawyer stated they understand the reservations that Council has about this relocation. That the plan was the subject of a Public Hearing on January 31st and no further action will be taken on that until they resolve the relocation matter. After that they will be back to Council with a recommendation for the plan.

The vote was taken on the motion and carried unanimously.

ORDINANCE NO. 435-X AMENDING THE 1976-77 BUDGET ORDINANCE, REVISING REVENUE ESTIMATES AND EXPENDITURES WITHIN THE MANPOWER FUND.

On motion of Councilman Whittington, seconded by Councilwoman Locke, and carried unanimously, an ordinance was adopted amending the 1976-77 budget ordinance, revising revenue estimates and expenditures within the Manpower Fund.

The ordinance is recorded in full in Ordinance Book 24, at Page 12.

THIRD-PARTY CONTRACT BETWEEN CHARLOTTE-MECKLENBURG PLANNING COMMISSION AND THE CITY OF CHARLOTTE TO FUND THREE STUDIES SCHEDULED FOR COMPLETION BY THE CHARLOTTE TRANSIT PLANNING OFFICE, APPROVED.

Councilman Withrow asked if under the new contract with ATE, none of these studies are included? They cannot make any of these studies?

Mr. Mike Kidd, Transit Planner, replied these studies have nothing to do with the management company and its contract. These are activities undertaken by his staff in the planning area this year.

Mr. Burkhalter stated that to meet the requirements for continual funding they have to do this. Mr. Kidd stated it starts back last April when Council authorized the filing of an application for these funds. There is a procedural problem involving the City, the Planning Commission and UMTA. That this is already underway - this is for the purpose of the City being reimbursed from the Federal Government.

Councilwoman Chafin asked when he anticipates the Transit Development Program being completed in order to present it to Council? Mr. Kidd replied they are planning on late spring - May.

Councilman Davis stated he sometimes loses track of these studies, but it seems they are doing a lot of studying. He hopes out of this will grow some recommendations for implementation that Council can act on.

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Mr. Kidd replied when they come back to Council in May there will be a number of alternatives presented for approval or non-approval on funding. It will pretty well chart the course for the transit system for the next five years - routes, services, etc.

Motion was made by Councilwoman Chafin, and seconded by Councilman Davis, to approve the third party contract between Charlotte-Mecklenburg Planning Commission and the City of Charlotte to fund three studies scheduled for completion by the Transit Planning Office.

Councilman Whittington stated he is concerned as to why we need to do some of these projects again even though we are getting Federal money to do it. (He stated he is referring to (b), (c), (d) and (g) of the agenda attachment.) That we have more parking, transit, coordination studies on the shelf, gathering dust. He is sure we have four or five made by Wilbur Smith. Could not those things be used in this? Mr. Kidd replied they are using these. That a lot of this work has already been done but the services (a) through (l) are all components of a program for transit development over the next five years and these are just general things they are looking at - routes, adjustment and extensions, headway adjustments; special services program; bus priority, transit parking. There are a number of studies that have been done in the past - there is a transit development study that was done by Wilbur Smith in 1972. What they are doing is a major update and drawing all of these studies together in a cohesive package so they can bring it to Council at one point in time and say "Here is what we know from all the studies that have been done in the past and our own work; and here is where we think we ought to go." There is no plan or program set out right now for the transit system and that is what this speaks to.

Councilman Whittington stated then what he is saying is that these studies would be an update of the old studies? Mr. Kidd replied yes, that 1972 is the most recent one done particularly with transit. They coordinate each day with studies from the Planning Commission and Traffic Engineering.

Councilman Whittington stated he thinks they need to review the need and why we have these studies so that the public will understand why they have them.

Mayor Belk stated he does not see the inter and intra-city tied in. That we have two inter-buses and this is not tied in with our intra-city. He hopes some day that we can tie all of our transportation together. Mr. Kidd replied they will be looking at it, just peripherally. That the opportunity for people to get on one of our buses with a suitcase and go to Cincinnati by Greyhound is not that much right now, based on what they have been able to determine. They may be able to do things to change that. People who use Greyhound and Trailways right now simply take a taxi. They are looking to see how they can get the two together. The Mayor stated he would like to see them tie it in with places like Waxhaw and the airport.

The vote was taken on the motion and carried unanimously.

#### CITY'S PARTICIPATION IN A TRANSPORTATION TASK FORCE STUDY PROPOSED BY THE MECKLENBURG COUNTY BOARD OF COMMISSIONERS AUTHORIZED.

The Mayor stated he would like to give Council a recommendation on the proposal by the Mecklenburg County Board of Commissioners for the City's participation in a Transportation Task Force study. He asked them to recommend that the County take over all of the buses and have them operate the whole transit system.

Councilman Gantt asked that the Mayor explain to them why he would want to take that approach. The Mayor replied that their proposal is for the City and County to work together and he thinks it would be easier for them to work by themselves and take over the whole bus system and operate it - have a Countywide system. He understands they are going to apply for some outside monies and this will hurt the City's system. If the County would

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operate the whole system, he does not see anything wrong with them doing it. They could have any kind of system they want and it would come under the County Commission. He would rather have consolidation and then this problem would not come about.

Councilman Gantt stated he thought the intent of this particular proposal was to study a specific kind of problem that exists in terms of social services being provided by the County and the ability of people to get proper transportation.

Mayor Belk replied primarily it is the social services, but they are trying to eliminate the operation by the City and County so they eliminate their argument to come under the County. Councilwoman Chafin stated we do have programs that are involved in providing transportation services such as our Neighborhood Centers.

Motion was made by Councilwoman Chafin and seconded by Councilman Williams that the City participate in the Transportation Task Force study.

