

The City Council of the City of Charlotte, North Carolina, met in regular session on Monday, April 24, 1978, at 2:30 o'clock p.m., in the Council Chamber, City Hall, with Mayor Kenneth R. Harris presiding, and Councilmembers Don Carroll, Betty Chafin, Tom Cox, Jr., Charlie Dannelly, Laura Frech, Harvey B. Gantt, Ron Leeper, Pat Locke, George K. Selden, H. Milton Short and Minette Trosch present.

ABSENT: None.

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

ABSENT: Commissioners Ervin and Royal.

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#### INVOCATION.

The invocation was given by Reverend Robert Morgan, Minister of Seigle Avenue Presbyterian Church.

#### APPROVAL OF MINUTES.

Upon motion of Councilmember Locke, seconded by Councilmember Chafin, the minutes of the last meeting, on Monday, April 17, 1978, were approved as submitted.

MR. DAVID TAYLOR, FORMER CHAIRMAN OF MANPOWER ADVISORY COUNCIL, RECOGNIZED BY MAYOR HARRIS AND PRESENTED WITH CERTIFICATE OF APPRECIATION.

Mayor Harris recognized David Taylor and stated he was the head of the City's Manpower Department which has now been renamed to the Employment and Training Department. That he served in this capacity for three years and took a very delicate and difficult situation back in 1974 and did a fantastic job. He stated Mr. Taylor is now with the Chamber of Commerce. That he and Council appreciate his hard work and presented Mr. Taylor with a Certificate of Appreciation.

HEARING ON PETITION NO. 78-18 BY WILLIAM P. ALLAN FOR A CHANGE IN ZONING FROM R-12 TO R-15MF(CD) FOR PURPOSE OF CONDOMINIUM DEVELOPMENT ON PROPERTY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF ARDSLEY ROAD AND HERMITAGE ROAD.

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

Mr. Bob Landers, Principle Planner, stated this is a zoning petition request for changing the existing zoning from R-12 to R-15MF Conditional Development for a parcel of land on Ardsley and Hermitage Road.

That the area is characterized by commercial development and commercial zoning, B-1 Zoning, along Providence Road with some office zoning along Moravian Lane and Ardsley. There is some multi-family zoning along Queens Road to the southwest of the property. The zoning immediately adjoining the property is R-12 single family residential and on one side there is some R-6 zoning, along Moravian Lane.

He stated the land use in the area reflect mostly the zoning pattern, significantly in some of the landmarks in the area, Edgehill Park is the center of both Edgehill Road, North and South. There is another park owned by the Myers Park Civic Association to the southeast of the property, along Hermitage, Ardsley and Providence Road. That

there is commercial development along Providence Road - the Manor Theatre, grocery, service station, NCNB bank facility, along Ardsley; there is a furniture store, funeral home and a service station, the Little Church on the Lane and then throughout, there is a pattern is predominately single family development with some intermittent multi-family, either duplex or multi-family development, along Ardsley and Queens Road, there is additional multi-family under construction.

He pointed out Brumley at the intersection of Queens Road and St. Mark's Lutheran Church. In response to a question, he stated both of those would be considered non-conforming uses.

Mr. Landers stated this is a conditional zoning request, requesting R-15MF. That R-15MF permits, as a zoning classification generally, in the area of about 12½ units per acre. The subject site itself is a 4.4 acre site. That the proposal is for a conversion of the structure from a single family residence to a one for six families. He stated this is approximately a 30,000 square foot structure, three stories above ground and one basement below ground, with an average of about 7,000 square feet on each of the stories above grade, with about 8,000 square feet below.

That the proposal shows two units per floor on the three stories above grade; the requirement for six units, in this instance, would require about 13½ parking places and the proposal shows 16. He stated as far as the ratio of land area to dwelling units ends up to be about 1.36 units per acre. The proposal shows no change in terms of the exterior characteristics of the property, that is, the existing structure, the drive and the ground facilities would remain intact and the existing shrubbery would also remain intact.

He stated there would be provisions for four automobile parking spaces in the basement area, four spaces along the driveway and the remaining eight spaces would be in another location.

Mayor Harris asked if there would be a large parking lot on the side and Mr. Landers replied no, there would be parallel parking.

Mr. Bill Allan, 400 Hermitage Road, stated he and his wife are the petitioners. He pointed out the floor plans for the second and third floors and stated he would like to emphasize there would be no visible change in the outside and no destruction of the grounds.

He stated this is a workable plan. That everyone in the past has tried to preserve this house for historic reasons and have come home empty handed. He stated this is the only plan he knows of that will save this property. That there may be another way but if there is, he does not know it, the Junior League does not know it and the White Oaks Foundation does not know it. This is the only thing he can think of to save this house and if someone has another idea, he will be glad to listen.

That as it stands, it is impossible for any one family to live in the house - there are 53 rooms, 4½ acres of land and there is no way any one family can maintain that house and maintain those gardens the way they should properly be maintained.

Mr. Allan stated the only other alternative, as he sees it, is to replace the house with eight single family houses and he believes the neighborhood, all of Myers Park and the City of Charlotte would be better off if this historic treasure was left intact, rather than have eight more single family houses.

That it will be argued by his opponents that this will set a precedent and it will not, as explained in the written brief. It will probably be suggested that it will be spot zoning, but he would refer to Blaze versus Raleigh; he can cite book and page where this will not be spot zoning because of the fact there is a reasonable basis for distinction. Also there is a memo from

his attorney, Parker Whedon, stating where a man is being held to a specific plan, it would not be spot zoning - that if he were asking for blanket zoning, this would be an argument for spot zoning, but for those two reasons, it could not be considered spot zoning and they can go to the book and look it up because he can furnish them the page number.

Mr. Allan stated all past efforts to save this property has been blocked by a small group of neighborhoods. That he is complying to the deed restrictions and the fate of this property is now properly in the legislative bodies' hands.

Mr. George Hodges, President of Myers Park Homeowners Association, stated he is present today to endorse this rezoning request because they believe this house has a great deal of value to their neighborhood and to the City of Charlotte as a whole. That it is a unique house to this City and to the State; it is a key feature of Myers Park Homeowners Association.

He stated this type of proposal appears to be the only method for preserving this house and grounds intact in the form that it exists in today and has for a number of years. That they all would prefer to have a single family come to live in that house and raise a family, however, this does not appear to be a feasible alternative and for that reason they endorse this proposal as the next best alternative.

Mr. Hodges stated they perceive little impact on the neighborhood and they believe that the preservation of this house and of this block in this manner is consistent with the Myers Park Homeowners Association's goals of preserving their neighborhood and preserving it in the character that exists today.

He stated they do have a number of concerns about it - if we are putting multi-family zoning in a single family area - and that bothers them a great deal; they fear the ripple, or domino effect, and they fear that this rezoning may cause speculation in the other older homes. That they will highly resist other changes proposed in Myers Park and they will resist any further changes to this house. He stated with these reservations and concerns, however, they do endorse Mr. Allan's plan in order to preserve this house and in order to preserve lot.

Mr. David Hood, North Carolina Historical Association, Department of Archives and History, Raleigh, stated he is present today on behalf Dr. Larry Tise, the Director of Archives and History, who was unable to attend because of a prior commitment. That he is here in support of the proposed zoning change and is only one of many steps which Archives and History, Preservation Section, has undertaken in support of the recognition, documentation and preservation of White Oaks. He stated they are endorsing this proposal due to the size of the house and to the failure of earlier proposals.

That their commitment to White Oaks is very complete and their involvement with this project has involved more staff time than the preservation of any other single building in North Carolina this year. Just this last year they prepared the nomination for the house for the National Register, and he himself wrote the architectural significance. It was accepted by the Keeper of the National Register in 1978, in January, and has been entered on the National Register of Historic Places. There has been some confusion as to whether the house was on the National Register.

He stated the designation of the house to the National Register was made on the basis of two superior qualifications for White Oaks. The first is the historical importance of the house as the residence of James Buchanan Duke; the second is its important architectural qualifications. It is one of the finest colonial revival houses in North Carolina.

As they know the contributions of the Duke family to the economic and social life of North Carolina have together with the Reynolds, Haines and a few other families, been un-exampled in the state. That James Buchanan Duke, perhaps more than any other individual, has helped shape the lives of Charlotteans and North Carolinians in this century.

The creation of the American Tobacco Company and its attendant and successor companies, was the driving force in the creation of the tobacco industry as a premier industry in North Carolina. But more intimate to the question of White Oaks and Charlotte are the contributions of James Duke in other areas, these being the Duke Power Company, the Duke Endowment and the creation of Duke University.

James Buchanan Duke established a residence here as a substantiation of his faith in Charlotte as the center of the economic growth of piedmont North Carolina. And, certainly the Southern Power Company, later the Duke Power Company, provided the economic impetus for that growth. The house is the tangible proof of Duke's faith in Charlotte's ability. That he is here today asking, by way of this application for rezoning, that Charlotte return Duke's faith in kind.

This house, as Duke's residence in the 1920's when the Duke Endowment was created, was therefore the seat of an enormous benefit and contribution to the State, which now approximates half a billion dollars. From an architectural point of view, White Oaks is just not another large house in Myers Park; it is one of the finest colonial revival mansions in the State. Reynolda House is its closest equal in the State.

The scale of the house has been one of the problems with preservation, and its demise for possible use as a one-family dwelling has now evaporated. But, the dimension of the house is one of the factors in its architectural distinction. As an exemplar of the lavishness of architectural practice in early 20th Century North Carolina, its paired two-story porticos on both the front and garden elevations are without equal in the State, and was an extraordinary achievement of C. C. Hook, the architect. Beautifully proportioned and superbly detailed, the house's architectural value is irreplaceable.

What is at stake here for Council, as the body deciding the fate of this house, is the preservation of one of North Carolina's finest buildings. It is a social and civic responsibility which is here being undertaken locally and privately by the Allans.

The Division of Archives and History supports the zoning change; and the one that is being proposed by the Allans is the best method for preserving this tangible and intimate example of Duke's affection for the State of North Carolina and Charlotte.

Mr. Parks Helms, Attorney, stated he represents 23 of the homeowners who would be most directly affected by any change in the zoning classification that this Council might see fit to make. That it is significant enough that they point to Council where the 23 homeowners live and for that purpose he would like to call on Mr. Tom Lockhart to identify the properties on a map.

Mr. Lockhart pointed out the 5 property owners who filed a written protest which invoked the 3/4 Rule - Mrs. Pat Calhoun's property, Dr. and Mrs. Page Harris, the Tom Lockhart property, a vacant lot owned by Mr. and Mrs. T. LaFontaine Odom and Dr. and Mrs. Howard DeHaven's properties. He stated these five properties represent an investment in single family residences in excess of one million dollars at the present time.

That in addition to these five property owners, the other property owners in the three block area are asking that the zoning petition be declined are Dr. and Mrs. Naderi, who have apprised the owner, Mr. and Mrs. James Buchanan, Dr. and Mrs. Charles Harris, Mr. and Mrs. Sherman Pardue, Dr. and Mrs. William Story (who own two lots here - the old Craig home and the vacant lot next to it) and Mr. and Mrs. Mrs. Jake Barnhardt.

He stated on the opposite side of Ardsley - Mrs. Henry Newsome (the duplex); on Harvard Place - the Norman Cocke home, Dr. and Mrs. James Pressley, Mr. and Mrs. Leland Atkins, Mr. and Mrs. Edwin Bates; on Queens Road - Dr. and Mrs. John Lassiter and Mr. and Mrs. Josh Chamberlain; on Harvard Place, adjacent to the Odom property - Dr. and Mrs. James Anderson,

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Mr. and Mrs. Frank Woods, Mrs. Walker Lambeth and Mr. Sam Brown; on Hermitage Road, Mr. and Mrs. John B. London, the H. M. Wade home, recently acquired by Mr. and Mrs. John Cutter, III, and next to that the Henry McAden home, owned by Mr. and Mrs. David McConnell.

Mr. Lockhart stated these persons have filed a request that there not be the introduction of multi-family zoning in this area.

Mr. Helms presented the protest petitions to the City Clerk and stated everyone recognizes the significance of the Duke Mansion. That he would argue that there is something greater at stake here than the preservation of one building which has some historic significance and that is the preservation of an entire neighborhood.

He stated everyone recognizes this as one of the outstanding residential communities. That he would argue that those homes that are in the area, which has just been identified to the Mayor and Council, are in fact the glue that holds this neighborhood together and has for many years held it together. He stated it is important to consider the relative merits of the preservation of this one structure which he submits has some questionable historic significance if it is converted into a six family residence, against the preservation of this entire neighborhood.

Mr. Helms stated Mr. Lockhart has pointed out that there are, in that neighborhood, other homes which are of some real significance to the history of Charlotte. That everyone recognizes that in 1976, the Councilmembers agonized for many months over developing a plan which would maintain the strength and vitality of this beautiful area of our city. To permit any deviation now will at the very least be inconsistent with the prior efforts of the Myers Park Homeowners Association and of City Council. That it is his understanding that the vote by which the Myers Park Homeowners Association endorsed this proposal was by a 5 to 4 which points out a real problem that they are having with whether or not it is in fact a good idea. He stated any change, including the granting of the petitioner's request, would also be clearly discriminatory, inasmuch as there are any number of other fine residences which might be more economically feasible if they were converted to multi-family use.

Mr. Helms stated he would suggest that if this request is allowed, it would, without question, set a precedent for future rezoning petitions and for future Councilmembers to have to rely upon. That it will, without doubt, change and alter the residential character of this neighborhood. He stated it is significant that this property was acquired not by an individual and his wife, but by Allan and Warmbold Construction Company, Inc. That ordinarily a purchase of this magnitude would have been contingent upon the granting of a request for rezoning, but this was not the case here. The economic feasibility of converting this fine home to condominium is also highly questionable and before any Council approval is given, they ought to carefully consider that aspect of it - that is, the economic side.

He stated he would assure Council that any request to enlarge upon any change now would be stringently opposed and vigorously represented by the people before Council today. That there is some evidence that multi-family housing decreases the value of adjacent single family houses. He stated a good example is Mr. J. C. Barnhart, who lives on Ardsley Road near the duplex at the corner of Ardsley and Queens, and tells him when that property was changed to condominium property and the Tax Collector valued his property, he asked for a recheck on that and as a result of that and principally because he was located adjacent to multi-family housing, the value was decreased by a 10% margin.

Mr. Helms stated this says something about what might ultimately happen if this is allowed to continue. That everyone is aware of the provisions of Section 23.3 of the City Code which says the purpose of zoning should represent reasonable consideration as to the character of the district with a view to preserving the existing environment and/or assuring the development of a future environment that realizes the greatest possible use and enjoyment of land or individual property. That questions whether

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or not that is the kind of consideration that the petitioners are here asking for today. Again, we are talking about more than one building, we are talking about a neighborhood and, indeed, an entire section of our City.

He stated he would argue that there are some serious constitutional questions raised by the prospect of permitting a private corporation to obtain a zoning change for purely profit motives. That if this property were owned by a non-profit corporation, or by the City, or by some other agency of government, we might have a different question than is now presumed, but we do not and they take it as it is. He stated if the City can rezone to protect the private investment of Allan and Warmbold Construction Company, then every other single family owner in Myers Park should be entitled to the same treatment, and is that is so, it is a precedent that is a bad precedent. That he would suggest to Council that we will be saddled with the attendant consequences of decreased property values, blight and decay and traffic congestion.

Mr. Hodges, President of Myers Park Homeowners Association, stated his purpose in being present today is to try to help his community preserve a structure that is both God-given and man-made. That he feels they have set an excellent precedent in this community for trying to preserve those things worth preserving and maintaining those things that are worth maintaining. That last week a leading financial institution, with the help of a distinguished staff member of our great University here, announced a great, bold and innovative program for the City of Charlotte. He stated this concept is the same and he and 243 other residents of Myers Park would like to submit a resolution to Council in support of this proposal and also a statement from another distinguished Charlottean, Mrs. Caroline McMillan who has spent countless weeks, months and years in helping to preserve White Oaks.

Mr. Allan stated one picture is worth ten thousand words and one trip out to the site would be worth ten thousand pictures. That he would like to issue them all an invitation to come by and see this magnificent treasure. He stated in all due respect to other big houses out there, this home is in a class itself; it is on the National Register of Historic Places and once they see it and visit it, they will understand why this house would not set a precedent.

Mayor Harris asked the members in the audience in favor of the petition to stand and be recognized and then those against the petition to stand and be recognized. He stated he appreciates their interest and this matter will be going to the Planning Commission for a recommendation to Council.

