

The City Council of the City of Charlotte, North Carolina met in a regular session on Monday, June 27, 1977, at 3:00 o'clock p. m., in the Council Chamber, City Hall, with Mayor John M. Belk presiding, and Councilmembers Betty Chafin, Louis M. Davis, Harvey B. Gantt, Pat Locke, James B. Whittington, Neil C. Williams and Joe D. Withrow present.

ABSENT: None.

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INVOCATION.

The invocation was given by Reverend J. Wayne Billings, Minister of Belmont Park United Methodist Church.

KNIGHT OF THE QUEEN CITY AWARD PRESENTED TO JOSEPH G. CLAUD AND ROBERT A. EARLE.

Mayor Belk recognized Mr. Joseph G. Claud, an official of North Carolina National Bank who is moving from Charlotte to Tryon, North Carolina; and Mr. Robert A. Earle, retiring City Personnel Director, and presented them with Knight of the Queen City awards in recognition of their contributions to the City of Charlotte. They were congratulated personally by each of the Councilmembers.

CHARLES D. THOMAS, RETIRING CHAIRMAN OF THE CIVIL SERVICE BOARD, PRESENTED RESOLUTION OF APPRECIATION APPOINTING HIM HONORARY MEMBER FOR LIFE.

Mayor Belk recognized Mr. Charles D. Thomas, retiring chairman of the Civil Service Board and read the following Resolution:

WHEREAS, Charles D. Thomas, Sr. has served as a member of the Charlotte Civil Service Board since May of 1967; and

WHEREAS, he was reappointed to the Civil Service Board during 1970 and 1973 and has served as Chairman of that Board since August 1974; and

WHEREAS, under the leadership of Mr. Thomas, the Civil Service Board has earned a reputation of fairness and the decisions which it has rendered have been judicious in scope; and

WHEREAS, Charles D. Thomas, Sr. has served the City of Charlotte and its citizens in many capacities, both public and private, and by so doing, he has earned the respect and admiration of the people of this community; and

WHEREAS, the present Charlotte City Council policy prohibits the reappointment of Mr. Thomas as a full voting member of the Charlotte Civil Service Board because he has served two complete and consecutive terms; and

WHEREAS, the Charlotte City Council desires to recognize the many contributions of Charles D. Thomas, Sr. to this community and City Government and by way of recognizing his outstanding service, the Council wishes to appoint Mr. Thomas as an Honorary Member of the Charlotte Civil Service Board for life;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Charlotte City Council, in regular session duly assembled, that they hereby express on behalf of the City, its utmost gratitude and appreciation to Mr. Thomas for his many outstanding services to the City, and wish him success in his endeavors and do hereby appoint him Honorary Member of the Charlotte Civil Service Board for life.

BE IT FURTHER RESOLVED that this Resolution be spread upon the Minutes of this meeting and a copy thereof be presented to Charles D. Thomas, Sr.

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Each Councilmember expressed personal well wishes to Mr. Thomas. Mr. David G. Martin, present Chairman of the Civil Service Board, stated Mr. Thomas will be hard to replace and expressed appreciation to Council on behalf of the other members of the Board for taking this action.

Councilman Whittington stated he has polled members of City Council in regard to this resolution and they all concur that Mr. Thomas should be made an honorary member for life of the Charlotte Civil Service Board and thank him for his many contributions, his untiring work in behalf of the work of this Commission and they would say to "Mr. Charlie" that they hope he will stay with this Board and do as Mr. Martin and every member of the Board wants him to do - be their counsel, their advice, and help them down the road.

Councilman Whittington moved the appointment of Mr. Thomas as honorary member of the Civil Service Board for life. The motion was seconded by Councilman Withrow and unanimously carried.

PRESENTATION OF CITY OF CHARLOTTE EMPLOYEE PLAQUES.

Mayor Belk recognized the following retiring employees of the City of Charlotte and presented them with plaques in recognition of the years of service: Avery McConnell Hood, Social Service Supervisor, Neighborhood Centers Department - employed February 13, 1963, retired June 21, 1977; Clara Martin Winchester, Switchboard Operator, Public Works Department - employed August 6, 1960, retired June 21, 1977; Ruben Reed Graham, Equipment Operator I, Utility Department - employed April 12, 1960, retired April 26, 1977; William C. Gray, Laborer II, Utility Department - employed January 25, 1963, retired March 16, 1977; Willie James Henighan, Laborer I, Utility Department - employed January 11, 1960, retired June 21, 1977; Ernest G. Davis, Motor Transport Superintendent, Public Works Department - employed February 23, 1934, retired April 26, 1977. Received in absentia: John Knox Thompson, Treatment Plant Operator, Utility Department - employed August 5, 1963, retired May 24, 1977.

MINUTES OF MEETING OF JUNE 20, 1977, APPROVED AS PRESENTED.

Motion was made by Councilman Whittington, seconded by Councilman Withrow and carried unanimously approving the minutes of the last meeting on June 20, 1977 as presented.

HEARING TO CONSIDER A PROPOSAL BY MOTION, INC. FOR THE PURCHASE OF THREE SINGLE FAMILY HOUSES AND LOTS LOCATED IN THE THIRD WARD COMMUNITY DEVELOPMENT TARGET AREA.

Mr. Walter Phillips, Assistant Community Development Director, stated these properties are located at the intersection of South McNinch Street and Westbrook Drive and pointed it out on the map. That these properties contain three houses that were formerly in the Trade-Fourth Connector - they were physically picked up and moved to the new location. They are all frame houses and some work has already been done, such as new foundations and site work. He stated in April bids were taken on the sale of the three houses on an as-is conditioner and only one bid was received. They considered this bid unacceptable and asked the Council to reject it, which they did.

He stated there is a new vehicle now for disposing of such properties which they believe will enable them to provide housing for moderate income families. This new procedure will be described in Agenda Item 11. In accordance with North Carolina law, a public hearing is required on proposed sales of non-profit corporations and the price to be paid shall be not less than the fair value agreed to by a committee of three professional real estate appraisers. He stated the price of the property has been established at \$13,800; the use is to be for three single-family, rehabilitated houses.

Mr. Ernie Alford, Motion, Inc., stated for some time they have been discussing the potential of housing preservation as an additional link to trying to provide housing in the City of Charlotte. They are still involved in new construction, but this is a pilot type approach and if it works with all of the things they have worked out with the Community Development Department, he thinks it can be used as a model to carry out a similar program in other areas.

Action on this item was delayed until Agenda Item No. 11 was considered.

No opposition was expressed to this proposal.

ORDINANCE NO. 592-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE BY AMENDING THE ZONING MAP TO CHANGE ZONING OF PROPERTY LOCATED ON THE EAST SIDE OF EASTWAY DRIVE, ABOUT 330 FEET NORTH OF THE INTERSECTION OF EASTWAY DRIVE AND THE NORFOLK SOUTHERN AND AT & T RAILROAD LINES.

Councilwoman Chafin moved that Petition No. 77-13 by Ballenger and Betty Traynham for a change in zoning from R-6MF to O-6 property fronting about 108 feet on the east side of Eastway Drive, about 330 feet north of the intersection of Eastway Drive and the Norfolk Southern and AT & T Railroad Lines be approved, although the Planning Commission's recommendation was for denial. She stated it is unusual for Council to over-rule the Planning Commission, but this is a minor exception and it is difficult for her to see that much difference between the multi-family and the office zoning that is requested. That in terms of the hardship that this is working on the individual petitioner it would make a great deal of difference for Council to approve it. The motion was seconded by Councilman Whittington.

Councilman Davis stated he agrees with Councilwoman Chafin in that it is a hardship on an individual and that it is a minor thing, yet it is Council's and the Planning Commission's policy and he is unable to find anything unique about this situation that distinguishes it from the next house, the next one, or any of the homes on Woodland Road/Eastway Drive. He would have to vote against the motion as stated. However, since it is a hardship on citizens and Council does not like to do this unless it is absolutely necessary, he will go along with referring back to the Planning Commission to see if they can come up with any basis for making an exception in this case.

Councilman Davis made a substitute motion that this petition be referred back to the Planning Commission for further study, which motion was seconded by Councilwoman Locke.

Councilman Williams stated he is prepared to vote on this today because he has formulated in his mind a policy about these arterial type streets. He stated he agrees with Councilwoman Chafin that there is little difference usually between office zoning and multi-family zoning on such streets. Either one is a buffer kind of zoning. That is not to say that he would be favorably disposed toward commercial zoning on arteries; that there is all the difference in the world between office or multi-family on the one hand and commercial on the other hand. But, as far as a decision between office and multi-family he does not see that there is a great deal of difference in this particular case and he is willing to accommodate the property owner.

Councilman Gantt stated the real question he has is that they have a vote by the Planning Commission of 5-2 and the arguments made are terribly strong in the direction of the domino theory that might begin to occur here and Council's increasing inability to justify turning down subsequent petitioners on this particular issue. He stated he has talked with the petitioner and has read the minutes of the public hearing and can certainly appreciate his personal difficulty in the sale of his property. On the other hand, it seems to him that there is no logic in how they treat this residential multi-family/office-business classification along Eastway Drive. He would just as soon follow the policy now which is not to spread any additional office or commercial, with no exception on Eastway Drive.

The reasons he says that are clear. Unless they have something in the way of physical boundaries classifications along that route what they are doing

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is doing some damage to the other properties which are now used for residential purposes. He is afraid the domino theory can work in the other direction - first office, then commercial and on and on. He thinks they would be hard put to monitor it; the street has a tremendous amount of traffic now; it is going to have more. It is going to be increasingly easier for the next petitioners to make the same argument that Mr. Traynham makes, and rightfully so.

Councilwoman Locke stated it is a dangerous principle if they approve this.

Councilman Williams stated if he thought the precedent to be set was the foot-in-the-door for commercialization, then he would agree 100 percent. That there is a considerable difference in a doctor's office and a small shopping center.

Councilman Whittington stated the reason he would vote to approve this petition is that this property is backed up by Eastway Golf Course and that is a pretty good buffer. He cannot imagine in years to come that the Planning Commission would come to Council and recommend that the golf course be re-zoned industrial or that the whole thing be zoned office-institution. He would rather think it would be residential single family. That for the frontage to be office-institution as a buffer, to him makes good sense. He would hope that the Planning Commission would come to the Council with a recommendation with all that frontage up to the B-2 on the corner of The Plaza and Eastway where a self-service Gulf station is and has been for a long time.

Councilman Gantt stated he thinks the motion Councilman Davis made as a substitute probably goes in that direction - restudying that entire block in light of that petition. But, this is not much different than Woodlawn Road and some of the others. They have not come to grips with this situation yet and he would rather hold the line unless they can come up with some comprehensive approach as to how to handle these streets. He can appreciate the comments Councilman Whittington has made about the buffer that exists with the golf course, but that is a buffer from another direction. He just wonders what they should do along the artery in terms of that kind of quality of life.

The vote was taken on the substitute motion, and failed to carry as follows:

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

The vote was taken on the original motion to approve the zoning change and carried by the following vote:

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

The ordinance is recorded in full in Ordinance Book 24, at Page 256.

PETITION NO. 77-14 BY O. T. WAGGONER FOR A CHANGE IN ZONING FROM O-6 AND B-1 TO B-1 AND B-2 PROPERTY LOCATED NEAR THE NORTHWEST CORNER OF THE INTERSECTION OF BRIAR CREEK DRIVE AND OLD MONROE ROAD, FRONTING ABOUT 75 FEET ON BRIAR CREEK DRIVE AND ABOUT 50 FEET ON COLONNADE DRIVE, DENIED.

Motion was made by Councilwoman Locke, seconded by Councilman Whittington, and unanimously carried, denying the subject petition for a zoning change as recommended by the Planning Commission.

