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The City Council of the City of Charlotte, North Carolina, met in a Televised Session on Monday, October 16, 1978, at 8:00 o'clock p.m., at the Education Center, with Mayor Kenneth R. Harris presiding, and Councilmembers Don Carroll, Betty Chafin, Tom Cox, Jr., Charlie Dannelly, Laura Frech, Harvey B. Gantt, Ron Leeper, Pat Locke, George K. Selden, Jr., H. Milton Short, Jr. and Minette Trosch present.

ABSENT: None .

The Charlotte-Mecklenburg Planning Commission sat with the City Council, and as a separate body, held its public hearings on the zoning petitions. Present were: Chairman Tate and Commissioners Campbell, Curry, Culbertson, Kirk, McCoy and Tye.

ABSENT: Commissioners Broadway, Ervin and Royal.

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#### INVOCATION.

The invocation was given by Reverend Wilson Davis, Minister of Education and Youth, Mulberry Baptist Church.

#### APPROVAL OF MINUTES.

Upon motion of Councilmember Chafin , seconded by Councilmember Locke, and unanimously carried, the minutes of the last meeting, on Monday, October 9, 1978, were approved as submitted.

#### BERNARD TAYLOR RECOGNIZED AS NEW WORLD LIGHTWEIGHT BOXING CHAMPION.

Mayor Harris recognized Charlotte's Bernard Taylor who recently won the World's Lightweight Boxing Championship, and expressed the pride Charlotte has in his fine accomplishments.

#### WEEK OF OCTOBER 15 - 21 PROCLAIMED AS NATIONAL BUSINESS WOMEN'S WEEK IN CHARLOTTE.

Mayor Harris recognized Ms. Dallie Reeder, President of Cardinal Business & Professional Woman's Club and presented a proclamation concerning the 43 million working women in our country and designating the week of October 15 through 21 as National Business Women's Week. He urged all citizens and organizations in Charlotte to join in encouraging and promoting the celebration of the achievements of all business and professional women as they contribute daily to our economic, civic and cultural purposes. Ms. Reeder was greeted and congratulated by the individual Councilmembers.

#### PRELIMINARY ANNOUNCEMENTS AND INTRODUCTIONS.

Mayor Harris congratulated the Public Service and Information Office on the preparation of a new brochure on the bond election of November 7th. He suggested that Mr. Guerrant, PS&I Director, distribute copies to the audience.

Councilmembers, the City executive staff and members of the Planning Commission were introduced for the benefit of the citizens present as well as the television audience.

Mr. Allen Tate, Chairman of the Planning Commission, stated that those who have been involved in the process of planning here in Charlotte and watching it very closely over the past several years were indeed pleased with what they heard this past week at the Investor's Conference that the Mayor had so much to do with. That on behalf of the Commission he wished to thank the Mayor and all those who helped him put on this conference. That this type of effort should have a lot to do with the future of this community and they are proud to be a part of it.

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HEARING ON PETITION NO. 78-54 BY EAST WORTHINGTON AVENUE PROPERTY OWNERS FOR A CHANGE IN ZONING FROM O-6 TO R-6MF OF FIVE LOTS APPROXIMATELY 9,500 SQUARE FEET EACH, ABUTTING THE REAR YARDS OF LOTS FRONTING RESPECTIVELY ON SPRINGDALE AVENUE, LENNOX AVENUE AND PARK ROAD.

The scheduled public hearing on subject petition was held on which protest petitions were filed and were sufficient to invoke the 3/4 Rule requiring nine affirmative votes of the Mayor and City Council in order to rezone the property.

Mr. Bob Landers, Principle Planner, pointed out the property on a land use map, stating it is south of East Boulevard and South Boulevard, and is on side streets along the rear lines of property on East Boulevard between Springdale and Park Road. The property along East Boulevard is developed with a combination of offices which have been developed through the conversion of existing large single family homes, new office construction as well as existing single family homes. To the north are church properties - the Greek Orthodox Church. Along Springdale are multi-family and single family homes, vacant lots, and office development. Between Lennox and Park Road there is vacant property, two office parcels and a single family home. Along Park Road, extending down to Dilworth Road West, there is office development. Behind and adjoining this development on East Boulevard there is a pattern of predominately low density and essentially single family development with some scattered duplexes and small multi-family development.

He stated the zoning pattern for the area reflects essentially the land use pattern. There is an area of O-6 zoning which extends along East Boulevard and also, in a number of instances, on those adjoining lots that side East Boulevard and are on the intersecting streets. The O-6 zoning is adjoined by multi-family zoning - R-6MF that permits about 21 units per acre. Then adjoining that is a pattern of single family zoning.

Specifically associated with the five lots that have been requested, at Springdale Avenue there is vacant property, the owners of which have filed one of the protest petitions. Adjoining this to the rear, on Lennox Avenue, is an existing duplex; and on the south side of Lennox and extending down are three single family houses, and then two single family houses on Park. He stated one property owner on Park Road has joined with the petitioners who essentially come from the area adjoining the area of office zoning.

He used some slides to further portray the area.

Councilmember Gantt asked the width of the property and Mr. Landers replied it is essentially 50' x 190'. That one exception to that is the parcel on the south side of Park Road which is 50' x 195'.

Mrs. Frances Starr, 729 East Worthington Avenue, represented the petitioners. She stated she is co-owner with her husband of the property at 729 East Worthington Avenue. That their home is adjacent to 1816 -1818 Lennox Avenue, one of the lots they are requesting to be rezoned. She stated she speaks for all of the petitioners and for other Dilworth property owners, many of whom are in the audience.

Mrs. Starr stated they recently learned that the five properties named in the subject petition are in an O-6 zoning and not an R-6MF. They are adjacent to a strip of O-6 zoning along East Boulevard where some offices now exist, both in older homes and in new buildings. They do not understand why these properties were originally included in the O-6 zoning as set in the early 1960's. That except for one of the lots where the house has been torn down, the other houses have always been used as residences and are currently occupied as such.

She also used slides of various properties in the area to support her statements.

She stated they are opposed to the current O-6 zoning as it would encourage further encroachment of offices into the residential area. Many of the property owners have chosen to invest considerable time and money in the preservation of older homes and in the further preservation of the neighborhood concept there.

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She stated these five lots are small - roughly 50' x 190'. To use them for offices would pose serious parking problems. Office zoning in Dilworth has already encouraged the tearing down of houses to provide parking space, as has been evidenced in recent months on East Boulevard.

The residential neighborhood environment of Dilworth must be protected. They do not want the additional traffic, noise, signs and parking problems that offices there would create. The current O-6 zoning along East Boulevard has already diminished the residential value of some areas of Dilworth. They want that line held with the lots that face East Boulevard, not extended further.

The five lots in question have been zoned O-6 for almost twenty years, yet none of the owners have to date used them for office space. One of the houses is for sale now. To delay approval of this petition would encourage this to happen. They do not think that the prospects of financial gain by a few should be the deciding factor here.

The City of Charlotte has shown considerable interest in Dilworth and has already made extensive financial investment there. Portions of Dilworth are a community development target area. Improvements have been made in Latta Park. Landscaping, curbing, sidewalks and streets have been improved in their area. More offices there could also jeopardize the City's investment. She hopes that Council will approve their request for rezoning. This would show their continuing support in the preservation of one of Charlotte's oldest neighborhoods and of the quality of life they are striving to maintain there.

Mr. Reneau Van Landingham, President of the Dilworth Community Development Association, stated there are five main points he would like to make in support of this petition, which tell the reasons the Association is involved in this petition.

1. Dilworth contains a number of areas which were zoned properly for the 1960's when this zoning was set - it was a declining neighborhood. But, this property is not zoned properly for the 1970's and 1980's. Out of the five properties, four are being used as residences and there is no house on the fifth one.
2. In spite of assurances from the Planning Commission staff and the previous City Council, no zoning study of Dilworth has been conducted to correct the zoning improprieties of the 1960's. Nothing has been done so they have no alternative but to come and ask for this property to be rezoned.
3. While they support adaptive use of structures along East Boulevard - they are not asking for East Boulevard; that is office property and they support that adaptive use of those houses. But, these five properties are obviously residential.
4. Current office zoning encourages the demolition of houses in order to gain parking space. That is part of their problem in Dilworth. They support adaptive use, but the minute it is adaptably used they have to tear down a house in order to get the parking to meet that use. They really wish the City Council and the Planning Commission would do something about that.
5. Most of Council knows they are involved in a historic property study of Dilworth to prepare nomination to The National Register. Once that study is completed, they intend to find out from Dilworth residents whether they are interested in a local historical province. That is the key - whether they want it.

If they find out that the residents do want the designation, then they will be coming to the Planning Commission, telling them what they have found and asking for their help. These five properties are in that particular zone. By upgrading this zoning from office to residential Council will be supporting that historical work that is currently going on.

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Mr. John Plumides, 112 N. Myers Street, stated he appears not as a resident of the area but he has lived on Lyndhurst Avenue and was born and raised in Dilworth. Although he has moved away, the Greek community is still maintained in Dilworth. That he is asking Council to exempt one of the lots from this rezoning request - the lot on Springdale Avenue which has no house on it. The reason it is vacant is because they are proposing to build on that lot an AHEPA home. He explained this is the national Greek fraternity, composed of the men in the Greek community, of the ladies in the Greek community with the Daughters of Penelope, the Sons of Pericles and the Maids of Athena. They have been working on this project for about four years.

He stated the Greek church is there; the Greek community center; and the Americans of Greek descent pride themselves in remaining in Dilworth. They were some of the first to go there and they did not leave when all of the zoning and everything else was changed on East Boulevard. They stayed there although many of their members live in other parts of the City. That when they had the festival there last week, many citizens came and saw the utilization they make of that block.

He asked Council to exempt this lot so that they can build a homeplace there for their members, and their families, to keep the Greek Orthodox community AHEPA family in the East Boulevard community. He understands the position of some of these people and their residences - he was born and grew up in Dilworth. But their problem is not one of office space - they are not seeking to build an office building there; their plans are to perpetuate their Hellenic culture and ideals in the City of Charlotte. Most of the Council knows them, have visited their community and seen how they live. They want to enhance that lifestyle by adding the AHEPA home.

That the Order of AHEPA, being the international Greek fraternity, annually gives an Hellenic festival and he knows many of the Council have been invited and attended. They want to expand this into the new home they plan to build. It will be headquarters for their 250 men members and about 300 women and children who belong to the AHEPA family. There are over 5,000 Greek Americans in Charlotte and they do not usually come to Council and ask for much of anything, because they feel that they are just as much a part of this community as anybody else. They feel this will enhance Dilworth by adding, instead of an office building, a nice structure that can be used in a family type atmosphere. There has been an AHEPA home there since 1958; they tore down the old structure and are now proposing to put a new structure in its place. They are there under the grandfather clause; they have been there a long time and they do not want to move to any other section of town, and hopes they are not forced to do that. They have looked at lots in Myers Park and other places, but they just do not feel they should take their members away from that community which they have enjoyed since 1952 when they built their church there, and their community center. They love Dilworth and want to remain a part of it.

Mr. Jim Cavalaris, 940 Queens Road, presented drawings of the house which the American Hellenic Education Progressive Association proposes to build. They have been working on this for approximately two years and it is now out for bids. He stated it will be a masonry and frame structure which looks like a home - it does not look like an office building. They have put a lot of thought into it and they feel it will adeptly serve the community; they feel strongly that this petition should be defeated, or at least for their property to be exempt from the petition.

He expressed his reasons why the zoning should not be changed, stating that when the petition was filed by the East Worthington Homeowners Association they said that the property has always been used as residences and are currently being used as such. He stated this is not true; if they had made a further study or contacted his group - they have been there for twenty years. There was a house there before the vacant lot; they tore the house down so that they could build a new fraternity house.

