

The City Council of the City of Charlotte, North Carolina met in regular session on Monday, January 9, 1978, at 3:00 o'clock p.m., in the Council Chamber, City Hall, 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.

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INVOCATION.

The invocation was given by Councilmember Short.

MINUTES APPROVED, AS CORRECTED.

Upon motion of Councilmember Chafin, seconded by Councilmember Locke, and unanimously carried, the minutes of the last meeting, on Monday, December 19, 1977, at minutes of the Public Hearings, on December 13 and 15, 1977, were approved, with the following correction in the minutes of December 19:

Page 482, Line 8, Paragraph 3: Change word "Locke" to read "Frech".

AWARD OF CITY OF CHARLOTTE EMPLOYEE OF THE YEAR TO MR. CLARENCE STRATFORD AND AWARD OF SERVICE PINS TO OTHER CITY EMPLOYEES.

Mayor Harris recognized Mr. William J. Veeder, President of the Charlotte Chamber of Commerce.

Mr. Veeder stated it is a privilege to be present today to recognize the 1977 City of Charlotte "Employee of the Year." He asked Mr. Clarence Stratford to come forward and also recognized Mrs. Roxie Stratford and welcomed her to the meeting.

He stated Mr. Stratford is the 15th individual to achieve this high honor and recognition. That perhaps everyone has had a chance to look at the current issue of the "Around City Hall Magazine" and had an opportunity to read something about Mr. Stratford.

That Mr. Stratford has worked for the City of Charlotte for over 42 years. During that time, he has had a total of six days sick in 42 years. He stated this is a man who operates two crews and he is told when individuals work with Mr. Stratford, they do not want to leave. They want to stay with him and the crews have had very few changes in about 10 or 15 years. That these are the crews who get the job done.

Mr. Veeder stated a number of people, when they think of the City of Charlotte, one of the first things that occur to them is the general overall reputation for good government. That we are looking at good government in Charlotte right now because it is the employees of the City of Charlotte that are responsible for the reputation the City has had for many years. He stated Mr. Stratford represents the employees and is certainly the epitome of what it takes to be an employee who earns such recognition.

He stated this is not an honor that is achieved from the "outside, looking in"; this is an honor achieved from the "inside, looking out" because the fellow employees of the nominees nominate the Employee of the Year. Then a committee of personnel directors and some representatives of the City review these nominations and get additional information that may be required to make the selection. That this is basically an honor that is initiated by their peers.

Mr. Veeder stated on behalf of the Charlotte Chamber of Commerce, it was his distinct privilege to present Mr. Stratford with a Certificate of Recognition designating him as the "Outstanding Employee of the Year" of the City of Charlotte and also presented him with a check in the amount of \$100.00. He stated in addition, his name will be engraved on a plaque located at City Hall and listing the previous winners of this award.

Mr. Stratford was congratulated by Mayor Harris and each member of Council. Mayor Harris presented him with a Knight of the Queen City Award on behalf of the citizens of Charlotte.

Mayor Harris recognized the following employees of the City of Charlotte for twenty-five years of service and presented them with service pins:

J. O. Benfield (absent)	-	Police Captain
C. J. Boone	-	Labor Crew Chief II
L. P. Dellinger, Sr.	-	Police Radio Dispatcher
Levander Dumas	-	Labor Crew Chief II
W. H. Farnsworth	-	Office Assistant IV
J. L. Hagler	-	Firefighter-Engineer
M. W. Hagler (absent)	-	Police Officer
J. A. Haught	-	Fire Captain
L. L. Henderson	-	Labor Crew Chief II
M. L. Knight	-	Fire Captain
C. W. Long	-	Firefighter-Engineer
D. M. Maness (absent)	-	Police Officer
I. D. McAuley	-	Meter Reader
J. B. McLaughlin	-	Fire Captain
H. J. Mullis (absent)	-	Fire Captain
D. W. Phifer	-	Labor Crew Chief I
M. N. Roberts (absent)	-	Fire Captain
C. Y. Ross	-	Police Captain
K. G. Stevens	-	Laborer I
L. H. Wilson	-	Fire Captain

He recognized the following employees for thirty years service:

L. P. Bobo	-	Assistant City Manager
R. T. Bost	-	Field Operations Supervisor
W. J. Costner	-	Police Sergeant
D. A. Dellinger	-	Police Officer
T. G. Ginn	-	Police Major
Curtis Griffin	-	Equipment Operator II
W. H. Jamison	-	Building Inspection Director
S. J. Jarvi (absent)	-	Police Officer
C. L. Jordan	-	Park Center & Stadium Mgr.
N. E. McCoy	-	District Fire Chief
H. B. McGowan	-	Police Sergeant
R. E. Phillips	-	Police Captain
D. R. Thomas	-	Police officer

He recognized the following employees for thirty-five years service:

Leo Black	-	Assistant Fire Chief
O. A. Crenshaw	-	Police Captain
H. H. King	-	Fire Garage Supervisor
Joyce M. Toomey	-	Accounting Technician

He recognized the following employee for forty years service:

Marion Teasley, Jr.	-	Equipment Operator III
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NEIGHBORHOOD PROCLAMATION PRESENTED TO ACTING PLANNING DIRECTOR.

Mayor Harris presented the following proclamation to Mr. Fred Bryant, Acting Planning Director:

"WHEREAS, the Charlotte-Mecklenburg Planning Commission will hold a series of 40 community meetings during the months of January and February, and

WHEREAS, the purpose of these meetings will be to specifically define neighborhood boundaries as part of a Neighborhood Definition Study; and

WHEREAS, all meetings will be held at 7:30 p.m. at convenient community locations, and

WHEREAS, information gained from the meetings will be used to develop an area-wide map of perceived neighborhoods in Charlotte-Mecklenburg, and

WHEREAS, this material will enable community leaders to better understand neighborhood needs and concerns.

NOW, THEREFORE, I, Kenneth R. Harris, Mayor of Charlotte, do hereby proclaim the period of January and February, 1978 as Draw Your Neighborhood Boundary months in Charlotte-Mecklenburg and call on all organized neighborhood groups and individuals to attend and participate in this important effort.

(Signed) Kenneth R. Harris, Mayor"

Mayor Harris stated he would hope that people here from the various neighborhoods also will be participating with Mr. Bryant in this important effort. That everyone is interested in this project.

Mr. Bryant, Acting Planning Director, stated the Planning Commission does feel this is an important situation and they intend to solicit the help of all citizens of Charlotte so it can be a success.

HEARING ON PETITION OF ST. LUKE'S UNITED METHODIST CHURCH TO CLOSE A PORTION OF GLOBE COURT, IN THE CITY OF CHARLOTTE AND RESOLUTION CLOSING PORTION OF GLOBE COURT, ADOPTED.

The hearing on Petition of St. Luke's United Methodist Church to close a portion of Globe Court in the City of Charlotte was held and Council was advised that all city departments concerned with street rights of way had investigated the petition and there were no objections to the closing.

Mr. Randy Nye, Attorney representing St. Luke's United Methodist Church, stated St. Luke's Methodist Church is located on the corner of Globe Court and Shamrock Drive and the Church plans the construction of a multi-purpose recreational type building, open not only to members of the Church, but to members of the community as well. That in having architects look at the lay-out of their property along Globe Court and taking into account the minimum set-back lines as set out in the Zoning Restrictions, the building, as planned could not be constructed without encroaching upon the 30-ft. minimum set-back line, so ultimately what St. Luke's is requesting is that a small portion of Globe Court, which is a dead-end street ending in a cul-de-sac (approximately one-third of the rear portion of Globe Court), be closed so that they will be able to construct a building without encroaching on a set-back line.

He stated there are only two property owners along Globe Court, one is St. Luke's Church and the other is Mrs. Thelma Phillips, who has consented to the closing after having been given notice of the hearing; etc. That she has given St. Luke's a deed to any portion of any property that was vested in her by virtue of the fact of the closing of Globe Court and has consented to any action necessary by St. Luke's to go ahead with construction of the building.

There was no opposition expressed to the closing of Globe Court.

Councilmember Locke moved adoption of a resolution closing portions of Globe Court in the City of Charlotte, which motion was seconded by Councilmember Selden, and carried unanimously.

The resolution is recorded in full in Resolutions Book 13, at Page 147.

ORDINANCE NO. 865-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE OF THE CITY OF CHARLOTTE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY FROM I-1 AND I-2 TO B-D ALONG THE EAST SIDE OF HAWTHORNE LANE, FROM ABOUT 450 FEET SOUTH OF CHESTNUT AVENUE TO ABOUT 400 FEET NORTH OF CHESTNUT AVENUE, AND EXTENDING EASTERLY TO HAYWOOD COURT, AS PETITIONED BY CHARLOTTE CITY COUNCIL.

Council was advised the Planning Commission recommended the petition be approved for B-D in lieu of the proposed R-6MF.

Councilmember Gantt stated this particular petition had come before the previous City Council and was ultimately deferred and deferred until it finds itself lodged in this Council. He stated it has to do with much of the rezoning and analysis done by the Planning Commission of the so-called Plaza-Midwood Area. That this particular tract is tied in with the next item on the agenda.

He stated the Planning Commission has recommended B-D zoning in lieu of the R-6MF designation. That the tract is vacant and has never been developed and sits in a very strategic location between existing single family houses on one side and the existence of public institutional facilities - a church and school. He stated there is some concern that the property itself represents the linchpin around which that end of the neighborhood might develop.

Councilmember Gantt stated that previously he moved that Council not accept the recommendation of the Planning Commission but change it to R-6MF, multi-family. That there is a possibility that it may never develop as multi-family and there is also that possibility with I-1 and B-1 but at least Council will have eliminated the danger of it ever occurring in a way that might be detrimental to the neighborhood.

Councilmember Gantt moved that the zoning be changed from I-1 and I-2 to R-6MF. The motion was seconded by Councilmember Chafin.

Councilmember Locke made a substitute motion that the property be changed to B-D as unanimously recommended by the Planning Commission. The motion was seconded by Councilmember Selden.

Councilmember Frech stated it was the Planning Commission's staff that recommended R-6MF zoning in the first place. It was not the request of the neighborhood. These zoning recommendations were made at the request of City Council and the Planning Commission's staff made the recommendations. That the Commission chose not to go along with the staff's recommendation and recommended B-D zoning classification. She would just like to point out that if they looked at the property, they could see it is right across the street from two churches and the school playground.

She stated the property down the street is residential and the property back of it is residential. That this would be a good case for ending industrial development, or business development, at McKesson and Robbins and letting the rest of the street remain residential. She stated this is in line with the Comprehensive Plan's policy for preserving the residential character of neighborhoods already in existence.

Councilmember Locke stated she would disagree with this because it has always been industrial and she would never foresee any residential growth on this piece of property. That it would be pure confiscation of property to rezone this to R-6MF and if Council chooses to do this, she would like to see the property owner reimbursed for his property.

Councilmember Frech stated she doubts there would be a whole lot of difference in what could be made on the property either way because there is a lot of business and industrial property for rent and for sale right now. That she believes they were unable to develop it as industrial property.

Councilmember Trosh asked if anything that would be put there would have to be reviewed by Council and Mr. Bryant replied not always. That most of the uses which are allowed under B-D classifications do require site plan approval but there are a few basic uses, keeping in mind the original intent of the district itself, such as a wholesale sales facility, which does not require a site plan review. He stated most uses do require this but there are a few that do not.

Councilmember Trosh asked what uses do require a review of the site plan and Mr. Bryant replied a warehouse does require it because the B-D classification was originally established as a highly specialized district to take care of basically distribution-types of usage in critical areas. In areas critical from the standpoint of where you are going to have your more objectionable type uses, there would be an opportunity to review the site plan. That a warehouse, because of the truck traffic and so forth that is generally associated with it, would require a site plan review. That wholesale sales because it does involve a change of goods on the site would not.

Councilmember Short stated he was very much in the middle, friend-wise on this one because Mrs. Heath is a life long schoolmate and acquaintance and friend of his and Mrs. Hammond has certainly been a friend, along with others in the Midwood Association. He stated the fact is under the B-D zoning classification, all of the typical industrial type uses are prohibited, in fact, you cannot even get them with a Use Permit, such things as general manufacturing and that sort of thing. That he believes from his study of this ordinance that this zone does allow very broad classification of housing. He stated the Use Table seems to indicate that all sort of housing are allowed of right in this zone and this is important because it is across the street from a large school and from the Belmont Church, which is a very large church.

He stated those things which might somehow be harm to the greater Midwood Area certainly do require the Use Permit, even warehouses, day care centers, etc. That it seems to him the greater wisdom here in balance lies with the B-D zone which is more nearly possible for some kind of handling of banks and he would be really doubtful that a bank is going to get into something like R-6MF - so he expects to vote for Mrs. Locke's motion.

Councilmember Selden stated in looking at the map on Petition No. 77-40, at the corner of Hawthorne and Kennon, at what is known as Lot 44, there is a multi-family structure that is about 90% vacant which shows the extent to which multi-family housing is acceptable. That there are about two or three occupied units and about eighteen or twenty that are vacant. He stated if you He called attention to a number of the lots and structures and stated that all of the properties surrounding the eastern and southern sides of the subject property are literally inaccessible from either the eastern or southern side both street-wise and property-wise. That the development of the property will obviously come from something structured on Hawthorne Lane rather than on the back side which is the area where McKesson & Robbins is located. That while there are some vacant wholesale or distribution types of businesses along there, the chance it will be developed for a residential, multi-family purpose are quite remote at the present time.

