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The City Council of the City of Charlotte, North Carolina, met in regular session on Monday, August 21, 1978, at 12:00 Noon, in the Council Chamber, City Hall, with Mayor pro tem Betty Chafin presiding and Councilmembers Don Carröll, Harvey B. Gantt, Pat Locke, George K. Selden, Jr., H. Milton Short and Minette Trosch present. Councilmembers Ron Leeper, Laura Frech, Charlie Dannelly and Tom Cox, Jr. were not present when the meeting convened but came in later.

ABSENT: Mayor Kenneth R. Harris.

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INVOCATION.

The invocation was given by Councilmember Milton Short.

APPROVAL OF MINUTES.

On motion of Councilmember Locke, seconded by Councilmember Selden, and carried unanimously minutes of the last meeting on August 7, 1978 were approved with one correction:

Page 406, Lines 28 and 30 - Change word to "in-fill."

(Councilmember Leeper came in at this point.)

CERTIFICATES OF APPRECIATION PRESENTED TO TWO CHARLOTTE FIRE INSPECTORS IN RECOGNITION OF ACHIEVEMENTS IN NATIONAL COMPETITION.

Fire Chief John Lee introduced two fire inspectors who have been recognized by the National Fire Protection Association for outstanding work:

James Ray, in the field of health care facilities, has the responsibility to supervise the inspection of all of the over 300 health care facilities in the City of Charlotte. Because of the outstanding program which he has developed in this area he was awarded First Place in a national contest and was the recipient of \$500, as well as complimenting the City of Charlotte.

Randall Wally, whose responsibility is the fire prevention activities and programs in the Fire Department's educational facilities. In performing his responsibilities he won Third Place and a cash award of \$150 in the national contest.

Mayor pro tem Chafin presented each fire inspector with a Certificate of Appreciation and they were congratulated by the individual Councilmembers. Ms. Chafin stated these honors certainly reflect very well on Charlotte and our Fire Department.

Mr. Burkhalter, City Manager, stated the emphasis all across the country today is fire prevention and not fire suppression; that our department has excelled in that area and every year they do a little bit more.

KNIGHT OF THE QUEEN CITY AWARDS.

The following persons were recognized by the Mayor pro tem and presented the Knight of the Queen City Award:

Ms. Lucy Gist, who is leaving her position as Director of Bethlehem Center. Ms. Chafin stated she has meant a great deal to the City of Charlotte over a number of years and we will miss her; she knows she will make sure every Bethlehem Center in the country is just as outstanding as the Charlotte center.

Mr. Clem Renouf, President of Rotary International, who was visiting from Australia, was introduced by Mr. Peter Gerns and welcomed by the Councilmembers. Mrs. Renouf was also welcomed and presented the Key to the City.

Mr. Renouf responded by stating he accepts this honor as one conferred upon Rotarians; that it is recognition of the fact that Rotarians in this city make a significant contribution, as they do in every community. He noted the similarity between the way the City Council works and that of the Board of Rotary International. He expressed appreciation for the hospitality that he and Mrs. Renouf have enjoyed in Charlotte, and saluted Council for the work they do in making possible such a fine city. They are impressed with the city's beauty and cleanliness - and the trees.

(Councilmember Frech came in at this point.)

REPORT BY CABLEVISION OF CHARLOTTE ON THE EXPANSION AND CONSTRUCTION OF CABLE IN THE CITY, AS REQUIRED BY THE CATV ORDINANCE.

Mr. Randy Fraser, Manager of Cablevision, Inc., gave a report to City Council as required by the franchise which was granted in February of 1978. He displayed a map of the city to indicate their proposed expansion schedule over the next five years. This had been provided the City Manager on August 16th, along with a cover letter, for his review. He stated he has not had an opportunity to discuss this with Mr. Burkhalter since then.

He explained an area outlined in dark blue is where the existing cable system is operating now. There are some isolated pocket areas or streets that may have service on only one side of the street or it may have service only on half of the street. Those areas, during the five year period, will be constructed as they meet density requirements. They maintain a file system in their office which gives them a pretty good indication of where those areas are right now. Others may come to their attention in intervening years.

The first phase of their proposed expansion is detailed by the orange areas. It represents 115 miles of additional cable plant added to the 493.9 miles that they have right now. It represents 9,770 single family homes and 3,038 multi-family dwelling units, for a total of 12,808 additional taps. Those will be added to the 49,900 that they have right now. In addition to the orange areas there are some scattered apartment complexes that are under construction right now and those will be an additional five miles of cable plant and 615 additional multi-family dwelling units. When all of that is added up, in 1979, plus if there is any increase in the activities of apartment complexes, they will build somewhere around 120 additional miles of cable plant.

The reason they feel that it may take a full year for them to build this plant is that there has not been any make-ready work done with the utility companies in Charlotte since the cable system was originally constructed. They do not know right now what kind of make-ready problems they will have. That by make-ready, he means where the utility companies have to go out to make physical rearrangements on their telephone poles to meet the standards that the national electrical safety code requires. Their cables have to be 12 inches above the telephone cable and 40 inches below the power cable and in some instances it is necessary for the utility companies to relocate their facilities so there is enough clearance for Cablevision to attach. In some cases they have to set a completely new telephone pole or power plate. That since they have not done any work, and do not have crews here right now to do that type of work, it may take a while to get the make-ready situation worked out. One they get those problems worked out, they will be able to go a little faster.

Replying to a question from Councilmember Gantt, he stated they request this from the utilities; they have joint use agreements with the utility companies that specify the types of papers they have to file with them. One of the forms states the number of telephone poles involved and the locations. The utility companies process the paper work and then people from both companies go out and do what is called "make-ready write-outs"; they look at every pole involved and see what is going to be required at that particular location to make clearance for their cables. From that, the utility companies give them an estimate of what it is going to cost to rearrange the facility. Cablevision bears the full cost of make-ready; if they have to change a telephone pole the cost is \$500. But, they have the existing agreements now; they do not have to be negotiated. The two utility companies they deal with here in Charlotte are Duke Power and Southern Bell and they have a good relationship with them.

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Phase II is detailed by green areas and they are fairly well scattered throughout the city. One of the things they tried to accomplish in setting together their proposal was to come up with a balance in extending service out from the entire system.

Phase III is shown in yellow areas; Phase IV in brown. The areas that are detailed in grey are the areas they have determined to be zoned business or industrial from the Planning Commission maps. They do not feel that at this time there will be residential development in those areas which would require them to extend cable television into those areas. However, if a request came to their attention they would check into it and see if it meets the requirements. He stated that Phase IV would be accomplished in July 1981 through February 1982. They have sent out requests for bids from four suppliers of materials and equipment for the first phase. The letters were sent out the first of August and they will receive bids on August 22. They are being handled by their corporate engineering department and he has not talked with them this week and does not know whether any have come back in.

He stated he is interviewing someone in their company next week who will come down and be the construction coordinator. He will report to work in September and will coordinate the construction activities between his company and the contractors who are doing the work; and also the make-ready work with the utility companies. That will be the entire duty of one person.

Mr. Fraser stated that as part of the package he supplied to the City there was included a miniaturized copy of one of their strand maps. They are the actual field maps where their engineering firm has gone out and located all of the poles and all of the streets and the footage between the poles, the number of residential homes that can be served from a pole location, the number of units that there are in multi-family dwellings that can be served from a particular pole location. Some of those maps are in their engineering department now where they are running them through the computers and putting the design and locating the equipment on them. Some of them are still in the strand map rooms being finished up. But all of the field work and the initial design has been completed for Phase I.

Councilmember Leeper asked even if they find that in some areas at least 50 homes who desire the service, in a mile radius of it, and, for instance, it is in the Phase IV area, would they then skip to that area and provide that service at that time, or would they still have to wait until the projected time? Mr. Fraser replied they are planning to follow the schedule as they have it laid out; that was a requirement of the franchise. If they hopped, skipped and jumped around like that, it would completely disrupt the construction schedule. The areas they find in the blue area where there may be a single street or they would have to run a cable down half of a street, they will proceed to locate those and construct them during the five-year phase. But if someone would call and indicate they have 50 homes per mile on a street who were interested right now and it was located in Phase II, they would still be doing the engineering and construction in the phase in which they have allocated for it to be done. They cannot go out and build the whole city at one time. The phase method is what they decided on in the negotiating process and is a part of the franchise.

Councilmember Selden asked if it is true that they have to have the backbone at the location on which they will tap on the service line in the distribution system? Mr. Fraser replied that is correct. The trunk network to serve one area is not extended so far that they cannot continue to go a little further. In another area which he pointed out on the map, they will have to build a new tower, put in a new building, put in a new microwave receiver and processing equipment for the television signals which they pick up out of the air. They cannot serve that area off of their existing trunk lines. That is a large part of the reason that will be one of the final phases. They will probably try to locate land prior to the scheduled time - land either to lease or purchase.

Councilmember Selden asked how many towers they have now and Mr. Fraser replied they have two towers right now and one head-in location on top of a 9-story building.

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Councilmember Gantt asked about the logic they used in choosing the various phases.

Mr. Fraser explained that the thing that they looked at first was - during Phase I, what areas could they build that would provide the most service to the most people initially; that the areas they have found for Phase I are the areas that have the highest density, where they can go out and build one mile of cable and service the most homes - the average number of homes on Phase I is about 111 homes a mile. When you get into one of the other areas, the density is going to be close to 50 homes a mile. They are building in the areas with the highest density where they will be able to serve more people.

Councilmember Gantt stated he assumes they have the backbone equipment to service that area and Mr. Fraser replied yes; he pointed out the north tower which is the antenna location. It already serves a number of the areas and is in a position where it can serve a number of the projected areas in Phase I - without putting in a new tower, it is just a matter of coming off of the existing trunk lines which run down through the area now.

Mayor pro tem Chafin asked the City Manager if he would like to comment on our plans for monitoring complaints, etc. Mr. Burkhalter replied that Councilmembers have a memorandum on what they seemed to be most concerned about, the use of the public access. That they are trying to transfer now from legal; that as far as they are able to ascertain all of the legal requirements of the franchise have been met.

(Councilmember Dannelly came into the meeting at this point.)

REPORT ON THE LAND USE AND PLANNING FOR THE DERITA-STATESVILLE ROAD AREA.

Mr. Fred Bryant, Acting Planning Director, stated his report is in response to a request made of his department by Council several weeks ago that they take a look at the pattern of land use and zoning that is effective at the present time in the area generally described as the Derita-Statesville Road area and to try to give them an overview as to what the circumstances are related to that area and help them to perhaps decide whether or not they wish some additional study at this particular time in that area.

He described the existing zoning pattern of the area which represents their primary concern at this time. The first area was bounded on the west by I-77, generally on the south by I-85, over to the Sugar Creek Road area and dropping down to pick up the University of North Carolina on NC-49 and then goes north generally to the Mallard Creek area. It is partially inside the city and partially outside. In order to understand the entire circumstances they need to be aware of situations that exist both inside and outside the city.

He stated as far as the residential zoning patterns are concerned, there is probably more than the normal amount of multi-family zoning in the area. He pointed out the Derita community, and called attention to the large expanses of multi-family zoning in the area immediately east and northeast of this community. The multi-family zoning on Tom Hunter Road and I-85 is to a certain extent already utilized and is not that much out of step as far as land use and comparison are concerned.

He pointed out another fragmented parcel of multi-family zoning in an area east of Statesville Road. It has a little bit of history and unusual connotation to it. They are separated portions of multi-family zoning and were put there a number of years ago as the result of an actual proposal for development by the property owner, Ervin Construction Company. The land has changed hands a number of times since then and that particular development plan probably no longer has any possibility of being carried out. He pointed out other large areas of multi-family zoning - near Allen Hills, etc.

He stated that single family zoning predominates in the area and is shown on the map in yellow.

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The commercial zoning is concentrated in the area around Derita; there is a considerable amount of strip type commercial zoning in Derita; there is a considerable amount of strip commercial zoning along Statesville Road and patches of it elsewhere throughout the area. North Tryon Street in particular has some strip zoning attached to it, extending all the way out past the intersection of Highway 49. One thing that is significant about the commercial zoning for this quadrant of the urban area is that it is for the most part the uncontrolled, unregulated type of commercial zoning. A careful look at the map will show only two places where B-1SCD, for example, is utilized in the area, neither of which has been developed - one is the Town Center site on Highway 49 near the university; the other is a small B-1SCD which was part of the development plan referred to earlier. Other than that, it is all uncontrolled B-1 or B-2 conventional type of commercial zoning.

As far as industrial zoning is concerned that is pretty much as could be expected. There is a concentration of industrial zoning along a section of I-85; out Graham Street and also just northwest of the Derita area. Up in the northwestern quadrant of the map area is a very large expanse of industrial zoning that relates to the fairgrounds area, the old Brockenborough Airport area and the congregation of primarily trucking firms that have been generated in that vicinity. There is also a fair amount of industrial zoning located between I-85 and NC-29, just west of the NC-49 intersection.

There are several specialized zoning situations in the area. First, the University area is all of the institutional classification, which is a specialized category established when the University City concept was evolved. It does reflect some very specialized controls for that vicinity. Second, and related to that, is the research zoning, which was set up primarily to take care of the University-Research Park concept. It also has some very strict controls.

He pointed out the office zoning in the area and stated the area is very, very lacking in office zoning per se.

Using another map, Mr. Bryant pointed out the land use for the area. He stated there is a considerable amount of residential land usage in the whole area, single family particularly. He identified Derita Woods, Allen Hills, and Christenbury Acres. Also College Downs near the university.

He stated that in contrast, there is not an awful lot of multi-family usage in the area. Along I-85 in the Tom Hunter area there are a number of apartment facilities; there is another area near Derita Woods which is very small; and that is about it as far as existing multi-family usage is concerned at the present time.

The existing commercial uses are primarily those that exist on the interchange areas of I-85, at Sugar Creek Road, on Graham Street and some strips of commercial usage along an area of Statesville Road and those that are present in the Derita community itself. As with the zoning, there is not very much planned commercial use in the area.

The industrial development is predominantly located along I-85, with some out Graham Street and some in the general fairgrounds area. That in contrast with the zoning, there is not nearly as much industrial use at the present time, particularly out Graham Street, as the zoning pattern would imply.

He pointed out the location of the University of North Carolina and the site of the proposed IBM facilities, as it relates to Harris Boulevard and I-85. He stated IBM has purchased sufficient land, leading all the way back over into the Derita area, in order to eventually bring a spur railroad line off of the main line in Derita and bring it over to their plant site. The second configuration of land owned by IBM is predominately located in the research zoned land.

Councilmember Selden asked that he point out the top line where sewage outfall goes down to Charlotte and above which either septic tanks or some other arrangement has to apply.

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Mr. Bryant replied that is not quite the point of comparison. The point of comparison is an area which would drain back into the predominant Charlotte system which is the Briar Creek, Sugar Creek and the other collection points. He pointed out an area which from there on out would drain into the Mallard Creek area. That there is a new disposal plant that is being constructed on Mallard Creek right near the Cabarrus County Line, so that theoretically practically all of that area will be serviceable by sewer within a relatively short period of time.

Mr. Selden stated only the backbones will be in that system until branch feeders are required by development? Mr. Bryant replied that is technically true. Sometimes there is an existing trunk line to a smaller plant that has been in operation some time to provide service to the university; it comes on down through the IBM site and provides service to Allstate and some of the other facilities. That drains back naturally into Mallard Creek.

Mr. Selden asked when the Mallard Creek system will be completed? Mr. Bryant replied there is a small plant operating out there now and has been for some time; that the larger plant will be in operation sometime during the mid part of 1979.

Using another map he related the Comprehensive Plan proposals for the area. He called attention to the predominance of low density development which is projected for the area - zero to 6 dwelling units per acre generally in the area; also the research indication, and the university. The industrial component of this particular part of the Comprehensive Plan does indicate the possibility of something less than the amount of industrial zoning than is in there at the present time.

There is some general indication of higher density activity around Derita; and on Statesville Road and up near the university; but in general the amount of concentrated multi-family or higher density activities as reflected on the zoning pattern is not present in the comprehensive plan.

To get away from the physical side of what is actually in that area, he related some of the things that are going on at the present time which bear on the situation that Councilmembers have expressed some concern about. First of all, they do have an ongoing study program as it relates to the desirable land use pattern, for not only this section, but for all sections of Charlotte and Mecklenburg County. At the present time this is being reflected in a zoning and land use concepts operation which they have had going on for some time. Their first interest in this is the residential policies. They do expect to go to the Planning Commission sometime in the early fall, possibly in October, with a fresh review of residential policy discussions. Other preliminary reports have been given the Planning Commission already on this matter and they will continue to follow up on them.

There is an ongoing program as far as staff activities, towards an overall approach. They do feel that they need to address, first of all, the overall conceptual aspect of land use control and regulations before they can deal to precisely, or to much in detail, with areas of this sort.

He stated that many of the details of their planning he will relate to Council when he has the growth management discussions with them which will be scheduled in a very short period of time.

Another activity which has been ongoing that reflects the ultimate solution to areas such as this, is that they have completed a preliminary report on land classification. This is a step which will fit into what may be some later requirements as far as the State of North Carolina is concerned for land use control. They have finished a preliminary report on this; it has been presented to the Planning Commission and is now in the process of being exposed to the various interested elements primarily within the organized structure of government, but later it will be broadened beyond that point and will be brought to City Council before very long for its consideration as well.

They have completed an agricultural study of Mecklenburg County which has identified the major involvement in agricultural sectors of the County. This again bears on the overall land use concerns and land use configuration.

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This study has been completed and presented to the Planning Commission.

They have completed an initial round of establishing a study related to street standards. They feel a vital need to relate the standards of public streets to the structures they are designed to encourage. This is an attempt to relate for the first time the very real world relationship that streets and land use adjoining them has. This study has been completed; they are in the process of a continuing staff review of this at various levels of local and state. As they might surmise, they do have some problems with some of this, particularly with the state, because they give them definite standards for their roads and they do not like to talk too much about local variations. This study is also in the final stages of activity at the present time.

They have completed a report which they call "Suburban Development Guidelines" which is the land use component of that street land use relationship. That has been presented to the Planning Commission and is now in the process of refinement and again will be part of a total package of land use development and control processes that they hope to be evolving before very long.

Finally, there is something that he will only allude to because they have not gotten Planning Commission approval for it yet. They will present a proposal to the Planning Commission at their meeting on September 6 to include it in their work program. It is a proposal for a very major shift in work emphasis within their departmental organization to deal with the matter of area planning. They feel that the very necessary step of relating the comprehensive plan of this sort which is a twenty to twenty-five year look into the future to a more immediate prospect of relating it to the development of circumstances over the short range, and then in turn interpolating that into an implementation tool is a detailed small area planning process. They hope that the Planning Commission will adopt this and allow them to move immediately into that.

He stated all of this is to indicate to the Council that there is a substantial amount of work that is ongoing and has been for sometime in terms of overall addressing of problems such as are shown in the materials he has presented to them. As far as the time frame is concerned, all of this can blend into a process where hopefully within something not too much beyond the year's period of time will be available in a detailed proposal in terms of this type of area concern and this type of are problem solution.

The alternative to that process is, of course, one to move into immediately, a study of an area like Derita-Statesville Road and see what can be done in a short range time span. He would have to point out a couple of concerns and a couple of problems they would have with that.

First of all, the very obvious one and that is that any amount of time that they must take away from their overall thrust, with this type of area approach, at the present time means setting the schedule back that much farther. That is obviously a concern. There are, however, a number of other concerns. Right now, all they have to deal with in an area like this as they try to find proper long range solutions are the tools that they have available to them now; and in many respects these are not very adequate. For example, the only alternative to the multi-family zoning in a particular area he pointed out to Council would be one of the conventional single family zones. That maybe that is good and maybe it is not - he does not know. But they would certainly hope to involve more adequate tools and different types of techniques for dealing with an area circumstance such as this. The point is, if they go into it now they will have to deal with it only on the basis of existing tools which are available to them.

He also pointed out that if they go into an area like this now, and proposed major zoning changes, there is no doubt but that it would stir up a great deal of controversy - controversy which they would have to go back into a little bit farther down the road when they get the more comprehensive approach available to them. It may mean two approaches to a controversial situation, rather than one which would come along at a later time.

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These are all things which bear on the consideration of whether or not instructions would be given to enter into an area like this for specific discussion at the present time.

The final thing that he would say is that even to go into an area like this on a detailed basis at the present time and attempt to resolve what may be some of the conflicts and some of the problems in it, probably would with present staff circumstances take somewhere between four and six months to address. They may not be talking about that much time differential between moving into an area like this immediately versus letting it come along as part of the total comprehensive approach.