PETITION NO. 77-10 BY JAMES J. HARRIS AND ANGELIA M. HARRIS AND SHARON HOME LOAN COMPANY FOR A CHANGE IN ZONING OF PROPERTY LOCATED AT THE NORTHWEST CORNER OF MORRISON BOULEVARD AND ROXBOROUGH ROAD, DENIED.

Councilman Whittington requested that a memo from Mr. Burkhalter to Councilmembers dated April 12, 1977 - a chronology of the zoning in the SouthPark area - be made a part of the record, so that those who would want to check

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the record in the future would have this information.

Mayor Belk asked for an opinion from Mr. Underhill, City Attorney, as to any possible conflict of interest on his part since he does own a business across the road.

Mr. Underhill stated this is not a protested situation which would require his vote; the conflict, if there is one, would involve his presiding over the vote in question. That it would appear to him there would be no conflict in his presiding; that Council of course has the final determination.

Several positions were expressed by Councilmembers - Councilwoman Locke stated she thought he should preside so that they could have all seven members voting; Councilman Davis stated if he were in the Mayor's position he would excuse himself - but it was generally agreed there was no conflict of interest that would affect the Mayor presiding.

Councilwoman Locke moved denial of the subject petition which requested a change in zoning from B-1 Shopping Center District, O-15 and R-12MF to B-1(CD) property located at the northwest corner of the intersection of Morrison Boulevard and Roxborough Road. (The Planning Commission had recommended its approval.) The motion was seconded by Councilman Gantt.

Councilwoman Locke stated she thinks Council has been between a rock and a hard place on this petition. They have heard from many people - pros and cons; and it has been a very difficult decision for all of the Councilmembers. That she has gone through the letters and studied maps and has gone through this very carefully and had not really decided until she did this. That the thing that made her decide against this - she thinks it is a very good commercial development - was the traffic generation in this area as projected by studies sent them by Mr. Bryant. She would like to see them do a study on the Barclay Downs area, asking that the Planning Department proceed to study this area in depth - there has been some talk of eventually closing that street - and come back and talk to Council about that at some future time.

Councilman Gantt stated he agrees with Councilwoman Locke and will second her motion to deny the rezoning. He has some other reasons to add to hers. That when you review the traffic information that came from both the Hensley-Smith Company and the city staff, it is a draw. What they would be doing is increasing the level of services by more development out there and he cannot think of anything that they will possibly do in that area that will not increase the level of services. He is sure that SouthPark is going to continue to add more and more shoppers; that some kind of development whether it be office, or multi-family residential, is going to increase the traffic, etc. That the Hensley-Smith Company is right in that some point in time they are going to have to deal with the question of Barclay Downs Drive as it connects from the Wendover Road situation to Fairview Road - there is no question about that.

He stated his reasons for voting to deny this petition probably have to do with the question of the quality of the neighborhood; he wants that to be distinct from the quality of the development that would go in there. That in any other shopping place zoned for shopping center development, this would be the kind of shopping center he would like to see go in a community - the kind that pays a lot of attention to internal traffic; a lot of attention to landscaping; a lot of attention to aesthetic values, and things of that nature. He thinks that is good.

In this location, however, it does seem to him that we are asking the people in that community to bear an unusual burden - they are being asked to bear the burden of a regional shopping center of a million square feet in addition to a substantial amount of office development in and around there, in addition to widened roads, in addition to an inner-belt facility that is not far away. That they have to ask themselves the question of how much is enough? He stated that in reading the market study reports the second time, after disagreeing at the hearing, he still disagrees. He does not believe they are talking about 776,000 sq. ft. of convenience/commercial in that area - not the way he was taught to do market studies. But, assume

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they were talking about half that amount, it seems to him that the center which is proposed is not a neighborhood shopping center. It is in fact, simply an addition to the SouthPark Development. The types of stores being offered in that particular development could just as easily have been located in a regional type shopping center such as SouthPark.

Additionally, when you look at the other kinds of facilities that are already in the area, you begin to ask whether or not there is a need. Some of them were criticized some time ago, with the Tyvola Mall and the North Park Mall, for raising questions about economic need for a project, the criticism being that is a decision that ought to be made by the entrepreneur, not a public policy body. He has come to agree with that, but he does think that Council has to evaluate needs in terms of the public interest; needs in terms of the impact on the quality of life of a particular community. Notwithstanding that this is one of the better shopping center developments he has seen, he does not think they would be doing anything to enhance the quality of the neighborhood; neither are they dealing here with a situation where they are talking about a neighborhood commercial center.

Mayor Belk questioned if the need for such a facility is something that Council should decide on. Councilman Gantt stated he had made his point on that, but he will clarify it. When he says "need" he thinks it is a legitimate policy question for the Council to ask in terms of quality of life issues. Maybe that is a very difficult kind of thing to determine, but public policy here with regard to that entire neighborhood, if they look at the kinds of things they have done to impact that neighborhood, then they have to question whether they need to add some additional things which admittedly from a traffic standpoint and other kinds of things further impact it.

He stated the 100,000 sq. ft. question he referred to - the petitioners made a very strong case for the fact that they are simply adding a neighborhood shopping center, something that will serve the needs of that immediate neighborhood community. That by their definition and by the definition in commercial jargon, a neighborhood shopping center would really deal with those kinds of convenient services that would be served by a very well defined community, in terms of walking distance and driving distance, etc.

Councilman Davis stated he agrees with most of what Councilwoman Locke had to say and a good bit of what Councilman Gantt said. He would differ also in the opinion that Council has no authority to delve into need. That he thinks this is a first-class development; the petitioner and his associates are individuals who are well known in Charlotte, they have a good track record in what they have done and we have all benefited from it. He has no question that this would be done in a first class manner. However, he will vote against it for a different reason.

He stated on March 29, 1976 this Council by a 6-1 vote turned down a B-1SCD strip shopping center across Morrison Boulevard; also by the same 6-1 vote they asked the Planning Commission to make a landuse study of this area and present it back to the City Council. Later on that same year he and Councilman Williams appeared before the Barclay Downs Neighborhood Area at the Myers Park High School, along with members of the Planning Commission, and they stood up and referred to this same study and Mr. McIntyre told the individuals there that they would have the study within about six weeks. That the Council has made a commitment to this and he feels unable to consider this petition on its merit because if they did approve this petition regardless of the circumstance, it will appear to the public that the Council is not making zoning decisions; that they are in fact being made by landowners and developers in that area. This is the way it would appear. In fact, it appears that way to him; if six members of the Council cannot get an answer to their question, this has to leave a large question mark in the minds of the public.

Councilman Withrow stated they have heard from the Planning Commission on the 5-4 vote, but he would like to hear from the staff, from Mr. Bryant, as to the difference in the strip zoning as it is now and the zoning which they have applied for.

Mr. Fred Bryant, Assistant Planning Director, stated that first of all, in terms of bringing additional traffic, additional services, additional people

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into the area, he does not think there is that much difference. That what you have here and what you would normally say in terms of a cluster argument being favorable versus a strip being unfavorable, is the design relationship that the strip would have to the major artery versus the cluster. The strip, conventionally, has much more difficulty in terms of relationship to the artery. Usually it has more driveways - it has more opportunities for conflict as the traffic moves much more between the artery and the development itself; whereas the cluster - most of the movements will occur within the development itself and the number of driveway exits will be controlled and you would be able to relate those exits more specifically to the design of the artery and make them more compatible, etc.

He stated that is the primary difference from a Planning viewpoint in a cluster versus a strip. Again, he would have to say as far as the previous strip is concerned that one of the real problems with that was that it would have been only the first part of a much larger strip that undoubtedly would have occurred along Morrison Boulevard. That the one which was denied, and has been referred to as being denied by a 6-1 vote, involved only a few hundred feet of the frontage on Morrison Boulevard. It still left not only the property they are talking about now but at that time some more property uncommitted as far as usage is concerned. That, undoubtedly, if that particular aspect of the strip had gotten started it would have been the beginning only and you would still have this property to contend with and the end result would have been that you would have a considerable amount of frontage strip development that you do not have under the cluster system. To that extent they would have had, potentially at least, a much more difficult relationship between traffic moving within, into and out of the commercial uses and the arteries than you have at the present time. But, in terms of basic generation of traffic into the area, there is not that much difference. If you have 100,000 sq. ft. of strip space versus a 100,000 sq. ft. of clustered space, the number of cars coming to that business is going to be very similar and the effect on the larger neighborhood will probably not be that much different. The principal difference is the greater desirability of design relationship of a facility to the immediate location that it finds itself rather than great differential in terms of the overall neighborhood effect.

Councilman Withrow stated the minutes said that the Planning Commission was asked to study the area for the possibility of rezoning or whatnot. He knows the staff has looked at this property and done some studying. He asked Mr. Bryant if, in his opinion, what is recommended here is good planning? That if he has the information Councilman Davis has asked for, he would like to hear it.

Mr. Bryant asked if he is referring to the staff study which was undertaken as a direct response to City Council's instruction? Councilman Withrow replied that is what he wants to hear, what Councilman Davis was talking about. Mr. Bryant stated this is public information, as far as he is concerned, because it has been aired at a public hearing held by the Planning Commission itself. The Planning Commission never chose to act specifically on the report but since Council has asked the question specifically, he will tell them what that report contained.

That report said, in effect, that first of all it was felt that additional substantial amounts of commercial development along the section of Morrison Boulevard which is zoned B-1SCD would not be in the best interest of the area as a whole. Secondly, at that time, it was indicated that since there was a considerable amount of vacant office-zoned land in the area, that perhaps consideration should be given to removing some of the office zoning that was there, replacing it with residential zoning in order to help relieve the ultimate total effect of development in this area and the general neighborhood as a whole, and particularly the traffic route that had to go through the neighborhood to get to this area.

He would like to say one thing about that last statement. They have to recognize that at the time a study was being made by staff they were talking about totally vacant land. Subsequent to that time, the decision was made to locate the Equitable Life Insurance Building on a portion of this property. That he does have to say - this is a personal opinion at

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this point because it has never been presented to the Planning Commission in this way and never has been acted upon in this way - that the ability to rezone much of that property effectively from office to residential has now been removed because of the siting of the office building. He says that because he thinks it is very questionable, at least, that there is sufficient space around that area now that could be changed from office to residential to create a satisfactory environment for residential usage. Perhaps some apartment development could occur; perhaps some type of controlled, well-designed, related development could occur; but generally speaking, he does not think they have quite the freedom of design for a neighborhood, with the insertion of the office building, that they at one time had. That the findings of the original staff study will have to be tempered just a little bit with that circumstance. That does not alter - and this again is his opinion - the other portion of the findings which was that additional commercial development along the northerly side of Morrison Boulevard probably would not be in the best interest of the area as a whole.

Mr. Bryant stated that the statement in the study specifically in this respect did not recommend rezoning to B-1SCD but it did recognize that any use going into B-1SCD would have to have specific site plan approval and that as such, perhaps the office type of use would be more appropriate for consideration there rather than the more intense commercial use.

Councilman Davis stated, in explaining his reason for trying to call for a point of order previously, that as he understands parliamentary procedure, it is permissible to interrupt when a point of order is raised; that he thinks it might be well to have a ruling from the parliamentarian as to whether or not a discussion like this is proper. That Mr. Bryant has gotten into a personal opinion about various types of zoning that affect this issue and he feels, in fairness to the petitioner, that they probably should allow him time for rebuttal.

Councilman Gantt asked Mr. Bryant to explain if Council was required to review the location of the Equitable building? Mr. Bryant replied that the Equitable building itself is located in portion that was O-15, not B-1SCD. That Council acted two weeks ago to rezone the front portion of that area from B-1SCD to O-15. Councilman Gantt stated that, to a large extent, the location of that facility, in his opinion, has changed the character of what can be done in that area. Mr. Bryant replied that is what he is saying.