Councilmember Cox asked Councilmember Short if he was saying this property can be developed for typical uses that R-6MF zoning would allow and Councilmember Short replied that is correct - you would not even have to get a Use Permit. He asked if every other use of the property would have to have permit and Councilmember Short replied no, wholesaling and residences are both uses of right; other things like warehousing, day care centers, bank buildings, etc. would require a Use Permit. That the critical thing is to get something underway here; just leaving this for another ten or twenty years as a dense forest there for winos, etc. will not help the Midwood Area.

Councilmember Cox asked if there was some way that Council can insure that if this property were ever developed for some type warehouse or wholesaling purpose, that it could be somehow screened or protected from the residential property and Councilmember Short replied there is such a thing as B-D Conditional but that would have to be done with the property owners' consent.

Mr. Bryant, Acting Planning Director, replied the B-D classification itself carries a much heavier screening requirement than most other zoning. That he is not saying it is the most effective but it does require not only screening adjacent to residential areas but it also requires the specific screening of all parking areas, all loading dock areas, etc.

Councilmember Cox stated he is not a planner and the problem he is going to be faced with for the next two years is whenever you get to the point where you are trying to make your city more dense, you run into these types of problems where the typical transitional zoning does not work and he feels this is one of those conditions where if this were in a suburb, we could go from commercial type uses through multi-family uses, to the single family residential and everyone would say yes, that is the typical thinking but in a dense urban environment, you cannot do that. He would like to allow these people to develop this under the B-D classification but he would like to have some assurances that they will not mess up these other people's backyards.

Councilmember Locke asked if Council can ask that this particular piece of property come under site review under the B-D classification? The answer was no.

Councilmember Carroll stated some of the comments Councilmember Selden made would be the starting point for his thinking that there is some transition in this neighborhood - there are some houses that are unoccupied. That Plaza Midwood, in this particular area, is one of the areas in Charlotte in which the Urban Reinvestment Task Force is looking at for their model program. He stated part of their program calls for some commitment from the City in terms of its zoning and city services to be sure that the city is interested in up-grading neighborhoods. He stated he feels the key to it is that it is something that would upgrade the neighborhood in terms of giving it an opportunity to expand on vacant land that would be housing. That the land right across the street from it is school ground; one of the areas that under the cooperative program between the schools and the Parks Department might become part of a park as well as a school ground and the area itself might at some time have some potential to being a park if it is not all developed for multi-family housing.

Councilmember Cox stated this is a real hole-in-the-dike that Council can plug here to help insure that a neighborhood that is in transition goes the right way. That it is these small planning decisions that help insure that and that the Staff's original recommendation is a real good step in that direction.

Councilmember Selden stated he has heard comments about down zoning, or zoning that would result in a lower dollar value to the property owner and that the property owner could bring suit on this and asked the City Attorney about this. Mr. Underhill replied it is possible to project a legal theory that this would be recoverable because lawyers are particular ingenious at developing theories that can be advanced in court but the precedent against such a successful suit would be almost nil. That no property owner has any contract with the City that the zoning will remain as originally zoned and that the zoning will not change at some point in time. In fact the State Law

recognizes this by saying the Council has the power to rezone, to take into account changes in circumstances and so forth so the City Council, so long as it does not act in an arbitrary fashion, consistent with good planning, consistent with changes in circumstances, has a pretty free hand in establishing not only original zoning patterns but making adjustments to that zoning pattern as it sees fit and as is appropriate. That he does not think any lawsuit problems appear - a loss in value might occur but he does not think this is a recoverable loss.

Councilmember Cox asked if Councilmember Short is saying Council has no vehicle available to them to guarantee that if this property were developed in a commercial-type fashion, that it could be protected from the single family uses adjacent to it and Councilmember Short replied the opposite is the case. That built in to this particular zone, there is a requirement for screening - automatic. Councilmember Cox asked if this zoning goes to B-D, then if they do decide to develop it commercially, is there a requirement that certain types of protection or screening from the single family uses be there and Councilmember Short replied yes and this is enforced by Mr. Dale Long and others.

Councilmember Gantt asked about the buffer requirement and Mr. Bryant replied there is no buffer per se and this is why requirements and regulations that pertain to screening invokes the standard screening requirement which in effect says that either a fence, hedge or visual screen must be erected with some stipulations as to the minimum size of the plantings, which are approximately three feet initially and are expected to grow to a height of five feet within two or three years. That there would be no opportunity to review specific plans.

The vote was taken on the substitute motion to change the zoning to B-D, and failed to carry as follows:

YEAS: Councilmembers Short, Locke, Trosch and Selden.

NAYS: Councilmembers Carroll, Chafin, Cox, Dannelly, Frech, Gantt and Leeper.

The vote was taken on the main motion to change the zoning to R-6MF and carried as follows:

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

Councilmember Carroll stated one of the things that has bothered him in looking at this zoning request and even more so the next item on today's agenda and that is that the screening ordinance seems to him to be too weak. That if we had a better screening ordinance, we could work more compromises that everybody would be happy with. He stated he would like to ask if Planning Staff could review that ordinance and make some definite changes.

Mr. Bryant stated he would certainly agree with Councilmember Carroll in that comment as in other areas it is ever weaker than it is here and this is one of the areas which the Planning Staff will be giving a good amount of attention to in their general examination of the ordinance. That one of the difficulties is that when you start dealing with planting materials, you can put it out there today but cannot guarantee that it will grow and flourish - it needs to be strengthened more than just a plant definition.

Councilmember Carroll stated he understands there is no limitation on how close the plants have to be together and Mr. Bryant replied no but the ordinance states that it must reach some general terminology related to the capacity of the cover.

The ordinance is recorded in full in Ordinance Book 25, on Page 154.

ORDINANCE NO. 866-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE OF THE CITY OF CHARLOTTE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY FROM O-6 TO R-6MF FRONTING ON THE EAST SIDE OF HAWTHORNE LANE LOCATED ABOUT 400 FEET NORTH OF THE INTERSECTION OF HAWTHORNE LANE AND CHESTNUT AVENUE.

Council was advised that the Planning Commission recommended the petition be denied.

Councilman Gantt stated this particular petition is related to the one Council just previously decided upon and moved the zoning be changed to R-6MF. The motion was seconded by Councilmember Chafin.

Councilmember Short asked about what happened in the hearing on this petition and if it was stated that an architect was planning to put an office building on this property? Mr. Bryant replied it was stated at the hearing that this petitioner originally acquired the property for the purpose of constructing an architectural office on it and that was still his intent but he did not announce any specific plans at that time.

Councilmember Gantt stated the Cherry section recently had a zoning petition similar to this one and asked if the petitioner planned on having a residence located there too and Mr. Bryant replied no.

Mr. Bryant stated the original reason for this office being here was a request which was filed and approved a number of years ago and the basis for granting that request at that time was the fact that it was adjacent to industrial zoning and therefore, at that time, it constituted somewhat of a transitional pattern. That now that Council has removed the industrial zoning, it becomes a spot more than anything else.

The vote was taken on the motion to change the zoning to R-6MF and carried unanimously.

Mr. Burkhalter, City Manager, stated he would like to bring up some correspondence in connection with the zoning on Agenda Items 5 and 6 and that whole neighborhood. He stated the Planning Commission recommended that they not discuss this until after Council acted on the other petitions since it was not involved in the original petition. That three property owners have requested the Planning Commission to rezone their property from R-6MF to R-6. This involves a piece of property off Hall Avenue, across Plaza Road from that place, which was just outside what Council just did on their own initiative.

That the property owners asked the Planning Commission to initiate this but the Planning Commission did not feel they were the ones who should initiate it. They said if it was to be proposed by a public body, that Council should propose it. He stated he would mail member of Council copies of this correspondence.

Mr. Burkhalter stated this involves three lots that are across Hall Street from where Council went; that they went up to Hall Street on one side - the lots are owned by three individuals.

He requested Mr. Bryant to prepare this information for Council.

The ordinance is recorded in full in Ordinance Book 25, on Page 155 .

DECISION ON PETITION NO. 77-52 BY HORACE E. HALL FOR A CHANGE IN ZONING FROM R-6MF TO I-1(CD) WITH CONDITIONAL CONSIDERATION TO PERMIT PETROLEUM STORAGE IN EXCESS OF 100,000 GALLONS ON PROPERTY BEGINNING ABOUT 95 FEET WEST FROM THE INTERSECTION OF EAST SEVENTH STREET AND EAST FIFTH STREET, FRONTING ABOUT 144 FEET ON THE SOUTH SIDE OF EAST FIFTH STREET, DEFERRED.

Council was advised a protest petition had been filed and found sufficient to invoke the 3/4 Rule requiring nine affirmative votes of the Mayor and City Council in order to rezone the property. That the Planning Commission recommended the petition be approved with a revised site plan.

Councilmember Selden stated he would like to see the conditional zoning (CD) apply to both pieces of the petitioner's property - at the present location and also to the property requested for rezoning and asked what procedure he would use for this action.

Mr. Bryant, Acting Planning Director, replied in order to accomplish this, you are talking about including land that has not been considered at a public hearing. That in order to enlarge the petition, it would have to go back to an additional public hearing process. He stated if that is Councilmember Selden's wish, it might be better if Council deferred this and proceeded the additional property in such a procedure. That it would require an additional public hearing in order to consider the additional land.

He stated there is one additional complication, possibly. That the CD zoning can be utilized only with the consent of the property owner - you cannot force CD zoning on a property owner since it ties it to a single use and to a single use plan. In order to consider that property for CD classification, it would have to be with the consent of the property owner.

Councilmember Selden moved to defer action on subject petition. The motion was seconded by Councilmember Locke.

Councilmember Carroll stated he understands Councilmember Selden's idea there of working out a compromise but it was his understanding in talking with Mr. Hall and the neighborhood people is that that compromise has already failed and that their particular difficulty here was in arriving at something that they could both agree upon which would include all the property which would keep the trucks up front and insure that a 7-11 was not built there on Seventh Street and the office simply moved back with access coming through Seventh Street which would be the revised site plan. He stated this is a good suggestion but they have already covered that ground in a sense and he does not know if the owner would consent to it. That if Council would like to defer action to see if he would, it would be alright with him.

Councilmember Cox asked if the people in the community worked on the compromise that is described in the attachment with Mr. Hall and Councilmember Carroll replied all the people who were involved in that live on that block of Fifth Street or the next block.

Councilmember Cox asked if this compromise sets well with these people and Councilmember Locke and others replied no.

Councilmember Cox stated that since a protest petition had been filed invoking the 3/4 rule, if they voted on it today it would probably be defeated. That he thinks they should defer it to give those people a chance to work it out.

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

Mr. Bryant asked if it was Council's intent that the Planning Commission now proceed to make contact with the petitioner to ascertain his feelings on including the additional land? Councilmember Selden replied yes.

APPROVAL OF THE ACCEPTANCE OF GRANTS FROM THE U. S. DEPARTMENT OF LABOR AND UNDER TITLE III OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT OF 1973, AND APPROVAL OF ACTIONS NECESSARY TO IMPLEMENT A YOUTH EMPLOYMENT AND DEMONSTRATION PROJECTS PROGRAM.

Councilmember Gantt moved approval of the following actions to accept grants from the U. S. Department of Labor under Title III of the Comprehensive Employment and Training Act of 1973, and approval of actions necessary to implement a Youth Employment and Training Program and to administer a Youth Employment and Demonstration Projects Program. The motion was seconded by Councilmember Chafin.

- (a) Ordinance No. 867-X revising the revenue estimates and appropriating \$408,265 to Title III for the Youth Employment and Training Program and Youth Employment and Demonstration Projects Program.
- (b) Contract with Bethlehem Center and Greater Gethsemane AEM consortium for a Motivational Opportunities for Vocational Exploration (MOVE) Program, for a total of \$54,128.
- (c) Contract with Charlotte Mecklenburg Youth Council for a training and supportive services program for a total of \$101,686.
- (d) Contract with NAACP to provide a Youth Service Corps to be employed as reading assistants for a total of \$91,392.
- (e) Contract with Family Housing Services to provide jobs in a weatherization/repair project for unemployed youths for a total of \$53,564.
- (f) Contract with Little Rock Apartments, Inc. to provide jobs in a housing rehabilitation project for unemployed youths for a total of \$37,504.

Councilmember Selden stated on Items b, c and f, the Tables have an erroneous date on Page 755.12, it shows monies from 7-1-77 to 9-30-78 and he believes it should be 7-1-78 to 9-30-78. Mr. Robert Person, Manpower Director, replied that is true and the contract dates will be corrected.

Councilmember Cox stated week-in and week-out, Council spends an awful lot of the City's money and federal money and he does not have a problem with that if it is spent in effective ways. That the question he has is a general question which might not be answered here and that is how does Council go about making sure that this scarce resource that we have is spent in the most cost-effective way. He stated in reading the contracts, he noticed Council is going to be talking about one of these contracts will serve 31 people. He asked if the City ever tried to contact these people to see that the \$55,000 which the City spends on these people did any good? He stated he does not expect any answer today but he does have a problem with this.

Mayor Harris stated Councilmember Cox is welcome to come to a meeting Friday morning with the Manpower Director. That he will be asking the same questions and will probably spend a half a day with him, trying to resolve the same thing.