Councilmember Carroll asked if they let it come along as part of the total comprehensive approach, what would be the time frame? Mr. Bryant replied this thing is going to be evolving in a step fashion; it is not going to be a matter of suddenly coming out here one day and spreading across the wall and revealing a plan for the total rezoning of Charlotte and Mecklenburg County. It is going to have to evolve as a process of considering concepts, of addressing those concepts, getting citizen involvement and hopefully arriving at a point where they can have consensus of the conceptual approach that will be taken, the drafting of the regulations themselves and in the meantime the preparation of the small area plans which will help determine the proper districting procedures, etc. It will be a step-by-step process. However, he would say to them again that he feels that within a year or thereabouts they would certainly be ready to come to Council and to the citizens and to everyone else in an area situation like this with certainly enough material to indicate where they should be going and how they propose to go about it. That, frankly, he would hope that somewhere within a year or a year and a half, in an area like this, they could have, not only different zoning proposals, but a total new conceptual aspect of land use regulations.

Councilmember Carroll asked if he is saying his time frame is about a year to get the conceptual tools that he hopes to improve land use policy with?

Mr. Bryant replied no, that during the next year or year and a half they will be evolving these tools on a step by step basis. It will not be a matter of suddenly appearing with them one day and recommending them to Council. It will be an evolutionary process. That over the next year's period of time they will be evolving not only the concept but will also be evolving the regulations that deal with them that will help to carry those concepts out. That it is his hope that within the next year or year and a half they will reach the point where they can come back with a definite land use control proposal.

Councilmember Carroll asked when he is looking at perhaps a year or so in developing these new tools, and at the same time is focusing on the smaller area studies, would there be any problem with putting this not-so-small area at the top of the priorities as they move forward into the new program?

Mr. Bryant replied that part of the program they will evolve is a matter of prioritizing areas of concern, but he would point out that there are a number of other areas that would argue that the Derita-Statesville Road areas should be the top. Albemarle Road is an example. They have for a long period of time had real pressure to do something there. At this point in time he cannot say to Council that this will receive the No. 1 priority, but he will assure them that it will certainly be among the top. The matter of prioritizing, however, will be a matter that Council, the Planning Commission and the Board of County Commissioners will all help set. What the staff will be doing in reporting to the Planning Commission the first of September is establishing for them what they see as being a feasible procedure for going into the area planning process. Right now it looks like they will propose that the whole city and county will be divided into something like nine or ten areas for study purposes. From that will come a discussion as to the prioritizing that will occur on those areas. He stated that he would feel personally that the Derita-Statesville Road area will be a very high priority area.

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Councilmember Trosch reviewed with Mr. Bryant some of the information he had presented. She stated in September he will go to the Planning Commission and have a method of approach as far as dealing with the small area planning, which really is not so small when it is nine or ten areas, and then the prioritizing will occur. That what he is saying is that instead of doing it now without knowing what the options are as to areas that they should wait until he can come back and say these are the areas and these are the concerns and "we, as technical staff, feel we should begin with" whatever recommendation?

Mr. Bryant replied that is exactly right; then Council and the others will decide whether they agree with that or not. Ms. Trosch asked if he is saying that within a year or a year and a half he feels they will complete the entire nine or ten areas? Mr. Bryant replied no, he did not say that. He was really giving that answer with the expectation that this would be a priority area. Ms. Trosch stated then he is saying that he could not expect the whole city to have been dealt with in a year and a half, but the priority areas will be dealt with by that time? Mr. Bryant agreed. He stated when they come to Council with the procedures, that organizationally they will propose that the staff proceed along those two lines: (1) The physical side of the area planning process which would end up with some more specific ideas about the patterns of land use that should be in existence, (2) They would continue their efforts to do the necessary legal drafting of a control device, whatever that might be.

Councilmember Trosch asked if all of these other studies would fit into the total area planning? Mr. Bryant replied with deeper necessary preliminaries to the preparation of the area plans.

Councilmember Short stated that from comments he has heard about the proposed new system of zoning, it would seem to him that if there were some comprehensive handling of the Statesville-Derita area right now, they would have to do it over again anyway when they got into the new method of zoning? Mr. Bryant replied that is basically what his comment was about going through the controversy twice. Mr. Short stated that in looking at his review, he thinks it has not been deficient in the sense that some certain areas of the community are. He has been a little bit less than proud of what has been accomplished in zoning in certain areas, but actually it seems to him that in this area it is rather systematic and within the confines of the tools he has had to work with. We did not have the parallel zoning and that sort of thing in the earlier days. He asked if there is any great pressing problem there?

Councilmember Carroll replied that one of the things that a lot of the people out there seem to feel is that there is not the zoning protection to encourage the kind of development that they hope will come with IBM, in terms of an economic range of housing. Although the classification is there it does not take into account the different densities. They would like the lower densities to encourage that sort of development. His feeling is that it should be a high priority now as opposed to Albemarle Road because they have not already made those mistakes. He does not know what is going to happen there in the next year or two; it may not be bad at all. It is just more the uncertainty.

Councilmember Dannelly agreed that Albemarle Road is a high priority area also but he would think that with the traffic volume out that way, that this section is better equipped to handle it. Mr. Bryant stated there are more choices.

Councilmember Short stated he is sure Council does not want to allow problems to creep in with the influx of people, etc. but he would think they could be handled within the present system when the comprehensive "re-do" occurs.

Councilmember Frech stated her thinking is along the same lines as Councilmembers Carroll and Dannelly. She asked if they want small lot or large lot zoning out there to encourage the type of development that they are all thinking about - residential development suitable for fairly high level executives. The answer was large lots. Ms. Frech stated there is a lot of R-12 and some R-15. Mr. Bryant pointed out that the majority of the area

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on the map is R-12 and pointed to other areas that were R-15.

Councilmember Carroll stated that is out of the Derita-Statesville Road area.

Mr. Bryant then pointed out other R-12 areas and R-9. Replying to a question from Ms. Frech he stated R-15 zoning would allow about three dwelling units per acre. Ms. Frech stated then actually the zoning is there and there is land available for development. She asked if there is anything else they can do now to encourage that kind of development? Mayor pro tem Chafin stated utilities and roads.

Councilmember Gantt stated that one of the reasons this came up is that for the first time we have a large plant going into an area that is sleeping to some extent - does not have as many zoning problems - yet they are doing some things that could cause it to explode in the next two or three years and become an Albemarle Road. The rural transportation system in that area is important in terms of the future. The reason it has not developed before is simply because there has been no sewage out there. The connotation of I-85 and the industrial zoning along there has been a factor, but primarily the sewage has not been there. The zoning has been there; now we have a big plant that is going to move out there and all kinds of other things are going to happen on top of that - other plants will probably move in near IBM - and the area may explode. He wants to know whether or not they are going to be in a position to know how this explosion is going to occur and adjust to it. To him that would be more significant than what has already occurred in and around Allen Hills and the other small areas.

Councilmember Carroll stated he thinks Mr. Gantt is right; that the feeling he has been hearing from the citizens is one that they perceive as a zoning problem when actually nothing has occurred because of the sewage problem.

Mr. Bryant stated there are a couple of detailed circumstances that they are dealing with right now which fit into the category of what they are talking about. For example, right now they are looking at the existing thoroughfare plan for this area which has one rather glaring deficiency in it. That Harris Boulevard begins at NC-49 and goes over to Mallard Creek Road. Right now, the thoroughfare plan calls for that to be extended to tie in with Lakeview Road, in turn tying in with I-77 at a point where there is no interchange, the idea being that an interchange will eventually be built there. But there may be a much more immediate problem than can be dealt with by trying to build a new interchange on I-77. Alternatively, there is a possibility of either bringing it across to tie in with Sunset or taking it a little bit farther out to tie in with Reeves Road where there are interchanges already in effect. These are the sort of details that need to be dealt with in the area.

Councilmember Short asked if that road will not also be linked with North Sharon Amity Road? Mr. Bryant replied that is the other end of it; that what happens to Harris Boulevard from NC-49 over to the Newell area is another question mark they are dealing with right now.

Councilmember Selden stated this is quite revealing, particularly in terms of the R-12 and R-15 that exists out there. One of the breakdowns is the lack of communication of what zoning does exist with some of the residents in the area. If in some way this could be conveyed, either by a meeting out in that area or by some newspaper publicity, to show the extent to which lesser densities are in effect contemplated in the area, it would be quite an advantage.

It was stated that some meetings have been held in the area.

Mr. Bryant stated this has been an ongoing concern for a long period of time. They have a very active organization out there. Mr. John Dunn, who recently passed away, was active for a number of years in that community organization. He appeared before City Council, the County Commissioners and the Planning Commission from time to time, centering primarily on the amount of multi-family zoning that is present in the immediate Derita area. Although there has been ongoing concern out there, he is not sure that this sort of total complete picture has ever been discussed with them in terms of both inside and outside the city.

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Councilmember Trosch referred to Mr. Bryant's statement about plans of IBM to run a railroad track through an area that is residential and stated she can see the concerns of the people in the area as this would have an impact. She is not sure about just saying there is good zoning out there; there are other adverse things. She stated she does understand the approach Mr. Bryant is asking them to take.

Councilmember Short stated this discussion is extremely valuable and timely in view of what is getting ready to happen, and he did not mean to imply otherwise, but it does seem that some care has been used in the area.

Mr. Bryant stated that one of the problems is not just that of making the area more acceptable for large lot development but it is really a question of approaching it from the standpoint of making a variety of housing packs available in a planned sort of fashion in the area. He does not think they want to go out there and do it all R-15, for example, and half acre lots.

(Councilmember Cox came into the meeting at this point.)

At Mr. Burkhalter's request, Mr. Bryant advised Councilmembers of the schedule on the Growth Management sessions. He stated this has not been a dead issue with them, despite the fact that a considerable amount of time has passed with it. There have been a number of things going on that they wanted to coordinate, one being the matter of the area planning process which is very important to it. That from a timing standpoint, he has been asked by the Planning Commission to come to them with an outline of the presentation before it is presented and to also request that they be allowed to be in attendance at the time that the discussion is carried on. He stated he thinks this is probably very appropriate. That right now the anticipation is that they will have their staff work on the presentation completed by sometime in the first few weeks of September and hopefully they will be able to get it to Council by not later than the first of October with a full-blown presentation.

REPORT OF THE CITIZENS' ADVISORY COMMITTEE ON SOLID WASTE.

Mr. Pressley Beaver, Assistant Public Works Director, stated that last October the contract with the consulting firm of Henningson, Durham & Richardson was authorized to look into the area of solid waste and develop a plan that would take us through the year 2000. The principal objectives of that study was to evaluate our present disposal methods to determine the criteria for locating the future landfill sites, to evaluate the resource recovery technology that might apply to Charlotte and to recommend methods of dealing with the problem in the future.

He stated that at that time they thought it would be good, and the City Manager agreed, to appoint two committees to assist the consultant in the development of this plan - the Citizens' Advisory Committee and the Technical Coordinating Committee, the latter being made up mostly of city, county and state staff members who were familiar with solid waste needs in the area. He stated Councilmembers Frech and Selden who served on the committee, along with others, took a trip in June to look at some of the more sophisticated applied technology solutions to the solid waste problem.

Following that step, they also went out, as did other members of City Council, to look at the York Road Landfill and the Charlotte Motor Speedway Landfill. He stated these people have worked very diligently and informed themselves quite adequately on the needs of solid waste disposal in Charlotte.

Ms. June Kimmel, Chairman of the Citizens' Advisory Committee, stated that the National League of Cities has said that the collection and disposal of solid waste is the Number One urban problem, and the second largest item in city budgets after public education. That Charlotte has been fortunate in having ample land available for landfill, which is the least expensive, at least in the short run, means of disposing of solid waste.

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Councilmembers were provided with printed copies of the Committee's report of their Evaluation Tour which included six major solid waste disposal facilities in Milwaukee, Chicago, New Orleans and Nashville and were of two general types - resource recovery and waterwall incineration.

Ms. Kimmel made a slide presentation of the various facilities as well as the two Charlotte landfills, explained the processes and responded to questions from Councilmembers.

Ms. Kimmel stated in response to a question from Councilmember Selden, that one reason Council is hearing this presentation today is that it takes a long time to build a refuse derived fuel facility, it takes a long time to get more land; that we are within several years of filling the landfills that we presently have. It is time to begin thinking about this. That other landfills will be needed; that you never completely give up a landfill. That you just cannot get away from no landfill at all because there is some material that will not go into the incinerators and they have to be put someplace. Securing the land is part of the planning process, and if we are going to do other things down the road, that function has to be begun. She stated a lot of people are interested in this, that EPA is vitally involved.

Mr. Charles Baker, Vice President of Henningson, Durham & Richardson, stated in response to a question from Mayor pro tem Chafin as to when they can anticipate receiving their report that they have it in preliminary draft now and it should be available in another month or six weeks.

ORDINANCE NO. 237 AMENDING THE TEXT OF THE ZONING ORDINANCE RELATING TO THE APPEAL PROCESS AND IMPOSING TIME LIMITATIONS FOR PROPOSALS IN THE HISTORIC DISTRICTS AND URBAN RESIDENTIAL DISTRICTS.

On motion of Councilmember Locke, seconded by Councilmember Gantt, and carried unanimously, the subject ordinance was adopted amending the text of the zoning ordinance relating to the appeal process and imposing time limitations for proposals in the Historic Districts and Urban Residential Districts, as petitioned by the Charlotte-Mecklenburg Planning Commission.

The ordinance is recorded in full in Ordinance Book 26, at Page 172.

ORDINANCE NO. 238-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE, TO AMEND THE ZONING MAP BY CHANGING THE ZONING FROM R-15 TO O-6 OF APPROXIMATELY 1.9 ACRES ON THE SOUTH SIDE OF FAIRVIEW ROAD, ABOUT 170 FEET FROM THE INTERSECTION OF FAIRVIEW AND SHARON ROADS.

Motion was made by Councilmember Locke, seconded by Councilmember Selden, to adopt the subject ordinance changing the zoning of property on Fairview Road as petitioned by Fairview Investment Company and recommended by the Planning Commission.

Councilmember Short made a substitute motion that the SouthPark Land Use Plan be placed on the agenda and discussed before proceeding with this change of zoning. He stated the SouthPark plan makes it rather clear to him that it should be discussed before Council does anything further of a business or office nature in that area. The motion was seconded by Councilmember Trosch.

Councilmember Carroll stated he agrees that their zoning decisions will be a lot easier if they put their plan adoptions ahead of individual decisions.

Mayor pro tem Chafin stated it is her understanding from staff that Council can probably get the SouthPark study on the agenda for September 25.

Councilmember Cox stated that as far as he can tell from having studied the SouthPark report very carefully, this zoning change is in complete consistency with that. He sympathizes very much with those people who have to contend with Council sometimes; that what they are telling these people is that

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they are going to put off for six weeks essentially what they think they are going to agree to in six weeks, just so they can formally discuss the SouthPark Land Use Study. He would hope this Council could go ahead and vote this one up or down. These landowners are apparently ready to go and now they will have to wait another six weeks. That is not fair.

Councilmember Leeper expressed agreement with Councilmember Cox; that he just cannot see a conflict there.

Councilmember Selden stated they all saw the SouthPark presentation - they have not voted on it - but they all went through the process. That he for one is in total agreement that the SouthPark presentation and this proposal are in agreement and he would hope they would act on it today.

Councilmember Gantt stated he has mixed emotions on this. They have all read the SouthPark study and he would have hoped they had the opportunity earlier to act on it formally because he thinks Mr. Carroll is right that if they are going to have these area plans they ought to be acted on and then it becomes policy. In this particular case, one of the things they all were concerned about when that petition came before Council was how consistent it was with the plan. He wonders whether or not they can ask the question if it would adversely affect the petitioner if it was delayed for six weeks. It is conceivable that they can be in a position with a bid or something to start construction that if they delayed them knowing very well that they are not going to change the aspect of the plan . . . He personally agrees that the petition fits with the plan concept is. That six weeks is a long time.

Mayor pro tem Chafin stated her only concern is that she does think they need to smoothe out their procedures so that they adopt broad policies before they make these kind of land use changes; that it also assumes that Council will adopt the SouthPark Plan as presented - they may want to make changes in it.

Councilmember Short voiced agreement with Ms. Chafin's statement, stating the South Park plan is a policy that is going to come from this Council; it has not been adopted by this Council yet and the plan itself needs to be discussed. He stated that since voting for the original SouthPark zoning in 1969 he has never, personally, voted for any additional business in that area. There is a question indeed in his mind whether that should be done; whether anyone should vote for any additional business, whether it is an office type business or any other in the area. As a part of the original plan, there is already 12 more acres in that area to be planned - it recently has obtained some sort of conditional zoning permit. There is just a question of what the transportation system in that area can bear; and there is a question whether there is really a need for those served within the five mile regional area to have another bank or more business of any sort in the area. The Plan itself needs, indeed, to be discussed. There is always going to be some situation where someone says it will not hurt to add on and go a little further down Fairview or a little bit more on over on Roxborough Road, etc. We have a good thing there for this city; it has been an excellent example of providing commercial facilities for a city, but it can certainly be overloaded and become a detriment to the city instead of a help. They should carefully consider, all of the Council, whether they ever want to put any more business whatsoever that is contiguous to SouthPark.

Councilmember Selden stated he agrees that they are at the limits in terms of SouthPark area expansion, particularly with respect to the 50 percent increase in retail that is contemplated as reflected in the newspaper. However, he cannot in his wildest imagination conceive of using this piece of property for residential purposes in the location that it is. Mr. Selden called the question, seconded by Councilmember Gantt, and carried by the following vote:

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

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The vote was taken on the substitute motion to defer action on this petition until after the SouthPark plan has been adopted, and failed as follows:

YEAS: Councilmembers Carroll, Short and Trosch.

NAYS: Councilmembers Cox, Dannelly, Frech, Gantt, Leeper, Locke and Selden.

Mr. Burkhalter stated he hopes the Fairview Investment Company understands that Council has approved a median for this intersection and that they will not be down here next week saying that they do not want the median.

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

The ordinance is recorded in full in Ordinance Book 26, at Page 173.

MEETING RECESSED AND RECONVENED.

Mayor pro tem Chafin called a recess at 1:54 p. m. and the meeting was reconvened at 2:00 p. m. for the citizens' hearing.

RENEWAL OF SPECIAL TRUCK ROUTE PERMIT REQUESTED.

Mrs. Sylvia Jordan, 4714 Tanglebriar Drive, related the truck route which her company trucks have been using on a special permit which expires September 1. She stated she has been told that Mr. Corbett cannot reissue this permit without it coming before the Council, and requested that Council issue her another permit for 90 days until they can do something, preferably making Turner Avenue a permanent truck route.

Councilmember Short asked if she cannot get her own trucks into her business unless this is done? Mrs. Jordan stated they are on a schedule; the Clorox plant has been in Charlotte since 1951; they have been running this route and their production has been geared to their moving rapidly - they have 35 minutes to get from Hovis Road to Gesco Street. If they go the truck route which is Tuckaseegee Road, Berryhill Road, Freedom Drive, I-85 and Route 16, which is very congested now, putting 13 more tractor-trailers a day on it will not help that situation; and it will take an hour to an hour and fifteen minutes to run the route where now they are doing it in 35 minutes. That would mean that there would have to be a lot of changes made in the engineering of the Clorox plant here in Charlotte. If they had been stopped many years ago maybe they would have had this problem solved by now, but they were never told that they could not run this route.

Councilmember Short stated, in other words, they can get into where they need to go, that they in effect have not made it impossible to get there, but they have to go a longer route? He asked if there are people living along Turner Avenue? Mrs. Jordan replied there are eight houses along Turner; two businesses, and in the section to the west of Turner Avenue there are six or eight businesses. There are trucks going in there because they do have a delivery in that immediate area. She stated that her trucks are not pulling 75 or 80 thousand pounds down Turner Avenue. Their payload is only 4,000 pounds or a total of about 30,000 pounds against 70 or 80 that a normal tractor-trailer pulls. They are pulling empty plastic bottles.

Mr. Short stated they should help her temporarily until they can have some sort of public hearing to see what the residents of Turner Avenue think about making that a truck route.

Councilmember Gantt asked Mrs. Jordan what would be the benefit to her for the 90-day extension? Mrs. Jordan replied it would give them an opportunity to continue to operate; it will just about put them out of business because the Clorox Company has made no provisions and when she was in Mr. Corbett's office he explained to her that they were revising the truck route all over the City of Charlotte.

Mr. Gantt stated she is hoping that within the 90 days the revised truck route will allow some avenue for her use; that there are only two choices - the hour and so many minutes or the 35 minutes? Mrs. Jordan replied that is right.

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Councilmember Selden asked her to repeat the route. Mrs. Jordan replied the Clorox Company has operated at 800 Gesco Street - they go half a block and turn right on State Street, go one block and turn left on Turner Avenue, go two blocks and turn left on Rozzell's Ferry which is a truck route.

Councilmember Dannelly stated that he asked that that route be checked because of the residents in that area. That he talked with Mrs. Jordan and set up a meeting for her with the citizens to try to work out something but Mrs. Jordan did not show up. Mrs. Jordan replied that she did appear at their meeting on a Tuesday evening; that she had talked with Mr. Dannelly on Thursday and at the next Tuesday's meeting she was there, took them on a tour of her route.

