

March 20, 1978
Minute Book 67 - Page 303

The City Council of the City of Charlotte, North Carolina, met in a televised session on Monday, March 20, 1978, at 8:00 o'clock p. m., in the Board Room of the Educational Center 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, H. Milton Short and Minette Trosch present.

ABSENT: None.

Sitting with Council, as a separate body, during the zoning hearings were members of the Charlotte-Mecklenburg Planning Commission. Present were Chairman Tate, and Commissioners Broadway, Campbell, Curry, Jolly, Kirk, Marrash, Royal and Tye.

ABSENT: Commissioner Ervin.

* * * * *

INVOCATION.

The invocation was given by the Reverend Robert O. Freeman, minister of Harrisburg Presbyterian Church.

APPROVAL OF MINUTES.

On motion of Councilmember Selden, seconded by Councilmember Chafin, and carried unanimously, the minutes of the last meeting on Monday, March 13, 1978 were approved as submitted with the following correction requested by Councilmember Carroll:

Page 284 - Minute Book 67 - Fifth line from bottom of page change the word "field" to "fill".

HEARING ON PETITION NO. 78-12 BY CHARLOTTE-MECKLENBURG PLANNING COMMISSION TO CONSIDER AN AMENDMENT TO THE TEXT OF THE ZONING ORDINANCE TO REDUCE OFF-STREET PARKING REQUIREMENTS FOR MULTI-FAMILY PROJECTS FOR THE ELDERLY AND LOW INCOME.

The public hearing was held on the subject petition.

Mr. Landers of the Planning Staff stated Section 23-62 specifies the parking standards for various uses. Under the multi-family provisions the normal standards required are based on the size of the apartment unit. Some years ago the Charlotte City Council amended the ordinance relative to public housing projects operated by the Housing Authority - low income and senior citizens. The subject petition will amend the standards further by extending the area of the application to other projects that are restricted to low income families or to senior citizens or handicapped persons, whether operated by the City Council, Housing Authority, or not.

The parking standards proposed for multi-family projects under low income would be .75 spaces per dwelling; for the elderly or handicapped the requirement would be .25 or 1/4 space per dwelling unit.

No one spoke for or against the petition.

Council decision was deferred for a recommendation of the Planning Commission.

March 20, 1978
Minute Book 67 - Page 304

HEARING ON PETITION NO. 78-13 BY ARLEN MANAGEMENT CORPORATION FOR A CHANGE IN ZONING FROM I-2 CONDITIONAL SHOPPING CENTER TO I-2 OF A SMALL PARCEL FRONTING THE SOUTH SIDE OF TYVOLA ROAD, LOCATED ABOUT 900 FEET EAST OF THE INTERSECTION OF TYVOLA ROAD AND INTERSTATE 77.

The public hearing was held on the subject petition.

Mr. Landers of the Planning Staff stated the petition requests the removal of a small parcel of land associated with the WestPark Shopping Center. He stated under the existing provisions of the conditional zoning, it is subject to the site plan approval and to the requirements of Section 23-35.1 of the zoning ordinance, which limits the size of the detached sign to 100 square feet. Therefore, the purpose of this petition is to enable the petitioner to place a sign on the subject parcel that would conform to the more general I-2 or general industrial zoning requirement.

The zoning pattern of the area indicates that I-2 now predominates all of the area east of I-77, down to the area known as Montclare South which is zoned R-6; west of I-77 there is R-9MF and R-9. The land use is scattered. Dominating the landscape in the immediate vicinity is the newly constructed shopping center site itself. To the north is the I-77 Office Park which is now being developed.

He stated the petition calls for construction of a sign measuring 200 square feet, the size of an outdoor billboard; that previous Councils have not acted on a request in this context; that the business identification sign limitations are distinct from advertising signs. By separating this and identifying it as a separate parcel, it will qualify for designation as an advertising billboard.

He used slides to further identify the site.

Mr. Eric Snyder and Mr. Robert Vickery represented the petitioner and displayed a replica of the proposed sign, stating it would be located at the street and would be the only identification the center will have. The original site plan under the conditional zoning called for a smaller sign and they desire a larger one.

No opposition was expressed to the petition.

Council decision was deferred for a recommendation of the Planning Commission.

HEARING ON PETITION NO. 78-14 BY GEORGE AND MARY KESIAH FOR A CHANGE IN ZONING FROM R-6MF TO B-1 OF PROPERTY FRONTING THE NORTH SIDE OF ROZZELLES FERRY ROAD, ABOUT 900 FEET SOUTHEAST OF THE INTERSECTION OF ROZZELLES FERRY ROAD AND HOSKINS ROAD.

The public hearing was held on the subject petition.

Mr. Landers of the Planning Staff stated the zoning pattern for this area is predominately residential in the central portion; surrounding and including the subject property is R-6MF zoning. R-6 zoning is across Rozelles Ferry Road and across the Seaboard Railroad. There is a scattering of business and industrial zoning. The existing B-1SCD zoned area is the first conditionally approved shopping center in Charlotte.

Land use in the area basically reflects the zoning pattern. There is a church located at the intersection of Hoskins and Gosset. There are furniture upholstery shops, service stations and activities of that nature along Hoskins Road. The subject property is now being used for a television repair activity.

Slides were used to further identify the site.

Mrs. Kesiah, the petitioner, stated the reasons for the request for rezoning. She stated they purchased the house in good faith in order to increase the space for their business. They did not question the zoning due to the various business operations in that three-block area and the fact that on the opposite side of the street there is a railroad. It is not an ideal residential section.

March 20, 1978
Minute Book 67 - Page 305

It is a rundown area and should be zoned for business. They moved in the first of October of last year, still unaware of the zoning. In January they received a letter advising them of the residential zoning. She stated it is quite expensive for a small business to make a move like this - it cost them about \$1,800 plus a 10-year mortgage. They do not doubt that Mr. Suddreth who sold them the house did so in good faith, because for five years prior to the sale he had rented the house to a painting contractor. She stated they cannot afford to make another move; that she has also heard that more people would sell to businesses if they were not zoned residential. She stated trains go through the area about every two hours.

The Clerk advised, in response to a question from Councilmember Selden, that no protests have been filed.

Councilmember Carroll asked if the petitioner would be interested in changing her petition to a request for B-1CD zoning. Mr. Landers explained this zoning as such that would limit the business use to the television repair. Mrs. Keziah indicated she would certainly agree to the conditional zoning.

No opposition was expressed to the petition.

Council decision was deferred for a recommendation of the Planning Commission.

HEARING ON PETITION NO. 78-15 BY MARGARET IVEY DANIEL FOR A CHANGE IN ZONING FROM R-9MF TO O-6 PROPERTY FRONTING THE NORTHEAST SIDE OF EASTWAY DRIVE, ABOUT 100 FEET NORTH FROM THE INTERSECTION OF EASTWAY DRIVE AND MICHIGAN AVENUE.

The public hearing was held on the subject petition.

Mr. Landers of the Planning Staff identified the area on the map, showing its location just north of the intersection of Eastway and Shamrock Drive. The land immediately around the intersection is zoned B-2, which permits a wide range of business activity. Surrounding that is an area of O-6, and then a pattern of multi-family, R-9MF and then R-9 both on the northeast and southwest sides of the area.

Land use reflects very closely the zoning pattern. Garringer High School is in the area and a church is located across Eastway Drive from the school. At the Eastway/Shamrock intersection there are gas stations, restaurants, outdoor advertising, grocery stores and general commercial activities. Charlotte Fire Station No. 15 is also located in the area; a medical clinic on Michigan Avenue. Immediately adjoining the subject site is a real estate office. He pointed out the Thames Apartments which were recently constructed and the Methodist Home Park with the community center.

He further identified the area with slides.

Mr. Randy Nye, representing the petitioner, reviewed the area to emphasize that other property in the vicinity is being put to commercial use. He stated the value of any residential property in the vicinity would not be affected by this change in zoning, given the nature the area. It is located on a major thoroughfare and there is heavy and congested traffic in the area. A median runs down the middle of Eastway Drive directly in front of the subject property which makes it impossible to turn left onto Eastway. The subject property is really not suited for residential purposes and its highest and best use would be commercial.

Councilmember Trosch referred to the agenda attachment which indicated that of previous requests to Council for re-zoning in the area, two were approved and one disapproved. Mr. Landers indicated on the map the area most recently approved; but stated he could not identify the one which was disapproved, but can get the information later.

Councilmember Gantt stated the office pattern appeared to make sense until you get to Michigan Avenue and then they crossed it with one parcel of land on the other side. That raises some questions as to whether or not you could justify stopping at a property line as opposed to a street which is a natural boundary. Mr. Landers stated he does not know the circumstances by which that occurred, but can go back to the records and find out.

March 20, 1978
Minute Book 67 - Page 306

Mr. Nye stated that should the proposed zoning change take place, plans are to remodel the structure for use as an office - hopefully, a doctor's office.

No opposition was expressed to the petition.

Council decision was deferred for a recommendation of the Planning Commission.

HEARING ON PETITION NO. 78-16 BY DELUCA VALVE AND INSTRUMENT COMPANY FOR A CHANGE IN ZONING FROM R-9 AND O-6 TO B-2 PROPERTY FRONTING THE EAST SIDE OF NORLAND ROAD, ABOUT 400 FEET SOUTH FROM THE INTERSECTION OF NORLAND ROAD AND CENTRAL AVENUE.

The public hearing was held on the subject petition.

Mr. Landers of the Planning Staff identified the area with the use of maps and slides. The zoning pattern reflects business at the intersection of Central and Norland and along the northerly side of Central. To the north of the business area is multi-family zoning on Kilborne Avenue and office and multi-family on the north side of Central to the west. The other zoning is a fairly solid pattern of single family zoning.

The land use is a very close replica of the existing zoning pattern - the general business activity around the intersection includes a recently-built shopping center and an electrical contractor's facility. He pointed out Charles Street and stated it is not an operating right-of-way - it is not paved and it is not open. Going through the proper channels it could be considered for closing.

On the subject site there is parking area and an existing single-family structure which is not being used. To the rear of the property is Evergreen Cemetery. He pointed out Eastway Junior High School to the south on Norland. The commercial activity on the north side of Central includes a neighborhood shopping center, office facilities, produce stand and a seafood sales facility. Also the former Albemarle Drive-In theatre site which is now a church site.

Attorney Tom Cummings stated he represents the petitioner. That in order to get the petition in perspective, they need to realize that the petitioner is already in the neighborhood. His present location is across the street from the subject property and 100 feet closer to Central Avenue. Due to space requirements he has to move. That to allow this use of the property will not change the traffic flow in that the traffic required for his business is already coming there. On the average there is one trailer truck a week, two or three smaller trucks per week, and UPS service daily.

He believes this property has natural boundaries for being zoned B-2. That across the street is a lot which, although it is now used as residential, it is zoned B-2 and plans are currently underway for the house to be torn down and the property used as a parking lot. That will square the business use on each side of Norland Road. He stated of the two lots in this petition, one is currently vacant and being used for parking; the other one has a house on it. That the house has not been inhabited for over five years; it cannot be inhabited without structural improvements of approximately \$2,000 plus interior improvements. The economics simply are not there to upgrade that house for current single family usage.

He stated he knows of the Planning Commission's and Council's concern for the zoning pattern out Central Avenue, and pointed out that this is a vertical re-zoning, it is not likely to result in any increased spread of re-zoning out Central Avenue, but is an offshoot down Norland Road. It squares off with other B-2 property, it backs up to a cemetery, it is next to other B-2 property and the person who intends to use it is already in the neighborhood, and all of the justifications are there for the B-2 rezoning.

Councilmember Trosch pointed out that Norland is in her district and is one of those famous cut-through streets that we hear about constantly. She is concerned with the traffic and what it will do to this street and would encourage that factor be looked at.

March 20, 1978
Minute Book 67 - Page 307

Mr. Cummings indicated that the next lots down on Norland from the subject property are also vacant and are zoned R-9. They are not owned by his petitioner. Councilmember Frech stated she is thinking ahead to what will happen, if this zoning change is made, and someone else comes along and asks that the next vacant lots be rezoned for business use.

Mr. Cummings stated he shares her concern but to anticipate that anyone would stick a residence up in the corner completely surrounded by business is unrealistic. He is speaking of the lot closest to Central Avenue. That the pattern has already been set so far as the two subject lots are concerned.