The vote was taken on Councilwoman Locke's motion to deny this petition and it carried by the following vote:

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

ORDINANCE NO. 593-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE BY AMENDING THE ZONING MAP TO CHANGE ZONING OF PROPERTY ON THE NORTH SIDE OF MORRISON BOULEVARD AND EXTENDING NORTH ABOUT 1,300 FEET, GENERALLY LOCATED BETWEEN BARCLAY DOWNS DRIVE AND ROXBOROUGH ROAD.

Councilwoman Locke moved approval of Petition No. 77-11 by James J. Harris and Angelia M. Harris and Sharon Home Loan Company for a change in zoning from B-1 Shopping Center District, O-15 and R-12MF to O-15(CD) an odd-shaped tract of land fronting on the north side of Morrison Boulevard and extending north about 1,300 feet, generally located between Barclay Downs Drive and Roxborough Road. The motion was seconded by Councilman Whittington.

Councilman Williams asked if the properties represented in this petition and No. 77-10 are so bound up together that when they just ruled on one it necessitates a ruling on the other in the same way?

Mr. Fred Bryant, Assistant Planning Director, replied the two are connected only to the extent that they were originally part of an overall master sort of approach as far as the property owner is concerned to the entire area.

That what they have done by denying the previous petition is they have left, as of this moment, a corner of B-1SCD with a little spot of O-15, and a small bit of R-12MF existing there. What this petition does is take the remaining portion of the area, which is the predominate portion area-wise, and proposing to rezone it basically from O-15 to O-15(CD) and place some restrictions on the use of it. That is the total effect of it. The petitioner has agreed, if this petition is approved, to not put more than 600,000 sq. ft. of building area on the property, to go with a plan which calls for some pedestrian circulation in the design of the area, there is a 90-ft. building height restriction on any building which is there, etc. What they are doing in this petition is placing some restrictions on the already existing office zoned land.

Councilman Williams asked if that will be consistent with the initial recommendation of the Planning Commission staff? Mr. Bryant replied yes, it would be a step in the direction of insuring some control of the total amount of development which would occur in this area.

Councilman Gantt stated that the original recommendation from the Planning Commission, prior to Equitable's building there, was that a portion of that land be residential development. Mr. Bryant replied that is correct, but what he is saying is that you have an area here which is now zoned O-15 uncontrolled, so that you could theoretically put probably 2 million square feet on it, so that to the extent that they would now be installing a "lid" on the upper limits which can occur here, this is, in his opinion, a step in the direction of securing some control of the area - not the direction that the Planning Commission's original study went, but at least some control.

The vote was taken on the motion and it carried by the following vote:

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

The ordinance is recorded in full in Ordinance Book 24, at Page 256.

CONTRACT AGREEMENT WITH MANAGEMENT MANPOWER ASSOCIATES, INC., IN THE AMOUNT OF \$70,004, TO BE USED FOR A SMALL BUSINESS ORIENTATION AND MANAGEMENT PROGRAM FOR 120 COMMUNITY DEVELOPMENT AREA RESIDENTS.

Motion was made by Councilman Davis, seconded by Councilman Whittington, for approval of a contract agreement with Management Manpower Associates, Inc., in the amount of \$70,004, to be used for a Small Business Orientation and Management Program for 120 Community Development Area residents.

Mr. Joe Michie, Assistant Community Development Director, stated Mr. Polk, the prime contractor and the person in charge of this particular program, is present and will be happy to answer any questions about the Management Manpower Associates.

Councilman Gantt stated it is his understanding that this will link into the approved Central Piedmont Community College study that works with those people who are interested in small businesses and business opportunities.

Mr. Michie stated it is very closely tied to the Central Piedmont program. They are keeping separated the difference between the pure academics as far as developing primarily minority businessmen, which is Central Piedmont's situation, and this particular contract dealing with the practical, here-and-now kinds of things that they need to know about payroll, about bidding, about state and local law, how you go about getting the work. Their particular concern in Community Development is to develop minority contractors to bid on work that their department is causing to have done, especially in the area of rehabilitation.

Councilman Gantt asked what our performance in that area is? Are we getting many minority contractors involved in business with the City? Is this the first step we have in trying to do this kind of thing?

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Mr. Michie replied it has been going on. They have had eight loans thus far from the Economic Development Loan Fund. He has personal knowledge of four or five minority contractors, either through the loan fund or arranging financing through the private financial market, who have bid on Community Development Rehabilitation work. So, they have been very actively involved in that aspect, but this is the first time they have addressed, head-on, technical assistance to contractors to get on, not only Community Development work, but other work that is going on in Charlotte-Mecklenburg.

He stated they feel very strongly that they are going to see more of this. They have read regulations coming down from HUD where quite probably we are going to see more and more emphasis, especially in Community Development block grant funds, that they have to be used for the people directly involved in the target areas - in the private sector, where businesses are concerned and for the direct benefit of the residents of these areas. They anticipate this and are getting ready for it.

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

AMENDMENT TO THE CONTRACT AGREEMENT WITH FAMILY HOUSING SERVICES, INC.
TO EXTEND THE CONTRACT TO SEPTEMBER 30, 1977.

On motion of Councilman Gantt, seconded by Councilwoman Locke, and carried unanimously, Contract Agreement with Family Housing Services, Inc. (formerly Homeowners' Counseling Service, Inc.), in the amount of \$9,775, was amended to extend the Contract to September 30, 1977.

CONTRACT AGREEMENT WITH CHARLOTTE-MECKLENBURG YOUTH COUNCIL, INC., IN THE AMOUNT OF \$77,688, TO BE USED FOR A CAREER DEVELOPMENT PROGRAM FOR 860 COMMUNITY DEVELOPMENT AREA HIGH SCHOOL STUDENTS.

Councilman Gantt moved approval of the subject contract agreement. The motion was seconded by Councilman Davis.

Councilwoman Locke stated she would like to know how many federal grants the Youth Council receives and from whom.

Mr. Art Lynch, Director of the Youth Council, stated at the present time they receive grants from the Department of Health, Education and Welfare to work with Junior High School students who are being suspended from the school system; from the Centralina Council of Government to work with students who live in the northern end of Mecklenburg County (the County Manpower program); from the United Arts and Science Council to work in projects with students from throughout Mecklenburg County; and Community Development funds. All of their programs are grants addressing different target areas and groups of people with different problems. They do achieve a form of program integration inasmuch as they can utilize their staff to work with students in other areas. They also have CETA Manpower people working with their staff which gives them more flexibility to serve a greater number of students in the Charlotte-Mecklenburg area.

Councilwoman Locke stated it seems to her that there is a lot of overlapping in all of these areas. Mr. Lynch replied there is very little overlapping. Their HEW program for this year was an off-shoot of a program they had under CD last year in dealing with suspended students found in the Charlotte-Mecklenburg school system. That he will have to be very discreet in giving this information because most of it is not public knowledge. That 65 percent of the students who were being suspended from the school system were black; about 50 percent of those students lived in CD areas. Even though they had this included in their program they did not have enough staff to adequately deal with 1200 students, so they appealed to the HEW to give them funds, along with the school system's, to provide a program to deal with these suspended students and the problems that they have. The program before Council today is a Career Development Program primarily geared towards developing career interests and fields for target area students, at the same time providing them with academic remediation if they have academic problems. All of their programs offer a variety of different things, but they can be correlated; they do not have to overlap. None of their programs perform the same services as any other program.

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Councilwoman Locke made a substitute motion to defer action on this item until Mr. Lynch can come back to Council with more information - all the different grants they receive and a paragraph or two about who they serve and how; she would like to see this in writing. The motion was seconded by Councilman Davis.

Councilman Whittington asked how this would affect the program if this is delayed? Mr. Lynch replied it would throw their program timetable behind unless they can meet with Council today or within the next week. They have approximately 90 students who hopefully, if Council approves this today, they can assimilate and bring back into the program's services. Aside from that, it will basically put eleven staff people out of employment.

Councilman Gantt stated he would like to find out whether or not approving the program now and still having them get this report later is going to cause some problems; that Councilwoman Locke seems to be making a point about the fact that he has gotten a number of different grants from the federal government. Councilwoman Locke replied she would just like to see a breakdown; that they should all be aware of these various grants; that she has seen all of these grants come through COG and the A-95 review and she is very curious about them.

Mr. Lynch explained the purpose of the Youth Council and stated the COG program deals with County students; the CD program is designed to deal with CD target area students; etc. That the only overlapping that would occur would be in the similarity of counselling services.

Councilwoman Locke withdrew her substitute motion and Mr. Lynch agreed to send this information, at her request, to all Councilmembers - including how many students are served under each grant and who serves on the Board.

The vote was taken on the original motion and carried by the following vote:

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

RESOLUTION AMENDING CONDITIONS UNDER WHICH REHABILITATION GRANTS AND LOANS MAY BE MADE TO OWNERS, OR TENANTS, OF RESIDENTIAL PROPERTIES; AND OWNERS OR TENANTS OF NON-RESIDENTIAL, OR MIXED-USE PROPERTIES.

Mr. Joe Michie, Assistant Director of Community Development, stated his Department has been attempting to come up with a program that will take rehabilitated houses in the target areas that become available to them for various and sundry reasons, find previous renters or other owner-occupants of dwellings they have to acquire and get them into home ownership. They feel that this program does just that. What this does is allow their department, although under State law they have to sell all property by the bidding process, after a public hearing, to negotiate - with the housing non-profit - a price for any houses involved - there are three in Third Ward at this particular point. It is very important that a non-profit housing corporation be involved in the negotiated situation.

He stated they can take a house - a \$5,000 house - and as a non-profit housing corporation, using the Economic Development Funds, loan them the money to buy this particular house; then after they do that, put the work out to bid to rehabilitate the house; take a first mortgage on it through the Community Development Rehab Loan Fund which can be up to \$18,000, and refinance it. That in turn pays off the Economic Development Fund and they can turn around and sell that house with the first mortgage that CD holds on it and the rehab loan to the new owner, which then pays off the Economic Development Fund at the completion of the sale, and the new home owner has the refinanced first mortgage that gets it down to the 3 percent over 20 years.

He stated the reason Council is being asked today to change the rules and regulations is that they cannot refinance an existing mortgage on a house that is absentee-owned. They can do it with an owner-occupant, but not by an absentee-owner. That is the change they will be making; plus another

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small item. They want to amend their ability for loans and grants to qualify energy conservation terms - insulation, storm windows and those kinds of things that will make the houses efficient. This is a very small change but since they were asking that a non-profit housing corporation be allowed to participate in the absentee-owner program on a negotiated basis, they wanted to put the energy conservation changes in too.

He stated if all of the steps in the program match up closely and they find a willing buyer for the rehab house, the non-profit corporation can be out of the picture within a matter of a very few weeks. If they determine that there is someone to be relocated into one of these houses, matching it up with Section 8, they can rent that property to a tenant with the non-profit corporation being the designated owner under Section 8. They can handle both the tenant-occupant or the new owner.

Councilman Withrow asked if he is saying he will take a \$5,000 house and rehabilitate it and sell it for \$23,000? Mr. Michie replied yes; they make an assumption that they are able to pay \$3,000 down from their relocation benefits. They are going to work at having relocatees become homeowners; that depending on the situation they can get up to \$15,000 to relocate.