Councilman Davis stated he would like to follow up on Mayor Belk's idea. He thinks it has some merit; that certainly most any area we look at, if there is any need for coordination, it makes sense to have, if not consolidation, a countywide view of it. Since we are not making any progress on arranging for a meeting as a body with the County Commission, he wonders if this would be a good opportunity to pursue this on a partisan basis. As an example, have the Mayor pro tem meet with the Democratic members of the County Commission and Councilman Williams meet with the Republican members to discuss ways that they might work together to bring about a smoother operation of the bus system or any other function.

Mayor Belk stated it would be better to get together as a group than making a partisan thing out of it.

Councilman Davis suggested then some bi-partisan committee. The Mayor stated he does not believe it is a partisan thing. Councilman Williams asked what harm will be done by participating in a Task Force - they would just have to appoint one citizen. Councilman Davis stated all he is saying is let's use this as a vehicle to maybe bring about better cooperation with the County. That every time something like this comes up, he feels like they are not getting good cooperation from the County and they probably feel the same way. That is is a communication problem. That how they go about it is less important than just doing something.

Councilman Gantt asked why we are having difficulty sitting down with the County Commission? Councilman Whittington stated Council invited them and they decided not to come. The Mayor stated it was their official vote not to come. Councilman Gantt asked if it was consolidation and they were not ready to talk about it at that time? That they could talk about some other things rather than consolidation. That it is rather strange for two governing bodies in this County not to be able to sit down and talk together.

Councilwoman Locke suggested they extend another invitation, and Councilman Withrow stated, to talk about anything they want to talk about. Councilwoman Locke stated the invitation could be at their convenience and talk about a lot of things that they need to talk about. Councilman Whittington stated they should be talking with them about this proposed study over coffee or lunch instead of trying to do it today.

Councilman Gantt stated he does not see why they cannot do this; that, as the Mayor has said, this is a people issue in terms of trying to provide better transportation to all of the citizens of this city and county.

Councilman Davis replied he does not care what approach they make, but his suggestion was just that they do something.

The vote was taken on the motion and carried unanimously.

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Councilwoman Locke stated again that she hopes they can invite the Commission at their convenience to meet with Council so that they can begin to talk about important issues.

Mayor Belk stated he does not like to think they do not have a relationship with the Commission because he and the Chairman have met on numerous occasions; that they meet once a month to go over things that both bodies are concerned about. This has nothing to do with their voting not to meet; that the Chairman thought after the County Commissioners were elected it would be the time to sit down and go over various things, but they thought they should get better acquainted. That they have separated just about every function so they do not have much to talk about.

Councilman Withrow suggested writing the Commission another letter suggesting that they have the agenda one time and talk about anything they want to - problems that Council can help them with; and then another meeting where Council has the agenda and talk about their problems. He cannot see why they would not meet on these terms.

CITY STREET CLOSING POLICY FOR TEMPORARY CLOSING OF STREETS FOR CONSTRUCTION PROJECTS, ADOPTED.

Upon motion of Councilwoman Chafin, seconded by Councilwoman Locke, and carried unanimously, a policy for the temporary closing of city streets for construction projects was adopted, as recommended by the Public Works Director.

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CONTRACT WITH THE TOWN OF MATTHEWS TO ATTACH TO AND TO EXTEND THE WATER SYSTEM TO SERVE CRESTDALE COMMUNITY.

Motion was made by Councilman Whittington and seconded by Councilman Withrow that subject contract be approved. The vote was taken on the motion and carried as follows:

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

Councilman Davis asked if the reason for this coming before Council is the routine approval of a contract; or is this some policy matter of water and sewer?

Mr. Dick Campbell, Assistant Utility Director, replied it is a different situation in that they will attach to the system of the Town of Matthews. Councilman Davis stated it is something that is not covered by their operating policy? Mr. Campbell replied that is right. Councilman Davis asked if the Community Facilities Committee has been consulted on this? Mr. Campbell replied no.

Councilman Davis made a second motion that action be deferred pending a recommendation from the Community Facilities Committee. The motion was seconded by Councilman Whittington for discussion.

Councilman Davis stated he thinks this is an interesting case; that it does not make a whole lot of difference in this particular item - it is a small matter and may be in fact, fairly routine. But, if this is a policy matter related to the extension of water and sewer services. He thinks this is the sort of thing that the CFC should be consulted on if for no other reason than an exercise to condition the Committee on the Utilities Department as to how these things should operate. He would just like to see it done in the proper manner.

Mr. Burkhalter stated this is an operational matter. The County has been before the Director and it has been worked out carefully between the County, Matthews and the City. The CFC, by City ordinance, is required to review this matter if there can be no agreement. There is agreement - the City has agreed to do what the County asked for - there is no reason for an adjudicator.

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Councilman Whittington stated this is a request from the County; the County asked them to consolidate the utility system and all the City is doing is providing the water from a meter in Matthews at the request of the County to take care of Crestdale.

Councilman Davis stated he does not question the desirability of it. But the representative from the Utility Department stated it is a matter not covered by their operating procedures - it is a new policy - and it involves extension of services, so he would think something like this would be a classic case where the CFC should be involved.

Councilwoman Locke stated she would disagree with Councilman Davis. Councilman Whittington stated this is an operational matter.

Councilman Davis asked if Mr. Campbell did not just tell him that it is not in the department's standard operational procedure? Mr. Campbell replied it is different in that they must attach to the system of the Town of Matthews and utilize their system and extend out from it - that is the distinction here. This agreement covers the manner in which the City conducts itself from their system.

Councilman Davis stated if it was strictly a routine contract approval for \$75,000 it would seem very logical and he would have no reason to question it. But it involves setting a new policy for extension of water and sewer services and he feels they should have the recommendation of the CFC because the way he reads the instructions that were set out in the Council minutes this is a function of the CFC to advise on extensions of water and sewer services, the financing thereof and everything else pertaining to water and sewer and the Utilities Department.

