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The City Council of the City of Charlotte, North Carolina, met in regular session on Monday, March 1, 1976, in the Council Chamber, City Hall, at 3:00 o'clock p.m. with Mayor John M. Belk presiding, and Councilmembers Betty Chafin, Louis Davis, Harvey Gantt, Pat Locke, James Whittington, Neil Williams, and Joe Withrow present.

ABSENT: None.

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#### INVOCATION.

The invocation was given by Councilman Neil C. Williams.

#### INTRODUCTION OF NEW ASSISTANT TO THE CITY MANAGER.

Mr. Burkhalter, City Manager, stated he would like to introduce Mr. Scott Tyler, the new Assistant to the City Manager. He stated Mr. Tyler is well qualified; he has a political science degree from the University of Richmond; Masters in Public Administration from Emory University; he is a Phi Beta Kappa. He served as Assistant in the City Manager's Office in Virginia Beach; also, as Assistant to the Department of Community Services.

#### HEARING ON THIRD WARD COMMUNITY DEVELOPMENT PLAN AND REDEVELOPMENT PLAN.

The public hearing was held on the Third Ward Community Development Plan and Redevelopment Plan.

Mr. Sawyer, Director of Community Development, stated Third Ward is a neighborhood situated in the northwest section of the City, very close in to the Central Business District. It is split down the middle by several of our major thoroughfares - Fourth Street Extension, Trade Street and Fifth Street. The Boundary on the west side is Interstate 77; on the north is Elmwood and Pinewood Cemeteries, and a portion of Fifth Street; on the east side it is the main line of the Southern Railroad, and on the south it is the Seaboard Railroad.

According to the 1970 census, the Third Ward area had a population of 1,364 persons, and contained 294 housing units. That 66 of these units were home owned. Of the residential structures 66 percent are considered to be in need of major repairs; 18 percent are in such poor physical condition that their rehabilitation is not considered to be economically feasible. The overall condition of the structures in the target area, including residential and other non-residential structures indicates that approximately 25 percent of all buildings are structurally sub-standard to the point of warranting clearance.

The Target Area has problems as a residential area because of the several major thoroughfares - Fourth Street, Trade Street, and Fifth Street - that go through the area. That Trade Street and Fifth Street inner-connect with the Interstate 77 and that creates additional traffic, and will create more traffic in the future as I-77 is opened and connected all the way to its terminal point which he understands is Columbia. These arterials encourage through traffic in high volumes at considerable speeds, either going to or from the Central Business District. The close-in location of the area that makes this a convenient place to live has also created and attracted commercial and industrial sites resulting in land use conflicts. Cases in point are the industrial areas that bound the area on the south and on the east primarily. One is a major installation which is a metal salvage yard.

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The positive aspects of the community include close-in proximity to places of employment and shopping facilities; there are housing resources within the economic limits of low and moderate income families in the area; there are new parks and recreational facilities within walking distance of families. This is Frazier Park which has recently been completed.

The entire Third Ward Area is a blighted area, predominately residential in character. This was determined by the Planning Commission in a blight survey of the Third Ward area approved by the Planning Commission in March, 1972. Since it is a blighted area, there is both a Community Development Plan and a Redevelopment Plan for the area. These are two plans - one required by Federal law, the Community Development Plan, and one required by State law, under the State and Urban Redevelopment law, which gives us the power of eminent domain.

There are two plans which are almost synonymous in many respects and almost to the point that when you speak of one, it is almost speaking to the other. The Community Development Plan and the Redevelopment Plan have similar goals.

The first goal is to remove some of the conditions which have created, contributed to, or perpetuated the decline of the target area. That includes blight and some rearrangement of land uses and some land use control. Second, to provide improvements so as to insure the long-term maintenance of a sound balance between the residential, commercial and industrial uses which make up the existing Third Ward area; and three, to preserve the existing sound housing that is there through rehabilitation, where feasible, and promote a higher incidence of home ownership among the residents.

The types of proposed community development action which they intend to undertake to accomplish these goals are primarily to rehabilitate, wherever it is feasible with the aim of preserving and maintaining the existing sound housing of the area. Residential structures that are already in appropriate locations that are in need of repair will be required to meet minimum rehabilitation standards, and loans and grants will be made available to assist the owners to make the necessary repairs. The Community Development Plan also provides for the acquisition, clearance and redevelopment of portions of the target area where structures are beyond any feasible means of rehabilitation or where, in some cases, planning reasons may warrant the clearance. It is also proposed that selected rehabilitable residential structures be acquired by the Community Development Department and relocated to vacant structures within the target area for rehabilitation and resale. This is one of the means by which they hope to increase the incident of home owners - if home owners or residents of the area, or outside the area, are able to acquire these structures.

There are rehabilitation standards in the redevelopment plan, as well as certain regulations and controls of land use. Parking, minimum lot sizes for the various uses, assigned controls and so forth.

To finance these proposed activities, a budget of \$3,558,000 has been allocated for a three-year program of physical community development activities. At this time, the sum appears adequate for the area that is illustrated on a map primarily south of Fourth Street, for the improvements. They do expect to make loans and grants available elsewhere in the target area as needed and as requested by property owners.

Of that budget, \$1,358,000 has been estimated to be spent during the first program year which ends July 1, 1976. They hope to undertake these activities during the first year. (1) Acquire certain real estate, primarily along the west side of South Cedar Street, plus the land that

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is owned by the School Board, plus some additional land along Greenleaf and vicinity of First Street to provide the buffer needed to protect the residential portion of the area from the industrial portion. They intend to acquire the property in the first year. They also want to acquire land along the back side of Victoria to create disposition parcels for rehabilitated single-family dwellings and new neighborhood commercial development at the corner of Greenleaf and Cedar Streets. Then they intend to acquire 20 rehabilitable dwellings capable of being relocated to sites south of Fourth Street which they can set up, rehabilitate, and offer for sale. (2) Public improvements include some demolition of structures not considered for rehabilitation and also to remove the section of Westbrook Drive which is going to be closed. Otherwise, they are going to resurface and provide new curbs, gutters, sidewalks and storm drainage as necessary along Victoria and portion of Westbrook Drive which contains some of the better existing properties in the neighborhood. (3) Then they intend to provide money for relocation assistance to 10 families and individuals, including three home owners and businesses which are to be displaced from properties south. They also have money to provide relocation assistance to 13 families or individuals and one business displaced from the Trade Street-Fourth Street connector. Acquisition for this land is proceeding at the present time and their relocation staff is working with the Public Works Department on that. For relocation, they have also budgeted money to initiate a demonstration program for rehabilitation by Community Development by moving those 20 structures south of Fourth Street and rehabilitate them.

For the second and the third years they have the remaining budgeted amount of \$2,200,000.00 which will complete the rest of the planning objectives and the acquiring of the rest of the land and public improvements.

Mr. Sawyer stated the relocation program will be accomplished under the Title II Uniform Relocation Assistance and Property Acquisitions Policy Act of 1970. As required by the Department of Housing and Urban Development, if acquisition of property is scheduled for a particular program year, in this case the first year, they must have sufficient money budgeted in that year's budget to fully fund all of the relocation assistance for all persons expected to be displaced even if the displacement is to occur at a later time. That money is set up, and they do have such a situation in the Third Ward area and acquisition for the first program year is expected to eventually displace 10 families and individuals and two businesses; they have allocated the funds for that. In addition, they have the 13 families and one business from the Fourth Street connector. Even though relocation from project activities are not expected to take place until sometime later and even next year, they still have to budget that money. The entire three-year program for this project is expected to cause the actual displacement of a total of 75 families and individuals, four businesses and one church. The relocation budget for the entire three-year program is \$293,900.00. He stated there is now a vacancy rate of about 6% overall in Charlotte. He feels this is important and very significant since it represents quite a loosening up from the 2% estimated earlier based on the 1970 census information.

Since last year when they were basing in their housing assistance plan estimate on the 1970 census, there has to become available to them information or data furnished by HUD and prepared by the R. L. Polk Company. This tabulates from 1974 what the housing situation was which gave the overall 6% estimate. Since that time, and just recently from the latter part of last year, the United States Postal Service, the Post Office Department, took a vacancy survey and confirmed the vacancy rate overall is about 6%. However, in apartments, which is needed the most, the vacancy rate in the Postal survey was about 9% so that loosening up is very significant to them. To specific housing resources, under those

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resources in already completed projects now occupied, constructed under a rent supplement program or HUD system either through the 221D3 program which is an earlier program or the 236 program, they can count six occupied projects which represents 1,081 units. Over the course of the year they have estimated and conferred with the managers of these projects and there will be approximately 300 units becoming available over the period of a year through turnover which is out of the 1,081 units of six projects. In addition, through private housing market, the Housing Authority's program of new construction plus its Section 8 program of 175 units which is already approved in seven sites under construction and becoming available either within the next year or next year and a half, August 1977 at the latest, when one is to be occupied, there are 610 new units becoming available plus the 175 existing units for a total of 785 overall. With the 300 units expected to become available through turnover, there are over 1,000 units available in the next year to year and a half for the families who will be relocated from this and other projects in addition to the overall vacancy rate of 6%. They feel this is very adequate to take care of any relocation. Again, they do not evict; if they cannot relocate satisfactorily then they would not evict the family just because of their schedule.