Councilman Withrow asked if they are not throwing good money after bad in taking a \$5,000 house, doing what they have to do to bring it up to \$23,000 or \$26,000? Would it not be better to demolish the old house and get a new house altogether? Mr. Michie replied they have figures on this and the square footage replacement costs for new construction - in this particular situation of \$23,000 he used in the example, they do not think they could cause the replacement housing to happen. They are under the general policy as they interpret it from Council, as well as the Building Code people, that they try not to demolish any house in the CD target areas that is rehabilitable; they are trying to get out of the demolition business if it can be saved.

Councilman Withrow asked why this same \$5,000 house be sold to a homeowner and financed by government? He could get for about \$10,000, in his estimation, what he is going to pay \$23,000 this other way. Why can they not, in these areas where houses can be bought for \$3,500, \$2,500 - reasonable houses in the Cherry area and he is speaking of some that he knows of - be bought for the homeowner at that price?

Mr. Michie replied if that could work, then certainly they would want it to work that way. That they fall heir to this house from an obstinate owner using CD land acquisition funds; they are talking about houses only where the present owner refuses to comply to the housing code, refuses to bring his house up to standard - it is marked as a deteriorated house that still is rehabilitable. They end up buying it; it is in the right-of-way and they have to move it to another location; it is situations they get into when the City becomes the owner that they are involved in. They are not going out on the market as the City, looking for these houses. This is something they have to do with houses they own.

Councilman Withrow asked how can the Community Development Department, when Council said if a landowner rehabilitated the house and he got the same loan from them, he cannot go up on the rent? But they, on the other hand, have gone up to \$147. How can they go up on rent when they do not allow the landlords to go up on rent when they rehabilitate? How can they do this?

Mr. Michie replied on the rental situation they work only if it is a Section 8 house. Councilman Withrow asked if the landlords can get Section 8 housing on those they rehabilitate under the loans. If a landlord borrows the money at 3 percent to rehabilitate a house, can he get Section 8?

Mr. Michie replied he can get Section 8, but the provisions about rent increase still apply. It is strictly because they are using a non-profit housing corporation to do it - there is no profit motive. Councilman Withrow stated you can do it cheaper the other way. He asked if anyone had ever tried it or looked into it?

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Mr. Michie replied on that specific point, no.

Councilman Withrow stated what they did was cut the landlord off when they said he cannot go up on rent; that is why they are not borrowing any money.

Mr. Michie stated with the example he used he is trying to show their effort of using a non-profit organization, with Economic Development Loan Fund, with their ability to take the first mortgage and refinance it under Community Development and then take a homeowner into one of these houses that has been through this particular process at a mortgage payment they can afford which in this particular situation was \$131.00 a month. Under their existing vehicle there is no way to do this. This would be only on houses that the City of Charlotte owns.

Councilman Gantt asked if Councilman Withrow is saying that the incentive for the private owner to buy the house from the City is not there because he cannot raise his rent at all? Councilman Withrow replied that what he is saying is if he is a landlord and wants to fix his property up, Council said that if you borrow money a 4 percent to rehabilitate that house you cannot raise the rent. He stated he voted against it and told them that not one landlord would borrow money. They have not and they are not going to.

Councilman Gantt stated Councilman Withrow is not being fair because he is not interpreting what they actually did. They set limitations on the raising of the rent. Councilman Withrow stated he is telling them today if they will let landlords borrow money at 3 percent and rehabilitate these houses, they will do it for half the money.

Councilman Gantt stated he made some comments two Council meetings ago from some conversations he had with some people who own this kind of property and there is an interesting piece of data provided by one of those individuals who indicated that, in fact, with the 3 percent money they would not be able to improve with no interest money the units that they own, which would have a market value of \$4,000 to \$5,000. To improve the units that they owned, borrowing the money at no interest, they would have to increase the rent substantially. So that the 3 percent loan situation had absolutely nothing to do with their not getting into the program. What they are ultimately saying is that they cannot even get into improving these things up to housing code without the whole thing being a disbenefit to the tenant. What they are saying is they cannot do private housing for poor people.

Councilman Withrow stated he thinks the whole problem is communication; of trying to get the Redevelopment people to communicate with the builders and landlords. Without spending all of the government money, if they would sit down with a group of landlords, they could prove to government that if they would lend the landlords the money on the same terms as they lend money in other ways, they could do it cheaper.

Councilman Whittington asked who is going to manage these units if this is approved? Mr. Michie replied the non-profit Housing Authority if it is a rental situation; and the manager would be Motion, Inc. in the particular item that was acted on today. This is where they come back into the picture. Hopefully, Motion would just be the vehicle used to work this particular financing plan. As soon as they can get the person to be relocated into this house as the owner, they drop out of the picture. Then it would be up to the new homeowner to take care of his own place. If he cannot buy it and it is a rented thing, the only way they can figure to make this work properly with a Section 8 kind of designation, they can take them then with no more than 25 percent of their income. They would like either the non-profit housing corporation to do this, or work an arrangement with the Housing Authority to manage it; they have had some negotiations and discussions with the Housing Authority.

Councilman Whittington asked Mr. Burkhalter if there has been any more discussion of the proposition provided by his staff of the proposal that he gave him to look into about buying all of these houses. It looks as though

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this is where we are headed every day, if the homeowner refuses to do anything about the house. That he must get five calls a week about people saying they are not going to fix up the house; they can tear it down, burn it down; they are not going to do it. Again, it comes back to the one problem that is most acute in this City and that is housing. We are only just hitting at it here; they are not even denting the surface. When are they going to have a plan, or something, that they can say they are going to do something in housing - how many units we are going to build, restore, rehabilitate or what have you?

Mr. Burkhalter replied one of those they already have plans for, but the one he is talking about, the last time he checked with them, they had not taken the count of those houses to determine which ones could be rehabilitated if the City took them over - they were in the Cherry community.

Mr. Michie stated they have had 39 letters received from absentee landlords in the Community Development Target Areas after just enforcing the minimum housing code who said "Fine. Please take them right now." This is the problem; and when they are rehabilitated, though they may be in pretty sorry condition, they can be fixed. They do not want to knock them down. That is 39 houses to be removed from the housing stock. They are searching for the mechanism when they have to purchase these houses; a mechanism to make a homeowner out of a tenant, with a program like this. He stated these houses are in Grier Heights, Third Ward, primarily; others are scattered.

Councilman Davis stated he voted against Council getting into rent controls too, even though he believes they did allow as part of the motion to provide something related to the cost of living index. It was pretty nebulous and probably not effective. That Councilman Withrow is absolutely right that what staff is suggesting that Council consider is to do something that the private landlords who have appeared before them during the last few weeks have told them cannot economically be done.

He stated he knows Mr. Michie and Mr. Sawyer are responding to what they consider to be the intent of Council, but this is just edging further into public housing and it is probably the most uneconomic way they could possibly do it. If there is any way they can get back to keeping the private industry in the housing market, they will be better off.

Councilwoman Chafin stated it is not economically feasible though - the developers are telling them this. Councilman Davis replied, then let's not attempt the restoration then; vote it down like industry would do if they were going to build a \$23,000 home. Councilwoman Chafin stated so we take housing off the market then, in a critical supply? Councilman Davis replied you could build a replacement unit first.

Councilman Gantt stated he hopes that Council will go ahead and approve this amendment to allow a non-profit housing developer such as Motion or some church or somebody who has an interest in housing in this City to have this opportunity to rehabilitate housing. That is all they are trying to do here. That Councilman Whittington has a bigger point; that is, we really need to get on with their business of developing an overall housing strategy. He is getting a little concerned that we have \$1.863 million set aside for housing and they are talking about the question of how they are going about rehabilitating them, whether we are going to be buying them, whether in fact they are becoming a Housing Authority themselves. That he does not hear anything coming out of the staff to indicate that they are looking at a comprehensive program for placing housing; housing that we are going to get under construction; whether or not they are going to rehabilitation or try to build new ones; or whether they can piggy-back with all these various programs at the federal level. He would like to see them get on with this addendum to the housing assistance plan, which starts to take a look at First Ward, Fourth Ward and the central city developments, scattered site public housing, whether or not they ought to be trying to find a development corporation vehicle for development of these units so that they can get on about the business of trying to deal with the first \$2 million they have set aside. Then tie all that into the kind of thing that we are sort of grasping at the edges in terms of community development. We do not have a comprehensive housing program and

yet they are being asked to be one of the providers of housing for the City. Whether this Council likes it or not, that is about the position they find this Council in.

Mr. Bill Allan, a builder in the audience, stated he hopes Council will not reject this program out of hand. It is exciting and has more possibilities than anything he has seen come down the pike in a long, long while. That he thinks it is going to take some refinement; perhaps they may have to include other profit-making corporations as well as non-profit-making. But private industry can provide standard existing houses at one-third the cost of public housing. Private industry can accommodate, if you want to look at it another way, three times the number of people with the same dollar as public housing.

He stated the exciting thing about this program and what really makes it look good is that it is not so much the cost of the housing, and the cost of the rehabilitation, but what Mr. Michie has proposed gets around to the real stumbling block in some existing housing. That is the cost of financing. Housing that has been built in the last eight or ten years - some of it is financed 8-1/2 and 9-1/2 percent. He stated Mr. Michie's plan proposes to replace that high priced financing with 3 percent loans to homeowners.

It is his contention that within these target areas it does not make a great deal of difference to them whether they want to hold on to it and rent it or sell it. Most landlords in these target areas would just as soon go one way as the other. It is as broad as it is long whether they want to sell or whether they want to rehabilitate and hold off. If Mr. Michie thinks he can work out a program where he can provide 3 percent money for homeowners through those loans, this is a marvelous opportunity, not only for the prospective homeowners but for the landlords to get rid of some property in these problem areas. He has an employee who owns some of this property and he has tried to work with the Housing Authority. This is the first real break that has come along; it addresses itself to the heart of the problem which is the expensive financing. He does not see why they cannot take an existing unit and let the owner of that house now do the rehabilitation which the City finds necessary or desirable, do it under the sponsorship of private enterprise where it would be done economically but yet be under City inspection where they know it will be done right. Let the City Government purchase this housing and sell it with a 3 percent loan. What they would accomplish by this is not, as important as it is, that the work is done cheaper and done better by private enterprise, but you are giving these homeowners the advantage of a 3 percent loan.

He stated the reason a landlord cannot go out and borrow money at 3 percent and rehabilitate a unit today is because he already owes too much money at too high a rate of interest. If he can go out and refinance a unit at 3 percent where it goes over to a private homeowner, everybody is going to profit. He would like to see Council give serious consideration to this program. That anyone in the industry who is interested in seeing the program work would be glad to serve on committees or as consultants.

Councilman Gantt stated that what he is actually saying is that if builders knew that there would be financing available - Mr. Allan stated they should get away from builders; they are talking about existing housing and that is the thing, not only in the City of Charlotte but all over the country, that has been neglected - our supply of existing housing. No body, public or private, can come out and put up new housing at economical prices today, but there are thousands of units in this city that are perfectly sound, solid units - some need no work, some need only very minor work to bring them up to City standards or higher, some which may need considerable work.

Councilman Gantt asked if he is saying in this existing market, if owners knew that 3 percent money was available to a perspective buyer, there would be much more activity in terms of development? Mr. Allan replied absolutely. If you only could get someone to price the property, rehabilitate it and turn it over to the City or to a non-profit corporation, then the City or the non-profit corporation would have the ability to turn around and sell that house for 3 percent loan to a perspective homeowner, then you have a program that is going to benefit everybody.

Motion was made by Councilman Whittington, and seconded by Councilman Gantt to adopt the subject resolution, which motion carried by the following vote:

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

The resolution is recorded in full in Resolutions Book 12, at Page 423.

RESOLUTION APPROVING THE SALE OF THREE SINGLE-FAMILY HOUSES AND LOTS TO MOTION, INC., IN THE THIRD WARD COMMUNITY DEVELOPMENT TARGET AREA.