He stated they also mentioned that to keep the O-6 zoning classification on these properties would allow businesses to take over these residences and would de-value their property and the community family atmosphere unique

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to Dilworth. Well, he will say to Council that building an \$80,000 home in Dilworth - he does not see how it is going to lower the value.

He stated the President of DCDA has said that no one will suffer financial loss, but they have \$10,000 invested in plans already. If these people had contacted him before they filed the petition and worked with them, he thinks they could have resolved the differences. They want to be a part of Dilworth; they have been there for a long time and want to help Dilworth. They feel this house will be an asset to the area.

Mr. Cliff Shelton, 3402 Barry Drive, stated he and his wife own the home located at 1817 Park Road. They have been bordered there for approximately 18 years by a commercial building which is housing life insurance. Next door to it is the former residence of State Supreme Court Justice Wilson Bobbitt which is now the law offices of Jack Hamilton. His property is bordered by their parking lots and have been run over by their vehicles. Also, this property is bounded by three alleys, one of which is used by the people on Weddington Avenue as parking. Several years ago the City of Charlotte discontinued using that alley to pick up their garbage, but walked across his property and carried it back. He stated his home is for sale. They have maintained it for better than 20 years. His folks have lived in it for about 35 years and they kept from selling it because it was their home. It could have been sold very profitably a number of years ago. That his dad died four years ago at the age of 80, and his mother died last July at the age of 88. She had kept roomers and boarders in the house for all of that 35 years.

He stated that Strawn and Cummings Realtors have furnished him with the result of their listing which will be out the 25th of October, for the 90 days. They have had 15 showings, eight of which were strictly for office use only, six of which were for residence and office combined, and one was for an apartment. In that immediate area of Dilworth there are three homes on Weddington Road, only one of which is under the 35 years that his parents lived there. They are not as fancy looking as the pictures he saw awhile ago. He does not desire to rent that home out, or to sell it at a reduced price so that it can be used as rental property or as property for a boarding house. That would make it begin to look like the section of Park, up near South Boulevard. That this would only further encourage slums; he would not have much choice of who he would rent it to if the City changes the zoning. He asked that this property be exempt from the rezoning.

Mr. Van Landingham stated in rebuttal that they really do not have any quarrel with the Greek community and the AHEPA home. That their attorney contacted these gentlemen and they tried to reach some agreement ahead of time. That they support what they are trying to do. They have not seen all of their plans, but they wonder whether there is sufficient parking to support that kind of structure. They feel there was a mistake made in 1960 and the rezoning would correct it; they will be glad to support whatever the Greek community wants to do - from a residential zoning and not from an office zoning.

Another point he would like to make regarding the property that is up for sale. There is no loss there because the thing was never in hand. It was used as a residence before hand and judging from the number of realtors who are trying to buy and sell houses in Dilworth, that property should be used as a residence rather than for an office.

Councilmember Leeper stated he was very impressed with the drawing of the AHEPA house. That from what he has seen of the Dilworth community, he has always been impressed with their community organization and the efforts they have made to try to do more things to provide services for the community. That he would personally like to see the community organization of Dilworth get together and see the plans and be able to make some comments about them. He believes that something can be worked out and he would like to see that happen. However, he would like to address the specific question about the parking because that was the first question he asked once he saw the drawing. How would they accommodate the parking?

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Mr. Plumides replied they have a parking lot to the rear of the church, it is a sizeable one; and it would be the parking lot they would continue to use. That their meetings at the AHEPA house are usually on Wednesday nights and they do not have conflicts in their community - every organization meets on a different night, so they would have the entire parking area behind the church, which is available at any time.

Mr. Leeper asked if he would have any problem, as far as he can think right now, of some kind of conditional zoning? Mr. Plumides replied as long as they would make it conditional and exempt them for fraternal use, and that type of thing, he would have no objection at all. That is what they are going to use it for; they have no intention of making it an apartment or anything else. Conditional use would be fine with them.

Councilmember Gantt stated that is exactly the point he wanted to make - that there is a possible solution here. He also wanted to ask Mr. Landers whether there is a conflict between the kind of use they want to make of the property, which seems to be for a fraternal, social organization, and an R-6MF area.

Mr. Landers replied that within the R-6MF district a fraternal organization would be permitted with a special use permit - they would go through the quasi-judicial procedure. Mr. Gantt stated then it would also be the same situation if, in fact, that were an application for conditional district zoning of that particular site for that specific use - would it not also require a special use hearing? Mr. Landers replied under its existing office classification, it would be a use by right; under a residential classification, it would be a procedural distinction for special use. There are similarities between the special use and the conditional zoning, but they are distinct procedures.

Ms. Trosch stated it was mentioned by the petitioners that a zoning study had been promised for numerous years for this area. That in looking at the map, it looks to her like the current usage of that land is very different than the potential usage, when Mr. Landers says it could have 21 units per acre on the multi-family; yet they literally have almost no multi-family as far as current usage. It seems that this is just a small portion of what the question about that area is. She asked if this subject has ever been addressed; has a zoning study, in fact, ever been promised or just sort of verbally promised?

Mr. Landers replied the zoning study is very much a part and is probably the No. 1 priority of both the Commission and the staff. This problem exists throughout the City - not just in Dilworth - in terms of the distinction between 1960 planning and 1970/1980 planning. That very definitely, in the neighborhood meetings, as a part of their study process, with the Dilworth community as well as with many other areas - North Tryon, Druid Hills, Elizabeth, etc. - this same type of situation arose. The community focus series that is now underway - also called area planning, and the re-drafting of the zoning ordinances for the City and County, are their No. 1 priorities.

Councilmember Short asked if residentially zoned land can be used for the parking for a facility in office zones? Mr. Landers replied no it cannot. Mr. Short stated in that case it might be good to use the special use permit in a residential zone in which case the parking that Mr. Plumides mentioned would be available - is that correct? In other words, the parking lot is zoned residential and the facility would be in an office zone if this petition is denied.

Mr. Landers replied he would have to confer with Mr. Underhill on that question, but he thinks that the fraternal organization as an institutional use would be viewed as being a little distinct from a straight office type of use, even though it would fall as a use by right in that category.

Councilmember Carroll asked if Mr. Landers would give Council a written response to Mr. Short's questions. Mr. Landers indicated he would.

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Councilmember Selden asked Mr. Shelton what tax value is currently placed on the property that he owns? Mr. Shelton replied he believes it is in the mid 30's.

Council decision was deferred pending a recommendation from the Planning Commission.

HEARING ON PETITION NO. 78-32 BY CHARLOTTE CITY COUNCIL FOR A CHANGE IN ZONING FROM R-6MF TO I-1 PROPERTY FRONTING THE EAST SIDE OF TOOMEY AVENUE, LOCATED BETWEEN TREMONT AVENUE AND REMOUNT ROAD.

The scheduled public hearing was held on the subject petition.

Mr. Bob Landers, Principle Planner, explained the location of this property as being just to the southeast of Interstate 77 and immediately to the east of Toomey Avenue. He stated the petition was originally entertained as a part of the Community Development program, and Community Development proposal for a series of zoning changes in the area of Southside Homes and Brookhill Village Apartments. At that time all of this area had been zoned I-1. Under the CD proposal the land along the east side of Toomey Avenue, as well as the northwesterly corner of Toomey and Tremont was proposed to be rezoned from I-1 to R-6MF. That Council's original action was to rezone the portion to the east of Toomey Avenue, but to leave the I-1 as it stood to the west of Toomey.

He stated the present petition was initiated by Council in April, it has been deferred a number of times in order to permit both the property owners of the site, as well as the neighborhood residents, as well as Councilmember Leeper, to have an opportunity to discuss this petition, considering all of the things concerned with the area and the best interest of the area.

Specifically, there is a vacant tract of land on the southeast side of Toomey Avenue, extending for about 650 feet along Toomey Avenue in its entire length from Remount Road up to Tremont. To the southeast of the subject site is Brookhill Village Apartments; almost due south is Southside Homes, the Animal Shelter and the activity areas of the Community Development program, insofar as physical improvements.

Immediately to the southwest is WGIV Radio Station and the Toomey homesite is located at the corner of Tremont and Toomey Avenues. Beyond that is I-77.

He stated the zoning map of this area is an important one with respect to the relationship between multi-family and the I-1 light industrial. The zoning pattern has been effectuated through the continuous actions of the CD Department and City Council. The objective in the past, through the Community Development program, has been to establish this residential area extending from Kennedy Junior High School and the Marie G. Davis Elementary School, Southside Homes and Brookhill and establishing this as a defensible area for residential uses. Business development and business zoning is located at the intersection of South Boulevard and Remount Road.

He stated that coming up to the northeast and to the immediate northwest of Brookhill Village is a pattern of industrial development and industrial zoning along West Tremont Avenue at I-77 and along Toomey Avenue. The subject site, then, is the pivotable site - it adjoins to the rear the multi-family area, Brookhill Village; and it is opposite areas that are zoned and are to be developed for industrial purposes.

He presented several slides portraying the area.

Mr. Mike Toomey, 2935 Chelsea Drive, thanked City Council on behalf of his family for approving the motion to reopen the matter of zoning pertaining to their property. He displayed a drawing which he had prepared showing a proposed plan for the I-1(CD) zoning of this property. That hopefully this proposed plan will make Council's final decision on this matter a little easier as compared to the previous I-1 general use zoning prior to the R-6MF zoning as it stands now.

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Mr. Toomey stated that with the assistance of the professional staff of the Planning Commission it is a bonafide plan, meeting the requirements necessary for an I-1(CD) zoning. The main substance of their conditional use is twofold - one, is to limit the use of the property with regard to the occupancy (generally, this is light manufacturing, assembly, distribution of wholesale goods, etc.); secondly, is to establish at the rear of the proposed building a buffer zone, thereby preserving the existing trees and undergrowth with a varying width of 15 to 20 feet along the rear setback of the property. This will take advantage of the back orientation. The back of their building and the highlighting on the back of the apartments represents either the rear or the sides of the apartment buildings, so that it establishes a back-to-back relationship. On the front side it allows them to keep a front-to-front industrial type application along Toomey Avenue. They think this is more consistent with the way the property should be zoned. In proposing these limitations, he hopes Council will find their plan to be an acceptable compromise compared to the present R-6MF. They feel this solution will be unobtrusive to the adjoining residents and allow his family to obtain a fair market value for this property. That, as Mr. Landers has stated, along Toomey Avenue, down to Wilmore, is quite heavily industrialized with the light industrial type application. They feel that their compromise will allow them to obtain from their property the proper value of it, and at the same time offer a solution to the neighboring residents with the buffer zone and keep in good fundamental practices with the way they feel the property should be zoned.

Mr. Pat Hunter, 3123 Cloverfield, stated they can solve two problems tonight. That previously the Investors Conference was mentioned which many of the Councilmembers participated in. That one of the recommendations from this conference was that they needed additional warehousing in Charlotte. With the proper use of this land they can help solve that problem.

Secondly, they can also come to a fair compromise on the Toomey property and that land use. They think it is compatible with the neighborhood and what the community interest would be.

Mr. Hunter stated they met on June 27th at the Tryon Presbyterian Church; that Councilmember Leeper was gracious enough to set up a meeting with members of the neighborhood. That from that meeting came some very good ideas. Some of the things they really did not have any control over - such as a stoplight at the intersection of Toomey and Remount that they had been asking for. But, they did come up with some ideas on land use that they proposed and land use that they thought would be acceptable. They set up another meeting on August 8th when Mr. Leeper arranged for them to meet at Bethlehem Center - members of the Toomey family and members of the neighborhood as well as Mr. Landers. They had decided at the first meeting that they needed some professional advice on conditional uses and what could be done in I-1 and I-2 conditional uses. From that meeting the seed came out for the conditional use. They saw that they could come up with one condition that they thought would make the land use compatible with what the neighborhood had requested.