Councilman Gantt asked if 1,081 units are in the private market? Mr. Sawyer replied no. About 300 units will become available through turnover from 1,081 units. Councilman Gantt asked if they are affordable? Mr. Sawyer replied they are built under a 221D3 or 236 supplement program so those programs go with the units, not the individuals. If one of their individuals goes in one of those then his rent can supplement through that program. In addition to that, the relocation benefits they offer will also be available. In the case of a renter, that can extend over a period of four years.

Councilman Whittington asked where do those people go who moved out of these 300 units, or where did they go? Mr. Sawyer replied he does not know; they move in and it is just the normal musical chairs being played in all housing in Charlotte. Families move in; move out; move out of town; move up to better, or down to worse quarters.

Councilman Whittington stated what he has in mind is those who have and those who will, the 1,300 referred to, are they moving into better units? Mr. Sawyer replied he does not know. This is operating in the private housing industry and market and they keep track of the families they relocate but they do not those in and out of other housing even though some of the units are vacated through this process might be available for one of their families.

Councilwoman Chafin asked where are most of these units located? Mr. Sawyer replied those tabulated are: Parker Heights - 100 units; Barringer Oaks - 101 units; Little Rock Apartments - 240 units; Village Townhouses - 92 units; Orchard Park currently under construction by Motion - 42 units; Roseland Apartments - 506 units; for a total of 1,081.

Mr. Sawyer stated there are other rental projects in the city; these are the ones they know and which were built under those programs and, therefore, a rental assistance is available.

Councilman Gantt asked if they might not be in some problem with the McKnight Agreement because all of these are predominately black areas? Mr. Sawyer replied they certainly have to conform to McKnight. However, in the final analysis the person or family being relocated makes its own decision. Their experience has been while they show the three units, he thinks the majority have accepted units quickly; but all of these would be subject to the McKnight Agreement.

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Councilman Williams stated the Federal Court made some finding in relation to First Ward in housing. Is there a finding that has been made, or a preliminary finding, or is the court just reserving a status quo until the case can be adjudicated on its merits? What he is asking is, did the Court say the housing supply is inadequate and therefore stopped? Mr. Sawyer replied for First Ward this is a preliminary injunction. Councilman Williams asked, <sup>if</sup> what is true in First Ward is true in Third Ward? Mr. Sawyer replied they have not really agreed it is true in First Ward, but the Court has ordered them nevertheless. This is evidence which has not been and more recent evidence of the availability of housing which he does not believe was available at the time the injunction was placed on them. Mr. Boyd, Assistant City Attorney, stated it is not a final adjudication and he is sure Judge McMillan did not make that finding lightly. That normally those kinds of decisions are entered into with the likelihood similar facts will exist at the final hearing. There will be another hearing, a final adjudication. To the extent the situation has changed, then it would be appropriate to modify any findings about the inadequacy of our relocation system.

Councilman Williams stated he is just concerned they might run into another First Ward Case. Mr. Sawyer replied it is possible if claims come forth.

Councilwoman Chafin asked if he could define minimal rehab standards, and what does he mean by that with reference to their own housing codes? Are they talking about minimum housing code requirements or something above and beyond? Mr. Sawyer replied they have set them above and beyond the minimum housing code for this project. He stated they do have a list of standards. Mr. Phillips added, basically they follow the minimum housing codes but there are some items where they are stronger than the housing codes.

Councilwoman Chafin asked what strategy they have in mind to insure that families who are relocated from Third Ward have an opportunity to move back or buy homes in Third Ward that are rehab? Mr. Sawyer replied he hopes the relocation outside the area will be at a minimum because they hope the families who have to be relocated within the project will take advantage of the relocation benefits. They are going to try and coordinate this and give them an opportunity to acquire or rent one of the rehabilitated units. The rehabilitation portion is in the section along Greenleaf and that is not the entire area, plus the large vacant tracts owned by the School Board offer an opportunity for new construction if they get a builder who will go in there.

Councilman Gantt asked if they have ever decided on a policy for rehabilitation loans and grants? He recalled some debate with the last Council in regard to how they would handle the question of loans made to people who own property but do not live in the CD area, absentee ownership, to insure this housing would still be affordable to people there. He does not think they ever resolved that question. Mr. Sawyer replied Council did approve a loan and grant program for home owners; but did not approve the portion concerning the absentees. He stated they were instructed to come back to Council with a recommendation and believes they are ready to come. The only reason they have not is because they have been so busy getting the second year Community Development Plan, the Housing Assistance Plan, and other plans, but it has not hurt the program. He stated the first people they worked with are the live-in home owners.

Councilman Gantt stated he wanted to commend them on the basis of \$1,000,000 almost being spent here for rehabilitation in Third Ward. He believes this is the kind of thing he wants to see. He asked for numbers involved: The number of families going to be relocated; the number of units they are going to buy and rehabilitate which will remain in Third Ward. He

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believes they should see that relationship. Mr. Sawyer replied first of all, overall, 75 families and individuals and four businesses and one church, for a total of 80 relocations. Then their first proposal is to undertake an initial program of 20 houses they would rehabilitate either by buying elsewhere and moving here or acquiring those which are already there. Councilman Gantt asked if theoretically 65 families will have to move out of the Third Ward area, assuming they can get these 20 back in? Mr. Sawyer answered, not necessarily; some of them may have to but there are other housing units in there which are absentee-owned, some of which are vacant already. He stated some will, but at this stage he cannot give an exact number.

Mr. Arthur Jones, Secretary for Third Ward Association, stated they had two items they wanted to bring out concerning the Third Ward area. They need a schedule as to when some of these things are going to be opened up, such as the widening of Cedar Street. They would like some sort of time schedule.

Mr. Robert Sanders, Attorney, represented Schwartz and Sons who are cast iron processors and the owners of probably in excess of 55 percent of the property located south of West Fourth Street, east of South Cedar Street, west of the Southern Railroad and north of the Seaboard Railroad. For the edification of himself, his client and perhaps the Council, he asked help with some questions he had. Do they intend to change the zoning of that area? Mr. Sawyer replied it is presently zoned I-3 and there is no new zoning proposal for that area. Mr. Sanders asked if the plan calls for any further restrictions on the use of that land in that area? Mr. Sawyer replied, no. Not on the land; but there is a proposal that they acquire in the second or third year the residential structures, not the land, which means that Mr. Schwartz has either the option of removing them himself or they will acquire them from him and remove them and others so the entire zoning district will be free of residential spots and will not have that conflicting land use. Mr. Sanders asked if the first year they are going to acquire the land? Mr. Sawyer replied no. There is no proposal to buy the land, just the residential structures which are very thoroughly blighted as determined by the Planning Commission, and remove them. Mr. Sanders asked if there is any contemplated change in the zoning or the land use of that land after the structures are removed. Mr. Sawyer replied no; it is already zoned I-3 and will remain so as far as they are concerned. They will initiate no new zoning proposal for that land. Mr. Sanders stated he believes the plan indicates, although Community Development does propose new restrictions on the use of the land, the plan does exempt those areas now zoned industrial, specifically those to which he has alluded. Is that correct? Mr. Sawyer replied that is correct. Mr. Sanders referred to the area within the boundaries he described and asked if it is pretty well industrialized at this time? Mr. Sawyer replied it is with the exception of the area between the alley of Fourth and Third Streets presently occupied by residential structures. Mr. Sanders asked if it would do any great violence to their plan or proposed program if the easterly boundary were from the Southern Railroad over to the center line or one side of Cedar Street? Mr. Sawyer replied they could not acquire these properties if they did that, those not owned by Mr. Schwartz. In other words, they could not accomplish the purpose of removing the residential use from the industrial area if that were done. Mr. Sanders asked how it would strike them if Mr. Schwartz demolished those buildings at his own expense? Mr. Sawyer replied it would strike them better. Mr. Sanders asked would they then be willing to move the boundary line down Cedar Street. Mr. Sawyer replied that would be up to the governing body; it is up to the City Council. However, there are reasons why the property was included in the first place. Mr. Sanders asked if it would do any great violence to the plan and could he not recommend that boundary line to the Council? Mr. Sawyer replied not unless they also recommend the boundary line be changed at the other location because these property

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owners petitioned and requested their inclusion. He stated the Planning Commission studied the entire area within this boundary and certified that area as the blighted area. He does not know to what extent it would affect that decision if they began to eliminate portions around the perimeter.

Mr. Sanders stated there is an alley way or unopened street at the easterly boundary to those properties and if that line were projected could they accomplish the purpose and they could leave the other area purely for industrialization which is the use it has been put to for more than 40 years? Mr. Sawyer replied yes, but in the course of his questioning prior to this he had brought out very clearly Community Development has no plans to change either the zoning or the land use in the area. There is one recommendation made by the Planning Commission and that is an additional barrier or some buffer also be created on the east side of Cedar Street as well as the west side to further protect the remaining residential area from the industrial area since it is of the industrial type which creates unusual noise, dust, etc. Mr. Sanders stated this is the very reason he is there. Because when he saw in their plan they had restrictions on land use relating to noise, dust, and the things they usually characterize in the law as a nuisance, that when residential structures are erected almost against the boundary line of that property, they were concerned about how long it would take for their operation to become a public nuisance. Mr. Sawyer replied any new regulations imposed on existing business or land use does not change what it is doing or what it intends to do unless it does something different. Mr. Sanders asked what their restrictions on land use have to do with the enlargement of his client's operation? Mr. Sawyer replied if he enlarged outside of this area, their proposed land use plan, and it were contrary to the proposed land use plan, then it would be restricted. But, again, Cedar Street is the boundary, the dividing land between the land uses. He is assuming they can properly buffer the residential section to the point where new construction could take place. He stated he does not believe Mr. Schwartz continued operation there would further affect it. Mr. Sanders asked if under the plan there is no restriction for the enlargements so long as they do not get outside of the area that will remain zoned industrial? Mr. Sawyer replied yes. Mr. Sanders stated that when he used the time on it as first acquisition, he supposes he is talking about a negotiated purchase or condemnation? Mr. Sawyer replied yes.