In response to a question from Councilmember Short, Mr. Cummings indicated that the present location of DeLuca Valve is directly behind the service station on the corner of Central and Norland; that the zoning line as he understands it divides the property which means that the property enjoys both B-1 and B-2 zoning at the present time. He stated this company needs the B-2 zoning.

Responding to a question from Councilmember Carroll, he indicated that DeLuca plans to build a new facility on the subject property; that in their present location they are a tenant.

No opposition was expressed to this petition.

Council decision was deferred for a recommendation of the Planning Commission.

HEARING ON PETITION NO. 78-17 BY DELCO DEVELOPMENT COMPANY OF CHARLOTTE FOR A CHANGE IN ZONING FROM B-1 TO B-2(CD) FOR A RETAIL HOME IMPROVEMENT SALES FACILITY ON PROPERTY FRONTING THE EAST SIDE OF SHARON AMITY ROAD, ABOUT 420 FEET SOUTH FROM THE INTERSECTION OF SHARON AMITY ROAD AND CENTRAL AVENUE.

The public hearing was held on the subject petition.

Mr. Landers of the Planning Staff identified the area with the use of maps and slides. He explained that the home improvement use does require the B-2 zoning. He pointed out the location of Eastland Mall with its B-1SCD zoning. B-1 zoning surrounds Central Avenue and extends along Sharon Amity to include the subject property and back to Central. Beyond this site along Sharon Amity to Albemarle Road is multi-family zoning as well as along Central to the northwest. A single family pattern picks up at the far north and to the southwest.

The land use reflects the zoning pattern very accurately. He pointed out the Barcelona Apartments and the Spanish Court office area, the existing service station and convenience center across Sharon Amity from the subject property. On Central Avenue in the specific area around the site there are the communications oriented activity associated with Southern Bell Telephone, a fast food restaurant and a now-vacant service station and a convenience store. South of the property is an older apartment area with one single family house adjoining the overall parcel.

He stated the subject property is the site of the Coleman Nursery which has been there for a number of years. The specific request would change the zoning on just the front portion of the property which is zoned B-1. The site plan required for the conditional use indicates a one-story structure, 36,000 square feet, with the use limited to the retail home improvement center. 209 parking spaces are planned, which the Traffic Engineering Department has indicated would satisfy the parking requirements for this facility. That the plan proposes circulation that would provide access back to the remaining portion of the Coleman Nursery. Councilmember Gantt asked the required amount of parking, and Mr. Landers replied it is 180. Councilmember Trosch asked if the present building structure would remain?

The answer was yes.
Mr. Landers stated the site plan will afford access for business to Coleman Nursery two ways - either through the parking lot and a 50-foot access which is provided for independent of the parking lot. There is a cross-easement agreement that has not yet been signed, but is a part of the petition.

Corrected
4/3/78
M. B. 67
Page 337

March 20, 1978

Minute Book 67 - Page 308.

Councilmember Gantt asked how this particular piece of property would comply with the Tree Ordinance and the consideration that the Operations Committee has now with regard to some kind of stormwater retention? That with all deference to the developer, it is a very unimaginative site plan - it is totally asphalt with no trees apparently on the parking lot at all. He wonders if the Planning staff or others have looked at the impact that this might have in terms of stormwater run-off and in terms of the microclimate itself - it is just a big, large parking lot.

Mr. Landers stated the 10-foot wide planting strip along Sharon Amity he believes would comply with the tree planting ordinance, but that has not been reviewed from the standpoint of referring it to Mr. McDermott. If the petition is approved, the ordinance will apply as a matter of course.

He stated also that the petition has not been review from the standpoint of requiring any stormwater detention. That to apply it to this single site, in consideration of all the others, would be of questionable benefit.

Mr. Ralfe Mesrobian, Architect, spoke on the site plan, stating the name of the facility would be Handy City and it is a new concept. It is a handsome home improvement center. The parent company is W. R. Grace Company, a very large company. When the petitioner approached him several months ago, the first thing he wanted to do was to see what they had in the way of design aesthetics. When he found out where it was proposed to be built, he wanted to see what he could do with it.

He stated the building will be a handsome addition to the neighborhood. It is designed with a large porch effect, for which they will use stained cedar boards. All of the sides exposed to the street will be of tan brick. They will comply with the planting and greenery ordinance as shown on their petition plan. He stated the only thing about the proposed use which would not comply with the present B-1 zoning is that there would be a certain amount of plywood and building materials that a home improvement person would go and purchase and carry off himself. There are no activities outside of the building - everything is within the building. It would not be like other centers in Charlotte that have warehouse areas, sheds and lumber stacked all over the place. The building would be placed so that the rear has a spline to the B-1 area that Bell Telephone has its trucking facilities - they have all their service trucks parked back there.

He stated the reason this property was sub-divided was that the tax value is almost \$600,000 and Mr. Coleman has been desperately trying to do something with the land because of these taxes. He has no operation there at present. In order to support this facility, the land cost had to justify cutting this parcel and they achieved this so that the rear would remain and Mr. Coleman can do whatever he plans for that parcel.

He referred to the 209 spaces for automobiles, stating this type of facility is a fairly low volume one. It is not like a shopping center, a discount store or a grocery store, where you have a large number of cars going in and out all the time. This is more of a balanced, even flow of traffic and he doubts if the parking lot will be half full at any one time.

As to the drainage, they have a liability in that they are placed in a position where they are receiving water from the rear areas. They are having to take care of this waterflow through the property, around the building; and they have designed the slope of the parking lot to a minimum of one percent to give it a very slow flow and end up in the corner of the property. That when Sharon Amity Road was widened, the City installed a new culvert under the road and they figured that it would take all of this water that comes through their property from the adjacent areas.

Councilmember Gantt stated he feels Mr. Mesrobian has a very credible building, but his criticism still remains. That the rendering shows it very clearly; that is, for some time now the City Council and others have been very concerned about trying to improve the quality of our commercial development throughout the City. After much haggling back and forth with developers and other people who build buildings in the City, and with our Planning Commission, they came up with a Tree Ordinance. He heard a lot of people talk

March 20, 1978

Minute Book 67 - Page 309

about the fact that "Well, good developers will try to make their parking lots and other areas as attractive as possible without any laws." That Mr. Mesrobian is representing a client that is one of the corporate giants in this country and he just wonders if where you have a requirement for parking that is 20 to 30 cars less than what they have allowed for, whether or not he could have afforded some room for making the parking lot as attractive as the building is. That what they see here, particularly since this is conditional use, there is an opportunity for that company to do a little more than they are doing.

That if they are complying with our Tree Ordinance, then obviously there is nothing they can do under that. But, he just wonders whether or not Mr. Mesrobian as an architect and someone concerned with the environment itself would want to prevail upon his client to see whether they could put a few more trees there, not only for the benefit of the customers, but it might improve the environment for the people across the street who live in the apartments and have to look at it everyday.

Mr. Mesrobian stated there are two spots that were not marked in green that are devoted to planting and he would say if the question of more planting comes up they could work out something on the street side of the building, along the wall itself to show some planting. It is something they can do. Mr. Gantt stated he would like to see him do it, voluntarily.

Mr. Henry Antshel, 4701 Calico Court, stated he resides in Coventry Woods subdivision and ^{is} a member of the zoning committee, and he is not here to protest the petition. However, they are concerned with the overall long range effects that construction of such a type of retail establishment may have on the area. Zoning changes should be made only if they will benefit the community as a whole and not an individual property owner. Upon reviewing the plan, it seems questionable whether the community would benefit from the construction of this establishment. It would seem less suspect if (a) the building was of such architectural merit that it would enhance the area rather than deter from it; (b) the landscaping included a tall hedge of 45 feet in height planted along all property lines to serve as a buffer to all property owners as well as passersby, and a half dozen or more planting elements including trees of reasonable size separating rows of parked vehicles, generous landscaping along the perimeter of the building to make it more appealing and less conspicuous to those passing by; (c) the brick veneer should be continuous on all four sides. In addition the roof should be provided with an adequate parapet or screening mechanism to hide the external mechanical equipment.

At the present site of the nursery, in its beautiful natural landscaped condition, what will become of the tremendous volume of surface runoff created? (He stated part of this has already been answered.) This situation will not aid the asphaltting of the area surrounding Eastland Mall. With the construction of the Mall, traffic on Sharon Amity has continuously been increasing. What additional year-around traffic will be expected due to the construction of such a regional type business. In addition, with the lack of a median on Sharon Amity, will not the hazard of left turns onto and from Sharon Amity be increased? They must also consider that nearby alternate locations do exist which presently are available and are purposely zoned. On Albemarle Road, at the corner of Reddman, presently there is a vacant lot zoned B-2. Several locations are also available on Independence Boulevard in the 3300 and 5300 blocks. Other uses might be more appropriate for this land. Serious students of planning have suggested office or multi-family zoning as two possible alternatives, in light of the serious shortage of rental property.

Since the master plan recommends that Eastland Mall be the regional shopping center, and in light of the affirmation comments, they ask that the need of this type of zoning change be seriously considered. Will not this be the beginning of additional similar requests for rezoning on Sharon Amity? Should they determine that this request be approved, he asked they look at the conditional stipulation to make the property neat, attractive and truly an asset to the area. He feels such issues must be considered prior to reclassification of any property as such decisions will have a lasting impact on the community.

In clarifying a point for Councilmember Short, Mr. Mesrobian stated they could actually build this building as shown, with several different types of operations in there with a higher volume of traffic, without coming to Council for a zoning change. It is having the plywood in the building that makes the difference. By conditional use, they are permitted to build this building as it has been presented. That he thinks there is a wrong assumption - they have a handsome building. They can build a retail facility there as it is zoned B-1 and he thinks they will be adding to the appearance of the area. That the main thing they are all concerned with is the landscaping, and they can do this.

Mr. Mesrobian stated the owner of this property is not the W. R. Grace Company, it is not a giant conglomerate - it is a development company which has built in North Carolina before; that the Tree Ordinance states that all of this has to be maintained, once it is planted; you do not plant these trees and walk away from it. It has to be kept up. The building has been placed with its narrowest point to the street. There are trees which have been there for some years around the back. Actually the property itself may be open but it is not a thing of beauty; it is a vacant piece of property. It has all the old plants that were removed and is half paved already.

Council decision was deferred for a recommendation of the Planning Commission.

FLOOD AREA MAPS FOR PAW CREEK TRIBUTARY NO. 2 AND TICER BRANCH, ADOPTED.

The scheduled public hearing on the Flood Area Maps for Paw Creek Tributary No. 2 and Ticer branch was held.

Mr. Landers of the Planning Staff displayed the map portraying all of the creeks and tributaries in Charlotte and Mecklenburg County that are subject to the floodway regulations. He stated that this morning the Board of County Commissioners adopted areas which concluded all of the creek mapping for the County. Left are only the Catawba River, Lake Norman, Mountain Island and Lake Wylie for the County to review and adopt.

The two subject creeks have become eligible for Council consideration with the recent annexation. He stated the area of Paw Creek Tributary No. 2 begins just immediately north of Thrift Road. It then runs in a southwesterly direction to confluence with the main branch of Paw Creek just to the east of Little Rock Road. The outlying area is that portion of the 100 year floodplain that is subject to regulation, but could be retrieved for development purposes either by raising the elevation of a structure or through fill. The central area is referred to as the floodway and this area in all cases would have to be open and free for the passage of the 100 year flood.

The short segment of Ticer Branch is just to the north of Wilkinson Boulevard. The main area around it is the Church of God Campground. The remaining area of Ticer Branch is under Mecklenburg County jurisdiction.

Mr. Landers stated these flood area maps have been reviewed by the Planning Commission, and the City Engineer, and are recommended to Council for adoption.

On motion of Councilmember Gantt, seconded by Councilmember Chafin, and unanimously carried, the subject flood area maps were adopted.

HEARING ON AMENDMENT NO. 2 TO THE REDEVELOPMENT PLAN FOR WEST MOREHEAD REDEVELOPMENT AREA; ITEM TABLED FOR TWO WEEKS.

A public hearing was held on the subject amendment.

Mr. Vernon Sawyer, Director of Community Development, stated the amendment includes some changes to the text of the Plan and changes to the maps, the purpose of which were to:

March 20, 1978

Minute Book 67 - Page 311

1. Close a portion of West Palmer Street at South Tryon Street to eliminate a traffic problem at the intersection of these two streets.
2. Acquire additional structures to remove blight and acquire small parcels for assemblage and disposition as industrial sites.
3. Extend public improvement activities south of West Bland Street.
4. Update the estimated costs and re-schedule financing.