A motion was made by Councilwoman Locke, and seconded by Councilwoman Chafin to adopt a resolution to approve the sale of three single-family houses and lots to Motion, Inc., in the Third Ward Community Development Target Area. The vote was taken on the motion, and carried unanimously.

The resolution is recorded in full in Resolutions Book 12, at Page 425.

Councilman Whittington requested the City Manager to come to Council within the next two weeks about some kind of funding for public housing.

CITY MANAGER AND STAFF INSTRUCTED TO PROCEED WITH THE DEVELOPMENT OF 25 UNITS OF HOUSING IN FIRST WARD IN ORDER TO FILE AN APPLICATION FOR PUBLIC WORKS FUNDS.

Councilman Gantt moved adoption of a resolution to file an application for federal funds under the Public Works Bill of 1977 for discussion. The motion was seconded by Councilwoman Chafin.

Mr. Burkhalter, City Manager, stated when this item was sent to Council they were operating under a very close schedule that said they had to have this information in by July 8. That date has been changed; they do not have to have it in by that date. They can put it on the next agenda or even later. They have been told that they will give us our allotment by July 15 and then the time starts on that date.

The reason they have brought these various projects to their attention was in trying to meet all of the time frame. He stated that Mr. Reading spent two days in Atlanta last week going over completely new and different regulations from those that they had given two weeks before. In the first place, their target areas that are selected - they accused us of a little gerrymandering in our target areas in order to get more money; they probably were right. In the census tracts that they used, they certainly tried to use those that would give us as much money as possible. He suspects that the amount of money will be reduced from the \$2.750; that Item (b) - Street Tree Planting - will probably not be eligible. He stated that Councilman Whittington has asked if housing would be eligible. That since they are not having to meet this deadline today, he will say something subsequent to what he has sent to them.

We have plans, as they know, to build 25 new houses in First Ward - Council has approved the concept. Community Development money cannot be used for building new houses. He stated if Council will permit them to get an architect, they might be able to get this done quickly enough. He asked Councilman Gantt if it is reasonable to think that they can get architectural drawings and specifications ready in 90 days for 25 houses? Councilman Gantt replied sure. Mr. Burkhalter stated what they would like to do is get Mr. Hopson to invite several architects to meet with him, sit down and offer informally some ideas and plans for doing this; and come back to Council at its next meeting with plans for doing this many houses. It would involve probably \$750,000. Several of these lots have houses on them that they had planned to demolish - the courts would have to give permission to use the land.

At the same time, they would like to not have anything to do with operating these houses; they would like to invite the Housing Authority to be a part of this so that when the houses are built and developed they could be turned over to them to rent and maintain.

Councilman Gantt stated he has a special concern; that they need a comprehensive housing strategy. That what Mr. Burkhalter has done, in essence, is tell them the programs that they are getting ready to do and it is commendable that we are going to build some houses. But the very reason that he mentioned the housing strategy and a lot of other things has much to do with one of the comments made from the people from Coventry Woods today, and it has a lot to do with his concern about how in fact the inner city of Charlotte is going to develop in terms of housing - Fourth, First Ward and others. He, personally, would not want to see, for example, all of our efforts go into producing single-family houses to be placed in First Ward for public housing recipients. That would be a mistake for the City in terms of the kind of development that we would like to see continue to go on in the center of the City. That is why he feels they should look at the overall strategy; he does not think 25 houses is going to do much. Obviously, we are going to have to put more housing for moderate income families in the First Ward area ultimately. That it should be looked at in terms of the need to attract private development and in terms of residential development in the downtown area, in addition to Fourth Ward. That he, personally, would not want to see Fourth Ward become a middle-to-upper-income area and First Ward become a dumping ground for low-income families. That would not be good for Charlotte any way you look at it.

It seems to him, you have to be careful in terms of housing strategy about how we develop the inner city itself - the CD area - and our strategy for scattered site public housing - some of the concerns that people have that they may be putting too much in one area. This is why he says that the \$1.8 million and the \$750,000 which they are talking about now using ought to be looked at in terms of an overall comprehensive strategy for where we are going to put housing in the next four or five years.

Mr. Burkhalter stated he agrees with that entirely; that the only reason they chose this 25 was because Council has already approved this and said this is what they want to do. It gets us off dead center in getting something done.

Councilman Whittington moved that Mr. Hopson be authorized to secure architects who can give us designs for these homes in the 90-day period. Councilwoman Chafin seconded the motion for the purpose of discussion.

Councilman Gantt stated he is looking for ways to stretch that \$750,000 or whatever the amount is. He is also wondering whether or not we want to retain an architect to design single-family houses, particularly in view of the fact that there may be other alternatives for new housing that we could use to do the same job.

Mr. Michie stated they could do the same kind of thing on multi-family.

Councilwoman Chafin stated that what she thinks they are all talking about is that they would like staff to utilize the expertise of an architect to look at some alternatives.

Councilman Davis stated he is not sure what Councilman Whittington's motion intends. He does not think they should retain an architect until the Council makes up its mind.

Councilman Whittington stated if the majority of the Council would like to go buy some of these shell homes, buy the land and get a builder to veneer them and put a foundation under them and close in the bottom of them and install the plumbing and the electricity, that is fine with him because that is a house. You can do that with duplexes if they want to. That he knows that the critical need in this city is getting new construction and improving old construction for houses - for those who cannot afford it because of our own code. Developers are saying they are not going to do anything else - you either take my house or I am going to board it up.

Councilman Whittington stated his motion is based on what the City Manager, Mr. Michie, Mr. Hopson and Mr. Readling, who has been in Atlanta for two days, have said - it is to get an architect, or architects, to give us some plans (tri-plex, duplex, singles) that they could perhaps put 25 units in the First Ward. They also have some 14 units or more in the First Ward that are boarded up that they want to do something with.

Councilman Davis stated he agrees with most everything Councilman Whittington has said and he shares the same concerns, but perhaps they need the advice of one of the housing experts to tell them how to best utilize this money. After they make a decision as to whether they want single family, duplexes, quadraplexes or a hi-rise, then at that point do you call for an architect and tell him to design exactly what they want. That the motion to call in an architect right now may be premature.

The vote was taken on the motion by Councilman Whittington, and carried as follows:

YEAS: Councilmembers Whittington, Gantt, Locke and Withrow.

NAYS: Councilmembers Chafin, Davis and Williams.

Mr. Burkhalter stated he is not anxious to hire an architect, but if they are going to have plans and specifications ready for bids in 90 days they will have to get an architect to do them. It is that simple; otherwise they cannot use this money for that purpose. They cannot use CD money for building new houses; they have some money, under General Revenue Sharing, they must use for housing. They can decide, in their own good time, how they want to do it. But, they can get this money to build some new houses now, and they have already said they want to build 25 single-family houses over there.

Councilman Gantt asked where this money is coming from? Mr. Burkhalter replied it is coming out of Public Works money. If they do not want to do that, all right, but if they are going to use it they have to get an architect and get something started.

A motion was made by Councilman Withrow to reconsider the action Council has just taken to secure the services of an architect. The motion was seconded by Councilman Williams and carried unanimously.

Councilman Williams asked when Council took action authorizing the building of the 25 houses? Mr. Underhill stated he does not recall that they were designated as single-family, and Mr. Burkhalter stated he might be wrong on that point. Councilman Williams asked if others would not agree that it is more economical to build multi-family housing than single-family; that you would get more for your money if you are going to build 25 units? If so, then why are they restricting themselves to single or double family units? Mr. Burkhalter replied he thinks they want some single family in that area, that it should not all be duplex or all anything else.

Councilman Williams stated he thinks there is a more efficient way of doing it than duplexes.

Councilman Whittington stated that in the First Ward already they have "X" number of houses that they told Community Development to board up and hold which will be refurbished at the time the judge turns them loose. Some of those houses are duplexes and they will be in addition to these 25 units which can be anything from single-family to a four-family duplex. There is a combination of what is already there and will be restored later and new construction which can be single-family to hi-rise, for that matter.

Councilman Williams stated he is interested in making the money go as far as it will go and get as many units as they can for the money. It seems to him if you build a 12 or 15-unit apartment complex you would get more for your money than you would with 12 single-family or duplexes.

Mr. Burkhalter stated they have some court problems over there and some policy problems in that the Housing Authority may not want to run a 12-unit apartment that they had nothing to do with in building it in the vicinity of First Ward. Councilman Williams asked why this would be objectionable?

Mr. Burkhalter replied that the Housing Authority has said that they will not operate any more housing in the First Ward. Mr. Wylie Williams, Assistant City Manager, confirmed this, stating it is because of the proximity of an already existing public housing unit.

Mr. Burkhalter then stated that they might get them to operate some single-family units or some duplexes. He stated if Council will wait, they can come back to them with some more definite information. He will come back and bring some ideas about how to build approximately 25 living units in this area.

Councilman Whittington moved that Council instruct the Department of Public Works to get architects to give them these plans which the City Manager is talking about for housing. The motion was seconded by Councilwoman Locke.

Councilman Gantt made a substitute motion that Council instruct the City Manager's staff to proceed with development of 25 units of housing in the First Ward in order to be in a position to file an application for Public Works funds. That this would allow him the right to hire an architect or whatever he needs to do to get ready. This motion was seconded by Councilman Whittington and carried unanimously.

Later in the meeting Councilman Davis stated he has some questions about the water and sewer line extensions included in the proposal for the use of these funds. That it says the \$800,000 would provide for replacement of the Herron Avenue, Poplar Street and South College Street trunks, all of which are overloaded and have high operating costs.

He stated his first thought was this would be good. It would get some of the capital improvements out of the way and this would benefit almost everyone because just about everyone in the City is a water and sewer customer. But, he looked in the capital improvements program and this is not in there. Mr. Dukes, Director of Utility, replied it is in the five year capital improvement program; this was started back in 1973; they are listed under the unfunded projects.

Councilman Davis asked how many unfunded projects like this we have? How many trunks do we have in the City of Charlotte that are overloaded and have high operating costs? Mr. Dukes replied we have 1400 miles of them, and we have 25,000 manholes. There is a good stretch of sewers in there subject to overflow during flood conditions. Sewers are inundated by flood waters in streets; this is water that runs off the streets into the creeks that flood the sewers. In the 201 Facilities this is one of the big items where about \$3.0 million is set aside to rehabilitate and to study our sewers to stop some of this.

Councilman Davis stated when this comes to Council it would be helpful to him if Mr. Dukes will give Council some idea of the extent and conditions of our sewer system. If this is as wide spread as Mr. Dukes says, then we are in bad shape, and he does not think the public is aware of this.

Mr. Dukes stated he will give him the sheets out of the CIP program that shows every one of those.

RESOLUTION ACCEPTING A GRANT FROM THE NATIONAL ENDOWMENT FOR THE ARTS TO SUPPORT A STUDY OF ALTERNATE USES FOR OLDER STRUCTURES WITHIN CHARLOTTE'S UPTOWN AREA.

Motion was made by Councilwoman Locke, seconded by Councilwoman Chafin and unanimously carried, adopting a resolution to accept a Grant from the National Endowment for the Arts, in the amount of \$9,600, to support a study of alternate uses for older structures within Charlotte's uptown area, including a summary inventory as well as conceptual plans and structural feasibility of ten selected projects.

The resolution is recorded in full in Resolutions Book 12, at Page 426.

ORDINANCE NO. 594-X AMENDING REVENUES AND EXPENDITURES TO PROVIDE AN APPROPRIATION FOR FUNDS FOR THREE LEAA PROJECTS FOR REGIONAL TRAINING GRANTS AND POLICE PLANNING GRANT.