He stated that now there are 16 businesses up and down the street, and there is one residence which is occupied by his aunt and uncle. That it is their wish to support the industrial use for the property they live in. He stated that the site that was referred to earlier as the Toomey homesite is no more - it has been torn down and the property sold a few months back. A building is under construction there now. They had no inquiry for anything other than business use during the time the property has been for sale. He distributed copies of an advertisement that was placed in the newspapers for land at the corner of South Tryon and Remount - it is not adjacent to the property but is across from the apartments. It is being sold by the City at the minimum bid price of \$75,000 for less land than the Toomey family has to offer. They have copied the restrictions that the City used. The conditional uses that they have put in their orders are the ones that Community Development are basically using in theirs, plus they have added some. That the residents requested a desire not to have a service station; they added that to their list of prohibited uses of the property.

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He indicated he had a petition that was signed by some of the residents. That every resident he approached - the ones who back onto the property - without exception, signed the petition. He stated it is inconsistent for the City to at one time be developing property that is in this impacted area as industrial, and at the same time confiscating this property from the Toomey family, and this is the same use they are interested in. They have held this property since 1914 and it is on a street where there are 16 businesses and one residence which will someday be sold for industrial use.

Under the conditions they are proposing, there will be no rear loading; the noise level will probably be less than they get from the street now because there will be the structure which will buffer in addition to the greenway. It is their opinion that this balances the interest of the residents of the neighborhood, particularly the Brookhill residents, with the interest of the Toomey family. They think it is a fair compromise. They hope Council will consider what they are presenting; look at the present use of the public property; realize that under zoned multi-family as it is right now, 71 apartments could be placed on that land. It is already a densely populated area, and it certainly does not seem like a practical use to put in 71 apartments on that three acres of land when it could be better used as warehouse and would certainly have less impact on the community.

He suggested that Council consider this conditional use as the highest and best use, and certainly the fairest, for all parties concerned.

Ms. Alice Bradley, 432 Basin Street, stated she is a member of the Brookhill community and they have enough traffic because they are bordered on one side by South Tryon which is a truck route, that Remount Road is a truck route. They have elderly people, children living in the neighborhood; and they cannot get across Remount Road to get to the park because of the traffic. She feels that warehouses will create more problems for them; and more traffic. They do not need any warehouses in their neighborhood.

Mr. Spencer Thompson, 710 Braxfield Drive, stated as Chairman of the district committee, he will speak in behalf of the residents of Brookhill Community. They are concerned about the rezoning of Toomey Avenue. They want to keep it R-6MF. A vote was passed in favor of R-6MF once, but the Council rescinded the vote and this was disappointing to the residents of Brookhill.

He stated a central campaign issue during the 1977 Council campaign was to preserve the neighborhoods. That they truly believed them. He asked the Councilmembers to show some understanding now and preserve Brookhill as an R-6MF community.

Mr. Ali Akbar Shaheed, 2529 Remus Road, stated they are already surrounded with warehouses and junkyards in that community. The City has already redeveloped Remount as a playground. That would increase the traffic. Their children have to cross the street to the playground, they have to cross to go to the store; the senior citizens have to cross the street to go to Bethlehem Center for the programs provided there for them. They do not have any kind of safety conditions there - there is a street light at Remount and South Tryon and West Boulevard and South Tryon. The people who live in the Brookhill community have to cross the street to get anywhere; to have more warehouses will only create a problem for them by increasing the traffic.

Mr. Samuel Adams, 588 Brookhill Road, stated his personal feelings about more warehouses in the community is that they have enough already. They have warehouses on one side of the street, warehouses on the other side; a junkyard running one way and a warehouse the other way. They are just squeezed and squeezed and squeezed. There will not be any more Brookhill Community.

Mr. Clayton Kirkpatrick, 2539 Remus Road, stated the other speakers have covered much of what he wanted to say, but he would like to ask Council to consider where Brookhill is right now.

Ms. Linda D. Spencer, 747 Brookhill Road, stated they have a problem with the big and small trucks that come up and down Remount Road. They can hardly get across the street to the busline or anything. That is their biggest problem.

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Mr. Grady Lee Roach, 747 Brookhill Road, stated they need four-way stop signs at Tremont and Remount Roads - lights - so that people can cross the road. The kids cannot get to school - they have to have a policeman out there to direct the traffic. They have to have a guard there to get the school kids to the buses. They need to get to the park, to the store and to the school area. At the corner of Remount and Brookhill there is no way to get across; you have to wait about ten minutes on the trucks, buses. If you run across you may get hit by a car and it would be too late.

In rebuttal, Mr. Hunter stated it appears that traffic is the one thing that intertwines most of the arguments. That 71 apartments put into that area would certainly bring more traffic and more congestion than would the buildings that are proposed. That warehousing and light industrial in Charlotte simply does not involve that many employees - it is basically made up of small warehousing and would not involve much employee parking or many cars. It would be a much better solution than 71 apartments would be in the same area.

Councilmember Frech asked the size of the building that is proposed? Mr. Toomey stated it is shown on the drawing as 53,600 square feet. Ms. Frech asked if they propose a buffer of 15 to 20 feet in width? Mr. Toomey replied the buffer comprises an area of about 19,000 square feet. Ms. Frech asked if it would be possible to increase the buffer area and take out some of the parking, or is that amount of parking required for that size building?

Mr. Toomey replied what they are trying to establish is an acceptable project and allow for maneuverability of any deliveries. It is not just confined to small automobile type parking, but would allow for trucks occasionally. They would have to have some maneuverability allowed for this. This is why the setback from the front line is that far back; they have tried to keep it at the minimum - the 20-foot setback in the rear. That if they will recall the pictures he showed, the vegetation area is medium to dense with very mature trees in that area. It is not just a light, small new planting like you would see in a new development. It is well established growth on that back line.

Councilmember Gantt stated it looked to him as though they really needed to have a buffer more of 50 feet than 15 or 20 feet, if you were to take into consideration the thickness of the vegetation that is existing there to even be more effective. Is the 20 feet the recommendation of the Planning Commission and are they saying that would satisfy the requirements?

Mr. Landers replied that what they have there is a reflection of the rear yard requirement for an I-1 district that would adjoin or abut a residential zoning area. Mr. Gantt asked if that is all we require in all of our I-1 districts that abut residential areas. Mr. Landers replied that is correct. He agreed with Mr. Gantt that is not a lot of buffer area.

Mr. Toomey stated that not only the buffer area but the orientation of the back-to-back has to be considered. That is a fairly well established type line. That also the topography of the land, which he did not address originally, is such that this building will sit somewhat down in relation to the apartments. That basically the apartments, especially down toward the Remount Road end, sit at a higher elevation than where their land is, toward Toomey Avenue. So, it will not be a blank wall effect; if you do see the wall at all through the vegetation it will possibly be the top of the roof.

Ms. Frech asked Mr. Thompson, the chairman of the district committee, if he has seen the plans and if so if he objects to it? He replied he has seen it and objects to it.

Councilmember Short asked what are the screening requirements, if any? Mr. Landers replied that for an industrial use abutting a residential area the screening requirements would be a landscape screen or either a planted or fenced wall that would have a minimum height of 6 feet. If plant material is used it would have to have an opacity that is comparable to a screen fence - a solid fence. The height of 6 feet is to provide for a visual barrier.

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Mr. Landers stated that his daughter goes to Marie G. Davis; that the buses do access off of South Tryon.

Mr. Dannelly stated the so-called park is more like a playground, across from Brookhill - it does not have a shelter; in hot weather it is just plain old hot out there. It is more like "we will do something now and see if you are satisfied" kind of playground. He stated it is a large, highly populated area and certainly, as Mr. Gantt indicated, that would be a nice place, not only for children but for senior citizens, if a proper type of development could be there.

Mayor Harris stated one thing that the conference revealed was the amount of industrial property we have in our City - the over abundance of it. He asked if this would be considered when the Planning staff does the rezoning study? Mr. Landers replied they will be looking at the total land use patterns, consistent with the Comprehensive Plan.

Council decision was deferred pending a recommendation from the Planning Commission.

HEARING ON PETITION NO. 78-49 BY JOHN ANDREWS FOR A CHANGE IN ZONING FROM O-6 TO B-1 OF PROPERTY FRONTING 100 FEET ON THE EAST SIDE OF EAST MOREHEAD STREET, ABOUT 800 FEET SOUTH FROM THE INTERSECTION OF EAST MOREHEAD STREET AND DILWORTH ROAD.

The scheduled public hearing was held on subject petition.

The Principle Planner advised that this petition was scheduled for hearing last month and at that time it requested a straight B-1 zoning. That the petitioner requested an opportunity to postpone this petition in order to prepare a schematic plan and consider the conditional zoning category of business in order to more clearly identify his intended use.

He stated the property is located on the northerly side of East Morehead, just down from McDowell Street. He pointed out the area on the land use map, stating that along Morehead Street there is a pattern of office development that has occurred for the last 18 years. Many of the existing homes - large homes and large buildings - have been converted and more recently there has been new construction. He pointed out Covenant Presbyterian Church and across from that the Charlotte Woman's Club, the Salvation Army, the Children's Theatre. At the corner of McDowell and East Morehead there is an area of business activity, ranging from automobile service, restaurant, and shopping facilities, like flower shops. Beyond that pattern, you blend very quickly into a pattern of single family development characteristic of the Dilworth community.

The zoning map reflects the office pattern along East Morehead, also along Greenwood Cliff, Kenilworth and beyond that is a pattern of B-2 general business, reflecting the business orientation of the central business district area. There is also business zoning along East Morehead as you go beyond McDowell Street. R-9 (single family) characterizes the portion of the Dilworth area.

He stated the petitioner has submitted a plan which has been reviewed and it does present the actual proposal for the lot. The property is approximately 30,000 square feet in area, with a frontage of 100 feet along Morehead and a depth of about 300 feet. What is proposed is a restaurant facility and the use of the property while zoned B-1(CD) would be limited to just restaurant purposes. There would be close to 2,600 square feet of seating area for the restaurant; this would generate, combining the seating area with the employees on the shift of the greatest employment, 69 parking spaces.

He stated the existing structure is a two-story stucco structure that would remain; there would be a one-story addition constructed on the front of the property and another addition constructed on the back of the structure. The existing setback is about 47 feet; with the addition, the setback would come up to 20 feet. The parking arrangements also bear in this present

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proposal. The petitioner has proposed two alternatives to handle the parking. If all 69 spaces for parking are to be provided on site, this would have to be accomplished through a parking deck arrangement. He stated the way the property drops off, the parking deck arrangement becomes a physically feasible arrangement. If parking is not provided in total, on site, it would be provided through a lease agreement. At the present time, as he understands it, there is a lease pending for the rear portion of the adjoining property, such that the alternative development scheme would show 31 spaces for parking on site and 38 to be provided on the leased site. He pointed out that anything that is off site is not actually a part of the petition. Replying to a question from Councilmember Short, Mr. Landers stated he understands the lease for the parking is for three years.

He used slides to further portray the area.

Mr. John Andrews, the petitioner, stated they made this change in their original petition by working with the Planning Commission. That Mr. Landers has done an excellent job in presenting the whole plan and he will not be redundant by going over the complete plan.

He stated it is their intention to establish a high-class, table service restaurant on the property, using as much of the existing structure as possible. To do this does require a B-1 zoning to locate the restaurant. That this house was designed and built by his father back in 1926 for his grandparents; that he himself lived in it from 1939 until he went into the Service in 1955. That obviously there is a great deal of sentimentality about the structure.

They have been wrestling with what to do with this property since about the mid 1950's when Morehead Street started changing from residential to office. It really took on a degree of urgency after his mother's death in 1974 because the property was vacant. Unfortunately, the demand for office space on Morehead Street waned some years ago; this can easily be seen if you ride up and down Morehead and notice the number of vacant office buildings. That actually, with the exception of the one or two buildings that were built for very specific tenants, there has been no new construction in the area for office facilities.