Councilmember Gantt asked the approximate size of each condominium will be and Mr. Allan replied approximately 3,500 square feet on the second floor. That he and his wife will be occupying the 7,500 square feet on the first floor.

Councilmember Gantt asked about the approximate cost and Mr. Allan replied they will be in the price range of Carlton House, 800 Cherokee, or a little higher - perhaps \$80,000 to \$100,000 range.

Mr. Gantt stated he is not quite sure he understood what Mr. Helms meant when he talked about the probability of a lawsuit having to be filed because Council is considering enhancing the investment of a private owner. He stated that confuses him because he can recall that last year this Council got into quite a bit of trouble because some of them tended to look at the economic justification for various types of zoning changes, which he has come to learn becomes a very hazardous kind of thing for Council to become involved in. He suspects that he would not want to take Mr. Helms' suggestion that they look at the economics of Mr. Allan's proposal. That what they are trying to look at is the public interest here. That most of the rezoning cases Council has are in fact private developers who own the property, in many cases, who want a rezoning to enhance probably their own selfish needs, economically or what have you. That is understandable.

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Mr. Helms replied that was really not the concern - he is talking more about the constitutional implications of the granting of this request as a basis for a lawsuit. The remark that he made about the economic feasibility had to do with whether or not the petitioner can, in fact, accomplish what he says today that he can, as the basis for the granting of this request. That if, for example, six months down the road the petitioner determines that it will not work, that you cannot put six units in that mansion and make it an economic success, that he may come back to Council and say "six won't do it, I want eight, or nine, etc." That he would certainly be back at that point to protest, and before any petition is granted, that Council ought to look into whether or not it will work.

Councilmember Short stated the Barnhardt home was formerly the Taylor home. He thinks he understood Mr. Helms to say that the Barnhardt home was reduced 10 percent in value, according to the tax appraisers, when the apartment was built at the corner of Queens Road and Ardsley. That the point he is making is that apartment was built many years before the Taylor home.

Mr. Helms stated he recalls that was an apartment building which was converted into condominiums. He does not know if they are talking about the same building. That Mr. Barnhardt is present and can speak for himself on that.

Mr. Barnhardt stated that he had made the statement that he thought they had an example of the deteriorating effect of condominiums on private residences, because at the last appraisal, he went down to find out what kind of formula they had to generate dollars and cents against an individual homeowner's property. When he did that he ask that an appraiser come back because he did not think that they had given proper consideration to his exposure to the condominium. When this was done, they reduced the appraisal almost 10 percent.

Mr. Short stated, in other words, his appraisal was higher when he was next door to an apartment than they did when he was nextdoor to a condominium - in any event, he was nextdoor to a multi-family structure all along? Mr. Barnhardt replied that is right.

Councilmember Short stated, without indicating anything about the resolution of this zoning petition, does Mr. Allan not have in his plans a proposal to make part of this into a couple of condominiums some many years later? Mr. Allan replied that right now they are proposing five, and never more than six. That it is nice to have someone worry about whether you can perform or not, but he will give Council his word that they will not be back and ask for more.

Mr. Short stated the question he is getting at is a legal one. If it is not zoned and set up almost immediately as the plan exactly calls for, then it reverts legally, does it not? Mr. Allan replied he cannot answer that as to what would happen if they do not go through with it, but he thinks as long as they put not more than what they are asking for in there, it would be all right. In other words, he could sell two of them to the same person if there was someone who wanted the whole third floor. That maybe Mr. Landers could speak to that.

Mr. Landers replied that insofar as the petition is concerned it is for six units. In terms of the timing, he believes that delay in the construction of the fifth and sixth units would be acceptable. If the petitioner neglected for five years to convert the first floor, it would be up to the Council to determine that the commitment had not been fulfilled.

Mr. Allan stated if it becomes a problem they will just take the sixth unit out and make it five units, because as long as he and his wife are living they are going to occupy the first floor and there will only be five units. But, if it becomes a problem with Council or the Planning Commission, then they should just take the sixth one out and give them approval for five. That their intention is to go down in the number of units, not up. Mr. Short stated he thought there was a period of time stated within when the conditions should be met. Mr. Allan stated it is, then it is new to him; but he will check that out and find out.

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Councilmember Chafin stated she would like to give Mr. Landers an opportunity to explain to everyone here exactly what the restrictions on this conditional zoning are, and to raise an example of what they hope is very unlikely. That is, what would happen in the event that this structure burned. Could it be torn down and could six condominiums then be re-constructed?

Mr. Landers replied that because this is a conditional plan that what Council is considering is what is given in this petition. If the worst should happen and the structure should burn, all that is conferred here is the use of this - reconstruction of the structure would be possible; reconstruction, theoretically. Any redevelopment of the site consistent with the plan is what the property owner would be permitted to do. Should he not be able to reconstruct, then the request would come back for single-family zoning, in which case the indicated number of single-family residences allotted now would apply. This originally is six lots. Any deviation from the plan would have to be approved by Council.

Councilmember Carroll stated he does not understand Mr. Helms constitutional argument, and he does not want to spend too long on it. Can he explain briefly what he means, other than a frontal attack on zoning per se?

Mr. Helms replied he thinks it is a discriminatory use. He realizes zoning is discriminatory, but it is on a basis upon which he does not have any recollection of it ever having been done here. That is, to preserve a structure which purportedly has some historic significance. As he has said, he questions the historic significance of that structure once it has been converted into a six-unit condominium. That does raise some constitutional questions. It is a broad frontal attack.

Councilmember Cox asked if he understood Mr. Landers to say that the original Myers Park plat had six lots and there were six families originally supposed to live on this acreage? Mr. Landers replied that the plat submitted with the petition - the property description - indicates the original platting of six lots for this tract of land. It was platted in the '20s.

Councilmember Selden asked for confirmation of his understanding that one of the opponents lives in a duplex on Ardsley. Mr. Landers replied that is correct and it is a non-conforming use.

Councilmember Frech stated she is interested in what arrangements Mr. Allan would be making for preservation of the grounds. Mr. Allan replied that would be handled by the Homeowners Association. That was one of the points they allowed in turning it into condominium use, that even if you could find one family to live there and occupy it, one family could not keep up the grounds, but five families can. It would be the duty of the Homeowners Association to do that in their collective decision.

Councilmember Trosch stated she understands that an original proposal for the preservation of this property, ran into a problem with the restrictive covenant. Is this usage allowed under the present restrictions? Mr. Allan replied that this is allowed under the present restrictive covenant, which puts the decision in the legislative body - the City Council - rather than in the deed restrictions.

Councilmember Chafin asked, in the event the zoning is approved, would Mr. Allan be willing to sign a written agreement with the neighbors who are opposed to this, separate and apart? Mr. Allan replied absolutely, if they could come to terms - he does not know what she has in mind. Ms. Chafin stated there has been some discussion about this among members of the Homeowners Association. Mr. Allan stated there would be no problem at all in that.

Council decision on Petition No. 78-18 was deferred pending a recommendation from the Planning Commission.



HEARING ON PETITION NO. 78-19 BY DONALD W. HILL FOR A CHANGE IN ZONING FROM 0-15 TO B-2(CD) TO ALLOW RECONSTRUCTION OF CAROLINA PLASTICS COMPANY, FRONTING THE WEST SIDE OF NATIONS FORD ROAD, ABOUT 100 FEET NORTH OF THE INTERSECTION OF NATIONS FORD ROAD AND CHOYCE CIRCLE.

The scheduled public hearing was held on subject petition.

Mr. Bob Landers, Principle Planner, stated this is also a conditional zoning request, requesting change to an existing site that is zoned 0-15 to B-2(CD). That the property is located on the west side of Nations Ford Road, just to the north of Interstate 77; there is B-1 zoning within this area around the intersection of I-77, on Archdale and down to Farmhurst Road and on both the east and west side of Nations Ford Road.

He stated in addition to the business zoning, there is existing 0-6 zoning along Archdale, to the east of I-77; there is a major 0-15 office zoning located north of I-77, on both sides of Nations Ford Road. There is R-9 single family residential development to the west of I-77 and to the north of the subject site; existing mult-family R-20MF to the northwest of subject property.

Mr. Landers stated this is an area of scattered development; a significant portion is taken up by I-77. There are single family homes nearby, an old subdivision that is 26 or 29 years old of which this subject site is a part; there is Southview Baptist Church and W. H. Belk Presbyterian Church to the north of the site. There is existing commercial development including a restaurant and recreational facility, a service station and a small grocery store nearby. He pointed out the location of Kings Creek and Tree Top Apartments and Park-77 off of Archdale.

He stated immediately adjoining the subject site is an existing day care center - Kiddie Karole Day Care Center - to the immediate south.

That the subject site has been used for a plastics display and design facility since 1969. He stated the petitioner has a residence on this site and has been operating the facility actually not in conformance with the zoning. There is an existing 30 x 20 structure in which the petitioner has been conducting this activity and there is an existing small storage outbuilding. He stated the site plan submitted with this petition actually reflects pretty much what exists on the ground. That the lot is approximately 16,000 sq. ft. lot and the building in the rear has been damaged by fire and it is in the replacement of the existing building that the petitioner violated the zoning requirements.

Mr. Donald W. Hill, the petitioner, stated he has a letter from the four surrounding property owners stating they have no objection to him continuing his small business there in his home and presented the letter to the City Clerk.

He stated his business is small and they built a two car garage back in 1969 when he was a Fire Chief with the Volunteer Fire Department. That they lost their daytime man that covered his territory so he decided to move into his garage which was in violation of the zoning classification. He stated he had a fire back in February and when he went to get a building permit, they informed him that he needed a zoning change.

In response to a question from Councilmember Leeper, Mr. Hill replied most of his business was handled by personal delivery or mail; that there was very little traffic generated by his business. He stated most of the items were small - that the largest item he makes is the hard back covers for museums, etc.

Councilmember Short asked if this type business required a B-2 classification and Mr. Landers replied considering the nature of the operation, this would be the appropriate zoning classification. He stated they considered the customary home occupations classification but that must be carried on within the residence. That in discussing this with the petitioner, the equipment and materials that he uses is not unlike what would be found in the average garage or workshop.

Councilmember Frech asked if this zoning change were granted and Mr. Hill sold the property to someone else, could they use this for a similar operation and Mr. Landers replied only for that particular type business.

There was no opposition expressed to the petition.

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

HEARING ON PETITION NO. 78-20 BY PALLINE SANDERS FOR A CHANGE IN ZONING FROM O-6 TO B-1 OF PROPERTY FRONTING THE WEST SIDE OF BEATTIES FORD ROAD, LOCATED ABOUT 600 FEET NORTH OF THE INTERSECTION OF BEATTIES FORD ROAD AND CELIA AVENUE.

The scheduled public hearing was held on the subject petition.

Mr. Bob Landers, Principle Planner, stated this is a request for a change in zoning from O-6 to B-1 located along Beatties Ford Road on the west side just to the north of Celia Avenue. That this is an area through which Beatties Ford Road is characterized essentially by office zoning and is to the north of I-85; adjoining the office zoning to the rear both to the east and west of subject property is R-6MF, of multi-family zoning classification. There is R-6 single family zoning to the north of the property and also to the east and west as you pass farther away from Beatties Ford Road.

He stated there is existing business zoning at St. Paul Street and just to the southeast of the property and south of Celia Avenue. That business zoning does pick up south down Beatties Ford Road as you come toward I-77 and across I-77.

Mr. Landers stated the property is immediately adjoined by Northwest Junior High School to the south and the property is adjacent and at the corner of Celia Avenue and Beatties Ford and is vacant and is used for transient parking for several activities. That there is predominately residential pattern scattered and mixed with duplex-type of uses, some multi-family structures and then a scattering of office, institutional and business uses along Beatties Ford Road, but really not a strong pattern of one type or another except for the residential through this area, speaking contrary to the zoning.

He stated immediately across the street to the subject property is an existing building that has been used for both a boutique and a gift shop and that type of activity. That the subject site is apparently a residence and the florist activity is in operation at the present time and the zoning change is required for this activity to continue.

Councilmember Gantt called attention to the zoning pattern in the area; the B-1 sitting in the middle of the O-6 and the other B-1 avoer there surrounded by residential. He asked if these were separate petitions that were requested, or how did we arrive at this?

Mr. Landers replied that the office pattern in this main structure probably dates back to 1960. That he would suspect that two of the business zonings have developed through zoning petitions. He stated there is an existing vacant movie theatre and a disco which is currently not in use and he would suspect that business has been there since 1960 also.

Mrs. Palline Sanders, petitioner, stated she is the owner of the S & A Flower Shop but not the building. That she was originally across the street but when she moved across to this location, she did not know anything about zoning; if she had, she would have checked into it then. She stated she had to find some way to make a living since her husband was disabled so she went to school and took a course in flowers. That is how she came to own the flower shop and she would hope Council will consider the zoning change. She stated she does not want to live on welfare.

Councilmember Dannelly asked if she had talked with the other residents in the neighborhood and she replied yes; she talked with the ones in the back of her shop, and to the side, and they all said it was alright with them for her to operate the shop.

Councilmember Dannelly stated Winston Mutual used to have some offices there and asked if they had any other businesses located there after Winston used it and Mrs. Sanders stated there was a club there one time. Councilmember Dannelly asked if the present zoning allowed a club and Mr. Landers replied no. Mrs. Sanders stated the neighbors told her they would rather have a flower shop there rather than a club.

Councilmember Cox asked if she would be willing to have conditional zoning there and she could only use it as a flower shop and Mrs. Sanders replied yes.

Mr. Landers stated this property is still owned by Winston Mutual and such a petition would require their their approval.

Councilmember Selden asked if the location Mrs. Sanders was previously in, was zoned business and Mr. Landers replied yes.

Councilmember Dannelly asked about the future use of this location if it were to be changed to conditional zoning and Mr. Landers replied the new occupant would be able to continue to use it for the same type operation.

Councilmember Gantt asked how an individual or a business person would know what the zoning was when they moved into a building and Mr. Landers replied this has been a problem in terms of enforcement of the use of limitations under the zoning ordinance. That they have identified this problem in a couple of incidences, including a decision today on Rozzelles Ferry Road, which had a similar set of circumstances. He stated apparently this occurs most frequently when an individual is transferring or moving from one location to another, that is, when they already have a business license and taking that license with them to another structure. That if there is no structural alterations involved at the outset, then there is no real reason for going down and securing a business permit.

Councilmember Gantt asked how the zoning violation was discovered? Mr. Landers replied the zoning administrator evidently found it. Mayor Harris stated he thought the responsibility of the correct zoning should be placed with the owner of the property; it should be illegal to rent a place without the correct zoning.

Councilmember Frech asked if there was 0-6 zoning all along Beatties Ford Road, but some housing, and Mr. Landers replied yes. She asked about the quality of the housing and if this area is going to be preserved as residential and Mr. Landers replied this is very characteristic of the types of areas they were looking at from the zoning standpoint as a zoning overhaul. Obviously, this represents a significant amount of housing stock that is in many ways irreplaceable - that reconciling the zoning with the land use providing for a certain broader variety of uses, but with the main support of the residents is something that they are concerned with.

Councilmember Frech stated all the 0-6 does not look very realistic in light of the land use or future use of it. She asked if there would continue to be demand for residences along there and Mr. Landers replied yes, there is evidence that the residences there will continue and can continue.

Councilmember Dannelly stated except for one or two or the residences in that whole area on Beatties Ford Road, that he would say that building is in worst shape than the rest. That he would wonder twice whether he would put a residence in there. Mr. Landers stated the conversion for non-residential use has taken place and has been in place for sometime; that it is a converted residence.

Councilmember Short stated it seems that we have a number of homes occupied as single family residences across the street from a school, or right up against a well known large school, and it is zoned for office and asked if that is correct. Mr. Landers replied that is right. Councilmember Short asked why it would be that way; it seems to endanger the school. Mr. Landers replied the whole concept of zoning has changed substantially since 1960 or 1962 when this pattern was set. That this in the process of changing.

Councilmember Leeper asked if the lot on one side was a parking lot and Mr. Landers replied that is correct - right at the corner of Celia Avenue is a vacant lot that apparently is being used as a parking lot. Councilmember Leeper asked if this lot was zoned 0-6 and Mr. Landers replied that is correct.

There was no opposition expressed to the petition.