Mr. Person, Manpower Director, stated they are also concerned about this - and that is the bottom line - how much good does a program like this really do, who do we help, etc.? That if he is talking about an evaluation of this at the conclusion, the answer to that is yes, they will do this and will also set forth some projections, hopefully, of those persons who have been served to either get a job, continue on that job or get into some sort of training cycle, if there is additional training indicated. He stated they do try to work out a cost effectiveness/arrangement and Council will be hearing about it.

Councilmember Gantt stated some of the members of Council would like to see the results at the end of this as to whether the people will be gainfully employed. He asked the employment rate for youth in this community and if Charlotte had a serious unemployment problem? Mr. Person replied the answer to that is yes. That while it may not be as critical as that of the national level, which is reported in terms of from 33 to 39%, we are approaching some 22% youngsters as being unemployed. He stated these figures are not the best, but they are the best they have.

Mr. Person stated for example, when we start thinking in terms of a number of youths between the ages of 14 and 15, it is reported that 10,544 - then the number enrolled in school as 10,112; percent, 95.9. the number not in school - 432 - which gives us a 4.1% in that particular age category. He stated between ages 16 and 19, it is reported that there are 20,765 youths; the number enrolled in school is 14,000 plus, or 70.5%; the number not in school is 6,125, or 29.5%, almost 30% of youngsters between the ages of 16 and 19. That they have computed it a bit further, through ages 20 through 21 because the legislation under which they operate embraces ages 16 through 21. The total number enrolled in school is 2,352, or 24%. The number not in school is 7,450, or 76% of this number between those ages. He stated he feels this should point up to us that it is pretty significant the number of unemployed youth due to lack of involvement - either through training, schooling or what have you. That it does present a problem.

Councilmember Selden asked if any correlation has been made with the Employment Security Office of these different age groups - the numbers on the roll seeking employment and the numbers actually employed in these categories. Mr. Person replied these are Bureau of Labor Statistics numbers. Councilmember Selden stated that of those that are in school and those that are not in school - some portion of those not in school are obviously employed. Mr. Person stated in the youth labor force, ages 16 through 19, the total - white males 4,103, or 89 percent; white females 3,037, or 88 percent; non-white males 1,653; non-white females 1,400. That of those numbers the employed represents - white males 501, or 11 percent; white females 387, or 12 percent; non-white males 25, or 14 percent; and non-white females 29, or 18 percent.

Councilmember ^{Frech} ~~Frosch~~ stated all of these contracts have employment standards that are to be monitored and she really does not understand the terminology of some of them. For instance, in the NAACP contract for reading assistants, 20 of these terminations will enter employment. What kind of employment, where can people trained as reading assistants be employed, or is he talking about other employment?

Mr. Person replied it is difficult to explain some of this because they are dealing with youngsters on the one hand who should be in school, or have not completed high school, between 16 and 19, and yet they are eligible to work, and those age 18 in particular are in the labor force. Some of these they will be dealing with. There are two things they try to do; they know that education is basic to all of us, so they try to improve these skills when and wherever they possibly can. They also try to help a person to develop a job potential - to achieve their maximum potential whatever that might be. In this vein, through a learning process, it is envisioned that perhaps some of these can indeed commence work - "any kind of work" is sort of a catch-all but hopefully they can define it a bit more than just leaving it open-ended.

Councilmember ^{Frech} ~~Frosch~~ asked if these performance standards are fairly realistic and Mr. Person replied they hope so - at least it gives them something to work toward and measure their gain. The standards are based on experience they have had in other endeavors.

Councilmember Locke stated Mr. Person is recognized throughout the State for his abilities in this field and Charlotte is very, very fortunate to have him as the director of this program.

Councilmember Dannelly stated in the detail report relative to Item (e), they are asking for maintenance and construction materials in the amount of \$1,265, to do some rehabilitation on 300 homes. He asked if this is enough or if we are getting materials from some other source? Mr. Person replied first of all, Family Housing Services is already doing some of this - it is an on-going operation; that what we have here is in addition to these efforts of trying to help youngsters to become employed, to develop skills in housing maintenance, etc. and it is really sort of enlarging their present efforts. That they have some of the materials already on hand, as he understands it, from other resources.

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Mayor Harris stated he would hope someday to have Mr. Person come to Council and be able to state to us that he has a process for screening, counselling, testing and following a person all the way through from in-put to out-put and has a meaningful job in this community. Mr. Person stated if we could do that we could set the model, or the mold, for the country. Mayor Harris stated Charlotte does a lot of other things in leadership and we could do that, too.

Councilmember Gantt stated he would like to see some planning money left over this year for us to study these kinds of things. That he gets the feeling that the five or six programs that the agencies have come forward with this year - that we are in fact in a hit-or-miss kind of thing. He stated we want to employ some youths who can get \$2.65 per hour into their hands and get them involved in something but there really is not a comprehensive program as such.

Mr. Person stated what we have here is an effort on the part of federal government to try to come up with model type programs that youth can engage in, that can and will become meaningful because it has been tried and proven. That this is why they are referred to as "demonstration projects" and they are funded only for this one year.

The vote was taken on the motion to approve Items (a) through (f) and carried unanimously.

The ordinance is recorded in full in Ordinance Book 25, at Page 156 .

DECISION ON CONTRACT WITH MOTION, INC. TO PROVIDE HOUSING SERVICES TO INCLUDE REHABILITATION AND NEW CONSTRUCTION OF HOUSING UNITS AND MULTI-FAMILY HOUSING PROGRAMS, DEFERRED.

Councilmember Locke moved approval of subject contract. The motion was seconded by Councilmember Gantt.

Councilmember Trosh made a substitute motion to defer action on subject contract, which motion was seconded by Councilmember Selden.

Councilmember Trosh stated she made the motion to defer action on this contract for two reasons. First of all, in the December 12th Council Meeting, a unanimous motion was passed to have a Committee of Council to study the relationship "between MOTION and the City". That a proposal of the Committee was to be brought back to Council as to what the City's relationship was with MOTION. She stated it seems to her that Council should not act until the Committee meets and makes this report.

She stated she feels this partially because she has a lot of unanswered questions which could be answered by this Committee and filtered out and brought to Council in a condensed form.

Second of all, on December 12th, the City Manager indicated, as did the Budget and Evaluation Department in their report, that an audit on a revolving fund "is highly necessary before Council can make a decision." That she concurs with this belief and feels it should be completed before and not after receiving the contract ~~each time~~ is signed.

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Councilmember Locke stated the Vice Chair person of that Committee decided not to meet because Staff did reach an agreement with MOTION for this contract, which is a tight contract and certainly beats the contracts the City has had in the past. That this is the reason the Committee did not meet - because Staff had already reached an agreement with MOTION.

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Councilmember Trosch stated her concern is that Council seems to be committed to the use of their committee structure and she had a great many questions with this contract in trying to understand it in relationship with the City and she prefers to raise these questions to the Committee before it reported back to Council.

Councilmember Leeper stated his response is in conjunction with Mrs. Locke's statement; that the proposed contract that has been drawn up has a lot of stipulations and guidelines that are the kinds of things that Councilmembers have questions about.

Mayor Harris stated Councilmember Trosch has brought up a good point and Council really ought to be utilizing their committee structure. That if Council refers things to Committee, even if Staff has resolved the problem this should really be circulated among the Council prior to being placed on the agenda. That he really believes this is going to undermine the relationship, for instance, of Councilmember Locke and Councilmember Gantt who are contacted, for instance, by staff as chairman and vice chairman of the committee and they would say "That meets our approval." He stated he is making that comment now because we are starting now to use these committees and we want them to be effective.

Councilmember Carroll stated he was real pleased to see that some sort of compromise was worked out to what seemed to be a real thorny problem, but he is concerned about what Councilmember Trosch said about her not having a chance to be aware of what was happening and be informed and to get some input into it. That he would like to see Council defer this so she could be sure that all the stones were turned over and that was something that everyone was informed of - that this does not mean that Council will not go right along with the contract and come out at exactly the same place. That it is a question here of procedure more than substance. He stated he understood Mrs. Trosch's motion would include that MOTION would continue extension of its present contract so they would not be left hanging.

Councilmember Trosch replied it was her intention to include that in her motion.

Councilmember Gantt stated one of the big concerns that Council knew he had was what the role would be for the City, which is one of the reasons he thought the committee meeting ought to be held - simply because the contract at that time being tendered to MOTION would have the effect of almost eliminating it as an organization of the City. He stated the contract before Council now does not do that and while it stresses monitoring the operations of MOTION much more stringently than it has in the past, it also requires certain things to be accomplished within 30 days or there is reason and justification to terminate the contract, such as requiring the audit of the records to be completed (which the City Manager referred to) and a number of other administrative and monitoring techniques.

He stated they were informed by the Staff that MOTION was in agreement with all of these kinds of things because they believe their operations have been above-board.

On the other hand, the fact is that it never got to committee; that a lot of that had to do with the holiday period and the need to get it back on the agenda. He has no objection if Council wants to extend that for a month to allow all of those questions to come out in committee. The feeling he has is that many of them would be resolved in that one-month period.

Councilmember Short stated he felt the statement Mrs. Trosch made had somewhat of a point since she is a member of that committee.

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Mayor Harris asked who the staff member, or liaison, to that committee is? Mr. Burkhalter replied Mr. Paul Bobo, Assistant City Manager.

Mayor Harris asked Mr. Bobo if he had contacted members of the Committee prior to this being placed on the agenda. Councilmember Locke stated the Chairman and Vice Chairman were contacted.

Mr. Burkhalter stated at the time Council did this, his staff already had a meeting set up for the next day and he thought Council told him to go ahead and proceed with this. Several Councilmembers agreed this was their understanding.

Mayor Harris stated the feed-back is what they are talking about; that this logically should have been fed back through the committee structure before coming to Council on the agenda.

Councilmember Short stated before voting on Mrs. Trosch's substitute motion, he would like to ask that they hear from the City Manager and Mr. Alford as to whether there is an emergency here. That this is a pertinent fact also.

Mr. Wylie Williams replied the contract expires as of tomorrow so it would call for one of two actions. First, Council could delay the contract for thirty days or Council could approve the contract with the provision that the questions that are unresolved right now be resolved within that 30-day period. He stated his option would be not to delay it again for another 30-day period; he would just as soon have a new contract with the kind of accountabilities that are set in there to resolve those problems that are unresolved right now.

Councilmember Selden asked the amount of the previous twelve month contract and Mr. Williams replied \$132,000. That the new contract is not to exceed \$135,000; there are still some questions that staff is negotiating within that \$135,000 figure. He stated it would not exceed this amount and could be reduced.

Mayor Harris stated he did not see how Council could approve a contract which provides unspecified questions be answered with 30 days.

Councilmember Locke stated what Council is probably going to have to do is make some allowance for extending the contract or going ahead and approving it for 30 days.

A vote was taken on the substitute motion for deferral, and carried as follows:

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

NAYS: Councilmembers Frech and Leeper.

Motion was made by Councilmember Short, seconded by Councilmember Chafin, and unanimously carried, to consider an extension of the present contract with MOTION, INC.

Councilmember Cox moved to extend the contract for 30 days, which motion was seconded by Councilmember Short and carried unanimously.

Councilmember Trosch stated she would like to ask the following questions:

1. First of all, it is her understanding that the original contract with Community Development was for approximately \$45,000 for these services. This proposed contract has grown to \$135,000 and she would like to know if the Community Development felt that \$45,000 was sufficient enough to accomplish the needed services of MOTION for the City.
2. What services have been added to the original contract and are they essential to accomplish the CD needs in this area. That she would like to see available to Council the names of MOTION'S Boardmembers; when they were appointed and by whom.
3. She would like the Committee to determine how realistic it is to assume MOTION can accomplish approximately 169 units in one year when it averaged approximately 30 units per year for the last seven years.
4. She would request the Committee to address the question of MOTION'S inability to meet rehabilitation objectives in the past, as pointed out in the Budget and Evaluation's Report, and without a tract record in this area, how they propose to do it in the future.
5. She would like to know if the facilities that the City is paying for are being used exclusively for city business.

Councilmember Locke asked if any other member of Council had a question they would like this Committee to address and Councilmember Cox replied as he read the contract, basically what it said was that the real objectives were to package three Section 8 project applications, plan for seven single families and plan for 12 structures for rehabilitation.

He stated he would like to know where the money is coming from. That it may be obvious but he does not know where it is. He stated he does not see why we have to package three Section 8 projects when our allocation for next year probably will not be enough to handle even those three projects.

He stated he has a question about whether the work that MOTION will be doing in the next year will actually result in structures being built and structures being rehabilitated or whether it is another exercise in planning. This is the question he would like to ask.

Mayor Harris asked if the City has on file papers regarding the Corporation itself and Mr. Wylie Williams, Assistant City Manager, replied yes. Mayor Harris asked if the City appoints any of the board members? Mr. Williams replied originally the Charter provided for 9 members - 4 to be appointed by Council, 2 by the County and 3 by the Model Neighborhood Advisory Commission.

Mayor Harris asked what the Charter says about the continuing appointments? Mr. Williams replied, as he recalls they were to be appointed by the MOTION Board itself. Councilmember Trosch stated she has read this in detail and that is not her understanding. That what she was led to believe is there was an amendment of the Charter that said vacancies would be filled, but that when the term expired, the City Council and the County Commission would fill those. Mr. Williams stated there were no terms of office set forth.