Because of the high tax evaluation and the value of the property, there is no way that they have found to rent the house as is and get any kind of reasonable return. So, that is the reason they have reached this agreement, subject to the rezoning petition being approved, with A-J's of Spartanburg, S. C. to establish this high quality restaurant.

He stated anyone who has ever tried to remodel an old house can understand the problem with converting the house to a restaurant - the economical viable size and complying with all of the City codes and requirements. They plan to add a kitchen on the back, which will be a one-story addition; and also plan to add a one-story extension out front approximately 30 feet. The one-story extension out front will be of the same construction as the house; they plan to demolish the garage on the rear and take the red tile roof off of the garage and use that in the construction; they also plan to use the stucco finish to make it as much alike as possible. When they make all of these additions it will give them approximately 2,600 square feet of service area, which is enough to seat a maximum of 180 people.

He stated that for parking they have reached an agreement with the property owner on the left to lease approximately 100 x 164 feet for three years, with an option to renew. However, in discussing this with the Planning Commission staff they came up with an alternative, at their request. The property is a natural for a two-story parking garage, because at the garage level there is a drop-off of about eight feet. So, in effect, they would have ground level parking with a basement, from an aesthetic standpoint.

He stated the management firm which will run the restaurant is A-J's, Inc. which currently operates three restaurants. The original one opened two years ago in Spartanburg. It has been featured in Southern Living; it has also been mentioned in Gourmet magazine. They opened their second restaurant in Columbia approximately a year ago, and have just opened a brand new one in Augusta, Georgia. They hope their fourth one will be in Charlotte.

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The architectural firm of G. Herbert Jones & Associates, and the interior designer, T M A, have been selected to handle the project. Both firms are out of Atlanta. T M A has handled all of the interior work for the other three restaurants. The architectural firm was hired because of the complexity of using an old house and the desire to maintain as much of the original character as possible. He hopes that Council will look favorably upon this zoning change.

Mr. Ted Arrington, 3222 Danson Place, stated he is a member of the Board of Trustees of First Church of Christ Scientist, Charlotte, which is right across the street from the subject property. That now that Mr. Andrews is requesting a conditional use zoning, they no longer oppose the petition - indeed they support it.

Councilmember Chafin asked what kind of screening will there be around the parking area? Mr. Andrews replied that actually one of the points of interest is the parking area that will be leased will be behind the building and there is about a 10-foot zone - they show actually using 154 feet and there would be about 164 feet leased. It has trees there already. On the other side of that parking lot, behind them, is property that is zoned B-2 and owned by the City of Charlotte and he does not know what will be done with that. (Councilmembers advised that this has just been sold.)

Mr. Andrews stated that one other contingency which they have not explored - some of that property belonged to his family originally and was taken over by the City for urban renewal, and they were thinking that it might be fair if they could get a little bit of it back if they needed it for parking. He stated on the other side of the parking is another parking lot, so that the only screening they would have is some of the natural planting that is shown on the layout for just a matter of aesthetics. They do not plan any real screening because of the parking lots.

Councilmember Carroll asked if he understood correctly that they would have a two-story parking deck and park on both levels? Mr. Andrews replied that is only the contingency, if something happens when they go to renew the lease three years from now. That the parking beside them makes a better layout, but if they have to, they have this contingency by extending the ground level and using the dropoff for the below parking.

Mr. Reneau Van Landingham, 2204 Charlotte Drive, spoke in support of the petition, saying he contacted Mr. Andrews on his original request for B-1. That either because they requested a change to CD or he decided to on his own, he has made that change. He stated that the people in Dilworth love CD zoning because it protects the house and prevents, two years from now, it being torn down or something which many residents find undesirable. His message to Council is that the Dilworth residents support Mr. Andrews' request for CD zoning. That he does have a parking problem and, as he has said earlier, that is their problem in Dilworth.

Councilmember Gantt stated that sometime ago he asked this question of the Community Development Department and the Planning Commission with regard to parking requirements, particularly on Community Development or some of the urban renewal land on which the parking requirements are more stringent than our existing and present ordinance parking requirements for certain type uses. This is quite evident if you go to the top of the NCB Tower and look at our urban renewal land in terms of the amount of parking in relationship to the buildings that we have. Part of that is that there is almost one third more parking required if you are building on Community Development land than if he were building somewhere else. It would seem to him that Council ought to do something about being more consistent with their policy to not give over 50 percent of the land area to the automobile, particularly when it comes to adaptive re-use of inner-city property such as this that they provide a little more incentive for this kind of thing by minimizing the parking requirements.

He stated he is fully aware that many developers want as much in the way of parking space as they can possibly get. That he suggests that what Council may be doing is saying to develop this property, such as a restaurant, that

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the parking requirements need not be as stringent; or even if the developer wants more parking space, to put severe limitations on it. The reason for this is that this particular restaurant is in an area that has some residential development around it - they all saw on the slides how beautiful the area is - and they all recognize what an eyesore it is to have large parking lots existing. That while the restaurant, he will grant them, will be a beautiful facility when it is finished, there is nothing much he can think of doing to disguise the parking lot. It is a policy question he thinks they should examine for longer range implications later on.

Mayor Harris asked if the present policy was not made because we originally had the problem of the streets becoming the parking areas and over congesting the area. Mr. Gantt replied it may be, but it may also encourage people to take the bus downtown to a location because they know they cannot get parking. That may be the thing that may happen in the future.

Councilmember Short stated that if he does not have enough parking space, it will be a little hard on the Christian Science Church and also on Covenant Church, because there is no way to keep people from parking there.

Councilmember Frech stated having grown up in Charlotte she has always liked that house and it is almost old enough to be historic property. She asked if they have to put the addition on the front in order to have the capacity to make the restaurant work? Mr. Andrews replied yes. That unfortunately, the inefficiency of using a house like that which has tremendous walk-in closets and tremendous bathrooms that you can almost get lost in, you cannot use them. Many of the requirements, for example, that you have to have bathrooms for people in wheelchairs, you cannot use the upstairs bathrooms. There are many, many restrictions which say it is very inefficient use, but it is still the best use they can find. The answer to her question is that they do need that addition to get enough seating area. At one time they thought about going out the back - the reason they cannot do that is that it gets too much into the parking area.

Ms. Frech stated she just thought it might make the house less attractive. Mr. Andrews replied they hope not, but that is what is worrying him as well as his sister and brother. His sister is very, very adamant on this subject, and they will have to convince her before they make any changes to it.

Councilmember Short asked what was the requirement as to the number of parking spaces? Mr. Andrews replied you can calculate it two ways, according to the zoning. One, is either by the feet that is available for service, or by the number of seats. They plan a maximum of 180 seats and this works out to 69 parking spaces. As they get into operation, they may find that they do not need as many employees as they included in their plan. They do not plan to start off with the 180 seats; they will have to grow to that. It will be a matter of opening up rooms upstairs as they grow; they are using just about everything that makes sense to use in the house.

Council decision on the petition was deferred pending a recommendation from the Planning Commission.

HEARING ON PETITION NO. 78-52 BY COMMUNITY DEVELOPMENT FOR A CHANGE IN ZONING FROM R-6MF TO B-1 OF A .55 ACRE PARCEL FRONTING 184 FEET ON THE SOUTH SIDE OF NORTH DAVIDSON STREET, GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE NORTH DAVIDSON STREET AND EAST TENTH STREET INTERSECTION.

The scheduled public hearing was held on subject petition.

Mr. Bob Landers, Principle Planner, stated this petition covers property in the First Ward Area. The property is vacant at the present time, as is so much of this area. He stated the Earle Village Apartments adjoin the site immediately to the southeast. That along Davidson from about mid-block between 8th and 9th Streets on, there is predominantly vacant land all the way up to the Northwest Expressway. It is changing daily - that just today they were moving a house out which made it necessary to change the landuse map.

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He stated that adjoining the property just opposite this property along Davidson is the First Ward Apartments that are now under construction - 25 units. He stated another thing he would like to point out is that between Davidson and Caldwell Streets, 10th Street has now been closed by Council action so that it does not go through.

The zoning map shows a pattern of R-6MF that predominates throughout the area. The pattern has been established through a series of zoning change actions by the Community Development Department over the years. That from North Caldwell back in towards the City there is an area B-3 zoning; and along 7th Street and coming also along Caldwell, a pattern of B-2. There is a corner of I-3, the central business area industrial classification, bounded by 10th and 11th Streets, Caldwell and West Brevard. The remaining area is multi-family, with that one exception.

The land-use plan for this portion of the First Ward Area shows a pattern of multi-family land use along the periphery; there is single family; that the land adjoining the site to the south is under negotiation for purchase by a church; beyond that on the south side of 9th Street is an open space area as part of the First Ward Plan.

He showed slides to further portray the area. The entire block, except for one lot, is owned by the City of Charlotte.

There was no opposition expressed to this petition.

Councilmember Selden asked about one of the slides, stating that the way it looked the property was immediately adjacent to the Earle Village, but there are streets in between. Mr. Landers replied that is true. They should not be confused by the landuse plan. He pointed out Earle Village and Mr. Selden stated it is adjacent to Earle Village and Mr. Landers replied yes - it is empty. Mr. Selden stated if it goes business it will be abutting that section of Earle Village? Mr. Landers replied yes it would.

Councilmember Frech stated she was thinking along that same line and asked if this is to be rezoned so that it can be sold? Mr. Landers replied that is correct; it is rezoned in order to fulfill and implement the First Ward landuse plan - the plan that has been designed and submitted as part of the overall First Ward Plan approved by Council. Of course, with zoning will come sales. In terms of sales, as he understands, it would be sold subject to those conditions and restrictions contained in the First Ward Plan.

Councilmember Leeper requested that Mr. Sawyer, Community Development Director, respond to the point about the landuse plan for that B-1 zoning.

Mr. Sawyer stated this does conform to the Redevelopment Plan for the First Ward Urban Renewal project that has been approved by the City Council. The present zoning is the old zoning. It was there before the project was in execution. As part of the total execution of that plan it has been anticipated all along that this would be the proposed land use there, and in order to make the land usable for that use this zoning is necessary. It all conforms to the plan that has been approved. The purpose is to establish there a small shopping store or a combination of small stores of the type that is open from 7 a. m. to 11 p. m. That is all there is room for; that is all that was planned in the whole project; it was to give that neighborhood that is developing around there a shopping opportunity.

Mr. Leeper asked if once that zoning is changed, is there anything else that can be built there besides that under the B-1 classification? Mr. Sawyer replied it is very tightly controlled in the plan; that our Redevelopment Plan does not permit all the uses that the zoning permits. They start with zero uses and permit uses - it is not a process of anything that is permitted under the zoning classification; it is only those things permitted by the list contained in the Redevelopment Plan.

Mr. Leeper asked if there is a church that is to be there, or is there one there now? Mr. Sawyer replied they have a proposal from a church to buy this property, the adjoining site, for the purpose of building a church, and

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some of the residential land - they would develop it all as a package. Mr. Leeper asked if when he says "all" is he talking about the B-1 property we are talking about. Mr. Sawyer replied yes, they want to develop that in connection with their church and the proposed residential that abuts it.

Mr. Sawyer stated it does abut Earle Village. However, there is a very significant terrain change there - a high retaining wall that goes around behind Earle Village, so this will sit up considerably higher than Earle Village. He does not know whether that is good or bad. Mr. Leeper stated he has answered his concern.