The changes were further explained in an agenda attachment for each of the Councilmembers. He explained that right now there are only two structures that are identified as residential structures, north of Independence Boulevard, that might be acquired with these funds. There are other residential properties, but these are the only two that they can foresee now that might be acquired, north of Independence Boulevard, after the Expressway right-of-way has been cleared. Some structures are demolished as a result of code enforcement or the owners have taken them down anyway.

He stated the revision in the estimated Cost and Method of Financing includes funds available in FY76, those added in FY77, 77, 79 and 80. There were no funds allocated in FY81, which are the funds Council just approved in the Preliminary Plan, as none of those funds were earmarked for this project.

The changes in the maps were primarily to illustrate two activities. The first, to show additional property to be acquired; and second, to show additions and changes to the public improvements. The additional properties are those not approved in either the original plan or Amendment No. 1. It is primarily the area south of Bland Street and some east of Mint Street and north of Palmer.

The public improvement changes - there were two, primarily. The original plan shows Palmer Street going into Tryon just south of Independence Boulevard and also shows no improvements on Bland Street from Jefferson to Mint. The proposal in this amendment is to close Palmer Street at the rear of the two properties at a point where it will still serve the rear of the two properties fronting on Tryon and have a side frontage on Palmer. The street will dead-end there, but there will be a turnaround arranged with access to each of the properties. One is a service station; the other a printing and used car operation. Both owners have agreed to this change. Otherwise, improvements are extended on Bland Street from Jefferson to Mint and putting some curb and gutter in.

Councilmember Trosch asked why the figures for Relocation and Contingencies have dropped and the other figures have increased a great deal - that this is something Council has been concerned about in this area.

Mr. Sawyer replied these figures are the latest estimates of need by the Relocation Division. The original figures were over-estimated. When they estimated the need in the beginning, the estimates were pretty full. Then experience showed them how much of the benefit is really used and to that extent there was a surplus.

Councilmember Selden asked how much of the \$1,900,000 for FY76 and 77 has actually been spent at this point. Mr. Sawyer replied he does not have all of the figures available, but in Public Improvements they spent \$158,206 to date; the total to date is \$2,204,658 which includes Land Acquisition, the heaviest expense.

Mr. Selden asked by closing off Palmer, what happens to that property? Do they sell it to adjacent property owners? Mr. Sawyer replied, under current law, when they close it, it is divided up between the abutting property owners.

Councilmember Short asked if the service station at Independence and Tryon will become the site of the turnaround and the service station no longer operative? Mr. Sawyer replied no, the service station will not be disturbed. The turnaround is behind it and gives access to the owner's rear drive. That is also true of the owner on the south side.

Replying to a question from Councilmember Carroll, Mr. Sawyer stated that practically all of the land shown in green on the map is residential now. They are not buying commercial property as such. They do propose to buy some residential structures from commercial property and leave the property in the hands of the owners, but they are avoiding the acquisition of commercial or industrial property to the extent that they can. Where they cannot avoid the acquisition - it may be a key vacant parcel located somewhere where it is just necessary to acquire it to accumulate a resaleable parcel and to change the land usage. He does not know how many units, but the number of families and individuals currently in the work load is 49. They have already relocated 57 families and individuals. There are 174 families projected to be relocated.

Councilmember Short asked about the statement in the Plan that a house will be considered substandard and therefore subject to purchase if among other things it does not have a facility for drying clothes.

Mr. Sawyer replied that is one of the facilities they look for when they refer families to housing for relocation. It is not the standard they use when they acquire property.

Councilmember Gantt asked if the number of homes that would be acquired in that area is indicated, whether or not they see any that might be rehabilitated and moved to other locations? Mr. Sawyer replied they are examining every one, and the most likely project to which they might be moved is the Third Ward Project. This just happened to be an area of very bad housing. Some of the better housing units are still in there - on Jefferson and in that area. Mr. Gantt stated he understands the plan for that area is industrial development rather than residential. He just wondered whether or not in light of the recent policy position on the Council, whether or not he had seen anything in there that was worth saving that could be moved to one of the areas like Third Ward, Cherry or Five Points. Mr. Sawyer stated as they examine everyone and find one that is a pretty clear route and a short distance to the Third Ward Project and have lots, they will be moved.

Councilmember Carroll stated it is still not clear to him how many additional residences may be acquired because of this amendment. Mr. Sawyer replied they are acquiring 177 parcels - that is the total for the project. They have acquired 79 to date. On a map he indicated property which has already been acquired, stating that the concentration is in that area that has already been approved for acquisition in the years 1976 and 1977. He stated he does not have the figures to indicate how many structures are on the 177 parcels of land, but can get them later.

No objections were voiced to the amendment.

Councilmember Short moved adoption of a resolution amending the West Morehead Area Target Plan. The motion was seconded by Councilmember Selden.

Councilmember Carroll stated he would like to have the opportunity to go out to the area before Council takes action. He made a substitute motion that the item be tabled for two weeks. This motion was seconded by Councilmember Cox and carried unanimously.

MEETING RECESSED AND RECONVENED.

Mayor Harris called a recess at 9:30 p. m. and reconvened the meeting at 9:40 p. m.

RESOLUTION RECOMMENDING, APPROVING AND ENDORSING THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION'S I-G ROUTE, FOR THE 74 TO I-77 BELTWAY.

Councilmember Locke stated there have been many letters concerning the route of the outer belt. She feels very strongly that City Council should adopt the resolution the former Council adopted. Her concern is that we will lose this road; we need the road; we will lose it because of the division of the City Council and the County Commission. The buck does not stop at this Board - the buck stops at the Board of Transportation. They will make the ultimate decision; and from what she reads in the paper they have already made that decision.

Councilmember Locke offered the following resolution, stating it is the same one adopted in August, 1977:

"WHEREAS, Charlotte-Mecklenburg is a major center for urban growth and is dependent upon sound transportation planning for both the short and long term consideration; and

WHEREAS, the southern section of the county has experienced, and will continue to experience substantial growth in population, requiring careful and early planning and designation of right-of-way corridors for transportation; and

WHEREAS, the North Carolina Department of Transportation in cooperation with the Charlotte-Mecklenburg Planning Commission has for the past three years been studying the development of an Outer Belt Road consistent with our Thoroughfare Plan; and

WHEREAS, the North Carolina Department of Transportation has proposed an Outer Belt highway generally to be located north of Highway #51; and

WHEREAS, the North Carolina Department of Transportation has received an alternative southerly route proposed by the Mecklenburg County Commissioners for further study;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and the City Council of Charlotte endorse the concept of an Outer Belt Road, and be it further resolved, that the North Carolina Department of Transportation move with all deliberate speed to select a specific right of way giving fair consideration to the public, environmental and transportation needs of the area."

Councilmember Locke moved adoption of the resolution. The motion was seconded by Councilmember Selden.

Councilmember Chafin stated she would like to make a substitute motion to adopt the following resolution:

"WHEREAS, the building or expansion of any major highway in Charlotte-Mecklenburg has a profound impact on the orderly growth of the City of Charlotte, and the well being of its citizens; and

WHEREAS, the North Carolina Department of Transportation is presently considering building or expanding a major highway artery or beltway from U. S. 74 to I-77; and

WHEREAS, any decision by the North Carolina Department of Transportation to build or expand such a route would have profound and long term consequences on the City of Charlotte;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, that such a route selection should:

1. Comply with the Charlotte-Mecklenburg's 1995 Comprehensive Plan;
2. Seek to limit urban and suburban sprawl;
3. Be justified by traffic volumes as outlined in the Department of Transportation's supplemental draft environmental impact statement;

March 20, 1978

Minute Book 67 - Page 314

4. Give service to local traffic needs, since it is apparent that no route can be justified on any basis for bypass traffic;
5. Seek to reduce traffic on already existing neighborhood streets;
6. Comply with the Charlotte-Mecklenburg 1977 Long Range Transit Plan;
7. Minimize disruption to the extent possible to achieve the other goals herein;
8. Recognize the fact that to a large extent many neighborhoods and individual citizens in Charlotte have had to bear the burden of living in close proximity to major roads as a price of urban growth;
9. Comply with the presently adopted Thoroughfare Plan;
10. Comply with the prior resolution of the City Council dated August 8, 1977, endorsing an outer belt; and

WHEREAS, routes south of Highway 51:

1. Do not comply with the spirit and intent of the Comprehensive Plan;
2. Were rejected by the earlier studies of the staff and consultant to the North Carolina Department of Transportation;
3. Would promote urban sprawl;
4. Were rejected by the original studies of the North Carolina Department of Transportation;
5. Would cost an additional \$8.0 to \$9.0 million for connecting radial arteries;
6. Would put such a heavy traffic burden on N. C. Route 51 that projections are that N. C. 51 would carry more traffic than a proposed southern route;
7. Would destroy planned preservation of rural areas in the southern part of the county;

NOW, THEREFORE, the City Council of Charlotte having thoroughly examined all aspects of the proposed route locations and finding that placement of the route along I-G according to the North Carolina Department of Transportation recommendation of November 1977 will most nearly meet the above criteria; and finding further that such a route is compatible with the studies of Wilbur Smith and Associates, the North Carolina Department of Transportation and the City's Traffic Engineer; and further finding that such route is in the interest of sound planning and in the best interest of the majority of the citizens of the City of Charlotte; the City Council of the City of Charlotte hereby recommends, approves and endorses the North Carolina Department of Transportation I-G route for the 74 to I-77 beltway.

The motion was seconded by Councilmember Gantt.

Councilmember Cox stated he would like to advise Council of a potential conflict and asked they rule on whether he has a conflict. Mr. Underhill, City Attorney, stated Mr. Cox advised him a week ago that he was one of a number (23 limited partners) who owned property located approximately six miles (half way between Weddington and Monroe) from one of the southern alternatives. He advised Mr. Cox in his opinion that does not constitute a legal conflict that would prohibit him from voting because the proximity of the property is so remote from the route it did not appear to affect his financial interest, which is one of the only two reasons a council person may be excused from voting on any matter that comes before this Body. His advice to Mr. Cox was (1) disclose it to Council at the appropriate time; and (2) as is the case in all situations where council persons desire the Council to determine whether or not a conflict exists, to ask the Council to vote on whether such a conflict exists. He stated in his opinion it does not because of the remoteness of the property to any of the routes under consideration.

Councilmember Cox stated he would like to advise Council it is the opinion of real estate people that it is worth the same today as it was five years ago. Without judging the investment itself, he would ask the Council to rule on his eligibility. Mayor Harris stated Mr. Underhill, City Attorney, has clarified the statement. Mr. Underhill stated unless the Council feels there is a conflict it does not have to take any action.

Councilmember Cox made a substitute motion (amendment of second rank):

"WHEREAS, the Charlotte City Council believes that encouraging new residential development away from the rapidly sprawling southeast is in the public interest:

That the construction of the southeastern segment of the outer belt along either the northern or southern alignment would give additional impetus to new development in the southeast and in Union County;

That the southeastern segment should follow development rather than lead development;

That the emerging natural forces enhancing the desirability of the north and northwest should be allowed to have their effect without additional competition from the southeast;

That a four-lane Highway 51 with appropriate bypasses around Pineville and Matthews would serve the needs of the area for 15-20 years and perhaps longer;

That right-of-way must be acquired now to permit the construction of the southeastern segment at some time in the future;

That the selection of a southern route would cause current economic and social impact to significantly fewer families than a northern alignment;

That transportation planners will have better information in the future to determine when to build the southeastern segment.

Now, Therefore, Let It Be Resolved that right-of-way acquisition funds be reprogrammed to begin immediately on the southeastern segment regardless of the route selected; that the southern route known as Alternate 4 be selected;

That route designation and right-of-way acquisition begin immediately on the remainder of the belt road with priority on the northeastern segment from US 74 to I-77 (north);

That Highway 51 be upgraded to four lanes with bypasses around Pineville and Matthews;

That construction of the northeastern segment or any other segment not be dependent upon construction progress on the southeastern segment.

That construction of the southeastern segment be delayed until it is clearly needed - when an upgraded Highway 51 can no longer carry the traffic load in the area;

That the Board of Transportation select the route, southern or northern, at its meeting on April 21."

The motion was seconded by Councilmember Short for purposes of discussion.

Councilmember Short stated included in this resolution is a suggestion, a recommendation to the North Carolina Department of Transportation that Route 4, the southern route, be recommended. Apparently the other recommendations relate to the fact that the southern route might be built at some later date; but the recommendation is still for the southern route. So for purposes of discussion, he seconds Mr. Cox's resolution.