Councilman Williams stated he does not feel it is necessary to send this to the CFC because the City of Charlotte is already selling water to the Town of Matthews, and this is simply a way, without any cost to ourselves in capital expansion, to acquire more customer. The cost of capital expansion will be borne by Mecklenburg County. Any time we can get new customers without having to make any investment to get them seems like a pretty good idea.

Councilman Davis stated the reasonableness of the proposal is not in question as far as he is concerned. He has tried to make that clear. It is just a matter of procedure. Is this a change in policy? The representative says it is; it involves extension of service and the way he reads the rules this should be routinely commented on by the CFC.

The vote was taken on the second motion and failed as follows:

YEA: Councilman Davis.

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

RENEWAL OF A LEASE AGREEMENT BETWEEN THE CITY OF CHARLOTTE AND CHILDREN'S THEATRE OF CHARLOTTE, INC., FOR PROPERTY LOCATED AT 1017 EAST MOREHEAD STREET.

Councilman Whittington moved approval of the renewal of a lease agreement between the City of Charlotte and Children's Theatre of Charlotte, Inc., for five years at \$1.00 per year, with the lessee being responsible for all maintenance to the property located at 1017 East Morehead Street. The motion was seconded by Councilwoman Locke and carried unanimously.

DISTRICT REPRESENTATION PLAN B AS PRESENTED BY THE PLANNING COMMISSION, ADOPTED; APRIL 19, 1977 SET AS THE DATE OF THE SPECIAL ELECTION ON THE PLAN.

Councilman Gantt moved approval of District Representation Plan C. The motion was seconded by Councilwoman Chafin.

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A substitute motion was made by Councilman Withrow, seconded by Councilwoman Locke, to approve Plan B as presented by the Planning Commission and set April 19, 1977 as the date of the Special Election.

Councilwoman Chafin stated Plan C was her attempt to take Plan B, which she thought was a very reasonable approach in drawing the district lines, and refine it somewhat. (1) To eliminate two split precincts - Precincts 1 and 30; (2) To shift several precincts from one district to another simply because she felt that the districts to which she was requesting they be shifted were more in keeping with the geographical identification of the precinct in terms of neighborhoods that have common interests. She stated as it has turned out, District Plan C really provides more balance in terms of some of the characteristics that the Planning staff provided them with respect to income, education and population distribution. There was no real ulterior motive but just what she considered a refinement of Plan B. She thinks the same principles prevail.

Councilwoman Locke stated she felt there was so little change from B to C, that she plans to vote for B all along. She considered Councilwoman Chafin's refinements but decided she would stay with Plan B.

Mr. W. E. McIntyre, Planning Director, displayed large precinct maps with district overlay and pointed out the changes made in Plan B to produce the proposed Plan C. Mr. McIntyre stated after they put together the total population for the districts as modified by the changes called for by Councilwoman Chafin's proposals, they found that there was too wide a spread in the population of the districts. The percentage of spread between the seven districts went up to 18 percent. They talked with City Attorney Underhill about this because they are dealing with the one man-one vote concept and some reasonable balance between election districts is required. That Mr. Underhill stated he was concerned about that high percentage of spread, although he had not had time to research the legal question. They advised Councilwoman Chafin of this and she examined her proposal in light of this population imbalance and the possible legal challenge to that District Plan; that she proposed they make some additional modifications. He explained what these were. He stated that in terms of district population balance, this is superior to District Plan B as it was originally proposed, although they did not feel that the disparity in the population of the districts as proposed in Plan B was great enough to be concerned about.

Councilman Williams asked if Mr. McIntyre had an opinion about the relative merits of Plans B and C? Mr. McIntyre replied he really does not think there is any great difference between the two.

Councilman Gantt stated Plan C is the only one that does not split any of the precincts. Mr. McIntyre agreed. Councilman Gantt stated it also seems to have a closer relationship between the income than there is in Plan B.

Mr. William Culp, Board of Elections Executive Secretary, stated he discussed all of these plans with Bob Joice of the Planning Commission who drew up the plans. That Mr. Joice would be the first to admit that he has not been in Charlotte long enough to be aware of some of the political ramifications of any plan they might draw. Mr. Culp stated he has studied all three plans and that Plan C is by far the most superior plan. First, Hidden Valley is a predominately black area of Charlotte and would be much more comfortable being in District 1 than it would in being in District 4. Its chances of affecting the type of representation would be much greater in District 1 than in District 4. Second, the community of Elizabeth and Dilworth have worked together as a community association a great deal on the inter-city restoration. That both of those community organizations would be much more comfortable if they could be included in the same district so as to have more impact on the district representative that might be elected. Third, Precinct 15, which is Kilgo Methodist Church, is an area of middle and upper middle income white homes which again would be much more comfortable being in District 4 than it would in District 1 which will be a predominately black district. The other changes - 45 which is Windsor Park - would be comfortable in either direction although under Plan C it would be included in District 4 and therefore, all of the area north of Central Avenue would be in District 4.

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He stated under Plan C there would be no precinct line changes. He thinks all of Council is familiar with the fact that when they change a precinct line, they have to notify voters, they have to locate voting places and oftentimes they have to make other adjustments surrounding the immediate area in order to create a precinct. Under Plan B there would be at least two precinct line changes which would require some adjustment and should the plan pass in April it would require some work in the summer to notify voters and make the necessary line changes.

Councilman Whittington asked if Plan A would have any precinct line changes? Mr. Culp replied no.

Councilman Withrow stated he is concerned that once they come out with two plans and they start changing - he went to a meeting last Saturday and those people wanted to get into an all white area - if they start changing from the original plan, then you are going to make this group mad, and another. The Planning Commission came out with two plans that Council had no input in; now they come out with another plan that Council has some input. He is afraid they will cause friction out in the areas if they do this.

Councilwoman Locke stated although it will help Mr. Culp to have Plan C, she sees so little change from Plan B to C, that she plans to vote for B.