Mayor Harris stated that the people interested in MOTION should realize that the committee meeting will be open to the public and notice will be given. Councilmember Locke stated the meeting would be scheduled for next Monday, January 16, at 2:00 o'clock. She asked Mr. Williams if he would have the answers to the questions by then and he replied he would certainly try.

Mr. Burkhalter stated he hopes the committee will give attention to restructuring the Charter. Mayor Harris stated he thinks it would be very appropriate for staff to give some thought before that time to the questions raised.

MEETING RECESSED AND RECONVENED.

Mayor Harris called a recess at 4:30 p. m. and reconvened the meeting at 4:40 p. m.

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CONTRACT WITH HENSLEY-SCHMIDT, INC. FOR THE TRANSIT/PARKING COORDINATION STUDY AMENDED TO PROVIDE FOR CONTRACT MODIFICATIONS REQUESTED BY UMTA.

On motion of Councilmember Chafin, seconded by Councilmember Dannelly, and carried unanimously, the contract approved by City Council on September 26, 1977, with Hensley-Schmidt, Inc., for the Transit/Parking Coordination Study, was amended to provide for contract modifications requested by UMTA.

ORDINANCE NO. 868-X, TO AMEND ORDINANCE NO. 576-X, THE 1977-78 BUDGET ORDINANCE, RE-ESTABLISHING APPROPRIATIONS FOR THE ACCIDENT IDENTIFICATION AND SURVEILLANCE PROGRAM.

Motion was made by Councilmember Gantt and seconded by Councilmember Short, to adopt the subject ordinance amending the 1977-78 Budget Ordinance to re-establish appropriations for the Accident Identification and Surveillance Program.

Councilmember Carroll asked if Council has received any reports on the progress of this program; where do we stand in terms of getting some results from that?

Mr. B. A. Corbett, Director of Traffic Engineering, stated the Council will be receiving very shortly an annual report of the activities of this division of his department. It will come in association with a reapplication for the grant for next year. That they will have a number of projects for consideration by City Council very shortly.

Councilmember Gantt stated that Clanton Road and Barringer Drive turn out not to need a traffic light according to Traffic Engineering's warrant and this was the most recent survey that they did. Mr. Corbett stated that is right. Councilmember Gantt stated his question is "When they had the light there temporarily, did they find that it caused some serious traffic engineering problem to keep that light at that location?"

Mr. Corbett replied it caused no major problem because the traffic on Clanton Road was not that heavy. The major difficulties that you have when you put in an unwarranted traffic signal are (1) it reduces the capacity on the main roadway, (2) it can create an accident potential which is not there otherwise from rear-end collisions. They had no great problem with that, but before the signal was taken out they did an evaluation to determine if it should stay in and this study showed that it should not stay according to the warrants; that since they removed it they have done three different studies and none of them have shown that it meets the warrants.

Councilmember Gantt asked if he had contacted the neighborhood group out there? Mr. Corbett replied no, they informed the City Manager's Office.

Responding to a question from a Councilmember, Mr. Corbett stated the warrants for putting up a traffic signal are a number of different things. One deals with traffic volume and is associated with the volume and the number of lanes on both the main street and the minor street. That on a two-lane street the figures are about 650 per hour, per lane, on the main street, for 8 consecutive hours; on the minor street it is in the neighborhood of 200 vehicles per hour, for 8 consecutive hours - that is the volume warrant. The pedestrian warrant is in the neighborhood of 300 pedestrians per hour, for 8 consecutive hours. The accident warrant says there must be five or more accidents of the types that can be eliminated by the installation of a signal in one year's time. None of these warrants were met in this instance.

There are additional warrants which allow the reduction of the volume warrant under certain circumstances, but none of those warrants were met. They make up a sheet when they evaluate it, of all the warrants to see not only whether the situation meets them or not, but how close it comes to meeting them.

Mayor Harris stated that he is certainly not a traffic engineer, but he would think they would be only concerned about the peak hour times rather than an 8-hour day.

Mr. Corbett replied if they concerned themselves only with peak hour periods, there are probably a thousand intersections in the city that would warrant signals for one hour a day and if you made them stay there all the time, historically, installation of traffic signals results in an increase in accidents rather than a decrease - they only reduce the rate of right-angle accidents; the other types all increase. That signs have been placed in this particular area about the trucks, as well as sidewalks are being put in he believes. The restriction on trucks is for those over three axles which are going through - local trucks which might make a delivery in the area or in the case where someone might be driving one home, there is nothing they can do to stop that.

Councilmember Leeper stated even though they post a sign for no through traffic, he feels there is a great need for that light and it should be evaluated.

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

The ordinance is recorded in full in Ordinance Book 25, at Page 157.

ORDINANCE NO. 869-X, AMENDING ORDINANCE NO. 576-X, THE 1977-78 BUDGET ORDINANCE, TO AMEND THE TABLE OF ORGANIZATION IN THE POLICE DEPARTMENT; AND RESOLUTION TO AMEND THE PAY PLAN OF THE CITY OF CHARLOTTE.

Motion was made by Councilmember Cox, seconded by Councilmember Selden, to adopt the subject ordinance which would provide for the reorganization of the Police Department to establish one Assistant Police Chief and three Division Commanders; and a resolution to amend the City of Charlotte Pay Plan.

Councilmember Gantt stated it was his motion which deferred action on this recommendation from the Police Chief to allow other members of Council to express any reservations after they had had a chance to examine it.

There were no other comments and the vote was taken on the motion and carried unanimously.

The ordinance is recorded in full in Ordinance Book 25, at Page 158.

The resolution is recorded in full in Resolutions Book 13, at Page 148.

RESOLUTION APPROVING THE SUBMISSION OF AN APPLICATION FOR AN LEAA GRANT TO PURCHASE A 40-CHANNEL RECORDER AND A CALL-CHECK SYSTEM TO PROVIDE STORAGE AND IMMEDIATE RETRIEVAL OF EMERGENCY TELEPHONE COMMUNICATIONS FOR THE 911 EMERGENCY NUMBER.

Motion was made by Councilmember Gantt, seconded by Councilmember Chafin, and carried unanimously, adopting the subject resolution approving the submission of an application for an LEAA grant to purchase equipment for the 911 Emergency Telephone Number.

The resolution is recorded in full in Resolutions Book 13, at Page 149.

ORDINANCE NO. 870 REQUIRING BUSINESS ESTABLISHMENTS THAT SELL FIREARMS TO PROVIDE ANY PURCHASER COPY OF CITY ORDINANCE WHICH PROHIBITS THE DISCHARGE OF FIREARMS WITHIN THE CITY.

Mr. Burkhalter, City Manager, stated his office has information from the Federal Firearms and Alcohol Agency that there are about 400 selling places in this community; that over 100,000 are sold per year in this region, 50,000 of which are handguns.

Councilmember Short moved, seconded by Councilmember Dannelly, that the subject ordinance be adopted, to become effective April 1, 1978, and that it include a fine of \$25.

Mayor Harris asked Chief Goodman what is done about regulating the illegal firing of firearms? It has become a problem in a lot of areas around the city.

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Chief Goodman stated we just have to have citizen cooperation; that the areas that are wooded are hard to get into.

Councilmember Carroll stated there is one thing that he wonders about with the proposed ordinance. As it stands now, a person who was charged with violation of it would have a defense if the City failed to distribute sufficient copies to them. Would it not be good to change it to say that the City will prepare and make available sufficient copies to the business establishments, so that the City is not left in a bind with someone saying they ran out of copies last week and the City did not deliver more. This would put a little more burden on them to come by City Hall and pick them up if they run out.

Councilmember Short agreed to include in his motion that the words "make available" be substituted for "distribute" in the proposed ordinance.

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

The ordinance is recorded in full in Ordinance Book 25, at Page 159.

ORDINANCE NO. 871-X EXTENDING THE TERMS OF THE EXISTING CATV FRANCHISE UNTIL FEBRUARY 27, 1978.

Motion was made by Councilmember Selden, seconded by Councilmember Short, adopting the subject ordinance to extend the terms of the existing CATV franchise until February 27, 1978.

Councilmember Locke stated this has been a 10-year franchise; it did expire last spring and has been renegotiated and renegotiated, and renegotiated and the last time it was renegotiated she was sure that was the last time it would be done; now here we go again asking for a renegotiation to extend this franchise until the City can come up with a concrete contract. Could she be assured one more time - one more time? That she said before that she thought that if they could not negotiate this contract that they should throw everything out and ask for re-bidding on the whole thing, because these people are not going to do what they say they are going to do.

Mr. Underhill, City Attorney, stated this is not the fault of the present operator; it is primarily his own fault - for several reasons. He inherited this from Mr. Tyler who was doing all of the negotiating for the City until he left in October. This required him to become knowledgeable of what had transpired prior to his getting into it, plus taking a crash course in education of what CATV is all about. With the new Council coming on board he has had to personally spend a lot of his time on transition from the old to the new Council and he has put this aside. Another thing is that his office has been moved from the second floor to the third floor and they have been working out of boxes for two weeks or he would have had this completed. He is saying this to say that it is not the fault of the CATV operator that it has not been finished. They have been ready and wanting to meet with him but he has not been in a position to get with them to complete the final touches of this. This is his request and not that of CATV.

He stated that the timetable he has proposed to Council he hopes they will consider favorably because he thinks it can be met and if they wish to have a public hearing that February 13 would be an advisable time to have it. He gave them the timetable to show that they are very far along and they want Council to now start thinking about how they wish to handle it once it gets in their hands.

Councilmember Cox stated he has been looking at the timetable and notes that it has to be voted on twice. That for years he has had bad vibrations about CATV here in Charlotte; and for what he thinks are some very good reasons. He would expect to not be able to respond by voting on the 20th and 27th. It starts with a basic philosophical thing - all he knows about it is what he reads in the newspaper and the service that he has been given over the years.

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He stated he does not like the idea of our giving these people exclusive rights for years and allow them to develop their lines and develop their system and then taking off the halters and saying you can increase prices every year up to 10 percent (this is what he has read in the newspapers). He just does not like that idea.

Mr. Underhill stated that under the present ordinance Council approves all of the rates and charges.

Councilmember Cox replied but what they want is a 10 percent unbridled limit (as he reads in the newspaper). He does not like that idea at all. He knows of people in the City of Charlotte who do not pay a dime to CATV and everytime he does to their house he can watch Channel 10, Channel 11, Channel 12. It is a very, very easy thing to do.

Mr. Underhill stated that Mr. Gregory, the local manager for the system is in the audience and he could probably tell them that is a problem with them. One of the things that is being proposed in the ordinance is a section that will make it unlawful to hook onto the cable without paying for the service.

Councilmember Cox stated he would hope that, in addition to making it unlawful, they would require a follow-up to check out these people who are causing these kinds of rate increases to be asked of the users. If they only had the people who are paying, we would be in pretty good shape.

Mayor Harris stated another thing that is important - Mr. Underhill has educated him quite a bit recently on this - is that with the change in technology that is occurring in this field, one of the things that Council ought to do is keep its options open. If we have franchises, they ought to be restrictive and have requirements.

Mr. Underhill stated he hopes to have the ordinance in the hands of the Councilmembers, with a full explanation of what is proposed, by January 30. His thought is to give them almost a month to examine the ordinance and what is proposed. In addition to that, the CATV folks are going to give them a booklet which contains a lot of background material.

Councilmember Dannelly asked if Council has the authority to decide where Cablevision may lay their lines, or at least indicate to them where they might consider laying them? Mr. Underhill replied that the expansion policy of the operator has been one of the primary concerns of Mr. Tyler who negotiated prior to himself, as well as one of his concerns since he has been doing the negotiating. That the ordinance will address that and will reference a formula by which expansion must take place and a time frame in which it must take place. To help Council understand that, the operator has prepared a map which shows that; and one of the terms of the ordinance is they will be required to file construction plans which will show the sequence in the phasing in of the expansion of the system. It is a very major point and he is hopeful that once Councilmembers look at the ordinance and what it is going to provide and once they look at the other material that will be available at and before the public hearing, they will get some idea of what the expansion policy they are proposing will be.

He stated that, of course, if that is unsatisfactory to the Council (they are the ones granting the franchise) it is the kind of thing they will want to deal with and discuss. That expansion of the system was left pretty much up in the air in the present ordinance, but they have to remember that the present ordinance was developed and adopted in 1967 when CATV was in its infancy in this area of the country; and although it was an excellent ordinance at that time, there have been a lot of things that have happened in the CATV industry since that time. The new ordinance will run 30 some pages long and it is going to get into things like expansion, about new capabilities that must be added to the system, about customer complaints, about underground versus aerial wiring and these folks have some real problems in Southeast Charlotte where a lot of the wiring is underground and their ability to get in and to put cable along the same lines where Duke Power and Southern Bell have their wires. They have some practical problems that he has heard and has some appreciation for now. The ordinance will try to deal with those things and he hopes to get it into Councilmembers' hands

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early enough so that they can have as much dialogue and discussion and answer as many questions as possible before the public hearing.

The vote was taken on the motion and carried unanimously.

The ordinance is recorded in full in Ordinance Book 25, at Page 160.

ANN MORRIS APPOINTED TO FILL AN UNEXPIRED TERM ON THE COMMUNITY FACILITIES COMMITTEE; COMMENTS BY COUNCILMEMBER TOM COX ON FACTORS THAT SHOULD BE CONSIDERED BY CITY COUNCIL IN MAKING APPOINTMENTS TO THE VARIOUS BOARDS AND COMMISSIONS.