Mr. Dannelly stated that the residents had told him that they had not talked with her because it was his feeling and he indicated it to Mrs. Jordan that he was certainly willing to work out something with her and the citizens. That he is sure that they possibly would be amenable to that. Mrs. Jordan stated she was at the meeting on the second Tuesday in June. Mr. Dannelly stated that the time that he set it up and told the citizens that she was coming they told him that they had not met with her, and since he had not heard from her again and had not heard from them, except for the fact that officers were checking all trucks coming through there, he had forgotten about it.

Mrs. Jordan stated she told the residents at the meeting that she definitely had used State Street, as all truckers in that area had done, which was against the law; when she was informed that State Street could not be travelled, she has not sent another truck down State Street other than the one block on which they pass one business, no houses. She understands the problem they are having on State Street and she does not feel that street should be made a truck route.

Mr. B. A. Corbett, Traffic Engineer, stated that Mrs. Jordan did come to him approximately three months ago with this problem and she does have a serious problem. He issued her a 90-day permit which expires September 1st. The difficulty is that he found out later that some members of Council have been talking with a neighborhood group in the area and were vitally concerned about the trucks, so he felt that it would not be his prerogative to issue her another 90-day permit with this problem going on. That he has met with the neighborhood group; it is his understanding that they, for the most part, do not object to Mrs. Jordan's trucks because hers are infrequent enough that they do not cause any serious problems. But, there is a serious problem with other trucks operating along portions of State Street. He, personally, has no objections to issuing her another 90-day permit, as long as this Council is aware of the difficulty, because they may be hearing from some of the people on State Street and Turner Street.

Councilmember Gantt asked about the block of State Street which Mrs. Jordan's trucks now go down and the one business; and Mr. Corbett replied that business burned down last week. Mr. Gantt stated then that business is not even there anymore; are there other portions of State Street which trucks use and involve residential homes? Mr. Corbett replied yes, there are portions between Turner and West Trade and trucks go down that section and do give the residents a considerable problem.

Mr. Gantt stated one of the reason they would be granting this extension is because they assume that Mr. Corbett is going to perform some magic with some revised truck route. What does he anticipate to be the solution to this problem? Mr. Corbett replied that he could not say at this point what the solution to her particular problem will be. It may be that she might have to travel a longer distance, some of the one that she would follow now if she stayed on the truck route. Mr. Gantt asked if it is possible that the truck route would be the route she just described; and Mr. Corbett replied it is possible because there are other industrial activities in her neighborhood and even on Turner Street between Rozzell's Ferry and State that do require some trucking activity.

Councilmember Dannelly stated the problem is primarily State Street, the part that is a highly residential area; that is why he feels that something can be worked out with Mrs. Jordan. That from Turner Street to where she would

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turn to go up State Street, up to a point is primarily business, or at least no residents live there. He would like this placed on the agenda when it is appropriate so that they can dispense with it so that Mrs. Jordan will not be handicapped. He hopes she will contact him or someone and get with the citizens on Turner Street to see what they can work out.

Mr. Burkhalter indicated that Mr. Corbett could go ahead and reissue the permit without further Council action.

PROGRESS REVIEW OF GETHSEMANE ENRICHMENT PROGRAM.

Rev. George Battle gave Council a review of the Gethsemane Enrichment Program as it was operated this summer. They decided to go to activities this year because they had reported on the academic side previously. That a lot of their funds were donated from other sources rather than the City.

He stated they had an enrollment of 429; the school system provided a hot lunch and he provided a hot breakfast and a snack. Some of the children had a chance to go to the zoo for the first time and saw many things that they had read about and talked about. He stated that most of the children were able to come up a few points in terms of reading and math.

He stated in response to a question from Councilmember Leeper, that they were obligated to CD for 400 children and they had 429; an average attendance of about 390.

Councilmember Trosch stated that really says something - that in the summer these students are going to learn - they go on exciting trips too, but they also sit and learn math and reading and other things at the same time.

He spoke of the condition of their bus; that they have put many miles on it and right now it is not in very good shape.

Another member of his staff spoke of the exciting summer they had and of the progress the students had made.

Councilmember Gantt stated he hopes there is a way eventually to get a lot of this incorporated on a permanent basis all over the city; a lot of people are concerned about it. That the way to catch a youngster is to start at the level they are starting.

Rev. Battle stated that HEW recently funded them with approximately \$128,000.

Mayor pro tem Chafin thanked Mr. Battle for his report, stating it makes them feel very good to know that this money is being spent in such an excellent way.

Councilmember Dannelly commented on the pride of the parents which he had observed at one of the culminating programs at University Park.

Copies of the written report were provided for the Councilmembers.

DISCUSSION OF UPCOMING MEETINGS.

Mr. Burkhalter stated that the Mayor had asked that he consult Councilmembers about the advisability of cancelling several future meetings due to conflicts with national and state meetings in which Councilmembers will be involved. After discussion it was determined that the September 18th meeting would be held as scheduled, but no Council meeting would be held on October 23 or November 27.

Mr. Burkhalter advised that the Clean City Committee had requested a special meeting with Council - this was set on September 25 as a luncheon session prior to the regular meeting.

Mayor pro tem Chafin stated the Housing Task Force would be ready to present its report to Council for its final meeting on August 31; that they had wanted to do this on September 11th but there was some concern about

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insufficient time and the unusually heavy agenda that day. After further discussion the meeting was scheduled on September 11 at 11:30 a. m. Ms. Chafin advised that the material would be mailed to the Councilmembers in advance.

The dates of September 25 or October 9 were suggested for a Public Hearing on the naming of the belt road, and Mr. Burkhalter stated this would be placed on the next agenda for a decision.

Councilmembers were reminded of the meeting on Wednesday, September 6, at Spirit Square when a presentation will be made on the Spirit Square design. The meeting will begin at 5:00 p. m., followed by a reception at 6:30.

HEARING ON PETITION NO. 78-40 AND PETITION NO. 78-41 BY GRIER WALLACE FOR A CHANGE IN ZONING OF PROPERTIES ON THE NORTH SIDE OF IDLEWILD ROAD, NORTH-WEST CORNER OF INDEPENDENCE BOULEVARD AND IDLEWILD ROAD.

The scheduled hearings were held on the following petitions:

- (a) Petition No. 78-40 to change zoning from R-9 and O-15 property fronting approximately 382 feet on the north side of Idlewild Road, about 600 feet from the Idlewild Road and Independence Boulevard intersection, consisting of a tract of land approximately 8.45 acres; and change from R-9 to B-2 a 5.8 acre parcel of land located near the northeast corner of the Independence Boulevard and Idlewild Road intersection, approximately 1,250 feet long and parallel to but not fronting Independence Boulevard.
- (b) Petition No. 78-41 for a change in zoning from R-9 to R-9MF of a 22.2 acre tract of land located generally in the northeast corner at the intersection of Independence Boulevard and Idlewild Road, and approximately 600 feet from Independence Boulevard.

A protest petition sufficient to invoke the 3/4 rule requiring nine affirmative votes of the Mayor and City Council in order to rezone this property having been filed.

Mr. Bob Landers, Principle Planner, stated that the Planning Commission would like to combine the two items, Petition No. 78-40 and 78-41 which had been submitted by the same property owner. Petition 78-40 is a request for rezoning of property interior to Independence Boulevard, US 74, and also property on Idlewild Road. This petition requests an extension of B-2 zoning to an additional depth of 200 feet parallel to Independence Boulevard, and rezoning property at Idlewild Road from Single Family R-9 to Office O-15. Petition No. 78-41 requests rezoning of a parcel from its present R-9 classification which is a Single Family zoning classification to an R-9 Multi-Family classification which would permit the construction of multi-family style dwelling units of a density of approximately 17.5 units per acre. If the Council agreed, he would present these jointly.

Mr. Landers described the land use in this area, pointing to a map. Along the northern side of Independence Boulevard there is a consistent pattern of business development, characterized principally to the northwest of the subject property by automobile dealerships, e.g. City Chevrolet, Boroughs Lincoln-Mercury; in front of the subject site there is a B-2 area which is presently vacant but occupied by approximately 11 billboards. At the corner of Independence and Idlewild Road there is an automobile service station, and anterior to that is a truck line and truck maintenance facility on Idlewild; nearby are a Buick dealership and an NCNB Branch Bank and another automobile service station. A similar pattern exists along the south side of Independence Boulevard, but it is not as heavily oriented toward automobile dealerships: there are fast food restaurants, grocery stores and a Sears shopping center. To the interior are Candlewood Apartments, portions of old Idlewild subdivision and Amity Gardens; anterior to that is Coventry Woods. Due east of the property on Idlewild Road are a church and a complex of apartments known collectively as Cedars East, comprised of Hunting Ridge Apartments and another apartment complex which changed its name from Cedars East. Nearby is Foxfire Apartments.

Councilmember Gantt stated that he is simply saying that any development in there is going to use the same basic drainage basin that is already out there? Mr. Landers replied exactly. Mr. Gantt stated they do not know whether that basin is at capacity or whatever, so there cannot be any judgment one way or the other as to whether that is good or bad? Mr. Landers replied that is correct.

Councilmember Selden asked how many of the 18 adjoining property-owners petitioned for the 3/4 Rule.

Mr. Landers replied that there were more names than necessary to invoke the 3/4 Rule, but he did not know the number of necessary names. He added that at 17 1/2 units per acre, the maximum density potential would be approximately 385.

In reply to a question as to how many units could be constructed using the existing R-9, Mr. Landers said that there were 22.2 acres involved, and at 42,000 square feet to the acre and subtracting an allowance for streets, the 22 acres would probably yield about 70 units.

In response to another question, he stated that the R-9MF had 17 1/2 units per acre. The R-12MF had 14 1/2. He estimated the R-9 Single Family at 3 to 3 1/2 units per acre.

Mr. Bailey Patrick, attorney for the petitioners, was introduced. He stated that he represented the petitioners of both petitions, I.G. Wallace, Jr. and the J. L. Wallace Trust which is trustee by the First Union National Bank. With him was Jim Wallace who is the son of one of the owners. Jim practices with Mr. Patrick and would be pointing out on the map the areas to which Mr. Patrick would refer during the presentation. He mentioned the maps which had been passed out to the Councilmembers which he hoped would be useful in his presentation.

Turning to Petition No. 78-40 which involves two separate and distinct parcels of property, he stated that the first parcel is 5.808 acres and that it adjoins the existing B-2 property. The basic purpose of this request is as follows: All of the other B-2 properties fronting on Independence Boulevard from Farmingdale Drive to the west to Buick Drive to the east (involving some 1465 feet west of the property and some 1000 feet east of the property) are on B-2 for a depth of 600 feet. This request would merely square off the rear line. The narrowness of the 400 feet limits the flexibility of the use to which this property could be put. This was felt by the petitioners as well as some members of the planning staff as expressed during the preliminary discussions. The property's limited size would encourage a lot of small businesses and thereby create a number of entrances and exits into and off of Independence Boulevard.

Mr. Patrick stated he is now at liberty to state to the Council what purpose was intended for the entire parcel - a new car dealership. In view of the existing pattern of zoning on either side of the property and extending along Independence Boulevard, the result will merely be to square off that rear line so as to bring it into harmony with the existing rear lines of adjacent properties. He stated for these reasons, considerations of fairness and equality of treatment would dictate a favorable decision with respect to this parcel No. 1, as shown on the map.

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Turning to the O-15 portion of this petition, he stated that it consisted of an 8.45 acre tract fronting on Idlewild Road for a distance of 382 feet. The property is adjoined on the south by an existing business which services heavy tractor trailer units, and on the north by the former Cedars East apartment project. It backs to additional property of the petitioners, and across the street are commercial developments which Mr. Landers had pointed out, e.g. Shell Oil Co., NCNB, a Buick dealership and a fast food restaurant. In light of the existing business and multi-family developments that are already adjacent to and across the street from this parcel, he suggested that an O-15 zoning would be much more in harmony with classical zoning approaches intending to serve as a buffer between the multi-family to the rear and to the north, and the commercial across the street and the commercial to the south. He submitted that the request is compatible with existing zoning patterns and would not be detrimental to either adjacent or nearby property owners. In this connection he reviewed the protest files and stated the protests of the residents, a number of whom the petitioners met with on two occasions, relate to the multi-family proposal. He heard objection to the B-2 request from only one person who felt that it should be single family up to Independence Boulevard. He heard no specific objection to the office zoning.

Turning to the petition (78-41) which he felt apparently interested most of the Council Planning Commission and also the neighboring residents, he pointed out that the petition seeks to change 22.21 acres from R-9 to R-9MF. After meeting with the residents in this area on two occasions, it became apparent to Mr. Patrick and his clients that they had not fully taken into account the concerns and interests of their neighbors to the north and to the west. They were extremely concerned that the 15 feet provided in the cul-de-sac simply did not protect their property values and their privacy. To a lot of people, it seemed that "multi-family" was a bad word, and this was true of the owners of the existing single family property. After the initial meeting with the residents, when the petitioners learned of their concerns, the petitioners were willing to amend their petition to reduce the amount of multi-family acreage that they are seeking to 17.825 acres. On the map he pointed out an area that would then be left as a buffer between the existing residences and the 17 acres.

Describing the terrain and topography of the 6.330 acres which was to divide the residences from the multi-family, he stated that it was heavily wooded and was therefore an effective buffer for the residents. The creek that had been previously mentioned served as a natural guideline for the southernmost tip of the property that would stay R-9. It seemed to be a natural barrier. The line on the map which Mr. Wallace was pointing out did not follow the creek exactly, but it was very close to it. That is how the petitioners arrived at their proposal.

Mr. Patrick stated that when the proposal was then discussed with the residents, those in the interior were satisfied, but those on the flanks were still concerned that that would not serve as a meaningful buffer to them. To expedite the passage of this petition and conceding that they were not experts at knowing where lines should be drawn, the petitioners have obtained authority from the residents to redraft, within reasonable limitations - give or take one or two acres - that line to protect better the single-family residents located in the corners of that property.

He stated that his clients felt that, given the buffer, they were presenting a natural, reasonable and logical means of developing the property. There is the heavy commercialization to the south side of the property, the single-family to the rear, and the buffer will protect the existing residences. To the east is the Cedars East Apartments, and the property they are proposing for office. Mr. Patrick felt that this is a natural order to zone the property off Independence Boulevard: first from B-2, then into R-9MF and then into single family.

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In response to Councilmember Gantt's earlier question about the road, Mr. Patrick said that Mr. Landers' response had been quite accurate. The existing zoning ordinance proscribed the use of a driveway between an R-9MF and any single family for purposes of gaining access to a street from the multi-family through single family. It was always his clients' intent to ensure that this back street would be protected from traffic generated by the apartments. He felt that by taking this approach they were helping to eliminate the traffic in the single family. Obviously, if the entire tract were developed single family there would be a lot more traffic coming off that street in the back. Now there would be the buffer area to prevent that.

As for the water runoff situation, he said that that question should be addressed under the ordinances that had been enacted by the City Council last year. The water problem would have to be handled either way.

Mr. Patrick wished to comment on the residents' protests against the petition. He regretted the poor start which was caused by the notice that went to each of the property owners which showed that the petitioners were trying to get R-9MF for the entire tract. It failed to point out the cul-de-sac which was included so that the street would not be used. There were a lot of people who were upset at the first meeting, and reasonably so. At that meeting they were shown the cul-de-sac protection that was afforded them. The residents communicated to the petitioners at that meeting in a fair and gentlemanly manner that they didn't particularly like what they were doing, allowing those apartments to go up to that red line on the map with parking and that that would cost them the loss of privacy and loss of dollars. Mr. Patrick said he and his clients tried to respond in a reasonable fashion so that they could coexist with their neighbors. The petitioners are faced with some real problems themselves given the location of their property and the existing commercial and multi-family all around it. Mr. Patrick repeated that his clients were open to suggestions from the Planning Commission and the Council as to where that buffer ought to be. They wanted to be good neighbors, but also hoped to be able to do what was practical with their property.

Mr. Patrick said that it was apparent that a lot of the residents were tired of apartments. But it must be faced that apartments were a fact of life in Charlotte, and they were ever increasing. In the Wall Street Journal this morning it was reported that the average cost of a home last year was \$60,000, and that the cost of financing averaged throughout the nation was 9.5%; those costs would preclude a lot of people from owning a home. Charlotte must prepare for that situation. It could prepare by handling water runoff and things of that sort. All apartments were not bad, and that segment of the community must be looked after. He doubted that there were many people in the room who hadn't at one time or another lived in an apartment. He himself had and he knew that there were a lot of fine people who did live in apartments.

He urged those present, as property owners and as citizens, to come up with a fair compromise and try to take into account the relative equities of both parties. He felt that that was their duty. The proposition that his clients had made, subject to a change in the line to give the ultimate protection to the residences in the rear, provided a reasonable use for the property. The existing R-9 did not seem reasonable to him, nor realistic.

Frech

Councilmember Trosch asked if Mr. Patrick could be more specific about where the access to and from the apartments would be. She felt that the Planning Commission would take into account the impact of the area traffic.

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Pointing to the map, Mr. Patrick replied that the traffic would come off Idlewild and flow through Independence, since these were the only roads available unless City Council were later to grant a certain dedicated street to come through existing apartments. The road would have to come from Idlewild. He emphasized that with the way the petitioners had planned, leaving an area R-9, unless the Council approved a street dedication, there was no way that they could get to that street. Providing access had always been a problem - although there were major thoroughfares to handle the traffic, Idlewild and Independence.

Councilmember Trosch wondered whether the 385 units were allowed at present, or with the addition of the 17.825 acres.

Mr. Patrick replied that his calculations called for a maximum of about 312 units to be constructed under the new proposal. It was very unusual, and he felt that Mr. Landers would confirm this, that a developer would develop to the maximum allowable. The total area called for 412 units.

After some discussion about the dimensions in feet of the different areas on the map, Councilmember Gantt said there seemed to be quite a generous buffer area and wondered whether Mr. Patrick intended to take that out of R-9, or was it a buffer only in that it would not be used for multi-family? Did Mr. Patrick mean that that land would be subdivided for single family around the cul-de-sac?

Mr. Patrick replied that the land would not be used in the development. Many of the residents had recognized that and had inquired if they might buy some of the property. But the petitioners felt that they had acreage to compromise with, to be realistic with the property owners. This configuration wasn't designed to make an efficient development.

Councilmember Gantt inquired again about the destination of the buffer area - was it to be left as a buffer area or was it to be subdivided for single family?

Mr. Patrick said that it might be subdivided, since there was no CD or application that said it could not be developed.

Councilmember Gantt wanted to suggest that there be a unanimous dedication of park land for that community. He wanted to make it clear that the multi-family proposed tract would not abut the existing single family area.

Mr. Patrick emphasized the word "existing." He reiterated that his clients were trying to respond to the legitimate concerns of the residents.

Mr. W. A. Watts, Deputy Chief Attorney, wanted to call attention to the fact that the changes proposed for the petition would not cancel the 3/4 Rule which had been invoked. A change proposed during a hearing could not put aside the 3/4 Rule once invoked.

Mr. Patrick thanked Mr. Watts for pointing that out and added that he and his clients could have cut them off at 3/4 when they had first filed, but that wasn't their intent. They knew the Council wouldn't buy it and the residents wouldn't buy it. They welcomed the residents' protests because it got them to think. They had tried to respond to the residents, and hoped that the Council would respond to both parties.

Mrs. Margie Miller, 3313 Aspendale Lane, speaking for the opposition, said that the residents were vitally interested in the value of their homes, and were equally interested in the preservation and development of their neighborhood via the existing zoning ordinances. In the petition filed by Mr. Wallace the statement was made that the requested change to the multi-family classification represented a logical extension of the multi-family zoning already established for the area. She disagreed and said that what was needed for that area was a change from apartments and commercial property to a permanent single family neighborhood. The petitioner, Mrs. Miller said, went on to say that it was neither "reasonable nor economically feasible to leave this area single family in view of the surrounding and nearby commercial and multi-family projects," etc. She understood that to mean that since it was already commercial, and since there were already a lot of apartments in the area, it was all right to put in more. She did not see the logic behind that. It was like saying, okay, we have a bad situation - it's all right to make it worse. Who would notice the difference? She said that the landowners would notice the difference.

She brought up one further statement from the petition. It said that apartments would serve as a buffer between existing single family and commercial development. As homeowners, although they would accept a donation to the park, they were really not interested in buffers. They were not interested in having something separate them from this, that or the other. They were interested in something that would contribute to their area, to make it grow, to make it better, so that their families would enjoy living there. As everyone knew, the area which included Cedars East, Amity Place, Reddman Road, etc. had already suffered a tremendous increase in congestion due to the development of Eastland Mall, and they felt that they could reasonably expect increased congestion with the development of Albemarle and Reddman. They believed that to allow the squeezing in of 312 more apartment units was going to add tremendously to the problem which they were already suffering from.

Mrs. Miller pointed out that they purchased their homes knowing this land to be zoned R-9 with every reason to expect that it should remain so. Their homes were stationary; they could not pick them up and move them. They didn't have the flexibility that the developer of this land would have.