Mr. Culp stated they feel there are some substantive changes between B and C. That the three he pointed out are substantive changes. It will definitely affect the people in those three areas. On the other hand, you could not come up with any other plan off of Plan B that would accomplish making any more people happy.

Councilman Withrow asked if they went with Plan A would there be any precinct changes? Mr. Culp replied there would be no precinct line changes in Plan A. Councilman Gantt stated you would lose some of the homogeneity; that is not the only factor, but it is one factor that is relevant in talking about districts in terms of having people with common interests to articulate their viewpoint.

Councilwoman Chafin stated - to piggy-back on what Mr. Culp said - she thinks they need to point out that the architect of Plans A and B did not have the benefit of a great deal of knowledge of the precincts and how the people in the precincts identify with certain areas. It was based purely on objective data. That the idea of having a 7-4 plan is not a Council idea - it is a neighborhood idea - and she thinks Plan C would be more responsive to the concerns of the neighborhoods.

Councilman Williams stated he has been trying to reason through this. That it is no secret that he does not like either of these plans; that seven districts are too many. In response to the comment about homogeneity, especially economic homogeneity, it worries him a little bit that they are attempting to cluster economic groups into various districts. That has the inevitable tendency of pitting one economic group against another economic group. He hates to see that happen anywhere in our society, whether it is on a national level or a city level. That one of our national political parties has been very successful because they have avoided that problem - they have been able to get a pretty good mix. If everything were determined by economics - how much money a person makes - then he supposes you could say Karl Marx was right that everything is determined by economics and you would have class against class. He has stated before that he prefers very large districts with a mixture of different kinds of people, leaving it to geography to affect the common interest instead of the pocket-book.

He stated they are really not dealing with that today - they have this plan to deal with and it is seven districts. He thinks everyone probably realizes that the Council is divided on this issue; there are a couple of members who are supporting this plan and who speak for the advocates and proponents of this plan. He hears them saying that Plan C is the best plan. Even though he is opposed to this at all, he is going to give these proponents their best shot at passing something. He does not want them to say

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afterwards "Well, we could have done it if you had let us have Plan C." He wants to defeat them but he wants them to have the best shot at it that they can possibly have. He is inclined to give a lot of weight to what the proponents want for that very reason - it ought to be debated on many merits and not just where the lines are or whether the pocketbooks and incomes are on a level or not.

Councilman Whittington asked who he is talking about when he says the proponents? Councilwoman Locke asked if they had input into helping draw the plans? That she wishes they had come to Council and discussed it. Councilman Williams stated he had made that assumption and it has just been verified.

Councilman Gantt stated he thinks there was a lot of merit in the argument that we avoid the appearance of gerrymandering; that he thinks that is important. At the same time he thinks the criteria that was used initially by the Planning Commission should be applied in any adjustment of a plan. He is not willing to say that whatever comes down that they accept verbatim. That apparently what has happened here is that Plan B has been taken back and analyzed, as one of the Councilmembers requested last week, in terms of the criteria we used. What he sees here are a number of things that Mr. Culp has already pointed out: (1) They do not have the confusion in terms of orientation of the sitting precincts and causing people to do some other kinds of things such as making adjustments to new precincts - that is important, that is being responsive to citizens; (2) One of the reasons we have district representation is because we agree that there are differing views in this city regarding how the city ought to be operated, or at least differing viewpoints are expressed and will continue to be expressed as the city grows larger, so that there is merit in trying to put together those neighborhoods that have, or have appeared in the past to have, consistent kinds of views with regards to politics. That is one of the merits of district representation. (3) When you view the breakdown of employment factors, education factors, income factors, racial composition, residential density, population, ages, housing - when you look at Plan C and compare these elements to Plans A or B, they measure up better.

They were talking about income - what they have done substantially in District 1 is provide a better balance in terms of economic heterogeneity than you would have in Plan B. Certainly the point has been made about population - the one man-one vote principle. In Plan C we have a better distribution of population balance across the entire city - better than A or B. He appreciates Councilman Williams's charity, but he thinks if, in fact, these neighborhoods are defined as they have and we have found out from those neighborhood groups that are the proponents of this kind of thing that they feel more comfortable with Plan C, then he would hope that the Council will, on balance, after looking at the factors that the Planning Commission used - it is not Ms. Chafin who puts this in and says this is what she wants - but they have come back and applied these very same criteria to this plan and from all appearances it seems to him they have a much superior plan.

Councilwoman Locke called for the question and the motion carried unanimously.

The vote was taken on the substitute motion calling for the approval of Plan B and fixing the date of the election, and carried as follows:

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

ORDINANCE NOS. 436-X THROUGH 439-X AUTHORIZING BONDS, AND MONDAY, FEBRUARY 25, 1977 SET AS DATE FOR THE PUBLIC HEARING ON THE FOUR ORDERS.

Councilwoman Locke introduced the following four orders authorizing bonds:

- (1) Order authorizing \$7,100,000 Museum Bonds.
- (2) Order authorizing \$6,325,000 Sanitary Sewer Bonds.
- (3) Order authorizing \$2,500,000 Cultural Center Bonds.
- (4) Order authorizing \$675,000 Water Bonds.

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Thereupon, on motion of Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, the City Council designated the Director of Finance as the officer to make and file with the Clerk the sworn statement of debt of the City which is required by the Local Government Bond Act, as amended, to be filed before the public hearing on the orders.

Thereupon, Mr. J. B. Fennell, Director of Finance, filed with the Clerk, in the presence of the City Council, the sworn statement of debt as required.

Thereupon, upon motion of Councilman Whittington, seconded by Councilwoman Locke, and unanimously carried, the order entitled: "ORDER AUTHORIZING \$7,100,000 MUSEUM BONDS" was passed on the first reading.