Councilman Gantt asked when Mr. Sanders said enlargement, does he mean to indicate Schwartz and Sons is going to enlarge their operation there and change the nature of that operation? Mr. Sanders replied no; he did not mean to indicate that. His inquiry was to whether or not, under the new plan, there would be any limitation upon his client's private use of his already-owned land. Councilman Gantt asked if he were also offering the City the prospect of not having to buy the houses along Cedar Street, that he would do this in the public interest to save them the acquisition cost? Mr. Sanders answered it is entirely possible.

Mr. Phillips, Assistant Director of Community Development, referred to Page 26 of the Redevelopment Plan which applies to provisions of property not to be acquired. "Unless the property is expanded or enlarged, the requirements or provisions of the plan do not apply." So, the land controls and restrictions of the Redevelopment Plan do not apply to Mr. Schwartz unless he buys Community Development property to expand his operation.

Ms. Bertie Spencer, 1020 W. Fourth Street, stated she is here today representing the majority of the Third Ward-Irwin Park Community. She stated she is not demonstrating today; she is not protesting; she is not criticizing; and she is not finding fault. She is there to say to Council they in Third Ward are fortunate to have such an individual as

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Mr. Vernon Sawyer as Executive Director of the Community Development program. She stated she is happy to pay this tribute to him and his very able staff - Mr. Michie, Mrs. Parker, Ms. Avery and others who work with him. Mrs. Ann Parker is regularly in Third Ward and she keeps them informed - questions she cannot answer she gets the answer. She stated the Mayor and City Council have the last word on everything. That in Villa Heights, Greenville and First Ward they hope in the very near future the long-delayed program will become a reality. She stated they have been dreaming of all these wonderful opportunities and now they may come to pass. That these needs have been long standing for many citizens of this area. She believes the Community Development and Redevelopment Plan for Third Ward Community Target Area will provide better living from this time forward will help and make all to become better citizens, which means a better city. She stated the program is now ready to move from its rescue phase into a period of fruition. She went down to the mini-park and other areas and she was very highly pleased. She was told there were no sewer facilities which she learned is not true. They have picnic tables although they do not have enough of them. Then, there are benches for the older folk where they can sit and watch the children play, but they would like to have more benches there. She stated there is no place to meet there and there are quite a few people in Third Ward and it is growing. That park will need larger facilities for those people. She realizes it cannot be done overnight, but she is asking them to consider in the \$10 million somewhere to provide them with these things and other things such as concession stands. She stated they are holding their precinct meetings at a church. It is very unsatisfactory because sometimes they will let them have the building and sometimes they will not. So, they need a building where they could hold their meetings for Third Ward. She stated she would be coming back with that later. She stated things are taking shape in Third Ward; they are seeing action down there. She feels it is all because Council, Community Development and others are doing the things they said they would do and they are hoping in Third Ward they will continue to do so.

Mr. Ernest Davis, Jr., appeared in behalf of Third Ward stating it was a NIP program and should not have been blighted like it is if they had taken care of it five years ago. That they are planning to remove all those houses on Cedar Street. He hopes City Council will take into consideration Frazier Park. He was told there is only one man to take care of that park and they need to get more people in there to help take care of it.

Mr. Ted Fillette, stated there is a lot in the attachment and would like to refer to some of the items. In the attachment is a resolution which seems to call for Council action, and Page 2 of the Resolution states: "WHEREAS members of the governing body had knowledge of the availability of proper housing for relocation.....and carefully considered and reviewed subject proposals for relocation." He stated Page 3 of the Resolution, Council likewise says they are aware of the schedule of the average gross rentals for standard housing and comparable sales if housing were reviewed and considered by this governing body today. His question here is, does any member of Council actually know whether or not the schedule of average gross rentals is available? Do they know what it is? Do they know the average size and income of the people proposed to be dislocated? He stated this is the whole problem with this plan like all the other previous proposals. They have the grand total of 99 families and individuals, according to the plan they are asked to approve, who are to be relocated but they do not know how many people are in that family and they do not know the income and do not know the housing needs. Therefore, it is impossible for them to decide whether or not they have the relocation resources for those people. He stated what they have in there is some statistics that say 50 percent of the people in the area are below the poverty line. Do they know what the poverty line is? It is something like \$3,000 to \$4,000 per year for



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a family of four. He referred to Mr. Sawyer's statistics about who could afford these 20 rehabilitated houses and he said there must be a minimum income of \$8,700 a year to be able to afford one. Mr. Fillette stated if you just look at those figures alone it looks like probably the people who are going to be displaced by this plan are the people below the poverty line. If they say they are going to displace people from the worst housing, they are going to be people below the poverty line; but by definition they are not going to be able to afford one of the 20 rehabilitated houses. That means they are going to have to be displaced out of the Third Ward area.

He stated Mr. Sawyer has already admitted one of the sources he is counting on for rehousing is the Housing Authority. That was one of the sources of housing that was specifically considered and rejected by the court in First Ward. He says there are 675 or so units expected by the Housing Authority. Last week one of his clients asked the Housing Authority what number she was on the waiting list and was told she is number 1,730. So, if the Housing Authority does meet its proposed expansion of 675 units what they are doing is expanding into a deficit of about 1,000 units by today's waiting list itself. He stated this is about the same situation the court found when it was looking at the statistics of the First Ward situation. His examination of the relocation performance in the First Ward area shows there were maybe three families or individuals in it who were relocated within the Federal law in private housing. This plan is asking them right now to resolve to approve another one and say they have housing for 96 more people than were relocated legally in the private housing for First Ward in the last two years. He asked could they in good conscience say they have studied the facts and figures and know there is a feasible plan to relocate the people proposed to be relocated from the Third Ward area? Do they really think according to the schedule of average gross rentals there are people who can rent a three-bedroom apartment for \$107 a month in Charlotte and have it standard and affordable to them? That is not counting the subsidy the Relocation Department is planning to give them for four years.

On the improvements and rehabilitation of that plan, he thinks Mr. Gantt's question was right on point. When Council considered the loans and grants aspect of the CD program all together, the major question was what conditions would be put on giving loans and grants. If Council would refer to the loans and grants aspect of this Third Ward plan, there is nothing at all addressing the question of what happens to loans and grants given to absentee owners. He stated there is nothing which addresses the question as to what happens if they acquire one of these houses and sell it to somebody. Will it remain a low-income rental unit then? He stated this question is just not addressed by this plan. All he is suggesting is he does not think at this point Council has before it the necessary facts and figures to, in good faith, resolve there is a feasible relocation plan. There are some new statements of principle in this proposal he thinks are questionable. The idea of rehabilitation and trying to rehabilitate housing and make it available to truly low-income people is a very laudable goal, but he is afraid the plan as it is written now simply does not have the means to accomplish it. They do not know who is going to be relocated; they do not know what their income is. As Mr. Gantt has already pointed out, all those so-called private structures they are counting on to have this turnover are already in areas that would by Federal regulations, separate from the McKnight Agreement, make those unavailable for rehousing resources. He does not say there is a lawsuit in the wings or anything, but he thinks Council should try to make a plan they think has a chance of being legal. That Mr. Sawyer's statement that maybe some clients will come up and sue us, he does not think this is the way Council should approach City planning. If they do not have the facts and figures to go forward with a plan they think feasible under the legal requirements, why do it?

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Maybe what they should do is think about their decisions they are to make sometime next week and think about what the City's overall plan should be. What they should think about is they have a whole package proposal of 450 displacements. Do they really know what the low-income housing market in Charlotte is right now? He referred to Mr. Sawyer alluding to the Postal Service survey of vacancies and asked, Of what houses? Does he know the conditions of those houses? Does he know where they are? He feels without these reference points, they do not know whether any of this housing is at all available according to the standards of the Uniform Relocation Act, which Mr. Sawyer admits is the source of the law you have to look at to determine whether he has a feasible plan. He stated the point is all these facts and figures Mr. Sawyer referred to do not have any reference to the legal standards for relocation which his department has to operate under; that is what is missing. He suggested this is the kind of question which needs to be studied more thoroughly by members of Council. If they resolve according to this resolution, they might be taking a step which does not really represent what knowledge they should have before they do it.