Councilman Gantt moved adoption of the subject ordinance to provide an appropriation in the amount of \$12,589.50 for funds returned to the City of Charlotte from the N.C. Department of Crime Control and Public Safety for regional training grants and a police planning grant. The motion was seconded by Councilwoman Locke, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 24, at Page 258.

ORDINANCE NO. 595, AMENDING CHAPTER 11 OF THE CITY CODE TO INCREASE THE ANNUAL LICENSE TAX ON MOTOR VEHICLES FROM \$1.00 TO \$3.00.

Councilman Williams stated he is for this increase, but he has heard more reaction about the enforceability of this ordinance than he has about the increase. That people seem to be willing to pay it if they thought everybody was paying it. He does not know what they can do about it at this stage of the game except ask the Legislature for some help on that too.

Mr. Burkhalter stated he agrees with Councilman Williams and they should go back to them at a later time and try to make this a part of their regular licensing procedure.

Mr. Underhill, City Attorney, stated at the present time a person cannot be required to buy a City tag at the time they buy a State license tag - there is lack of enabling authority. This was proposed two years ago, and it never got anywhere in the General Assembly, but the idea has been recently resurrected, not so much on this item but on those who neglect ad valorem taxes.

Motion was made by Councilwoman Locke and seconded by Councilman Gantt to adopt the ordinance increasing the annual license tax on motor vehicles from \$1.00 to \$3.00

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

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

The ordinance is recorded in full in Ordinance Book 24, at Page 259.

RESOLUTION AMENDING THE PAY PLAN AND PERSONNEL RULES AND REGULATIONS TO IMPLEMENT THE CLASSIFICATION AND PAY PLAN RECOMMENDATIONS OF THE PUBLIC ADMINISTRATION SERVICE, AND INCREASING THE SALARIES OF THE CITY MANAGER AND CITY COUNCIL.

Councilman Gantt stated he thinks the PAS people did a good job in cleaning up the classifications for the city; and at the same time bringing about an average increase in pay of 6.75 percent for the majority of the city employees. The excellence of that plan is probably measured by the fact that Council only had about three departments that made complaints about the classification - the accounting clerks, the police department with regard to some lack of clarity with regard to the Master Police Officer classification, and educational incentive pay, and the third being the fire department, mainly the firefighters.

At a budget session he suggested that he would make this motion that is upcoming. He moved that Council amend the pay plan additionally from the amendments already made in the resolution to provide that the firefighter classifications pay range be upgraded from Pay Range 12 to Pay Range 13, providing then that the first step be \$10,265 up to a maximum of \$13,101, which would leave a differential between the firefighter engineers and firefighters at the present five percent, and would provide the same percentage raise as the other members of the department will receive, and that the funds be taken from the contingency fund of approximately \$400,000. The motion was seconded by Councilwoman Chafin.

Councilman Gantt stated he would not recommend anything in between that because one of the things PAS has done is to fix the classifications in such a way that we have some clean arrangements; by going somewhere in between that we are back with the same situation we had before which was the firefighters were on one schedule of pay, and the rest of the city on another. It does seem a reasonable arrangement would be going from Pay Range 12 as proposed by the PAS study to Pay Range 13, which would make a differential in pay between the three and five percent.

Councilman Whittington asked how much this will cost? Mr. Stuart, Assistant City Manager, replied \$166,000; the effect would be to reduce the contingency to \$230,500.

Councilman Whittington stated he made the motion last year to hire a consultant to do a study of the pay plan for the City of Charlotte. He did it because the fire and police departments every budget year came here and said that they were not being treated like Greensboro, Winston Salem and Raleigh were being treated. Mr. Brawley told him and members of this Council that if we would hire a consultant that he had no worries about what the consultant would recommend because a consultant would recommend parity between firemen and policemen. That is one part of what he wants to say.

Another thing he wants to say is that obviously they could not ask for a study without it including all of the city personnel. The City Manager recommended this, the Personnel Director recommended it and Council thought it was doing exactly what the Fire Department and the Police Department wanted done. Therefore, the study came. He stated he feels this plan is a good plan; the only thing he differs with is in some of the points they have in the individual parts - perhaps he does not understand them, and therefore he cannot disagree with them. He will have to say that he feels the plan in general is a good one.

Having said that, based on his discussion with Mr. Earle and the City Manager, they think it is dangerous and not good fiscal judgment to take that much out of a contingency; that they know how much the contingency is dipped into each year. He has asked them the question "Which is better, the one step or trying to arrive at some compromise for the firefighters?" That he asked the question at the very beginning if Mr. Earle could justify what he recommended about the man who goes into the fire with the firehose.

Councilman Whittington stated he cannot support the motion but he will vote for this plan in its entirety and put an addendum to it to give the firefighters, instead of the 4.6 percent as recommended, two percentage points in addition to that and leave them at the same step. This he made as a substitute motion, seconded by Councilwoman Locke.

Councilman Davis stated that having been unsuccessful in getting Council to consider the entire pay plan and the amount of money they are talking about, he is opposed to the entire pay plan. Now, on this motion and the substitute motion he finds himself in a position of having to vote for or against an additional amount of money for firefighters and perhaps others that may be considered in this manner. He dislikes doing that; he would much prefer to see Council vote on the total amount of this pay increase; and whatever Council allows, have the City Manager and the department heads handle this within the individual departments, because they are far more knowledgeable about the duties of the firefighter, the engineer and the captain than the Councilmembers are.

Councilman Williams stated that to some extent he shares Councilman Davis' feelings about this pay plan. That he stated sometime ago when they were having a budget workshop that he thought the overall impression of the plan is that it rewarded the chiefs more than it did the indians. He is still inclined to feel that way to some extent and the Fire Department is a good illustration of that - the officers who are slightly above firefighters are getting, in some cases, an 8 to 10 percent increase whereas the firefighters are getting a 4.6 increase. Sometimes, he stated, you find yourself having to choose between alternatives, neither of which are preferable to you, and that is the way he is in this case. He wants to reward the

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indians a little more although he would rather not be rewarding the chiefs quite as much as they are in some cases. If it comes to a decision of whether or not to do a little more for the firefighters as the people on the lower end of the totem pole, or vote against the entire plan, then he would vote in the positive wherever he could.

Councilman Williams stated when he was campaigning he said, and will say it again now, that what you are doing with municipal employees nowadays in the matter of unionism is sensitive; that most members of this Council, he believes, realize that unionization of municipal employees is not a healthy thing for the City. He feels this way, even more so than he used to. That the best way to combat that situation is to treat the employees so well that they have no desire to join a union.

He stated some private employers have been very successful in that way, notably what used to be known as Reynolds Tobacco Company in Winston-Salem. He thinks that municipalities are no different. The people who are tempted to join unions are the indians and not the chiefs; that it is the indians that Council should be looking out for as much as possible.

If it comes down to a choice of rejecting the entire pay plan or voting to upgrade the firefighters one classification, he would vote to upgrade them. That still leaves them one step behind the police officer, as he thinks it should be. That he probably is not making any friends by saying this, but he does not think the firefighter and the police officer ought to be on exact parity, but in this case they ought to be elevated to where they would still be just one step behind. He stated he will support Councilman Gantt's motion.

Councilman Withrow stated from what he understands there are 400 indians who did not get a raise, the same as firefighters, and the firefighters number about 200. What are we going to do about the other 200 indians in the finance department, and all the other departments who did not get any raise. If we are going to be fair, we need to be fair with everyone.

Councilwoman Chafin stated she thinks Mr. Withrow makes a good point, and it is something she has given some thought to, but concluded the firefighter situation is somewhat unique in that she thinks their duties and responsibilities are unusually hazardous. She stated she is supporting Mr. Gantt's motion (1) because she thinks it is difficult to distinguish that much difference in the duties and responsibilities between the firefighters and the firefighter engineers; and she thinks Mr. Gantt's motion does preserve the integrity of the pay plan, which she supports.

Councilwoman Chafin stated she does have a concern for the other employees, but she is not prepared and does not have the expertise to classify our personnel positions. Even though she, unlike some members of Council, has had some educational training in this area, she does not feel prepared to take that on.

Councilman Gantt stated he would like to respond to Mr. Whittington and part of his motion. He agrees that last year, and he supported the motion to have this study done, the controversy at that time was one that related between parity between the police and fire. It is interesting that we have had no substantial arguments made by the firemen or the police in that direction this year. He does think the study is probably for the time being put that issue to rest.

Councilman Gantt stated what bothers him in the very lengthy questioning of Mr. Randlett of PAS is that his justification for the change in the ratio of fire fighter to fire fighter engineer had absolutely nothing to do with the change in the job description of what these people would do. It had more to do with a statement to bring them in line with the rest of the State of North Carolina, not even in line with the national averages which was a fact thrown in with other classifications of the city. He thinks the study served the purposes; it did clear one kind of thing; but he has some difficulty in devaluing the work of the firefighter, while we raise the value of the work of the other persons in there without a change in the job description.

Councilman Whittington stated the term indians has been used here by some members of Council, and Mr. Gantt brushed around that a little bit by saying devaluing. That he does not want anyone to get the impression that he is leaving out the indians, or devaluing the value of the firefighter. If anyone on this Council knows the fire service - he does not mean he is an expert in that field at all - but having been a member of the Civil Service Board for three years a long time ago, and being involved with the fire department for many, many years, he thinks he knows a little bit more about it than perhaps some of the others. He is saying that based on the questions Mr. Gantt was asking when Mr. Randlett was here.

Councilman Whittington stated he has talked to several members of the fire department who are engineers, and they think this plan is justified, and they have been fighting for this separation for a long time. He has talked to many of the engineers who have come down to these hearings who think the firefighter should be recognized by being paid more than the plan recommends. He stated he has talked to Mr. Earle, Mr. Randlett and Mr. Burkhalter, and they are not telling this Council what to do; but they are saying in their best judgment that we should (1) adopt the plan and make no changes. In trying to recognize the firefighter his motion was to do two things - to adopt the plan and give them more than the plan recommended they receive. That is the basis for his motion, and he thinks makes good sense. He is convinced in his own mind this is the proper thing for this Body to do.

The vote was taken on the substitute motion by Councilman Whittington, and lost as follows:

YEAS: Councilmembers Whittington, Locke and Withrow.

NAYS: Councilmembers Chafin, Davis, Gantt and Williams

Councilman Davis stated if the Council is so inclined, and if there is additional support, and if there is really a concern about doing more for the workers in Charlotte - the firefighters, police officers, accounting clerks and sanitation workers and people like that - Council could consider some action to defer this pay plan, leave the money in the budget, and decide on it at a later date, and consider a new plan and pay it retroactive, or spread it throughout the year.

The vote was taken on the amendment to the pay plan by Councilman Gantt, and carried as follows:

YEAS: Councilmembers Gantt, Chafin, Davis and Williams.

NAYS: Councilmembers Locke, Whittington and Withrow.

Councilman Williams stated he would like to offer a second amendment to the Plan that within the police department we continue the educational incentive as we have it from the top to the bottom. The motion was seconded by Councilman Davis.

Mr. Burkhalter, City Manager, stated this can be accomplished by leaving out one paragraph; but this does not involve any change in the budgetary process, and it only involves about 40 people in the Police Department. He suggested that Council wait on this and let him give them information about each of the 40 before taking this action before them. Councilman Williams stated his understanding was it was already went through sergeants. Mr. Burkhalter replied that is right; what they had to do was to amend the old plan, and that is what the resolution today does - it takes out the language that it is permitted all the way through, and limits it to sergeants. What he is suggesting since it is not a major budget item that Council give him until the next meeting to bring this information back to Council, and they look at each case.

Councilman Williams then withdrew his motion with the permission of Councilman Davis.