Thereupon, upon motion of Councilwoman Locke, seconded by Councilman Whittington, and unanimously carried, the order entitled: "ORDER AUTHORIZING \$2,500,000 CULTURAL CENTER BONDS" was passed on the first reading.

Thereupon, upon motion of Councilwoman Locke, seconded by Councilman Withrow, and unanimously carried, the order entitled: "ORDER AUTHORIZING \$6,325,000 SANITARY SEWER BONDS" was passed on the first reading.

Thereupon, upon motion of Councilwoman Locke, seconded by Councilman Withrow, and unanimously carried, the order entitled: "ORDER AUTHORIZING \$675,000 WATER BONDS", was passed on the first reading.

On motion made by Councilman Whittington, seconded by Councilman Williams, and unanimously carried, the City Council fixed 2:30 p. m., February 28, 1977, as the hour and day for the public hearing upon the foregoing orders, and directed the Clerk to publish each of said orders, together with the appended note as required by The Local Government Bond Act, as amended, in The Charlotte Observer not later than the sixth day before said date.

The orders are recorded in full in Ordinance Book 24, beginning at Page 13 and ending at Page 16.

Mr. Burkhalter, City Manager, advised Council that the ballot would indicate the Museum Bonds as Discovery Place, and the Cultural Center Bonds as Spirit Square.

He stated in connection with the water and sewer bonds, staff is going to need some help from this Council as to the steps in this election; how they want to approach it. He stated he is meeting with the CFC tomorrow afternoon at 3:30 to deliver the information, copy of which has been given to Council, they have requested. He has asked Mr. Fennell to send to each Councilmember a copy of the information he sends to the CFC. He stated he is taking Mr. Guerrant of PS&I, with him, and he is asking Mr. Sheridan to use Mr. Guerrant in helping prepare whatever release is going to be made on these bonds, so we will not run into a conflict of statements, and so they will be pleased with whatever draft is issued on this subject. He stated he would also like to request that if any member of Council or the Mayor has an opportunity that they will drop in. The meeting will be at 3:30 at the Utilities Department Administration Offices on Belhaven Boulevard.

#### APPOINTMENTS TO ZONING BOARD OF ADJUSTMENT AND NOMINATION OF JIMMIE LEE HACKETT FOR UNEXPIRED TERM.

Councilwoman Chafin moved the appointment of Dr. William J. McCoy to the Zoning Board of Adjustment for a three year term to expire January 30, 1980. The motion was seconded by Councilman Gantt, and carried unanimously.

Councilman Whittington moved the appointment of Ms. Aileen Todd to the Zoning Board of Adjustment for a three year term to expire January 30, 1980. The motion was seconded by Councilwoman Locke, and carried unanimously.

Councilman Gantt placed in nomination the name of Jimmie Lee Hackett to fill the unexpired term on the Zoning Board of Adjustment, which nomination will remain on the table for one week.

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APPOINTMENT OF MS. ANN SUGG TO THE FIREMEN'S RELIEF BOARD OF TRUSTEES.

Councilwoman Chafin moved the appointment of Ms. Ann Sugg to the Firemen's Relief Board of Trustees for a two year term to expire January 18, 1979. The motion was seconded by Councilman Whittington, and carried unanimously.

CONTRACT AWARDED TESSCO, INC. FOR COMMUNICATIONS MONITOR FOR TRAFFIC ENGINEERING DEPARTMENT.

Councilwoman Locke moved award of contract to the low bidder, Tessco, Inc., in the amount of \$6,750 for communications monitor for Traffic Engineering Department. The motion was seconded by Councilman Withrow, and carried unanimously.

The following bids were received:

Tessco, Inc.	\$ 6,750.00
Cushman Electronics, Inc.	<u>7,247.64</u>

CONTRACT AWARDED GMC TRUCK & COACH DIVISION FOR FOUR 12-PASSENGER CLUB WAGONS.

Councilman Whittington stated he requested the City Manager to bring this contract back to Council from last week; that he now finds this is not the contract he is interested in reconsidering; that it had to do with the award of contract for four sedans. This was a misunderstanding and he asked the City Manager if he would hold up the contract on those sedans. The City Manager replied it is possible they have already been purchased; but he will look into that, and if they have not been bought, he will hold them up.

Motion was made by Councilwoman Locke, seconded by Councilwoman Chafin and unanimously carried to award the contract to the low bidder, GMC Truck & Coach Division, in the amount of \$25,374.68, on a unit price basis, for four 12-passenger club wagons.

The following bids were received:

GMC Truck & Coach Division	\$25,374.68
Freedom Dodge	<u>25,514.52</u>
Dodge Country, Inc.	26,049.42
Young Ford, Inc.	26,173.52

Councilman Davis stated in connection with the automobiles, he is delighted that someone else is interested in the number of automobiles. He called attention to the fact that we are moving into the budget preparation for departments now. That he thinks the better way to cut down on the number of automobiles would be to give guidance to the City Manager so he will know how Council feels, and then make orderly preparations for the reduction in automobiles at some point where he can best afford to give them up, and not have to single out items as we come to them.

TRAFFIC SIGNAL FUNDS FOR ROMANY AND DILWORTH ROAD REQUESTED PLACED ON AGENDA FOR NEXT WEEK.

Councilman Whittington requested the City Manager to have the requests for funds for a traffic signal at Romany Road and Dilworth Road on the agenda for next week.

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RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE FOR CONDEMNATION ACTION IN THE DOWNTOWN URBAN RENEWAL PROJECT NO. N. C. A-3.

Motion was made by Councilman Whittington, seconded by Councilwoman Locke, and unanimously carried adopting a Resolution of the City Council of the City of Charlotte for condemnation action in the Downtown Urban Renewal Project No. N. C. A-3, to insure a clear title to the property commonly referred to as the "Fish and Oyster Block".

The resolution is recorded in full in Resolutions Book 12, beginning at Page 189.