Councilman Whittington stated what he wanted to say about Third Ward he is going to have to say about all of these areas as they come up in the future. That what Mr. Fillette has said here today, not all of it but part of it is correct. They are passing on some of these things they are not sure what all is in the package. He stated before he votes on Third Ward he would like to ask the Director of Community Development and Mr. Bryant, or Mr. McIntyre, to go with City Council into this area and show them the reasonings for this Third Ward buffer, this buffer they are proposing on Cedar Street, and show them the individual houses they propose to demolish, (23 the first year and 80-odd in the three-year period). He stated somewhere in the plan they talked about relocating houses in the Third Ward but did not say where they were coming from, probably because he did not know. He thinks Council needs to know. He stated he does not know if it is a fact or not, but he was told as fact, one of the leading apartment developers said last week when he closes out one of his units, the financing of them, (600 or so units) he is going to demolish them. That is to be done in the next two years or two and a half years. He stated he thinks they need to go into these areas and all the questions they need to know which the citizens are talking about and get the answers before they come back to Council and pass on them. He hoped the rest of Council would agree and staff would try and set up a field trip in this area prior to next Monday. That if it takes longer than next week to get this back on the Agenda then do so in order that these questions may have answers.

Councilman Withrow stated one of the things he is concerned about is the life expectancy of structures as to whether the structure is sound material. He stated they spend \$30,000 on a four-apartment building and spend \$12,000 on an old house. He thinks they should determine structurally how long they want these houses to last or how long they can last because of the sills and this sort of thing. He stated he had already preached to them about the Belmont area in regard to this. He told them they were wasting money out there and they did. Today these houses are deteriorated; \$12,000, \$15,000 and \$30,000 homes can be bought for \$3,000 and \$4,000 today. This is what he is talking about; are they throwing good money after bad? How much are they looking into it? In other words, for some houses they should only spend \$4,000 on it because it is only going to last five years. Why spend \$12,000? What he is trying to say is there is a life expectancy involved. Should they go into the idea of hiring their own mechanics to rehab the type of housing they are talking about? He stated he has been in this type business and they can rehab for \$2,000 and make it last 8 to 10 years where the government will go and give a contract for \$12,000 and it will last the same amount of time.

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Mr. Sawyer replied he could say yes to a number of things Mr. Withrow had said. They have different proposals for different structures. He stated some of the very worst structures may have to come out. The ones along Westbrook and Victoria are primarily owner-occupied. They are good houses; and doing nothing they would last, he does not know how long, but as long as they are owner maintained. He stated it is proposed they do make loans and, where eligible, grants to those owners to correct a few things which might be wrong with them now; there are no major repairs needed. In the other areas there are owner-occupants also who may not have the money the other owners do because if they did the houses would not reflect poverty. For whatever they are eligible for, either a loan or a grant, he feels they will let them have it in the maximum amount. He stated this cannot be more than the \$4,500 which is the ceiling on the grant and that will only do so much. In this case, you will have a house that is improved to a lower standard and, therefore, will have a lower life expectancy. The other category is the ones they intend to do, with Council's approval, as a pilot project. That is, to find 20 in there which can be moved and rehabilitated and rehabilitate them to a very decent standard; a life span that would pay out a loan over 20 years. While their loan may not be available to the purchaser, they will use their money to rehabilitate it but it may not be available to the purchaser and he will have to go to the private market to get a loan and amortize it over a period of 20 years. He stated that rehabilitation would be very substantial and pretty significant and probably be equivalent to what is already there along Victoria and Westbrook. If Council sees them on the field trip Mr. Whittington proposes, he thinks they will agree there are several standards in there; standards already, different standards that will result if different amounts of money are spent on different structures.

RESOLUTION CLOSING PORTIONS OF REMBERT STREET, GOUGH STREET, BRANCH STREET, CANTON STREET AND LIDELL STREET, IN THE GREENVILLE URBAN RENEWAL AREA, N. C. R-78.

The public hearing was held on the petition of the Community Development Department to close portions of Rembert Street, Gough Street, Branch Street, Canton Street and Lidell Street, in the Greenville Urban Renewal Area, N. C. R-78. Council was advised that no objections to the closing were made by City Departments concerned with street rights of way.

Mr. Vernon Sawyer, Director of Community Development Department, stated the Community Development Department owns all the property; there are no utilities involved, and it is another step in their accumulation of the land in the Greenville Project Area.

No opposition was expressed to the street closing.

Motion was made by Councilwoman Locke, seconded by Councilman Davis, and unanimously carried, adopting the resolution closing portions of Rembert Street, Gough Street, Branch Street, Canton Street and Lidell Street in the Greenville Urban Renewal Area, Project N.C. R-78.

The resolution is recorded in full in Resolutions Book 11, beginning at Page 316.

SECOND YEAR COMMUNITY DEVELOPMENT PLAN TO BE PLACED ON AGENDA MARCH 8 FOR COUNCIL APPROVAL.

Councilman Gantt asked if Council can get a listing of previous fundings of these organizations who are asking for second year funds. Councilwoman Chafin stated there seems to be some discrepancies between what was funded last year and what is being requested, and what is being recommended.

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Mr. Burkhalter, City Manager, stated he is really trying to find out what Council needs when this is on the Agenda for next week so they can talk about it. Councilwoman Locke stated they should have what was funded last year compared to this year and why the difference. Councilman Davis stated plus what was requested this year, and what was recommended.

Mr. Michie, Assistant Director of Community Development, stated it was pretty well outlined as far as new requests in a memorandum that was sent to Council that addressed the last public hearing in which they talked about programs and the amounts the people asked for. They stated that the level of funding the Council approved last year for various agencies goes down in a ratio that takes into account the decreasing amount of CD funds available in second year, plus the heavy ended costs of some of the start-up programs such as Group Homes - furniture, moving costs and things of one time. The hot meals program was substantially reduced from some \$300,000 the first year to \$194,000 the second year. This is down now out of the capital costs for start-up. Once these items are removed, capital costs, they put each one of the suggested re-funding of the continuation agencies on the same percentage of cut, according to the grant.

Councilwoman Locke asked if he can spell that out for Council. Councilwoman Chafin stated such as what Open House was funded last year, what was requested, and what is recommended for the next year. Councilman Gantt stated and why? The important thing is if you reduce anyone, if it is reducing them to the point where the objectives of the program cannot be carried out.

Mr. Michie stated they worked with each agency and counseled with them on the cuts. Such as would they be able to live with the cut; if there were any surprises in there about the cuts. That Mental Health was looking for even more money. In all the agencies they dealt with - Group Homes, Hot Meals Program, Chore Services, Day Care, One on One Tutoring, Helping Hand Fellowship, right down the list, essentially the contracts approved for 1976 are correct within a very few dollars or a few thousand dollars over what is proposed in 1977. The contracts may have been a little more or little less; but it is 95 percent correct. There is a comparison of '76 versus '77.

He stated it might well be argued by some of the agencies that the amount of cut staff is recommending in the second year funding would substantially change their goals and what the program is. It is a fact of life that if we continue to fund some of the agencies at the same level, and they do not pick up additional funding, the Mayor and Council will have to find some way to direct staff as to which programs to cut out to free up money. The descending level of CD funding finally comes home to roost. They have tried to anticipate this the second year and get everyone ready for the amount of descending order. It is either drop programs or not start new ones if you use the same level of funding. The money is not there.

Councilman Gantt asked if he has talked to these people, particularly those that are being cut, about the effect the cut will have? He stated he has no way of knowing whether the amounts will be sufficient. That he supposes he is banking on the fact they have discussed the reduction with the agency and have come to some agreement that the program and the goals of the program are still workable. If they are not, then maybe we should forget about cutting it, and take the program out all together.

Mr. Michie stated the staff recommendations, and the people he works with on these programs, feel those agencies with this amount of funding is adequate for a continuation of the second year program - this is not to say they would like to have more. But in staff's opinion they can continue.

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Councilwoman Locke stated the reasons were not listed; this is what the Council needs to know. Last year the reasons they were not given full funding were listed. If this could be done this year, then Council would understand it a lot better.

Mr. Michie stated they eliminated the first year start-up costs, and used the same kind of formula ratio of reduction. This was across the board. This was the only way they knew to do it. If it had not been for that, staff would have been making very arbitrary decisions about cutting programs. Staff did not want to do that. So they presented to Council a ratio of reduction, applied equally to each agency, minus the start-up costs. That you do not buy trucks or vans to haul people except one time; they are good for three years. That he will be happy to go back and compare what the agencies requested, versus what is proposed in the staff recommendation.

Councilman Davis stated to take every request and reduce them on a percentage basis is not much of an evaluation. The man that asks for the most, gets the most, which may be just the opposite of what should be done. That he understands Council would get some kind of professional evaluation about the programs; their goals; how well they are meeting the goals; how efficiently they are operating; and then allocate some sort of percentage of their requests based on these criteria. Mr. Michie replied there are two full-time monitors assigned to these contracts, plus two people from Budget and Evaluation. They are being very carefully evaluated. They are just not comfortable at this time with the short track record they have on these programs, based on their few months evaluation, to recommend that Council drop, fund more, or fund less at this time.

Councilman Davis asked if Council approves the second year next week without specifically funding an item such as the Nivens Center Group Homes, will they be forever excluded from participation; or can they logically expect to participate at a later date, subject to approval of their program? Mr. Michie replied this would be left to the Mayor and Council. He stated there are some real problems with the Nivens Center project; that he has been in contact with HUD to discuss this program with them, as well as in staff. That particular program does not fit too well with a housing program designed specifically for Community Development Target Area residents only. That is one problem. The other Group Homes suffer somewhat from that. What bothered them most with the HUD people was the amount of money for new construction of houses for group homes. Councilman Davis asked if it would be better for this program to buy existing homes? Mr. Michie replied it would be because you are not using Community Development money for new construction for housing, even though it is institutional housing. The area-wide nature of the group homes for the mentally retarded is specifically ineligible. They would have to be very careful to document that they are used exclusively for Community Development Target Area residents.