Councilmember Locke moved the appointment of John Huson to fill an unexpired term expiring September 1, 1978, on the Community Facilities Committee. She stated he has served previously on this committee and was a very valuable member. He has the background and the expertise to serve on the CFC. The motion was seconded by Councilmember Cox.

Councilmember Chafin stated she has a great deal of respect for Mr. Huson's background and ability. However, there is a need to broaden the representation on the boards. She stated that all of the current members of the CFC do reside in Southeast Charlotte, three of them in District 7. Moreover, there has not been for some time a female on the CFC and she thinks that is an important consideration. Finally, at the request of several current members of the Committee, there is a need, given the task and responsibility of this group, to have a perspective representative that is not now represented - that is the perspective of the consumer. Most of the current members are either representing a builder's perspective or come out of a very strong accounting background. She stated she nominated Ms. Morris because she is a highly qualified person and does have a sufficient background in business and accounting to review and make intelligent decisions on the figures that the CFC deals with. She also nominated her because she has a very keen interest and sensitivity to the consumer in this City.

Councilmember Cox stated that he had not prepared to say this, but that Council is going to have before it within the next six months proposals which will result in this Council's not finding the best people qualified to go on a particular board - judging the need of the board and the individual's qualification for that board. That in general, they need to do that. He is not saying that either one of these people is that way - unqualified to be on this board. However, he would like to address comments that have been made at Council meetings and in campaigns - that is it is his opinion that they need to put on these boards the best possible people they can find or else they are going to be facing trouble down the road.

He stated if the best person they can find happens to live in his district, that should not disqualify him or her from membership on this board. Given that the people are of equal qualification - however they individually decide to make that decision - he would believe and expect to personally vote for those people who because of race, or geographics, or religion, or sex, or whatever kind of broader representation criteria one might want to apply to these representatives, have that factor be an additional factor and swing the balance to that person. However, he stated he would strongly urge this Council to not eliminate somebody from District 7, or from Districts 5 or 6, just because they live out there, and immediately say that these people because of their residence, or because of the color of their skin, or because of their sex, are not able to function on a particular board in a way that represents the entire community. He knows many people in District 7 and he knows that many of them can represent the entire community. This is the first nomination this new Council has had and he wanted to make that statement and hope that Council will align itself along those lines.

Councilmember Locke stated there are some critical issues facing the Community Facilities Committee and the reason she nominated Mr. Huson is that he has served before and has done such an expert job in that particular area and some of the members of the CFC asked her to consider nominating him. He has done an excellent job before and she would hope that he could be re-nominated.

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Councilmember Chafin assured Councilmember Cox that she was not attacking District 7 or suggesting that she thinks every board has to be appointed on the basis of geographic relevancy. She fully supports and respect many of the things he just said; that it is somewhat unusual for a board to be totally represented by people from one geographic area.

Councilmember Locke stated there are only five members on this particular board and they have charges to them that are very, very difficult.

Councilmember Trosch asked a question on procedure, and Mayor Harris explained that the nominees are voted on in order of their nomination - if the first one gets a majority vote, he is elected; if neither nominee gets a majority vote, they start all over again.

Councilmember Carroll stated in response to Councilmember Cox's philosophical point that he has never heard anyone on this Council in campaigning suggest that in meeting the needs to broaden representation they go any way but first quality; that he thinks most of the Councilmembers feel they can broaden the representation in terms of race, sex and geography and increase the quality at the same time.

He stated, in regard to the nomination before Council now, he understands what Councilmember Locke has said; that he has known Ms. Morris for a good while and thinks she would be exceptionally well qualified to serve on the Community Facilities Committee.

Councilmember Dannelly stated he feels compelled to respond to Councilmember Cox's statement to this extent; that this Council is in a better position to explore the entire City of Charlotte in supplying the best qualified people for the committees - they certainly can find them distributed throughout Charlotte.

Councilmember Cox stated he prefaced what he said by stating that he was speaking off the top of his head, and he wants to respond in a way that he hopes other Councilmembers will understand what is in his heart more than what is in his head, or at least in what he said. That he made up his mind a long time ago that he was going to say what he said the first time a nomination came up regardless of what anybody said because he thinks it is important to say that. He also thinks it is important to say, as the person who represents District 7, that he is personally in favor of broader representation on all of the boards; and he is not saying what he said to be combative in any kind of way; or to bring up an issue; or to defend District 7's right to govern the city. He wants to say to the other Councilmembers that they agree on this thing.

The vote was taken on the motion to appoint Mr. John Huson to the CFC and failed to carry on the following vote:

YEAS: Councilmembers Locke, Cox, Selden and Trosch.

NAYS: Councilmembers Carroll, Chafin, Dannelly, Frech, Gantt, Leeper and Short.

A motion to nominate Ms. Ann Morris to the Community Facilities Committee was made by Councilmember Chafin, seconded by Councilmember Gantt, and carried unanimously.

Councilmember Gantt stated it makes sense in the nomination process, notwithstanding race, geographic considerations, etc., that the nominator might attach with the qualifications of the person he is nominating, why this person is being nominated. That Councilmember Chafin's comments were very good; they cleared up a lot of things in people's minds because in reading the qualifications - where he works, what college he attended, age, etc. - it would help all of us in evaluating the nomination.

Councilmember Short stated he has a suggestion as a procedural matter for the benefit of the Council - that in the future when there is a vacancy on a Commission that Council is supposed to fill that the Mayor or the Manager

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or someone insert them one by one as a numbered item on the agenda, week by week, so that they can get action on them. As it is now, they are listed at the end of the agenda and if they were in the numbered agenda it would prod Councilmembers in the course of the week-end to call people to see if they would serve.

Several Councilmembers stated they would have to think about that.

Councilmember Short stated at least that would bring it to a head.

AWARD OF CONTRACTS.

1. Councilmember Cox moved award of contract to the low bidder, GMC Truck and Coach, in the amount of \$6,188.14, on a unit price basis for one 6100 lbs. GVWR Carryall Type vehicle. The motion was seconded by Councilmember Chafin, and carried unanimously.

The following bids were received:

GMC Truck & Coach	\$ 6,188.14
Lapointe Chevrolet Company	6,282.92

2. Motion was made by Councilmember Cox seconded by Councilmember Short, and carried unanimously, awarding contract to the low bidder, Freedom Dodge, Inc., in the amount of \$22,023.24, on a unit price basis for four 6100 lbs. GVWR closed Cargo Van Trucks.

The following bids were received:

Freedom Dodge, Inc.	\$22,023.24
Young Ford Company	23,170.54
LaPointe Chevrolet Co.	23,204.48
GMC Truck & Coach	23,961.66

3. On motion of Councilmember Chafin, seconded by Councilmember Short, and carried unanimously, contract was awarded to the low bidder, LaPointe Chevrolet Company, in the amount of \$90,139.98, on a unit price basis for eighteen 6050 lbs. GVWR pick-up trucks.

The following bids were received:

LaPointe Chevrolet	\$90,139.98
GMC Truck & Coach	90,684.18
Young Ford Company	91,230.32
Freedom Dodge, Inc.	92,667.02

4. Motion was made by Councilmember Locke seconded by Councilmember Short, and carried unanimously, awarding contract to the low bidder, GMC Truck & Coach Sales, in the amount of \$5,936.36 on a unit price basis for one 8500 lbs GVWR closed cargo van truck.

The following bids were received:

GMC Truck & Coach	\$ 5,936.36
LaPointe Chevrolet Company	6,215.64
Young Ford, Inc.	6,238.87

5. On motion of Councilmember Locke, seconded by Councilmember Short, and carried unanimously, contract was awarded to the low bidder, LaPointe Chevrolet Company, in the amount of \$49,357.02 on a unit price basis for nine 8000 lbs. GVWR pick-up trucks.

The following bids were received:

LaPointe Chevrolet Company	\$49,357.02
GMC Truck & Coach	49,862.10

6. Councilmember Chafin moved award of contract to the low bidder, GMC Truck & Coach, in the amount of \$40,957.47 on a unit price basis for seven 10,000 lbs. GVWR truck cab and chassis. The motion was seconded by Councilmember Selden, and carried unanimously.

The following bids were received:

GMC Truck & Coach	\$40,957.47
LaPointe Chevrolet Company	41,714.82

7. On motion of Councilmember Locke, seconded by Councilmember Selden, and carried unanimously, contract was awarded to the low bidder, Tar Heel Ford Truck Sales, in the amount of \$66,826.19, on a unit price basis for seven 20,000 lbs. GVWR truck cab and chassis.

The following bids were received:

Tar Heel Ford Truck Sales	\$ 66,826.19
International Harvester	70,481.37
Griffin Implement & Milling	75,301.08

8. Motion was made by Councilmember Locke, seconded by Councilmember Chafin, and carried unanimously, awarding contract to the low bidder, International Harvester Company, in the amount of \$91,276.74, on a unit price basis for seven 27,500 lbs. GVWR truck cab and chassis.

The following bids were received:

International Harvester	\$ 91,276.74
Tar Heel Ford Truck Sales	92,901.19
Griffin Implement & Milling	99,655.64

9. Motion was made by Councilmember Locke, seconded by Councilmember Short, and unanimously carried, awarding contract to the low bidder, Worth Keeter, Inc., in the amount of \$6,779 on a unit price basis for six job planned utility bodies for 8000 GVW truck cab and chassis.

The following bids were received:

Worth Keeter, Inc.	\$ 6,779.00
Fruehaul Corporation	6,852.00
Cook Body Company	6,873.00
Fontaine Truck Equipment Co.	7,717.00

10. On motion of Councilmember Locke, seconded by Councilmember Short, and carried unanimously, contract was awarded to the low bidder, Worth Keeter, Inc., in the amount of \$4,980, on a unit price basis for four job planned utility bodies for 10,000 lbs. GVWR truck.

The following bids were received:

Worth Keeter, Inc.	\$ 4,980.00
Fruehauf Corporation	5,148.00
Cook Body Company	5,236.00
Fontaine Truck Equipment Co.	6,152.00

11. Councilmember Dannelly moved award of contract to Map Enterprises, Inc. on the base bid in the amount of \$14,644.40, on a unit price basis for one hydraulic lift w/utility body for 10,000 lbs GVWR truck. The motion was seconded by Councilmember Chafin, and carried unanimously.

12. Motion was made by Councilmember Selden, seconded by Councilmember Chafin, and carried unanimously, awarding contract to the low bidder, Worth Keeter, Inc., in the amount of \$16,415, on a unit price basis, for seven steel dump bodies.

The following bids were received:

Worth Keeter, Inc.	\$ 16,415.00
Twin States Equipment Co.	16,982.00
Fontaine Truck Equipment Co.	17,367.00
Fruehauf Corporation	20,123.00
Cook Body Company	22,014.00

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13. Motion was made by Councilmember Chafin, seconded by Councilmember Trosch, and carried unanimously, awarding contract to the low bidder, Fontaine Truck Equipment Company, in the amount of \$1,970, on a unit price basis for one 8-foot steel dump body.

The following bids were received:

Fontaine Truck Equipment Co.	\$ 1,970.00
Fruehauf Corporation	2,149.00
Quality Equipment & Sales Co.	2,454.58

14. Motion was made by Councilmember Chafin, seconded by Councilmember Locke, and carried unanimously, awarding contract to the low bidder, Transign, Inc., in the amount of \$6,891.80, on a unit price basis for destination curtains.

The following bids were received:

Transign, Inc.	\$ 6,891.80
Trend Graphics, Inc.	14,810.00

15. On motion of Councilmember Locke, seconded by Councilmember Trosch, and carried unanimously, contract was awarded to the low bidder meeting specifications, A. E. Finley & Associates, in the amount of \$37,794, on a unit price basis for one street sweeper, three wheel elevating hopper.

Bid received not meeting specifications:

E. F. Craven Company	\$ 29,632.00
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16. Councilmember Chafin moved award of contract to the low alternate bid of Hall Signs, Inc., in the amount of \$12,240, on a unit price basis, for steel U-posts. The motion was seconded by Councilmember Selden, and carried unanimously.

The following alternate bids were received:

Hall Signs, Inc.	\$ 12,240.00
Brighton Steel Company	12,360.00
Vulcan Signs & Stampings	12,440.00
Southeastern Safety Supplies	12,811.50
Korman Signs, Inc.	12,877.20

17. Motion was made by Councilmember Dannelly, seconded by Councilmember Chafin, and carried unanimously, awarding contract to the low bidder, Jones Fencing & Grading, in the amount of \$29,994, on a unit price basis for Southside Community Development Street Tree Planting.

The following bids were received:

Jones Fencing & Grading	\$ 29,994.00
Ray Bracken Nursery, Inc.	33,200.00

18. Councilmember Locke moved award of contract to the low bidder, Moretti Construction Company, in the amount of \$30,761.50, on a unit price basis for North Charlotte Community Development Street Tree Planting. The motion was seconded by Councilmember Selden, and carried unanimously.

The following bids were received:

Moretti Construction Co.	\$ 30,761.50
Wilson's Nursery	36,190.00
Polk & Sons Landscaping	38,775.00
Ray Bracken Nursery	52,734.00

Councilmember Gantt stated he knows that Council has to handle each award of contract individually, rather than as one item. He asked if a system can be worked out, if there is a consensus of Council members to approve all the contracts, to go in order with each Council member making the motion? The City Attorney advised this can be worked out. The City Manager stated Council would need to vote on each one.