She wanted to bring to the attention of the Council the fact that some families in the neighborhood had been contacted by a real estate agent and were asked if they knew that the land behind their homes was being rezoned for apartments. They were then asked if they would like their houses put up for sale before the apartments came. The inference was very clear.

Mr. Edgar E. Wright, Jr., 3107 Aspendale, pointing to the map, stated the area involved was about 46 acres, whose tax assessment value was \$1,310,000 and whose market value might be \$2 million. If the zoning were changed, the value would double or triple, so they were talking about a sizable sum of money.

He said that at the present time there was a runoff problem near Aspendale. The 45.61 acres plus another acre were heavily wooded. The creek involved was a dry creek. When it rained it flooded behind Mr. Wright's house, 20-30 yards wide, knee-deep to waist-deep. It also went down to what used to be Cedars East Apartments, now Chateau Square. The water had overrun its banks several times already this summer, but had not yet reached the apartments. If the foliage which served as watershed protection were stripped off, a

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considerable drainage problem would result for everybody up and down the street. Down at the Idlewild Swim Club there had been water up to the parking lot already this summer. The water that fell on this area took about a day to drain off. If everything were stripped off, it would drain off in about 15-20 minutes.

Concerning traffic, Mr. Wright said that the area already had the eleventh worst intersection in Charlotte, which was the Reddman Road-Albemarle Road intersection, and it looked like there would be another one at Idlewild and Independence. It was already especially bad on school days. There were two elementary schools: Idlewild Elementary and another new school; further on down was East Mecklenburg School. There were already so many apartment units now that the buses had to pick people up from 7:00 to 8:30 am, and it was becoming difficult for the residents to get out on the streets in the mornings. They didn't want to see Idlewild become another Sharon-Amity which appeared to be happening.

There were 18 homeowners involved and all 18 did sign the petition. Within the last month there were two people who sold their houses and moved out, and the new owners signed also - they hadn't known about this change.

Concerning property values, he said that there were about 400 units in what used to be the Idlewild Apartments. Then Eaglecrest Road was developed for houses. Some of these houses stayed on the market as long as three years. The builder finally had to cut the price from \$4000 to \$7000 to sell them. Mr. Wright said that that was the situation that was facing them. He added that there was a lot of foot traffic from the apartments, motorcycles, people walking their dogs. The feeling in the neighborhood was that they didn't need any more, that they already had their share of it.

Mrs. Barbara Mattingly, 4817 Coronado Drive, pointed out that the area being discussed had a radius of one mile, and currently contained 1,648 apartments, plus several parcels of land which were zoned R-9MF but had not yet been developed as such. The Wallace proposal affected a strip that had 888 units. If Mr. Wallace were to put only 312 apartments into the proposed area, which would be the maximum allowed, there would be 1200 apartments. If the radius were extended to 1.5 miles, there were 3,065 existing apartments. There were also numerous tracts which were zoned R-9MF and which could be developed.

She stated that the only valid reason for rezoning land was to benefit the surrounding neighbors and/or the city as a whole. As Council was aware, zoning was created to maintain land use stability, and should be changed only when there was a real need. She didn't think that more apartments were needed in that area. There was already a great enough density. She wanted to mention that she lived 8 of her 12 married years and more of her adult years in apartments, so she had nothing against apartments. But she felt that there was a nice balance at present, a nice mixture. A lot of people lived there and used the existing commercial areas. She felt it would be detrimental to the area to increase the intensity of development.

There was already, as the others had said, a traffic problem. People shot down Amity Place to avoid the light at Independence and Sharon Amity. Also, they made a cut through to Eastland Mall. She said she dearly loved Eastland Mall, but it had given them traffic problems.

She and her neighbors felt that, while Mr. Wallace had been most generous in giving them the buffer, although a lot of it was swampland and would not be usable anyway, the problem was too much intense development in the area, and it would offset the value which they had created.

Mrs. Mattingly mentioned an article in the Charlotte Weekly News about Albemarle Road which pointed out that it took the refusal of only one rezoning request to stop or prevent a trend. She felt they must do that. There was Reddman Road just waiting to be paved over and the trees removed. She said that they had to say no to this petition to protect the area as a whole.

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Mayor pro tem Chafin found it interesting that neither Mrs. Mattingly nor the previous speakers had commented on the B-2 and the office zoning. She understood that it was clearly the multi-family which they opposed.

Mrs. Mattingly replied that you can be opposed to only so much. She suggested that, instead of the present plan, there be a buffer in back of the used car dealerships and the rest of the area be made single family. She preferred something that would fit in with and enrich the community rather than something which they needed buffering against.

Councilmember Gantt wondered whether the proposed property were to be zoned B-2 to the buffer point. He said Mrs. Mattingly had made a very interesting point about density and traffic and intensity of development. Suppose that proposed tract were to be zoned business or even office - theoretically there would be less traffic in that area. Were they opposed to the apartments, or to any kind of development other than R-9 in back of them? Was it accurate to say that some of the land uses such as business and office were not objectionable to the residents?

Mr. Wright said that the residents objected basically to the apartments right behind their houses, since they already had plenty on the other side of the street. But they also felt they had enough commercialization in the area already. The logic that Mr. Patrick had used about zoning an area business because the adjoining was business, and after that was zoned business, another piece of zoning should be changed - by that logic, you could justify rezoning every piece of land in the city of Charlotte. It must be stopped somewhere. What was zoned R-9 at present should be left that way.

Mr. Wright asked whether the proposed zoning change was in line with the comprehensive 1995 plan for Charlotte, and was told that the existing R-9 zoning was in agreement.

Mr. Landers said on behalf of the Planning Commission that the policy in the comprehensive plan should be given more weight, more consideration than the far more generalized land use plan. Specifically with respect to that land use plan several commercial areas were portrayed on the map along Independence Boulevard, also the Cedars East-Hunting Ridge complex was shown and a nearby area which was residential with a lower density. But he stated that those considerations were probably less significant than policies for neighborhood support and neighborhood preservation.

Councilmember Selden wondered what Mrs. Mattingly and Mr. Wright would suggest as the proper land use for the property which is immediately adjacent to the existing B-2.

Mrs. Mattingly replied that they would like to see the area kept single family as much as possible, since there were already dense apartment developments. She suggested that a buffer such as they had agreed on be put between them and existing businesses. When asked how wide she thought the buffer should be in order to protect the area, she replied that she did not feel competent to answer questions about exact property dimensions.

Mr. Wright said that of the 46 acres 45 were now zoned R-9. If these acres were given to a developer, he would have 45 acres with which to plan access to and from. The more that was done to that piece of land, the less any future home developer would be able to do with it. The area which might be zoned multi-family with the commercial zoning around it would basically be cut off. The entry way through it would have to be right in the middle of the neighborhood. So there was a 30-odd acre tract of land to develop into more single family and the only way in and out of it was through the middle of the neighborhood.

Mrs. Mattingly inquired whether the Fire Department would allow an ingress and egress through Independence and Idlewild if there were an apartment development, or whether it would require the stub street to be opened for safety. Mr. Landers replied that the Fire Department would not be in a position to make any decision on the matter.

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In response to a question put by Councilmember Leeper about the potential use of the street stub, Mr. Landers said that the purpose of providing it was to build onto the neighborhood circulation system. The Planning Commission preferred that they use the stub. Problems for the Council would result from their not using it.

Councilmember Leeper remarked that if the property were made residential, the neighborhood would have more through traffic. Mr. Landers responded that that would depend on the ultimate circulation and how the street network tied in to it. If the creek tributary were used as a boundary, the road network would be limited to a relatively small, finite piece of land. From past experience he recognized that it would be costly to extend a street across a creek tributary.

In rebuttal, Mr. Patrick stated that Mrs. Mattingly was not a resident affected on either one of these two streets, and that Mr. Wright was the gentleman who told him the B-2 property running on Independence Boulevard ought to be R-9. He said that when he met with the neighbors he did not hear strong opposition to the B-2 or the O-15 request, and his impression was that the residents felt the petitioners had been more than reasonable in meeting their concerns for reductions in land value.

Mrs. Mattingly affirmed that the residents were indeed opposed to it.

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

HEARING ON PETITION NO. 78-42 BY MR. FRED HARGETT FOR A CHANGE IN ZONING FROM R-6MF TO O-6 OF PROPERTY LOCATED AT THE NORTHEAST CORNER OF BELLHAVEN BOULEVARD (N.C. 16) AND NORTH HOSKINS ROAD INTERSECTION.

The scheduled public hearing was held on subject petition.

Mr. Bob Landers, Principle Planner, stated that the parcel in question is approximately 18,000 square feet in area, fronting Brookshire Boulevard for 150 feet and Hoskins Road for 120 feet. From the land use map it could be seen that the area was predominantly a residential area, and predominantly single family. Along the westerly side of Brookshire Boulevard along Hoskins Road there is an area of fairly intense neighborhood commercial activity, e.g. grocery stores, drug stores, quasi-industrial repair businesses, tire recapping, and heavy commercial uses. Along Brookshire there is a pattern of basically single family developments which, although it had contact with Brookshire, actually fronted on the side streets, Dakota, Cloudman and Hoskins. This neighborhood, of which the subject property was a part, was a very stable neighborhood, in spite of the fact that Hoskins Road carried a considerable amount of truck traffic. It was characterized by moderate income housing, a very stable and very well maintained area.

He wanted to point out one other feature that was perhaps significant: Hoskins Road had represented a circulation problem for some time for a neighborhood leading to University Park North and another neighborhood. Hoskins Road carried truck traffic from the industrial area on its midpoint and provided access to Brookshire Boulevard and Statesville Road and back to I-85.

Mr. Landers stated that there was a proposal to extend or relocate N.C. 16 from south of I-85 north of I-85, which was important to have in mind since it might have an interchange situation and would assist in relieving the truck traffic along Hoskins Road and address the question of the relationship of trucks to this residential neighborhood.

The zoning pattern perhaps overstated the multi-family development potential. The subject property was zoned R-6MF and it was part of an R-6MF pattern that extended along N.C. 16 and anterior to Rozzells Ferry Road and to the southeast. There was a pattern of B-1 zoning and B-2 zoning along Hoskins Road to the west of the subject site up to and just beyond Rozzells Ferry Road. There had been some zoning interest in that area in recent months; Council might be familiar with the petition concerning Quincy's Steakhouse and Wendy's. Again, the multi-family pattern existed in a fairly strong pattern along N.C. 16 and then developed into a very appropriate, consistent pattern of single family zoning through the interior.

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Councilmember Gantt asked what the approximate depth of the multi-family designation was along there, and Mr. Landers replied that it ranged from 200 to 300 feet. Including the subject site and the multi-family zoning next to it there was a distance of 220 feet.

In response to Councilmember Gantt's question as to why it was zoned that way years ago, Mr. Landers stated that there had been a request in 1965 for the property to the rear to be rezoned to I-1 classification which was turned down by the Council.

Councilmember Trosch inquired about the possible conversion of N.C. 16. It had come up twice before. She wondered about the prospects for that proposal - was it undecided, was it waiting for funds, was it 20 years hence?

Mr. Landers replied that he understood that there was some interest and activity on the part of the state at times, and at other times not. It had not yet reached an official project status; but it was a project and it was a thoroughfare relocation in which all the technical people that he had had contact with had expressed both assurance and concern for.

Replying to a question from Councilmember Frech, Mr. Landers said that the house fronted on Hoskins. He added that there was about 12 feet of side yard between it and the Brookshire right of way, and another 10 feet from the edge of the right of way to the pavement surface, so there was about 22 feet from the structure to the edge of the curb.

Councilmember Frech asked whether the truck traffic referred to was on both N.C. 16 and Hoskins. Mr. Landers said that both N.C. 16 and Hoskins carried a vast amount of traffic. That condition would be significantly altered should the relocation take place, which he thought important to bear in mind.

Mr. Hargett, executor of the estate of the petitioner, Mr. Fred Hargett, said that when he had become executor some months ago he had put the property up for sale but had had no response. It did not seem to be a very attractive property as it was. It abutted a four-lane divided highway which was about midway down an incline where there was a lot of truck noise. Mr. & Mrs. Fred Hargett, his parents, had lived there for some 50 years. It was at times frightening to hear the trucks stopping on the road; there were a number of accidents there. For these reasons he did not believe the property had much use as a dwelling.

The only interested buyer was the realtor who wanted to use it as an office. That was the reason he proposed the rezoning.

Ms. Mary Rudolph, a realtor for Westside Properties, speaking in favor of the petition, stated that her agency wanted to buy the property and use it as a real estate office. She didn't believe it had any value as a residential or a multi-family because of the traffic. The residents in the area had petitioned the Council a year and a half ago to stop truck traffic on North Hoskins, and indeed the Council had agreed with them. Truck traffic was declared prohibited and signs had been posted which were very evident in the pictures she presented: "No Truck Traffic." The prohibition had not been enforced; the trucks were still traveling down the road. Some of the residents said that at night there were times when they were knocked out of bed because of the noise of the trucks which must stop at the traffic light. The real estate office would find the traffic to its advantage; it was looking for traffic, and it wanted exposure. It would serve as a buffer between the residents and the truck traffic on N.C. 16 if the truck traffic on North Hoskins could be stopped.

She said that her agency specialized in the south and west sides and this property would be an excellent location for exposure. She hoped that Council would see fit to rezone it to 0-6.

Councilmember Gantt wondered why the petitioner had not sought a conditional district zoning on the property.

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Mr. Hargett replied that he did not know anything about zoning, and did not even understand the question. Councilmember Gantt inquired whether anyone had discussed parallel conditional zoning with him, and then said that because of the R-6MF with that depth, the subject might require some discussion of B-1 and office zoning.

Councilmember Short asked the realtor if the plan was to use the existing building. She replied that that was true for the present, but if in the future the business was good enough, they hoped to put up an office building.

Councilmember Dannelly stated that he was not aware that truck traffic was not supposed to be on Hoskins Road. Ms. Rudolph said that a year and a half ago when the residents of that area petitioned the Council, it was designated that Lawton Road should be used as the traffic route, but that was not being done.

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

HEARING ON PETITION NO. 78-43 BY MR. JAMES HILL FOR A CHANGE IN ZONING FROM R-12 TO B-2 (CD) OF PROPERTY FRONTING THE WEST SIDE OF DELTA ROAD APPROXIMATELY 2,800 FEET SOUTH OF THE INTERSECTION WITH HICKORY GROVE ROAD.

The scheduled public hearing was held on subject petition.

Mr. Bob Landers, Principle Planner, stated that the petition requested rezoning from R-12 single family zoning to B-2(CD), parallel conditional district, for the purposes of constructing an automobile repair garage. The subject site was located on the northwesterly side of Delta Road which extended from Albemarle Road and was soon to be connected to Idlewild Road and to tie in with Idlewild Road North. It extended to Hickory Grove Road and the Hickory Grove community and beyond that towards the University and Old Concord Road. The subject site was presently occupied by a mixed use of single family structures and an existing nonconforming automobile repair garage. An on-site inspection revealed that the garage was in operation, with approximately 30 automobiles being stored in various stages of repair.

The site was 42,000 square feet in area and had about 30 feet of frontage along Delta Road. It was in an area of scattered development, the most prominent establishment on the map being Charlotte Aircraft or Delta Air Base. To the southwest of the property was a pattern of housing that was the development extension of Four Seasons subdivision which had its main access from Albemarle Road. Off Hickory Grove Road was Dogwood Place, Lawrence Orr Road, and the housing that had developed along nearby streets as well. There was a new fire station under construction at Trysting and Delta.

The zoning pattern for the area was relatively simple. The entire pattern was one of R-12 single family zoning, with the exception of the Delta Air Base property which some years ago had been zoned R-20MF for a conditionally approved multi-family development and there was a plan on file for this, with a proposed density of about 8.5 units per acre.

In response to a question by Councilmember Short, Mr. Landers confirmed that the air base was nonconforming and had been there for many years. In 1973 an R-20MF conditional plan had been submitted and approved for that property, a desirable change towards a pattern that would do away with the air base and establish residential uses.

With this type of parallel conditional petition, he advised, the petitioner was required to submit a plan of development which would show how the property would be developed. Should the petition be approved, all developments would have to be strictly in accordance with this plan. On the map he pointed out a garage which was to be removed, a house, carport, accessory buildings. The petition called for paving the area, constructing a four bay, 2000 square foot repair garage, and stream planning along the perimeter. The plan showed 14 parking spaces to be provided - one space per each car stored (11) plus one space for each employee (three).

Mr. Sam Hill, representing the petitioner, stated that their garage was one block above the new fire station on Delta, occupying the same building for about 12-15 years. They had had the building before there was a zoning change, a small open-bay garage which they had outgrown. They would like to put something there that would enhance their business and the community also.

In response to a question by Mr. Watts, Deputy City Attorney, Mr. Hill confirmed that a certain storage building across the street from the Charlotte Aircraft shop was theirs.

Councilmember Trösch asked if it were not true that Charlotte Aircraft had in the past tried to expand; Mr. Landers said that that was correct. It would be unable to have any expansion that would require building permits. The pattern for Charlotte Aircraft went back to when Charlotte had an extra-territorial jurisdiction. The zoning pattern had actually been established in the area in 1962 and had been maintained in that form since that time.

Answering Councilmember Gantt's question about another map and a spot on it, Mr. Landers said that it was Hickory Grove Cemetery, which he had been unable to locate in the area. The area was not maintained and would be unrecognizable unless one were able to distinguish some of the plantings that had been made in the past.

Councilmember Gantt then asked if the area surrounding that had no development. Mr. Landers confirmed that it was vacant land. The property lines in that area were difficult to distinguish because, the Aircraft being a successful facility, it had expanded onto adjoining property somewhat.

Someone from the audience stated the cemetery just mentioned belonged to Hickory Grove Baptist Church - they held the deed dated somewhere near 1850.

Mr. John Sykes, 7528 Glencannon Drive, speaking in opposition, stated that this was the second time that he had spoken before the Council. The first was to welcome them to District 5, and to take a tour with many of the Councilmembers. At that time there were many issues which were brought up about what was happening in their district. It was because of that continuing concern that he was there today. The residents of his district were concerned about what was happening in the Albemarle Road area, but he did not wish to discuss that area at this time.

It was obvious from the map that this was a spot zoning request. The petition proposed an expansion of Mr. Hill's operation, which was already quite successful.

Another point was the traffic pattern on Delta Road. It was busy. There was a blind curve at that property. With the expansion and with increased traffic it could be a dangerous situation. Also he said that Delta Road was being expanded and was considered a belt road. It would eventually cut through from Idlewild Road and go through to Independence Boulevard.

Mr. Sykes and his district would like to see the zoning in the entire Albemarle Road area remain residential, with controlled planning as far as business and apartments were concerned. He said they couldn't be totally opposed to everything, but they were opposed to spot zoning requests in a residential area.

Ms. Jean Grennia, 6010 Woodbridge Road, said that it was her first visit before the City Council. It was difficult for her to talk about Delta Road without mentioning and thinking a great deal about Albemarle Road, because they were so close that what affected one would affect the other. Anything that affected either of these would affect many residential areas in that section of the county.

She said that this rezoning petition was important because it would set a precedent for the future handlings of petitions on Delta Road. As Mr. Sykes had mentioned, it must be remembered that Delta Road was going to undergo a great change - it would become a belt road. It would go all

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the way from route 29 to Independence Boulevard. It was important that the zoning did not become all business. At the intersection of Hickory Grove Road, three of the corners were presently business. Down at the other end, at Albemarle Road, all those corners were either presently business or probably would be before she got home. She said that Delta should not have any more of that wild zoning. She urged Council to pay attention to the comprehensive plan that had been mentioned before. It had taken so much money and so much work to get it done, and it was being completely ignored. She lived in a community close to this area, but not shown on the map. It was not important that it be shown on the map because what she was talking about would involve and influence the growth of the whole area. They didn't need another Albemarle Road. That was what everyone was afraid of. She wanted to point out that every conceivable business and service was already available on Albemarle Road. That area of the county should be saved for residential communities. There was a very fine quality of life that they were trying to nurture, and they should be allowed to continue.

Hickory Grove Newell Road, which was the name for all the sections of this road, in its entirety went through undeveloped country and residential communities. They must plan for the future, and that planning must start now by denying this petition.

Mr. Hill, speaking in rebuttal, said that there had recently been built a new hardware, Miller's Hardware, about half a block above the new fire station, quite a large business. Concerning the curve on Delta Road just as it passed his business area, he said that the owner of the adjoining property had given them permission to keep it cleared, which they made an effort to do so that the oncoming traffic would be visible.

Replying to a question by Councilmember Gantt, Mr. Hill said that it was correct that his family had been operating this business at that location, and that their home was on the location also. It had been there for at least 27 years.

Concerning an earlier presentation on area planning, Councilmember Trosch asked whether this area would be within the radius of the Albemarle Road area. Mr. Landers said that it would.

In response to a question about the nonconformity of the Delta Air Base to zoning classification R-20, Mr. Landers stated that the continuation of the base was an independent market force that must be contended with. He understood that the operation had worldwide implications as far as parts and the operation went. The timing of that had to be up to the developer or the property owner. He could not say that the owner could be made to abandon the operation.