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

**COUNCILMEMBER DANNELLY EXCUSED FROM MEETING.**

Motion was made by Councilmember Locke, seconded by Councilmember Short, and unanimously carried, excusing Councilmember Dannelly from the remainder of the meeting.

HEARING ON PETITION NO. 78-21 BY BOODLES, INC. FOR A CHANGE IN ZONING FROM B-1 SCD TO B-1 OF PROPERTY FRONTING THE NORTHEAST SIDE OF BROOKSHIRE BOULEVARD(HIGHWAY 16), LOCATED ABOUT 500 FEET SOUTHEAST FROM THE INTERSECTION OF BROOKSHIRE BOULEVARD AND HOSKINS ROAD.

The scheduled public hearing was held on the subject petition.

Mr. Bob Landers, Principle Planner, stated this property is located on the northerly side of Brookshire Boulevard (N.C. 16), just to the south of Hoskins Road. That the existing zoning of the site is B-1 SCD and to his knowledge, it is the first B-1 SCD approved under the then-new ordinance in 1962; since that time, the property has remained vacant and undeveloped.

He stated around the area on both sides of Brookshire Boulevard is R-6MF, or mult-family zoning, with existing B-1 just to the immediate south of the property and then B-1 adjoining I-85. There is a mixture of B-1 and B-2 zoning along Hoskins Road to the southwest of Brookshire Boulevard and then beyond that, a pattern of single family zoning.

He stated the land use map shows we are talking about a predominately residential area with Brookshire Boulevard, I-85, Rozzelles Ferry Road coming through as the main facility. The subject property is vacant as is most of the land around subject property, on both sides of the road.

Mr. Landers stated there is an existing Duke Power transmission line which explains why much of the property is vacant. There is a commercial pattern along Hoskins Road, linking up between N. C. 16 and Rozzelles Ferry Road; other than that, there is a scattering of service station, a fast food restaurant, another service station-type of activities. The activities along Hoskins are fairly type commercial uses.

That this is a request to go from a conditional zoning back to conventional B-1 by right so the category of uses is not changing - all that is changing is a request to set aside this conditionally approved plan and develop it as one would ordinarily use it.

He stated this is not an unusual plan for 1962 which shows a total of 31,000 square feet of building area set back from N.C. 16, a stock amount of parking, etc.

Mr. Sam Williams, Attorney for the petitioner, stated he has given each member an exhibit which states that basically what they want to do is to be free from some rather old requirements on the development and be permitted to develop it in the fashion of B-1. The first intended use is for a Quincy's Family Steak House.

Mr. Williams passed around some photographs showing the property in its vacant state and then what Quincy's Family Steak House on Independence Boulevard, near the Oriental Restaurant, looks like.

Councilmember Gantt asked if the steak house would require 4½ acres of land and Mr. Jack Fulk, President of Boodles, Inc., replied the land is a little under 4 acres and Quincy's Family Steak House takes up almost half of it, leaving room for a supermarket. That they have to leave room for a shopping center development and the area is just not big enough for a shopping center development of that nature.

Councilmember Gantt asked why the petitioner did not stay with the present zoning and simply ask for an adjustment in the site plan and Mr. Fulk replied he was advised to request this type change. Mr. Williams stated it was his understanding that the Planning Commission Staff encouraged Boodles, Inc. to go ahead and seek the B-1 zoning.

Councilmember Gantt stated his concern is that we might defeat the overall purpose of this original site plan. Mr. Williams replied he understood his concern but there is also the fact that it is adjacent to B-1 usage and this is just a small little area and the B-1 SCD would not really dress it up any more - that the area is not large enough to develop as B-1 SCD. He stated the restaurant takes up so much space, it only leaves room enough for a supermarket.

Councilmember Trosch asked if this was at an intersection of two roads and Mr. Williams replied they are not dedicated and accepted as roads.

Mr. John Williams, 3901 Thompson Street, stated he and his mother own the property directly behind this area and he would like to know about the hole right beside their property and what they plan to do at that point and Mayor Harris replied the petitioner, Boodles, Inc., is asking for a zoning change so they can build anything on a B-1 basis.

In response to another question, Mr. Landers replied most all retail, commercial businesses would be permitted in the B-1 class. There are some types of restaurants, a drive-in restaurant, with curb service would not be permitted; automobile sales, car washes, automobile rentals would be prohibited from the B-1.

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Mr. John Williams asked about skate board rinks and Mr. Landers replied this would require a B-2 zoning.

Councilmember Frech asked if Mr. Williams would object to the uses that Mr. Landers mentioned and he replied he would not object to small business use.

Councilmember Short asked what would happen to the other two acres which would probably be too small to meet the code of requirements of B-1 SCD and Mr. Landers replied it would be very difficult to remove a portion of the zoning. Councilmember Short asked if the planning here should be comprehensive to the site and Mr. Landers replied from the standpoint of access, there is a concrete median that divides Brookshire Boulevard to this area and the only cut at the present time is on Cregler Street. That he does not know if additional median cuts are contemplated or if they would be possible but that type of driveway coordination should be accomplished whether or not the change is made.

There was no additional opposition expressed to the change in zoning.

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

HEARING ON PETITION NO. 78-22 BY ROBERT K. CARLIN FOR A CHANGE IN ZONING FROM I-2 AND R06MF TO B-1 OF PROPERTY FRONTING ON THE NORTHERLY MARGIN OF BROOKHURST BOULEVARD (WENDOVER EXTENSION), LOCATED AT THE INTERSECTION OF BROOKHURST BOULEVARD AND BEAL STREET, POSTPONED AT THE REQUEST OF THE PETITIONER.

Council was advised that the Petitioner had requested this hearing be postponed until the May zoning hearing date.

Upon motion of Councilmember Chafin, seconded by Councilmember Short, and unanimously carried, the hearing on subject petition was postponed, at the request of the petitioner, until the May zoning hearing date.

MEETING RECESSED AND RECONVENED.

Mayor Harris called a recess at 3:55 p.m., and reconvened the meeting at 4:00 P.M.

ORDINANCE NO. 998-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE OF THE CITY OF CHARLOTTE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY FROM R-9MF TO B-D OF PROPERTY FRONTING ABOUT 385 FEET ON THE SOUTH SIDE OF SHARON ROAD WEST, LOCATED ABOUT 570 FEET EAST OF THE INTERSECTION OF SHARON ROAD WEST AND PINEVILLE ROAD.

Consideration was given to Petition No. 77-59 by Pineville Land Company to rezone the subject property to I-1. The Planning Commission had recommended approval, but Council decision had been deferred to allow examination by the petitioners of a B-D Zoning Classification.

Councilmember Selden moved that the property be rezoned to the B-D classification in accordance with the wishes of the landowner. The motion was seconded by Councilmember Chafin.

Councilmember Carroll stated he cannot tell from the letter requesting the change to B-D zoning, exactly what the intended use is. It says "for an office and sales warehousing operation;" he wonders what that is going to involve. That one of Council's concerns originally had to do with the traffic in this area. He would like to know what exactly is proposed.

Mr. Bob Landers, Principal Planner, stated it is his understanding that the specific use has not yet been proposed; that the B-D classification would be a general one on which they could take a little time. There is no site plan at this time. He stated there are certain limited uses that are permitted by right in the B-D district; and there is another series of uses that would require a site plan being submitted.

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Mr. Carroll asked where the line is drawn between what they would be permitting with this change to B-D and what additional uses might be designed?

Mr. Stuart McKaig, Attorney for the petitioner, stated that one of the questions raised in the meeting, according to the minutes, was whether or not the Terrell Machine Company would use this particular strip for a warehousing operation. That he can say no to that question; that would not be the case; there would be no trucks using the facility. As it stands now, Terrell Machine Company does have a few trucks - approximately one a day - that enters on the opposite side of the property from South Boulevard since their docking for small textile machinery is on that side. They have agreed to use the property, as he understands it, for the intended use of warehousing according to B-D, with the condition that they come back for a conditional permit. They do not specifically know who will use it or precisely how it will be used. When this was originally brought before Council, it was hoped that it would be used as a continuation of I-1 buffer zoning which continues in back; and all the property to the west is I-2. It seemed natural in looking at a zoning map for it to continue to be I-1. After reviewing the minutes, the B-D seemed to the petitioner to be more appropriate as it does allow some flexibility. He assured Council that heavy trucks would not be using the property, but he cannot tell them specifically what type of business. That the best indication would be the other businesses along the strip between this property and South Boulevard. The first developed parcel has a very attractive office, then there is a fast food facility, a convenience store which is attractively done, and now there is a very small house since it is zoned residential. The petitioner would develop, not for themselves, but for lease to someone else and it would be in line with the other already developed parcels.

Mr. Landers replied to Councilmember Carroll's question by stating that in terms of the buffer, this would relate to the specific zoning boundaries if it is by right, bearing in mind that if you zone anything B-D then those things which are permitted by right could be undertaken. The B-D district carries with it probably the most restrictive of the screening requirements of the non-residential classifications, per se. Uses permitted by right are things like a contractor's office, warehouse facilities, etc. The others - the list ranges from food processing, dairy products, bottling plants, anything in the form of manufacturing or heavier use that is more associated with an industrial type of activity - would require a special use permit.

Mr. Carroll stated if Council approves B-D for this parcel, it does mean that a warehouse that could generate significant traffic volume could be placed there and there is no necessary guarantee that the buffer would remain in effect?

Mr. Landers replied that is correct, unless the buffer were incorporated somehow with the zoning district boundary lines - not only warehousing but any number of activities that are appropriate for the B-D would be possible.

Mr. Carroll stated when he talks about the boundary line, is he suggesting that the way to handle that would be to leave a strip in the front which is still multi-family? Mr. Landers replied no, he would not make that suggestion. He thinks this was addressed in the Planning Commission's basic recommendation.

Councilmember Frech asked if this will have any connection with the Terrell Machine Company? Mr. McKaig replied that the land would continue to be owned by Terrell Machine Company but it will be developed similar to the other parcels.

Councilmember Leeper asked about the buffer; that Council did discuss a buffer along the street to keep access off of Sharon Road into that property. Mayor Harris stated there is no guarantee of the buffer at this point unless they come back with that.

Mr. McKaig stated the only opposition that was raised, that they know about, is the apartment project across the street. With respect to the screening, there is already screening all the way along the residential single-family housing on the east side. None of these residents have expressed any concern whatsoever. They are talking about a multi-family housing project right across the street. The buildings are perpendicular to the street and the parking areas are also perpendicular. He thinks this is not a big problem.

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Mr. Leeper asked if the single family house is on the site that is being proposed for rezoning? Mr. McKaig replied yes.

Councilmember Gantt stated when this came up before he raised the question with regard to what he thought would become a potential conflict with the resulting traffic that would be introduced in that neighborhood. After having visited that property again, and with the fairly stringent requirements of the B-D zoning, he thinks that problem is not an issue.

Councilmember Carroll stated he is a little on the fence on this petition. His concern is not that whatever proposed use might come along out of this would not be compatible, but what they are looking for here is a buffer, a transition between industrial and residential, and they are leaning on the heavy side of that buffer. He does not know that they are going to end up with something bad but he wishes they had a site plan or a better way to see what they are getting. He would prefer to approve it at such time as they would have something in hand like that. He feels like they are going a little bit with an unknown, where they are giving the petitioner a right to perhaps another use which is not really compatible.

Mayor Harris asked Mr. Landers if it is possible to delay this motion to require a site plan? Mr. Landers replied no, in terms of requiring a site plan in the B-D district, you necessarily have to have the petitioner's consent. The Mayor stated he thinks the petitioner understands the desire of Council concerning that matter and if there is a site plan developed he feels they will take that into consideration.

The vote was taken on the motion to rezone the property B-D and carried as follows:

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

The ordinance is recorded in full in Ordinance Book 25, at Page 378.

ORDINANCE NO. 999 AMENDING THE TEXT OF THE ZONING ORDINANCE, SECTION 23-60 - SCHEDULE OF OFF-STREET PARKING REQUIREMENTS.

On motion of Councilmember Gantt, seconded by Councilmember Short, and unanimously carried, the subject ordinance was adopted, as petitioned by the Charlotte-Mecklenburg Planning Commission.

The ordinance is recorded in full in Ordinance Book 25, at Page 379.

PETITION NO. 78-13 BY ARLEN MANAGEMENT CORPORATION FOR A CHANGE IN ZONING FROM I-2 (CONDITIONAL SHOPPING CENTER) TO I-2 ON THE SOUTH SIDE OF TYVOLA ROAD, APPROXIMATELY 900 FEET EAST OF I-77, DENIED.

Councilmember Short moved denial of the subject zoning petition, as recommended by the Planning Commission. The motion was seconded by Councilmember Frech.

Councilmember Trosch asked if she is correct in stating that because this is conditional shopping center and this was not planned in there is the reason this is not allowed. That similar signs are in front of shopping centers in quite a number of places in Charlotte, and she had a call this morning from a representative of Arlen stating it would be the same sign they have throughout the city.

Councilmember Carroll stated he has a question along the same line, and asked Mr. Landers to explain why that is true; why do they have this sign as a matter of right at one of these shopping centers and they have to get a rezoning at the other one?

Mr. Landers replied they do not actually have it at the other shopping center. They have it on a parcel that has been specifically sub-divided out and declared to be an independent lot and the sign is erected as a billboard - an outdoor advertising sign - which provides for as much as 700 square feet.



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Councilmember Gantt asked if it is not the same sign which is at NorthPark Mall, and the answer was yes. He stated in that case they did not have to go through that manipulation.

Mr. Landers replied that is because the NorthPark sign is not on the NorthPark site - it is on a different site. Another Councilmember asked about the other two locations, Independence and Freedom Drive? Mr. Landers replied if it is of that size and dimension, that would be the only way. It is an area of the zoning ordinance that is a shortcoming - it is a loophole.

Councilmember Cox stated he thinks those signs are objectionable wherever they are located. Just as a citizen riding along Tyvola Road, he does not think that the sign is necessary to the viability of that shopping center and also, that it is important to keep Tyvola nice like it is. He will vote in support of the motion.

Councilmember Selden stated he also likes to see Charlotte look pretty, but there are two billboards right across the street from this shopping center that advertise something else and they are bigger billboards than the sign that is proposed. The shopping center itself is located on a bluff which is not as easily identified as a shopping center to passers-by, and it will therefore receive a lower level of volume in terms of clientele. As he understands it, they are not talking about the Arlen Company itself benefiting so much, as they are talking about the individual business operators in the area. In his personal judgment, there needs to be a significant identity of the shopping center for it to be a viable shopping center in competition with the others in the area.

Councilmember Short stated what Mr. Selden suggests is a consideration of the ordinance, but if they actually set up this business apart from all of the other businesses in the city, they are going to really open up Pandora's box. He stated his own business has a smaller sign as is required by the ordinance and you cannot see it because of trees and other buildings. That is true of businesses all over the city. Perhaps Council could consider the ordinance but he does not think, in any event, they can just grant relief to one business.

Ms. Trosch stated she would really like to clarify this. That this party could go down the road a short way and get this sign? Mr. Short replied if he could find a billboard and rent it from the owner of the billboard, he could put anything on the billboard. The Mayor added that on I-2 zoning it is prohibited.

The vote was taken on the motion to deny the petition and it carried as follows:

YEAS: Councilmembers Carroll, Cox, Frech, Gantt, Leeper, Locke,  
Short and Trosch.

NAYS: Councilmembers Chafin and Selden.

DECISION ON PETITION NO. 78-14 BY GEORGE AND MARY KEZIAH TO CHANGE ZONING FROM R-6MF TO B-1 ON THE NORTH SIDE OF ROZZELLES FERRY ROAD, 900 FEET SOUTHEAST OF HOSKINS ROAD, DEFERRED.

Councilmember Gantt moved denial of this petition as recommended by the Planning Commission. The motion was seconded by Councilmember Locke.

Councilmember Chafin made a substitute motion for deferral, stating she understands from several members of the Planning Commission that a request has been made to study this entire area and that Councilmember Dannelly had intended to speak to this. The substitute motion was seconded by Councilmember Locke and carried unanimously.

PETITION NO. 78-15 BY MARGARET IVEY DANIEL TO CHANGE ZONING FROM R-9MF TO O-6 ON THE NORTHEAST SIDE OF EASTWAY DRIVE, 100 FEET NORTH OF MICHIGAN AVENUE, DENIED.

On motion of Councilmember Locke, seconded by Councilmember Chafin, and unanimously carried, the subject petition was denied as recommended by the Planning Commission.