Mayor Harris stated something needs to be done about that.

CONTRACT WITH THE PITOMETER ASSOCIATES FOR WASTEWATER SURVEY OF CHARLOTTE-MECKLENBURG UTILITY DEPARTMENT'S WATER DISTRIBUTION SYSTEM.

Motion was made by Councilmember Short, seconded by Councilmember Chafin, and unaniously carried approving the subject contract in the amount of \$9,750, for wastewater survey in Districts No. 20, 21, 22, 39, 40, 43 and 44.

RESOLUTIONS OF CONDEMNATION.

(a) Councilmember Locke moved that the resolution authorizing condemnation proceedings for the acquisition of property belonging to Mattie Bell Alexander at the north end of Alexander Drive, Huntersville, N. C. be deferred. The motion was seconded by Councilmember Short.

The City Attorney advised that the property owner signed an agreement at the price offered this afternoon, and this action is no longer necessary.

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

(b) Motion was made by Councilmember Locke, seconded by Councilmember Short, and unanimously carried, adopting a resolution authorizing condemnation proceedings for the acquisition of property in the West Morehead Community Development Target Area, as follows:

- 1.) Evelyn H. McCatherine, 1201 S. Church Street.
- 2.) John Wilson, 1229 S. Church Street.
- 3.) Susan Counts, 1233 S. Church Street.
- 4.) Jay H. Smith, 1301 S. Church Street.
- 5.) Sam Featherstone Estate, 1220 Winnifred Street.
- 6.) Jefferson Morrow, 310 Quincey Street.
- 7.) James L. Griffin, 1323 & 1327 Jefferson Street.
- 8.) James L. Griffin, 1319 Jefferson Street.
- 9.) James L. Griffin, 208 & 212 W. Bland Street.

The resolution is recorded in full in Resolutions Book 13, beginning at Page 150.

REQUEST THAT AGENDA ITEM NO. 22 BE CONSIDERED SEPARATELY FROM CONSENT AGENDA.

Councilmember Gantt asked that Agenda Item No. 22, Claim of Flake A. Parker, be pulled from the Consent Agenda and considered as a separate item.

CONSENT AGENDA APPROVED.

Motion was made by Councilmember Locke, seconded by Councilmember Chafin, and unanimously carried, approving all items under the Consent Agenda with the exception of Agenda Item No. 22, which is to be considered as a separate item.

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The following items were approved:

- (1) Resolution stating an intent to close a portion of North College Street, and calling a public hearing on the question on Monday, February 6, 1978, at 7:30 o'clock p.m.

The resolution is recorded in full in Resolutions Book 13, at Pages 151 & 152.

- (2) Settlement in the case of City of Charlotte vs. Bertram Alexander Barnett and wife, Agens B. Barnett, et al, in the amount of \$4,000, for Parcel No. 2, Torrence Creek Outfall Project.
- (3) Resolution authorizing the refund of certain taxes in the total amount of \$250, which were collected through clerical error against one tax account.

The resolution is recorded in full in Resolutions Book 13, at Page 153.

- (4) Approval of the following Loan Agreements:

- (a) Agreement with Lester E. & Brenda D. Kellough, in the amount of \$12,700, for 1116-18 East 35th Street, in the North Charlotte Target Area;
- (b) Agreement with Lester E. & Brenda D. Kellough, in the amount of \$18,250, for 1116 Academy Street, North Charlotte Target Area.

- (5) Contracts for construction of sanitary sewer mains:

- (a) Contract with F. Kenneth Springsteed for the construction of 6,545 feet of 8-inch sewer main to serve Deerhurst Subdivision, outside the city, at an estimated cost of \$98,200.
- (b) Contract with Carmel Land Company for the construction of 1,020 feet of 8-inch sewer main to serve Stonehaven No. 40, outside the city, at an estimated cost of \$15,300.

- (6) Ordinances affecting housing declared unfit for human habitation:

- (a) Ordinance No.872-X ordering the demolition and removal of the dwelling at 613 East 36th Street (unoccupied in Target Area).
- (b) Ordinance No.873-X ordering the demolition and removal of the dwelling at 1301-03 Kennon Street (unoccupied).
- (c) Ordinance No.874-X ordering the demolition and removal of the dwelling at 2100-02 Kinney Street (unoccupied).
- (d) Ordinance No.875-X ordering the demolition and removal of the dwelling at 1027 East Davidson Street (unoccupied).
- (e) Ordinance No.876-X ordering the dwelling at 2622 Hemphill Circle to be closed (unoccupied).

The ordinances are recorded in full in Ordinance Book 25, beginning on Page 161, and ending on Page 165.

(7) Ordinances ordering removal of weeds, grass, trash, rubbish, junk and an abandoned motor vehicle:

- (a) Ordinance No. 877-X ordering removal of an abandoned motor vehicle at 1611 Newcastle Street.
- (b) Ordinance No. 878-X ordering the removal of junk at 1611 Newcastle Street.
- (c) Ordinance No. 879-X ordering the removal of weeds, grass and trash at 1123 Log Cabin Road.
- (d) Ordinance No. 880-X ordering the removal of weeds, grass, trash and junk at 3019-21 Clemson Avenue.

The ordinances are recorded in full in Ordinance Book 25, beginning on Page 166, and ending on Page 169.

(8) Property Transactions:

- (a) Acquisition of 30' x 405.56' of easement from Charles E. Holbrook and wife, Elizabeth S., in fifth block of Church Street South, Huntersville, North Carolina, at \$1,000 for Torrence Creek Outfall, Phase III.
- (b) Acquisition of 1,756 sq. ft. of easement from Ralph A. Mullis, Drifter Drive at Idlewild Road, at \$1.00; for water line in Idlewild Road at McAlpine Creek.
- (c) Acquisition of 15' x 293.45' of easement, plus temporary construction easement, from George Retsios and wife, Theodoro Retsios, for sanitary sewer to serve Peachtree Road area.
- (d) Acquisition of 15' x 270.92' of easement, plus temporary construction easement, from Walter Calvin Kenley and wife, Betty W., at \$270, for sanitary sewer to serve Peachtree Road Area.
- (e) Option on property at 210 South Davidson Street and 211 South Caldwell Street, owned by Jacquelyn Burns Bain Petty and James B. Petty, at \$258,275 for Governmental Plaza Acquisition.
- (f) Acquisition of 6,550 sq. ft. from Dr. William H. Shaia, at 1000 Greenleaf Avenue, at \$10,500 for Third Ward Target Area.
- (g) Acquisition of seven parcels for Five Points Target Area:
 - (1) 13,373 sq. ft. from Helen G. Sifford, 727 Campus Street, \$1,300.
 - (2) 16,902 sq. ft. from McCaskill-Brice Tabernacle, 343 Mattoon Street, at \$33,000.
 - (3) 6,098 sq. ft. from Annetta R. Dillard, 301 Cemetery Street, at \$1,100.
 - (4) 6,970 sq. ft. from Carlton H. Bost, 514 Solomon Street, at \$2,000.
 - (5) 4,792 sq. ft. from George Jones, 428 Solomon Street, at \$5,000.
 - (6,7) 39,597 sq. ft. from Hugh Huntington, 513 Solomon Street, at \$8,250.
- (h) Acquisition of two parcels of property and two tenant interests for West Morehead Target Area, as follows:
 - (1) 1,515 sq. ft. from Loraine T. Kinney, 1120-24 S. Mint Street, at \$3,250.
 - (2) 1,515 sq. ft. from Twin States Distributing Co., 1120-24 South Mint Street, at \$300 (Tenant Interest).
 - (3) 3,720 sq. ft. from John V. Andrews, 1329 South Church Street, at \$7,000.
 - (4) 10,270 sq. ft. from Schloss Outdoor Advertising Company, 1301 S. Mint Street, at \$4,700 (Tenant Interest).

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CLAIM OF FLAKE A. PARKER FOR WRONGFUL DEMOLITION OF BUILDING AT 125 WEST KINGSTON AVENUE DENIED, AND CITY ATTORNEY AUTHORIZED TO SETTLE FOR A TOTAL AMOUNT NOT TO EXCEED \$5,000.

Councilmember Gantt asked for an explanation of the subject item. That the City demolished a house after trying to find out who the owner was through all the proper notices. In the meantime the house was actually purchased by the mortgagee, and in effect now the mortgagee is coming forth saying the house was torn down without notice.

Mr. Underhill, City Attorney, stated the Statute says notice must be provided to all owners and owners in interest, which would include the holder of the mortgage, and we failed to notify the mortgage holder. In fact, we had no knowledge of it until after the structure was demolished. Councilmember Gantt asked if we had no knowledge there was an owner in interest, and Mr. Underhill replied no. Councilmember Gantt asked if we have a way to determine that? Mr. Underhill replied if we run a full title search on it, we would discover it.

Councilmember Leeper stated the city is recommending a settlement for \$5,000; the attachment indicates if the owner was going to repair the property it would be worth \$8,000. He asked if the City Attorney knows for a fact that is the worth of the purchase of the property? Mr. Underhill replied the property owner bid in the foreclosure to regain the property. He stated the \$8,000 value is an accurate one. If he had repaired it, which he would have been required to do in order to have it occupied to bring it up to code standards it would have had a value of \$8,000.

Mr. Underhill stated the initial amount requested was higher, but they are in a negotiated stage now; they offered to settle for \$8,000 and it is based on the face value if the property had not been demolished, and they had made the repairs. Councilmember Leeper stated in essence we would be depriving them of \$3,000? Mr. Underhill replied they never paid for the repairs; we are not depriving the owner of some expenditure he has made. Councilmember Leeper stated the owner had that option before it was torn down, and we took away his option. Mr. Underhill replied we think \$8,000 in damages is excessive due to the condition of the house at the time it was demolished. The owner is willing to settle for \$8,000; whether he will settle for something less he does not know. He is asking for some settlement authority to see what he can do short of going to court.

Councilmember Gantt stated his whole point was that he did not think we owed him anything; but Councilmember Leeper is on the other end and says we owe \$8,000. Councilmember Leeper stated he is not sure we owe him \$8,000. He is saying he initially had that option, and could have made his property worth \$8,000. He would have been able to do that, but we took away that option.

Councilmember Dannelly stated he would like to understand why if you do tear down someone's property without their knowledge of it, and then you turn around and charge them to tear it down? Mr. Underhill replied this is the mechanism for enforcing the housing code. He passed around some pictures of the property taken by the Building Inspection people on May 18, 1977 which indicates the condition of the house at that time. One of the ways of enforcing the Housing Code is if the owner refuses to make the repairs, and a house is in such a condition that we feel it is such a hazardous condition, the city tears down the structure, and places a lien against the property so that if and when the property owner ever sells the property in order to get a clear title that lien has to be paid off. It is just a mechanism hopefully to get people to repair the structure rather than lose it.

Councilmember Selden moved that claim of Flake A. Parker for wrongful demolition of building at 125 West Kingston Avenue be denied, and the City Attorney be authorized to settle the claim for a total amount not to exceed \$5,000. The motion was seconded by Councilmember Locke, and carried unanimously.

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COMMENTS ON ORDINANCE ORDERING DWELLING TO BE CLOSED.

Councilmember Carroll stated he would like to reconsider Agenda Item 26(e).

Motion was made by Councilmember Locke, and seconded by Councilmember Chafin to reconsider Item 26(e).

Councilmember Carroll stated the reason for doing this is that he would like for Council when there is a proposal to close a dwelling to receive information regarding the cost of repairs; and that Council be provided with the proposed ordinance which if they deemed it in their best judgement for the city to proceed with the In Rem Remedy to repair the dwelling, if that seemed to be the economic thing to do with the lien being put on the property for those repairs to bring it up to code.

Councilmember Carroll stated he has not looked at the property at 2622 Hemphill Circle; but if it is economic to repair it he would rather see the City do that, than board it up and leave it there. He would hope that in the future Council could get this sort of information about this particular piece of property, and about other proposed closings.

Photographs of the property at 2622 Hemphill Circle were passed around for Council to review.

Councilmember Short asked what would the city do with it after spending a \$1,000 on it? Councilmember Carroll stated it would still belong to the owner and the city could recover that money from them.

Mayor Harris asked if it is the attitude of the City first to determine if the structure is repairable? Mr. Jamison, Director of Building Inspection, replied it is. The guidelines used is if a building or a house can be repaired for less than 50 percent of its value, then they ask that it be repaired. If the owner sees fit not to repair it, then the other alternative is to try to preserve it by closing it hoping that one day the owner will make the repairs. Councilmember Carroll stated in actuality that does not happen does it? Mr. Jamison replied it has. Councilmember Carroll stated most of the time when a building is closed it becomes a rundown nuisance? Mr. Jamison replied perhaps most of the time; occasionally they do fix them.

Mayor Harris asked if Mr. Carroll is asking before a building is closed to see a itemization of the cost of repairing? Mr. Jamison stated he has that on this dwelling; it is \$1500; the value is \$3670 and the estimated cost to repair is \$1500.

Councilmember Carroll stated from the pictures it looks like it needs painting; but he cannot tell if it is a structurally sound dwelling. He asked -- Mr. Jamison if it is structurally sound, and Mr. Jamison replied it should be repaired.

Councilmember Cox asked Mr. Carroll if he is proposing that Council make a decision on property that comes up on demolition as to whether or not the city should go in and repair it. That he thinks we should set up some kind of policy as he does not want to be making that decision every week.