Councilmember Trosch stated she has many friends and supporters who favor the northern route and many who favor the southern route. One such friend, Bob Williams shares office space with her husband. They are not partners. It is her understanding that Mr. Williams was involved in the preparation of an administrative complaint brought by the Southern Mecklenburg Association based on the legal advice of Mr. Hugh Casey. Mr. Williams did this as a private citizen, without compensation. Neither her husband, nor she, saw or were aware of this complaint until the day that each member of Council received a copy.

From the beginning, she has made it clear to her friends on either side of this heated issue that her vote would be based on a full knowledge of the effects as she can obtain, and the route selection she, in all good conscience feels will be in the best interest of the citizens of Charlotte. She has spent many hours

with any citizen who wanted to share concerns about the placement of this road, whether favoring a northern, southern or N.C. 51 alternative. She has asked the City Attorney concerning this matter, and she respects the City Attorney's opinion that there is no basis for her not participating in the discussion and vote on this issue.

Mr. Underhill stated he spoke to Ms. Trosch about this during the afternoon and in his opinion, based upon the facts she has outlined, he felt there was no conflict that would prohibit her from participating in the discussion and voting on this issue. He advised her (1) to disclose the matter to Council; and (2) to see if the Council was of the opinion that the situation warranted a conflict on her part. In his opinion there is no legal conflict based upon these facts.

Councilmember Leeper asked if it is true that what Mr. Cox is suggesting is for the State Board to begin to plan the other three sections and just leave the southeastern section alone? Councilmember Cox replied it is his suggestion that Council send more than just a message of where the route ought to be to Raleigh; that we send along some other kinds of information which he is sure they will find helpful. One of those bits of information is that they begin to plan the route designation and right-of-way acquisition for the rest of the route, particularly the northeastern segment. If they do not do that, we will be sitting here three years from now doing exactly the same thing; we will have the same kind of upset people, and economic impact we have today. We have to stop fooling around with people like that. The answer is yes.

Councilmember Gantt stated he thinks we all agree with that. Sometime back at the retreat a number of the Council members raised the question of whether or not it is possible to reserve right of way to prohibit development in the path of potential arteries.

He would suspect rather than a resolution to the Department of Transportation, we are probably talking about a legal issue that has to be resolved in the General Assembly that would at least allow for the official designation of a road prior to even the State being in a position to put forth money to acquire that right of way. That is what we are all getting at. We have the power now, if we felt a road corridor was going to be designated by the State for a facility similar to the outer belt - he suspects in our own way we could prohibit development of suburban or residential or any other kind of development in the path of that potential corridor. It might be a little difficult through the round about way; but through the power of zoning, and prohibition of subdivision development in certain areas, we probably could do it. He is not saying it could not be done under some threat of possibly having to go to court on it; he does not know that you could withhold that over any lengthy period of time. He would submit this is one of the items that should be put on the list of things we would like our new legislative delegation to do in the next General Assembly - 1979. Charlotte being the largest city in North Carolina is probably experiencing certain kinds of things that have not yet come fully to bear on other cities of similar size. We have a unique situation here that might bear some consideration.

Councilmember Selden stated since the area of the right of way is outside the city limits, he asked the City Attorney if we have any jurisdiction over the zoning in that particular area? Mr. Underhill replied the city's zoning jurisdiction stops at the city limit.

Councilmember Selden stated he is a long range planner of many years. This is a long range plan; and is not something that will accomplish miracles over night, or in the 80s. At the retreat, Council was told that the very earliest we could/expect an automobile riding on this southern route link short of 12 to 15 years. It will be built, not for the automobile traveler of the 80s, or the 90s, but for the year 2020 or 2030, which is far longer than anything we have been talking about. Statistics of Mecklenburg County show that in all probability, if trends continue, more than half of the people in southeastern Mecklenburg County will have either died or relocated before the first earth is moved for any part of the building. For this reason, when some of the people wrote to him and said they lived on such and such street and anxious for us to go ahead and build the road so they could use it, it did not jell. He is trying to focus on the fact we are

March 20, 1978
Minute Book 67 - Page 317

dealing with the long range plan, and not something that is going to happen overnight. He thoroughly agrees with Mr. Cox that something should be done to acquire right of way, or restrict, or rezone. This is apparently going to require the cooperation, or the persuasion, to the County Commission in terms of some action that would be taken. He hopes we will go in that direction.

Since this is a long range proposition, and the urgent need is to do something now - that is, defining the corridor - so that we can utilize the greatest amount of open space that is available, and so that developments can subsequently plan around this corridor, he is going to support Mr. Cox's motion although there are some factors in it for the southern route.

Councilmember Cox stated there are other key parts to this resolution which he would like to emphasize. The one touched on by Mr. Gantt and Mr. Selden he does not need to talk about that one further. The other part, which is clearly compatible with the comprehensive plan, is we feel that encouraging new growth and new residential development away from the southeast is in the public interest. Anyone traveling in on Providence Road in the last five years has seen it back up between eight and eight thirty, steadily one block a year, all the way back. That is going to continue to happen unless this Council and the other Bodies in Mecklenburg County do something to encourage, create positive incentives, for development in the north and northwest. Given that commitment, he tends to believe this road, and given the possibility that the Mayor alluded to in his position statement, that we may not know travel in the next 30 years as we know it today, that we should tell the Board of Transportation, or advise them, that we not proceed at all deliberate speed to construct this road. That our living patterns and the way this world operates may be substantially different in the next 20, 30 to 40 years. We may never need this road in its current configuration. That message needs to be sent to Raleigh. Obviously there will be some growth out there in the interim. He would think a four lane, five or six lane Highway 51 to bypass around Pineville, and taking into consideration the Mint Hill considerations, would be a logical interim step as we go down into the future the next 10 or 15 years. Make the decision then on when we build this road.

Councilmember Gantt stated we really do not know what the future will be. The State paid \$350,000 to some people who were suppose to know, and then found out they were not as expert as they thought they were.

Having read all the documents, contrary to many statements he has heard during all these public hearings, the first thing he thinks many of them can agree with, and was embodied in Ms. Chafin's resolution, is the belt road is not designed to carry bypass traffic. At least, that is not the information he got out of all the reports. In fact, it will carry primarily local traffic, generated by present, or possibly future Charlotteans. That is very significant to him. In the estimates, even though they only go as far as the year 2000, we are talking about 4,000 cars that will go from 74 straight through to 77. That is out of a projection of something on the order of 45 to 50,000 cars. To him that says some 40,000 cars will be from people who live in homes and businesses and offices, working in that general area, and will be moving from Point A, not totally to Point B, but somewhere in between. In his opinion, that means we should look at a road that is going to relieve that traffic burden on existing streets. It seems clearly obvious and logical to him.

Second that should be fully looked at, and this is a hairy area because a lot of people do not believe in what he calls the placement of certain infrastructure that will affect development. A lot of argument has been made about the fact that the growth is already there in southern Mecklenburg. He submits that is true. What we are talking about now is what is the impact on the rate and type of growth to occur in that part of the county in relationship to the rate and type of growth we would like to see occur consistent with the comprehensive plan. Even the comprehensive plan has projected that the method of achieving balance growth in this community is going to depend to a large extent on certain incentives and disincentives for development. That is infrastructure; that is water and sewer; that is the location of critical roads.

March 20, 1978
Minute Book 67 - Page 318

Councilmember Gantt stated it seems to him we should be looking at a road that might have the effect of achieving some balance in growth in the community, and being able to predict as best we can what the rate of that growth is likely to be. A number of people have alluded to the fact that the northern route has a strip of about five miles wide or five miles long that cannot be anything other than major commercial development. He submits he can submit the same argument and talk about a southern route, and what might happen to all of Highway 51 in terms of that development.

The third factor is that we are spending tax dollars. We are talking about a tremendous amount of money - \$60.0 to \$70.0 million - in a road whether it is going to be fully used by the Year 2000, or the Year 2035, we are spending \$60 to \$70 million of today's dollars which eight years from now may be \$100.0 million. The fact is there has to be some general relationship between that cost and the benefit to all of us as citizens of this community. The best experts we can find at \$350,000, notwithstanding projections that the southern alternative will only carry 17,000 cars a day in the links we are most concerned with, that are different because it does project up to 45,000 on common links in the alternatives. This again says to him where is all that traffic going to be, and it is going to be somewhere else on 51.

He stated he is at a loss to understand a lot of why the southern alternative has suddenly gained credence over a period of about five months. When you examine his first alternative which was transportation, it is clear that the numbers indicate a larger capacity on the first road; when you examine the question of the number of units impacted, 38 houses versus 30, or reduce it and say 17 of those are up before 521, and talk about the houses down in the real southern section of the county, and the ratio remains the same. The fact is we are for the length of highway only talking about a relatively small number of homes to be effected directly, although admittedly 300 to 400 units may experience some visual intrusion. He does not know what you say about that except to say that all over the city that is the price some of our citizens have to pay for Charlotte's growth. Everyone of those routes will experience that. He wonders whether the differential between that impact, the number is worth the additional cost and the lack of use in terms of any cost benefit allowances.

He feels he cannot support Mr. Cox's motion because he does not think it is in the long term interest of the community, and would have to support the motion by Ms. Chafin.

Councilmember Short stated by the time the road gets there as Mr. Selden has pointed out, it will be a very useful and integral part of the city street system in either one of the locations for both travelers and for local usage, which he agrees is even more important. The traffic engineers who try to point out that the so-called northern route is superior have lost a certain amount of relevance over the years on this matter. This matter has been discussed a little bit since around 1966. At that time, the Planning Director, at the suggestion of one Councilmember who was very interested in this subject, drew on a map a suggestion for this road which he is sure all of those on Council have seen - it put it about half way between the Tyvola-Fairview Complex and Highway 51 - it was about at Sharon Road West. That is a location which would be excellent for local traffic. But even the traffic engineers have abandoned that, and the attitude they have at this time is about the same as all the rest of us. Not what is best for traffic; but what can be worked out. If they were really interested - traffic engineers and the pros - in what is the best traffic use for local traffic, this never would have inched on down a quarter of a mile at a time, from where it was originally located, down to what is now the northern route, and now what he is talking about the southern route.

In addition to traffic usage locally, an argument that has been advanced among the many arguments that have been heard in hearings and received in letters, the one that made an impression on him is that Highway Sections C, D, and E, which make up about seven and a third miles of the northern route, for the most part are about 1,000 feet to 1,200 feet from Highway 51. At one point near Reverdy Lane, the two rights of way are only about 300 feet apart. Along one

March 20, 1978
Minute Book 67 - Page 319

stretch in Section E, which is almost a mile long the distance from right of way to right of way appears to be about 400 feet. In Section D which is a part of the northern route, and at the point where McAlpine Creek would cross Section D, the rights of way are about 600 feet apart. On out to the east of this is an alternative section for the northern route, called Section 7. It goes along almost another two miles, over near Matthews, and the roads there are about three to four hundred feet apart. The effect of this, and the point he is making, is that the northern route would produce a narrow strip a few hundred feet wide, or in any event about seven and half miles long, and maybe about nine, with something like Woodlawn Road on one side, and something like I-77 along the other side.

If he has any familiarity with zoning, he would have to agree with some people who said tonight, and who wrote him also, that that strip which contains about 1400 acres is just bound to go for business and industry. We would then have a belt of business running across southern Mecklenburg - seven and a half miles long, and a few hundred feet wide. He thinks this is certainly going to occur if that northern route is used, and if this road is actually put in place. When two or three property owners come in within that 1400 acres to the Council and ask for a rezoning, or come to the County Commission, and make comments about the fact there are thousands of cars speeding by their front yard on one street, and thousands of cars speeding by their backyard on the other street, and no bank will lend them money to develop their property for what it is zoned, the Council is going to have to let down the bars. He just simply agrees with those who say that along with the northern route, we are going to wind up with something like a tremendous belt of business and industry all across the southern part of this county. By contrast it seems to him the southern route, or any one of those southern routes, is controllable is zoneable, and could remain residential; there would be no necessity to lower the bars. He believes this sort of factor is very important. That Mr. Gantt is talking about the relationship between cost and benefits to the citizens. To lose that very valuable land out there, and put in place that section of business and industry, about seven and half miles long, across the southern end of this county, is just losing something that is invaluable.

For these reasons and for these considerations, he has come to the conclusion that the greater cost benefit, and greater benefit to the citizens of this county, would be to avoid that ruination of that strip of land down there, and go on down just a little further and ask the Department of Transportation to use some southern route. He does not know that we need to tell them just exactly which one.