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RESOLUTION REQUESTING THE GENERAL SERVICES ADMINISTRATION TO TAKE WHATEVER ACTIONS ARE APPROPRIATE TO LOCATE CERTAIN FEDERAL OFFICES ON ONE UPTOWN SITE ACCESSIBLE BY PUBLIC TRANSPORTATION.

The Community Relations Committee had submitted a proposed resolution as an agenda attachment, requesting Council's adoption, or the adoption of a similar one.

Councilmember Selden introduced a substitute resolution as follows and moved its adoption:

"WHEREAS, the low income and the elderly are more frequent users of certain Federal Services which require appearance in person, such as Social Security Administration and Tax Assistance; and

WHEREAS, convenient public transportation such as is found in the uptown area is essential for the delivery of these services to this section of the population;

NOW, THEREFORE, BE IT RESOLVED that the Charlotte City Council request the General Services Administration to establish a policy of locating and/or relocating to the uptown area those Federal Offices situated in Charlotte which provide services requiring a high frequency of personal visitation, particularly of the elderly and the low-income, to afford greater assistance in the access of these services."

Mr. Selden stated the purpose of his resolution is an attempt to clarify. The intent is to bring to the center of the City where transportation is available such services as Social Security, Tax Assistance, and things like that, where elderly and people with low incomes will find it more convenient and will be better able to receive these services.

The motion was seconded by Councilmember Gantt.

Councilmember Short asked if what he is saying is instead of all, he just wants those that particularly pertain to those people who ride buses? Mr. Selden replied that is correct.

Mr. William H. Convey, stated he is a member of the Community Relations Committee and chairman of the Human Resources Subcommittee. That at their last meeting the following resolution was passed for recommendation to City Council:

"Whereas, the Metrolina population increases and the demand for Federal services increases accordingly, and the need for one site for Federal offices in an uptown Charlotte location, accessible by public transportation, becomes evident, the Charlotte City Council urges the General Services Administration to take appropriate action."

Mayor Harris stated he does not believe the Independence Building is suitable for this purpose; that he states this for the record because of some editorials to that effect earlier. He stated that the feasibility of the use of that building for what is intended here - a large number of Federal Offices, etc. - is a bad choice. That the choice should be used as a stimulus for our corridor; that they have talked before about the need of a stimulus out West Trade Street and such a choice would be extremely durable.

He stated he talked with our Congressman yesterday regarding this matter and told him of the resolution and he is very supportive of it. The Mayor stated he feels the most important thing is to relocate the Federal Offices in the no-fare zone, to coordinate the location with our Transit System. He stated that Congressman Martin says that he hopes by early fall to have a study regarding this matter and that this resolution will certainly move it on.

The vote was taken on the motion and carried unanimously.

The resolution is recorded in full in Resolutions Book 13, at Page 253.

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COUNCIL POLICY CONCERNING FUTURE SIDEWALK CONSTRUCTION, ADOPTED; PURCHASE OF RIGHT-OF-WAY AND BEGINNING OF SIDEWALK CONSTRUCTION, AUTHORIZED FOR PROVIDENCE ROAD.

Councilmember Cox made the following motion as an expression of Council's desires regarding the sidewalk policy; and it was seconded by Councilmember Locke:

"Right of Way Purchase: To stretch sidewalk funds as far as possible, Council continues to encourage citizens to donate sidewalk right-of-way. In exceptional cases, however, Council will authorize right-of-way purchase when the need is judged at such a level to mitigate the higher costs.

"Construction Costs: Council asks the Public Works Department to consider unusually high construction costs, excluding right-of-way acquisition, in its selection criteria. That is, a sidewalk which requires expenditures out of the range normally expected should have a need of an exceptional nature also.

"Selection Methodology: Since Council desires to retain some incentives for citizens to donate right-of-way, the Public Works Department should bring requests requiring right-of-way to Council only after reasonable efforts have been made to get donations. Council will then decide whether the sidewalks fits into the exceptional need category as required. Naturally it would be helpful if Public Works did not make any prejudgment to citizens about Council's probable action."

Mr. Cox showed some slides he had made recently of a "staged" walk to school by a selected group of students from Lansdowne Elementary School. The slides showed three segments of Providence Road - from Folger to Old Salem, Old Salem towards East Barden, and from Sardis Lane to Folger Drive.

Mr. William Ledford, stated he has been principal of Lansdowne School for 19 years and this has become a magnificent problem as the years go by. First, the Providence Square Apartments were non-existent years ago. Now when a mother comes in to register her children, the first thing she asked is if there is a bus, and they say no. He stated it is very difficult for parents to form carpools now.

He stated if you go out of Folger Drive toward Providence Square in the mornings or afternoons, and attempt to make a left turn in your car it is a real task; that people in cars have more protection than the child who is walking. There are approximately 230 to 245 children along those areas. The shoulder is non-existent. He stated these are K-3 children versus the 1 through 6 of years ago, and K-3 children are just not capable of making decisions in regard to safety. That we sometimes feel this is a high price to pay, but to him having worked with children all his life there is no price you can put on a child's life. He is always relieved when he knows they have had time to get home. Many times the carpools just do not show up and the children are not allowed to leave until they have permission. He has finally taken many of them to Providence Square himself because you are afraid to let them walk on Providence Road. It is an impossible situation.

Mr. Ledford stated as a private citizen he appreciates Council's concern for this problem - the top priority they have given it; but in all sincerity he would be much happier if he saw the bulldozer and men out there working tomorrow morning.

Mr. Stephen Pace, President of the Lansdowne PTA, stated the last time he appeared before Council he left with a good feeling because he thought he had sidewalks. The neighborhood is concerned about this; that he cannot add anymore to what Mr. Cox and Mr. Ledford have said about the safety of their children, but they do need the sidewalks.

Councilmember Cox referred to a sheet of figures which he had given each Councilmember and called their attention to the fact that the East Barden/Old Salem segment is very, very expensive in terms of the construction cost. That should this motion pass he intends to make a second motion that the City purchase the right-of-way necessary to build the Sardis Lane to Folger

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segment and the Old Salem to Folger segment, but to ask the Public Works Department to review the East Barden to Olde Salem segment in light of the high construction cost. Replying to a question from the Mayor, Mr. Cox stated he would hope that one of these days the money could be found to do all three segments.

Councilmember Carroll complimented Mr. Cox on the exceptional job he has done in studying this serious problem, in not only addressing the need in terms of the cost and the priorities, but also in giving Council some criteria on which they can evaluate these needs in the future. It is a way by which they can continue to encourage citizens to donate the rights-of-way for sidewalks when they are needed, by giving that in itself some priority but at the same time they can deal with the situation of a "super need" when it arises.

Councilmember Selden stated he was concerned about the extent to which the general sidewalk situation might become a very expensive thing until it occurred to him that most of the areas in the City of Charlotte there is a tract of land that belongs to the City between the curbside and the property face; that it is only in unusual situations such as this where this is not true. That is why they are talking about an added expense for sidewalks; it is a rather limited added expense throughout the City.

Mayor Harris stated he also hopes there will be strict criteria developed regarding the safety factor, and the use of this option in this area as far as the need.

Councilmember Frech stated the Shamrock Drive sidewalks was originally in the same package with this and she had expected it to be included in the agenda today along with this. That she also has slides of this area.

Mr. Burkhalter, City Manager, stated he did not know Council wanted the Shamrock Drive situation on the agenda today; and Ms. Frech stated it just was an assumption on her part; that it never occurred to her that one would come up without the other because they are sort of linked since both are considered exceptional. She points that out now to make sure that this policy would not by any stretch of the imagination exclude Shamrock Drive from this same consideration.

Mr. Burkhalter pointed out that the City wants to build both of them.

Councilmember Trosch stated that in the material they received when this came up before it said that all efforts would be made to get donations. In this case, it was indicated that all efforts had been made and some property owners would give land and others would not; therefore, we would go back and pay them off. She asked Mr. Cox if in stating this policy, is he saying that the City would go ahead and give them an opportunity to donate, even if some were not donated?

Councilmember Cox replied they should be given an opportunity to donate. That his Selection Methodology is the best way he could come up with; that some of the other Councilmembers may have a better way of describing this methodology. He does not have any idea whether his method will work or not. He does not think it is proper for the City to go out and say "Look your sidewalks are in the super need category and if you say no, we are going to buy them."

Councilmember Short stated he would just like to get the facts straight. That Council did vote on and did approve all of the sidewalks other than those where they purchase the right-of-way - in this area and in the Shamrock area.

The vote was taken on Councilmember Cox's first motion and it carried unanimously.

Mr. Cox made a second motion that Council approve the purchase of right-of-way and begin construction on the sidewalks from Sardis Lane to Folger Drive and from Olde Salem to Folger Drive; that the citizens be given the option of donation or of purchase at a minimal price; that the segment from East Barden to Olde Salem be reviewed in view of its high cost of construction.

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Councilmember Frech asked Mr. Cox to clarify what he means by "the citizens be given the option of donation or of purchase at a minimal price." Mr. Cox stated that is just to say that the City will take the land if they want to give it to us. By minimal price, he means one dollar, two dollars, or ten.

Councilmember Leeper asked if it is the left side of the street with the high elevation which he is asking that the Public Works Department do another study on? Councilmember Cox replied affirmatively, stating he thinks the \$113,000 ought to be spent on sidewalks in District 3, or on everyone's sidewalks. Mr. Leeper replied he does not need \$113,000 but just wants a clarification - it seems he is asking them to go back and do a study but is asking Council to go ahead and approve it.

Councilmember Cox replied no, he is saying do not approve the Olde Salem to East Barden segment at this time; it ought to be reviewed in light of the high construction costs. In other words, they should go back and do a re-study of the need to make sure that the need is commensurate with the \$113 per linear foot cost of the sidewalks.

Councilmember Leeper stated he would like to ask another question that he may not get a chance to ask in relationship to sidewalks - it is right behind this particular project. The Mayor asked if his question relates to the sidewalks on Providence Road? Mr. Leeper replied he thinks so. The sidewalks are on Allegheny, which is the next project, and they will determine how Council will be able to deal with them in relationship to how much money we spend in some other area. The Mayor stated the same priorities would apply there.

Councilmember Gantt asked if Mr. Leeper is saying if we spend the money on this, then the next priority project is going to have to wait a lot longer? Mr. Leeper replied he wanted to know if they would be holding up the other projects, based on the decision that is made on this one?

Mr. Bob Hopson, Public Works Director, stated all of the money is committed if they go ahead with the Shamrock Drive and the Providence Road's three sections. If they go with two sections, they will have approximately \$113,000 left. They will review that and see if it still "holds water" and bring a report back shortly.

The Mayor stated if this review indicates the sidewalks are still warranted, then that money would be committed to that project; if it doesn't they will have the excess money to go to the next level? Mr. Hopson replied right. Although they are out of money, they hope that in the capital budget additional monies would be forthcoming.

Councilmember Trosch stated she wonders what kind of framework they are talking about. She would assume they have most of the information as far as children. The PTO and the school have been working on this for years as far as getting sidewalks is concerned. She asked Mr. Hopson if he could give them some kind of time frame?

Mr. Hopson replied that they had said before if it were approved within a reasonable length of time, then they could have it for the coming year. It is very doubtful now that they will have it by the start of the school year in September. Ms. Trosch stated she would also like to know about the length of time required for the study and bringing that back.

Mr. Hopson replied there are two studies - one on Shamrock, which is in the Traffic Engineering Department; and he does not know what Mr. Cox wants regarding the Providence Road as he has not seen the resolution.

Councilmember Chafin suggested they ask Mr. Cox what he wants to come out of such a study. Councilmember Cox stated the way he had it in his mind was that this segment from East Barden to Olde Salem would be reviewed as a part of next year's package; it would not be reviewed immediately; that they would go ahead with some critical needs for sidewalks that we have elsewhere. In his own mind, he has a question about when this thing ever comes up again, whether he will vote for it at \$113 a linear foot, regardless of the need. Unless the need is so great.

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Councilmember Gantt stated that is what he would like to establish; that Councilmember Cox has been closer to this than any of the other Councilmembers, with the exception of the staff, and he is trying to find out whether Mr. Cox knows something the others do not know. Is he saying, of the three segments of the road, there are not enough people traveling that particular segment to justify \$113,000? That he is obviously not asking Mr. Hopson to go back and study whether his \$89,000 figure is right or wrong; he is asking him to evaluate how many people travel that route.

Mr. Cox stated what he is asking Mr. Hopson to do is to go back and redo whatever study he does to come up with these needs in the first place; and to come back to Council with his recommendation - that he hopes he will use the PTA and the other resources that are available - saying that the need is so great for this segment of sidewalk that it justifies the expenditure of \$113,000.

Councilmember Locke stated that Mr. Hopson has said this from the very beginning, a year ago. That they have gone through this for one whole year and she feels they should vote the whole thing through.

Councilmember Gantt directed a question to Mr. Ledford and others who are knowledgeable on this point. Can they say what the impact would be if we built only two of these segments; would they still have a substantial number of children who would still have nowhere to go?

Mr. Ledford stated if they would recall the slides, looking the long distance down Providence, where they mentioned the elevation, this is true in asking the children to walk in any direction on Providence Road - it is beyond any adult's imagination. From Olde Salem, along East Barden, they all have to get on Providence Road to get to Lansdowne School. They all live within a mile and a half of the school and there is no bus service whatsoever. He stated it is such a priority where safety is involved.

Councilmember Frech stated this shows the need for more planning between different divisions in government than we have had. The fact that an apartment development can be put there with apparently very little regard for how the children would get to school concerns her. This is the kind of thing that the Planning Commission must look at in the future because this problem would not be here apparently if it had been studied from that angle.

Councilmember Locke made a substitute motion that all three segments be approved. The motion was seconded by Councilmember Frech, and carried by the following vote:

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

The Mayor broke the tie by voting for the motion.

Councilmember Chafin stated she would also like to compliment Mr. Cox on his excellent work; that she agrees the figure is high but it is difficult to justify not doing it, based on the need and the study that has gone into it. That his slides indicated the crucial need.

#### ACTIONS TO PROVIDE FOR CONSULTANT SERVICES FOR DOUGLAS MUNICIPAL AIRPORT.

The following actions were taken by Council to provide for Consultant Services for Douglas Municipal Airport:

1. On motion of Councilmember Locke, seconded by Councilmember Selden, and carried unanimously, a contract with Arnold Thompson Associates, Inc., subsidiary of Lester B. Knight and Associates was cancelled; and a Professional Services Contract with Arnold W. Thompson, AIA, was approved providing planning and consulting services to the Airport Manager, at a fee of \$50.00 per hour, plus expenses.
2. Councilmember Chafin made the motion, seconded by Councilmember Selden, and unanimously carried, approving a Professional Services Contract with Roy H. Callahan to provide assistance in airline negotiations and financial planning, at a fee of \$25.00 per hour, plus expenses.

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3. Ordinance No. 1-X Amending Ordinance No. 576-X, the 1977-78 Budget Ordinance, was adopted on motion of Councilmember Locke, seconded by Councilmember Selden, to provide interim funding for consultant fees for the continuance of the Terminal Development Plan. The motion carried unanimously.

The ordinance is recorded in full in Ordinance Book 25, at Page 380.

CONTRACT WITH KIMLEY-HORN AND ASSOCIATES TO CONDUCT A COMPREHENSIVE TRAFFIC ANALYSIS IN THE VICINITY OF CHARLOTTE MEMORIAL HOSPITAL.

Motion was made by Councilmember Gantt, seconded by Councilmember Selden, approving a contract with Kimley-Horn and Associates to conduct a Comprehensive Traffic Analysis in the vicinity of Charlotte Memorial Hospital, for a total of \$25,000.

Councilmember Carroll stated when Council authorized this study the talked about there being some addressing in this study to transit possibilities as well as ways to keep traffic off of the neighborhood streets which exist in the area of the hospital.

Mr. B. A. Corbett, Traffic Engineering Director, stated the transit possibilities are included in the contract, that the contractor has to study that aspect of it and determine the proper split, etc. in designing in his alternatives. His staff did discuss with all of the prospective consultants their ideas about trying to do things to limit cut-through traffic and that will be taken into consideration. It is not specifically spelled out in the contract, but it will be taken into consideration. That City Council will have the opportunity to consider any proposals which are the outcome of this study before they can be put into effect.