Councilman Davis asked if the idea has been explored of getting community participation for some of these projects. An example, Homeowners Counselling. That Council has received reports from that agency about the good work they do, the high percentage of success they achieved. It looks like it would be worthwhile for the Mortgage Bankers to finance all or a portion of this. Mr. Michie replied they encourage all these agencies to first look and see if the community development is the last resort. Part of the clearance for the application is that it goes through HEW, all Federal, State and local agencies, and it must be certified that there are no other funds available before HUD will release money for community development. This is automatic. This is just on Federal money, not private monies.

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Councilman Davis stated he would like to hear further comments on the Mental Health request; it was mentioned this was one agency that felt the program might be damaged based on the percentage cut. Mr. Michie stated he believes Mr. Dancy stated where he was coming from at the hearing. That specifically all he was talking about was a reduction in the Methadone program. They put it in the same amount of reduction they did all the rest in the ratio. Where they are talking about one counselor now; they were talking about asking for several other counselors and an expansion of the program. They were not satisfied as far as their knowledge was concerned why that particular program should be treated any differently than any of the others.

Councilman Davis stated the Council on Aging involves transportation service which this Council is concerned about; there is no question about the desirability of the service they perform. To use that for an example, they requested \$35,000 which is about \$100 a day just for transportation service, for a select group. You could probably hire several taxis to stand by all day for that amount. This made him wonder if the evaluation process goes into this in sufficient depth. As he understands it the Council on Aging is a coordinating body, and they in their own prepared material commented on this, and they view their role as one of increasing and utilizing existing community services. Here it is about to start up another one. We have a lot of transit service; we are expanding our own transit service. They refer to the Red Cross transportation service; they referred to the overlap and duplication of service. Would it not be more efficient to utilize this same money and perhaps the same people in conjunction with some existing service? Mr. Michie replied the only other possibility is Neighborhood Centers. Perhaps buying the buses or vans and turning them over to Neighborhood Centers. But it is for Community Development Target Area residents only. They would hate to have two vans at the Neighborhood Centers Department that are needed when requests come in, but not CD people and they cannot respond to transportation programs for all the people.

Councilwoman Chafin asked the effect of Council not approving the Second Year Plan on the 8th, and referring it to the Planning and Public Works Committee for further consideration? Mr. Sawyer replied we have pushed right down to the deadline for the minimum number of days required for the A95 review and then the 75 days for HUD review. Either A95 or HUD may not take the full time; but we expect to allow them the full time. Delaying it beyond the 8th would cause one of the others to have to take less than their full amount of time. He stated this plan can always be amended - at any time and for any proposal. If Council could give it the approval necessary to get it into the A95 review, then we can start amendments. Councilwoman Chafin stated there seems to be so many questions involved in the Second Year Plan, particularly with respect to the housing and relocation programs. She would like, if Council does approve the plan next week, to introduce a resolution to Council that the plan be submitted to the Committee on Public Works and Planning for further study, and come back to Council with some policy recommendations, with the idea of perhaps submitting amendments later.

Councilman Withrow stated he is interested in putting the money in houses. We are not getting much money in housing. This is what he continues to say. Down the road there is going to be an order saying you have thrown the money away on other things; now dip into the taxes and get housing - rehabilitate housing. That he is interested in putting money in housing where people can live and then we can get them these other things. The first priority he thinks is housing. Councilwoman Chafin stated that will be the primary reason for referring it to the Committee.

Mr. Fillette stated if Council would follow Mr. Withrow's suggestion, and reallocate money instead of demolishing and relocating some of these 450 proposed and instead put money into construction, would that be a

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substantial change in the plan as it is now? Mr. Sawyer replied he would say that would be a substantial change. In the plan the grand total for rehabilitation of houses is 2,268 which is rather significant against the 488 for demolition. They are only proposing to demolish a house when it is beyond any reasonable condition where it cannot be rehabilitated.

Mr. Fillette stated what he is proposing is they have already gotten into the mechanism to demolish every substandard house in Charlotte which may be 10,000 according to the Planning Commission. But what they are doing is taking a finite amount of Federal funds, (Councilmembers have already said they think maybe you should not waste some of your Federal funds on more demolition and we should construct something) and you are going to have the same multi-level governmental review to any amendments made to this plan. If you have some idea now that you want to change the plan, it may be time to refer it to one of the Committees or whatever it takes to make a substantial review of this policy. You have to give these other governments time, who obviously do not look at these things anyway. Councilman Gantt stated Council approved the first year's program, and in order to have the proper amount of time to deliberate anything for the second year almost has to have the second year plan before it the minute the first year is approved. That would be without any evaluation of what has gone on in the first year. He does not want to lose the opportunity for the funding of the program the second year, and the only thing available is the amendment route. Mr. Fillette stated that is not what was said. What was said was that HUD likes to chalk out a certain number of days and A95 does. No one said the funding would be lost if something is not submitted, however unfeasible it is, by March 8. That is not what staff said. He does not know what consequences flow from not having something in March 8; but he does know what consequences flow from approving that plan on March 8 unless it is substantially amended. It seems to him everyone on Council knows that; and sometime or other Council has to accept the responsibility for that. He is saying it looks like you have the same responsibilities going up through the HUD structure for amendments. It is a question of when will you have the opportunity to get that information necessary to consider what they want.

Councilwoman Locke moved that the item be placed on the Council Agenda for March 8. The motion was seconded by Councilman Whittington.

Councilman Whittington stated to Mr. Sawyer that on the 8th he wants included somewhere in the second year plan the discussion of last resort housing. How you get it? And so forth. Mr. Coffman, Assistant City Manager, stated the City Attorney's office and the City Manager's office have been working to give Council something on First Ward about the middle of this month in an executive session. That he would recommend strongly that Council not have any discussion on last resort housing until they are in executive session. Also, they should not forget they are discussing a law case with an attorney from the other side, and he would hope they would not be guided by his wishes.

The vote was taken on the motion and carried unanimously.

#### ACQUISITION OF REAL PROPERTY AND TENANT INTEREST IN GRIER HEIGHTS COMMUNITY DEVELOPMENT AREA.

Motion was made by Councilman Whittington, seconded by Councilman Withrow, and unanimously carried approving the acquisition of seven parcels of real property and one tenant interest in Grier Heights Community Development Area, as follows:

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- (a) Acquisition of 16,000 square feet of property from F & J Corporation, on Sandelewood Road at Orange Street at \$6,400.00.
- (b) Acquisition of 30,571 square feet of property from Decagon Company, 215-19-25 Alpha Street at \$40,000.00.
- (c) Acquisition of 76,123 square feet of property from F & J Corporation, 301-19-29 Alpha Street and 3132-40-52 Jewel Street, at \$93,000.00.
- (d) Acquisition of 16,000 square feet of property from Realty Syndicate, Inc., 137 Leroy Street, at \$6,400.00.
- (e) Acquisition of 21,600 square feet, from J. D. Whitesides, Jr., at 336-38-38 1/2-40-40 1/2-42 Alpha Street, at \$64,000.00.
- (f) Acquisition of 21,600 square feet from Murphy's Superette, 340 1/2 Alpha Street, tenant interest, at \$400.00.
- (g) Acquisition of 8,200 square feet from F & J Corporation, 330 Alpha Street, at \$6,000.00.
- (h) Acquisition of 33,600 square feet from F & J Corporation, 302 Alpha Street, at \$23,500.00.

CONTRACT BETWEEN THE CITY OF CHARLOTTE MANPOWER DEPARTMENT AND THE CHARLOTTE AREA FUND FOR YEAR ROUND OUT OF SCHOOL/IN SCHOOL BORDERLINE WORK EXPERIENCE PROGRAM, DENIED.

The contract for 150 high school dropouts and junior high school borderline students between the ages of 14-21 with the purpose of helping the participants to develop a more positive attitude toward the individual self-development to become contributing members of society was presented for Council consideration.

Motion was made by Councilman Gantt to approve the subject contract. The motion was seconded by Councilman Withrow.

Mr. Clifford Moses of the School Board Administrative Staff stated he reviewed this proposal with Mr. Waddell of the School Staff and he has recommended to the superintendent that this be approved.

Councilwoman Locke stated this is not to be administered by the School Board but by the Charlotte Area Fund. She asked if it will be in conjunction with the School Board? Mr. Moses replied they cooperate with them in the venture. That he works with the Extended Day Program. As he understands the proposal, they will have counselors working with young people trying to get them back into the Extended Day Program, and to get them a work program so they can see the need to be back in school. He stated all the School System is saying is they would like to cooperate with them, and the school facilities will be available for the young people at this time.

Councilman Gantt asked if the school staff has any objections to this kind of program? Mr. Moses replied there is none to his knowledge. He is not speaking for the School Board but to his knowledge staff has nothing against the program.