EXECUTIVE SESSION SET FOR MONDAY, FEBRUARY 14 AT 1:00 P. M.

Councilwoman Locke moved that the City Council hold an Executive Session on Monday, February 14, 1977, at 1:00 P. M., in the second floor conference room for the purpose of conferring with the City Attorney regarding the KANNON and HARRIS lawsuits, pursuant to G. S. 143-318.3. The motion was seconded by Councilman Gantt, and carried unanimously.

CONSENT AGENDA ITEM RELATING TO SALE OF CITY PROPERTY REMOVED FROM CONSENT AGENDA.

Councilman Davis requested that Agenda Item No. 19, relating to the sale of city owned property be removed from the Consent Agenda for discussion.

CONSENT AGENDA APPROVED.

Motion was made by Councilwoman Locke, seconded by Councilman Whittington, and unanimously carried, to approve the consent agenda as presented with the exception of Item No. 19.

1. Following streets to be taken over for continuous maintenance by the City:

- (a) Cotillion Drive, from Wamath Drive to 180 feet south.
- (b) Wamath Drive, from 115 feet south of Cotillion to 160 feet north of Chaucer Drive.
- (c) Chaucer Drive, from Wamath Drive to 1,100 feet east of Wamath Drive.

2. Resolution authorizing the refund of certain taxes, in the total amount of \$2,000, which were levied and collected through illegal levy against one tax account.

The resolution is recorded in full in Resolutions Book 12, at Page 192.

3. Settlement in the case of City of Charlotte versus Korbler Development Corporation, et al, in the total amount of \$7,000, for Annexation Area I (11) Sanitary Sewer Trunks, Parcel 397.

4. Conciliation Agreement of an alleged discrimination charge of Barbara Jolley.

5. Applications for Community Development Grants for property rehabilitation, as follows:

- (a) Grant in the amount of \$4,250 to Willie K. Fleming at 2649 Norfolk Avenue, Southside Park CD Area.
- (b) Grant in the amount of \$4,477 to Sparker & Rosalee Biddle, at 1032 Leigh Avenue, North Charlotte CD Area.

6. Loan to Gerald Abrams and Stuart Pliner, in the amount of \$55,000 for improvement and restoration of property at 512 North Pine Street, in the Fourth Ward Urban Redevelopment Project Area.

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7. Resolution authorizing the Mayor and City Clerk to execute an Encroachment Agreement with the Seaboard Coast Line Railroad for the installation and/or maintenance of two water mains and one sewer line on railroad right-of-way and within the right-of-way of North Summit Street, at the intersection of Condon Street.

The resolution is recorded in full in Resolutions Book 12, at Page 194.

8. Property Transactions:

- (a) Acquisition of 15' x 83.42' of easement at 2400 Archdale Drive, from Housing Authority of Charlotte, at \$1.00, for sanitary sewer to serve Archdale Drive Housing Authority Site.
- (b) Acquisition of 15' x 16.96' of easement at 601 Gulf Drive, from Godley Realty Company, at \$1.00, for sanitary sewer to serve Catalpa Lane.
- (c) Acquisition of 15' x 363.73' of easement at SE intersection of Gulf Drive and Hovis Road, from Godley Construction Company, at \$1.00, for sanitary sewer to serve Catalpa Lane.
- (d) Acquisition of three parcels of land for Third Ward CD Target Area:
  - (1) 4,750 sq. ft. from Frances Abrams, 900 Greenleaf Avenue, at \$9,200;
  - (2) 4,376 sq. ft. from Myrtle K. Frazier, 320 S. Clarkson Street, at \$6,000;
  - (3) 4,000 sq. ft. from M. H. McClung, 809 Greenlead Avenue, at \$8,400.
- (e) Acquisition of three parcels of land for Grier Heights CD Target Area:
  - (1) 5,500 sq. ft. from Mr. and Mrs. Carl M. McClellan, 415 Alpha Street, at \$12,000;
  - (2) 7,000 sq. ft. from Mrs. Perry Lee Baker, 501 Marney Avenue, at \$2,500.
  - (3) 15,000 sq. ft. from Heirs of Minnie Moore Bell, at 305 Skyland Avenue, at \$9,000.

RESOLUTION AUTHORIZING ADVERTISING THE SALE OF CITY-OWNED PROPERTY AT 1300 RUSSELL STREET.

The resolution authorizing advertising the sale of 4.2 acres of city-owned property at 1300 Russell Street, at public auction at an opening bid of \$11,600 was presented.

Councilman Davis asked the policy on disposing of property, buildings and equipment that is excess to city needs. That in a previous item Council approved a contract with Children's Theatre for five years at \$1.00 per year, which is the building at 1017 East Morehead Street. He does not know of any obligation the city has to the Children's Theatre. It is a good thing to do, but here we are leasing it and making it available to a charitable organization at no cost. In the case of the property on Russell Street the city is disposing of property. He asked the policy on that.

Mr. Burkhalter, City Manager, replied the policy is when we find from an administrative viewpoint that a certain piece of property or equipment is no longer needed, we pass it through the procedure of every department having an opportunity to say whether or not it is usable in their case. If everyone in the organization says the city does not have any use for it, then it is recommended to Council the property be put up for sale. This was done in the case of the Children's Theatre, and Council decided it was better to use it for that purpose, than to sell it.

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Councilman Withrow stated also an individual can find a piece of property owned by the City, and finds he has a need for that piece of property, and would like to buy it, then he makes the City an offer for it. Then the City runs it through to see if the City has a need for it. If not, then the offer is brought to Council.

Councilman Davis stated the City has a lot of property scattered around town. He asked if there is any policy by staff that any property that is not used and is not contemplated for use do they automatically take action to dispose of it? Mr. Burkhalter replied when it is brought to the attention of staff that we have something we do not think we need, then all departments in the city are canvassed to see if they have any useful purpose for it for the city. If each one says no, then it is brought to Council's attention. Sometimes as suggested by Mr. Withrow, these things are triggered by someone's interest.