Mr. Carroll asked if it would be more meaningful if it were put in the contract specifically? Mr. Corbett replied he really does not think it would be meaningful because as they see it at the moment, there is a great amount of traffic which is going to and from the hospital which is directly generated by the hospital and the associated medical facilities in the area. The percentage of cut-through traffic as a proportion of that traffic, they believe is very small at this moment. Of course, when you get over on Kenilworth and Scott, there is a goodly portion of traffic which has destinations other than the hospital. That those are the two streets Mr. Carroll may be referring to; and he would have doubts at this moment that they would take actions which would tend to limit the utilization of that one-way path. He agreed with Mr. Carroll that would be prejudging the outcome of the report.

Mr. Carroll stated he is concerned that not only do they take into account the needs of the hospital and the expansion taking place there, but also the needs of the adjacent residential area. He stated when the report comes back he will be asking about that then; and Mr. Corbett stated that hopefully they can give him a better answer at that time than he can today. In answer to another question, Mr. Corbett stated he does not have an idea as to the solution; he has a general idea of something in the neighborhood of a ring type road in that area and might make use of existing streets to provide a means, for example, for someone who came in by transit could stop off at one section of the hospital - the Health Department, the Rehab Hospital - without the necessity of having to get in a car and maneuver it around; adequate signing so that people will know exactly what facility they wish to visit and where it is. He stated there is really no definite pre-conceived idea about the results.

Councilmember Short asked if any consideration is being given to being able to get from Romany Road directly to Blythe Boulevard as discussed a few years ago? Mr. Corbett replied that would be one of the outcomes of this study. At the moment he cannot say what it would be, but hopefully there will be a better way than there is today.

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

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ORDINANCE NO. 2-X AMENDING ORDINANCE NO. 576-X, THE 1977-78 BUDGET ORDINANCE, APPROPRIATING \$8,000 TO PROVIDE FOR THE RENOVATION OF THE THREE MUNICIPAL SWIMMING POOLS.

On motion of Councilmember Chafin, seconded by Councilmember Short, and carried unanimously, the subject ordinance was adopted appropriating funds for the renovation of municipal swimming pools.

The ordinance is recorded in full in Ordinance Book 25, at Page 381.

ORDINANCE NO. 3-X AMENDING ORDINANCE NO. 576-X, THE 1977-78 BUDGET ORDINANCE, APPROPRIATING \$12,000 TO THE HORNET'S NEST PARK ACCOUNT TO PROVIDE FOR ADDITIONAL CONSTRUCTION AND EQUIPMENT NEEDED TO COMPLETE THE PARK.

On motion of Councilmember Chafin, seconded by Councilmember Short, and carried unanimously, the subject ordinance was adopted appropriating funds for additional construction and equipment needed at Hornet's Nest Park.

The ordinance is recorded in full in Ordinance Book 25, at Page 382.

CONTRACT WITH JOHN C. WYATT FOR PROFESSIONAL SERVICES AS PROJECT DIRECTOR OF THE DISTRICT ATTORNEY'S OFFICE MANAGEMENT PROJECT.

Motion was made by Councilmember Locke, seconded by Councilmember Selden, and carried unanimously, approving a contract with John C. Wyatt for professional services as Project Director of the District Attorney's Office Management Project, for a total of \$21,440 (financed with LEAA Grant funds).

Councilmember Carroll asked for a report of the results of this project when the year is up. Council was assured they will be supplied with a report and any questions would be answered at the close of the project.

RESOLUTION TO SUBMIT AN APPLICATION TO THE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION FOR A GRANT TO PROVIDE FUNDS FOR REGIONAL TRAINING EXPENSES.

On motion of Councilmember Cox, seconded by Councilmember Selden, and unanimously carried, a resolution was adopted to submit an application to the Law Enforcement Assistance Administration for a Grant of \$9,106 for regional training expenses, of which the City's match is \$456.00.

Councilmember Leeper asked about the selection process - would it be captains, sergeants, or who would be selected to participate in this schooling process?

Mr. Bill Stuart replied it would be the Police Chief's decision in the final analysis as to what internal arrangements would be made.

The resolution is recorded in full in Resolutions Book 13, at Page 254.

ACTIONS NECESSARY FOR THE CONSTRUCTION OF FIRE STATIONS IN THE 1977 ANNEXATION AREAS.

The public hearing was held on request of Moretti Construction, Inc. to withdraw the bid submitted for general construction of Fire Station No. 21.

No one spoke against the request.

Council was advised that the Public Works Director has determined that the bid of Moretti Construction, Inc. was made in error and recommends it be withdrawn.

Mr. W. A. Watts, Deputy City Attorney, explained that a year or so ago the General Assembly enacted legislation that requires that Council when it sits in this situation make certain Findings of Fact. That Mr. Underhill has prepared the Findings of Fact for Council's adoption:



In connection with the above-referenced request for withdrawal, and after a review of the evidence, the City Council finds:

1. That the bidder, Moretti Construction Co., Inc., unintentionally made an arithmetic error in the amount of \$32,955 in preparing its bid for the general construction of Fire Station No. 21.
2. That as a result of this arithmetic error, a mistake was made in the total bid.
3. That the bidder has filed a request to withdraw its bid within the time allowed by G. S. 143-129.1.

Based upon the foregoing findings, the Council hereby finds and concludes that the bidder shall be allowed to withdraw its bid, and the bidder's bid bond shall be returned to the bidder without forfeit.

Councilmember Gantt moved approval of the Findings of Fact and the second was made by Councilmember Locke.

Mr. Gilford Moretti, representing Moretti Construction Company, stated he would be glad to answer any questions Council might have. Mayor Harris asked if he concurs with the withdrawal and he answered affirmatively.

The motion carried unanimously.

The public hearing was held on request of Tompkins-Johnston Co., Inc. to withdraw the bid submitted for plumbing contract for Fire Station No. 22.

No one spoke for or against the request.

Council was advised that the Public Works Director has determined that the bid of Tompkins-Johnston Company, Inc. was made in error and recommends it be withdrawn.

The following Findings of Fact were submitted for Council's adoption:

In connection with the above-referenced request for withdrawal, and after a review of the evidence, the City Council finds:

1. That the bidder, Tompkins-Johnston, Inc., unintentionally omitted several items of work in preparing its bid.
2. That as a result of these omissions, a mistake was made in the total bid.
3. That the bidder has filed a request to withdraw its bid within the time allowed by G.S. 143-129.1.

Based upon the foregoing findings, the Council hereby finds and concludes that the bidder shall be allowed to withdraw its bid, and the bidder's bid bond shall be returned to the bidder without forfeit.

Councilmember Cox moved approval of the Findings of Fact; the second being made by Councilmember Short, and unanimously carried.

Ordinance No. 4-X Providing a Supplemental Appropriation of \$86,000 for Construction and Equipping of the Annexation Fire Stations.

Motion was made by Councilmember Locke, seconded by Councilmember Selden, to adopt the subject ordinance.

Councilmember Gantt asked if his understanding is right that the adoption of this ordinance is necessary before they can award the contracts due to the fact that we had a cost over-run on the overall three fire stations?

Mr. Hopson, Public Works Director replied that it true; it is a rather minor cost over-run when we consider that it was estimated about three years ago. That this \$86,000 will also clear up all of our annexation problems and in addition takes care of the fire stations. The others are very minor problems. It is Revenue Sharing money and the majority is for the fire stations.

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The vote was taken on the motion and carried unanimously.

The ordinance is recorded in full in Ordinance Book 25, at Page 383.

Award of Contracts.

Fire Station #21 - Little Rock Road

1. On motion of Councilmember Cox, seconded by Councilmember Chafin, and carried unanimously, contract was awarded to the second lowest bidder, D. R. Mozeley, Inc., in the amount of \$225,820.00, for the General Contract.
2. Motion was made by Councilmember Locke, seconded by Councilmember Short, and carried unanimously, awarding contract to the lowest bidder, Stahl-Rider, Inc., in the amount of \$16,189.00, for the Mechanical Contract.
3. Councilmember Selden moved award of contract to the lowest bidder, D. L. Wilson Co., in the amount of \$16,900.00, for the Plumbing Contract. The motion was seconded by Councilmember Trosch, and carried unanimously.
4. Motion was made by Councilmember Selden, seconded by Councilmember Locke, and carried unanimously, awarding contract to the lowest bidder, E. F. Belk & Son, in the amount of \$24,379.00, for the Electrical Contract.

Fire Station #22 - West Sugar Creek Road

1. Councilmember Locke moved award of contract to the lowest bidder, Cabarrus Construction Company, in the amount of \$223,140.00, for the General Contract. The motion was seconded by Councilmember Selden, and carried unanimously.
2. On motion of Councilmember Locke, seconded by Councilmember Chafin, and unanimously carried, contract was awarded to the second lowest bidder, D. L. Wilson Plumbing Company, in the amount of \$16,245.00, for the Plumbing Contract.
3. Motion was made by Councilmember Locke, seconded by Councilmember Chafin, and carried unanimously, awarding contract to the lowest bidder, Air Masters, Inc., in the amount of \$16,750.00, for the Mechanical Contract.
4. On motion of Councilmember Chafin, seconded by Councilmember Locke, and carried unanimously, contract was awarded to the lowest bidder, Basic Electric Company, Inc., in the amount of \$24,800.00, for the Electrical Contract.

Councilmember Gantt stated he notices the price on Fire Stations #21 and #22 are about the same. Is there a difference in the requirements of the fire stations? Is #23 a bigger fire station?

Mr. Hopson replied they had site problems. There was about \$15,000 worth of fill work that had to go in there to raise the elevation about three feet in order to set the fire station so that it would accept the drainage. Also there is \$12,000 in there for "looking ahead work" on solar energy. They are going to build this particular station at an additional cost of \$12,000 which will accept solar energy in the years to come, when and if solar energy proves economically feasible. The other two stations are not built that way. They wanted to at least build one of these and give Council a chance to make that decision if they so wished.

Mayor Harris asked if there was any consideration given in the design of these three stations to their being used by people performing EMS duties? In other words, were they designed for anything other than being purely fire stations?

Mr. Hopson replied no, his department did not; that would have to be addressed to the Fire Chief. He may have had some input on that. He is not acquainted with that phase at all.

Councilmember Gantt stated that sometime later Council would like to see what the plans for the fire stations look like.

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Fire Station #23 - Delta Road

1. Motion was made by Councilmember Locke, seconded by Councilmember Gantt, and carried unanimously, awarding contract to the lowest bidder, Holland-Linder Construction Company, in the amount of \$244,100.00, for the General Contract.
2. On motion of Councilmember Locke, seconded by Councilmember Chafin, and carried unanimously, contract was awarded to the lowest bidder, Stahl-Rider, Inc., in the amount of \$28,479.00, for the Mechanical Contract.
3. Motion was made by Councilmember Locke, seconded by Councilmember Chafin, and carried unanimously, awarding contract to the lowest bidder, P. C. Godfrey, in the amount of \$20,654.00, for the Plumbing Contract.
4. Councilmember Locke moved award of contract to the lowest bidder, E. F. Belk & Son, Inc., in the amount of \$28,345.00, for the Electrical Contract. The motion was seconded by Councilmember Short and carried unanimously.

ORDINANCE NO. 5-X AMENDING ORDINANCE NO. 576-X, THE 1977-78 BUDGET ORDINANCE, APPROPRIATING \$16,000 TO THE AUTO TAGS ACCOUNT TO PROVIDE FOR THE COST OF THE ADDITIONAL COMMISSION DUE THE NORTH CAROLINA DEPARTMENT OF MOTOR VEHICLES.

On motion of Councilmember Gantt, seconded by Councilmember Selden, and carried unanimously, the subject budget ordinance was adopted.

The ordinance is recorded in full in Ordinance Book 25, at Page 384.

CITY MANAGER TO PROCEED WITH THE PLANNING COMMISSION IN THE HIRING OF A WELL QUALIFIED PLANNING DIRECTOR; AND DISCUSSION OF THE CHARGE TO THE PUBLIC WORKS AND PLANNING COMMITTEE RELATING TO STUDY OF PLANNING PROCEDURES.

Councilmember Locke, Chairman of the Planning and Public Works Committee, stated she appreciates the letter which the Mayor sent to Councilmembers regarding not only participation by the Council, but this particular issue that they have been involved with since February 27th. She stated she went through the agenda items, the discussion in the minutes, very carefully. That on February 27th and for the next three meetings they discussed the hiring of a planning director which somehow or another reverted to looking into the full planning process. That most of the Council knows that she does not agree with the majority of the Committee whose thrust is to study the full planning process and delay the process of hiring a planning director. She does feel that they need to address the study of the full planning process but with the planning director hired. She also objects to the fact that in one of the minutes - April 10th - Ms. Frech said, after the Proposal for the Study of the Charlotte-Mecklenburg Planning Process was passed out, that "Ms. Trosch has prepared, after discussing with some of the rest of the committee" - she might add "some of the rest of the committee" and some Councilmembers - "some proposed steps they want to work towards."

Councilmember Locke stated she feels this is not right for some members of the committee to have met without full discussion of the committee, and some members of Council. She would appreciate being removed as Chairman of the Committee, and allowing Mr. Gant to go ahead and proceed with this. Mayor Harris stated her removal as Chairman would be for this matter only, and Ms. Locke agreed this was her intent.

Councilmember Frech asked to respond to one aspect of Ms. Locke's remarks. She does not remember having said exactly what Ms. Locke quoted, but at any rate there was no meeting among anybody; this was not drawn up at any meeting. Whatever discussion took place was simply what might have occurred just standing around. There was no meeting, and she thinks the others will agree.

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Councilmember Trosch stated her proposal was simply information she had pulled from all kinds of people and it was not drawn up at any meeting whatsoever with members of the committee. However, she had spoken to members of the committee as well as anyone else she felt was interested in the Planning Commission.

Councilmember Locke stated it was reported in the newspaper that some members of Council met and she is sure this was one of the discussions. Ms. Trosch replied it had nothing to do with this matter.

Mayor Harris stated he has sent a memorandum to Councilmembers regarding the matter. That he feels the important thing is that it is really twofold. That they have discussed things today when discussing other subjects - the Plaza-Midwood presentation for instance - where they can very clearly see the need in the future for good planning in the City and implementation of those plans rather than having the work of well-meaning people disappear and evaporate, in effect. That they have seen this need in the Outer Belt decision - the need for a real strong planning role in the community. That is going to become even more important in the future. He wants Council to separate the roles as regards their views as related to the hiring of staff. That was the real message he was trying to get through in his memorandum. That is the role of the City Manager and his staff. He stated they should separate the two - continue the diligence to talk about the planning process but get on with screening and eventually hiring a professional who can help them do their job. Councilmember Locke stated that was her message as well.

Councilmember Trosch stated they are taking a look at the total planning process and how it relates to our community, and out of this study may come recommendations for policy changes in the process, and also a clearer understanding of what the role of the director should be in that process. As the Mayor's letter states, they have to separate policy from administration, and she thoroughly agrees. What good administrator-planner would come into a situation when he did not have a clear knowledge of what the policy he is to implement is, therefore taking a chance that the ultimate policies might not be in keeping with his philosophy of the planning process. She is convinced that it is the role of elected officials to first establish the policy framework of the planning process. She sees the task as threefold. First, to study and define policy goal and objectives; second, to define the qualifications and job description of the Planning Director to carry out these policies; and third, to then have the appropriate people proceed with the search for a Planning Director who can implement this policy. If they begin with Step 3 rather than Step 1 they could end up in confusion, asking an administrator to help write policy under which he will operate. It seems to her that it puts everyone in a bad position if a newly hired director ends up supporting a policy that is not in keeping with the thinking of elected officials. This is putting the cart before the horse.

Mayor Harris stated he does not know who is going to develop that policy, in effect, because a professional's duty is to help develop policy. For instance if Mr. Hopson all of a sudden became president of some company someplace, if Council then started looking at the role of the Public Works Director, who is an employee under Mr. Burkhalter, and started trying to define what that director would do in the Public Works area, that is a little over-stepping the role of the professional. The professional, if he or she is a professional, that they are going to hire should help you develop your policies. Then you have an ally for the development of your team.

Councilmember Gantt stated he also appreciates the letter the Mayor sent Councilmembers and he has done a lot of thinking about whether or not Council is, in fact, stepping on too many toes about this planning process. That first of all, he is very upset about the fact that Ms. Locke feels that the committee has some particular agenda. That what he feels personally they want to do is made very clear by the minutes and by the initial meeting.