During the discussion that followed it was stated by some members of Council that they had received calls from parents who were concerned about this program, and the effect it might have on their children so that they would want to drop out of school and get into the program in order that they might receive the stipend. Councilman Gantt stated he has not received any of this type of mail.



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Councilman Gantt stated the question is what happens to the dropout that stays out. Ultimately, society will have to pay some kind of cost. This is an attempt to try to bring them back into the mainstream, and it will cost \$400,000. Councilwoman Locke stated there are other programs doing this very thing. She asked how many programs the School System has doing this? Mr. Moses replied they have programs; but as he understands this project, it is to help get some of these young people back. Councilwoman Locke stated they have the same kind of program within the School System and this is a duplication of services. Mr. Moses stated they now have the Extended Day Program. He does not see it as a duplication; it is getting to some young people that maybe they have not been able to contact and get them back. This is the way he reads the proposal.

Councilman Williams asked if he has an opinion as to whether this would encourage students to drop out? Mr. Moses replied he does not have an opinion; as he understands it, this will help those who have already dropped out. Councilwoman Locke stated she thinks it would encourage some to drop out - those who are borderline students. From what she hears, youngsters would drop out in order to try to get into this program, and she will have to vote against it.

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

YEAS: Councilmembers Chafin and Gantt.

NAYS: Councilmembers Davis, Locke, Whittington, Williams and Withrow.

**RESOLUTION PROVIDING FOR PUBLIC HEARINGS FOR ZONING PETITIONS NOS. 76-17 THROUGH 76-21.**

Councilwoman Locke moved adoption of the subject resolution providing for public hearings on Monday, March 29, at 2:30 p.m., on Petitions Nos. 76-17 through 76-21 for zoning changes. The motion was seconded by Councilman Withrow, and carried unanimously.

The resolution is recorded in full in Resolutions Book 11, at Page 323.

**RESOLUTION AUTHORIZING SUBMISSION OF AN APPLICATION FOR LEAA FUNDS FOR 1977 POLICE PLANNING PROJECT.**

Motion was made by Councilwoman Locke, seconded by Councilwoman Chafin, and unanimously carried, adopting a resolution authorizing submission of an application for LEAA Funds for 1977 Police Planning Project at a total cost of \$14,915.00, with State and Federal portions \$14,203.00, and local portion \$748.00.

The resolution is recorded in full in Resolutions Book 11, at Page 324.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE INSTRUCTING THE CITY MANAGER TO PREPARE A PLAN TO IMPLEMENT THE PUBLIC SAFETY OFFICER CONCEPT.**

The following resolution was presented:

"WHEREAS, Mayor Pro-Tem James B. Whittington has expressed interest in the public safety officer concept; and

WHEREAS, such a plan may have the effect of offering the City an economical way of increasing both police and fire protection without having to add employees; and

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WHEREAS, the plan has never been thoroughly explored for Charlotte:

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Charlotte in regular session duly assembled, does hereby instruct the City Manager to prepare a plan which could put into practice the public safety officer concept."

Councilman Whittington moved adoption of the resolution, which motion was seconded by Councilwoman Locke.

Mayor Belk stated he hopes Council does not go along on this; that he thinks the timing is bad; and it is a poor approach.

Mr. Burkhalter, City Manager, stated it will take about six months to get this plan together.

Councilwoman Chafin asked if Council has enough information to instruct staff to invest this much time? Mayor Belk replied not really; that he thinks it is terrible. Councilman Whittington stated he respects the questions raised and what the Mayor has said. No, we do not have this, and this is the purpose for the resolution. There are two cities in North Carolina using this, and the City Manager can give them material on the Public Safety Officer Concept. He stated he can give them more than was presented to Council at the retreat. All he is asking that this Council do is ask the City Manager, by resolution, to bring this plan to Council. It took the City of Durham either two and a half or three years before they finally adopted their plan. That he does not expect everyone to agree with this. But there is not anything to agree on now until the City Manager brings it back. Then he thinks Council can make the decision. He stated he has to believe this is a plan to do a better job than we are now doing, and we should get the plan before it is shot down. Mayor Belk stated he is not trying to shoot the plan down; but he understands it is not working in other cities as well as some think, and he does not think it will work here. That he cannot see the merits of doing something to destroy what we have in this city. In theory it sounds good; but when you start implementing it, it does not work out too good.

Councilman Withrow asked if the City has the in-house capabilities of doing what is being asked? How much will it cost? Will we have to go out of town and get an expert? Mr. Burkhalter replied they will have to go out of town to get information; but he thinks there is in-house capabilities. This resolution calls for a plan. It will not be a study of what is happening in other places. It will be a plan for putting this in effect in Charlotte. Councilman Withrow asked if Council could have someone to come over from Winston - the Chief or someone - and tell this Council that this is the best thing and it is working. Mayor Belk stated ours is functioning better than Winston and Durham, so why copy someone who is not doing as good a job as here. Councilman Withrow asked how Council will find out what everyone knows.

Councilman Gantt stated Council has never had a recommendation from staff on this. That at the retreat they did not get any kind of opinion from staff as to what this is all about. He thought the resolution related to having this studied. When he reads it he sees that is not what it is saying.

Mr. Burkhalter stated staff will bring a plan so that if Council wants to work police and fire in a combined way (there are cities doing it and there are methods that will work) he will bring a plan he thinks will work for this city. Then Council can debate whether it wants to do it or not. It can be done on a partial basis where certain areas of the city would use this and certain areas would not. At this point there is nothing to talk about. He stated they cannot take anyone else's plan and use it; this has to be tailor-made for the city.

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Councilman Davis asked if it would be appropriate to refer this to a committee and have one or two councilmembers to sit down with representatives of the police and fire departments, and if they object to it, what the objections are before investing a lot of staff time?

Councilman Whittington asked that the City Manager come back with a plan for Council to consider.

The vote was taken on the motion and carried unanimously.

The resolution is recorded in full in Resolutions Book 11, at Page 325.

Officer H. R. Thompson stated they have asked for more training for the police officers; they practically have to be attorneys now. They give the District Attorney what he presents; if they are not right, then there is no case. He stated Winston-Salem or Durham gives 12 weeks training; and here they are now receiving 15 to 16 weeks training in the rookie school. This is talking about an officer who has the power of life and death. He stated in talking to these officers from other cities, they tell him it is not working - these are officers on the working level. He stated they feel there is too broad a scope to take in. He stated in the paper given to Council it states it will improve community relations through increased contact with the community response to fire fighting. He stated they feel they are getting the best of what they can get out of the Police Department now. In Durham, the Public Safety Officer gets to the fire and stands around and waits for the fire captain or to get his gear on when the fire truck comes in to fight a fire. That the paper stated it would improve reporting on fires at earlier stages. Any police officer on the scene who finds a fire will call it in as quickly as possible. Also, it is stated it would eliminate sleep time and utilize nighttime hours for patrol duty and on-going training. That he has no response to that. To improve morale of these emergency service personnel through increased pay, he stated he cannot say it would improve morale in the Police Department. Ten percent pay raise might catch them up with Durham and Winston-Salem; not counting their longevity pay because they receive twice as much as locally. This might catch us up with the police officer. To attract and retain better personnel through a higher paid and more interesting job. That he has received a lot of kickback on that. Reduce construction costs of fire stations through elimination of sleeping areas. Durham is still adding sleeping areas to their buildings. You have to maintain the people in the fire houses who drive the trucks.

Officer Thompson stated they have had studies in the past that have never been implemented. There have been studies on job comparison and this type of things that have never been implemented. There have been studies on a conspicuous car plan. That he does not know where that one stopped; but it was a study that would use conspicuous cars throughout the streets and the government would pay some 90 to 95 percent of a fleet of cars.

Officer Thompson asked that they allow some of the studies that have already been made to go through, and spend the monies on these studies for salaries, and more training, and give the men something they can work for instead of tearing down professionalism they have strived for so long. He asked that they do away with this study and not waste any money on it and get on with something that will benefit the City of Charlotte and its citizens.

Councilman Williams stated some of Officer Thompson's points are well taken; but he is not in favor of nipping it at this point without it ever seeing the light of day. It can be discussed and debated after we know what we are talking about. That he is willing to go along with it for now until we see what it is.

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ORDINANCE NO. 39-X REESTABLISHING MAXIMUM INVENTORY LEVELS FOR INVENTORY ACCOUNTS IN PURCHASING, MOTOR TRANSPORT, STREET MAINTENANCE, VEST TREATMENT PLANT, WATER WORKS, HOSKINS TREATMENT PLANT.

After explanation by the Budget Director, Councilwoman Locke moved for the adoption of subject ordinance reestablishing maximum inventory accounts in the Purchasing Department, Motor Transport, Street Maintenance, Vest Treatment Plant, Water Works, and Hoskins Treatment Plant. The motion was seconded by Councilman Gantt, and unanimously carried.

The ordinance is recorded in full in Ordinance Book 23, at Page 48.

AMENDED LEASE WITH IBM CORPORATION FOR UNIT RECORD EQUIPMENT, APPROVED.

Motion was made by Councilwoman Chafin and seconded by Councilman Withrow to approve the amended lease with IBM Corporation for rental and maintenance costs for unit record equipment at a monthly rental of \$691.00.