Councilwoman Locke moved that the City Manager's salary be set at \$45,000 per year. The motion was seconded by Councilman Withrow, and carried as follows:

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

NAYS: Councilman Davis.

Councilman Withrow stated he is still concerned about the other 200 people that have been left out, and he moved that they be given a two percent increase. The motion did not receive a second.

Councilman Withrow stated he does not know who each of them are; but he knows there are two hundred left out. That he has been told this. Mr. Burkhalter, City Manager, stated it is not quite like that. The cases involved are re-classifications; there are people in certain jobs that are not performing that job, and are reclassified to the job they are performing. That is what most of those are. To do what Mr. Withrow says to do, we would have to set up a pay plan for about 15 different classifications.

Councilman Withrow stated the County Commissioners make a salary each year of \$575 a month and the City Council makes a salary of \$475 - this includes the expenses. He moved that the City Council salary be raised \$100 to be in balance with the County Commissioners which would be effective with the new Council. The motion was seconded by Councilwoman Locke.

At the request of the City Manager, Councilman Withrow amended his motion that the funds for this in the amount of \$77,000 be transferred from the contingency to the City Council budget, which amendment was accepted by Councilwoman Locke.

Councilman Withrow stated Council would be paid a salary of \$475 a month, plus \$100 expenses for a total of \$575 per month, and the money is to be taken from the contingency fund, and this would be effective with the Council elected to take office in December

Councilman Gantt stated he thinks that is a very reasonable suggestion as long as this present Council is not voting itself a raise. Mayor Belk replied the Council cannot vote itself a raise; it has to be for the future Council.

Councilman Williams stated he does not see any reason why the Council should not get an increase the same as other city employees if you have an across the board raise. Therefore, he is curious how long it has been since the Council has had a raise, and what percent of increase the city employees have received since that time? Mr. Stuart, Assistant City Manager, replied the last fiscal year Council increased its expense allowance from \$75 to \$100 per month; that the last salary increase was in 1973. Councilman Williams asked what percentage increase city employees have received since 1973? Mr. Earle, Personnel Director, replied 15 percent, or a little less. Councilman Williams stated if you add the present 6.5 percent, that will be about 21 percent.

Councilman Davis stated most of the council members are working people and could probably use the extra money; however, the Mayor sent each one a reprint from the Charlotte Observer, dated January 21, 1929 all about the city government and the selection of the city manager, and selection of council members. The article quotes in part "that selecting the right kind of councilman to run your city manager form of government would be effective because your part time citizen government would not have to devote a great deal of time to this, because they would function much like the Board of Directors of a bank or other corporation." He stated any similarity between this and a Corporate Board Room is pretty remote, at least most Corporate Board Rooms. If we increase the pay, and we can all use it, he thinks in a sense we might be encouraging, and possibly even deterioration of quality of local government officials. The last thing we want to do is to get the pay level to the point we attract people because of the money, and attract people that would remain longer in office than they would if the pay were not so generous. He thinks what would be better for many of them if they looked at the way they do their job and see if they cannot cut out some of the time involved and function more as a Board of Directors, and try to reduce the time commitment. There are a number of ways Council could do this by its own action. For those reasons he will oppose any increase in compensation.

Councilman Whittington stated he appreciates Mr. Withrow making this motion in support of the pay raise for the next council. That he is going to vote against it.

Councilman Withrow stated he would withdraw his motion. Councilmember Locke who seconded the motion stated she does not want to withdraw the motion, and she moved that the Council salary be increased as moved previously. The motion was seconded by Councilwoman Chafin.

Councilman Whittington stated he is not going to vote for someone who is running, or himself, a raise when he voted and carried the banner to deny 218 firefighters an increase. For that reason he is going to vote against the motion.

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

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

NAYS: Councilmembers Whittington and Davis.

Councilwoman Chafin moved adoption of the Pay Plan and the Personnel Rules and Regulations as amended. The motion was seconded by Councilwoman Locke.

Councilman Williams stated he is still concerned about the overall effect in the Police Department; that he thinks it does more good than harm by far in the Department because it gives more money to more people if you consider the master patrolman. It does play a little havoc with the ranks of lieutenants and captains because it consolidates those, and he does not particularly like that, and it will elevate some lieutenants all the way to captains, plus giving the pay raise, and that will be a great increase for them in one year. He stated he has already expressed himself about the educational incentives in that department. Third is the investigator who may or may not become a master patrolman. If he does he will still get his increase; if he does not then he will not get his increase. That he has mixed feelings about the investigators' relationship to the master patrolman; if anyone else should feel strongly about it, he has feeling enough about it to - he does not know what they would do.

Mr. Burkhalter, City Manager, stated if they will note the resolution which deals with this, it is for the idea of being able to gradually work it into the procedure so that as of July 1, we do not cut off 66 investigators. That about nine investigators are changed each month now.

He stated the resolution says we will continue to give the five percent to the detective, investigative, crime lab officers, planning and research officer until the master police officer plan is implemented. There is no way to do this until September, October and December.

Councilman Davis stated he is going to vote against this because during the last two years our source of income has gone up last year one and half percent, and it is estimated this current year to increase about one point nine percent. Our expenditures went up last year in the general fund nine and half percent, and it is estimated go increase this year by five point three percent.

Councilman Whittington stated Mr. Davis voted for the increases which took \$166,000 out of the budget. He asked if he is now going to vote against the whole thing? Councilman Davis replied he is going to vote to throw the whole thing out and start over from scratch. He voted under protest that he objects to having to vote on a nit-picking detail of the budget when in his mind we have not decided how much money we should - that he would prefer to see the entire pay plan dumped and go back to where we were in the beginning and decide what amount of money the Council wants to devote to pay raises, and let the personnel department and city manager proportion it. Another reason he votes against this is because our expenditures that Council controls are increasing at the rate of three to four times that our revenue is. That today we do not have to deal with this, but two to three years hence, this will create a financial crisis that someone will have to deal with, and they will be left with a lot of problems; and they will have very few options to contend with.

The vote was taken on the motion of Councilwoman Chafin to adopt the pay plan and personnel rules and regulations as amended, and carried as follows:

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

The resolution with the amendments is recorded in full in Resolutions Book 12, beginning at Page 427.

ORDINANCE NO. 576-X SETTING FORTH APPROPRIATIONS FOR THE OPERATION OF CITY GOVERNMENT AND ITS ACTIVITIES FOR THE FISCAL YEAR BEGINNING JULY 1, 1977, AND ENDING JUNE 30, 1978, AND SETTING THE 1977-78 PROPERTY TAX RATE AT \$0.88.

Motion was made by Councilman Gantt, and seconded by Councilwoman Locke to adopt the 1977-78 Budget Ordinance setting the property tax rate at \$0.88.

Mr. Burkhalter, City Manager, stated at the last meeting, Council indicated it would like to do something more for Summer Pops - \$1500; this ordinance does that; it also adds \$2,000 to the Historic Properties Commission.

Mr. Burkhalter stated as of this morning we were informed the County has put \$9,000 in their budget for the Historic Properties Commission. He understands they did not adopt their budget today, so the \$9,000 is not a fixed figure. If Council wishes to match the county's money, then we will have to reduce this budget to \$9,000 which would give them a budget of \$18,000. If Council does not wish to do that, and leave the money in there, which is a little over \$13,000, that will give them a budget of \$22,000, which he has indicated to him they can operate on.

Councilman Whittington made a substitute motion that the Summer Pops and Historic Properties Commission increases not be included in the amount of money being adopted in this budget. The motion did not receive a second.

Councilman Williams stated if he will introduce the motion separately he may get a second.

Councilman Whittington made a substitute motion that the Summer Pops increase not be included in this budget. The motion did not receive a second.

Councilman Whittington moved that the increase for the Historic Properties Commission be taken out of the budget. The motion was seconded by Councilman Williams, and carried as follows:

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

Councilman Locke moved that beginning with the 78-79 fiscal year budget the Arts and Science Council be requested by this Council to make recommendations to the City Council regarding requests of its affiliates for city funds. The motion was seconded by Councilman Whittington.

Councilman Gantt stated this does not say whether or not these organizations can still lobby to Council. Councilwoman Locke stated they will go through the Arts and Science Council. Councilman Gantt asked if she is saying that recommendation would be binding, and that Council will entertain no more proposals from individual affiliates? Councilwoman Locke replied hopefully that is what this resolution will do.

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

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

Councilman Davis made a substitute motion that the property tax rate be set at 86 cents and the City Manager instructed to bring the budget into line with this without cutting the quantity or quality of services. The motion did not receive a second.

The City Manager stated if any councilmember wants to vote against an item or for an item, he suggests they propose this recommended budget ordinance be amended by \$7700 for Council salaries.

Councilman Whittington stated he would like to vote three times against this budget; he has to vote against the increase proposed by Mr. Gantt for the firefighters; against the increase for the Historic Properties, and then he wants to vote against the pay increase for the next Council. Mayor Belk stated Council has already voted on the pay plan, and on the other two.

Mayor Belk stated in the Pay Plan which has already been adopted there were three things included - Council salary increase; firefighters increase, and City Manager salary increase.

During the discussion, Mr. Stuart, Assistant City Manager, requested that the motion include the transfer of funds for the changes in the pay plan from the contingency fund.

The vote was taken on the motion to adopt the budget ordinance as amended and setting the tax rate at \$0.88, and carried as follows:

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

The ordinance is recorded in full in Ordinance Book 24, beginning at Page 260 and ending at Page 268.

Mr. Burkhalter stated he would like to say one word about the budget. He stated the income of this City has only gone up 1.9 percent; the real estate property tax has only gone up 1.9 percent. That is not true for the income of this city.

Councilman Whittington stated he thinks it is a good budget and he appreciates it.

REQUEST FROM FRATERNAL ORDER OF POLICE FOR LEGAL ASSISTANCE AND PROTECTION FROM CIVIL LIABILITY,

Councilman Whittington moved that the City Attorney's recommendation be accepted on the request from the Fraternal Order of Police for legal assistance and protection from civil liability - that is, it would be inappropriate at this time to take any action on the request. The motion was seconded by Councilwoman Locke.

Councilman Davis stated he thinks it would be appropriate to be a 'whereas' in front of this resolution and say something to the effect that when sufficient information is available that we ask the City Attorney to again advise Council as to the propriety of any assistance on participation in the legal defense of employees of the City of Charlotte who have met these two criterias set forth in this letter. That is they testified truthfully before a grand jury; secondly, they have not violated any law.

Councilman Davis stated he thinks the employees of the City of Charlotte are entitled to know what our policy is on this, and we have no policy. That this is a statement of one council person position that we do not have sufficient information on hand to make a direct answer. But when this information is available, he would like to say to the employees if they have testified truthfully before a grand jury and if they have violated no law then he personally thinks Council should consider legal assistance for them.

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

RESOLUTIONS PROVIDING FOR PUBLIC HEARINGS.

Motion was made by Councilwoman Locke, seconded by Councilman Whittington, and unanimously carried, adopting the following resolutions calling public hearings:

- (a) Resolution providing for public hearing on Monday, July 25, on Petitions No. 77-24 and 77-25 and 77-27 through 77-30 for zoning changes.
- (b) Resolution providing for public hearing on Monday, July 25 to consider naming city-owned land, formerly known as Thompson Orphanage.
- (c) Resolution declaring an intent to close a portion of North Pine Street, and a portion of a fifteen-foot alley adjoining same, and calling a public hearing on Monday, August 8, 1977, on the question, on petition of the Trustees of First Presbyterian Church.

The resolutions are recorded in full in Resolutions Book 12, beginning at Page 429 and ending at Page 432.

ORDINANCE NO. 596-X EXTENDING THE CATV FRANCHISE CURRENTLY HELD BY CABLEVISION OF CHARLOTTE UNTIL OCTOBER 1, 1977.