He stated he would like to address the question that has been raised because he thinks there is some disagreement about policy. He personally is looking at the Planning Director as a kind of Executive Vice President, with Council being the Board of Directors. That as an example - he passed out to the members of the Planning and Public Works Committee something called the Planning Process which he chaired about two years ago in the AIA which talked

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about the recommendations that might be made with regard to our Planning Process. One of those recommendations talked about the entire elimination of the Planning Commission; a direct relationship between the professional staff and the policy making structure. In this case, it would mean a substantial change in the organizational structure - the Planning Director who comes to work for a Planning Commission suddenly finds himself working for David Burkhalter. He may have some problems with that. In addition to that, a Planning Director who ultimately has responsibility today for advance planning may in fact find himself with the task of redevelopment also, as one of his areas of concern. This is really not farfetched. One of the things that came out of the AIA studies is that housing, redevelopment, planning and long range planning ought to be combined in one over-all function. If they are serious about taking a look at the process, then that may be the question that Council will need to answer; if they are serious about this thing, it might mean they rip the whole thing apart. He suspects, however, that some people really do not feel they are serious about looking at the process. That this is a method of delaying the hiring of a planning director. That would give some validity to the impression that some people have that there is no serious attempt here. That since he has been appointed chairman, he wants to say that he is terribly about the fact that they need to look at it, particularly in view of the outer belt controversy, particularly in view of last year's situation at SouthPark, particularly in view of the questions they have about Woodlawn and all the other major streets. It seems to him it has increased a little bit and needs to be overhauled. That a comprehensive look would certainly require that they hold off the hiring of a director. That the best way to resolve this is to have the Council vote on this issue of the director - remove the cloud from the committee. The committee now operates under the feeling that they really are about something else. If the Council supports the position the committee has taken, then the Council needs to tell the committee now by voting on this issue of letting Mr. Burkhalter go ahead with the process of hiring while the committee proceeds with the study. He stated he would object to that, but he would certainly want to follow the dictates of the Council in the matter. Right now he feels as if they are operating under a cloud. The County Commission has, in effect, ignored them. Maybe they feel too that they are trying to delay the hiring of a director. That is bad all the way around. The process does need some looking into. If it is going to clear the air, then this Council needs to instruct Mr. Burkhalter to go ahead and do that forthwith. He cannot personally understand or agree with the reasoning that a three or four months study of this process would injure the planning process.

Councilmember Cox stated this is one of those issues that he has come down on either side of. He believes, because he cannot make up his mind, that credible arguments can be made for both sides. However, Councilmember Gantt's is the key point - let's make our charge to Mr. Burkhalter and to the Planning and Public Works Committee very specific. He, for one, has not really caught on, although he thinks he is getting to the point of catching on, about what the study is all about. He would like to see the committee's charge and would hope that Council would in the future make it's charges more specific and put a time frame on the response from the committees. Else he fears that the committees may at some future time develop wills of their own that are outside the original charge of the Council.

Mr. Cox stated he hopes that Councilmember Gantt will make a motion that they act on the instructions to Mr. Burkhalter regarding the hiring of the Planning Director; and that someone make a motion regarding the specific charge regarding the study of the planning process itself and that it have some kind of time frame.

Mayor Harris stated the only reason for his memorandum was to bring this matter to a head; that most of Mr. Gantt's comments he agrees with; these things need to be addressed. The only problem he has is concerning the expediency of getting on with it if they have to meet every week. That type of thing. He has no reservations about the proper role of the Zoning Board or anything like that - the Planning Commission or whatever. But, he wants notice to be given in the public body here that if the committee is going to go its way <sup>that not they</sup> have a professional staff hanging in limbo because this is a very dangerous precedent - sitting here and letting our

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staff deteriorate for the next six months or whatever it is while we really study the process - it needs study, and he agrees with that, but he thinks the direction should be coming as a spoken position. He is glad to see Councilmembers speaking to these positions - it is good to have it right out on the table.

Councilmember Selden stated if Mr. McIntyre was still in the position of Planning Director he thinks this Council would desire to review the planning process in great depth just the same way that they now do; and we would have had a planning director in office and he would have, being the professional that he was, adjusted to whatever the Council directed him to do in terms of the planning process decisions of the Council. On the other hand, the planning process needs a considerable amount of in-depth study by Council that is not going to be completed in one month, two months or even four or five. Therefore, in the interest of getting on with the business, he is very anxious that they proceed with getting a good, qualified, professional planning director who can adjust to whatever the wishes of the Council are, and the changes and direction of policy in planning.

Mr. Selden moved that City Council request the City Manager to proceed with dealing with the Planning Commission in the hiring of a well-qualified Planning Director in the City's share of the responsibility, and that they follow that with a separate motion regarding the examination of policy. The motion was seconded by Councilmember Locke.

Councilmember Leeper stated they are going to have to deal with this in the way of a motion so that this committee will have at least some clear understanding of where Council wants them to go. That they are talking about hiring a planning director and there is some concern about really who has the authority, what the County Commissioners feel about the planning process, what the Council feels about the planning process. Really they are trying to go as two separate bodies in terms of planning for Charlotte. It seems to him if they are really serious about trying to get a very good Planning Director, it is very doubtful that a Planning Director is going to come in under those kinds of circumstances, where he is unsure really as to what is taking place here. He would like for Council to move forward as soon as possible in trying to clear up some of the kinds of concerns that they have before they give Mr. Burkhalter the direction to proceed with that process. That it is important that there be no questions in a Planning Director's mind when he comes into this area about what the City's policies are, what Council's intentions are and where we are trying to go as a city. He hopes Council will move forward and give this planning body the understanding that they want them to study this whole process and that they would not want to hire a director until they have some clear lines of communication as to where we are trying to go.

Councilmember Short that most of Council already knows that it would be his inclination to support Mr. Selden's motion. That Mr. Gantt has mentioned housing, redevelopment and long range planning. These are three of the principal activities of the Planning Commission right now. In fact, housing is zoning and he would say that is their principal activity. Redevelopment has been something they really have to initiate and delineate and determine what areas are eligible, etc. Long range planning is indeed an activity that is highly refined in the Planning Commission and there has been good inter-reaction between the commissioners and the staff on this subject, in his opinion.

He stated that Mr. Gantt also mentioned the possibility that out of the type of study that he has in mind there might come some matter of eliminating, as he understood it, the Planning Commission and having the direct relationship between the staff and the City Council. He is not at all sure that is possible. If they hold up the selection of a professional director over such a thing as that, they will hold it up for about five years he is afraid, because that is very carefully delineated in the statutes, which is a whole section of the Code - it goes on and on with paragraph after paragraph, and sub-paragraph after sub-paragraph, just exactly what the zoning process is and it certainly does involve every county in this state having a Planning Commission. He does not believe there is anything in the state statute that would allow such an arrangement as a political body having a direct access to the Planning staff.

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Mr. Short stated he also has the fear that Council will look like obstructionists in this matter, and he just has an affectionate feeling for this particular Council and would not like to see that happen. That they have about one-fifth of the land as far as public officials go around here; they are less than the majority of those who are really involved in this. The County is eager to go in the other direction; the state statutes do not allow them to do what he thinks Mr. Gantt has in mind. He thinks they should indeed go ahead and let the City Manager participate in the selection of a Planning Director.

Councilmember Gantt stated he thought he made it clear that those were just ideas, the very kind of thing they need to do now, to explore. They are not preconceived. That what Mr. Short seems to be saying is that everything that is existing now can never ever be changed, and he is not so sure of that. At least, this committee ought to find out.

Councilmember Carroll stated he is not sure without looking at the state statute whether or not these changes could be made; that he thinks the present set-up is a permissive one. He would have to agree, and thinks there is a lot of agreement among the whole Council, in terms of what they are thinking they need to do in terms of really studying the planning process. He hopes that however it comes out they can have some good feelings about attacking that part of it. That it is something that needs to be done. He does feel that if they are going to get the kind of person that they are all hoping to get as this "chief executive" that they cannot bring him into a fluid situation, one that is being studied for change, and get the kind of caliber of person that they want, without allowing him to know where he stands. It is important for Council to define that ahead of time; for the committee to go ahead and make the study that it is presently working on.

Councilmember Carroll made a substitute motion that Council direct the Planning and Public Works Committee, with Mr. Gantt chairing in this particular instance, to undertake that study, pursuant to and as outlined in the Trosch memorandum which was circulated earlier; again ask the County Commission if they desire to participate in this study as the Mayor suggested; that Council direct the Committee to report back in not more than four months; and that Council instruct the City Manager in the meantime, not to fill his 50 percent role in hiring a new planning director. The motion was seconded by Councilmember Trosch.

Councilmember Frech stated to get the kind of director we want it is essential we go through this process. Or we will not get the caliber and kind of person we want unless we do.

Mayor Harris stated everyone has talked about the caliber of the person, and people not wanting to come here. He understands from Mr. Tate they have received all kinds of applications, and there are four top quality people he would like to have someone review. Evidently there are planners but he does not know if they would define them as the quality of what they are looking for. That Ms. Kimm Jolly is on the committee, and is in the audience.

Ms. Jolly stated they have not met for a good while because of Council's instructions; that she does not know about the resumes that he is referring to.

Councilmember Cox stated he talked to a person in the Planning Commission staff, and is a person we all respect. That this person had concerns, not of the study of the planning process, but the fact it was going to take too long - that it was going to take a long time to complete - and that we were tying the completion of the planning process to the hiring of a planning director. That in their talk he told them what the Committee was trying to do, and he said they would not be through by the first of the year. Councilmember Cox stated that is his concern. He does not mind studying the planning process and putting off the release of instructions to Mr. Burkhalter for some period of time in the future. But he thinks we are in a fluid situation. However, he does have a strong objection tied to putting it off six to nine months. He does not think organizations prosper in that kind of environment. When he says this, people say they have been doing okay for the last three or four months, and let them go ahead. He stated he does not

think anybody really thinks that, or really believes that. That he likes Mr. Carroll's motion, except he would like to tie into that some kind of language that says whatever it takes at the end of that period of time we will release Mr. Burkhalter to go about his job; and whatever it takes, even if it is day and night meetings, we will have those things we know delineated, and those things we do not know delineated.

Councilmember Cox stated he thinks any perspective planning director would be receptive to the idea that people he was going to be working for cared enough to devote a lot of time to the study of his job. That he thinks he would also be receptive to the attitude that we had not made up our minds about everything yet, and would rely on his a little bit.

He stated he thinks a three month time frame is plenty of time for us to get to a point where we can say we are comfortable enough to go out and get a planning director. That we do not know all the answers yet, but are comfortable enough; we think we understand well enough to go out and look for someone to help us get to the final resolution. If they will give him two months, he will take two.

Councilmember Selden stated with respect to four months, three months or two months, and if it were by some magical note this group could come together with a common belief about the planning process, it would be a miracle. That three months or four months, at that point in time, this is only 50 percent of the resolve of the question, because you have the other half of the question which is the county commission, and wherever they place the responsibility of the problem. So you have just accomplished the first step; there is no goal. If you come back in three months or four months, you have not reached the point of being able to say what the planning director should do or should not do.

Councilmember Chafin stated she believes the study of our planning process is essential. She suspects it is one of the more important tasks this Council will undertake. We have seen some of the deficiencies in our planning process in recent weeks and months. Some of these deficiencies were reiterated for the Mayor and her when they were in Raleigh when they met with Secretary Bradshaw. That he was very disturbed about some of the things that have occurred recently relative to the protection of the belt road corridor

She stated given the timetable of this Council moving very quickly into budget sessions, and as one who has gone through two budget reviews, it is a very time consuming process, and it takes a great deal out of one both physically and emotionally. She suspects the meetings are going to be more frequent and longer this time than they have been in the past, the Mayor's memo notwithstanding.

Ms. Chafin stated that also we have the airport bond referendum ahead of us. It is her belief that it is crucial that members of this City Council play a visible role in this referendum. It is not enough to instruct our Committee to go out and speak on behalf of the bonds. This Council has to take some leadership on it.



Councilmember Chafin stated she has gone back and forth on the relationship of the study and the selection of a planning director. At one time, she was leaning toward the position expressed in Mr. Carroll's substitute resolution. But she really believes these two processes can occur simultaneously; while this study is going on, and she set in on the first meeting of the Committee, and while much of the material presented was review, many things came up which helped her identify some major weaknesses in our planning process; particularly as relates to implementation of our long range plans, and coordination of the various processes that are occurring in this community. She thinks, at the same time of the review process for selection of the planning director can occur. Morale of our planning staff is at an all time low; to some extent this staff does feel leaderless; they are looking for someone who can come in and provide some strong leadership. We are going to be making some changes in the planning commission which relates to this. By the time we are ready to select a planning director, the Committee will be well along in its study of the process; the planning director, someone she hopes with experience and vision who will view the prospects of working in a community like Charlotte as a challenge; and she thinks those people are out there in spite of some of the problems, and the lack of unity on the part of the two governing bodies.

Councilmember Chafin stated she thinks these two processes can dovetail, and will really help to clarify by separating the two, the role of the study. For this reason she is going to support Mr. Selden's motion.

Councilmember Carroll stated he would like to respond to Mr. Cox's suggestion that he perhaps amend his motion.

He stated he would be glad to do that if Mr. Gantt thinks a three months timeframe would be something that could be worked in. It is their committee. Also if Mr. Gantt thinks that is sufficient timeframe, he will be happy to amend his motion to include that we allow the process to go on in terms of interviewing people; but simply ask the Manager not to take any action until the study committee has its report at the end of the first three or four months phase. He thinks we owe it to the person we are trying to hire to let him know where we are going. He hears everybody here saying they are concerned about it, and they want an overall process. Yet he knows if he was looking at the job he would want to know what is going to happen with this kettle of fish. We need to make that kind of decision; and we need to suggest to the Manager that he allow us to make that decision before he actually goes ahead and hires.

He stated he agrees with Ms. Chafin and sees no problem with continuing the search during that time.

Mayor Harris asked if he is saying for the interview process to continue, or be re-initiated? Councilmember Carroll replied yes, with no selection until this committee finishes its report, and that they act promptly. Mayor Harris asked if he is saying unless the Committee concurs; or is he waiting until they come up with the right person that you really want; or you hold that person in limbo until the Committee finishes its study.

Councilmember Carroll replied he is like Mr. Cox; he does not know if they come in flavors. Mayor Harris stated one of the best things some of the Committee could get involved with would be, as the resumes come in to review some of them, and perhaps even talk to the applicants; and get some input. That he would not hold that decision back just waiting for six months, four months or whatever it is for the development of whatever the committee wants to do. Councilmember Gantt stated he has some doubts as to whether you can have an interview process that could stretch into three months. It sounds

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to him like somebody is ready to hire a planning director right now. That he may be wrong about that, notwithstanding that Ms. Jolly's committee has not met. That somebody is talking about four outstanding candidates. That does not sound like you are a long way from making a selection. Assuming that can go that period of time, that is fine. Maybe what is wanted, and nobody has said this yet, and that is how are we doing any harm; how is the process damaged by four months, or two. He personally thinks it will take four months because he thinks the staff needs to be directed to do certain kinds of leg work. He would personally like to have neighborhood input in some of these areas, everybody from the Chamber down to neighborhood groups if they want to come into this process; and it would take about a four month period. What we need to do is to have a limit on it in which the Committee would have to come back at some point and say either they have some things defined in their minds as to what should happen, and release the Manager to go ahead and hire. What they seem to be wanting to avoid is a situation that stretches out to a year, nine months or so without anything happening. Rather than three months, he would say four; that we are talking about September any way we do it.

Councilmember Carroll stated with permission of the seconder, he would change his motion to include the allowing of the selection to go on and participate with this Committee to the extent feasible, and the Council to act promptly after the four months study period is up. That Council act promptly to implement whatever suggestions the Council decides needs to be done, and that we act promptly to hire a planning director.

Mr. Burkhalter, City Manager, asked that Council not let them drag this out. That he is a little embarrassed now about people who call and have implied what is going on, and that sort of thing. They can go either way they want to. If they do not want to hire a planning director now that is their decision to make. But he asked they not tell him to start recruiting and say he cannot hire. That is a very bad situation. Just leave out the recruiting part, and that is all right.

Mayor Harris stated at Mr. Burkhalter's request, he thinks the elimination of that part of Mr. Carroll's motion should be made unless there is a feeling of Council contrary. Councilmember Carroll stated that is fine; he thought the feeling was to include it. He thinks what he does want is a timeframe to tell people how this process is going on, and if it is appropriate for the Committee to work with him in that time frame, he thinks that is appropriate.