Councilmember Carroll stated Council is making decisions every week to close houses that are repairable, and with the housing shortage we have in Charlotte, particularly for low income housing, that it would behoove us to go ahead and use the In Rem Remedy we already have in the housing code; bring those houses up to code if Mr. Jamison says the houses are structurally sound, and the money is well spent.

Councilmember Cox stated rather than Council discussing this at a Monday meeting he would much rather favor changing the policy, rather than Council deciding as a group every Monday whether a house should be up graded.

Mayor Harris stated he thinks they are saying the same thing; that in the process Mr. Carroll is saying if this comes up to go ahead and come to Council with an item. He asked if he is saying to negotiate with the owner about repairing the house first? Councilman Carroll stated if we get to

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this stage that the owner is not going to repair it, then he would like to save the house if it is a good structural house. Mayor Harris asked what the process will be? Will Mr. Jamison come to Council for the money?

Mr. Burkhalter, City Manager, stated the question is not whether he has the right or not; that he thinks he has and he may have to go through the procedures. The whole question here is what was discussed when they talked about the housing plan. He stated we do not want anyone living in that house, and this is the only avenue we have. Under the existing policy, the city cannot make the owner fix the house, or the city will fix it. Council can instruct staff so that we can rehabilitate this house, and charge the man. But Council has not done that. If they want to do that, then that is the way to answer this problem. A policy can be established so that a house can be repaired when it is structurally sound. If the property owner did not do it, then the City would do it.

Councilmember Short asked if it is really practical to use the In Rem remedy on a deserted house. This seems to him to have some possibilities of forcing some recalcitrant landlord to help a family living in some place that obviously needs repairs. But in a deserted house if we use the In Rem remedy we will have to go in and decide on a lot of things, paint color and so forth - Mr. Jamison's staff will have to go in there and do the repairs. Then what happens; that owner may be someone in the hospital or someone who has no way to proceed with it himself. The city has repaired a house, and the owner is not in any position to rent it. Then what will the city do with it.

Councilmember Gantt stated this is the kind of issue he was thinking about taking up with Mr. Jamison in more detailed when Council discusses the entire building inspections. What may be called for here is the actual purchase of units in which the owners are not interested, and actually purchased by the city and rehabilitation by Motion or some other agency, when you consider where the house is, or where the housing is, whether it is a neighborhood where we are putting in a concentrated effort to do a number of other kinds of things. He personally would not want to see the city invest \$12,000, \$15,000 rehabilitating and bringing a house up to the code, and it sits at the end of the street, and you will still not be able to rent it.

Mr. Jamison stated maybe this is the time to take a look at the overall housing code enforcement program, and the code itself; that he has a memo prepared to the City Manager at this time.

Councilmember Selden stated Mr. Carroll mentioned a shortage of housing. That he understands there are 35 houses which meet the housing code in the Cherry Community, and are vacant, and have been vacant as much as six months. Because of a carry-over from the McKnight-McMillan ruling, which is now closed we do not offer a dwelling unit to a relocated person that is in a target area unless we have offered that person at least three prospective locations outside the target area. Since we are talking about shortage availability of housing he would like to raise that question? Is that our policy? Mr. Sawyer replied it is our policy. Mr. Underhill, City Attorney stated we show them a dwelling that is available, and affordable outside the target area; that is part of our policy which we imposed upon ourselves as part of the McKnight case. Councilmember Selden stated this would be a factor if we rehabilitated the house on Hemphill, and yet we could not offer it to a relocating person if it was in a target area until three locations had been offered or shown outside the target area.

Councilmember Short stated the suggestion of buying these houses and rehabilitating them would help in this relocation matter. Mayor Harris stated if you buy them, the question is will you be able to place people in them.

Councilmember Leeper stated Council has discussed at some point the possibility of examining the housing code; and Council has asked for additional information from some other areas with housing policies. He would hope when Council receives this information, then Council can deliberate on a housing policy for Charlotte, and take all these questions under consideration.

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Councilmember Carroll asked if there is any hazard to leaving this house open for a month to get the policy straightened out? Mr. Jamsion replied it will be a matter of leaving it sitting there, open and unoccupied; available to children in the neighborhood, and vandals. The problem with leaving it open is the vandalism.

The motion to reconsider the item was withdrawn with the consent of the member making the motion, and seconding the motion.

ITEM PLACED ON AGENDA FOR IMMEDIATE ACTION.

Councilmember Selden moved that Council consider the matter of the birds at Queens Road and Bucknell Place as a matter that requires immediate action. The motion was seconded by Councilmember Cox, and carried unanimously.

Councilmember Selden moved that Council grant permission for the discharge of firearms in the area of Queens Road and Bucknell place under the supervision of the Mecklenburg Agriculture Extension Office and the Environmental Health Department in an effort to clear the birds from that area. The motion was seconded by Councilmember Cox.

Councilmember Fréch asked if it is necessary to have bullets, or do they use blanks? Councilmember Selden replied it has blanks.

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

NOMINATION OF JUDITH RANSON FOR REAPPOINTMENT TO THE BOARD OF DIRECTORS OF WTVI, INC.

Councilmember Selden placed in nomination the name of Ms. Judith Ranson for reappointment to the Board of Directors of WTVI, Inc., for a term of three years.

REQUEST THAT TAX VALUATION OF PROPERTY BEFORE AND AFTER DESIGNATION AS HISTORICAL PROPERTY BE GIVEN TO COUNCIL.

Councilmember Selden stated when historical properties are brought before Council for designation he would like to receive a statement of the present tax valuation, and the estimate of the change in valuation on the property should it be approved by City Council.

The City Manager stated that is included in the package each time, along with the fact that the property owner has been notified.

REQUEST THAT COUNCIL CONSIDER A NO SMOKING RULE IN COUNCIL CHAMBER.

Councilmember Fréch stated she would like for Council to consider a rule that there be no smoking in council chambers. The room is small and crowded, and she is a firm believer that non-smokers should have clean air to breathe. That she notices the Board of Education has no smoking signs posted.

Mr. Underhill, City Attorney, stated it can be a policy statement.

Mayor Harris asked that this be placed on the agenda for the next meeting.

CITY ATTORNEY REQUESTED TO CHECK INTO NOISE ORDINANCE RECENTLY ADOPTED FOR RALEIGH.

Councilmember Fréch stated she understands Raleigh has a new noise ordinance which is quite specific as to decibels.

She requested the City Attorney to look into Raleigh's ordinance.

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WIRETAP REPORT REQUESTED FROM CITY ATTORNEY AFTER DISTRICT ATTORNEY COMPLETES INVESTIGATION.

Councilmember Leeper requested Council to direct the City Attorney to check with District Attorney Gilchrist to see if he has completed his report on the wiretap issue, and his findings. That when he finished his investigation that a report be made to Council so Council will know what information has been made available to him.

The City Attorney stated this would be no problem to him.

COMMENTS ON PURCHASE OF CITY AUTO DECALS BY CITIZENS.

Councilmember Gantt stated he received a call from a citizen saying he had to pay \$2.00 more on a license decal; and that it is unfair because there are a lot of people who do not buy the decal. He asked how this would be enforced.

Councilmember Gantt stated he replied the City will do the best it can to enforce it; that now at \$3.00 it is worth trying to enforce. That he thought there was something we were trying to develop between the State and the Taxing office with all the computers in order to cross check these things. This citizen suggested that it should be a part of the taxing process itself - when you pay your taxes, you pay for the decal at the same time.

Councilmember Short stated the State has included on its form a blank to be filled out on that subject, and he thinks it would be possible for our tax authority to go there and make an examination of it. He does not think the State will examine it and send us the information. The City Manager stated this is the first year they have asked for your residence. The most effective thing that we have done in the past is to make it very expensive if you are caught without it. The cost was \$10, and you had to show up in Court to prove purchase, and that takes time.

Councilmember Cox asked if the City can request the State to provide a computer tape? Mr. Burkhalter replied they are looking into that part of it; but there was some problem with it. He stated every effort is being made to cross check this. That the City has contracted with the State to sell the decals which is a big help. That two things would help. One if the State would require it when the state license is purchased; and two if the State would require some indication that you had paid your personal property tax before getting an auto license. This would be the biggest help because we would have the cross reference of personal property filed, and you could not buy a car license until you showed you had paid your taxes.

Mr. Burkhalter stated staff has been real concerned about this, and is trying to work something on it.

Councilmember Chafin stated we do need to come to grips with the enforcement because she thinks the Delegation will raise that question as they did when Council presented the legislation. We do need their support.

MAYOR TO ISSUE INVITATION TO N.C. LEAGUE OF MUNICIPALITIES TO HOLD 1981 CONVENTION IN CHARLOTTE.

Councilmember Gantt stated as a member of the Board of the North Carolina League of Municipalities he would like to tell the Mayor and City Council that the Board is interested in Charlotte as the site for the 1981 League of Municipalities Convention. That he wrote to Leigh Wilson recently and told him he would ask Council today to consider extending the invitation to the Board, over the Mayor's signature.

The City Manager advised there is a small expense involved. There is also a lot of hard work, but the people involved are willing to do that. The major expense will be for entertainment for the disstaff members and providing of transportation from the hotels to the meeting place.

Mayor Harris stated without objections from City Council he will extend the invitation.

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CITY MANAGER REQUESTED TO HAVE STAFF ASSIST PARK & RECREATION IN LOCATING SITE FOR THE HANDICAPPED.

Councilmember Gantt asked the City Manager if staff can assist the Park and Recreation Commission's effort to locate a site for the Handicapped. He asked if we could assist by seeing whether or not the city owns property, other than the Pearl Street site and the Dilworth site which has been considered, which might be used so that the Park and Recreation Commission will not be put in a situation of buying land that might be expensive.

The City Manager stated we can give both kinds of assistance. That is helping them locate a site which the city might have to buy for them. That is the only way they can get it. Mayor Harris asked what if we have it in our inventory? Mr. Burkhalter replied that would be better. But Council is more interested in getting a place to locate it; they will have some money because they are moving to get out of the way of a highway relocation.

DATES FOR COUNCIL RETREAT CHANGED TO FEBRUARY 17, 18 AND 19, 1978.

Councilmember Chafin stated in connection with the Council's planned retreat a questionnaire has been distributed to all members of Council regarding issues. She asked each one to complete it and get it back to Carol Loveless as quickly as possible.

Also, the Junior League is quite concerned because the retreat has been scheduled the same weekend as their Follies. That the Follies occur in this community only once every five years. The proceeds from this goes to very worthy causes. She understands this year quite a bit of the money will be funneled back into Uptown Development. The League has asked both she and the Mayor to approach Council about the possibility of changing this date.

She stated a check has been made for alternative dates, and several were given with the most viable alternative being the following weekend, February 17, 18 and 19. She stated she would like to hear from Council members on their willingness to change and on their availability for that particular time.

After comments from various members of Council, Mayor Harris stated the dates will be changed to February 17, 18 and 19.

COPY OF REAL ESTATE INVENTORY REQUESTED.

Councilmember Chafin asked if it would be possible for the Council to receive a copy of the City's real estate inventory - city owned buildings and lands. This would be helpful to refer to when questions arise. There may be some sort of system to which we could refer.

Mr. Burkhalter, City Manager, replied the last time this was done was for MOTION when the city gave them all the property not assigned; we have acquired property since then. The only thing he would caution them about is the biggest mistake you can make is to place something on property just because it is available. The location is a big problem.

STATUS REPORT ON ENERGY POLICY FOR CITY REQUESTED.

Councilmember Chafin stated back last winter she raised her concerns and a very strong feeling that there is a need for a comprehensive city energy policy or program. Later the State Energy Coordinator, Mr. Flattery came to meet with the Staff Task Force. Sometime after that there were discussions about submitting applications to the State Energy Office. That she has not heard anything else about that. She would like to receive a status report on that.

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Councilmember Chafin stated during the campaign they heard from many of the citizens that the city was not doing anything in that area. She continued to say that is not the case; but she would like to have some tangible evidence of that.

Mr. Burkhalter, City Manager, stated we are preparing a program to employ a full time staff person to do nothing but this. We are now trying to get the money. The money has been promised. The formal application has not been made.

He stated the proposal is not an energy program for the community because the County has a very active committee for the citizenry. We are talking about one for the city and city employees.

REQUEST THAT MATTER OF MINT MUSEUM SITE BE PLACED ON FUTURE AGENDA.

Councilmember Short stated he would like to include on the next or some future agenda the matter of the Mint Museum as was discussed during the informal session.

The City Manager stated a motion to place it on the agenda will not be necessary if he will tell him what he wants on the agenda. Councilmember Short replied he would like for Council members to discuss the matter he mentioned, and he is sure Ms. Locke would like her concerns to be discussed.

Mr Burkhalter stated if there are some specific things to be discussed he would like to have that. Mayor Harris asked that everyone be notified properly and in advance when this comes up on the Agenda. We sometimes fail in our efforts to keep the Board and Agencies we are working with properly notified.

JOE ROSS NOMINATED FOR APPOINTMENT TO THE ZONING BOARD OF ADJUSTMENT.

Councilmember Short placed in nomination the name of Joe Ross for appointment to the Zoning Board of Adjustment for a three year term. He stated Mr. Ross lives in the Derita Area; that he was a candidate for City Council during the last election.