Councilmember Carroll stated this causes him some concern; he wonders if before they act on this petition they should not get a review of the First Ward Plan. That he has talked with other people about some of the other aspects of the Plan, such as the "yellow" on the other side and adjacent to the freeway as perhaps being one of the most exceptionally un-ideal spots for residential housing that we might have. He wonders whether, right in the heart of what they are trying to build now as a new residential community, they want to put some businesses. It is not that people in First Ward do not need the businesses, but just the fact that no more than a block away in any direction you have B-3 zoning. It just wants to express that concern; maybe if some other members of Council have the same concern, they could take a look at the First Ward Plan again before they act on this petition.

Councilmember Short stated that Mr. Sawyer seems to indicate that this is a negotiated sale rather than just putting this up for bids. That apparently the group in question is already known to him. He does not want him to name the party, but is this a minority business effort? Mr. Sawyer replied yes, and he believes it is generally known that this is The House of Prayer for All People. That they cannot negotiate this commercial site; that has to be put out for bids, but the church is a non-profit organization and does propose to build housing on some of the residential land that abuts this; and they can negotiate, with Council approval, that sale. As a matter of fact, he thinks they held a public hearing, or have a public hearing scheduled for Council to consider this.

Mr. Short asked if they propose to have not only housing but also business and a church mission? Mr. Sawyer replied it is a regular church. Mr. Short asked if it was the second church for Charlotte and Mr. Sawyer replied yes.

Mr. Carroll stated it is important to take into account - he certainly thinks they would want to encourage that kind of development by the church - but the question is where, and he knows that they do have a mini-shopping area which is down on 7th and McDowell, which is part of the plan, too. Whether or not they will have space available there that the City will be selling for a small grocery store or shopping area also.

Mr. Sawyer stated that block bounded by 7th, 6th, McDowell and Myers Streets can be seen on the map, and it is some three or four blocks distance from this property. The idea was to establish something more significant than just a 7-Eleven type store in that block. This, then, would provide more of the convenience shopping instead of the major shopping.

Mr. Short asked the location of the office arcade, is it not in that area? Mr. Sawyer stated the proposal that Mr. Carroll inquired about is between 5th and 6th - it could be between 5th and the alley that separates the Plaza Building on McDowell and 5th. That is where they are designing and planning.

Councilmember Selden asked how many square feet of retail space would they expect to go on that piece of property? Mr. Sawyer replied he does not know; he knows that whatever goes - it is a small parcel - would have to have the parking to support it, so in size it would not be more than what they commonly know as a 7-Eleven type store. The depth is restricted, and it is an "L" shaped parcel and that restricts the development.

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Councilmember Gantt stated he can appreciate what Mr. Carroll is talking about in his point about the location of this particular mini-shopping center. He should be aware that that planning concept is not necessarily a new one. He has done a similar kind of thing in Greenville - his firm happens to be doing a shopping center there - and in Grier Heights there is another one located - right in the heart of a residential area. They are designed to be neighborhood, sort of village, walk-into type centers, as opposed to the more highly active, highway oriented, shopping facilities. They amount to no more than 7-Eleven Stores. They might ask the question as to whether that becomes a good neighbor to the people living around. A lot of people are starting to abandon the idea - to going back to greater distances where you can walk. A lot of the new towns have gone to that idea. They have seen that happen in a lot of urban renewal plans; that you stick these little small centers - three or four thousand square feet of floor space - within easy distance of elderly people and where kids can walk.

Councilmember Carroll stated he did not understand the concept. Councilmember Gantt suggested that a review of the plan might be appropriate for the Council.

Councilmember Trosch stated her problem with some of the occasions on which this had been done is the fact that it is a low income area and they are talking about, putting in the middle of a low income area, an establishment where the prices are the highest, and as far as teaching them the tools to live with, which is the ability to economize and to shop in the larger shops where the prices are lower, they actually put something nearby where people can run and buy their milk, run and buy their bread, and in many cases people run and buy everything because it is near. She is not for or against what Mr. Carroll was saying; but feels that looking at that concept and relooking at that plan would be valuable.

No opposition was expressed to the proposed change in zoning. Council's decision was deferred for a recommendation of the Planning Commission.

MEETING RECESSED AT 9:55 P.M. AND RECONVENED AT 10:05 P.M.

ORDINANCE NO. 372-X AMENDING ORDINANCE NO 91-X, THE 1978-79 BUDGET ORDINANCE RE-ESTABLISHING APPROPRIATIONS FOR COMMUNITY DEVELOPMENT HUMAN RESOURCE PROGRAMS INITIATED IN FISCAL 1978.

Upon motion of Councilmember Chafin, seconded by Councilmember Dannelly, and carried unanimously, the subject ordinance was adopted reappropriating Community Development fund balance for a total of \$1,581,142.51 as required by the State Fiscal Control Act.

The ordinance is recorded in full in Ordinance Book 26, on Page 319.

ORDINANCE NO. 373-X INCREASING REVENUE AND EXPENDITURE ESTIMATES TO PROVIDE A SUPPLEMENTAL APPROPRIATION FOR NEVINS CENTER CONSTRUCTION.

Upon motion of Councilmember Locke, seconded by Councilmember Trosch, and unanimously carried, subject ordinance was adopted increasing revenue and expenditure estimates to provide a supplemental appropriation for Nevins Center Construction, in the amount of \$38,962.

The ordinance is recorded in full in Ordinance Book 26, on Page 320.

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CONTRACT AWARDED G. T. BARNES COMPANY, INC. FOR GENERAL CONSTRUCTION OF WORKSHOP CLASSROOM BUILDING AT NEVINS CENTER.

Motion was made by Councilmember Chafin, seconded by Councilmember Dannelly, and unanimously carried, awarding contract for general construction of the Workshop Classroom Building at Nevins Center to the low bidder, G. T. Barnes Company, Inc., in the amount of \$229,611, on a lump sum basis.

The following bids were received:

G. T. Barnes Co., Inc.	\$229,611.00
Holland-Linder Const. Co., Inc.	255,046.00
Donald C. Neal Const. Co., Inc.	317,853.00
McInnis Const. Co., Inc.	334,322.00
Jerry W. Neal Const. Co.	341,567.00
R. H. Wheatley Co., Inc.	342,825.00
Reynolds & Sons Const. Co.	383,830.00

CONTRACT AWARDED CLIMATE COND. OF CHARLOTTE, INC. FOR MECHANICAL CONTRACT OF WORKSHOP CLASSROOM BUILDING AT NEVINS CENTER.

Councilmember Dannelly moved award of contract to the low bidder, Climate Cond. of Charlotte, Inc., in the amount of \$33,296.00, on a lump sum basis, for the mechanical contract for the Workshop Classroom Building at Nevins Center. The motion was seconded by Councilmember Locke, and carried unanimously.

The following bids were received:

Climate Cond. of Charlotte	33,296.00
Topkins-Johnston Co., Inc.	33,552.00
Air Masters, Inc.	33,855.00
Ross & Witmer, Inc.	34,083.00
P. C. Godfrey, Inc.	36,614.55
Mechanical Contractors, Inc.	38,755.00
J. V. Andrews Co.	38,902.00
J. L. Patterson	40,150.00

CONTRACT AWARDED J. V. ANDREWS COMPANY FOR PLUMBING CONTRACT ON WORKSHOP CLASSROOM BUILDING AT NEVINS CENTER.

Upon motion of Councilmember Trosch, seconded by Councilmember Chafin, and unanimously carried, subject contract was awarded the lowest bidder, J. V. Andrews Company, in the amount of \$15,948.00, on a lump sum basis, for the plumbing contract at the Workshop Classroom Building at Nevins Center.

The following bids were received:

J. V. Andrews Co.	15,948.00
Acme Plumbing & Supplies, Inc.	17,305.00
Mecklenburg Plumbing Co.	18,917.00
Gastonia Plumbing & Heating Co., Inc.	20,200.00
Tompkins-Johnston Co., Inc.	28,897.00
P. C. Godfrey, Inc.	35,886.64

CONTRACT AWARDED PORT CITY ELECTRIC COMPANY FOR ELECTRICAL CONTRACT ON WORKSHOP CLASSROOM BUILDING AT NEVINS CENTER.

Motion was made by Councilmember Dannelly, seconded by Councilmember Selden, and unanimously carried, awarding contract to the low bidder, Port City Electric Company, in the amount of \$35,107.00, on a lump sum basis, for the electrical contract at the workshop classroom building at Nevins Center.

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The following bids were received:

Port City Electric Co.	35,107.00
Ind-Com Electric Co.	35,965.00
Howard Electric Co. of Concord, Inc.	36,987.00
Reid Electric Co.	37,855.30
Duckworth Electric Co., Inc.	38,318.00
Mosley Electric Co.	39,139.00
Watson Electric Co., Inc.	40,023.95

CONTRACT WITH R. L. POLK & COMPANY FOR STATISTICAL SERVICES FOR THE COMMUNITY DEVELOPMENT AND PLANNING DEPARTMENTS, DENIED.

Councilmember Locke moved approval of a contract with R. L. Polk & Company for statistical services for the Community Development and Planning Departments, for a total of \$21,180, in addition to sales tax. The motion was seconded by Councilmember Frech.

Councilmember Selden stated he requested a week ago that the item be deferred for one week. He spent the past week examining what was there, what was available, what was offered. First of all, the Council had been given in 1973-1974, then they purchased the 1974-1975, purchased the 1975-1976. Some years ago, in the beginning they intended to buy every other year. The way it was set up, when you buy a year, you get both that year and the prior year and the change that occurred during that period of time, so every other year would afford you the data for a two-year period. It is not something that is required by HUD, in fact, fewer than half of the cities that submit plans get the information. At the present time the way the contract is read, they would get the information according to Mr. Jerry Moore too late to put together on the basis of current schedule, too late to put together the program, the half program they are moving toward at this time in early 1979. On the other hand, according to Mr. Moore, they would be able to get the 1977-1978 in the spring of 1979 which would be a much later item of information. This particular proposal would buy only the 1976-1977 data, which at this present time is over a year old. The data is reasonably valuable in its approximation - it is not precise. Not only has it aged at this present time, but the statistical approach, the fact that the data is gathered over a time period of several months, five - he believes, rather than a precise time, April 1st as the census is done, tends to overstate occupancy and understate vacancy. The formula that relates income is on a very generalized base in terms of occupation of persons living in neighborhoods and if this data were closely updated and if it were precise as to weight scales of the given occupations, it would be more valuable than it actually is.

For instance, it treats retirement occupation, or non-occupation, so to speak, as a sub-income level, roughly 70% of the 100% index points median average. It further treats, for instance, the Myers Park area - the data says 26% of the people living in the Myers Park area are retired persons and the combination of these two factors indicates that the Myers Park area has a sub-income level.

Councilmember Selden said that he feels it is not worth the \$21,000 to get it every year. It is valuable information to get periodically and to cross check the things the Council is doing.

Mr. Sawyer, Director of Community Development, stated he listened with awe to Councilmember Selden's analysis and felt that because of his profession, he was far more capable of analyzing the data and deciding its worth than he himself or any member of his staff. They have used the data for a few years and cannot speak to the accuracy of it in detail as Mr. Selden can, but the title of the package is Profiles of Change and it is an indicator of change. The Planning Commission is the other user, probably the prime user, of the data. Community Development uses it for its purposes, and the Planning Commission uses it to furnish them with information which is based on the changes that assists Community Development in putting together the application of funds and especially the Housing Assistance Plan. They have planned

to have the contract before Council requesting approval perhaps six weeks before now, but because of Jerry Moore's very thorough involvement with the Housing Task Force, he was not able to get to it before now. Mr. Sawyer stressed that he stated that, not as an excuse, but as a matter of fact.

A Councilmember asked whether the Council could use it this year and Mr. Sawyer replied that it could be used in certain respects. He added that, as Mr. Selden had said, the Housing Assistant Plan will be all but completed by the time the data is received if the Contractor sticks to the contract; and under the contract, he has 90 days to furnish that data. Community Development has had a telephone promise, about six weeks ago, that the contractor would go ahead with the data and start generating it in the computer. They were told at that time if they did so they did it at their own risk; we did not request it; it was a voluntary thing. So he does not know how far along they have gotten, if they have gotten anywhere.