Councilmember Selden stated he would like for us to look a little more literally at the hiring process, whether one of the four candidates is the one or not, he does not know. But they undoubtedly have been sitting on wait for at least two months now, if they have been lead into the process. Speaking to Mr. Burkhalter, the problem of going out to find an individual but saying we do not know for another four months what the philosophy is that we are going to present to you to follow makes the hiring process an extremely difficult one.

Mayor Harris stated the important thing is an affirmative stand. That is why we are talking today so there will be direct guidance, direct leadership of the city; in other words so that Mr. Burkhalter will know exactly where he stands, and can act from there.

Councilmember Gantt stated the motion would in effect allow the process to go on for four months and report back; which he assumes he has withdrew the idea of the dual recruiting at the same time. And then we have a motion to allow Mr. Burkhalter to proceed with the hiring of the director. It seems to him that is clear cut.

Councilmember Cox stated he would like to make a substitute motion. That he likes Mr. Carroll's motion, but four months is too long; he suggested the report back on May 18; that is the first day of budget. That he understands when Council gets into the budget, it takes six weeks.

Councilmember Cox made a substitute motion that the Planning and Public Works Committee be given a charge to do what Mr. Carroll says by Monday, May 15. The motion did not receive a second.

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Councilmember Trosch stated as she understands it there is really no job description excepting a classification description. She asked if that is correct? Mr. Burkhalter replied he has not seen their job description except for classification; that he has not seen anything on this since Council's instructions; that he has two applications on this. Councilmember Trosch stated it is very hard for her to understand how we can go after someone, without any definition. When the University was going after a chancellor they took weeks and months to define what they were going after. Mayor Harris stated he read through Ms. Trosh's brochure on the Planning Process; he would think it would be in there if there was such a definition.

Mr. Burkhalter stated the Planning Commission Committee has a job description, which they received from the Personnel Department.

Councilmember Short stated he remembers when John Ingersol came here as Chief of Police; that he is glad we did not try to pick out how to run that police department before John Ingersol got here. It was only through his help that we permanently helped that department. He does not believe there was anybody, including Bill Veeder, who was able to do it as well as it was done with John Ingersol. He remembers when Bob Hopson came here; he was the first one we ever had, and that department was created at that time. That Paul Bobo has been an operations man forever, and it would be very difficult, and he believes Mr. Bobo would agree, to ever set that operation up without Bob Hopson's input. When Josh Birmingham began to run the airport, there were a lot of changes that none of us would have thought of. Only Josh could have done it. He stated he thinks this list could go on and on. It has been the way we have normally done things here in Charlotte, and it has been a good way.

Councilmember Carroll stated as he understands it the Planning Commission works on a yearly program which they will try to do in that year; and it is pretty much set for this year; and carry out that program is something that is not going to be inhibited by this study, and by bringing in a new Planning Director in the next four or five months. He asked Mr. Cox if he can live with three months?

Councilmember Cox replied you cannot do anything during budget time anyway. He thought we gave a charge to the Planning and Public Works Committee to come back with a recommendation regarding (a) the hiring of the planning director; and (b) to study the planning process. We have to stop playing these kinds of games; we have either got to say give it to the Committee and let the Committee come back; give the Committee a specific charge and a specific time to come back. Or, do not give it to the Committee, period. The only reason he went to the May 18 date is because he thinks either three months or four months is too long. If we are going to have the committee system, then it is important that we play the game right. He does not think giving a charge, and then taking away the charge before it has had the chance to respond is the right way to play the game.

Councilmember Short stated having a part of this Council dealing with Mr. Burkhalter in hiring this person, and excluding the rest of the Council is unfair. That he cannot go with any part of that.

Members of Council indicated it was not their understanding this was a charge to the Committee.

Mayor Harris read the following from the minutes: "Ms. Locke stated she will set up a meeting of her meeting and they will proceed. Mayor Harris stated he would like to say before there is any divisiveness, and he supports the continuation of city-county planning function. Ms. Trosch asked for clarification, less the media say that Council went away not knowing what they said. Mayor Harris replied the instructions are still standing for the Planning Commission not to hire a planning director; that the Planning and Public Works Committee will study the planning process. In the meantime the Planning Commission will continue to look for a director." Mayor Harris stated that is from the minutes. Councilmember Cox asked then what is Council voting on.

Councilmember Gantt stated he has always said that we are studying the

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planning process, and embodied in that is a talk about the director. Councilmember Cox stated he has always understood that the job of the Planning and Public Works Committee was the study was tied to the hiring of a planning director. He asked if he was wrong? Several members of Council stated they thought he was wrong.

Mayor Harris stated there are two separate items. One is to study the planning process, and the other is do not hire the director while we are studying the process.

Councilmember Cox stated he thinks his comments are still appropriate; that we should be more diligent and more disciplined in the way we give charges to the committees.

Councilmember Carroll restated his substitute motion as follows:

"That Council direct the Planning and Public Works Committee to undertake a review of planning pursuant to the terms of the Trosch memorandum; that we again request the County Commission to participate; that the report be completed and back to the Council within four months; and that in the intervening interval we request the City Manager not to give his 50 percent consent to the hiring of a planning director until the study is complete; and as soon as the study is complete we proceed to request the City Manager to do what he is suppose to do to hire a planning director."

The Trosch memorandum is as follows:

"Upon instructions from the Charlotte City Council, the Public Works and Planning Commission has undertaken a thorough study of the Charlotte-Mecklenburg planning process. The first objective of this study is to more clearly understand our current planning process and to become knowledgeable as to its strengths and weaknesses. The second objective is to become aware of ways to increase the effectiveness of planning within our community. After studying other municipal planning processes, recommendations to strengthen our own planning process will be made to City Council. The committee should make its preliminary recommendations by September 1, 1978.

The proposed steps to meet these objectives are as follows:

- I. A study of the existing Charlotte-Mecklenburg Planning Process.
  - A. Legislative base for planning.
  - B. Review of existing planning commission structure and administration.
  - C. Relationship of current process to the political structure.
  - D. Interview present and past commission members, staff members, and other people knowledgeable about Charlotte-Mecklenburg's planning process.
  
- II. Identify other effective Planning Processes.
  - A. Review of American Institute of Architects Association Planning Study and other relevant studies.
  - B. Become familiar with other metropolitan planning processes by:
    1. Contacting Urban Institute
    2. Contacting A.S.P.O.
    3. Talk with Metropolitan Planning Group in Federal Highway Administration.
    4. Pick academic institutions that have established and recognized planning programs and talk with them about identifying cities, as well as individuals, who have, or are understanding of, effective planning.
  
- III. Visit Selected Cities (Identified by above process)
  - A. Talk to professionals as well as politicians as to how the professional planning process and political process interrelate in their city.

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- B. Emphasis on
1. Type of staff, qualifications and compensation.
  2. Organizational structure.
  3. Budget.
  4. Relationship to other departments of local government.
  5. Relationship to state and federal agencies.
  6. Public relations - education programs carried on.
  7. Planning areas.
  8. Planning tools used for implementation of policies.

IV. Committee discussion and evaluation - leading to recommendations to full Council regarding the planning process in Charlotte-Mecklenburg.

V. Hearing on final recommendations."

Councilmember Chafin stated as far as she can tell there is no language in the memo that relates specifically to hiring a planning director. Councilmember Short stated the part on "emphasis on type of staff" is about as close as it comes. Councilmember Trosch stated that is on other cities and how they operate.

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

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

Mayor Harris broke the tie voting against the motion.

At the request of Mayor Harris, Councilmember Selden restated the original motion, which is as follows:

"That the City Council charge the City Manager to join with whatever representation of responsibility with the County in the hiring of a planning director, and proceed therewith."

The vote was taken on the original motion by Councilmember Selden, and carried as follows:

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

The Mayor broke the tie, voting in favor of the motion.

PUBLIC WORKS AND PLANNING COMMITTEE MEETING CHANGED FROM THURSDAY TO FRIDAY, AT 2:00 P.M.

Councilmember Gantt advised due to a conflict in schedule, the Public Works and Planning Committee meeting scheduled for Thursday, afternoon, April 27 has been changed to Friday, April 28, at 2:00 P.M.

CONTRACT WITH WORTH KEETER, INC. AUTHORIZED EXTENDED TO PURCHASE FRONT LOADING REFUSE COLLECTION BODIES.

Motion was made by Councilmember Selden, seconded by Councilmember Short, and carried unanimously to extend a contract with Worth Keeter, Inc. for the purchase of front-loading refuse collection bodies for the Public Works Department.

PAYMENT TO INTERSTATE EQUIPMENT COMPANY FOR EMERGENCY REPAIRS TO SCRAPER AUTHORIZED.

Councilmember Locke moved approval of payment to Interstate Equipment Company for emergency repairs made on a scraper assigned to the York Road Landfill, for a total of \$10,304.30. The motion was seconded by Councilmember Selden, and carried unanimously.

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CONTRACTS AUTHORIZED AWARDED.

(a) Motion was made by Councilmember Chafin, seconded by Councilmember Short, and carried unanimously, awarding contract to the low bidder, Burgess Fire Equipment, Inc., in the amount of \$22,906.38, on a unit price basis, for equipment for fire pumpers.

The following bids were received:

Burgess Fire Eqpt., Inc.	\$ 22,906.38
Triad Fire & Safety Eqpt. Co., Inc.	24,406.17
Action Fire & Safety, Inc.	25,849.76
The Leslie Company	26,054.64
Robert Lee Benner	26,352.37
Zimmerman-Evans, Inc.	26,903.26
Southern Pump & Tank Co.	28,106.62

(b) Motion was made by Councilmember Chafin, seconded by Councilmember Short, and carried unanimously, awarding contract to the low bidder, Chopper One, Inc., in the amount of \$14,354.53 for helicopter engine replacement.

The following bids were received:

Chopper One, Inc.	\$ 14,354.53
Airwork Service Div.	15,007.00

(c) Motion was made by Councilmember Chafin, seconded by Councilmember Short, and carried unanimously, awarding contract to the low bidder, Burris Chemical, Inc., in the amount of \$85,661.10, on a unit price basis, for annual requirement of aluminum sulphate.

The following bids were received:

Burris Chemical, Inc.	\$ 85,661.10
Moreland Chem. Co., Inc.	90,468.00
Allied Chemical Co.	90,940.50
American Cyanamid Co.	91,079.10
Jones Chemicals, Inc.	95,256.00
Suffolk Chem. Co.	95,886.00
Thompson-Hayward Chem. Co.	95,886.00
Asher-Moore Co.	101,682.00
PB&S	103,194.00

(d) Motion was made by Councilmember Short, seconded by Councilmember Locke, and carried unanimously, awarding contract to the low bidder, National Gypsum Company, in the amount of \$44,820. on a unit price basis, for annual requirement of hydrated lime.

The following bids were received:

National Gypsum Company	\$ 44,820.00
Virginia Lime Company	45,223.20
Suffolk Chem. Co.	49,831.20
Asher-Moore Company	50,104.80
Howerton Gowen Chem., Inc.	61,200.00

(e) Motion was made by Councilmember Locke, seconded by Councilmember Selden, and carried unanimously, awarding contract to the low bidder, Husky Industries, Inc., in the amount of \$42,560 on a unit price basis, for annual requirement of activated carbon.

The following bids were received:

Husky Industries, Inc.	\$ 42,560.00
ICI Americas, Inc.	44,820.00
Suffolk Chem. Co.	48,020.00
Burris Chemical, Inc.	48,160.00
Thompson-Hayward Chem. Co.	49,020.00

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(f) Motion was made by Councilmember Locke, seconded by Councilmember Trosch, and carried unanimously, awarding contract to the low bidder, Jones Chemicals, Inc., in the amount of \$65,384 on a unit price basis, for annual requirement of liquid chlorine.

The following bids were received:

Jones Chemicals, Inc.	\$ 65,384.00
Moreland Chem. Co., Inc.	68,992.00
Suffolk Chem. Co.	88,000.00
Howerton Gowen Chem., Inc.	88,000.00
Burris Chemical, Inc.	96,800.00
PB&S Chemical Co.	96,800.00
Thompson-Hayward Chem. Co.	101,200.00

(g) Motion was made by Councilmember Locke, seconded by Councilmember Chafin, and carried unanimously, awarding contract to the low bidder, Suffolk Chemical Co., in the amount of \$35,592.00, on a unit price basis for annual requirement of sodium silicofluoride.

The following bids were received:

Suffolk Chemical Co.	\$ 35,592.00
Jones Chemicals, Inc.	36,912.00
Burris Chemical, Inc.	40,296.00

(h) Motion was made by Councilmember Chafin, seconded by Councilmember Short, and carried unanimously, awarding contract to the low bidder, Shell Chemical Company, in the amount of \$44,475.00, on a unit price basis, for annual requirement of liquid hydrogen peroxide.

The following bids were received:

Shell Chemical Company	\$ 44,475.00
Moreland Chem. Co., Inc.	44,670.00
Burris Chemical, Inc.	44,835.00
Suffolk Chem. Co.	44,835.00

(i) Motion was made by Councilmember Chafin, seconded by Councilmember Selden, and carried unanimously awarding contract to the low bidder meeting specifications, Pyco Supply Company, in the amount of \$36,135.00, on a unit price basis, for plastic water meter boxes and lids.

Bid received not meeting specifications:

Pump & Lighting Company	\$ 28,635.75
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RESOLUTION AUTHORIZING CONDEMNATION PROCEDURES FOR ACQUISITION OF TWO UNNAMED ALLEYWAYS, AND PROPERTY OF LITTLE ROCK AME ZION CHURCH FOR FIRST WARD URBAN RENEWAL PROJECT NO. N.C. R-79.

Upon motion of Councilmember Locke, seconded by Councilmember Selden, and carried unanimously, the subject resolution for the acquisition of two unnamed alleyways and property of Little Rock AME Zion Church, at 401-07 N. Myers Street, for First Ward Renewal Project No. N.C. R-79, was adopted, and recorded in full in Resolutions Book 13, at Page 255.

AMENDMENT TO CONTRACT WITH CLARY ARCHITECTS, AUTHORIZED.

Motion was made by Councilmember Locke, seconded by Councilmember Selden, and carried unanimously, approving an amendment to the contract with Clary Architects to provide for the final design and implementation of the Uptown Transit Information Center, at a total of \$7,500.

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AMENDMENT TO CONTRACT WITH HENSLEY-SCHMIDT, INC. FOR DEVELOPMENT OF TRANSIT/PARKING COORDINATION STUDY, AUTHORIZED.

Councilmember Chafin moved approval of an amendment to the contract with Hensley-Schmidt, Inc. to provide for an extension of the contract to July 9, 1978 for the development of a Transit/Parking Coordination study. The motion was seconded by Councilmember Gantt.

Councilmember Short asked if this will be an effort to determine if there will be a need for less parking if more people ride the bus? Mr. Kidd, Transit Specialist, replied the thrust of the study is to determine the existing supply and usage of parking in the uptown area; what it will be in the next five years; and to determine some alternatives and policies for Council to consider how to organize how much parking will be required. They will look at what is happening now, and what is likely to happen five years from now and to determine how to better control the policies this Body will set up.

The City Manager stated the main point is that this is just an extension of time for the contract as it is already in effect.

Councilmember Short stated he could not understand why there was a strong inter-relation indicated here between inventory transit and inventory parking. Mr. Kidd replied presumably they try to operate the transit system in such a fashion that they would work activities and trips uptown.

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

RESOLUTION PROVIDING FOR PUBLIC HEARINGS ON MAY 15 ON PETITIONS FOR ZONING CHANGES.

Motion was made by Councilmember Selden, seconded by Councilmember Locke, and carried unanimously to adopt the subject resolution providing for public hearings on Monday, May 15, 1978, at 8:00 P.M., on Petitions No. 78-23 through 78-31 for zoning changes.

The resolution is recorded in full in Resolutions Book 13, at Page 257.

ENCROACHMENT AGREEMENTS, AUTHORIZED.

Upon motion of Councilmember Chafin, seconded by Councilmember Locke, and carried unanimously, the following encroachment agreements were authorized:

- (a) Agreement with the North Carolina Department of Transportation for water main in Annexation Area 2 permitting the City to construct a 6-inch water main across Albemarle Road at its intersection with Mallard Drive.
- (b) Agreement with the North Carolina Department of Transportation for water main in Annexation Area 5, Providence Road permitting the city to construct an 8-inch water main in Providence Road.
- (c) Agreement with the North Carolina Department of Transportation permitting the city to construct a 6-inch water main in the intersection of Thrift Road and Lindy Lane.
- (d) Agreement with the North Carolina Department of Transportation permitting the city to construct an 8-inch water main in the intersection of North Tryon Street and Austin Road.