Councilman Davis stated apparently we have been doing business with this company for ten years; the information with the Agenda says things such as the equipment has been on site for almost ten years; the condition of the equipment is questionable; there is no preventive maintenance, only call-in maintenance. That could be describing a lot of very satisfactory situations. There is nothing in here about a failure to perform; nothing citing any downtime or anything about a failure to perform their contract as specified. From what is told in the attachment, it is not necessarily bad. That he can understand they would like to have all the equipment from one firm and all maintenance under one contract, he thinks this is normal business practice. This Council has taken a position that it wants to make the City business available to everyone on equal basis. This requires some extra work on all our parts to make sure the small, individual businessman can compete and has an opportunity to do so conveniently.

Councilman Davis made a substitute motion to delay action on this until Council receives a more informative summary from staff; and if in fact they have failed to perform the contract he thinks Council should terminate this with prejudice and take this company off the list of firms we do business with. The motion did not receive a second.

Councilman Gantt asked if the equipment is outdated? Mr. Motto replied it has fallen into disrepair and it malfunctions about once a week. They had to call Genesis One in non-primetime maintenance four times last year at a cost of about \$430.00. The contract with Genesis One includes maintenance during the normal working day. If they have to be called in on the weekend or after hours they charge extra, and they have been averaging over a hundred dollars a call to prepare the equipment. The equipment is failing more frequently now than it has in the past.

The difference in cost is \$81.00 a month, and IBM is the only firm, locally, that produces the equipment and provides reconditioned or new equipment, and runs a preventive maintenance program. That the main computer system is Burroughs, not IBM; that IBM provides the keypunch machines used in one section.

After further discussion, the vote was taken on the motion and carried as follows:

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

NAYS: Councilman Davis.

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Councilman Davis stated the information presented today should have been included in the summary sent to Council with the Agenda.

VARIOUS CONTRACTS AWARDED.

- (a) CONTRACT AWARDED HARRELL'S CONCRETE WORKS FOR SIDEWALK CONSTRUCTION '76 SECTION I - VARIOUS STREETS.

Motion was made by Councilman Withrow, seconded by Councilman Whittington, and unanimously carried, awarding contract to the low bidder, Harrell's Concrete Works, in the amount of \$123,950.00, on a unit price basis, for Sidewalk Construction '76 - Section I - Various Streets.

The following bids were received:

Harrell's Concrete Works	\$123,950.00
Crowder Construction Company	132,911.50
T. A. Sherrill Construction Co., Inc.	139,207.20
Blythe Co. of Puerto Rico, Inc.	156,915.70

- (b) CONTRACT AWARDED CROWDER CONSTRUCTION COMPANY FOR SIDEWALK CONSTRUCTION '76 - SECTION II - VARIOUS STREETS.

Councilman Whittington moved award of contract to the low bidder, Crowder Construction Company, in the amount of \$161,095.20, on a unit price basis, for Sidewalk Construction '76 - Section II - Various Streets. The motion was seconded by Councilwoman Locke, and unanimously carried.

The following bids were received:

Crowder Construction Company	\$161,095.20
T. A. Sherrill Construction Co.	165,981.95
Blythe Company of Puerto Rico, Inc.	167,832.25
Propst Construction Company	179,046.75

- (c) CONTRACT AWARDED HARRELL'S CONCRETE WORKS FOR SIDEWALK CONSTRUCTION '76 - SECTION III - VARIOUS STREETS.

Upon motion of Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, contract was awarded the low bidder, Harrell's Concrete Works, in the amount of \$209,989.75, on a unit price basis, for Sidewalk Construction '76 - Section III - Various Streets.

The following bids were received:

Harrell's Concrete Works	\$209,989.75
Lee Skidmore, Inc.	219,018.75
T. A. Sherrill Construction	224,602.00
Crowder Construction Co.	233,096.50
Blythe Co. of Puerto Rico	230,477.00
Propst Construction	245,639.30

- (d) CONTRACT AWARDED MORETTI CONSTRUCTION COMPANY FOR DILWORTH NEIGHBORHOOD ASSISTANCE PROJECT II.

Motion was made by Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, awarding contract to the low bidder, Moretti Construction Company, Inc., in the amount of \$97,525.80, on a unit price basis, for Dilworth Neighborhood Assistance Project II.

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The following bids were received:

Moretti Construction, Inc.	\$ 97,525.80
T. A. Sherrill Construction Co., Inc.	115,976.00
Crowder Construction Company	115,924.00
Cardinal Construction, Inc.	115,206.50
Blythe Co. of Puerto Rico, Inc.	125,071.25

(e) CONTRACT AWARDED TRIAD FIRE & SAFETY EQUIPMENT COMPANY FOR FIRE DEPARTMENT EQUIPMENT.

Councilman Withrow moved award of contract to the low bidder, Triad Fire & Safety Equipment Company, in the amount of \$12,338.04, on a unit price basis, for Fire Department equipment, which motion was seconded by Councilman Whittington, and unanimously carried.

The following bids were received:

Triad Fire & Safety Eqpt. Co.	\$12,338.04
Zimmerman-Evans, Inc.	12,800.34
Burgess Fire Eqpt., Inc.	12,945.50
The Leslie Company	13,185.32
Action Fire & Safety, Inc.	13,749.72

(f) CONTRACT AWARDED W. H. ROBERTSON CONSTRUCTION COMPANY FOR CONSTRUCTION OF EROSION CONTROL INSTALLATIONS - SITE IMPROVEMENTS - GREENVILLE URBAN RENEWAL AREA.

Upon motion of Councilman Whittington, seconded by Councilwoman Locke, and unanimously carried, contract was awarded the low bidder, W. H. Robertson Construction Company, in the total combined amount of \$8,837.50, for construction of erosion control installations - site improvements - Greenville Urban Renewal Area.

The following bids were received:

W. H. Robertson Const. Co.	\$4,375.00
O. L. Parker & Son Grading Co.	4,600.00
Piedmont Grading & Wrecking Co.	4,750.00
W. H. Robertson Const. Co.	4,462.50
Joe Frazier Landscaping	4,987.50
Piedmont Grading & Wrecking Co.	5,250.00

Total Combined Low Bid by W. H. Robertson = \$8,837.50

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO NATHAN H. DAVIS AND WIFE, LELAR D. DAVIS, LOCATED AT 2411 ONYX STREET (OFF BEATTIES FORD ROAD), IN THE CITY OF CHARLOTTE, FOR THE NORTHWEST JUNIOR HIGH SCHOOL AREA PARK SITE PROJECT.

Motion was made by Councilwoman Locke, seconded by Councilman Whittington, and unanimously carried, adopting subject resolution authorizing condemnation proceedings for the acquisition of property belonging to Nathan H. Davis and wife, Lelar D. Davis, located at 2411 Onyx Street (off Beatties Ford Road), in the City of Charlotte, for the Northwest Junior High School Area Park Site Project.

The resolution is recorded in full in Resolutions Book 11, at Page 326.

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PROPERTY TRANSACTIONS AUTHORIZED.

Councilwoman Locke moved approval of the following property transactions, which motion was seconded by Councilwoman Chafin, and unanimously carried:

- (a) Acquisition of 15' x 246.52' of easement at 5051 Withrow Road (off Mulberry Church Road), from Robley Russell Link and wife, Beatrice H. Link, in the amount of \$1,000.00, for sanitary sewer trunk to serve Withrow Road and I-85.
- (b) Acquisition of 15' x 35.45' of easement at 5600 Wilkinson Boulevard from Pilot Freight Carriers, Inc., in the amount of \$1.00, for sanitary sewer trunk to serve Withrow Road and I-85.
- (c) Acquisition of 15' x 2,869.47' of easement off 7200 block of Carmel Road Extension, from Walnut Properties, Inc., in the amount of \$1.00, for sanitary sewer to serve Walnut Properties Section III D.
- (d) Acquisition of 15' x 175.11' of easement at 2807 Lawton Bluff Road (off Rea Road), from John Crosland Company, at \$1.00, for sanitary sewer to serve Candlewyck II Subdivision on Lawton Bluff Road.
- (e) Acquisition of 15' x 1,022.77' of easement at 705 Tyvola Road, from Seven Center Associates, at \$1.00, for sanitary sewer to serve Seventy Seven Center Drive.
- (f) Acquisition of 15' x 73.32' of easement off Johnston Road at McMullen Creek, from New South Properties, Inc., at \$1.00, for sanitary sewer to serve Carmel Office Park.
- (g) Acquisition of 15' x 1,731.20' of easement off Matthews-Pineville Road, at Johnston Road, from New South Properties, Inc., and Carmel Partnership, at \$1.00, for sanitary sewer to serve Carmel Office Park.
- (h) Acquisition of 9.09' x 117.39' x 15.64' x 117.14' of right of way, plus a construction easement, at 3800 Wendwood Lane (to the rear of Randolph Road), from George F. Verdone and wife, Emily, at \$1,200.00, for the Randolph Road Widening Project.
- (i) Option on 94.98' x 50.40' x 114.73' of property, plus a construction easement, with two frame dwellings, at 908 and 912 West Fourth Street, from Leonard P. Ward and wife, Wynona N., at \$3,140.00, for Trade-Fourth Connector Project.
- (j) Option on 49.85' x 77.33' x 49.43' x 84.70' of property, with one frame dwelling at 917 West Fourth Street, from Joseph L. Butler and wife, Charlie Lucille, at \$10,536.00, for Trade-Fourth Street Connector Project.
- (k) Option on 50' x 74.73' x 52.46' x 100.87' of property, with a one-story single family dwelling, at 909 West Fourth Street, from Ann C. Brown (widow), at \$10,000.00, for Trade-Fourth Connector Project.
- (l) Option on 15.64' x 609.25' x 41.07' x 36.97' x 640.52' of property, plus temporary construction easement, at 1016 Wendover Road (corner Randolph Road and Wendover Road), from Frank H. Ross, Jr. and wife, Margaret W., at \$5,200.00, for the Randolph Road Widening Project.
- (m) Option on 50' x 233.37' x 50' x 232.81' of property, at 2711 Estelle Street, from Sadie Collins Jenkins (formerly Sadie Collins) and Herman S. Jenkins, at \$1,000.00, for Northwest Junior High School Area Park Site.