Ms. Ruth Cheshire, of Charlotte Aircraft, said that the Aircraft was celebrating its 25th year in September. She had been with them for 16 years, and for all of that time they had been limited from doing anything to enhance the property because of the zoning which had been imposed on it. It was a country area and although there were some homes on Delta Road, they were very few in the area between Albemarle Road and Hickory Grove Road. On one end there were large equipment stores. There were some areas that were rather run-down and ramshackle.

Pointing out the payrolls involved in the Aircraft and the fact that they had made it their home base, she said they hoped they would not have to leave Charlotte-Mecklenburg. They had been invited to the Laurinburg-Maxton area. They had aircraft stored there now and they intended to bring in several more aircraft as time went by. They had also considered Greenville. They had not been successful in the Charlotte area in their wishes to enhance their operation. They were increasing in size, they were into the jet age very heavily, they were dealing with foreign countries on a constant basis, and they were adding to the export situation mightily out of this town; she hoped that somehow Charlotte would be able to accommodate this type of business within its borders. They would love to be able to do a very creditable job out on Delta Road, build some decent facilities for business distribution. They were presently restricted because the area had been zoned R-20MF, but they were continuing their worldwide operation.

Councilmember Short asked who had filed the aforementioned plan for a multi-family development in that area. Ms. Cheshire replied that the Aircraft had filed a plan because there had been several types of zoning, and several requests were being made at that time. They filed that plan with the thought that they would have to move out of Mecklenburg. Instead, they were maintaining that facility and had storage in Texas, Miami and Canada.

Councilmember Leeper wished to get back to Mr. Hill's petition. He asked Mr. Landers what the other buildings currently on the subject property were. Mr. Landers pointed out on the map an existing house, carport, outbuilding, storage building, and a garage shop which would be removed under the proposal. Also shown on the map was the proposed 2000 square foot four bay garage repair facility.

In response to a question, Mr. Hill said that much of the area on the map was already paved. There would be some new pavement with the construction of the proposed building. He also confirmed that there was screening on the property - heavy pines and oaks.

Councilmember Dannelly asked Ms. Cheshire if the air base had sought to rezone the property to make it conforming. Ms. Cheshire replied that they had tried to do this, but it was immediately resisted and not entertained at all. They had not brought it before the Council because at that time the base was not within the city limits; their dealings had been with the County Commission.

Mr. Sykes said that he did want to point out that with all the existing facilities and the proposed 2000 additional square feet, it did sit on .8 acre. There were some 30 cars there that morning.

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

HEARING ON PETITION NO. 78-44 BY MR. CARL W. HERRIN FOR A CHANGE IN ZONING FROM R-6MF TO I-1 OF PROPERTY LOCATED ON THE NORTHEAST CORNER OF THE RITCH AVENUE AND EAST 36TH STREET INTERSECTION.

The scheduled public hearing was held on the subject petition.

Mr. Bob Landers, Principle Planner, stated that the petition requested a rezoning of property northeast of 36th Street near North Tryon from its present R-6MF to I-1 or light industrial. The subject site was a little over 15,000 square feet in area and had frontage on Ritch Avenue. It was presently vacant; the property to the rear had an existing single family house.

The property was in an area of strongly contrasting land uses. North Tryon had a mixture of activities up to 36th Street. It was characterized as industrial, heavy commercial: mobile home sales, heavy equipment sales, groceries, automobile dealerships. Beyond 36th Street the pattern began to change. There was a sizable area of vacant land with a mixture of single family, office, commercial, and manufacturing. The area near Ritch Avenue had personal services such as fast food restaurants. Going away from the site on 36th Street to the west and southwest there was an extensive area of wholesale trade, warehouses, storage and trucking activities. The railroad line which crossed 36th near Davidson demarcated the true North Charlotte - but he was wary of the term "true North Charlotte" because the area within which the subject property was located was considered part of the North Charlotte community development target area. Off Ritch Avenue closer to the site there was a pocket of single family with the exception of one multi-family apartment building. This single family neighborhood existed in isolation, within a closed circulation system. The isolation was reflected in the zoning pattern: along North Tryon and along 36th Street there was basically an I-1 or light industrial pattern backed up to the south and west by an I-2 or general industrial zoning district. The area itself was zoned R-6MF, which he considered an overstatement - the conditions were more indicative of a single family area. To the north along Tryon there was an existing B-2 area, an abandoned or closed down drive-in theater, Woodview apartments in the area of Hilo Drive. Finally along 36th Street in the immediate vicinity of the property was an area of B-1 or neighborhood business. At the corner of Bernard and 36th was a vacant piece of land; at the corner of Bernard, 36th and Ritch Avenue

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there was an existing single family house, then the subject property which, as mentioned, was zoned multi-family.

Mr. Carl W. Herrin, the petitioner, stated that the property fronted 106 feet on Ritch Avenue, 150 feet on 36th Street, and 99 feet on lot No. 1. They were requesting that the zoning be changed from R-6MF to I-1. The lot in front of it was already zoned I-1. The two lots were purchased in 1936 and 1941; lot No. 1 was purchased in 1925. All the property facing North Tryon Street in this vicinity was zoned business or I-1, and the property on 36th Street on both sides was zoned either B-1 or I-1 for a half mile or more. There were no multi-family buildings for a radius of 3/4 mile from the property.

Originally there were nine heirs to this property; today there were 13, only four of whom were original heirs. There was only .36 acre in the two lots for which rezoning was requested. With the heavy traffic on North Tryon and 36th Street the property was not suitable for residence or apartments because of the size. Why build future slums?

Mr. Herrin stated that the property had been advertised for sale by the heirs in 1969 and 1973. It had been listed with eight realty companies from 1970 to 1978. No buyer had been found. It was believed that if these lots were rezoned from R-6MF to I-1 the three lots together would sell for a business.

In response to a question, Mr. Herrin said that no one was presently living on the property. He added that it was the only land bordering on 36th Street within half a mile that was zoned R-6MF.

Councilmember Frech asked whether a nearby area across the street was zoned B-1. Mr. Herrin replied that it was.

He stated that if the subject property were rezoned it would give them about 86 feet frontage on North Tryon Street, 350 feet on the north side, 106 in the back, and 350 on 36th Street.

Councilmember Selden asked if anyone had been interested in buying it for a business use. Mr. Herrin replied that they hadn't because of the small size and the present zoning. It was reiterated that there were presently 13 heirs involved - a further reason for wanting to sell it.

In response to another question as to whether there had been any interest at all regardless to zoning, Mr. Herrin stated that the realty companies may have had some inquiries. He did not know of any personally.

Councilmember Carroll asked if he had considered at all a lesser classification such as office or business. Mr. Herrin replied that he had not. If the lots were zoned office or business, it would leave the front lot which was already I-1, and too small to sell. Councilmember Carroll stated that even if the front remained I-1, with the back lots zoned business, it could all be used for business. The petitioner said that was a possibility he had not considered.

Councilmember Leeper asked what kind of development was on a nearby side street which was zoned I-1, and Mr. Landers replied that the development included an existing house which was vacant, residences, and other single family residences. There was some historic property. There were some fast food restaurants and an exterminator - in other words, there was a mixture, and the I-1 designation was not really appropriate considering the depth and the individual nature of the parcels. They had been originally allotted out as residential properties. In terms of the use applications it was much more characteristic of individual business.

Councilmember Short asked if it were true that the R-6MF enclave had never been used - any part of it - for multi-family. Mr. Landers affirmed that it never had with the exception of the apartment on Bernard Avenue. There was one existing apartment which he thought was relatively new. Responding to a question, Mr. Landers said that it had been built as an

apartment rather than converted from a house. Even though it was a multi-family structure, it would be difficult to recognize as such. It did not have very many units; it blended in very well with the houses, within the fabric of the community, and was relatively distant from the subject property.

Reverend Paul Horne, speaking in opposition on behalf of the North Charlotte Action Association, said that the Association was opposing the petition for three reasons. First, the area was a very well kept, very neat, and a very inspiring predominantly single family area. There were very few areas in North Charlotte that would fit the pattern that this community had. The homes were well kept and it was a good place to live.

Second, it was part of the North Charlotte target area for which moneys were being spent and loans being made to improve the homes. The petition could be a stepping stone for an intrusion or the possible future obstruction of a residential area which he wished there were more of, not only in North Charlotte, but in Charlotte itself.

Third, he had a petition from the people in the area, mostly home-owners.

"We, the undersigned, being property owners, residents, or both in the Bernard-Ritch Avenue section of North Charlotte, and also being in the North Charlotte target area, strongly oppose the rezoning of the corner lot at Ritch and 36th Street from R-6MF to I-1, Petition 78-44. We strongly urge the Zoning Commission of the City Council to reject the request for the rezoning of the said property listed above."

He turned the petition over to the Council for its consideration at the residents' request.

Councilmember Carroll asked whether the neighborhood had discussed or talked at all about any lesser classification which they felt might serve as a kind of buffer. Reverend Horne said that they would like to see it changed to R-6. At first they had believed that nothing could be done about the request to change it to I-1, but he had informed them that something could be done if they wanted to do it. They would have to take the initiative. So they wrote up the petition, and Rev. Horne went from house to house to get signatures. On the petition were two columns for checkmarks - one for owner, one for resident. He pointed out that most of the names had two checkmarks. They owned their homes and lived there - they were not just property owners who rented.

Councilmember Carroll asked if it was correct that the residents were not willing to go along with anything less than R-6. Rev. Horne said that that was the case.

Councilmember Gantt felt that both R-6MF and I-1 were inappropriate for North Tryon land use and inappropriate for the preservation of that particular part of the neighborhood. It was a different problem from what they were dealing with on 36th Street. They might want to think about a request to go to single family.

Rev. Horne stated that part of the property several years ago was sought for a bowling alley but the owner refused to sell and the bowling alley fell through. It was the residents' desire that the area be kept as much a residential area as possible.

Ms. Martha Herrin, speaking in rebuttal, described the houses and their occupants and mentioned that there was some B-1 zoning already in the area.

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

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CONTRACTS FOR COMMUNITY DEVELOPMENT HUMAN RESOURCE PROGRAMS.

1. Motion was made by Councilmember Locke, seconded by Councilmember Trosch to approve the contract with Bethlehem Center, Inc. for a Concentrated Education and Enrichment Program for Southside Community Development Area residents, for a total of \$113,955. It provides for an enrichment academic program, senior citizens program and a family involvement program and will operate for twelve months.

Councilmember Trosch commented that she was pleased to see where they are working with the CAT test data with the schools, in complete cooperation with the existing test data.

Councilmember Selden stated he was interested in the manner of evaluation and the progress that is being made. He would like to see some way to specifically evaluate the students that are being developed from this enrichment program, if it could be worked out.

Councilmember Leeper stated he knows of the great job that Bethlehem Center is doing in the area. Since about two-thirds of the funds, with the approval of the contract, will be going for salaries, he would like to get an idea of where they are in terms of providing employment opportunity for the area residents, that being one of the objectives of providing the contract. He asked if, in terms of the staff, there are any area residents employed under the current contract, and if so, how many?

Mr. Jerry Horn, Acting Director of Bethlehem Center, replied that at the present time they have one area resident who is working in that particular program. Mr. Leeper asked in what capacity, and Mr. Horn replied she is one of the teachers.

Councilmember Leeper stated he knows that Mr. Sawyer, Community Development Director, gets a detailed report of the progress as it proceeds through the contract; that he would like to have a copy of that and perhaps other Councilmembers would - not only for that program but for all of them. He would like to know where they are in terms of implementing the contracts.

Mr. Leeper asked if they have a fixed rate for mileage; that he noticed one contract indicated 13¢ a mile, one was 17¢ a mile. Mr. Sawyer replied he believes that is left to the policy of the agency that has the contract, although he is not sure of that. He will find out and let him know, but if there is a disparity that is the reason. Mr. Leeper asked if there were a number of contracts coming from Community Development that dealt with the percentage we pay per mile, does he have a fixed fee in terms of what he would use. Mr. Sawyer replied they would use the City's rate which is 17¢ a mile, but generally speaking they would not impose that on the agency as they leave that up to them. There are some agencies that have vans as a part of the program, so there are many vans out there also providing transportation.

The vote was taken on the motion to approve the contract and carried unanimously.

2. Motion was made by Councilmember Selden, seconded by Councilmember Dannelly, to approve a contract with Mecklenburg County, in cooperation with Mecklenburg County Homemaking Education Department, for a Hot Meals for the Elderly Program for Community Development Target Area residents, for a total of \$324,905.

Councilmember Carroll stated he is concerned a little about the location as regards the service to people in the Cherry neighborhood. Presently they are bussed to Grier Heights if they wish to participate. That the process of rounding these folks up and taking them that distance and bringing them back consumes a good bit of these elderly people's days, if the wish to participate. That the food which is served at Grier Heights is served by a caterer in insulated containers. He understands there may be some locations available in Cherry and they could increase

the participation and ability to serve the people there by developing a location in the Cherry neighborhood. It would seem to be just as easy for the caterer to drop some of the food at another site.

Ms. Melba von Sprecken, Director of the Hot Lunch Program of the County, stated a site has been considered in the Cherry area, but they felt that by combining it with Grier Heights they are able to serve about 100 meals there. That already this year their budget has been cut - she has had to remove two staff positions (two assistant cooks whose salaries were \$5,600 a year). They are trying to gear down a little bit with this program. She would love to serve the Cherry area.

She stated the same situation is true on the westside area - they bring in more people to Moore's Sanctuary than they do to Grier Heights from Cherry. They try to bring as many in and have fewer sites because they have had to reduce some of their site managers, because of the cut in budget.

Councilmember Carroll asked how it would affect the cost to increase the number of sites by one to serve the Cherry area? Ms. von Sprecken stated it would probably increase about \$8,000. They would have to have another site manager and an assistant cook, plus someone to handle the take-outs in the area.

Councilmember Trosch stated that in the Budget and Evaluation report on this it was stated that we still have an unsolved problem. That 74 percent of the meals are catered and they are not of the nature that you would expect elderly people to receive in that they are very high in fats and carbohydrates. She asked if we are moving towards correcting this problem.

Ms. von Sprecken replied that statement was not correct and she has written a letter to Mr. Jones to this effect. She stated their menus are approved locally by two monitors - the local dieticians with Memorial Hospital and the School Food Service System - and also by the North Carolina Dietetic Association.

She stated that they are going to be able to do less catering this year; that Gethsemane Church is geared up and ready to go September 1st for on site preparation. For the benefit of those Councilmembers who are new, she stated they did have a lot of trouble at first because they were in sites in these particular areas and it was impossible to get the kitchens up to health code. That for that reason they have had to make out with the catering - it certainly has not been her choice. Responding to Ms. Trosch who stated her only concern was the high fat and carbohydrate content of the food being served the elderly, Ms. von Sprecken stated she would be welcome to stop by and see their six-week cycle menu at any time. She added that the budget was cut quite a bit - from \$357,000 to \$324,000 - and the only regret she has is the fact that they have to lose the two assistant cooks.

Mayor pro tem Chafin asked if she is pursuing other sources of funding? Ms. von Sprecken no, they just have nothing else.

Councilmember Carroll stated he appreciates her thoughts and that in light of the budget situation it does put constraints on expanding to the Cherry site, but perhaps they can give some more thought to alternatives, because it is a problem.

The vote was taken on the motion to approve the contract and carried unanimously.

3. Motion was made by Councilmember Locke, seconded by Councilmember Short, and carried unanimously, approving a contract with The YMCA, through the Johnston Memorial YMCA Branch, for a Youth Services Program for North Charlotte Community Development Area youth, adults and families, for a total of \$46,750.

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MEETING RECESSED AND RECONVENED.

Mayor pro tem Chafin called a recess at 4:55 p. m. and the meeting was reconvened at 5:00 p. m.

STAFF COMMENTS ON SECTION 8 PROPOSALS APPROVED WITH ADDITIONAL COMMENTS ON SCHOOL BOARD'S CONCERNS, EMPHASIS ON REHABILITATION AND CONCERN THAT PROJECT ON MARGARET WALLACE ROAD IS ISOLATED AND NOT ON THE TRANSIT LINE.

Consideration was given to eight (8) proposals to provide Assisted Housing under the Section 8 Program operated by the Department of Housing and Urban Development:

- (a) Construction of forty-six family units on Margaret Wallace Road, near the intersection of Idlewild Road;
- (b) Construction of twelve family units on Victoria Avenue, north of Westbrook Avenue;
- (c) Construction of forty-eight family units on Polk Street, near the intersection of Pharr Street;
- (d) Construction of forty-eight family units on Alpha Street, from Jewell to Godwin Streets;
- (e) Rehabilitation of one hundred and twenty family units at 901 Lynn Street.
- (f) Rehabilitation of one hundred and sixty-eight family units on Marvin Road, Wheatley Avenue, Burkland Drive, Bunche Drive and Rodman Street;
- (g) Rehabilitation of seventy-six units of the Red Carpet Inn at 615 East Morehead Street;
- (h) Rehabilitation of one hundred and ninety-four units of the White House Inn at 237 West Trade Street.

Mayor pro tem Chafin stated in response to a question from Councilmember Trosch, that Council is to essentially approve or disapprove the comments of staff (an agenda attachment) for transmittal to HUD; they need to do this very specifically with each project.

Councilmember Trosch referred to Project (a) and stated that she was literally "floored" at the isolation of that particular site. That in the HAP one of the things to be considered was transit - she knows that Margaret Wallace Road is predicted to have some widening and good things happen to it in the future. But, there is one convenience type store there on the corner and the nearest thing from there, except for another 7-Eleven, is Eastland Mall or Albemarle Road. From her understanding of the requirements for good placement, she cannot see why this location would receive a favorable recommendation.

Mr. Jerry Moore of the Community Development Department, replied it is true that this proposal is remote in location. As a matter of fact, it goes beyond the geographic boundaries that they considered in doing the Housing Assistance Plan. That basically in doing the HAP they were looking at Census Tracts 1 through 54. He agreed that many of the amenities are really not there. At the same time, there are some other aspects of the housing strategy that this would comply with, such as providing the housing on a broader geographic basis.

Ms. Trosch stated there are a lot of open fields there; it would be like isolation of a group of forty-six families near a 7-Eleven and two poor roads.

Councilmember Selden stated what they are debating is not the propriety of these selected sites, but the comments that are made with respect to them. That the fact that this is outside the city is pointed out in the staff comments and also the fact that there is no transit service in the area is pointed out in the comments. Therefore, HUD will react to this and it is his opinion that it probably will get knocked out because of the fact there is not public transit available in the immediate area.

Councilmember Trosch stated her concern is that Council was not aware of these things from the neighborhood because they did not have a chance to feed in comments and she thinks it appropriate to re-emphasize that.

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Mr. Moore pointed out that the adoption of the staff recommendations does not necessarily mean approval of any of these things.

Councilmember Gantt asked if the entire comments given in the attachment would be included in the A-95 Review comments that go back to HUD - the fact that they do not have transit service, etc.? Will it include the School Board comments in terms of what the impact will be? Mr. Moore indicated that this information would be included.

Ms. Trosch stated that the staff comment of "one neighborhood or convenience shopping area" sounded like more than she knew was there.

Councilmember Cox asked if the HUD people will come down and look at the sites? Mr. Moore replied very definitely; they have their own procedures set up for determining the feasibility of any site.

Mr. Gantt asked about the number of units we have been allocated? Mr. Moore replied the ad that was run back on April 29th was run on a statewide basis and provided 360 units statewide to metropolitan areas; that he does not have the exact number that Charlotte was given. Mr. Cox asked if the ad did not emphasize rehabilitation?

Mr. Moore replied the ad did state a preference was for rehabilitation of existing units, and the second priority was for construction of family units. They received one proposal that has not been processed and that was to construct new units for the elderly. HUD received a total of 87 proposals which would encompass 7,000 units and they knew it would be impossible to process all of them.

Councilmember Gantt stated he thinks units are needed in the area and suggested that Ms. Trosch make a motion to include the reservation about the isolation. That he is not sure he would want to disapprove the site.

Councilmember Trosch stated she is just trying to get that kind of comment into the record, because if we are very limited in the number of units that should be taken into consideration.

Councilmember Short asked about the impact on our Transit Planner and the bus service if Council approved this citing the fact there is no transit service in the area, if HUD came back and said run a bus out there?

Ms. Chafin stated she does not feel HUD can do that; they would be approving it recognizing the inadequacy of the transit service, which is probably unlikely.

Councilmember Selden stated unless HUD has changed, they will exclude any area that did not have transit within three-quarters of a mile.

Mr. Phil Berry, Chairman of the Charlotte-Mecklenburg School Board, commended Council for giving him the opportunity to comment on these proposals. He stated that he would also like to officially thank Council for its cooperation on the previous project on Gloria Street which was changed to a facility for the elderly. That action greatly helps them as it relates to their school pupil assignment situation.

Mr. Berry read a letter which he had written to City Council under today's date and made further comments:

"I appreciate the opportunity to respond to the new Section 8 housing proposals which are being considered for funding for the City of Charlotte.