Councilmember Selden stated with reference to Mr. Gantt's discussion, there was a great deal of reference to the volume of traffic on the northern or the southern route. He has personally studied the statistics in great depth; he does not want to get into a debate over the statistics except to say he does not think the basic statistics will not support the northern route over the southern route for certain omissions, if you do not try to justify it on the basis of travel statistics. The other statement is that the statistics are based on the near term rather than the long term life of the road. It was talking about 1995; it was not talking about the period of highest volume in which the road would be used. Again he says stay away from the volumes of statistics.

Councilmember Trosch stated the issue Council is facing tonight is one of the most difficult thus far in the five months she has been on Council; also it is the most far reaching in terms of total impact for our entire community. The decision must be made not on the basis of politics, but on the basis of sound planning for our future as a city. Much research has gone into the issues of placement of this segment of the outer belt. In 1975 Wilbur Smith and Associates were commissioned to do an indepth analysis of the impact this road would have on our community. The North Carolina DOT also did an update, and is updated with current figures, of the evaluation of the alternative which culminated in the November, 1977 and January 1978 reports. After taking into consideration all aspects of the placement of this road, such as, land use compatibility, impact on natural environment, displacements,

costs

Corrected
4/3/78
M.B.67
Page 337

traffic service and ears to name only a few, the Smith report and the DOT professional staff recommended a route generally north of North Carolina 51. In her opinion of crucial importance in our decision is the relationship of this road to the Charlotte-Mecklenburg Comprehensive Plan and the Thoroughfare Plan. For this road to be most beneficial to our community, we can ill afford a placement so far out that it encourages further urban sprawl, and does not best provide the inner city relief that Charlotte so desperately needs. The studies also indicate that a route south of North Carolina 51 would result in more traffic using North Carolina 51 than would use a southern belt, introducing a real possibility for 51 to become a problem similar to Independence Boulevard. For a \$60.0 million investment not to be placed so it would carry the major traffic burden for that area would be tragic and a disregard for the public interest.

She stated she has studied this matter thoroughly and has spoken with opponents and proponents of the various routes in detail. After careful analysis, she is convinced the northern route is the best alternative for the citizens of Charlotte-Mecklenburg. Therefore, she will support Ms. Chafin's motion.

Councilmember Frech stated it is very distressing to see the community torn apart about where this outer belt should go. She stated she would like to comment on how we got into this situation. In 1962 or 1963 when uproar over the Wendover segment was at its height, someone wrote a letter to the Charlotte Observer saying that Charlotte should be planning then for the road to be needed further out by 1983. Now close to 20 years later, we are again faced with an agonizing choice between two roads, both of which will disrupt neighborhoods to some extent, and certainly will cause great anguish whichever route is chosen. These roads will perhaps cause some property values to decline, and others to appreciate. It is unfortunate the route for this outer belt was not selected earlier and the right of way protected. It is especially disturbing to see the route being moved about because of what appears to be pressure from some groups.

She stated from reading the documents and letters she hears that most people experienced in road planning agree that to serve the purpose of relieving traffic on city streets, reducing air pollution which we must begin to do soon, the road should be as close in to the city as possible. The original northern most route which would have gone near Quail Hollow Country Club was abandoned in December, 1975 because planners thought there was too much development in that corridor and it was not feasible. She questions whether this was so; but it appears impossible now to revive that extreme northern most route. At that same time, in 1975, the southern route was abandoned because traffic needs were not justified.

She understands the County Commission was perhaps close to approving the present northern route in 1977 when they suddenly asked the state to look again at the southern route. She suggests that like the northern route this southern route probably should never have been revived either. It appears to her that most people who know much about road planning agree the present northern route, I-G, is superior in meeting the purposes for which the road is to be built. The decision really cannot be made solely on the basis of the number of homes affected; it has to be made on the basis of overall need of the community - that is one factor. At any rate, we are now faced with three choices. One a northern route; two a southern route; three, someone suggested an upgrade of Highway 51 only. The best opinion seems to be that upgrading 51 will not work; it cannot be made a limited access road, and it could not be kept from becoming another Independence Boulevard. As a City Council Member she cannot vote for a southern route because it would cost too much by the time the arterial roads are extended to it; it will not carry enough traffic; it will leave too heavy a burden on Highway 51. All the arguments against building belt roads, if they apply in this situation, apply with greater force against the southern route than the northern route. A southern route, it appears, will encourage urban sprawl; will promote further decline of the central city; and will promote development in an area where soil preservation experts and planners have advised should remain available for agricultural, and should not be developed. This would not accord with the comprehensive plan to which the Council is committed. They are told that council should not vote for the road that the members and most experts believe to be the best location which seems to be Route I-G

North of 51. Instead we are told we should vote for a route we think is not good for the city, in order to be sure we get a road out there somewhere. That anything less than unanimity among all segments of the community might mean that no road is built. She thinks that is getting the cart before the horse. Council should have taken a strong stand for a northern route months ago; but that does not justify this Council's shirking its duty to say where it thinks the road should go in order to benefit the whole city. She is supporting the resolution of Ms. Chafin.

Councilmember Frech stated if Council votes for the northern route, it must move to exert leadership of a type that would assure we get a road built. She does not want it to be thought that Council is doing this in order to perhaps not get a road at all.

Councilmember Carroll stated he sort of wonders why it is we have this many good citizens and neighbors this upset with each other about something that is suppose to be for our benefit. A lot of people have suggested to him it is selfish motives. These people want the road so they can drive their car but they want it in someone else's yard. He thinks there is more to it than that. This Council is dealing with a difficult problem because it cannot get to the root of it. We are beginning to realize even in our relatively affluent life there are some tradeoffs. By trying to make it easier to get around in our private cars we can end up destroying the quality of the places we are trying to get to. People are beginning to see that at some point less is going to end up being more. So why are all the people in southeastern Charlotte interested in this road - and most of the people who have communicated with him have said they want a road. It is important for us to understand in a sense we are the victims of a larger scheme that has been operating for some time. He means while the City Council is 100% committed to developing viable transit options in Charlotte, it is only in the infant stage; it is only beginning. It is only beginning to develop the options which people will want to use and will want to enjoy. That means, in order to get around in Charlotte most people have to rely on their private car. When they buy that car, and when they buy each gallon of gas, they also make several other major decisions. These purchases are decisions to build more roads; they are a direct subsidy of the highway trust fund that puts more roads, more money, into our road program. Money that because it is there someone will find a way to spend it.

Councilmember Carroll stated we are all caught in something of a vicious spiral; there are no real alternatives to the private car, and that is what everybody has been saying; and they just want to drive their private car in somebody else's area. He hopes those who were at the hearing and all others will begin to see that their participation in the governmental process should not stop here. But should go on a little further perhaps to Washington to deal with our whole highway program, our whole problem of coming to grips with an energy policy so that we do not continue to put our Country in hock with the oil exporting nations; so that we do not continue to have to develop federal programs to spend everyone's tax money for air pollution; so that we do not see our tax base dissipated as we continue to sprawl out.

The question before Council is a little more limited in what can be done. He believes the feeling the citizens have brought with them tonight is something that cannot deal with the root of the problem in readjusting some of our national priorities in giving us a chance to have an option that the people who live in southeast Charlotte will like, will enjoy, which will preserve their neighborhoods and the quality of life we all want.

He stated he is impressed with some of Mr. Cox's motion. What he is talking about there are some of the things that we need to begin to deal with to grasp with this problem. But he is afraid a road in the wrong place may be worse than no road at all. That brings them to the question of how this City Council should really deal with the problem; how does it minimize the harmful aspects of being backed into a limited option that we all have now of our private car. The arguments and positions presented have been very thoughtful. To him it seems to basically boil down to looking for the route that will best serve all the city. Of vital concern is a route that will help reinforce the kind of commitment the city is trying to make to the central area of the city; a commitment that will prevent our tax base from going to Union County or South Carolina. These are some of the long range

problems, not only in where the road goes, but in the consequences we have to face. The threat of a commercial belt at some point in south-eastern Charlotte is going to be with us wherever the road goes. It is a problem he is glad has been discussed, because he hopes it will be grappled with at the time it comes along. The fact we may have a band north or south of 51 may be an ideal space to develop a little brain belt - something that would perhaps serve future generations as well as another expressway.

Councilmember Carroll stated he has thought long and hard about this decision; he has thought about such things as how it will affect the pupil assignment plan. Will it make it easier and quicker for us to return to neighborhood schools? In his opinion balancing all the factors they have been talking about and being discussed, he thinks we have to go ahead and not make a decision based upon what we see as some shadow arguments that might or might not happen; but on what they really believe is best. His feeling is that is a route north of 51. For that reason he will support Ms. Chafin's motion.

Councilmember Leeper stated some of the comments he has heard concerns him, and that is other than Council comments. One in particular is that we need a road and let's take it where we can get it. That is a real concern to him because out of all the problems he hears, beside a storm water run-off problem, neighborhood cut through traffic is probably the second largest concern he hears from citizens. Based on that concern, it is important to give a lot of serious thought to this route being considered; the fact we have a real opportunity here to give some leadership to Charlotte. Based on that and the fact he feels the northern route will accomodate that neighborhood traffic, will alleviate the problems it is causing, and also that we not give some incentives by developing a road further out and continuing to develop in the southern sector of our city, he will support Ms. Chafin's motion.

Councilmember Dannelly stated he has talked with a lot of people and has received a lot of mail, and a lot of telephone calls; held conferences, and has talked with some persons who have personal interests in this belt road as to what it will do to them; some who have no interest. He has talked with politicians, engineers, and has talked with only one council member whose opinion is different from his. He would like for the citizens of Charlotte to know he has a personal preference as to where the belt road should go. His personal preference is the southern route because of his feeling of the amount of displacement that will take place on the northern route. However, his preference does not pre-empt his feeling of responsibility to the citizens totally of Charlotte. As a result of that feeling and the research he has done, and the information the citizens have given to him, and in listening to other persons, he will vote for Ms. Chafin's motion.

Councilmember Short stated Ms. Frech mentioned the cost of the southern route in reference to running the arterial streets on down to it. He has been looking at the map and all the arterial streets that go to one, also go down to the other with the possible exception of Rae Road. Providence, Independence, Park, South Boulevard, I-77, Nations Ford, Carmel, Monroe all go down all the way to the southern route already. Rae Road does not. Sardis he does not know how to classify. It does not go all the way down, but it is very close to Monroe Road.

The vote was taken on the motion by Councilmember Cox, and lost by the following vote:

YEAS: Councilmembers Cox, Short and Selden.

NAYS: Councilmember Carroll, Chafin, Dannelly, Frech, Gantt, Leeper, Locke, and Trosch.

Later in the meeting, Councilmember Locke asked that she be recorded as voting for the motion by Councilmember Cox.

Councilmember Cox stated it is obvious this Board is going to go for the northern route; he asked Ms. Chafin if she would consider adding some other language to her motion. One of the things that has been tossed about is

March 20, 1978
Minute Book 67 - Page 323

if we vote for the northern route, and someone else votes for the southern route, the road will not be built. He thinks we should state clearly we would like the right of way to be acquired, and regardless of where it goes, we think the right of way should be acquired. He asked if she would consider putting that into her motion.

Councilmember Gantt stated he would consider that after the Board decides on a road. Councilmember Chafin asked that it be handled as a separate motion; that she agrees with what he is saying.

Mayor Harris stated the Secretary of Transportation was on television this evening, and made the comment if the two Bodies cannot agree, what is he going to do. He said throw it all out and start all over again.

Councilmember Cox stated that would be awful. He thinks what he has suggested should be a part of the record that is sent to the Board of Transportation. Also, that specific right of way (not the 800 foot strip that has been alluded to) but the 300-350 foot strip be designated as rapidly as possible. That should be a part of the motion. He would also like to suggest, because he believes any road that goes out there will be an additional impetus for new growth out there, and we do not need additional impetus for new growth in the southeast competing with the north and northwest, that we suggest to them that Highway 51 be upgraded first and that the right of way acquisition on the other segments be pursued with increased vigor.

Councilmember Locke stated she thinks Council should vote the resolutions up or down, and then amend the final resolution. Councilmember Chafin stated he has raised some very good points.

The vote was taken on the substitute motion by Councilmember Chafin, and carried as follows:

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

NAYS: Councilmembers Cox, Selden, Short and Locke.

Mayor Harris announced the motion passes on a 7-4 vote.