Councilmember Cox asked what kind of stress Mr. Sawyer would be put under if the Council denied the contract today, is CD going to cave in and Mr. Sawyer replied it is not a life or death matter. That he felt it was important enough to go ahead with the contract. It meant that they would be going on the basis of old data; data they have used previously, which is all right, it is acceptable to HUD.

Councilmember Cox stated on the basis of Councilmember Selden's analysis and the slightly extenuating circumstances, he moved a substitute motion that Council not approve the contract with R. L. Polk and Company. The motion was seconded by Councilmember Gantt.

Councilmember Carroll stated he had called Mr. Mickie after it came up before and asked him about several streets that were not involved in one of the Target Areas which were in the contract with the particularized study and that caused him some problems. That in the light of what Mr. Selden has to say, he felt they were on the right track to wait a year.

Mr. Sawyer replied they checked that and the streets that were eliminated from the Cherry project were Queens Road, a portion of East Morehead and Bromley. Kings Drive was not included in the list because there were no residential structures. There were only two that may have been in question and they are at the intersection of Kings Drive and Cecil Street. Cecil Street was on the list to take notice of, so everything was included - there was nothing omitted.

Councilmember Carroll asked whether there had been some streets included that were not part of the target area? Mr. Sawyer replied that he knew of none.

Councilmember Selden stated that there were some omissions of streets, and the data - and he hated to criticize someone who has statistical data - for instance, his own street with roughly 20 houses on it - there are errors on three of those houses to his certain knowledge in the 1978 city directory from which data which they will use was derived.

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

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

NAYS: Councilmember Locke.

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APPROVAL OF AN AMENDMENT TO A CONTRACT WITH HENSLEY-SCHMIDT, INC., FOR AN EXTENSION OF THE CONTRACT TO PERFORM A TRANSIT/PARKING COORDINATION STUDY TO OCTOBER 31, 1978, DEFERRED,

Councilmember Gantt stated he is not quite sure why this item is on the agenda since it appears from the explanation that it was supposed to have been finished back in August or July. Was there a maximum date beyond which the contract could not go?

Mr. Mike Kidd, Public Transit Coordinator, replied that was the case, and since they were using federal funds, the Accounting Division required that the work be performed in accordance with the contract, before they would pay for the work already completed. When the contract was written there was a deadline put in it. There were circumstances which caused them to anticipate the final report being sent to them this month with their presentation being made to Council probably some time in November.

Councilmember Carroll asked that when Council made the changes on January 9, 1978, did Council not extend the time at that time also? Mr. Kidd replied it was extended until July at that time. Changes made at that time were because of some changes in the wording of the contract. After that the consultant experienced some problems with the weather - they were doing the aerial photography. Also during the summer there were a number of meetings scheduled Uptown - city officials, because of vacations and things like that - they had a hard time getting meetings together. So it ran beyond the completion date.

Councilmember Carroll asked whether he was correct in that on January 9th, when some of the terms of the contract were changed, Council also extended the time? Mr. Kidd confirmed that was so. Mr. Carroll went on to say it seemed the Contractor has breached the contract, but that they were deciding to go ahead and pay him the full amount in spite of his breach in being late. He is not sure that is a good thing to do. He would like to hear from the City Attorney first to see whether he feels this was the appropriate way to settle this matter.

Mayor Harris expressed interest in pursuing the issue of contracted work being completed past due dates. He asked whether their contracts were written so that the firm can continue working for a period of time without a contract, on good faith that the Council would come around and honor it.

Mr. Underhill, City Attorney, replied if the contract specifies a completion date and if that date is not met, the only way the contract can be modified is by mutual agreement between the parties.

Mayor Harris further questioned whether the staff members might be in effect giving permission for this and similar contracts to continue, without the Council's participation. He wondered whether in the future a contractor might be doing some work for which it will not be paid.

Mr. Underhill stated that he does not know of anyone at the staff level who was authorizing contractors to work beyond a stated contract period.

In response to a question from Mayor Harris, Mr. Kidd stated the present situation was the only one that occurred. Looking back on it now, it might have been better to come to the Council at the time of the contract termination date and asked to have the work continue. His feeling administratively was the Council wanted to get on with the project; that the funds were already appropriated, - federal, state, and local - and he would come to Council when he knew a completion date was certain and ask to extend the contract. That was a judgment he made administratively.

Mayor Harris suggested that deadlines of that sort should be watched closely so that no one would be personally responsible for any misunderstanding.

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Councilmember Carroll stated that, although he thought Mr. Kidd was right, that Council was anxious that the project be carried out, he was concerned that it was overdue. Perhaps they ought to think in terms of providing more incentives, to be sure that the work is completed on time in terms of your ordinary liquidated damages for delay, which evidently was not in the present contract. So they would not fall into a pattern of approving what is essentially a contract that is in default.

Councilmember Carroll made a substitute motion to defer the item and have the City Attorney review the matter from a legal standpoint and make a recommendation. The motion was seconded by Councilmember Chafin.

It was agreed that the matter be deferred for as short a period as possible.

Councilmember Gantt felt that when one got into liquidated damages, for example, real damages in a building project which may cause some serious dislocations, then there is justification in an examination of dates. On a professional services contract such as the one presently being considered, where it is clearly indicated that part of the responsibility could be laid at the feet of the city itself for not being available for certain of these reviews and conferences, it appeared to him that an administrative decision to get the project continued was in order. What they were dealing with now was a technicality. The draft report is in hand, and when they have reviewed it and sent it back, it is probably a matter of correction of those points and sending it back to Council so that Council can get on with the parking study. He does not know what Mr. Underhill's review would do or what it would mean now in terms of the work Hensley-Schmidt has already done. If Council wants to set some policy directions regarding all future contracts, that would explain the motion; but he is not clear what it would do to the contract at hand.

Councilmember Carroll stated he feels it would set a policy to let the staff know how they might handle contracts that are in default or appear to be heading for default. He feels it is appropriate they should hear from legal counsel before voting.

Councilmember Short stated he feels if they were to follow a policy of putting a severe liquidated damages agreement in a contract where time is not all that vital - for example, the present case involved eight or 10 weeks - it would make contract negotiation more expensive from the start.

Mayor Harris stated Council was not considering setting up contract criteria, but rather deferring the item presently under discussion.

Councilmember Selden asked whether it is certain that the project would be finalized before the end of the month? Mr. Kidd replied he had been assured that if they have not printed it already it would be printed probably this week. Mr. Selden asked about the possibility of a delay beyond October 31st; to which Mr. Kidd replied he would have to come back to the Council. However, at this point, he does not expect that could happen.

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

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

NAYS: Councilmember Gantt.

GRANT FROM U. S. ENVIRONMENTAL PROTECTION AGENCY, AND ORDINANCE NO. 374-X TO FINANCE THE PUBLISHING OF THE AIR QUALITY IMPLEMENTATION PLAN, AUTHORIZED.

Motion was made by Councilmember Gantt, and seconded by Councilmember Chafin, to approve the acceptance of a grant from the U. S. Environmental Protection Agency, and adopt Ordinance No. 374-X to finance the publishing of the Air Quality Implementatin Plan, for a total of \$10,000.

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Councilmember Trosch stated it is interesting they are going to publish the Air Quality Implementation Plan and she is not sure what that plan is or where Council is in relation to studying the meeting of criteria that they were under the gun very heavily to meet. She, as a Councilmember, is not abreast as to what council is doing toward this goal, who is handling it - although she saw on television reports about what Council is doing. She asked for clarification as to what is happening and how they were moving? She also inquired after a plan that was being published.

Mr. Randy Jones, Transportation Program Coordinator, explained that the money would be used for two purposes: one is to pay for the printing of the report which would come to her shortly; the other is to reimburse staff services for a continuing effort in air quality planning.

Councilmember Trosch asked whether the plan is being published for the Council so that they might evaluate and possibly approve it?

Mr. Jones replied that a technical coordinating committee, composed of city, county, state and federal staff, put together the present report and presented it to the Transportation Advisory Committee of which Mr. Gantt is a member. This Committee requested this report be presented to all the local elected officials for their endorsement. It is presently in draft form, and for the last month and a half they have been getting it in presentable form so that the Council could review it. He hoped to get it to Council in the next few weeks, and it could accept or reject or suggest additions so that the Committee can clean up the air by 1982.

Councilmember Carroll asked how much it would cost to print the plan? Mr. Jones replied about \$1,400. Councilmember Carroll then requested that a budget describing the allocation of the rest of the funds be submitted to Council.

The vote was taken on the motion and carried unanimously.

#### RESOLUTION AMENDING THE PAY PLAN TO ESTABLISH THE JOB CLASSIFICATION OF POLICE PROPERTY CONTROL CLERK.

Upon motion of Councilmember Chafin, seconded by Councilmember Selden, and unanimously carried, subject resolution was adopted amending the Pay Plan to establish the job classification of Police Property Control Clerk, assigned to Pay Range 7, Pay Steps A-F.

The resolution is recorded in full in Resolutions Book 13, at Page 471.

#### ACCEPTANCE OF GRANT AWARD FROM LEAA TO FINANCE THREE FULL-TIME CRIME PREVENTION OFFICERS TO WORK IN LOW INCOME/HIGH CRIME NEIGHBORHOODS.

Motion was made by Councilmember Chafin, and seconded by Councilmember Selden to accept a grant award from LEAA to finance three full-time Crime Prevention Officers to work in low income/high crime neighborhoods.

Chief of Police Goodman advised this will last one year and that LEAA normally financed things of this sort for three years.

Councilmember Frech wondered whether the officers would be spending time on foot in these areas. It seems that there is an opinion that having officers on foot provides an opportunity for the officers to get to know people.

Chief Goodman said that it would be impossible to carry out a crime prevention program from an automobile. They would have to be on foot in order to contact the people, to work with them in their parks and in their meetings. It is a one-on-one type of situation. That the program would provide three experienced crime prevention officers who would be assigned to several high crime, low income areas.

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Councilmember Frech stated from the written description of the plan there were to be three target areas. Chief Goodman responded that he believed it would not be restricted to two or three areas.

Councilmember Leeper stated he understood that each officer was to have 80 hours of crime prevention behind him. He asked whether that was stipulated by the LEAA grant or by the Police Department? Chief Goodman replied it is required in the grant. He explained they would use three experienced officers from Charlotte's present force and would have to recruit three officers and put them through school to replace the ones assigned to this plan. Mr. Leeper asked if the officers would have additional instructions in human relations or public relations - did the officers being considered have adequate training in that area? Chief Goodman replied that he thought the crime prevention officers do have this training.

Councilmember Carroll notes that items 15 and 16 both called for a match of about \$25,000 which was proposed to be taken from the general fund. He wondered whether it might not be taken from the budget for the Police Department in light of the reallocation of about \$23,000 on the counter cyclical revenue-sharing fund? Mr. Bill Stuart, Assistant City Manager, replied the ordinances on the two agenda items proposed to add to the Police Department budget for the provision of these projects. They are general funds just as are the counter cyclical funds. They would have to be appropriated to the police budget either way.

Mayor Harris asked whether it might be possible to draw the funds from the existing police budget? Mr. Stuart replied he assumes that since the ordinance was so written, it was because the budget was checked and found to be unable to absorb the loss of those funds.

Ms. Pam Syfert, Assistant Budget and Evaluation Director, stated one of the requirements of LEAA is that the City has to show it would support the LEAA grant. She was advised by Accounting that if they did not show in the budget an appropriation to match the grant there may be trouble with LEAA.