"Several of the proposals would definitely affect our Pupil Assignment Plan. These proposals are listed below with comments:

1. (B) NC 190014-084 and (C) 190014-085 - Proposed location of both projects in area of city which is predominantly black and in the same school attendance area; this area is being bussed (satellited) to Oakhurst School. These projects, when fully occupied, would yield approximately 80 pupils at the elementary

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level. This could pose a ratio problem for the school of current assignment if all the pupils are black, especially since new units were recently opened on Spring Street in the same area."

He stated, to be more specific, Spring Street is in the Fairview Homes area. The City is already building housing in that area. In fact, some of that housing is presently occupied. That it is really a joke for any of them to believe that some of that housing is going to be white. That housing is going to be black. He would be willing to say that the pupils will be all black. There is no question in his mind. That what they are really talking about is black housing and there is no way they can continue to do the type of job they need to do in pupil assignment, no way they can control the crime in that area, there is no way they can say that they are really giving people better housing, if they immediately build new houses in front of a problem you already have.

On the proposal for rehab, they say they are going to tear out some of those units and make it better for those residents in the Fairview Homes area. It seems there is a contradiction working right there if they are going to make it better on one hand and then do another impact across the street. That reference has been made to no services available. That it would probably be more appropriate to make some type of services available for the residents already present in that area while the city has control of that large plot of land in their planning. He knows it is easy to address themselves to housing because they will not get the neighborhood groups in that area fighting Council over whether or not they will have more housing over there. It is easy to make that type of decision. But Council is here in a leadership position and all of the decisions will not be easy.

That he would beg of Council to make the type of decisions which will add overall quality, not only in pupil assignment, but also for the other things which those type of problems evoke.

Councilmember Gantt asked if he is saying that Spring Street would be the 48 units that are proposed by MOTION, Inc. in the Greenville Area? Mr. Berry replied he is talking about Projects (b) and (c). They are the same school assignments.

Councilmember Selden stated he is not saying whether this is right, wrong or whatnot, but they have a contract with MOTION that stipulates the given number of housing units in certain target areas; and this is in compliance with that. If another location in that same target area were picked, they would be confronted with the same problem.

Mr. Berry stated his response to that would be "What is the greater problem?"

Mr. Selden replied he can appreciate that; and Mr. Berry stated Council has control over the issuance of that contract. Mr. Selden stated perhaps that contract needs to be examined further. Mr. Berry asked if they are talking about short range or are they talking about long range; do they really want to solve some of our problems or do they want to only solve them while we are present?

Councilmember Short asked if it is not a fact that the America-McKnight decision which was approved by Judge McMillan made Greenville specifically an eligible area and Judge McMillan is the one also who certainly has been instrumental in the school problem? Mr. Berry asked if he is talking about the working out of the housing decision for everybody concerned? That he questions the severity of the carrying out of some of the plaintiff's wishes in that particular case - from what has been done in housing and how it relates.

Councilmember Short stated - not to personalize it to Judge McMillan - but the courts have authorized and arranged with the city in a consent judgment to do one thing in housing and at the same time the federal courts have required the ratios, etc. that he is attempting to achieve in the schools.

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Mr. Berry stated that even though they have guidelines, it is just like in pupil assignment, they can sometimes interpret them in the easier light. He is saying that we could build housing and still be under the auspices of the courts, and do it where it is not going to have the type of high density impact. He is sure that the courts did not mean for us to have the type of impact that we have. He hates to pick on the West Boulevard area, but essentially what we would be doing there is making another high density impact that we have a chance not to do. They can see what has happened along that strip.

Mr. Short stated it is indeed a quandary; he does not know whether they should respond to what the federal court allowed them to do in the McKnight decision, or whether they should help out in Mr. Berry's problem.

Mr. Berry stated his comments are meant to tell Council the impact that it is going to have on the schools; his added comments are to tell them that "Look, it goes beyond just the school assignments; we need the housing, but we need it in the correct place or we are going to have a greater problem because first of all that housing is not going to occupied that long." They should look at some of the new housing in other areas.

- "2. (D) NC 190014-086 and (F) NC 190014-052 - Proposed location of both projects (new construction and rehab) in area of city which is predominantly black and in same school attendance area, Billingsville. These projects, using the current rate of occupancy of rehab project (F) and 48 units of new construction (D), could yield an additional 120 pupils for this school. If pupils are all black, the projected black ratio for Billingsville would rise above 50%."

He stated this refers to Projects (e) and (f). That this means you take away what a lot of people say they really want - the walk-in schools and other things. First of all, they probably could not, even by capacity, enjoy letting them walk in. The next thing is that again we would have the ratio problem of black/white. This impacts upon them and makes their problem back into the same type of quandary which they all understand.

The apartment units are located in a changing neighborhood; the rehabilitation of these units, using the current rate of occupancy, could yield 100 additional pupils for Thomasboro School. If pupils are all black, the project would definitely aggravate the ratio problems at this school. Thomasboro was one of the schools changed under the revised pupil assignment plan because the of the ratio being over 50 percent black. From the standpoint of pupil assignment, the long range effect of these projects would be to intensify the problem of segregated housing in the city and attendance problem of maintaining black ratio below 50 percent in the schools.

If any of them are familiar with the Thomasboro area, right in front of Thomasboro School there were some fairly new apartments, and if they take time to ride through that area, they will see these apartments, although privately owned, are boarded up and not occupied. That is because of the intensity and the other types of attendance that you get when you have that type of impact and intensity of occupancy in those areas. To rehab that area would not necessarily solve the housing problem as you view it from the standpoint on paper. You would probably not get the type of continued attendance in that area you would like to resolve. He stated from their experiences, they know it would be all blacks that would occupy that. In that sense it would further intensify the problems they already have with Thomasboro where they had to make some leapfrog as it relates to pupil assignment and the busing. He stated they are asking for Council's help and they want their comments for the record.

The project that is proposed for Margaret Wallace Road, which is (a), would pose no problem since the location is in an area that is predominately white.

He stated he can appreciate Council's problems; but we all have problems. One of the things they would like Council to do is to work together with them in trying to resolve this. We have not approved this as yet; he thinks this is the time, and he asks for Council's continued input to ask the School Board when to comment, and they will be glad to respond.

Mayor pro tem Chafin stated we clearly have a case here where we are caught between a number of conflicting social goals and objectives. So often when we hold our community development hearings and citizens from these neighborhoods, such as Grier Heights, come to us, they say - "Help us stay in our neighborhoods. Don't relocate us out." She stated that is one of the things that through Section 8, and through Motion we find to be sensitive to. She stated Council appreciates Chairman Berry's comments and the dilemma the School Board finds itself in.

Councilmember Selden stated he heard what he is saying about comments. Obviously if we were to, in effect, cease to build in these target areas or cease to rehabilitate, we would leave a void that is not going to be filled up by anything else. In due respect to these comments, he would like to make a motion.

Councilmember Selden moved that this letter from the School Board go along with whatever comments we send it, and let HUD appraise it in the light of the remainder of the comments. Therefore the School Board's position would be represented in its entirety. The motion was seconded by Councilmember Locke.

Councilmember Gantt stated it is interesting that last year on the Section 8 the room was jammed with people primarily because most of the housing was located in sections not traditionally having subsidized housing - they were in predominately white areas. It is interesting that this year most of the family units are being developed by MOTION, Inc, with the exception of the Margaret Wallace Road project. He wonders if this says something to us as a City. In that we may have to do more of the development in scattered site projects, because private developers are running into so many constraints in either the purchase of land or the fact they feel they are going to be hassled to the extent that it is not worth while. The answer may be that the City itself may have to be that housing developer in order to get the scattered site housing. At the same time, the question is very real in that we do need housing; and there are people who want to live - while Greenville needs to be developed - housing needs to be developed in those area that we are not getting a balance of the housing going other places.

Mayor pro tem Chafin stated she hopes he will find that the Housing Task Force Report responds to some of those concerns. Clearly that is what we are hearing from the developers.

Councilmember Carroll stated Chairman Berry was asking us to look at the whole problem, and part of the problem is the allocation of only 350 units for the State of North Carolina. It is hard to get a private developer interested in doing this when his chances are so low of succeeding and he has to come up with the information to process his application back to the need to provide some alternative as Mr. Gantt is suggesting.

The problem Mr. Short raised earlier is not really a conflict because the private developers who are concerned here were not participants in that America-McKnight lawsuit. There is no conflict between the requirements of integrated schools and having scattered sites, which was required by our Housing Authority, and which is the direction we have moved in. This is really a subsequent program. He does feel that we need to re-examine our thinking in the Greenville area. We need to think more in terms of single family housing if we are going to avoid the repetition problem Chairman Berry is talking about. He would like to feel that what we should do is to give some priority here to the rehabilitation projects; they are the ones that have priority with HUD; they are also the ones that will help in these neighborhoods which are target areas, and which we are spending other money in; they are also the areas where perhaps they will not change the school population that much because the people already live there; but they are in substandard housing.

Councilmember Carroll suggested that Mr. Selden include in his motion as a part of our comments, along with Chairman Berry's letter, that we believe particular attention should be given to consideration of rehabilitation projects as opposed to the other ones proposed.

Councilmember Selden stated he would put into the motion that we recommend preference consideration be given to the rehabilitation projects.

Councilmember Selden stated these are presentations that individuals made. In effect they are not city proposals; they are proposals that have gone to HUD

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and these are the reactions by City Council to those proposals. Beyond a preference recommendation he does not think we can go further.

Mayor pro tem Chafin stated what we have here is essentially, for the most part, the compliance on the part of MOTION with our contract. In effect, by de-emphasizing the family units, we are speaking against our own contract.

Councilmember Short stated there are a great many of the rehabilitation efforts; whereas the new is smaller. He asked if any of these being rehabilitated are occupied so that the potential students are there? Mr. Moore replied they met earlier with representatives of the school board; that factor was considered. The 168 units in Grier Heights is a composite of about two or three projects; and it is rated at about 82 percent. On Lynn Street in the existing Diplomat Apartments, the existing occupancy rate is about 50 percent. These factors were a part of their discussions, and part of their input.

Councilmember Short asked if rehabilitation is included at all for that project across the road from Thomasboro School? Mr. Moore replied he has no knowledge of the plans for that project. Mr. Berry stated his reference was to that as a private development; it is fairly new but not occupied.

Councilmember Dannelly asked Ms. Chafin about her remarks on de-emphasizing our own contract? Mayor pro tem Chafin replied she was saying one of the reasons why we see these family units in CD target areas come before us is that it is a part of what we requested of MOTION in our contract. That Mr. Selden's motion with Mr. Carroll's amendment clearly gives priority or suggest we give priority to the rehab projects over the new construction. Councilmember Dannelly stated he wants to be sure so that when it comes up about MOTION meeting its contract with the city, we will know that Council played a part in it.

Councilmember Carroll stated they have met their contract by the fact that it is here. Whether it is approved is up to HUD.

Councilmember Leeper stated he thinks it is important that we all understand there is a great need for housing in Charlotte; he is not sure we have put the proper emphasis on that. He thinks the point Mr. Berry and others are making is where we locate them is the problem. He does not want anyone to get the impression we are saying it is not important that we build more family units. Where we locate them is the question.

Mayor pro tem Chafin stated she does not think any of us are suggesting that; she is saying the reason they are in the location where they are is in part due to our planning and policy.

Councilmember Gantt suggested the motion which has been amended by Mr. Carroll say in effect - We need the housing, and this is what staff says in their report; we have reservations, and these reservations are: (1) the letter we would introduce from Mr. Berry; (2) we would like priority on rehabilitation; and (3) one of the projects lacks transportation service. This, in effect, would be a series of comments that says we need the housing; but we have some reservations about location of schools, impact on the transportation etc.

Councilmember Selden stated he hears what Mr. Gantt is saying, and agrees in basic principle; but feels that should be carried in a separate package as a part of what our housing task force would come up with. Since this is a review of the individual proposals by MOTION, Inc., and other contractors, it should stand on its own. Then sofar as the Housing Task Force report which would be sent to HUD as a part of the package of this Council would carry with it some of the thoughts Mr. Gantt has mentioned.

Councilmember Selden stated his motion is that various comments and the letter be incorporated in the reaction of Council to these notes; and that we further emphasize rehab, or put it as a high priority. Beyond that he would rather see the facts Mr. Gantt is talking about go in a separate package subsequent to this and relate it to the overall general housing picture.

Chairman pro tem Chafin stated she interpreted Mr. Gantt saying he wanted to add one though to Mr. Selden's motion; and that is with respect to Project (a). That essentially we agree with staff's comments with the following reservations:

(1) We feel the School Board's comments should be attached; (2) we would emphasize rehabilitation; and (3) we have a concern that the Margaret Wallace site is isolated and is not on the transit line.

Councilmember Selden stated he would accept that as his motion.

Councilmember Short stated he has a lukewarm enthusiasm for a motion which in effect tells us to get together all the facts, and send them in to the federal government because we cannot figure out the problem locally. He thinks it would be better if we could take more time, and really give something we could all totally support and send it to the federal government and say this is what we should do, and all agree.

Councilmember Selden stated we are reacting to a procedure that asks us to respond on these particular items.

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

ANNUAL PLAN SUBMITTED TO DEPARTMENT OF LABOR FOR OPERATION OF A PROGRAM UTILIZING CETA TITLE I.

Motion was made by Councilmember Gantt, seconded by Councilmember Locke, and carried unanimously approving submission of an annual plan to the Department of Labor for operation of a program utilizing CETA Title I for the federal fiscal year 1979, in the amount of \$1,927,540.

ACCEPTANCE OF CETA TITLE II FUNDS TO CONTINUE PUBLIC SERVICE EMPLOYMENT POSITIONS THROUGH SEPTEMBER 30, 1978.

Motion was made by Councilmember Locke, seconded by Councilmember Selden, and carried unanimously, approving the acceptance of CETA Title II Funds from the U. S. Department of Labor to provide for the continuation of one hundred sixty-three public service employment positions through September 30, 1978, for a total of \$276,166.

ORDINANCE NO. 239-X REVISING REVENUE ESTIMATES AND EXPENDITURES WITHIN THE EMPLOYMENT AND TRAINING DEPARTMENT, TO PROVIDE ADDITIONAL FUNDS FOR CETA TITLE I AND III PROGRAM ACTIVITIES.

Motion was made by Councilmember Dannelly, seconded by Councilmember Short, and carried unanimously adopting the subject ordinance revising revenue estimates and expenditures for a total of \$817,826.

The ordinance is recorded in full in Ordinance Book 26, at Page 174.

CONTRACT WITH UNCC TO PROVIDE TRANSIT SERVICES ON ROUTES FROM SOUTHPARK AND THE SQUARE TO UNCC.

Motion was made by Councilmember Locke, seconded by Councilmember Selden, and carried unanimously, approving contract with UNCC to provide transit services on routes from SouthPark and The Square to UNCC for a total of \$88,300, with UNCC to contribute \$22,075 for the operation of the service.

CONTRACT WITH DAY AND ZIMMERMAN, INC TO PROVIDE PROJECT MANAGEMENT SERVICES FOR CONSTRUCTION OF TERMINAL AT DOUGLAS MUNICIPAL AIRPORT, DEFERRED.

Motion was made by Councilmember Locke, and seconded by Councilmember Gantt to approve the subject contract for a total of \$1,209,000.

Councilmember Gantt stated he appreciates reading about the efforts this firm has made normally for requiring minority contractors. That is one of the concerns all of us have had on how well we do on a major public works project. He has a little bit of a question about the additional \$209,000 being needed to do that, and wonders if there is a middle ground in between; and he needs a little more precise description of what will be required for the \$209,000.

Councilmember Gantt asked Mr. Birmingham if he will at a future date tell

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what the soft cost will be with regard to the design and engineering on the airport. Mr. Birmingham replied he is doing that now, and he will have it ready very shortly.

Mr. Wilder, Personnel Director, stated in the process of interviewing firms who had indicated an interest for the project management for the airport terminal, they bore down extremely hard with each of the four firms in the final running on several major issues concerning the EEOC compliance, affirmative action questions, identification of minority contractors, and a number of other related questions.

In looking at the proposal of Day and Zimmerman, and after talking with them at length in the initial interview as well as spending considerable amount of time in telephoning the President of the Firm and the Vice President who is in charge as far as minority contractors relationship; and in talking with the person who will be the project manager in Charlotte for the duration, and in discussing their background on the federal level, they determined they do have an affirmative action plan. That he has a copy of that plan as well as a plan they follow in identifying minority contractors working with them, providing assistance and monitoring. They have a basic plan they follow, and the difference comes into the degree of it. It is not a matter of the basic plan, that is the \$1.0 million not being in compliance; it is a matter of going the second mile. They have a hard hitting, very aggressive type plan as opposed to one meeting the minimum standards; it is through additional staffing. And that is what it comes down to.

For the additional \$209,000, they will commit at least 60 some odd man months of corporate resources to that project. That will break down into having an EEO administrator assigned to the project through the bidding process, which will be approximately the first 18 months. They will have a person on the site who will be a secretary-clerical type for the duration of the project to maintain records. After the bidding process, the administrator will be on the site approximately 40 percent of the time. With an estimated completion period of 42 months, they estimate that a very conservative period, and that will give us approximately 60 man months above the \$1.0 million cost.

They do not know if that will be needed to complete it. As a result of that question, they have worked out an agreement with Day and Zimmerman that if we find, and we will be watching very closely, in order to achieve the level of success that we are looking for with fewer resources on the part of the project management firm, they will agree to cut back to any extent we desire of their resources with the result of a decrease in the cost to the city.

Once we get into it, through our observation we find they do not need to commit the types of resources that had initially addressed, we can ask them to reduce that by whatever amount we offer, and they will do that, and we will not have to spend a portion of the \$209,000. Another alternative, once the project is underway, we want to look very closely at getting city staff involved. They feel the exposure to that process will help us, and we will gain valuable experience later for use later on for EEO compliance in our own affirmative action program. If we get involved at any time, it would appear that we may not need their resources; so they have also agreed, if at any time after it is up and running, we assign any city staff to that, we could ask them to reduce their resources, and that could result in a reduced cost.

Mr. Wilder stated he spent a lot of time on the Task Force dealing with the question of minority contractors from the EEO standpoint; and in his opinion we would be better off, particularly with the two fall backs we have worked out, to go in with the understanding we want them to go the second mile.

Councilmember Gantt asked if at some point the management team develops some goals? How do you know when success is achieved? He would like to see that enumerated to Council before too long into the process.

Councilmember Selden stated he fully agrees with more than the minimum EEO requirements. The thing that concerns him most is that Phase I has an over-ride of \$32,000 or over 60% on the original cost of Phase I simply to enlarge on the EEO affirmative action application. A 60% over-ride on one phase appears to be rather high if you are going to accomplish this. If we can monitor this closely, and at such time as we feel we have control of it, cut it off, then he is agreeable.

Councilmember Trosch stated she believes she is misreading a portion of this and asked for clarification - "It is further noted that such requirement will cause substantial escalation of the total project cost." Does this mean the airport project cost depending on whether the city would want to go beyond the objectives described. In other words they are saying this is the kind of affirmative actions we want, the kind of minority participation, that it will go beyond the budget amount; or just this project? Mr. Wilder replied it would depend on how far you wanted to go. They have approached it by having a very aggressive plan for seeking out minority contractors in this region, and it is not restricted to Charlotte-Mecklenburg, but in a very broad region. To have this firm work with minority contractors; work very closely with groups or organizations targeted to minority groups to be able to provide assistance; they have a very aggressive monitoring package. The Council opted to want to go as far in seeking out minority contractors to provide opportunities, to get into joint venture types.

Mr. Birmingham stated in the total discussions held with the Task Force, they all agreed they should maintain the city project in the affirmative action of minority contractors. Short of circumventing the bid process of competitive bidding, he does not think they would ever instruct them to circumvent that. That was put in there to say to Council that if we go to restrictions of saying we have to have so-many out there, so many minority business, and so much of this, you could increase or escalate the price. He stated they think they can provide the minority business with an opportunity in order to be a part of this.

Councilmember Gantt stated his interest is to bring the project in on budget. Mr. Birmingham replied they think they can do do; and also do the other.

Councilmember Short stated apparently there will be some personnel here for four years or so. Are we suppose to pay their living expenses? Mr. Birmingham replied yes; the project manager will move here. In the total process, even with this, there will be a savings.

Councilmember Carroll stated he has problems with the exclusion of liability if the PM goofs up on this. It is his understanding, like doctors and lawyers, these folks are professionals and they also make mistakes, and sometimes we require them to carry \$10.0 million worth of professionalized liability insurance; but we are exonerating them for any goofs they might cause as he reads the contract. The project is too big and too important to do that. He does not know if they negotiated about that. But it causes him some real concern.

Mr. Birmingham replied these are requirements they put in as indicated by Mr. Spivey of the Insurance Committee.