Councilmember Locke asked the record to show she favors the southern route, and asked that her vote be changed voting in favor of Councilmember Cox's resolution.

Councilmember Leeper stated he would like for Council to consider approaching the County Commissioners with its reasoning for supporting the northern route in the hope that we can get some support for a cohesive effort.

Councilmember Leeper moved that Council direct Mayor Harris to approach the Chairman of the County Commission to inform them of Council's decision and rationale on the decision, and urge them to consider supporting our collective effort. The motion was seconded by Councilmember Gantt, and carried unanimously.

Councilmember Cox stated the ideas he wants to express are those that (1) Highway 51 be upgraded first; and (2) we develop the southeast segment later rather than sooner, addressing some of the ideas Mr. Carroll brought up.

Councilmember Gantt stated the most important thing right now that faces us is not whether or not the Department decides to upgrade 51 beyond a two lane facility to a four lane facility, and whether they allocate that money in the next fiscal year program. The real issue to him is making the message very clear to the Board of Transportation that they move posthaste to designate that right of way for the road. To turn around and tell them to upgrade the road puts the cart before the horse.

Councilmember Selden stated he is very anxious that we expedite. Before the Highway Department is going to narrow down from 800 foot right of way to a 300 foot right of way they are going to want to design preliminary plans to see what the soil support is, to see what the curves are, and so on. The

March 20, 1978
Minute Book 67 - Page 324

facts are there are still going to be some time drags before the 300 foot right of way can be assigned at the shortest interval. It is going to be years rather than months.

Mayor Harris stated he thinks there will be plenty of time between now and April 21; that he is going to meet with the County to try to reconcile something, and communicate that message to the full Board. There will be meetings several times before that Board meeting.

Councilmember Cox stated if there is some assurance that this matter will appear before Council again in a business meeting.

Councilmember Selden moved that we request the County Commission that in the event a decision as to the location of the belt road is made by the Department of Transportation, that they work in all due haste to design some zoning plan or other means of identifying the properties in the corridor to help avoid additional structures in the corridor. The motion did not receive a second.

Councilmember Short moved that Council ask the City Attorney to prepare and present to the Council Members some comments about the difficulties of trying to preserve a corridor. The motion was seconded by Councilmember Selden.

Councilmember Short stated he gathers from Mr. Selden's comments and from some of Mr. Gantt's comments there may be some misconception that we just say here is the map, and this is going to be the corridor; and then everyone is compelled to keep off. It just does not happen that way. He does not think even the legislature can do anything about this. If you are going to designate a corridor and want to preserve it, you have to buy the land.

That his motion is to ask the City Attorney to prepare some comments as to what might conceivably be done to implement this sort of thing we are asking for, and it is to prevent the corridor from getting fauled up like this one.

The vote was taken on the motion and carried unanimously.

Councilmember Cox stated it is important that these matters be included in whatever package is sent to Raleigh.

RESOLUTION AUTHORIZING THE CHARLOTTE-MECKLENBURG PLANNING COMMISSION TO FILE AND EXECUTE AN APPLICATION PURSUANT TO FEDERAL FUNDING UNDER SECTION 9 OF THE URBAN MASS TRANSPORTATION ACT OF 1964, AS AMENDED.

Motion was made by Councilmember Selden, and seconded by Councilmember Chafin to adopt the subject resolution to submit an application for Urban Mass Transportation Administration Funding, in the amount of \$60,000; and assuring the availability of local matching funds, in the amount of \$15,000, for the completion of the Unified Work Program.

Mr. Kidd, Public Transit Coordinator stated this is an annual application sent each year for planning funds; it goes into the annual budget for a number of planning activities; it is 80% federal and 10% State and 10% local funds. The specific projects is for data collection to update the transit development program; also they are doing some work on air quality; and an implementation study of alternatives for the elderly and the handicapped.

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

The resolution is recorded in full in Resolutions Book 13, at Page 205.

March 20, 1978
Minute Book 67 - Page 325

ORDINANCE TRANSFERRING FUNDS AND CONTRACT AMENDMENT WITH CLARY ARCHITECTS,
DEFERRED FOR TWO WEEKS.

Motion was made by Councilmember Chafin, and seconded by Councilmember Carroll to adopt a budget ordinance transferring funds to provide an appropriation for a Bus Garage Master Plan; and approve an amendment to the contract with Clary Architects to provide a Transit Garage Master Plan and Uptown Transit Information Center Design.

Mr. Kidd, Public Transit Coordinator, stated the study will perhaps confirm the present facility is inadequate; that he does not want to predict what the study will do; but it will probably do that; there may be remedies that can be applied to the existing facility. The study may tell them they need to be looking for another site. The end result will give them enough information to submit the application to the federal government, either to buy land and build a new facility, or upgrade the existing facility. He stated he is not an architect or engineer, but he thinks some options will come out of this study and alternative sites will be looked at. The end result is enough for them to use in terms of an application for some type of action for the transit facility.

If they go after the 80% federal funding, it would take several months to a year or longer. The application for the \$600,000 for the Square is still pending; the planning certification has gone from Atlanta back to Washington.

Councilmember Carroll stated he knows a new maintenance facility is a part of the TDP already; there is money budgeted in the TDP for it at some point? Mr. Kidd replied that is correct, based on the assumption that needs to be done. The purpose of this study is to verify if we can modify the existing facility structurally and operationally - do we have enough space, or should we be looking at another site. The CIP schedules the building of the facility two years off as he recalls

Councilmember Cox stated on the tour it was apparent a new bus garage is needed? He asked if it is necessary to spend \$25,000 to tell us that? Do we not have the resource in house to do this? The City Manager replied he does not think we have the resources available that will qualify when we go to ask for the money to do the job. This type of professional advice is needed to back up the request for funds.

Mayor Harris asked why they cannot just design a plan for a new transit garage, instead of a feasibility study? The City Manager replied it would cost a lot more than \$25,000. Councilmember Gantt stated it would be better to have the Clary firm design the garage itself; and have as a relatively small adjunct to that a site feasibility study. That \$25,000 would not be enough to design a garage on the order of around \$1.0 million.

Councilmember Cox asked if this study is not done would it put the application for federal funds to build a new garage in jeopardy? Mr. Kidd replied we have to submit in the application what would be included in this study. One important part is the environmental impact assessment on whatever is done. You cannot move forward without that. He stated they took work programs from several cities who have recently gone through this process; then they got with the architects and said this is where they wanted to go; they want the information to submit an application for federal funds to do whatever is necessary with the garage. Obviously what we now have is not adequate; and that needs to be documented.

Councilmember Carroll asked if this study will include looking for alternative sites; and will include environmental impact work that will be necessary for the project? Mr. Kidd replied based upon the federal guidelines now, the outcome of this study will be sufficient to put an application in; if it is approved then go to a final design of land acquisition construction.

Councilmember Gantt stated other departments in the city have been looking for various locations in the city; and we have been able to decide where we wanted those facilities as an inhouse function. The feeling he hears around the table is that all members would like to go ahead and retain that firm to design a garage; and staff pick a site. But not to spend the \$25,000 for

March 20, 1978
Minute Book 67 - Page 326

what in effect will tell us where to locate it. He agrees that we will have to do some environmental assessment at the point in time when we are ready to build, or try to get the funds to support the capital improvements. But it seems to beg the question as to whether or not, with our own planners, we cannot evaluate some sites for the location of the garage.

Councilmember Chafin made a substitute motion to defer this item until such time as staff can come back with a contract with Clary Architects to design the garage. The motion was seconded by Councilmember Trosch.

After further comments, Councilmember Chafin changed her motion to read that Agenda Item No. 13, (a) and (b) be deferred for two weeks. The motion was seconded by Councilmember Trosch and carried unanimously.

PURCHASE OF RIGHT OF WAY FOR SIDEWALK CONSTRUCTION DEFERRED.

Councilmember Cox moved that the purchase of right of way for sidewalk construction at (a) Shamrock Drive, from Elkwood Circle to near Eastway Drive, for a total cost of \$78,900, be deferred. The motion was seconded by Councilmember Selden.

Councilmember Cox stated he would like to defer these purchases so that he can do some further study on the purchase of (b) Providence Road, from Sardis Road to Folger Drive, for a total cost of \$27,300; and (c) Providence Road, from East Barden Road to Folger Drive, for a total cost of \$152,00. That the principal of Landsdown School would like to speak to the Council regarding these two projects.

Councilmember Cox changed the motion to defer Item No. 14 (a), (b), and (c), which motion was seconded by Councilmember Selden.

Councilmember Carroll stated we need to develop a policy which will include the donation of land where sidewalks are needed; but at the same time also allow us to deal with those situations in unsafe areas where condemnation is the only route. He would like to see staff try to address that issue. Maybe we are talking about two priority lists - (1) where the land can be donated and we can go in and put in the sidewalk; and (2) where it is exceptionally unsafe and you have to proceed through condemnation. There are two important goals we need to work toward. He suggested that Staff think about this.

Councilmember Frech stated she would like to see a more detailed report on the need for the sidewalk on Shamrock Drive - as updated as possible. That public works was asked to review this and came back with a recommendation the Shamrock sidewalk is still needed. This is based upon whatever points were made several years ago. She would like to see more recent information, as to how many children are using that sidewalk, and what the need is.

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

ORDINANCE NO. 937-X AMENDING THE 1977-78 BUDGET ORDINANCE TRANSFERRING FUNDS TO THE TRAFFIC ENGINEERING DEPARTMENT FOR THE PURPOSE OF CONDUCTING A TRAFFIC STUDY IN THE AREA ADJACENT TO MEMORIAL HOSPITAL.

Motion was made by Councilmember Selden, and seconded by Councilmember Chafin to adopt the subject ordinance transferring \$25,000 from the General Fund Balance.

Councilmember Carroll asked that in the charge they not only seek to identify future roadway needs, but seek to deal with the problem of reducing traffic without building additional roadways in this area. Mr. Burkhalter replied they are doing this with the idea that we will be 1,000 more people there. Councilmember Dannelly stated his question would be how do you reduce hospital visitation traffic. Mr. Burkhalter stated they could look to see that adequate egress and ingress is made for public transportation in the area.

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

The ordinance is recorded in full in Ordinance Book 25, at Page 264.

STREET CLOSING NOTICE SIGN TO BE DESIGNED FOR PLACEMENT IN AREAS WERE STREETS ARE PETITIONED FOR CLOSING: AND CITY CLERK INSTRUCTED TO PLACE LEGAL NOTICES IN MECKLENBURG TIMES.

Mr. Robert Hoagland, Attorney, stated he appeared before Council in January on a street closing matter. His clients are with him tonight - Mr. Williams, Mr. Reeder and Mr. Sadaah. He stated they own four lots on Lowell Street, the street that was closed in January. They would like for Council to consider waiving the charge of \$292.40 which has been requested in this case for publication of the notice in the Charlotte News.

Mr. Hoagland stated the North Carolina State Law does not require this notice to be published in any newspaper; it would technically meet the requirements of the Law if it were merely posted on the courthouse door. They agree that some newspaper is reasonable, and they believe the Mecklenburg Times is an appropriate newspaper. That is the newspaper which is used for condemnation and zoning matters. That he has discussed this with the publisher several times, and the cost for the publication of this notice would have been \$27. His clients are of limited means and he feels they should have been made aware of which newspaper would be used before the notice was published.

That he pointed out in an earlier letter that Mecklenburg Times would have published this for \$27.00 and his legal fee was only \$100. If his clients are required to pay this, they would be paying almost three times as much for a newspaper notice as they spent for legal fees.

Mayor Harris asked the City Attorney if Mr. Hoagland is correct in saying there is no requirement to have this published in any newspaper? Mr. Underhill replied the state law which deals with the procedure for closing streets and alley says the resolution shall be published once a week for four successive weeks; that Mr. Hoagland is correct that it does not say published in a newspaper or newspaper of general circulation, or any words to that effect. That we have always interpreted the law to the extent that when published is used, it indicates to publish in a newspaper. That being the case we have always opted for a newspaper of general circulation; and normally street closing have always been published in the Observer or News because of their wider circulation characteristics.

Councilmember Carroll stated to give effective notice, and that is what we are talking about, we do not do it in either the legal notice in the News or the Mecklenburg Times. He would suggest we need a sign, like the zoning signs, which puts people who use the street on notice that it is going to be closed, or there will be a hearing about the closing. That we do that, and in order to comply with Mr. Underhill's interruption of the law, which he thinks is reasonable, that we also put it in the Mecklenburg Times.