Motion was made by Councilwoman Locke, seconded by Councilman Whittington, and unanimously carried, adopting the subject ordinance extending the CATV Franchise currently held by Cablevision of Charlotte until October 1, 1977.

The ordinance is recorded in full in Ordinance Book 24, at Page 269.

AWARD OF CONTRACT TO CHARLOTTE FORD TRACTOR SALES, INC. FOR ONE TRACTOR.

Motion was made by Councilwoman Locke, , seconded by Councilman Withrow, and unanimously carried, awarding a contract to the low bidder, Charlotte Ford Tractor Sales, Inc., in the amount of \$8,248.69, on a unit price basis, for one tractor.

The following bids were received:

Charlotte Ford Tractor Sales, Inc.	\$ 8,248.69
Case Power & Equipment	8,445.30
McClure Tractor Company	9,856.52
N. C. Equipment Company	9,925.00

AWARD OF CONTRACT TO BURGESS FIRE EQUIPMENT, INC. FOR EQUIPMENT FOR FIRE ENGINE PUMPERS.

Councilman Whittington moved award of contract to the low bidder, Burgess Fire Equipment, Inc., in the amount of \$6,959.02, on a unit price basis, for equipment for fire engine pumpers. The motion was seconded by Councilman Gantt, and carried unanimously.

The following bids were received:

Burgess Fire Equipment, Inc.	\$ 6,959.02
Triad Fire & Safety Equipment Co., Inc.	7,553.06
The Leslie Company	7,749.34
Action Fire Safety, Inc.	7,798.74
Zimmerman-Evans, Inc.	7,810.30

AWARD OF CONTRACT TO CAROLINA CONCRETE PIPE COMPANY FOR REINFORCED CONCRETE PIPE.

On motion by Councilman Whittington, seconded by Councilman Williams, and unanimously carried, contract was awarded to Carolina Concrete Pipe Company, the only bidder meeting specifications, in the amount of \$30,227.62, on a unit price basis, for reinforced concrete pipe.

The following bids were received not meeting specifications:

S.C.S. Products, Div. of Heritage Corp.	\$28,806.50
Gray Concrete Pipe Company	30,282.91
Foltz Concrete Pipe Company	33,631.00

AWARD OF CONTRACT TO SANDERS BROTHERS, INC. FOR GENERAL CONSTRUCTION WORK FOR LONG CREEK WASTEWATER PUMPING STATION AND FORCE MAIN.

Councilman Whittington moved award of contract to the low bidder, Sanders Brothers, Inc., in the amount of \$501,996, on a unit price/lump sum basis, for general construction work for Long Creek Wastewater Pumping Station and Force Main. The motion was seconded by Councilman Williams, and carried unanimously.

The following bids were received:

Sanders Brothers, Inc.	\$501,996.00
Rand Construction	527,807.90
Hickory Sand Company	548,352.00
Dickerson, Inc.	563,863.00
Blythe Industries	567,895.00
Brown Construction	576,460.00
Gilbert Engineering	578,749.50

AWARD OF CONTRACT TO AUSTIN ELECTRIC COMPANY FOR ELECTRICAL WORK FOR THE LONG CREEK WASTEWATER PUMPING STATION AND FORCE MAIN.

Councilman Whittington moved award of contract to the low bidder, Austin Electric Company, in the amount of \$84,744, on a lump sum basis, for electrical work for the Long Creek Wastewater Pumping Station and Force Main. The motion was seconded by Councilman Williams, and carried unanimously.

The following bids were received:

Austin Electric Company, Inc.	\$84,744.00
Driggers Electric & Control Co.	84,754.00
Watson Electric Company, Inc.	87,535.00
Watson Electrical Construction	93,825.00
Ind-Com Electric	99,513.00

AWARD OF CONTRACT TO BURNS INTERNATIONAL SECURITY SERVICES FOR SECURITY GUARD SERVICE FOR NEIGHBORHOOD CENTERS.

On motion by Councilman Gantt, seconded by Councilwoman Locke, and unanimously carried, contract was awarded to Burns International Security Services, in the amount of \$23,816.16, for a period of 90 days, for security guard service for Neighborhood Centers.

PRESENT CONTRACTS EXTENDED THROUGH JUNE 30, 1978.

Motion was made by Councilman Whittington, seconded by Councilwoman Locke, and unanimously carried, extending through June 30, 1978, present contracts with:

1. Firestone Truck Tire Center for tires and tubes for passenger cars.
2. L & N Royal Tire Service for tires and tubes for trucks and graders.
3. L & N Royal Tire Service for tire recapping and repairs.
4. Hub Uniform Company for police and fire uniforms.
5. Oshkosh B'Gosh, Inc. for work clothing.
6. Rollins Services for janitorial service for Law Enforcement Center.
7. G & L Janitorial Supply and Service for janitorial services at Airport.
8. Columbus Services International for janitorial services for Belmont Center.
9. Columbus Services International for janitorial services for Alexander Center.

Councilman Gantt asked the reason for extending these contracts rather than having them rebid? Mr. Brown, Purchasing Agent, replied they were originally bid with the stipulation, depending upon the cost of living, or additional cost of insurance; otherwise the prices remain the same. They were bid with the option to renew from two to three years. This is the third year for some; the second for others.

RESOLUTIONS OF CONDEMNATION.

- 1.) On motion by Councilwoman Locke, seconded by Councilman Whittington, and unanimously carried, a resolution was adopted authorizing condemnation proceedings for the acquisition of property belonging to John E. Benz and wife, Barbara Benz; Irwin Kahn; Ruth Johnholtz; and General Motors Corporation, Lessee, located at 3880 North I-85, in the City of Charlotte, for the Sanitary Sewer to serve Hartley Street and Joe Street Area Project.
- 2.) Councilwoman Locke moved adoption of a resolution authorizing condemnation proceedings for the acquisition of property belonging to Gilbert M. Turner located at 3740 I-85 North, in the City of Charlotte, for the Sanitary Sewer to serve Hartley Street and Joe Street Area Project. The motion was seconded by Councilman Withrow, and carried unanimously.

The resolutions are recorded in full in Resolutions Book 12, at Pages 433 and 434.

MAYOR EXCUSED FROM PARTICIPATING IN NEXT ITEM.

Councilman Whittington moved that Mayor Belk be excused from the Chair during the next item due to personal conflict. The motion was seconded by Councilman Withrow, and carried unanimously; Mayor pro tem Whittington presided for the remainder of the session.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO MARY I. BELK HEIRS, WEST OF CHICKASAW STREET AND SOUTH OF BELOIT AVENUE, IN THE CITY OF CHARLOTTE, FOR THE SANITARY SEWER TO SERVE HARTLEY STREET AND JOE STREET AREA PROJECT.

Motion was made by Councilman Withrow, seconded by Councilwoman Locke, and un-animously carried, adopting a resolution to authorize condemnation proceedings for the acquisition of property belonging to Mary I. Belk Heirs, 21.4 acres located west of Chickasaw Street and south of Beloit Avenue, in the City of Charlotte, for the sanitary sewer to serve Hartley Street and Joe Street Area Project.

The resolution is recorded in full in Resolutions Book 12, at Page 435.

CONSENT AGENDA APPROVED.

Motion was made by Councilwoman Locke, seconded by Councilwoman Chafin, and unanimously carried, approving Agenda Items No. 23 through No. 26 - Consent Agenda, as follows:

- (1) Municipal Agreement with the North Carolina Board of Transportation for the installation of plastic pavement marking on Independence Boulevard between Waterman Avenue and City View Drive.
- (2) Settlement of Claim by Mr & Mrs B. J. Stacks for taking of their personal property at 307 North Poplar Street, in the amount of \$2,500, for Fourth Ward Park Project.
- (3) Ordinances ordering the removal of weeds and grass and limbs, as follows:
 - (a) Ordinance No. 597-X ordering the removal of weeds, grass and limbs at 125 West Kingston Avenue.
 - (b) Ordinance No. 598-X ordering the removal of weeds and grass from vacant lots on West Boulevard and Dalton Village Drive.
 - (c) Ordinance No. 599-X ordering the removal of weeds and grass from vacant house at 216 Mill Road.
 - (d) Ordinance No. 600-X ordering the removal of weeds and grass at 2331 Booker Avenue.
 - (e) Ordinance No. 601-X ordering the removal of weeds and grass at 3514 Warp Street.
 - (f) Ordinance No. 602-X ordering the removal of weeds and grass from vacant lot at Central Avenue and Oakland.
 - (g) Ordinance No. 603-X ordering the removal of weeds and grass from vacant lot adjacent to 2001 Cumberland Avenue.

The ordinances are recorded in full in Ordinance Book 24, beginning at Page 270 and ending at Page 276

- (4) Property transactions for various projects, as follows:
 - (a) Acquisition of 24.98' x 31.39' (r) x 149.17' x 52.36' (r) x 15.81' x 220' of right of way from William F. Hudson and wife, Erma A., 2225 Rama Road, at \$1,000, for Florence Avenue Widening.
 - (b) Acquisition of 15' x 282.60' of easement, plus a construction easement, from Marshall Contractors, Inc., of Rhode Island, 1702 Harvey Street, at \$285.00, for sanitary sewer to serve Hartley Street and Joe Street area.

- (c) Acquisition of 15' x 206.54' of easement, plus a temporary construction easement, from Vincent J. Cardinal and wife, Faye N., at \$1,500.00, 4205 through 4233 Ella Street, for sanitary sewer to serve Hartley Street and Joe Street Area.
- (d) Acquisition of 15' x 1,013.12' of easement, from J. Terry Yandle and wife, Betty M., at 3721 Interstate 85, at \$1,500.00, for sanitary sewer to serve Hartley Street and Joe Street Area.
- (e) Acquisition of real property in the West Morehead Community Development Target Area:
 - 1.) 11,110 sq. ft. from Charles M. Carson, 1448-54 South Church Street and 1443-43A Manson Street, at \$20,300.
 - 2.) 37,950 sq. ft. from James H. Carson, 1432-36-42-44 South Church Street and 1437-39-41 Manson Street, at \$43,970.
 - 3.) 51,360 sq.ft. from Raymond W. Smith, 1500-16 Manson Street, at \$10,000.
 - 4.) 68,280 sq. ft. from James H. Carson, 1500-04-08-12-16-20-24-28-32 South Church Street and 1501-05-09-11-13-17-19 Manson Street, at \$92,750.
 - 5.) 13,260 sq. ft. from James H. Carson, Jr., 1536-42 South Church Street and 1521-23A Manson Street, at \$22,780.
- (f) Acquisition of 13,690 sq. ft. from F & J Corporation, at 1104-06 West First Street, at \$13,000, for Third Ward Target Area.

NOMINATIONS TO THE CHARLOTTE-MECKLENBURG PLANNING COMMISSION.

Councilman Withrow placed in nomination the following names for consideration for appointment to the Charlotte-Mecklenburg Planning Commission:

- (a) Joseph P. Ross
- (b) Merlin Clanton King.

He stated one of the nominees is from North Charlotte and the other from West Charlotte.

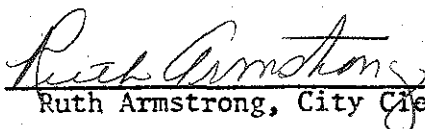
At the request of Mayor pro tem Whittington, Councilwoman Locke placed in nomination the name of Thomas Broughton to succeed himself for a three year term.

Councilman Williams stated he has a nomination he would like to make but he would like the privilege of talking with the person before placing the name in nomination.

Councilmembers requested that the nominations remain on the table for four weeks.

ADJOURNMENT.

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


Ruth Armstrong, City Clerk