Motion was made by Councilman Davis, seconded by Councilwoman Chafin, and unanimously carried to adopt the Resolution authorizing advertising the sale of city-owned property at 1300 Russell Street.

The resolution is recorded in full in Resolutions Book 12, at Page 193.

#### MEETING OF MARCH 7 DISPENSED WITH.

Councilwoman Locke stated some members of Council have been appointed to National League of Cities Committees, and the National League of Cities Mid-Conference will be March 6, 7 and 8, and she would like to ask that the Council meeting of March 7 be dispensed with. She stated she would like to encourage all members of Council to attend this Mid-Conference. It is a great learning experience and they will have an opportunity to meet their congress members.

Motion was made by Councilwoman Locke, seconded by Councilman Whittington, and unanimously carried to dispense with the Council meeting scheduled for March 7, 1977.

#### PUBLIC SERVICE & INFORMATION OFFICER REQUESTED TO CONTACT ALL CIVIC CLUBS AND OTHERS TO SCHEDULE APPEARANCES OF COUNCILMEMBERS CONCERNING THE UPCOMING BOND REFERENDUM AND DISTRICT REPRESENTATION.

Councilman Whittington requested the City Manager to have Mr. Guerrant and his office, Public Service & Information, to contact all the civic clubs in Charlotte, and any other organization he can contact that will listen to Council, and give Council the opportunity to come to them, and speak to them in favor of the bond issues that will be before the public on April 19, and also about district representation if they want to hear from Council on that subject.

#### DOWNTOWN MASTER PLAN REQUESTED UPDATED.

Councilman Whittington stated he thinks all remember that several years ago we had a master plan for Downtown Charlotte. It was called the Master Plan and Mr. A. G. Odell was chairman of the committee with Sandy Jordan representing the City Council, and also Jerry Tuttle. That plan is now old. He believes Council should ask for an update of this Master Plan and ask for a new plan giving us what needs to be done in the downtown area in the next ten years.

He stated all of us are aware of what has been done downtown through urban renewal and through private enterprise and through bond money with the widening of such streets as College and Trade. That as we ride downtown and look at it, we can begin to see what is happening to some of the areas where nothing has been done. As a compliment to what has already been done and what is now beginning with the Fourth Ward, he thinks it would behoove Council to create another Master Plan Committee, with the Mayor working with

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the Central Charlotte Association, Chamber of Commerce and business leadership downtown, and just plain "folk" who were on the committee before. That we revise and update the plan we are now working on, and plan for ten years in the future. He stated if no one objects he would like for the Mayor to consider it, with Council to have any input it would like.

Mr. Burkhalter, City Manager, stated the Mayor has an invitation to appoint a group to work with the Uptown Development, and to discuss the plan they are going to propose to Council on a Governmental Authority. Councilman Whittington stated he has discussed this with the Mayor, and what he is proposing has no conflict with that. Mr. Burkhalter stated also we are not operating under the 1969 plan, but we are operating under the Ponte, Travers & Wolf Plan.

Councilman Withrow stated he does not think there is any conflict and he would hope Council will go along with what Mr. Whittington has said.

ASSISTANT PLANNING DIRECTOR REQUESTED TO BE PRESENT AT NEXT MEETING TO COMMENT ON QUESTIONS ON NORTHWOOD ESTATES PETITION NO. 76-66.

Councilwoman Chafin requested the City Manager to have Mr. Bryant, Assistant Planning Director, present at the next Council meeting to comment on a letter Council has received from Mr. Bailey Patrick regarding one of Council's decisions on the Northwood Estates Petition No. 76-66.

REPORT ON SHERWOOD AVENUE CLOSING BY DIRECTOR OF TRAFFIC ENGINEERING.

Mr. Corbett, Director of Traffic Engineering, stated in the last several days he has received some 25 letters and some 80 telephone calls on the Sherwood Avenue closing.

He stated Sherwood Avenue is one of several streets his department is dealing with in several neighborhoods. He received a petition from the people on Sherwood; that about a year ago the people from the Country Club area were here; and he has recently met with a group on Scofield Drive. Each of the groups has been interested in the Traffic Engineering Department taking steps to cut down on the amount of through traffic in their neighborhoods. In Country Club they used "no left turn" signs; on Sherwood they simply erected some barrels in a median opening on Queens Road at the intersection of Sherwood and Queens.

He stated Sherwood extends from East Boulevard over across Queens Road, down to Beverly Drive, and then into Providence Road. About 3,000 vehicles a day use it as a cut through. They have placed these barrels in the median opening to temporarily interfere, on purpose, with traffic cutting through on Sherwood. They are attempting to measure what is happening; what is going to happen to the other streets in the neighborhood. Where do the 3,000 cars a day go; how do the people feel about it?

He stated so far the feelings of the people have been that out of 115 contacts they have had either by telephone or letter, there are some 64 who are for the closing. Of those 64 for the closing, all but three live on the route which includes Beverly Drive. There are 51 who are against the closing. Out of these, ten live on the route and the remaining live off the route. He stated they are gathering this information and plan to continue to gather it for approximately two months. At the end of that time, if Council should like, they may be interested in the development of a policy about traffic cutting through neighborhood streets.

Mr. Corbett stated he has contacted the Manager's office and told him as a result of the meeting with the people on Scofield, they may put in similar types of things such as closing median openings. That on Scofield the traffic is cutting through from Barclay Downs over to Park Road. He stated there are a number of these situations. At present they plan to work with these neighborhood groups and to test situations of this type unless Council has feelings otherwise. They may in the future wish to design some

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type of policy dealing with this situation. They picture it as a problem becoming more acute each day. Each time they approve a roadway improvement project, they hear from the people who are opposed to it; seldom do they hear from any of those who are in favor of doing something in order to positively affect traffic. They are beginning to hear from some of them.