Councilmember Carroll moved that a street closing sign be designed, and it be placed in areas where a street is being petitioned to be closed for 30 days prior to the hearing, setting forth when the hearing will be, and that notice of the hearing be published in the Mecklenburg Times. The motion was seconded by Councilmember Frech.

Councilmember Selden stated he would like to make a substitute motion for a specific reason. There are some situations where a limited amount of noising about is needed; the adjacent property owners are all knowledgeable of it; and no one is using the street. In case such as that a sign and/or publication in Mecklenburg Times is adequate. On other situations where it is a major street intersection - such as the closing of Kingston Avenue - it is necessary to have a wider distribution of the wording.

Councilmember Selden made a substitute motion that the manner of advertising be non-rigid and subject to the circumstances of the need at the discretion of the City Manager. The motion did not receive a second.

March 20, 1978
Minute Book 67 - Page 328

Mayor Harris stated as a matter of order he thinks the staff has that discretion now; that there is a non-rigid policy now to publish.

Mr. Burkhalter, City Manager, stated the papers Mr. Hoagland filed with the City to close this street states the City Clerk is hereby directed to publish a copy of this resolution in The Charlotte News, once a week. That Mr. Hoagland knew it was going to be put in The Charlotte News to start with. Also, he had the land appraised - a snap appraisal - and the lowest value any of these property owners received was \$390 worth of land; there are two pieces valued at \$390, and one at \$540.80, and one at \$551.20. This is what the City is giving them when they made the deed to this land. The City is giving them a lot more than they are being asked to pay for in the advertising in the paper.

He stated he has no objections to the signs. That a lot of the locations you would not know a street is there; they are a part of a lawn, and it would be right beside someone's house.

Councilmember Cox stated the people who most need to be informed of the street closing never read the legal part of any newspaper, regardless of where it is, and he thinks Mr. Carroll's idea is a great idea.

Mr. Underhill stated the law already requires us to post notice in at least two conspicuous places along the street or alley that will be closed. A notice of the hearing has to be posted within or along the vicinity of the area to be closed. In addition, the law requires that a copy of the resolution be sent by registered or certified mail to all owners of property adjoining the property or alley as shown on the county tax records. The petitioner is required to post the signs also.

Councilmember Short made a substitute motion that Council instruct the City Clerk to use a newspaper of general circulation in the future; that his thinking is related in part to the fact we are transferring the title to land from those who might originally have owned it, and were forced by the city to give it up in some instances in subdivisions. Now we are giving this title to this land. Councilmember Leeper asked Mr. Short if he will amend his motion to ask the City Clerk to notify petitioners of the potential cost of getting a street closed. Councilmember Short accepted the amendment. The motion was seconded by Councilmember Leeper.

Councilmember Gantt stated the Mecklenburg Times is a newspaper of general circulation; so this would leave it to the discretion of the Clerk again.

Councilmember Short stated then he would amend his motion further, and have it placed in The Charlotte News, which amendment was accepted by Councilmember Leeper.

The substitute motion reads "Council instruct the City Clerk to use the Charlotte News in the future, and petitioners be notified of the potential cost of getting a street closed.

Councilmember Carroll stated he understands that people are maybe getting back a portion of something they gave up earlier; but he does not see any reason for making the governmental process more expensive for citizens unless it is really accomplishing something. He does not believe a legal notice in the News is accomplishing anything more than a legal notice in Mecklenburg Times as long as we can ensure that people who use the area actually get some notice that is meaningful.

The vote was taken on the substitute motion, and lost on the following vote:

YEAS: Councilmembers Short, Leeper, Gantt and Locke.

NAYS: Councilmembers Carroll, Chafin, Cox, Dannelly, Frech, Selden and Trosch.

The vote was taken on the original motion by Councilmember Carroll, and carried unanimously.

March 20, 1978
Minute Book 67 - Page 329

Councilmember Selden moved that the amount charged in this instance be that equal to the Mecklenburg Times. The motion was seconded by Councilmember Carroll.

Councilmember Gantt stated he was in sympathy with the claim that was being asked for until he heard from Mr. Burkhalter the fact that Mr. Haogland indicated and agreed he would advertise in the Charlotte News. It seems to him, whether he was told what the charges would be or not, he should have been aware and ready to pay those charges at the time. He agrees it might sound like a substantial amount of money to pay; but the resolution apparently indicated he would go along with The Charlotte News at the time.

Mr. Hoagland stated that was in the resolution; it was not what he intended, but there were a lot of papers. He stated he is very pleased with the results of the last vote determining that in the future the Mecklenburg Times will be the newspaper. If they had voted just now to make future notices in the News or Observer, he would have said the fact they saw fit to do it tonight means it was not in effect back then. But since they have voted to use the Mecklenburg Times in the future, that makes his claim even stronger.

The vote was taken on the motion by Councilmember Selden and lost with a unanimous vote against the motion.

ORDINANCE NO. 938-X AMENDING ORDINANCE NO. 576-X, THE 1977-78 BUDGET ORDINANCE AMENDING THE TABLE OF ORGANIZATION OF THE LEGAL DEPARTMENT.

Motion was made by Councilmember Locke, seconded by Councilmember Leeper, and carried unanimously to adopt the subject ordinance amending the Table of Organization of the Legal Department to provide for the reallocation of one Assistant City Attorney I position to an Assistant City Attorney II position.

During the comments, Councilmember Gantt requested that in the future, the information sent to Council include the salaries.

The ordinance is recorded in full in Ordinance Book 25, at Page 265.

APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS.

(a) Municipal Information Advisory Board.

Councilmember Dannelly moved the reappointment of Ms. Sarah Stevenson to the Municipal Information Advisory Board for a three year term. The motion was seconded by Councilmember Short, and carried unanimously.

Councilmember Leeper moved the reappointment of Ms. Barbara Watson to the Municipal Information Advisory Board for a three year term. The motion was seconded by Councilmember Chafin, and carried unanimously.

(b) Regional Criminal Justice Advisory Board.

Councilmember Chafin moved the reappointment of Mr. William Hulse to the Regional Criminal Justice Advisory Board. The motion was seconded by Councilmember Leeper and carried unanimously.

(c) Parade Permit Committee.

Councilmember Selden moved the appointment of Chief J. E. Lee as Chairman of the Parade Permit Committee. The motion was seconded by Councilmember Trosch, and carried unanimously.

Councilmember Selden moved the appointment of Commander R. C. Eidson as Vice Chairman of the Parade Permit Committee. The motion was seconded by Councilmember Trosch, and carried unanimously.

March 20, 1978
Minute Book 67 - Page 330

NOMINATION OF GENE GOLDBERG TO THE AUDITORIUM-COLISEUM-CIVIC CENTER AUTHORITY.

Councilmember Chafin placed in nomination the name of Gene Goldberg for appointment to the Auditorium-Coliseum-Civic Center Authority.

Councilmember Carroll asked that Council receive the input from the Talent Bank for the Auditorium-Coliseum-Civic Center Authority.

COUNCILMEMBER CARROLL EXCUSED FROM VOTE ON THE FOLLOWING BID ITEM.

Councilmember Carroll stated the law firm by which he is employed represents Dickerson, Inc, and he would like to be excused from the vote.

Motion was made by Councilmember Cox, seconded by Councilmember Short, and carried unanimously to excuse Mr. Carroll on this item.

CONTRACT AWARDED DICKERSON, INCORPORATED FOR SANITARY SEWER CONSTRUCTION IN MCDOWELL CREEK OUTFALL, PHASE III.

Councilmember Short moved award of contract to the low bidder, Dickerson, Incorporated, in the amount of \$547,858.79, on a unit price basis, for sanitary sewer construction to McDowell Creek Outfall, Phase III. The motion was seconded by Councilmember Selden, and carried unanimously.

The following bids were received:

Dickerson, Incorporated	\$547,858.79
Blythe Industries, Inc.	567,640.30
Sanders Brothers, Inc.	604,126.10
Rand Construction Co.	604,782.85
Bryant Utilities Company	649,548.75
L. A. Reynolds Company	662,298.80
Breece & Burgess, Inc.	743,067.79
CFW Construction Company	745,612.40

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE FOR CONDEMNATION ACTION IN THE WEST MOREHEAD COMMUNITY DEVELOPMENT TARGET AREA.

Motion was made by Councilmember Selden, and seconded by Councilmember Chafin to adopt the subject resolution of condemnation for the acquisition of property of Paul C. Chambers, 1305 Jefferson Street, and C & F Realty Company, 1201-07 South Mint Street, in the West Morehead Community Development Target Area.

Councilmember Leeper stated this is a pretty big difference in the price we are paying for those properties. There is only about 74 square feet difference, and we are paying \$3,000 difference for the 574 as opposed to the 500. Mr. Sawyer, Director of Community Development, stated they are both based upon appraisals; that it is possible it is the location. They are only acquiring the frontage of the property to permit the widening of the street. Councilmember Leeper stated his question only relates to the amount of property; both are basically the same, and one is \$3,000 more.

Mr. Burkhalter, City Manager, stated he will get him an answer for this.

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

The resolution is recorded in full in Resolutions Book 13, at Page 207.

COMMUNITY DEVELOPMENT DEPARTMENT DIRECTED TO NEGOTIATE FOR THE PURCHASE OF PROPERTY, IN ITS ENTIRETY, OWNED BY GEORGE D. ALLEN, LOCATED IN FIVE POINTS.

Councilmember Locke moved adoption of a resolution of condemnation for the acquisition of property owned by George D. Allen, 246 Mattoon Street, in the Five Points Target Area. The motion did not receive a second.

Councilmember Gantt moved that the item be deferred. The motion was seconded by Councilmember Dannelly.

Mr. George Allen, owner of the property, stated he believes in the orderly process by which problems may be solved, and he has used every avenue open to him to try to point out his needs. In his opinion, his needs have not been addressed sufficiently. The last time he appeared before Council he asked them to take a look at the area and he supposes that some of the Councilmembers did this. His problem is not really a partial taking and construction of easement for the street and he hopes Council will allow him to explain that.

His problem started in June 1977 whereupon he received a letter from persons who would evaluate the property to tell him what the cost would be because he would have to move. Finally, on September 27th, he received a letter from the Charlotte Community Development Department (Relocation) and it told him that he would definitely have to move and "that all of the property designated for our decision will be applied by the City of Charlotte. This is a formal notice that the City will acquire, therefore, property referred to on that page."

On October 11th he had a visitor, Mr. Barry Ransom, and a person from the Relocation office, to come and tell him on his job site that he would have to move; that within thirty days after he got final notice, he would have to go. So that on November 11, nearly five months later, he got another letter saying that they wanted to take a part of his land. At this time, he did go through what he thought to be the avenues open to him, with the exception of one. That is, there is to be a meeting Wednesday - he thinks there will be no need for it in that they have gone through this this afternoon and Council will make some determination about it.

He stated that in the original plan of the City Council - 76, 77, 78 - funds have been allocated to take the properties in the Five Points Target Area. His lot is among those. He is sure Councilmembers have a map of the properties that were to be taken - his is No. 18. He pointed out the lots which were to be taken, stating he is not asking for something new; he is not asking Council to do something that is not to be done, in his opinion. He is simply saying that he thinks that if this part is taken - and he pointed out what the City owns and where the road is supposed to go - that there may be a rationale for owning Lot No. 2. The value of his property goes down; he cannot sell it to anyone; he does not have funds to relocate. He stated he has been shown a very strange difference. He does not know why the difference. At any rate, the difference has led him to believe that he is not getting a fair shake. He feels that it is not the intent of this Council, nor the intent of the Redevelopment, that a person would be left in the situation such as he will be left in. He stated again that it is not a new thing; it is in the original plan.

Councilmember Leeper stated he has talked with Mr. Allen and has gone over and looked at the property and the road and has gotten some additional information about it. It really concerns him because this family has been put through some personal duress for about six months, under the impression that they were going to be relocated; told that they would have to move within a certain period of time. Then, to come back all of a sudden and tell them that we have made a mistake and are not going to relocate them; we are just going to take part of your property. At the rate the property has been taken around his house and he has been left with a cemetery and a street about six feet from his house, he just does not think is being fair at all to Mr. Allen. Under no circumstances can he support an action to condemn the partial of this property.

Mayor Harris stated he spent 45 minutes with Mr. Allen in his office concerning this /^{with} Mr. Sawyer and some of the City staff. It is a total surprise to him that it has come back up because he thought they had reached a compromise.