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- (n) Option on 50' x 152.39' x 50' x 152.39' of property at 1480 Rosetta Street (off Beatties Ford Road), from Charles W. McClure, at \$750.00, for Northwest Junior High School Area Park Site.

SANITARY SEWER EASEMENT FOR ANNEXATION AREA I (4), APPROVED.

Upon motion of Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, sanitary sewer easement was approved for Annexation Area I (4) from James L. Haigler and wife, Dale B., across twelve acres at the end of Wallace Lane (off Independence Boulevard), at \$2,600.00.

ENCROACHMENT AGREEMENT WITH NORTH CAROLINA DEPARTMENT OF TRANSPORTATION, APPROVED.

Motion was made by Councilman Gantt, seconded by Councilwoman Chafin, and unanimously carried, approving an Encroachment Agreement with the North Carolina Department of Transportation permitting the City to construct a 12-inch sanitary sewer crossing Hickory Grove Road (2920).

COMMENT ON ADJUSTMENTS TO BE MADE IN AGENDA.

Councilman Gantt stated Council received the memorandum from Jerry Coffman and Dave Burkhalter about the adjustments that will be made in the Agenda. The Manager should be commended; that it will help all of them a lot, particularly the portion that gives the staff resource which will allow Council to call the proper person when additional information is needed.

NOMINATION OF BEVERLY FORD TO CIVIL SERVICE BOARD.

Councilman Gantt placed in nomination the name of Dr. Beverly Ford to fill the unexpired term of Dr. Coleman D. Rippey on the Civil Service Board.

RECOGNITION OF RICHARD FAITH, SOPHOMORE AT DAVIDSON COLLEGE.

Mayor Belk stated he would like to recognize Richard Faith, a Sophomore at Davidson College. That Mr. Faith is interested in government. That he was a fullback on his high school football team.

Mayor Belk asked him to tell Council about his application which he applied for. Mr. Faith stated he is going to serve as an intern in the Foreign Service Department. Mayor Belk stated he had to stand a test, and the one making the highest grade was picked.

NOMINATION OF MARY ROGERS TO CIVIL SERVICE BOARD.

Councilwoman Chafin placed in nomination the name of Mary Rogers to complete the unexpired term of Mark Bernstein on the Civil Service Board.

NOMINATION OF B. A. CORBETT TO PARADE PERMIT COMMITTEE.

Councilman Davis placed in nomination the name of B. A. Corbett to succeed himself for a three-year term to the Parade Permit Committee.



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NOMINATION AND DISCUSSION OF APPOINTMENTS TO PARK AND RECREATION COMMISSION.

Councilman Davis stated there will be two appointments to the Park and Recreation Commission. He would like to place in nomination the name of B. D. Allen.

Councilman Whittington stated it is his understanding that Mr. Warren, the only architect on the Board, will complete his first term in March. That the same is true of John Black, a resident of the west side of town and a retired fire captain, and a man he has been associated with for a long time in the athletic intramural programs in the city system. That he would hope Mr. Davis is not anticipating replacing either of these men. That he intends to nominate one of them. Also the policy of Council has been to allow the person serving, if they so desired and had done a good job, to serve two terms.

Councilman Gantt stated he was not aware of this, and asked if this is a gentlemen's agreement? Councilman Withrow stated it is a gentlemen's agreement.

Councilman Whittington stated he is not questioning Mr. Davis's nominee at all, but he thinks this should be brought up. Another reason he wanted to bring it up today is that Mr. Withrow is going to be away for a month, and he would like for Council to delay decision on these appointments and the two shopping centers which were heard last week.

Councilman Davis stated Mr. Warren is eligible for reappointment. That he understands Mr. Black has not met the attendance requirement; that he understands he has not been attending and is not interested in serving. Councilman Withrow asked if he would agree, after he makes the nomination, to hold it up until he is back. That he will be in touch with Mr. Black. That he would like to check all of this out to see if he wants to serve and if he has met the attendance requirements.

Councilwoman Locke stated the secretary should be requested to bring Council the attendance record. That all secretaries of all Boards have been asked to bring their attendance record and they have failed to do that in a lot of cases.

Councilman Davis stated he just wants to nominate Mr. Allen. He does think Mr. Warren should be considered for reappointment. It is satisfactory with him to wait until Mr. Withrow returns to act on this.

Later in the meeting, Councilman Withrow stated Council tried at one time to appoint people from different parts of the city. That he had John Black appointed to the Park and Recreation Commission from the western part of the city. He stated if Mr. Black is not reappointed, he hopes Council will appoint someone from the western part of the city to replace him, rather than someone from the center city. If we say we need district representation on Council, then also get some on the Park and Recreation Commission, and other boards also.

CITY MANAGER REQUESTED TO LOOK INTO PURCHASE OF CARR PROPERTY AND BRING RECOMMENDATION TO COUNCIL.

Councilman Whittington stated Mr. Withrow, Mr. Williams and Mrs. Locke and perhaps Mr. Gantt were on Council when the Beam Road-Shopton Road property was purchased for the fire-police training center. Through long deliberations, the property was purchased on a four to three vote. At the back of this property on Beam Road is one piece of property that is left, fenced in and sits there like an island, owned by Mr. Windy Carr. The Council was suppose to buy this property. It is still sitting there; we have not bought it. It was his understanding that both sides agreed if we would get a new appraisal, and bring that in, the seller would agree to sell. Council has never acted on that.

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He stated this should be resolved. He requested the City Manager to look into this, and consider whether to bring it back to Council.

DISCUSSION OF PROPOSAL TO REVISE ZONING AMENDMENT PROCESS REQUESTED PLACED ON AGENDA FOR NEXT WEEK.

Councilman Davis stated on January 13 he sent a memo to all Councilmembers, with the subject, Proposal to Revise the Zoning Amendment Process. He requested this be placed on the formal Agenda for discussion next week.

REPORT REQUESTED GIVEN TO COUNCIL ON MANNER IN WHICH MARKET-PLANNING PROGRAM FOR TRANSIT PLANNING WAS HANDLED.

Councilman Davis stated he has received a number of inquiries, or complaints, about the design-marketing program for our transit system. These concerned the manner in which bids were asked for and advertisement. They challenge the way the specifications are laid out, and the manner in which the discussions were carried on, and the present recommendations and how this should be handled. That is combining two agencies, apparently not outlined in the specifications. Sufficient questions have been raised.

Councilman Davis requested the staff to review for Council the manner in which this was handled to see if it complies with the normal procedures. He stated he would like to hear this before Council has to decide on this.

Other Councilmembers indicated they have received the same complaints.

Councilman Gantt stated he received a letter from one person, and he has given Councilmembers copies, in which he stated they had the opportunity to talk about this. While there are still some questionable kinds of things that occurred at least in the minds of this particular competitor, he believes he is reconciled to the fact that under the circumstances the process was fair.

Mr. Burkhalter stated if it is agreeable with Council, this will be an Agenda Item.

CITY MANAGER TO LOOK INTO POLICY WHICH PREVENTS MOVING HOUSES IN RIGHT OF WAY BOUGHT BY THE CITY.

Councilman Withrow stated there is a policy or something which prevents the City of Charlotte allowing a house to be moved which the City purchased with City money. The State can purchase houses on right of ways and sell them, and people can move them; but the City of Charlotte can purchase houses on right of ways and cannot allow them to be moved.

He stated he was in the house moving business for a number of years, and he is speaking of a house on Tyvola Road that the City of Charlotte purchased and could have sold that house for \$1,500 to a mover. In turn they put into the contract and gave it to the contractor and his bid was to demolish that house. Now the contractor has been offered money for the house if he can get out of demolishing it.

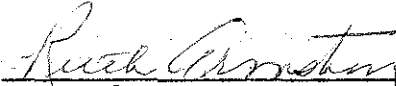
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Councilman Withrow stated the house should not be demolished. It is a better house than 50 percent of the ones we are talking about in Third Ward; and better than 50 percent we are planning on moving in Third Ward and relocate. Still the City will not allow the house he is talking about to be moved. At the Airport, houses were torn down that would have brought \$3,000 a piece that were five times better than houses we are now trying to rehabilitate.

Councilman Withrow asked what can be done to change this policy? Mr. Burkhalter, City Manager, stated he will look into the policy and see what it is.

ADJOURNMENT.

Motion was made by Councilman Gantt, seconded by Councilwoman Chafin and unanimously carried to adjourn the meeting.

  
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Ruth Armstrong, City Clerk