Councilmember Carroll asked if the situation were similar to the garbage proposal where they were going to absorb the additional cost out of their own budget, but because of LEAA red tape that did not seem an acceptable means of handling the funds? Ms. Syfert replied the Police Department probably could absorb the cost, but the City has to show the appropriations in its budget.

Councilmember Carroll asked whether the counter cyclical funds being appropriated to the Police Department actually increase available funds in its budget by \$23,000? Ms. Syfert responded that it would not; it would decrease the amount of appropriated funding. It would replace general fund money in the Police Department and would increase the amount of unappropriated funding. Council would have to appropriate the \$23,000 in the ordinance coming up, and that action would automatically decrease the unappropriated funding. The result would be the return of \$23,000 in unappropriated funds from the Police Department to the general fund.

Councilmember Dannelly stated he understood that it was impossible to say what LEAA would do with the grant from year to year, and that the Police Department would be hiring three recruits to take the place of the three experienced officers. With the productivity studies in the background, assuming that the City did not get a grant from LEAA to continue this kind of crime prevention activity, what might happen with the three additional officers?

Chief Goodman said that it would be easy to absorb three additional officers in the Department - there are vacancies every week and it would be a very simple thing to absorb them. That would cause no problem. If the grant were not continued, the crime prevention programs in effect would be continued. They just would not be able to concentrate on these particular areas as much as they would like. They are interested in getting crime prevention programs begun in these areas, not just putting officers on foot. They are trying to start programs to get the people to help themselves and team up with the police to prevent crimes, to tell them what they can do. It is hard to get in some of these areas; it takes people to concentrate on them and spend time

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to establish a rapport with the people and get established and then to promote the programs. That is what was done in Dalton Village and it worked. They would like to do it in some of these other areas.

The vote was taken on the motion and carried unanimously.

ORDINANCE NO. 375-X APPROPRIATING FUNDS TO FINANCE A CRIME PREVENTION PROGRAM IN LOW INCOME/HIGH CRIME NEIGHBORHOODS AND AMENDING THE POLICE DEPARTMENT'S ORGANIZATIONAL TABLE.

Councilmember Chafin moved adoption of the subject ordinance appropriating funds to finance a Crime Prevention Program in Low income/High crime neighborhoods for a total of \$49,623, and amending the Police Department's organization table to add three police officer positions. The motion was seconded by Councilmember Short, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 26, at Page 322.

GRANT AWARD AND ORDINANCE APPROPRIATING FUNDS FOR 911 EMERGENCY SYSTEM, APPROVED.

(a) Upon motion of Councilmember Locke, seconded by Councilmember Trosch, and unanimously carried, the acceptance of a grant award from LEAA to finance the purchase and installation of necessary equipment for the 911 Emergency System, was approved.

(b) Motion was made by Councilmember Selden, seconded by Councilmember Frech, and carried unanimously, adopting Ordinance No. 376-X appropriating funds in the total amount of \$50,000 to finance the purchase and installation of telephone equipment for the 911 Emergency System.

Councilmember Dannelly asked when this will be in effect? Chief Goodman replied July 1, 1979.

The ordinance is recorded in full in Ordinance Book 26, at Page 323.

REPORT BY POLICE CHIEF GOODMAN ON METHODS TO PREVENT SPEEDING IN SCHOOL ZONES.

At a request from Mayor Harris, Chief of Police Goodman reported on the school zone traffic situation. He stated the police are concerned about traffic enforcement in general and school zones in particular. It is not a new problem, but one that occurs every year after school starts. It is important for the public to be made aware of the problem. He appreciates the media policing the situation and getting it before the public because in this way you can get some help and some voluntary compliance. Enforcement alone will not solve the problem. They are averaging about 60 moving violations, citations a day. There are about 200,000 cars registered in Mecklenburg County and thousands which come into the City from outside every day. It is impossible for the police to see every violation and write tickets for all of them. They do the best they can, but they are going to try to do a little better.

Chief Goodman added that the officers have been asked to be more aware of traffic; they have been asked for quality enforcement, not just a lot of numbers - numbers are not going to solve any problems. They have been asked to be highly visible, especially in the school zones in the morning and afternoon hours. There are 15 school resource officers assigned to schools now. These 15 officers are trying to cover 80, 90 or 100 schools in the City. There are almost 100 school traffic guards working these areas. To put an officer in every area would take 100 officers assigned to just one purpose. It is almost impossible to do that. Instead the school resource officers are assigned to the school zones; they write citations if they are needed. The 15 crime prevention officers have been asked to take on another task; patrolling school zones and watching and following school buses. They have

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been told to document everything they see, every citation they write and every violation they see. In a week or two's time the Department will be able to present a better picture of what is actually going on out there. The City Safety Association Director, Joe Molloy, has agreed to prepare some pamphlets and some radio and TV spots on traffic safety, school grounds safety. Chief Goodman concluded that it is a long-term project whose major goal is to change the public's attitude so that voluntary compliance would result. He would be glad to hear any suggestions from the Council.

Councilmember Short asked if it might help if the legislature included some points, beyond the normal number of points, for speeding in a school zone. Chief Goodman said he feels the answer lies in voluntary compliance, not in the addition of more points to the violation. After some discussion it was recalled that the violation had previously been assigned two points, but was now assigned three.

In response to Councilmember Short's mention of a recent violation of 53 mph in a school zone, Chief Goodman replied he hopes the Council will examine inconsistencies in speed zones of the city. For example, a street with one speed limit in one direction, and another in the other direction.

Councilmember Chafin stated she appreciates the need for voluntary compliance. That other Councilmembers have addressed that need and the need for public education - perhaps a major public education campaign - but she feels there might be required a demonstration that the City is serious about enforcement. She wonders if there is sufficient manpower. She had an opportunity, about a week previously, to ride with some of the police in Baker 3 - a huge area encompassing much of districts 6 and 7 with a number of schools. She questions how the police could even begin to enforce the speed limit in areas of that size.

Chief Goodman replied there are not enough officers for the job. Each week presents a different problem - this week it is traffic enforcement; last week it was arson; the week before that it was downtown patrol; and next week it will be something else. The Department cannot possibly meet all these demands with the personnel it has. There has been no increase in personnel other than annexation in about four or five years. Responding to a question by Mayor Harris, he said that he requested new personnel every year, and that he would do it again next year.

Councilmember Trosch asked if the school resource officer would be in charge of a team? Chief Goodman responded there would be one school resource officer for each team who would be assigned the school in his district. Councilmember Trosch noted that the productivity report stated some school resource officers might have 10 or 15 schools; whereas in another team they might have one school; and it would seem just assigning a school resource officer might not be a means of achieving a balanced load or an equal distribution as far as covering the schools.

Chief Goodman stated school resource officers had duties other than just covering schools - he answered calls for example.

Councilmember Trosch pointed out that one school resource officer might be able to handle the schools in his district; but another might not because he has twice or three times the number of schools. So this approach to school coverage might not meet the need equally through the City. Chief Goodman added that the City needed more school resource officers.

Councilmember Cox agreed with Councilmember Chafin's previous remarks, and wanted to add another facet to them. Addressing the Chief of Police, he said that his response to the Council's and the community's need was a very good one, given the present organization and manpower allocation. He invited Chief Goodman to suggest some alternatives as to what it would take to address this problem given certain levels of funding so that the Council could make a decision whether it is in the public interest to appropriate those funds for that use. He hopes Chief Goodman might suggest ways to organize the use of these additional funds that might direct them more specifically to this kind of problem, with a view to eliminating switching an officer from one type of assignment to another.

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Councilmember Cox stated he has lived in Charlotte a long time; he got his first ticket when he was sixteen, a month after receiving his driver's license. The heat is not on now like it used to be. That he feels he gets away personally with more today on the streets of Charlotte, as other drivers do - he gets away with more today than he did 10 years ago. He hopes Chief Goodman might give the Council some alternatives in the use of additional appropriation of funds and additional organization to address this problem.

Chief Goodman stated some criticism is being aimed at the team policing concept, indicating that there are fewer men in the field. Team policing put more men in the field than ever before. Before team policing, police officers were doing the dispatcher's job, in the records bureau. There were a lot of specialized units working on arson, on burglaries, on car theft. The Department took these people and put them in the field.

Councilmember Cox stated he did not have team policing in mind. He was responding to his statement that one week it was arson, one week it is traffic control, one week it is something else. He was responding to his own personal experience that tells him that the heat is not on like it used to be. Chief Goodman stated that he had no more manpower than he had four or five years ago except for annexation. He repeated his invitation for suggestions of alternatives about appropriations and organization.

Councilmember Frech stated that apparently a large part of the problem is the difficulty in obtaining convictions after the citations are issued. She understood that a higher rate of conviction was expected, and wondered where they might turn to get recommendations about changes in ordinances - perhaps the State legislature - to make the laws more enforceable.

Chief Goodman responded that he feels there are already enough laws on the books. Councilmember Frech added she hears often that it is the problem of getting convictions; and some people feel there are some loopholes in the laws that need to be tightened up.

Chief Goodman stated he has asked the legal advisors for some suggestions and they come right back with the same answer - there are too many on the books now, a lot of them unenforceable.

Councilmember Frech concluded it appeared it was a matter of getting the evidence at the time that would hold up in court, so it was a matter of police work.

Councilmember Dannelly stated he would like to ask Chief Goodman a direct question. Does he feel the Courts handle the cases or citations as they are brought in as he feels they should? The police give tickets - he sees lots of blue lights around Charlotte - and he is thinking that the courts are being too lenient. Does the Chief of Police feel he was getting that kind of support?

Chief Goodman replied he told the Governor's Crime Commission about two weeks ago they should take another look at Mecklenburg County. They considered it the same as some of the counties in less populated areas. It does not get sufficient help from the State's court system. There is a tremendous backlog, and he can see what they are up against. He would like more serious thought given to traffic violations, traffic injuries and deaths. Because you are just as dead as you are if you are shot with a gun. People do not seem too concerned sometimes about traffic fatalities.

Councilmember Dannelly agreed that some way should be found to appeal to the public to cooperate to make the streets safer for everyone, particularly the children.

Mayor Harris stated the Crime Commission meetings are coming up. They should be interesting and he hopes there will be quite a bit of input from the citizens. That is the purpose of them, to get some feel for their concerns. There are several more coming up this week and next week.

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Councilmember Selden asked the Chief of Police, when he comes back to the Council with his recommendations, to please include treating the problem involving the accident some two months ago on Hampton Avenue that he had given a report on where there was a young man involved; it was difficult to get any reaction in the courts. He requested Chief Goodman's recommendation on handling problems such as that as well as the other traffic violations.

APPROVAL OF AMENDMENT TO EXISTING CONTRACT WITH JOHN C. WYATT RELATING TO THE D. A. OFFICE MANAGEMENT PROJECT.

Councilmember Short moved approval of an amendment to the existing contract with John C. Wyatt, reducing the amount of the contract from \$21,440 to \$7,146.60. The motion was seconded by Councilmember Chafin, and carried unanimously.

APPROVAL OF CONTRACT WITH DAVID P. MALONEY RELATING TO THE D. A. OFFICE MANAGEMENT PROJECT.

Upon motion of Councilmember Short, seconded by Councilmember Chafin, and unanimously carried, subject contract was approved with David P. Maloney, in the amount of \$14,293.40.

ORDINANCE NO. 377-X APPROPRIATING COUNTER-CYCLICAL REVENUE SHARING FUNDS FOR THE PURPOSE OF PAYING POLICE SALARIES DURING FISCAL YEAR 1979.

Motion was made by Councilmember Cox, seconded by Councilmember Trosch, and unanimously carried, adopting subject ordinance appropriating Counter Cyclical Revenue Sharing Funds for the purpose of paying police salaries during fiscal year 1979, for a total of \$23,374.

The ordinance is recorded in Ordinance Book 26, at Page 324.