March 20, 1978

Minute Book 67 - Page 332

Mr. Allen stated that the Mayor will recall that while he pointed out his dissatisfaction, he said that his needs and personal concerns were not met. He believes the statement was "we own the property above, why don't you instead of having it join the street, square away as seen in in the plan, you may move it up and not bother him." To him it meant, "Well, it is not a real concern; it is still going to be right there. Of course, there is not enough room." The concern of his property still was not met for him as a person. When they say "move it up, and let's offset it" rather than attend to the problem of where it ought to go, appeared to him to be just a "go away".

Mayor Harris stated Mr. Allen came to him and said he wanted to be left alone; that was the comment he made to those members of Staff in his office. That he, then said "Okay, why don't we move it over and not bother you."

Mr. Allen replied that is not the statement he made. Mayor Harris asked Mr. Sawyer to comment since he was present.

Mr. Sawyer stated that, as he recalls, the Mayor suggested that they go out and look and see if they could not move the street over to miss Mr. Allen entirely, so he would not be bothered. His recollection is that he agreed to that; that would be satisfactory if his property was not touched. They did go out, with an engineer from the City's Engineering Division, and looked at it. The engineer examined it and decided that to miss him would create such an off-set in the street that it would be a hazard to traffic. So, that did not work out.

Mr. Allen stated there is not a conflict. He will see if he can put it in perspective. He asked (and the Mayor really did not hear this) and Mr. Sawyer agreed that some folks would come out, and they did come out to show him - not an offset but where it would come on his property. Mayor Harris stated they had determined that the offset would not work, after they talked.

Councilmember Frech stated she has studied the diagram and asked if Mr. Sawyer can tell her how close the road is going to come to Mr. Allen's garage; that at one point it looks like it will come two feet from his driveway. Mr. Sawyer replied he believes that is correct on Mattoon Street at the beginning of his driveway. They scaled it off and it is approximately 12 feet from the right-of-way to the corner of Mr. Allen's house. That portion of the house is not living area, but storage or garage.

Councilmember Gantt stated the reason he asked that the item be deferred is that there is some concern on the part of Mr. Allen's attorney who did not know that Mr. Allen would be present to argue for this situation, and he thought Council might pass it without recognition of his problem. He will withdraw the motion if Council wants to go ahead and take action one way or the other.

Councilmember Dannelly stated one thing he is concerned about is the fact that after going back and redrawing this street, the engineers have created the kind of situation that they are hoping to avoid in his district and in any other low income areas - that is, putting streets practically on houses. That in looking at this drawing, this man's driveway is practically in the curb. It is an increased dangerous situation. He does not see how they can say they are being fair to Mr. Allen in creating this kind of condition for him when he has small children who have to play in the area.

Councilmember Gantt stated he will withdraw his motion for deferral.

Councilmember Selden stated if he understands correctly, the 1,992 feet has been set at \$14,000. What is the total value, or has anyone made an appraisal when they first considered taking his total property? The answer was \$29,000 plus the use of the maximum of the relocation funds.

Mr. Allen stated the original drawing took his driveway and was to come down the driveway. Then he was told that was a mistake, so now it cuts off the driveway.

Councilmember Selden asked if suppose they were to go back to the original proposition whereby the City purchased the entire tract, would the house and lot be a salable item; would it be rehabilitated to any degree; or what would be the circumstances; would they move the house? Mr. Sawyer replied the house appears from the outside to be in excellent condition; that he thinks if the City bought the entire property, they would merely take off the side yard needed for the street, and then put the remaining property on the market for sale. He does not know what the resale value would be. Mayor Harris stated there would be relocation payments in there too, if he would qualify for them.

Mr. Sawyer stated that Mr. Allen was not satisfied with the price originally offered. The price was \$28,000; the maximim relocation benefit was \$15,000.

Mr. Allen stated from all of the City's investigation for relocation, not his own, they went out and got three sites and put down that No. 1 was the one that most paralleled his situation. It cost \$49,500, but somehow they worked with the person and it could be purchased at \$48,500. If you add \$15,000 to \$29,000 you get \$44,000 instead of \$48,000 which Mr. Phelan has said that it will cost to relocate the present property that he has. He stated he simply went down to advise Mr. Sawyer that this was the case of what his group had found out and would there be a situation that they could mediate that \$4,500, whereupon the letter of November 30th was then sent to him.

Councilmember Gantt stated he would like to make a motion which will relate to the fact that he thinks there is some justification to talk about the isolation and the specific damage done to a homesite as a result of this. That although a house such as the one Mr. Allen lives in certainly ought not to be destroyed in any way, shape or form, it is clear that he has been damaged by the improvements that will be made to French Street. His motion was that the City seek to negotiate for the sale of his entire property - the Block 28, Lot 18. That obviously, if they cannot reach an agreement on the price the City wants to offer, he can take the condemnation as would be the case in any other circumstance. The motion was seconded by Councilmember Selden, and carried unanimously.

CONSENT AGENDA APPROVED.

Motion was made by Councilmember Short, seconded by Councilmember Locke, and carried unanimously, approving the consent agenda as follows:

1. Adoption of ordinances ordering the removal of trash, rubbish and abandoned motor vehicles from properties in the City:
 - (a) Ordinance No. 939-X ordering the removal of an abandoned motor vehicle located at 2428 Morton Street.
 - (b) Ordinance No. 940-X ordering the removal of an abandoned motor vehicle located at 8801 Albemarle Road.
 - (c) Ordinance No. 941-X ordering the removal of trash and rubbish from the premises at 3139 Bank Street.
 - (d) Ordinance No. 942-X ordering the removal of trash and rubbish from the premises at 3115-17 and 3123-25 Bank Street.
 - (e) Ordinance No. 943-X ordering the removal of trash and rubbish from the premises at 1831 Logie Avenue.
 - (f) Ordinance No. 944-X ordering the removal of trash and rubbish from the premises at 1330 Pecan Avenue.
 - (g) Ordinance No. 945-X ordering the removal of trash and rubbish from the premises at 3100 block of Forestbrook Drive.

The ordinances are recorded in Ordinance Book 25, at Pages 266 - 272.

2. Approval of Loan Agreements for rehabilitation of houses:
 - (a) Loan Agreement with Iverson and Vernie L. Patterson, 220 Gene Avenue, in the Grier Heights Target Area, in the amount of \$7,150.
 - (b) Loan Agreement with Marvin N. and Cecillia R. Donaldson, 3617 Ritch Avenue, in the North Charlotte Target Area, in the amount of \$7,950.

3. Adoption of a Resolution announcing City Council's intent to exchange land in the Fourth Ward Urban Renewal Area with Robert C. Whitton and wife, Susan S. Whitton.

The resolution is recorded in full in Resolutions Book 13, at Pages 208-210.

4. Approval of an Open Non-Exclusive Contract for Real Estate Broker's Services with Realty Investment Buyers, Inc. in Greenville Project No. N. C. R-78.
5. Adoption of a Resolution Accepting Amendment No. 1 to FAA ADAP Grant relative to runway lighting at Douglas Municipal Airport.

The resolution is recorded in full in Resolutions Book 13, at Page 211.

6. Adoption of a Resolution Accepting Amendment No. 1 to FAA ADAP Grant to cover escalation of runway paving costs at Douglas Municipal Airport.

The resolution is recorded in full in Resolutions Book 13, at Page 215.

7. Approval of Property Transactions:
 - (a) Acquisition of 1,477 square feet of property at 4921 Plum Nearly Lane, from J. Patterson Calhoun and wife, Sylvia S., at \$1.00, for Plum Nearly Lane Realignment Project.
 - (b) Acquisition of 1,922.70 square feet of easement, plus a temporary construction easement, at 7821 Sardis Road, from Heritage Woods Swim and Racquet Club, Inc., at \$228.00, for Sanitary Sewer to serve Annexation Area 4 Project.
 - (c) Acquisition of 15' x 93.35' of easement, plus a temporary construction easement, at 6500 block Wilson Street, from Leonard Harrell Davis and Blanche C. Davis, at \$400.00, for Annexation Area I Sanitary Sewer Project.

- (d) Acquisition of 7.5' x 183.30' of property, plus a temporary construction easement, at 6500 Block McGill Street, from Claude Casey and Ruth Casey, at \$184.00, for Annexation Area I Sanitary Sewer Project.
- (e) Acquisition of 15' x 160.84' of easement, plus a temporary construction easement, on Neal Drive, from E. T. Bradley and Modell Bradley, at \$160.00, for Annexation Area I Sanitary Sewer Project.
- (f) Acquisition of 15' x 563.50 feet of easement, plus a construction easement, at 6301 Newell Road, from Charlie L. Free, Jr. and wife, Ina M., at \$1,000.00, for Annexation Area I Sanitary Sewer Project.
- (g) Acquisition of 15' x 107.90' of easement, plus a construction easement, at 6030 North I-85, from Oscar A. Snipes and wife, Nell, at \$160.00, for Annexation Area I Sanitary Sewer Project.
- (h) Acquisition of 15' x 49.39' of property, plus a construction easement, at 6046 North I-85, from Violet Mae Hunter, at \$50.00, for Annexation Area I Sanitary Sewer Project.
- (i) Acquisition of 15' x 144.73' of easement, plus a temporary construction easement, at 6052 North I-85, from John E. Johns and wife, Sarah G., at \$300.00, for Annexation Area I Sanitary Sewer Project.
- (j) Acquisition of 15' x 814.38' of easement, plus a temporary construction easement, at 916 Tom Hunter Road, from Margaret Helen Hunter, at \$1,000.00, for Annexation Area I Sanitary Sewer Project.
- (k) Acquisition of 15' x 139' of easement, plus a construction easement, at 8800 Monroe Road, from Edwards Lumber Company, at \$1.00, for Sanitary Sewer to serve 8500 and 8600 Monroe Road.
- (l) Acquisition of 15' x 31.13' of easement, plus a temporary construction easement, at 8700 Monroe Road, from Minnie C. Eudy and husband, James R., at \$1.00, for Sanitary Sewer to serve 8500 and 8600 Monroe Road Project.
- (m) Acquisition of 1.69' x 11.35' x 11.16' of easement, plus a temporary construction easement, at 4434 Idlewild Circle, from Carl Burdette Mullis and wife, Johnsie W., at \$25.00, for Sanitary Sewer to serve Deerhurst Subdivision.
- (n) Acquisition of 15' x 82.59' of easement at 7433 Quail Ridge Drive, from Carolina Fincorp, Inc., at \$1.00, for Sanitary Sewer to serve Carmel Volunteer Fire Department.
- (o) Acquisition of 20' x 766.02' of easement, plus a temporary construction easement, at 909 Off Rocky River Road West, from Bobby Martin Ryan and Evelyne M. Ryan, at \$1,250.00, for Toby Creek Sanitary Sewer Outfall.

March 20, 1978

Minute Book 67 - Page 336

- (p) Acquisition of 20' x 685.82' of easement, plus a temporary construction easement, at 7333 Newell Road, from Joe Edward McLaughlin, at \$1,100.00, for Toby Creek Sanitary Sewer Outfall Project.
- (q) Acquisition of 15' x 125.50' of easement, plus a temporary construction easement, at 6301 Newell Road, from Charlie L. Free and wife, Ina M., at \$500.00, for Toby Creek Sanitary Sewer Outfall.
- (r) Acquisition of four (4) parcels of real property located in the West Morehead Community Development Target Area, as follows:
- 1.) 5,480 sq. ft. of property at 1217 South Church Street, from Charles D. Keith, Jr., in the amount of \$6,900.
 - 2.) 12,560 sq. ft. of property at 1221 South Church Street, from NCNB, Trustee U/W Charles D. Keith, Sr., in the amount of \$12,600.
 - 3.) 7,124 sq. ft. of property at 1224-26 Winnifred Street, in the amount of \$7,500.
 - 4.) 5,440 sq. ft. of property at 1216 Winnifred Street, from Charles D. Keith, Jr., in the amount of \$6,900.
- (s) Acquisition of 1,791 sq. ft. of property at 431 Beatties Ford Road, from Hattie F. Russell, in Five Points Community Development Target Area, in the amount of \$2,600.
8. Adoption of a resolution providing for Public Hearings on Monday, April 24, 1978, at 2:30 p. m., on Petitions No. 78-18 through 78-22 for zoning changes.

The resolution is recorded in full in Resolutions Book 13, at Page 219.

ADJOURNMENT.

On motion of Councilmember Cox, seconded by Councilmember Trosch, and carried unanimously, the meeting adjourned.



Ruth Armstrong, City Clerk