CITY MANAGER REQUESTED TO BRING REPORT TO COUNCIL ON CONSOLIDATION OF FIRE AND BUILDING INSPECTION DEPARTMENTS IN GREENVILLE, S.C.

Councilmember Short stated he was in Greenville, S. C. recently and found that they have consolidated their Fire Department and Building Inspection Department. This was surprising to him. He thinks it is rather interesting.

He requested the City Manager to look into this, and give Staff some factual information and any opinions he may have on this. This is underway now.

The City Manager stated this is not unusual; that this was done in the days when you did not have specialized staffs. Councilmember Short stated it seems their firemen were already looking for explosives and they decided they could do all the inspections; this greatly increased the number of inspectors. He is sure this sort of thing would be sensitive to older members of the plumbing profession and such who feel this kind of job should go to them. But this is something that can be considered and he asked the City Manager to get a few facts on it.

MAYOR TO CIRCULATE PROPOSED ETHIC'S CODE TO COUNCIL MEMBERS.

Councilmember Dannelly requested the Mayor to do what is necessary to start developing a Council Ethic's Code.

Mayor Harris replied he thinks Council members are aware of his feelings on this; that he will be glad to bring this back next week, or he will circulate it among the members first; if they agree with it, and want to put it on the agenda that will be fine.

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MAYOR AND COUNCIL INVITED ON TOUR OF DISTRICT I AFTERNOON OF MONDAY,
FEBRUARY 6, 1978.

Councilmember Carroll stated he would like to invite all the Councilmembers to try to make time available on Monday, February 6 (date of first District Meeting of Council) in the afternoon to go on a tour of District 1.

With the City Manager's help they will arrange a bus tour that will be made of most of the neighborhoods in District 1; they will have a chance for an on sight look at some problem areas. That he will conduct the tour along with various neighborhood leaders. The leaders will join the tour at certain points and will talk to Council about items that are of interest to them.

This will give an added dimension to the neighborhood meetings which will help make them pay off. It will be a good investment of time for the problems that will come up throughout the year.

Councilmember Carroll stated he is working around the 6:30 Neighborhood Center briefing; that the tour will be in the afternoon. There is one neighborhood group who is talking about having the Mayor and Council for dinner; but the plans are incomplete. He plans to send a scheduled in the next two weeks once it is finalized.

The City Manager stated there are seven of these meetings. If all of the district representatives want him to set up tours for their meetings, it is great, but they need to let him know. Mayor Harris stated the Council member from the District will be the host.

Councilmember Carroll stated he thinks it will be a lot of fun; and they will see some things they are unaware of at a firsthand view.

PUBLIC HEARING REQUESTED ON INDEPENDENCE FREEWAY, AND STAFF TO BRING INFORMATION CONCERNING FREEWAY TO COUNCIL.

Councilmember Carroll stated he is sorry he was not present during the informal session when the Independence Freeway was discussed.

That he has received calls and and there is a lot of concern about the Freeway; that he has received information from Mr. Hoose and the City Clerk on what the city has considered before. As he understands it the City has never really had a hearing on it; and the city does not have to. But it is something that will have a tremendous impact on the downtown either positively or negatively in the next ten years. It is something that has been in limbo for a number of years because of a court case.

Councilmember Carroll stated he would like for Council to have a public hearing on it for its own education, and for that of a chance for the public to say what they would like; and to really re-evaluate this project again. He would suggest this be done at a time in the evening when citizens will have the greatest opportunity to attend, and perhaps some time before the end of this month.

Mayor Harris stated during the informal session Ms. Rhonda Innes and Ms. Sue Friday made comments relating to that. He stated this is the same thing he said to them. This is one area he has a hard time understanding why Neighborhood organizations would be really concerned. That back in 1973 they were the ones most excited - people who were interested in neighborhood preservation, etc, because this would keep the traffic from going through their neighborhoods.

Councilmember Carroll stated he would like himself to come to understand what would really be valuable about the expressway. As he sees it, and what has really been laid out to him, it amounts to a local connector; it is in an expressway form which takes up the last portion of cleared land - a lot of old Brooklyn - in Charlotte. The major neighborhoods concerned are Elizabeth and Dilworth immediately. It would have the potential of dumping more traffic into Dilworth on to the neighborhood streets.

Mayor Harris stated this is actually a way of funneling traffic off the city streets; that is the purpose of the "horse collar". Councilmember Short stated the traffic is already there. Councilmember Carroll stated but it is local

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traffic; if you need expressway traffic there is the I-77 and NorthWest Expressway which is readily accessible. Mayor Harris replied not all of it. That is the important thing we have to come to grips with; that former Councilmember Neil Williams said it so well. That when there was talk about the Thoroughfare Plan, and he said there is great concern about thoroughfares and neighborhood streets, and eventually you have to decide that you must have some place to drive the cars, or the buses or anything else we have; if we do not have a viable thoroughfare plan, we are really coming to a real crisis point in our planning for the city.

Councilmember Locke stated we cannot hold a public hearing because it is in litigation. Mayor Harris replied that is right; it is in litigation now and we should not have a public hearing until the matter is resolved.

Councilmember Carroll stated he would disagree because if the Council feels it is a good plan and should go ahead, he does not think we would want to hold it up waiting to have another public hearing. This way we could get it out of the way, and have Council on record as soon as it is out of court.

Mayor Harris stated the Judge has given 30 days, or the end of this month, for the input of the opponents in the suit. Until that is resolved he told Ms. Innes he does not think we should have a public hearing while it is being litigated.

Councilmember Carroll stated since it has been held up in Court, and Council really wants to endorse the idea; that in talking to the staff about it they responded they would like for Council to give more directive to them in terms of policies like this. Mayor Harris stated it is good to go back and review anything that was done in the past.

Councilmember Cox stated he thinks it would be a good idea to talk about and try to put together transportation policies, the continuing of the second phase of urbanization, denser living downtown as a lot of those things have conflicting outcomes. This is something that could be considered at the retreat. He stated in trying to develop downtown and to put the people downtown, you must have somewhere for them to drive. He would think that something that would be responsive to Mr. Carroll's request would be a general discussion of those conflicting issues.

Councilmember Carroll stated he is very concerned about the downtown.

Mayor Harris stated Mr. Hoose or someone on Staff should give Mayor and Council a memorandum about the History of the Independence Freeway. We have had bond referendums, and public hearings. That a summation of those factors would be good for Council to have. He stated Mrs. Innes is going to submit a list of questions to staff for a response.

Councilmember Carroll stated four or five years ago he would not have questioned this at all. But as he sees the shape of the city changing, he would hate to see us miss the opportunity to re-examine something that may be outmoded. Where that comes out in his mind is an open question, and bears looking into.

Mayor Harris stated he agrees with him that we have to keep our options open about various things. But he thinks it is important that we do have a policy of not stopping all development of routes in our transportation system.

Councilmember Selden stated in talking about moving traffic in the downtown area, Fourth Ward residents understand there are certain road closings in the Fourth Ward area that were promised but have not yet developed.

Mayor Harris suggested that he ask Mr. Sawyer to give him some comments about the Fourth Ward area.

CITY MANAGER REQUESTED TO INVESTIGATE THE QUESTION OF HOLDING COUNCIL MEETINGS IN THE CIVIC CENTER.

Councilmember Carroll requested the City Manager to consider Council Meetings which are not in the Board of Education or in the Neighborhoods to be held in the Civic Center. That he talked with the person in charge of scheduling

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and he said their scheduling is such that six months or so in advance they generally know whether or not they will have the space available a long period ahead of time.

He stated he went through the schedule with him, and he did not see any problems in accommodating us within the next six months or a year.

He asked the City Manager to look into this, and let Council know how viable this is.

REPORT ON RELOCATION IN WEST MOREHEAD AREA.

Councilmember Carroll stated he would like for Mr. Sawyer to tell Council what is happening on the West Morehead Area relocation.

Mr. Sawyer, Director of Community Development, stated he would like to respond to Mr. Carroll's request in two parts. One he would like to make some general comments about relocation. Then he will respond to the two cases brought to his attention.

In any of the relocation areas, they normally contact applicants when they negotiate for the purchase of the property. They do not make it during their survey. In the past when they have done this, they did it because they had to do it under the old urban renewal program. This causes panic among the residents and unnecessary concern.

Now, they hold public meetings, explain the project and tell the residents to wait and do nothing until a staff member contacts them. As the property is acquired as the money becomes available year by year, and in accordance with the plans Council has approved, they send a letter and follow up with a visit to the occupant of the property at the same time they contact the owner of the property to begin negotiations for the purchase.

Priorities are one of the matters Council is concerned with. In the West Morehead area they have a list of 70. They cannot work all at the same time so they are working primarily with the top 20. This priority list, and the way they get into the priority is determined by (1) age; (2) condition of the housing; (3) whether or not the occupant is physically handicapped. In the final analysis they have to give a great deal of consideration to the requests of the project area residents - whether or not they are ready to go; whether or not they want to go now, or if they choose to wait for another week or month. That is their priority set in the West Morehead area.

Council gives them priorities from time to time, and they recognize those. He cited several priorities received from Council. (1) West Trade-Fourth Street Connector; (2) Remount Road; (3) Rock Apartments in Grier Town; (4) Clanton Hills Code Enforcement; (5) West Morehead Area, Carson properties.

Mr. Sawyer stated on the two cases called to their attention, he would like to make the following reports.

(1) Case of John and Mary Johnson. They visited Mr. Johnson as early as June 2, and according to their records he has had the opportunity to see seven housing units in this time. He chose to see one; then Mr. Johnson indicated he was in no particular hurry to move during the winter months as he already had his fuel supply. That the representative from their Relocation Office last visited Mr. Johnson on November 4 with a follow up visit on December 28.

(2) Case of Mary Stewart. She has lived in several units that have caught fire. She has been shown four housing units; three of which she did not like. The one she did like, the landlord would not rent to her because he had knowledge of her previous record of having units catch fire. He stated property managers have a tenant listing guide and they know about the past records. He stated they are continuing to work with her.

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Councilmember Carroll stated he guesses there is a little bit of information gap there. If Mr. Leeper had not gotten some coal out to the Johnson's they would not have any heat. When he talked to Mr. Johnson he wanted to move. He stated his real concern is that the city owns all those properties on that street; and the city is a terrible slum lord right now. Mr. Sawyer replied we have been and will continue to be as long as we are in this program. One advantage to the tenant when the city buys the property is that the City will maintain it, and we do fix it up. That does not always happen when it is under private ownership.

Councilmember Carroll stated he thinks the City will have to fix up some of those properties if these people cannot be relocated more immediately. The conditions out there are such that he does not think the City can leave them like that. His brief inspection in there would indicate there is no way these properties could be up to code.

Mr. Sawyer stated the standard to which we bring it is determined by a number of things - hazardous conditions. When we buy the property we then immediately bring it up to code unless there is a question to demolish it. In this case and other cases where the plans calls for clearance then they concentrate more in relocating those people.

Councilmember Carroll asked if these two families still need relocation? Mr. Sawyer replied they do and they are still working with them. Councilmember Carroll asked if there is anything Council might do to help these people by working something out with the Housing Authority? Mr. Sawyer replied no. The Housing Authority is cooperating in every way within their guide lines. Under their guide lines they cannot accept more than a certain ^{number} of tenants who cannot pay the minimum required rent. This is a national policy all over the United States.

Councilmember Trosh asked how many persons or families they had to relocate in the West Morehead Area? Mr. Sawyer replied there were a total of 107 on the workload and they have relocated 36.

NO OPPOSITION EXPRESSED TO NOTIFYING HUD OF THE CHANGE IN THE GLORY STREET HOUSE TO USE BY THE ELDERLY.

Mr. Burkhalter, City Manager, stated he needs an answer from Council on Glory Street; the builder has agreed to change the housing to Senior or Elderly housing; HUD has agreed to do it; the School Board has passed a resolution approving it. We do not have any information from Hugh Casey who has complained about it.

He stated HUD will do it if the City will write and ask them to do so.

Councilmember Gantt asked if anyone has contacted the people who live in the area.

Councilmember Short moved Council adopt a resolution approving this, and instructing the Mayor and City Manager to write a letter to HUD. The motion was seconded by Councilmember Cox.

No opposition was expressed by Council.

COMMENTS BY MAYOR HARRIS.

Mayor Harris stated he continues to receive complaints about the coordination of the Building Inspection Department the Community Development Department. The people are receiving conflicting calls, and they feel they should have one contact with the city about the building standards.

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Mayor Harris stated he has appointed Councilmember Harvey Gantt to the Transportation Advisory Committee; this is a committee that serves under the Federal Highway Administration for Charlotte-Mecklenburg and the urban area here. That he thinks it is very vital that Councilmember Gantt be involved with the committee as he is Chairman of the Council's Transportation Committee.

Mayor Harris stated we need to establish a policy on the gift of land to the City, and he placed this matter with the Planning and Public Works Committee.

Mayor Harris stated he thinks the length of this meeting today indicates again the need of our committees and the working of the committees. He hopes Staff members who are handling these Committees will be contacting the Chairman of each and setting up schedules, and expediting those items because we are going to start having a backlog; and we are going to have an accumulation of data. If they think today was a lengthy meeting, if we do not start having some of these in committee - as he commented this is a way of expediting some of these matter, and he thinks the meetings could be briefer.

ADJOURNMENT.

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

Ruth Armstrong
Ruth Armstrong, City Clerk