CONTRACT AWARDED CITY CHEVROLET COMPANY, INC. FOR FOUR 4-WHEEL VEHICLES.

Councilmember Chafin moved award of contract to the low bidder meeting specifications, City Chevrolet, in the amount of \$28,977.76, on a unit price basis, for four 4-wheel drive vehicles. The motion was seconded by Councilmember Locke.

Councilmember Carroll asked if the specifications were necessary which cut out International Harvester bid by requiring that extra couple hundred pounds on the front and back.

Mr. Brown, Purchasing Director, replied they feel it is; they did not actually write the specifications to cut out anyone; there are four different units made. In this case, the units will be used very heavily - hauling fertilizer, seed, tools; pulling trailers with equipment on it. They do need the heavy equipment. Councilmember Carroll asked if he was aware of the specifications at the time he wrote the city's specifications? Mr. Brown replied they looked at all of them; they were not aware of the springs in this particular instance. They did reduce the specs for International in the case of the engine. The only exception he knew about was what they took on the engine. That was corrected prior to the bid opening.

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

The following bids were received:

City Chevrolet Company	28,977.76
LaPointe Chevrolet Co.	29,762.56
Town & Country Ford, Inc.	30,994.16

Bid received not meeting specifications:

International Harvester Company	28,858.52
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CONTRACT AWARDED N.C. EQUIPMENT COMPANY FOR FORKLIFT TRUCK.

Upon motion of Councilmember Chafin, seconded by Councilmember Short, and unanimously carried, subject contract was awarded the low bidder, N.C. Equipment Company, in the amount of \$18,475, for an 8,000 pound capacity forklift truck.

The following bids were received:

N.C. Equipment Company	18,475.00
Industrial Truck Sales	20,109.00
Carolina Tractor & Equipment	20,378.00
Wrenn Brothers	20,519.00

CONTRACT AWARDED FLIGEL'S UNIFORM COMPANY FOR INSULATED COATS WITH HOODS.

Motion was made by Councilmember Selden, seconded by Councilmember Short, and unanimously carried, awarding subject contract to the low bidder, Fligel's Uniform Company, in the amount of \$13,199.60, on a unit price basis, for insulated coats with hoods.

The following bids were received:

Fligel's Uniform Company	13,199.60
Sears, Roebuck & Co.	14,118.24
The Hub Uniform Company	14,198.64

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO ELIZABETH C. JUNKER; R. NORMAN JUNKER; GEORGE C. JUNKER; HARRELL MCDONALD JUNKER; CAROLYN J. IRVIN AND REBECCA J. GRIFFIN, LOCATED AT 7400-7408 ALBEMARLE ROAD, IN THE CITY OF CHARLOTTE FOR THE ANNEXATION AREA 2 SANITARY SEWER PROJECT, DEFERRED.

Motion was made by Councilmember Cox, and seconded by Councilmember Gantt to adopt a resolution authorizing condemnation proceedings for the acquisition of property belonging to Elizabeth C. Junker and others, located at 7400-7408 Albemarle Road for the Annexation Area 2 Sanitary Sewer Project.

Mr. Norman Junker explained that their property is located about a quarter of a mile beyond the intersection of Lawyers Road and Delta Road at Albemarle Road. Across the street is the Lake Forest area and some property which he believed was slated for condominium development, formerly the Johnston property. Toward town and separated from them by a creek is the former property of R. D. Jamison family. The recommendation before Council is for condemnation of a strip of property along their side of the street for a sewer line. Their objection to that basically is that it is to serve the property that was sold by the Jamison family, and sold by the Johnston family for development of apartments and condominiums. His mother now lives on the property and they do not want to. It is home and it has been home for many years. Along the creek line are large trees which form a buffer. Sooner or later there will be quite a bit of development on that side of the property when the apartments are built. If you could visualize a line about 700 feet on the opposite side of the creek - it is open land, it used to be a lake. There is no reason why this sewer line cannot be located on the side of the creek which is going to be benefited immediately by this condemnation.

There has been a lot of talk about community preservation. He realizes that this area is becoming more and more developed. But does not see why, if the circumstances were known, property which is not slated for development, which is a private residence, is to be used to supply services for property surrounding it which is slated for development, and which could just as easily be used for the sewer line. It is not a matter of money - there are no arguments with the city over the offers; he is not trying to stop progress. He just wants to show there is an alternative location which will not disrupt the use of their single family property.

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Mr. Dukes, Utility Director, stated that up to now he had not understood there was a problem with location except that they did not want it on that property. He pointed out the property in question on a map. On the other side of the creek is a lake which he felt might be destroyed if much digging was done along side it. Instead the sewer line was planned to run as close to the creek as possible. They could move around a few feet - they were in sort of an odd position between the lake and the creek and Mr. Junker's property. In 1974 a developer proposed developing some nearby land, but property development went down. What they are asking for now is part of an annexation. If someone has a better way, he is willing to consider it.

In response to a question from Councilmember Short as to whether it was a lake or a former lake, information indicated that it is a lake. Mr. Junker stated that it was partially raised so that there was about an acre of water left. It used to be a public lake; they charged a dollar to fish in it. It was owned by the developer.

Mayor Harris asked if the developer was the same one Mr. Dukes tried to reach across the other side. Mr. Dukes replied that the developer who wanted to develop it earlier was in a different area.

Councilmember Short asked how far is it from the creek to where the lake begins now? Mr. Junker estimated that it is 10 feet from the creek to the dam, which is no longer holding water. There is perhaps 50 feet from the creek to the lake. Councilmember Short asked why the sewer line could not run through the 50 feet of property on the lake side of the creek.

Councilmember Selden made a substitute motion to defer the question for an on-site report on the practicality of running the sewer line off of Mr. Junker's property. The motion was seconded by Councilmember Dannelly, and carried unanimously.

Mr. Dukes stated they have been trying to get this property since 1974, and he has a hard time saying "I cannot put it on your property but I can put it on someone else's."

Councilmember Short remarked that the difference is one property is almost an ancestral home site and the other is sort of a swamp area - it is not somebody's home sit.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO GRADY L. ROSS AND WIFE, ROBBIE GILLIS ROSS: R. MARION ROSS, JR. AND WIFE, SHIRLEY G. ROSS, AND WILLIAM PUTNAM ROSS AND WIFE, LOLA M. ROSS, LOCATED AT 6700 DEANWOOD PLACE, IN THE CITY OF CHARLOTTE, FOR THE PARK PROJECT OFF NATIONS FORD ROAD.

Motion was made by Councilmember Chafin, seconded by Councilmember Short, and unanimously carried, adopting subject resolution authorizing condemnation proceedings for the acquisition of property belonging to Grady L. Ross and wife, Robbie Gillis Ross; R. Marion Ross, Jr. and wife, Shirley G. Ross and William Putnam Ross and wife, Lola M. Ross, located at 6700 Deanwood Place, in the City of Charlotte, for the Park Project off Nations Ford Road.

The resolution is recorded in full in Resolutions Book 13, at Page 472.

RIGHT OF ENTRY AGREEMENT WITH NORTH CAROLINA DEPARTMENT OF TRANSPORTATION, APPROVED.

Councilmember Dannelly moved approval of a right of entry agreement between the City and the North Carolina Department of Transportation of property at the Irwin Creek Treatment plant for the building of the Airport Parkway. The motion was seconded by Councilmember Chafin, and carried unanimously.

## CONSENT AGENDA, APPROVED.

Upon motion of Councilmember Cox, seconded by Councilmember Chafin and unanimously carried, the following Consent Agenda was approved:

- (1) Approval of a Loan to James G. and Roberta H. Cochran, in the amount of \$55,000 for purchase of land for construction of a two-story, single family dwelling located at 318 West Eighth Street, in the Fourth Ward Urban Redevelopment Project Area.
- (2) Approval of the following contracts for extension of sanitary sewer main and water mains:
  - (a) Contract with Hobart Smith Construction Company for the construction of 5,065 linear feet of 8-inch sanitary sewer line to serve Ridglock Subdivision, outside the city, at an estimated cost of \$101,300. The applicant will construct the entire system at his own proper cost and expense all at no cost to the city.  
  
Ridglock Subdivision is located north of N.C. 51, east of Rain-tree Lane and west of Providence Road.
  - (b) Contract with Evans Construction Company for the construction of 2780 linear feet of 8-inch, 6-inch and 2-inch water main and three fire hydrants to serve Carmel Woods Subdivision, Section 3, outside the city, at an estimated cost of \$24,000. The applicant will construct the entire system at his own proper cost and expense, all at no cost to the city.  
  
Carmel Woods Subdivision, Section 3 is located immediately west of Carmel Road, south of Sharon View Road and north of Rea Road.
  - (c) Contract with Brown & Reynolds for Spartan Food Systems, Inc., for the construction of 250 linear feet of 2-inch water main to serve Brookshire Boulevard, inside the city, at an estimated cost of \$1400, all at no cost to the city.
- (3) Adoption of the following ordinances ordering removal of trash, rubbish, junk, weeds and abandoned motor vehicles:
  - (a) Ordinance No. 378-X ordering the removal of abandoned motor vehicles at 401 Grandin Road.
  - (b) Ordinance No. 379-X ordering the removal of weeds and grass from vacant lot adjacent to 2316 Bancroft Street (left).
  - (c) Ordinance No. 380-X ordering the removal of weeds and grass from vacant lot left of 3909 Freedom Drive.
  - (d) Ordinance No. 381-X ordering the removal of weeds and grass from vacant lot corner Elm & Wadsworth Place.
  - (e) Ordinance No. 382-X ordering the removal of weeds and grass from vacant lot corner Elm Street & Liddell Street.
  - (f) Ordinance No. 383-X ordering the removal of weeds and grass from vacant lot to left of 1308 North Davidson Street.
  - (g) Ordinance No. 384-X ordering removal of miscellaneous junk from 1304 North Davidson Street.
  - (h) Ordinance No. 385-X ordering removal of weeds, grass, trash and rubbish at 3514 Warp Street.

- (i) Ordinance No. 386-X ordering the removal of weeds and grass from deadend Silabert to deadend Elder Avenue.
- (j) Ordinance No. 387-X ordering the removal of weeds and grass at 4417 Monroe Road.
- (k) Ordinance No. 388-X ordering the removal of weeds and grass at 2401 Laburnam Avenue.
- (l) Ordinance No. 389-X ordering the removal of weeds and grass from vacant lot adjacent to 1905 Beatties Ford Road.
- (m) Ordinance No. 390-X ordering the removal of weeds and grass from vacant lot adjacent to 1548 Duckworth Avenue.

The ordinances are recorded in full in Ordinance Book 26, beginning on Page.325 and ending on Page 337.

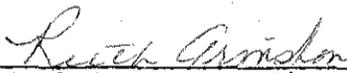
(4) Approval of the following property transactions:

- (a) Acquisition of 15' x 351.26' of sanitary sewer right of way to serve Briardale Drive, from The Mathisen Company, Briardale Drive, at \$1.00.
- (b) Acquisition of 6.91' x 11.13' x 16.32' of sanitary sewer easement to serve Briardale Drive, from N. A. Mathisen and wife, Briardale Drive, at \$1.00.
- (c) Acquisition of .32' x 7.33' of easement, plus a temporary construction easement for Annexation Area 5 Sanitary Sewer, from J. Phillip Jones and wife, 4536 Parview Drive, Matthews, at \$700.00.
- (d) Acquisition of 15' x 6,113.41' of revised easement for Annexation Area 8 Sanitary Sewer, from Mary S. Collins, 2534 Toddville Road, at \$1.00.

- (5) Approval of the renewal of a Special Officer Permit to James Richard Jenkins, for use on the premises of Park and Recreation Department.

ADJOURNMENT.

Upon motion of Councilmember Chafin, seconded by Councilmember Locke, and un-animously carried, the meeting adjourned.

  
Ruth Armstrong, City Clerk