Councilman Whittington asked why on Sherwood, coming from Queens Road West, they cannot go left if they want to go Queens Road-Providence; when you get to the barrels you can only go one way, and that is right? It looks to him as if they could cross the median and turn left. Mr. Corbett replied it would be very difficult to do that because if the median is open you can turn left as well as going straight across. If you turned left you would have to go through the median, or you would be going the wrong way. Councilman Whittington stated the people he has heard from say you can only go one way; they should put the barrels at Sherwood and open the median. Mr. Corbett replied he thinks there is some misunderstanding. They have placed on Queens Road, as you come out of Sherwood, signs which say "Do not enter". Some people have construed that to mean not to enter Sherwood. What it means is when you come out of Sherwood, you are not to turn left and go up the wrong side of Queens Road. That is all those signs mean. You cannot go up the wrong side of Queens Road. That is all those signs mean. You cannot go through the median and turn left as there is no way he can allow them to go through the median and turn left, without letting them go on down Sherwood.

The City Manager asked how you would come downtown if you live on Sherwood on the side of Queens College? Mr. Corbett replied the best way is to go back the other way to Kings Drive.

Councilman Gantt asked him what prompted him to try this? That the people out in Country Club have been asking for a similar kind of thing? Mr. Corbett replied he proposed to the people on Country Club a year ago building a median down Eastway Drive, and they objected to that because it would interfere with their use of Country Club as well as outsiders. So they put up the "no left turn" signs. They said the problem was basically one at peak hours.

Councilman Williams stated this is a classic conflict. It is one that will be more with us as the city grows larger. It is the people who live in a particular neighborhood on a particular street being interested in taking care of themselves, and they do not want people from other parts of town going in front of their houses. The people from the other parts of town could care less about who lives along the street; they just want to get to where they are going the easiest and shortest way.

Councilman Davis asked if the people from Country Club have asked for the barrels? Mr. Corbett replied they have asked that we physically cut Country Club in two, with barrels or barricades at the creek. He has told them he would not recommend that for the time being until steps are taken to make improvements to accommodate that 4,000 vehicles a day. They are preparing, and will have ready for Council's consideration at budget time, estimates for improvements at the intersection of Eastway Drive and Sugar Creek Road, and at Sugar Creek and The Plaza. The report will be going to the City Manager so he can give Council that information at budget time. There will also be a recommendation for the widening of Shamrock Drive in the budget. He stated once these improvements are made he will be prepared to go along with the closing of Country Club.

Councilman Davis stated if a substantial portion of the residents of that area want Country Club closed, he would be in favor of trying it on an experimental basis - a temporary closing - even though it might create a problem for us on Eastway Drive. The quicker we face some of these problems on major thoroughfares, the more quickly we will find out how much the public is willing to tolerate.

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Councilman Gantt stated he thinks Mr. Corbett should be commended for trying experimental kinds of things such as this simply because they do not cost a lot of money. On the Sherwood situation he at least has an opportunity to evaluate what happens, and to see what areas are impacted. He wishes he could find similar kinds of solutions to the Country Club situation which would not involve the expenditure of a large amount of money.

REQUEST THAT COUNCIL RECONSIDER ITS ACTION OF TWO WEEKS AGO AWARDING CONTRACT TO UNCC FOR FLOOD MANAGEMENT SURVEY.

Councilman Davis stated for several years he has been concerned that local government has not utilized some of the community's valuable resources, specifically UNCC and Central Piedmont Community College to some degree. That he thinks this has changed in recent years with Ms. Chafin on the Council, and the Mayor as a Trustee of UNCC; also a number of their faculty and staff are represented on appointed boards and agencies. He thinks now they are well represented, and we are making better use of them, and he would like to see this continued, and expanded.

But, two weeks ago we passed a resolution for a \$30,000 plus study of property in the flood plains. After they did that, he learned that just one week prior the County Commission had unanimously rejected a \$22,500 study for storm water management. We are talking about two closely related items. The County turned this down and suggested it be put to a joint city-county approach for the storm water management study. He thinks the text of that storm water management study points up the desirability of having a joint focus on this. It refers to floodway management, joint city-county programs, flood insurance, which is a city-county program; the Sugar Creek Basin study; code provisions and ordinances; erosion control ordinances are practically identical in the city and county; countywide channel improvements; countywide improvement program for small streams; countywide record maintenance, and the flood warning alert system which is countywide. It seems to him to move into an independent study of property in flood plains, particular at this time when we are possibly going to annex ten new areas, and is almost counter-productive, and will give one more point of contention between the city and county. It will be much more desirable if we could get the county's participation jointly in some manner.

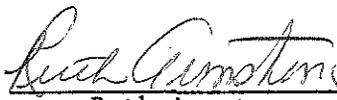
Councilman Davis stated he would like to see the Council reconsider this previous motion, or at least ask the City Manager if he has not already taken action to hold up on it and explore how we might cooperate with the county.

Councilwoman Chafin stated the two studies are quite different. Councilman Davis stated he appreciates the flood plain study is different from storm water management; but he thinks the two problems are very closely related and to take off on independent programs is going to be one more divisive issue that will have to be dealt with sooner or later. It could be much better dealt with now.

The City Manager stated the only thing he sees where there could be any conflict at all is who is going to do what. We are talking about the same water, the same creek, the same place, and the only thing he sees that could be of any conflict at all if the suggestion were that we do the dredging or we do the improvement as such, and the county felt they should do it. He stated the City has had very good relations with the staff of the County. He knows of no problems of working these things out. City staff works very closely with them, and the City is giving them manpower to do the work now. He does not think there is any conflict with them.

ADJOURNMENT.

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

  
Ruth Armstrong, City Clerk