Councilmember Carroll stated they have the insurance in there; but that does not do any good when the contract also says they cannot be held liable for any damage they cause. The insurance does not do any good if you have an exclusion of liability in the contract. Mr. Birmingham replied he cannot answer that; the City Attorney has been involved with the provisions of the contract. Councilmember Carroll stated he is in a quandry about this because it also sets up an abritration procedure to abritrate any grievances. At the same time you are taking away any bases for the city to have any grievances that can be abritrated. Mr. Carroll stated this is at the top of Page 29.

After further comments, Councilmember Cox moved that the matter be deferred to the next date Council can take action on it. The motion was seconded by Councilmember Selden, and carried unanimously.

CONTRACT WITH BOLT, BERANEK AND NEWMAN FOR ENVIRONMENTAL IMPACT ASSESSMENT REPORT AT DOUGLAS MUNICIPAL AIRPORT, AUTHORIZED.

Motion was made by Councilmember Cox, seconded by Councilmember Selden, and carried unanimously approving the subject contract for a total amount not to exceed \$70,000.

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RESOLUTION APPROVING AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR THE CONSTRUCTION OF THE AIRPORT PARKWAY.

Motion was made by Councilmember Gantt, seconded by Councilmember Selden, and carried unanimously to adopt the subject resolution authorizing a municipal agreement for the construction of the Airport Parkway with the State to pay land acquisition and construction costs, and the city to finance the water and sewer relocations for an estimated cost of \$90,000.

The resolution is recorded in full in Resolutions Book 13, at Page 392.

ORDINANCE NO. 240-X APPROPRIATING FUNDS TO SIGNALIZE AND IMPROVE THE INTERSECTION OF BARRINGER DRIVE AND CLANTON ROAD.

Motion was made by Councilmember Leeper, and seconded by Councilmember Gantt to adopt the subject ordinance appropriating funds in the amount of \$12,000 to install a signal with a left turn lane constructed at Barringer Drive and Clanton Road.

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

The ordinance is recorded in full in Ordinance Book 26, at Page 175.

RESOLUTION TO REFER THE DISCUSSION OF THE USE OF SCHOOL PROPERTY FOR PARKS TO THE INTERGOVERNMENTAL LIAISON COMMITTEE.

Motion was made by Councilmember Cox, seconded by Councilmember Trosch and carried unanimously to adopt the subject resolution.

The resolution is recorded in full in Resolutions Book 13, at Page 393.

Councilmember Trosch stated she is very pleased that staff has placed this on the agenda, and she requested that a copy of the resolution be sent to all members of the Liaison Committee.

POLICY TO GOVERN USE OF ALCOHOL ON PARK PROPERTY APPROVED.

Councilmember Selden moved that the policy to govern use of alcohol on park property be approved. The motion was seconded by Councilmember Gantt.

Councilmember Dannelly stated Council has received several requests relative to the use of alcohol on park and recreation facilities. He thought someone was to look into allowing the manager to make these decisions. Mayor pro tem Chafin replied when this was brought up, the City Attorney stated it required Council action. The City Manager stated it requires Council action because it is in the City Code; the ordinance would have to be amended. Councilmember Selden stated as he recalls it was to appear on the agenda just like any other item- on the consent agenda. It would still require Council action.

The City Manager stated there is no reason to do it the other way except for the times when a time problem is involved, and they are late making a request. The reason the policy was done was to set the time - 21 days filing. He stated there will be someone to come in ten days before and wanting a change in the policy. This will keep a lot of them from coming down.

The vote was taken on the motion and carried unanimously.

CONTRACT FOR ADDITIONS AND ALTERNATIONS TO WESTERLY HILLS PARK AWARDED T.K. BROWN CONSTRUCTION CO.

Motion was made by Councilmember Leeper and seconded by Councilmember Gantt to award contract to the low bidder, T. K. Brown Construction Company, Inc., in the amount of \$45,420, for additions and alternations to Westerly Hills Park.

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Councilmember Carroll asked what neighborhood input there was for the kind of facilities that will be provided for this park? Mr. Otts of the Park & Recreation Department, replied they had a meeting with the Westerly Hills-Ashley Park Neighborhood group and they had input into what they would like to have in the park; they sent the plans back to them, and David Ritch was there, and they approved the plan.

Councilmember Carroll asked if their priorities were the additional trails and lights and so forth? Mr. Otts replied that is right. Mr. Carroll stated he is concerned that Council get some documentation with the agenda of the neighborhood input.

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

ORDINANCE NO. 241 AMENDING THE CITY CODE OF THE CITY OF CHARLOTTE SETTING THE SCHEDULE OF WATER AND SEWER RATES AND AMENDING THE CITY CODE TO INCORPORATE PROVISIONS OF THE REVISED ARTHUR YOUNG STUDY.

Councilmember Selden moved adoption of the subject ordinance with the following amendment:

Page 4, Paragraph 3 on the fifth line, insert the words "most recent" before the bill date, to clarify that we are talking about the most recent bill date; not the first bill date.

Mr. Selden it would read "ten days from the most recent bill date".

Mayor pro tem Chafin stated also the addendum to the ordinance needs to be incorporated into the motion.

Councilmember Carroll stated he has one other concern, which is also on Page 4, Paragraph 3, where we have a provision allowing the city to cut off someone's water without further notice. He thinks we have some obligation to make sure that people know their water is going to be cut off. It is a basic principle of fairness that you may be going to do something bad to people but you have to tell them about it first. He suggested the following change:

Page 4, Paragraph 3, sixth line down to state: "Water service may be cut off after notice of intent to terminate service is given", in place of "without further notice".

Councilmember Selden accepted the addendum and Mr. Carroll's amendment to his motion.

The motion was seconded by Councilmember Locke, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 26, at Page 176.

CITY MANAGER AND CITY ATTORNEY TO STUDY REPORT BY TASK FORCE ON OPERATIONS OF ANIMAL SHELTER AND REPORT BACK TO COUNCIL WITH RECOMMENDATIONS ON IMPLEMENTING THE PROVISIONS.

Councilmember Frech, Chairman of the Mayor's Task Force on Operations of the Animal Shelter, stated the report of the Committee has been sent to each member of Council. That it is a somewhat unusual report in that it presents the findings of two Committees - the one appointed by the Mayor and the Staff appointed by the City Manager.

She stated Ms. Keller one of the members of the Task Force is present; the other member was Dr. Dewhurst. She is sure the Mayor and Council would like to thank them for a lot of hard work.

She stated the first part of the report is the combined work of both committees. She stated this is a pretty comprehensive report. If this seems a little advanced to what we have been doing, she would suggest this is what some other cities are doing; that this is a conservative set of proposals. Some cities are going much farther; and giving much greater treatment to animals; more medical treatment; more shots; spay and neutered clinics. Some are requiring cats to be confined completely the same as dogs.

Councilmember Frech stated she is going to suggest that Council ask the City Manager and City Attorney to proceed to bring back a report on how these things can be implemented.

Ms. Diane Greenfield, Charlotte Humane Society, stated there are five vets on their committee, and they would hope an Ad Hoc committee would be set up and a representative of their Society would be included on that Committee. That the Vets serving on their Board of Directors are giving valuable input.

Another thing that concerns them is the high license fee. They think it is a very worthwhile and good procedure; but it concerns them that the implementation of that might not be proper at this time until they can work out suitable arrangement to assist individuals of limited and fixed income to have their animals spayed or neutered. The Humane Society of Charlotte is appearing before the Veterinarian Association in October, and at that time they hope to sit down with the veterinarians and discuss a workable procedure whereby they as well as the veterinarians in the City can give some relief to individuals on fixed incomes. That is something she would request to be tabled for the time being until they can work out something like that.

She stated they would like a suggestion to be considered. That is to allow the Humane Society of Charlotte to establish a branch office at the City Animal Shelter. This is not to be a watch dog; but more or less to be there to provide consultation to individuals who are adopting pets. They have several volunteers, and they could sit down and discuss with them the advantages of having their animals spayed or neutered; discuss veterinarian care and encourage responsible pet ownership.

If they could establish a little office; and it is not to get in anyone's way, but to give this assistance. She stated the report was very well done, and they did a very good job.

Councilmember Short asked the cost of neutering a cat? Ms. Greenfield replied for spaying a female they charge about \$45; it could start anywhere from \$30 to \$70, or even up to \$100. People on fixed incomes cannot pay a \$20 license fee without any sort of relief. Councilmember Short stated she is suggesting the proposal for a spaying and neutering program is a good one; but to put it on the basis of the license differential at this point is a little difficult because of the expense the people would have to go to. Ms. Greenfield replied the theory behind it is excellent, and it is a very good idea to encourage spaying and neutering. But it concerns her at this time as it encourages pet abandonment. The Humane Society of Charlotte is dedicated to spaying and neutering, and they are going to raise money to assist individuals on fixed incomes.

Councilmember Frech stated Ms. Greenfield is quite correct, and that is a part of the report that has come under fire. That she realizes that is one thing that will have to be thought through. That you cannot implement a fee that steep without some assistance to people. She stated there have been a lot of requests for the city to set up a spaying and neutering clinic. This means even those with large incomes would be able to take advantage of this, and she thinks there would be some objections to the city subsidizing spaying and neutering for people who can afford to get it done on their own. You end up with a situation where you want to help the people who cannot afford it, and having various other problems. The idea that the Veterinarians, Humane Groups and City can work together towards some program of reduced costs for spaying and neutering for those who need it would be a very constructive one.

Ms. Keller, member of the Task Force, stated they discussed the various applications of the spaying and neutering program that the Mecklenburg County Humane Society has had for several years with the Veterinarians whereby they would give a reduced rate to animals adopted from the shelter, or strayed animals. She stated they felt the differential fee would put more responsibility on the pet owner. They felt if more responsibility was put on the pet owner then they would see that the animal is kept leashed.

Mayor pro tem Chafin asked Councilmember Frech if she would want to ask staff to take these kinds of things into consideration in implementation.

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Councilmember Frech stated they have recommended raising slightly the fee for all animals, which is probably too low, leaving the situation as it is. As it is with a flat fee for all animals and no incentive for spaying or neutering, and no assistance for getting it done, leaves a problem. That Los Angeles has it, and they claim it has reduced the number of animals picked up. Either you spend the money that way, or you spend the money later to keep increasing the size of the shelter. You will be spending money one way or the other as the city grows and the animal population increases. It just depends on where you want to put the money.

Councilmember Frech moved that the City Manager and City Attorney, because some of the requirements are for changes in ordinances, study the report and bring back recommendations as to how these provisions could be implemented. The motion was seconded by Councilmember Trosch.

Councilmember Locke asked if staff has had any discussions about consolidation? Mr. Burkhalter, City Manager, stated before he went on vacation it was moving well.

Mayor pro tem Chafin asked if the move to transfer the responsibility to Public Works an administrative decision going to take effect immediately? Mr. Burkhalter replied they have gotten some information on the cost of enlarging the facility. That he does not know how far beyond that it has gone. That up until the day before he left on vacation, the discussions were only on sharing the facilities. But the communication Council has received from the County several weeks ago was they wanted to consolidate. That changed the direction.

Councilmember Short stated the motion pertains to asking the City Attorney and City Manager to prepare ordinances for those things that require ordinances. He assumes those things that are administrative in nature would simply be handled by Mr. Burkhalter as he sees fit to do. Councilmember Frech replied yes. Some will require additional costs. Mr. Short stated the spaying and neutering and rabies vaccination for cats and two or three other things mentioned will require ordinances of some sort, and he assumes that is what she is talking about. Ms. Frech replied they stopped short of recommending and requiring vaccination of cats against rabies; that Dr. Dewhurst felt strongly this could become a necessity; that rabies is moving northward from Georgia, and we could have an outbreak. We do have a large cat population, and a lot of it is strays. He seems to feel it could present some danger; although not right now. Some cities are requiring it.

Councilmember Short requested the City Manager to give him a report on shelters that operate 24 hours a day, or at least the patrolling. To call off the patrolling at 10 at night until 8 in the morning invites the pet owners in the city to let their dogs out at that time. That he hears a lot of complaints about this. It may be that we should increase the fees for picking up a stray at midnight.

Councilmember Trosch asked him to include in the report if it operates on Sunday; a lot of people tell her that Sunday is the day the dogs run loose.

Mayor pro tem Chafin requested the City Manager to give them this report.

Councilmember Frech stated she along with other members of the Task Force received many complaints saying the leash law is not being enforced, and they would like to see better enforcement of the leash law. That is dealt with to some extent in the report. They also say they are bothered by cats. There is a two prong question. One deals with animals and the other is keeping the citizens happy.

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

RESOLUTIONS CONCERNING THE CITY'S DEFERRED COMPENSATION PLAN, AUTHORIZED.

(a) Motion was made by Councilmember Selden, and seconded by Councilmember Locke to adopt a resolution amending the City's contract with Aetna Variable Annuity Life Insurance Company, by adding an endorsement to expand benefits for participants.

Mr. Burkhalter, City Manager, stated the plan is that all employees of the city now have an opportunity to take advantage of deferred compensation plan in a contract with Aetna. This limits us to one particular type of plan - Council approved only that one company. Today is a request to broaden that. One he is sure that will be brought back is the International City Management Plan which we would have adopted at first had it been available to all employees. At that time it was only available to management, and he did not promote it. Now it is available as a non-profit plan which we can give to our employees. This plan calls for seven percent up front when the money is turned in; and it limits the amount that can be put in. If Council approves this today, it will improve the benefits. Second it allows the Personnel Director to go out to see if there are better plans for the employees to have an opportunity of a choice.

Councilmember Short stated his impression of a deferred compensation plan was you could not get this tax shelter if you were already covered by another retirement plan. He has no objection to this. Mr. Burkhalter replied we have had this for quite a while. Most of the firms have conformed to the IRS requirements now, and he thinks this one and all others will be tax exempt.

After further comments the vote was taken on the motion, and carried unanimously.

The resolution is recorded in full in Resolutions Book 13, at Page 394.

(b) Motion was made by Councilmember Selden, seconded by Councilmember Trosch, and carried unanimously adopting a resolution allowing the City Manager to elect additional plans for participation by City Employees.

The resolution is recorded in full in Resolutions Book 13, at Page 395.

RESOLUTION AND ORDINANCE ESTABLISHING THE SPECIAL PROJECTS OFFICE.

Motion was made by Councilmember Leeper and seconded by Councilmember Selden to adopt a resolution amending the pay plan to add a Special Projects Director, a Transportation Programs Planner and Central Area Development Coordinator classification, and set the pay range for the classifications.

Councilmember Carroll stated he is really excited about the possibility of getting a grantsman; that some of their earlier discussions indicated that there are categorical programs now that we may be missing out on. That he has a little problem with some of the other re-organization in that he thinks in part we need to pay heed to what the productivity study said about the duties involved with transportation program planning, and perhaps that is something, while parts of it are very needed, that would not necessarily be a full time position, and maybe could be done by committee. He stated he thinks that is a little awkward, and he thinks we need someone to cover that area, but also doing more than that. He feels the Central Area Development Coordinator is sufficiently covered by in-place personnel already in terms of some of the staff assistance, like Assistant City Managers; we have the Municipal Service District set up, and the city has focused a lot of attention there. What he believes is the unattended area that goes along with what the grantsman can do is the inner city neighborhoods which surround downtown - the section he is referring to is the ring around the collar. He would think a more frugal and more unmet need would be a grantsman who would serve all city type projects to try to bring more money for us; and another person who would coordinate the transportation program, and do some coordination for surrounding inner city neighborhoods that do not have the benefit of the Municipal Service District, or the other things we have set in motion for downtown. Like the Plaza-Midwood section, it would be good to know there was some person who was trying to guide that presentation and those recommendations forward.

Councilmember Carroll made a substitute motion that Council adopt a resolution amending the pay plan to add a special projects director and a transportation program planner, and including in his job classification, coordinator of inner-city neighborhood developer. The motion was seconded by Councilmember Trosch.

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Mr. Burkhalter, City Manager, stated he does not think anyone understands what the transportation program coordinator is. If they are referring to the productivity study, no one contacted him on this position. The way it was studied is they approached Mr. Hoose and they said they had been talking to some of the other departments, and they said his job was not necessary. He stated that was the way they opened the conversation with him. Mr. Burkhalter stated Council floods him with request for information on transportation. He stated he is asked about projects of all kinds, and all numbers and all different questions and concerns. That he cannot handle all these questions and information. This person performs a very, very vital job for this city, and still does.

Mr. Burkhalter stated he agreed, without even looking at the productivity study when Mr. Hoose retired to reduce his staff in half because we had eliminated the need for twice as much of this as we had. Those who were here at the time the city took over the bus system knows there was no one in this city who understood one thing about bus operations other than Herman Hoose. That was the reason he was changed over into this position - to spearhead the taking over of the bus system. In the meantime we had hundreds of requests from Council on why we did not do certain things with the bus system, and we had to have someone to do it.

Now there is a need from the executive level to have someone to coordinate for the Mayor and Council and for him the things that are taking place in transportation throughout the whole area. This is very important. That he would be happy to delete that position; but the job will not be done as the individual will not have time to meet with all these other groups. If they do not want the other coordinators job leave it off. He would much prefer to leave that one off; but leave the transportation coordinator and leave off assigning him these other responsibilities.

Right now there is a municipal service district. No one knows what is happening there right now.

Councilmember Gantt stated the Manager is saying he needs a staff person there. Mayor pro tem Chafin stated that is right, and it is essential because we are talking about in the uptown area regarding all these various activities and programs we have created - city services that have to be delivered. We have to have the coordination.

Mr. Burkhalter stated right now the biggest job is in the inner area planning which Council has already authorized, and they have already begun to work with. That is going to require someone. Right now he depends upon the Planning Commission staff for this service; there is a person in the Planning Staff; but he is a planner first and foremost. He has no complaint about it if he were working over here and doing this job; it would be great. This job is created for the full purpose of coordinating the Ponte-Travers-Wolf plan; but it has not performed in the area the Fourth Ward people feel it should perform; it has not performed in the way which the Mayor, Councilmembers and others expect it to perform. We are not getting the input into all these things that are taking place which he thinks we should.

Councilmember Gantt stated two weeks ago this came before Council and he was one of the person who voted against having this approved. There is some concern on the part of some of the Council about the relationship and implementation of planning by staff. He stated he can see the validity of having such a person added to a special projects office even if it is for an interim situation. If there is a need for re-organization at a later time, then that can be done.

He stated he hears what Mr. Carroll is saying; but on the other hand if we eliminate the area coordinator it may not be the best thing. He heard his motion on two positions rather than the three positions. The transportation program person and the grantsman, but the transportation program person would have enough time to do the grey areas, advocacy staff work that is needed. He stated he would hope the third person would allow the opportunity to do some of these kinds of things. He thinks that person who will be working in the downtown area may find it is a full time job.

Mayor pro tem Chafin stated it would seem to her the grantsman could focus some of his attention on those areas. Councilmember Carroll stated he feels we are devoting a lot of attention to downtown, and he is happy about that; but he feels vital to downtown are the areas that surround it, and we cannot focus

all the attention and not to expect the areas to survive like you would like for them to do. His other problem is that again we are coming along and taking on new personnel, increasing our operating budget, without looking at what the productivity study says. He thinks we have to be sensitive to where they say there is some fat, and where we can save some taxpayers money. He was looking for a way to try to do that. He expects the downtown coordination, and he expects the people in the municipal service district to be reporting to Council. He did not visualize that we needed an additional staff person for them to report through to get to Council. He has a little bit of a problem with increasing the staff at this level without having gotten a report from the City's staff on the productivity recommendations. He also has a little bit of a problem with increasing the downtown expenditure without paying attention to the immediate surrounding areas.

Councilmember Trosch stated that was one of her problems also; the way in which we are dealing with the productivity report. She wonders if at any time we will have a chance to look at that. That she has heard it is to come to Council at the end of September? Mr. Burkhalter replied at the end of September or first of October. That he has about three preliminary reports now in hand on 15 or 20 public works items. All of these have been assigned to the staff limited responsibilities in each area so we can get as much of this to Council as soon as possible. There is a lot of work involved.

Councilmember Trosch stated her problem is that the biggest point made in the productivity study was the real money comes in government when you create a position. She feels a justification for a new position has to be very, very strong.

Mr. Burkhalter stated he does not think anyone argues with that. If they are satisfied with the kind of coordination they are getting on the uptown projects, as far as he is concerned they can leave that one off. But he has had more complaints about this from Council than any other one. That is why it is in there. Mayor pro tem Chafin stated this is a very high priority as far as she is concerned. Mr. Burkhalter stated they recommended that it be put in other departments; if you put it somewhere else you have to have someone to do it. That Traffic has been stretched to the limit, and he cannot put in there. There is another problem. You put this kind of function in a department and you have difficulties - difficulties because transportation overlaps several departments. It is not suitable to put it there. If whoever suggested that had talked to him for five minutes they would not have made that recommendation. They did not understand what he did; and what was being done by this department. He can assure them about the transportation; he can assure them they need the grantsman. If they do not want the other job; and if they are happy with the type of coordination that is taking place, he is happy to leave that position out.