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PROPERTY TRANSACTIONS, AUTHORIZED.

Motion was made by Councilmember Chafin, and seconded by Councilmember Locke to approve the acquisition of 108.3' x 150' x 93.3' x 150.71' of property at 631 Pennsylvania Avenue, from Edward Larue Vinson, Jr., at \$122.81, for land acquisition for mini-park.

Mr. Diehl, Director of Parks and Recreation, stated this is about an acre of land adjoining Solomon Park; this will improve Solomon Park; they have taken the equipment out of the front yard of the man who lives behind the park. That they purchased this for back taxes; when they pay the \$122 they will deed them the land.

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

Motion was made by Councilmember Selden, seconded by Councilmember Frech, and carried unanimously to approve the following property transactions:

- (a) Acquisition of 15' x 15' of easement at 6817 Carmel Road Extension, from Board of American Missions of the Lutheran Church in America, at \$1.00, for sanitary sewer to serve 6817 Carmel Road Extension.
- (b) Acquisition of 15' x 585.95' of easement, plus a temporary construction easement, at 327 Gray Drive, from Walter H. Jones and Agnes G. Jones, at \$3,200, for Annexation Area I sanitary sewer.
- (c) Acquisition of 15' x 175.32' of easement at 6000 block of North I-85, from Charlie Edward Wilson and wife, Nancy P., at \$870.00, for Annexation Area I sanitary sewer.
- (d) Acquisition of 15' x 95.17' of easement, plus a temporary construction easement, at 6201 King George Drive, from Bobby M. Beaty and wife, Phyllis R., at \$300, for Annexation Area I sanitary sewer.

Motion was made by Councilmember Trosch and seconded by Councilmember Frech to approve the acquisition of three parcels of real property located in the Fourth Ward Urban Renewal Area, as follows:

- 1.) 2,800 sq. ft. of property at 628 North Smith Street, from Sal Olivadese, at \$5,250;
- 2.) 7,600 sq. ft. of property at 624 North Smith Street, from Gordon L. Vaughn, at \$10,000;
- 3.) 8,680 sq. ft. of property at 511 West 10th Street, from Mildred H. Smith, at \$10,800.

Councilmember Trosch asked if it is correct that this is the property for the St. Mark's Center? Mr. Sawyer, Director of Community Development, replied that is correct.

Councilmember Trosch stated since this is going to be discussed in the Liaison Committee, she would like a report as to the progress on the City's part towards accomplishing this. That she has received many calls, and Ms. Chafin has also, from the people in the area. Mayor Harris replied a written report is being passed to her at this time.

Councilmember Trosch stated she did want Council to be aware too, of this project; it is an exciting project; and she is glad to see progress being made.

Councilmember Chafin stated she had asked Mr. Sawyer to provide her with a status report because she did want to encourage Ms. Trosch and Mr. Leeper to support the concerns of Mr. Derby who will be appearing on the Liaison Committee's agenda this Thursday regarding the need for additional support for this facility. The City has made a substantial commitment and she wanted all members of Council to see the kinds of commitments the City has made in support of this facility. But it appears our commitment may not be sufficient in terms of meeting the total need; and she thinks it is time now for some help from the county, the school systems, and perhaps even the state.

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Councilmember Chafin stated she would hope Ms. Trosch and Mr. Leeper would strongly encourage this, and let the others know how much of a commitment has been made as reflected in the status report.

Councilmember Trosch stated the status report will be shared with the Liaison Committee.

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

Motion was made by Councilmember Selden, seconded by Councilmember Locke, and carried unanimously authorizing the acquisition of 13,700 sq. ft. of property at 1112 W. First Street, from Mary S. Madison, in the Third Ward Community Development Target Area, at \$27,500.

REQUEST TO DISCHARGE FIRECRACKER TYPE APPARATUS IN ANNLINE AVENUE VICINITY AUTHORIZED.

Councilmember Selden moved approval of the request to discharge a firecracker-type apparatus in the Annline Avenue vicinity in order to break up roosting starlings in the area. The motion was seconded by Councilmember Short, and carried unanimously.

LOAN AGREEMENTS AUTHORIZED.

Motion was made by Councilmember Selden, and seconded by Councilmember Locke to approve the following loan agreements:

- (a) Agreement with Robert B. McDonald and Marjorie J. McDonald, DBA McDonald Art Gallery, in the amount of \$16,000.
- (b) Agreement with Shedrick May, 850 Woodside Avenue, in the North Charlotte Target Area, in the amount of \$6,900.

Councilmember Selden stated this is the Robert McDonald who had a petition before Council to change the zoning on property on Lombardy Circle. He asked for an explanation of the \$16,000 loan agreement.

Mr. Sawyer, Director of Community Development, replied it is to permit Mr. and Mrs. McDonald to complete the acquisition of that property. They have acquired the property; they are acquiring the property for a \$16,000 loan on a paper. This loan will reimburse that, and then our loan is to be reimbursed as soon as they sell their home.

He stated they have their home on the market, and they have more than \$16,000 equity in the home, and it is just a matter of time before it sells. In the meantime they have brought this property in which they intend to run their business and live.

Councilmember Short asked the amount of the removal settlement they received from the city? Mr. Sawyer replied they received the full \$10,000 small business displacement payment, although they were tenants. They owned the business but the city owned the real estate, and only the business entitles them to that.

The vote was taken on the motion and carried unanimously.

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MOTION TO CONSIDER NON-AGENDA ITEM

Councilmember Chafin moved that Council place an item concerning Emergency Medical Service on the agenda. The motion was seconded by Councilmember Cox, and carried unanimously.

RESOLUTION OF CHARLOTTE CITY COUNCIL ENDORSING IN CONCEPT THE REPORT OF THE SPECIAL EMERGENCY MEDICAL SERVICES AD HOC COMMITTEE AND EXPRESSING ITS WILLINGNESS TO COOPERATE.

Councilmember Chafin moved adoption of the following resolution:

"WHEREAS, in February, 1978, the Mecklenburg Board of County Commissioners appointed a special Emergency Medical Service Ad Hoc Committee to review the county's current EMS system and to prepare a report with findings and specific recommendations; and

WHEREAS the Committee presented its report to the County Commissioners on April 17, 1978; and

WHEREAS, the report contains recommendations, which if accepted and implemented, would involve certain resources of the City, specifically the Charlotte Fire Departments and its Communications Centers; and

WHEREAS, the Council has reviewed the report.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Charlotte endorses in concept the report of the special Emergency Medical Service Ad Hoc Committee and hereby expresses to the County Commission the City's willingness to cooperate in the implementation of the Committee's recommendations, particularly those recommendations which relate to utilizing the resources of the Charlotte Fire Department."

The motion was seconded by Councilmember Cox.

Councilmember Chafin stated she thinks all Council members have been following very closely, the Emergency Medical Service Committee study; the fact they made their recommendations to the County Commission last Monday. She thinks it would be helpful to the County Commission, and she would think we would communicate this through Ms. Trosch and Mr. Leeper to the Liaison Committee if the City Council endorses in principle, or in concept that portion of the report's recommendations which relate specifically to the role of the fire department in terms of the central dispatch unit, and in terms of the first responder role. She thinks this is a very comprehensive report; it seems to have a great deal of support in the community; and she believes both the Commission and the community needs to know that Council would like to move forward in implementing its part.

Councilmember Frech stated she agrees that we do want to, and we do support Council's participating in this. She wonders, if we endorse in concept this report, just what does that mean. She has a number of questions about specific aspects of it, but it seems to her we do not have to discuss those now. If it is in concept, does that mean we accept every provision as to how this will be done? There are a lot of questions she has. We are not committed to carrying out all the recommendations of the report? They have certain recommendations about the locations of ambulance stations. Councilmember Chafin replied that is not our role. Councilmember Cox asked if it is fair to say that Council is acting on the use of our firemen for first respondents, and dispatch. Those two factors are really what we are voting. Councilmember Chafin replied the only two recommendations she thinks relate specifically to the City.

The vote was taken on the motion and carried unanimously.

The resolution is recorded in full in Resolutions Book 13, at Page 258.

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At the request of the City Manager, and without objections from the City Council, the following memorandum to the City Council from Mayor Harris is included as part of the minutes:

"The City Manager was asked to review the Mecklenburg County Emergency Medical Service Plan as forwarded to you last Friday. He has informed me that it is possible for the City to perform in the manner in which this report recommends. The principal parts which apply to the City would be for the Charlotte Fire Department to furnish the dispatching service. The cost involved to the City would be additional personnel and the operational cost of operating the dispatch center. The second service would be to act as first responder. The cost of this service is outlined in Chief Lee's estimate of budgetary cost, but much of it is now being borne by the department. The dispatching of volunteer fire departments would probably add little to the overall operation. I think it would be appropriate and maybe helpful to the County if the City Council would adopt a resolution indicating the City's willingness to cooperate with the suggestions in the Plan and indicate the Council's concern that a good plan be adopted."

#### COMMENTS AND REQUESTS OF COUNCILMEMBER CHAFIN.

Councilmember Chafin stated several weeks ago Council received copies of a suggested Code of Ethics from the City Attorney. That she is aware that the Democratic Party sometime ago established an Ethics Committee to propose this same kind of code. Once the Committee realized the Mayor had requested the City Attorney to draw up this, the Committee agreed that until such time as the City Attorney's proposal came forward there was no reason for the Committee to meet.

She suggested that the proposed code of ethics be submitted to both Parties for review and comment prior to the code appearing on Council's agenda for a decision. She does this because she thinks the Code will impact on the Parties' recruitment of candidates, and out of courtesy to the Democratic Party's Committee chaired by Mr. Ray Farris. She would think the Republican Party might like the same review.

Mayor Harris asked what she thinks about a public hearing on this matter. It is a matter of general interest, and that would give an opportunity to give notice to each party and other interested people.

Councilmember Chafin stated she had thought it might be on the agenda for May 29. She wonders if at that time they could have a public hearing. She asked how much lead time is necessary to establish a date for the hearing? Mr. Watts, Deputy City Attorney, replied there is no legal requirement; just time so that it would be effective - a week or two.

Mr. Burkhalter, City Manager, stated if the Mayor will agree to sending it to the two parties, it will relieve having to put it on the agenda tonight. Mayor Harris replied he will send it to the two parties.

Councilmember Chafin stated she has sent copies to all members of Council of a proposed resolution concerning the appointment of persons to fill vacancies on the Planning Commission. She would appreciate feedback from each of them prior to next week, when she would like to introduce a final version of that resolution.

Councilmember Chafin stated as soon as the revised report on the environmental impact statement on the Independence Freeway is completed she hopes Council Members can get a copy

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SUPPORT OF FOUR-LANING HIGHWAY 51 REQUESTED PLACED ON NEXT AGENDA.

Councilmember Chafin stated she has some comments to make on the visit she and Mayor Harris made to Mr. Bradshaw concerning the belt road decision; but she will hold them until next week.

Mayor Harris stated one thing that is left hanging in the decision from last Friday is the matter concerning the four laning of Highway 51, which he understands was not a part of the official vote.

He does understand at their next meeting they will probably be voting on that matter officially. He asked if there is objection from Council to communicate a desire by resolution to that Body that this Council supports the four laning of Highway 51. Or is that a matter Council would want to debate.

Councilmember Chafin stated she was going to raise that for discussion next week along with several other items that local officials need to deal with that do not relate to whatever questions remain to be resolved between the State and Federal officials.

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

NON-AGENDA ITEM CONCERNING LISTING OF AUTOMOBILES FOR PROPERTY TAXES AUTHORIZED PLACED ON AGENDA, AND RESOLUTION EXPRESSING COUNCIL'S ENDORSEMENT OF LEGISLATION.

Councilmember Short at the informal session prior to this meeting, Mr. Selden brought up the fact that Mr. Underhill, City Attorney, had given Council a memo about the difficulty of getting automobiles listed for the property tax.

He stated he mentioned earlier that it is costing the city and county together \$1.1 million two or three year ago. That both he and Mr. Underhill were selected as members of the League of Municipalities Legislative Committee. That Committee meets next week, and they are planning to attend.

He stated he would appreciate it if Council would place on the agenda at this time a resolution in which this Council says to the League of Municipalities to hang in there, and see if we can get something done on this subject. It would be a help for them to be able to say this is what the Council told them to say, and they have the backing of Council in this.

Councilmember Short moved that this matter be placed on the agenda for consideration at this time. The motion was seconded by Councilmember Selden, and carried unanimously.

Councilmember Short moved adoption of a resolution as explained previously. The motion was seconded by Councilmember Selden, and carried unanimously.

COMMENTS AND REQUEST OF COUNCILMEMBER CARROLL.

Councilmember Carroll asked when the Transportation Committee's proposal are coming to City Council? Ms. Vi Alexander stated it is planned for the Council Agenda on May 8, 1978.

Councilmember Carroll requested the Mayor to refer the matter of No Fares for Elderly to the Transportation Committee. That he thinks all Council Members received that report.

Councilmember Carroll asked when the Neighborhood Housing Service matter will be placed on the agenda? He asked if it is possible for Council to get a report on that, and deal with it before budget time? Ms. Alexander stated they have requested funding for the administrative portion in next year's budget.

Councilmember Carroll stated he would like to get it on the agenda. He would like to see Council get it started before next year.

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Mr. Finnie, Budget Director, stated it was requested in the budget, and will come to Council next month. Councilmember Carroll stated he understands that; but he would like for Council to get it and try to get it started this year if possible, before July 1.

He asked that this be placed on the agenda.

Councilmember Carroll stated in regard to the memorandum all members of Council received from the Mayor, he would like to say that one thing that helps Council meetings, and helps things moving along as much as possible is the fact if they get anything that is a major policy matter more in advance than just Friday. He is aware of the agenda compiling problems, but in terms of conferring with staff, and staff does not work on the weekend, and he hates to call people at home, he thinks the process would be facilitated by the fact if they can get matters a week, or even a couple of days earlier. It is also facilitated by putting things in writing and giving them to Council members as soon as possible. That process would also be helped if major things came along so that reaction time could come before the Council Meeting.

He stated on the planning things discussed they were divided very much on the way to proceed, but he thinks they go a very positive ground work on what they need to do. He thinks they should look towards that positive ground work in dealing with that.

He thinks although the discussions are sometimes lengthy they are productive.

Councilmember Carroll stated Mr. Gantt has mentioned this, and that is the possibility of assigning the Plaza-Midwood Study to Ms. Locke's Planning and Public Works Committee, and follow up on that.

Mayor Harris stated he needs a motion from Council concerning the direction. This is going back to what kind of charge to make to the Committee. He asked that Council try to work out a charge to bring next week, and get a specific charge at that time.

#### REMINDER OF SEVERAL MEETINGS THAT ARE SCHEDULED.

Mr. Burkhalter, City Manager, stated the Institute of Government is holding a session for new councilmembers June 7 through 9. He asked that anyone considering attending to contact his office for arrangements.

He stated the Housing Task Force is scheduled to meet on Tuesday at 3:30 P.M. in the Training Center, City Hall Annex.

The Operations Committee is meeting Wednesday morning, Second Floor Conference Room, 7:30 a.m.

He stated the Overhead Walkways will be on the agenda for the next meeting if Council has any comments.

Mayor Harris stated the Planning and Public Works Committee will meet Friday afternoon at 2:00 p.m., in the Council Chamber.

#### DOROTHY FURR NOMINATED FOR REAPPOINTMENT TO THE CIVIL SERVICE BOARD

Councilmember Selden placed in nomination the name of Ms. Dorothy Furr for reappointment to the Civil Service Board for a three year term.

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PROPOSED RECOMMENDATIONS ON ACCEPTANCE OF LAND AS GIFT TO CITY TO BE  
PLACED ON AGENDA MAY 8.

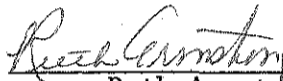
Councilmember Locke stated she has passed out a procedure for accepting real estate as gifts to the city to members of the Public Works and Planning Commission. She would like to have their approval to place this as recommendation to the City Council on May 8.

Councilmember Short stated he has received another approach. He asked if this addresses the possibility of someone willing something to the city as a historic property?

Councilmember Locke suggested he take the procedure and look at it, and make an amendment to it if he would like.

ADJOURNMENT.

Upon motion of Councilmember Selden, seconded by Councilmember Trosh, and carried unanimously, the meeting adjourned.



Ruth Armstrong, City Clerk