Councilmember Frech stated she has thought about both sides of this; she thinks we agree the transportation coordinator seems to be needed; to some extent this is carrying out the productivity study recommendations in that it has eliminated some of the staff in that department. She too wants to see some progress made in implementing the productivity report. But we have some new needs that have to be met. The grantsman she believes can be working on the problems of the inner city area; that leaves the coordinator that we are concerned about, and she does not see why he cannot be expected to work with the inner city. As yet we have no plans developed to be coordinated for inner city areas. When we do, a coordinator would need to work on those things. Mayor pro tem Chafin replied we do have plans. We have talked about coordination of Fourth Ward efforts. Ms. Frech stated we are talking about the ring around the outside; the neighborhoods we hope to develop some work for such as Plaza-Midwood, yet we do not have the grant to do that. She has come down on the side of supporting the whole package, bearing in mind what Mr. Gantt said that we keep a very close watch on this; that we are not setting up something that is going to be here necessarily forever. But something we look at closely down the line. If we decide these positions are not needed, then we evaluate them and terminate them.

Councilmember Short stated the conversation he thought was to the point that maybe the coordinator was not exactly in line with the productivity study; but he then heard some comments that sounded as if someone was saying the grantsman would not be productive. Mayor pro tem Chafin replied the question has

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really focused on the central area development coordinator. We are missing the boat on a lot of things.

Councilmember Cox stated from the beginning he read this as exactly what it was - a special office for new projects. He sees this office as being a vehicle for Mr. Burkhalter and staff to address ad hoc needs over a period of time. By its very nature it is not a self perpetating kind of thing. The grantsman could stay here for two years, and maybe that will go away.

Mr. Burkhalter stated we had an office at one time that had a staff with 3, 4 or five people, and he abolished it all because we were getting to the point where we only received block grants. Now we have become eligible for economic development grants which we were not eligible for before.

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

YEAS: Councilmembers Carroll and Trosch.

NAYS: Councilmembers Cox, Dannelly, Frech, Gantt, Leeper, Locke, Selden and Short.

Councilmember Carroll asked if the main motion could include a suggestion and charge that the grantsman and coordinator try to work with the neighborhoods bordering the center city? Mayor pro tem Chafin replied she is sure the City Manager heard this request, and asked if it needs to be a part of the motion? Mr. Burkhalter replied he does not think so.

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

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

NAYS: Councilmember Trosch.

The resolution is recorded in full in Resolutions Book 13, at Page 396.

(b) Motion was made by Councilmember Selden and seconded by Councilmember Locke to adopt Ordinance No. 242-X deleting the Transportation Planning Department and establishing funding in the amount of \$78,000 to create an Office of Special Projects.

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

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

NAYS: Councilmember Trosch.

The ordinance is recorded in full in Ordinance Book 26, at Page 188.

RESOLUTION CALLING FOR A SPECIAL BOND REFERENDUM ON NOVEMBER 7, 1978.

Motion was made by Councilmember Gantt, and seconded by Councilmember Short to adopt a resolution calling for a special bond referendum on November 7, 1978, on the following four questions:

Parks	\$9,700,000
Water	5,600,000
Sanitary Sewer	3,200,000
Drainage	1,500,000

Councilmember Selden stated he would like to express his very sincere concerns. He has great fears of the manner in which this is being presented by the County and the City that we will very likely come up with either one, or both going down the drain. That he was set to make a motion that it be deferred until spring, but that does not seem to be a very healthy position.

Councilmember Locke stated this Council has worked long and many hours to put this package together, and it is going to be jeopardized by what has happened on the County Commission. She would hope the City Council and County Commission can work together to see that this thing is passed.

Mayor pro tem Chafin stated it is important that we state for the record that coordination has taken place and is taking place; that both bond packages are the result of the short range park plan; and since that Monday when the two Bodies in separate action approved bond packages; there has been conversations back and forth between County Commissioners and City Councilmembers, between and among staff members and with City Councilmembers and County Commissioners.

Councilmember Locke stated two months ago she asked if there had been any coordination, and if the County was going to have a bond issue. Staff said their (County) bond issue was going to come in the spring. At that time, she said it was very important that City Council know, and understand, what the County is going to do. Because if the County had theirs in the spring, the City Council could make theirs for more money. So City Council proceeded under the assumption that we would have ours in November, and the County would have theirs in the Spring.

Councilmember Selden stated he has received 16 comments in terms of the amount of monies the City and County combined are going with on bonds, and they were opposed.

Councilmember Dannelly stated Mr. Selden may have a point; but he does not want to sell the city taxpayers short to the extent that even if we do what some people are suggesting; and that is, let the County go now, and the City take a spring vote. No matter when it happens, if the city taxpayer does not know that at any time whenever the county and/or the city bond issue passes that they will still be paying the same thing on it from their tax dollar. He feels city residents are aware of what this Council is trying to do to meet the kinds of needs and demands they have made, and that Council is very sincere in trying to bring about this bond package in order to provide the park and recreational facilities they have asked for. He does not see us postponing or delaying any further; we should take our chances and trust our taxpayers to the extent if they want it, they will vote for it. Also, we should let them know if we follow the suggestions of our budget department, it is not going to cost them an additional penny on the tax. Council has been told if it is spent in the manner in which they have indicated it will not cost any additional. Councilmember Locke stated that has to be clarified - it is only for debt service.

Councilmember Short stated he participated in a public meeting with Mr. Selden and Mr. Cox in a discussion about some of the difficulties of getting this bond issue passed. His total concern was to get the bond issue passed. He is sure he is speaking for the other gentlemen also. If down the line someone tries to claim they did not want this passed, or suggest that in some way, he hopes they will disabuse them of that. He expects to work for the bond passage as he has for all bond issues the City has had. If someone wants to say a month from now, or when we get closer to voting that some members of

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Council were not in favor of this, and they try to cite the three of them, he hopes they will disabuse them of this. But he is sure Mr. Selden and Mr. Cox would say with him, that they certainly support this bond issue.

Councilmember Leeper stated Mr. Short indicated a worth while concern. That is the development of the parks departments together. He would like to see us continue along that line while we consider the opportunities to pass the bonds. Mayor pro tem Chafin replied we will continue to pursue that objective.

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

The resolution is recorded in full in Resolutions Book 13, at Page 397.

RESOLUTION OF THE CHARLOTTE CITY COUNCIL REQUESTING THE MECKLENBURG COUNTY COMMISSION TO JOIN THE COUNCIL IN THE FORMATION OF A JOINT CITY-COUNTY CITIZENS' COMMITTEE FOR PARK BONDS.

Councilmember Trosch stated she is very excited now that the bonds are one package, and most of it should be in concept with the package. The question of the date was something that many people addressed, and had valid concerns about. However, she hopes the voters will not mix this up with any hesitation on the part of any individual council members, or what she has seen on the part of the county commissioners on the package itself. The city package has been dealt with extensively by City Council, and the county package by the Commissioners.

To help facilitate the continuing promotion of the packages in a joint fashion she moved the adoption of the following resolution:

WHEREAS, the Council has scheduled a bond referendum for November 7, 1978 and one of the ballot questions will seek voter approval of \$9,700,000 for park bonds; and

WHEREAS, the Mecklenburg County Commission has also scheduled a bond referendum for November 7, 1978 and one of the ballot questions will seek voter approval of \$10,000,000 for park bonds; and

WHEREAS, the passage of both questions will allow the implementation of a comprehensive plan for park land acquisition and development in the City of Charlotte and Mecklenburg County; and

WHEREAS, the City Council believes that a coordinate effort with the County Commission is necessary to work for the passage of both bond questions.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte that it hereby requests the Mecklenburg County Commission to join in the formation of a joint City-County Citizens' Committee to:

1. Promote the passage of the November 7, 1978 park bonds.
2. Inform the public as to how the approval of the bond package will satisfy the community's needs for park and recreation facilities.

BE IT FURTHER RESOLVED that the Council suggests and recommends for consideration by the County Commission, that the Committee consists of 24 members, 12 appointed by the Mayor and 12 appointed by the County Commission. To insure active participation from all city districts, each district Councilmember shall suggest to the Mayor a representative of his or her district. The four at-large Councilmembers shall each suggest to the Mayor one at-large representative. The Mayor shall select a co-chairman. The Mayor shall suggest to the County Commission that it appoint 11 members and a co-chairman to the Committee.

BE IT FURTHER RESOLVED That a copy of this resolution be immediately forwarded to the Mecklenburg County Commission for its consideration.

The motion was seconded by Councilmember Gantt.

Mr. Burkhalter, City Manager, stated he would like to call to their attention that the water and sewer bonds are just as much county as they are city. They are very important to the development of the county right now because big development is taking place in the county. If we do not get water and sewer, and particularly water in this case, development will be curtailed. There should be a joint promotion for water and sewer also.

Councilmember Trosch stated she thinks this should be dealt with separately. Councilmember Gantt stated he hears what the Manager is saying; but he thinks he understands Ms. Trosch's point in the resolution. That what we are concerned with here is the \$20,000,000 of park bonds, and that we get county and city residents working together on that issue. This does not mean this Council or other committees are going to do any less on the issues of water and sewer and drainage.

Councilmember Trosch stated she would hope the Committee would be aware that she personally and any other member of Council will be willing to go and talk and promote the park bonds.

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

The resolution is recorded in full in Resolutions Book 13, at Page 398.

Councilmember Carroll requested the City Manager to give Council a report at the adjourned meeting on where we stand on consolidation of the two departments. He thinks it would be great if we could do that before the vote in November, at least in principle. It might be appropriate for some members of Council and some members of the County Commission to assist Staff in working out those details. He thinks that should be a top priority.

COUNCILMEMBER LOCKE EXCUSED FROM MEETING.

Councilmember Locke requested to be excused from the remainder of the meeting.

Councilmember Leeper moved that Ms. Locke be excused. The motion was seconded by Councilmember Carroll, and carried unanimously.

APPOINTMENTS TO BOARDS AND COMMISSIONS.

(a) Council on Aging - two vacancies for two year terms each

Council was advised that the following nomination have been made:

1. James Hawkins nominated by Councilmember Chafin
2. Betty Watson nominated by Councilmember Frech
3. Mac Webb nominated by Councilmember Carroll.

During the discussion, it was pointed out that at the last meeting no nominee received a majority vote for the two year term; and according to the policies on nominations, the floor would be open for further nominations by Council.

Councilmember Selden placed in nomination the name of Richard Elmore for both seats that are vacant.

No other nominations were made.

(b) Municipal Information Advisory Board - 1 vacancy for unexpired term.

The following nominations to the Municipal Information Advisory Board were considered:

1. Belinda Stinson nominated by Councilmember Leeper.
2. Kay Turner nominated by Councilmember Chafin.
3. Donald Young nominated by Councilmember Frech.

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The results of the first ballot were announced as follows:

1. Belinda Stinson, Councilmembers Leeper, Gantt, Dannelly and Carroll - 4 votes.
2. Kay Turner, Councilmembers Selden, Trosch, Cox, Frech and Short - 5 votes
3. Donald Young - 0 votes

The second ballot was taken, with the following announced results:

1. Belinda Stinson, Councilmember Gantt, Leeper, Dannelly and Carroll.
2. Kay Turner, Councilmembers Frech, Cox, Trosch, Selden and Short.

No nominee receiving a majority vote, the nominations will remain open for further nominations at the next meeting.

(c) Community Facilities Committee - Mr. Beck's term - two years

The following nominations to the CFC were considered:

1. Bobby Martin nominated by Councilmember Gantt.
2. Horace Lutz nominated by Councilmember Short.

The results of the first ballot were announced as follows:

1. Bobby Martin, Councilmembers Dannelly, Carroll, Gantt, Leeper, Frech, Trosch, Selden and Cox - 8 votes.
2. Horace Lutz, Councilmember Short - 1 vote

Mayor pro tem Chafin announced that Mr. Bobby Martin, having received the majority vote, was appointed for the two year term.

(d) Community Facilities Committee - Mrs. Morris' term - two years

The following nomination to the CFC was considered:

1. Anne Morris, nominated by Councilmember Chafin.

Upon motion of Councilmember Gantt, seconded by Councilmember Short and carried unanimously, Ms. Morris was appointed by acclamation of the City Council, after suspension of the rules.

(e) Charlotte Historic District Commission - Representative of Planning

The following nomination to the Historic District Commission was considered:

1. Peggy Culbertson, nominated by Councilmember Chafin.

Upon motion of Councilmember Gantt, seconded by Councilmember Short, and carried unanimously, Ms. Culbertson was appointed by acclamation of the City Council, after suspension of the rules.

(f) Spirit Square Board of Directors - 1 vacancy for unexpired term

The following nominations to the Spirit Square Board of Directors were considered:

1. Rev. George Goodman, nominated by Councilmember Dannelly.
2. Ms. Margaret Dover, nominated by Councilmember Selden.
3. Ms. Patricia Heard, nominated by Councilmember Frech.

The results of the first ballot were announced as follows:

1. Rev. George Goodman, Councilmembers Short, Dannelly, Leeper, Gantt - 4 votes.
2. Margaret Dover, Councilmembers Cox and Selden - 2 votes
3. Patricia Heard, Councilmembers Carroll, Frech and Trosch - 3 votes

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The results of the second ballot were announced as follows:

1. Rev. George Goodman, Councilmembers Gantt, Short and Dannelly - 3 votes.
2. Patricia Heard, Councilmembers Cox, Selden, Trosch, Frech, Carroll and Leeper - 6 votes

Mayor pro tem Chafin announced that Patricia Heard, having received six votes, has been appointed to the Spirit Square Board of Directors.

(g) Zoning Board of Adjustment - 1 vacancy for unexpired term

The following nominations to the Zoning Board of Adjustment were considered:

1. Steve Helms, nominated by Councilmember Selden.
2. Mary Olive Johnson, nominated by Councilmember Carroll

The results of the first ballot were announced as follows:

1. Steve Helms, Councilmembers Cox and Selden - 2 votes
2. Mary Olive Johnson, Councilmembers Dannelly, Carroll, Trosch, Frech, Leeper, Gantt and Short - 7 votes.

Mayor pro tem Chafin announced that Mary Olive Johnson, having received seven votes, has been appointed to the Zoning Board of Adjustment.

NOMINATIONS FOR TWO VACANCIES ON CIVIL SERVICE BOARD.

Mayor pro tem Chafin called for nominations to fill an unexpired term on the Civil Service Board created by the resignation of Ms. Beverly Ford.

The following nominations were made:

1. Ms. Marnite Shuford, Attorney by Councilmember Leeper.
2. Rev. Rudolph Hendricks by Councilmember Selden.
3. Rev. Paul Horne by Councilmember Carroll
4. Mr. Ron Sanders by Councilmember Frech.

Mayor pro tem Chafin called for nominations to fill the unexpired term created by the resignation of David G. Martin, Jr.

The following nominations were made:

1. Mr. Francis Pinckney, Attorney by Councilmember Selden.
2. Ms. Marnite Shuford, Attorney by Councilmember Leeper.

Mayor pro tem Chafin advised the nominations will remain on the floor until the next regular meeting.

CONTRACTS AWARDED.

(a) Motion was made by Councilmember Selden, seconded by Councilmember Dannelly, and carried unanimously awarding contract to the only bidder, Perkin-Elmer Corporation, in the amount of \$20,205, on a unit price basis, for Atomic Absorption Spectrophotometer for use by the Utility Department.

(b) Motion was made by Councilmember Trosch, seconded by Councilmember Dannelly, and carried unanimously awarding contract to the low bidder, Crowder Construction Company, in the amount of \$266,958, on a unit price basis for Tyvola Road Bridge at Sugar Creek.

The following bids were received:

Crowder Construction Co.	\$266,958.00
Blythe Industries, Inc.	275,489.00
Hickory Construction Co.	282,428.50

(c) Upon motion of Councilmember Dannelly, seconded by Councilmember Frech, and carried unanimously, the following contract extensions were authorized in accordance with State Statutes 160A-17:

Work Clothing:

Oshkosh B'Gosh, Inc., Contract No. 64-028.
The Hub Uniform Co., Contract No. 66-071

Police & Fire Uniforms:

The Hub Uniform Co., Contract No. 66-071

Janitorial Services:

Rollins Services - Contract No. 59-568
G & L Janitorial Supply - Contract No. 74-155

(d) Motion was made by Councilmember Gantt, seconded by Councilmember Trosch, and carried unanimously, awarding contract to the low bidder, Firestone Truck Tire Center, in the amount of \$80,671.87, on a unit price basis, for Steel Belted Radial Tires and Tubes.

The following bids were received:

Firestone Truck Tire Center	\$80,671.87
B. F. Goodrich Tire Center	83,579.00
General Tire Service	91,753.95
L & N Royal Tire Ser., Inc.	98,249.15
Goodyear Service Stores	99,721.78

(e) Motion was made by Councilmember Selden, seconded by Councilmember Dannelly, and carried unanimously, awarding contract to the low bidder, Firestone Truck Tire Center, in the amount of \$205,817.82, on a unit price basis, for truck tires and tubes.

The following bids were received:

Firestone Truck Tire Center	\$205,817.82
Goodyear Service Stores	213,141.49
L & N Royal Tire Ser., Inc.	240,383.63
General Tire Service	257,385.71

Bid received not meeting requirements:

B. F. Goodrich Tire Center	\$200,134.11
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PAYMENT TO MITCHELL DISTRIBUTING COMPANY FOR EMERGENCY REPAIRS TO A TRUCK-MOUNTED BACKHOE, AUTHORIZED.

Motion was made by Councilmember Selden, seconded by Councilmember Dannelly, and carried unanimously approving payment to Mitchell Distributing Company, Charlotte, North Carolina, for emergency repairs to a truck-mounted backhoe, used by the Public Works Street Division, for a total of \$5,589.81.

CONTRACTS FOR DISMANTLING AND STORAGE OF BICENTENNIAL/CENTURY III EXHIBIT, AUTHORIZED.

Motion was made by Councilmember Dannelly, seconded by Councilmember Short, and carried unanimously, approving the following contracts:

- (a) Contract with Kallam Transfer to dismantle and transport the Bicentennial/Century III Exhibit for a total of \$1,000.
- (b) Contract with Davant Realty Company, Inc. to store the exhibit, for an annual amount of \$1,812.

CONSENT AGENDA APPROVED.

Motion was made by Councilmember Dannelly, seconded by Councilmember Short and carried unanimously, approving the Consent Agenda, with the exception of Agenda Item No. 47 - Approval of purchase of property from St. Peter's Episcopal Church for Discovery Place:

- (1) Renewal of lease agreement with the Westside Professional Associates, Ltd. for office space for the Community Development Department at East Independence Plaza, for a three year period, for a total of \$29,815.20.
- (2) Resolution stating an intent to close a portion of West Seventh Street, and setting Monday, September 18 as the date for a public hearing.

The resolution is recorded in full in Resolutions Book 13, at Page 406.

- (3) Loan agreement with Family Housing Services, Inc., at 242 Victoria Avenue, in the Third Ward Target Area, in the amount of \$24,000.
- (4) Resolution authorizing the refund of certain taxes, in the total amount of \$400.63, which were collected through clerical error and illegal levy against nine tax accounts.

The resolution is recorded in full in Resolutions Book 13, at Page 408.

- (5) Ordinances ordering the removal of weeds, grass, trash rubbish, junk and abandoned motor vehicles from properties in the City:
 - (a) Ordinance ordering the removal of weeds and grass on vacant lot 300 block of Houston Street;
 - (b) Ordinance ordering the removal of weeds, grass, trash and rubbish on vacant lot adjacent and to left of 312 Houston Street;
 - (c) Ordinance ordering the removal of weeds, grass, trash rubbish and junk at 321 Houston Street;
 - (d) Ordinance ordering the removal of weeds and grass on vacant lot adjacent to and to rear of 4916 Graywood Drive;
 - (e) Ordinance ordering the removal of miscellaneous junk at 535-37 Beal Street;
 - (f) Ordinance ordering the removal of weeds and grass on vacant lot left of 301 Skyland Avenue;
 - (g) Ordinance ordering the removal of trash, rubbish and junk on vacant lot on dead-end Edgegreen Drive;
 - (h) Ordinance ordering the removal of weeds, grass, trash and rubbish on Wilkinson Boulevard, rear of ABC Store;
 - (i) Ordinance ordering the removal of weeds, grass and miscellaneous junk at 2106 Cummings Avenue;
 - (j) Ordinance ordering the removal of weeds and grass on vacant lot 615-17 N. College Street;
 - (k) Ordinance ordering the removal of weeds and grass at 4508 Springview Road;
 - (l) Ordinance ordering the removal of weeds and grass at 4400 and 4500 Cloverdale Drive;
 - (m) Ordinance ordering the removal of trash, rubbish and junk at 400-02 Heflin Street;
 - (n) Ordinance ordering the removal of weeds and grass at rear of drive-in to right of 3646 Central Avenue;
 - (o) Ordinance ordering the removal of weeds and grass at vacant house 1610 Cheatham Avenue;
 - (p) Ordinance ordering the removal of limbs and shrubbery at 613-15 Brookhurst Drive;
 - (q) Ordinance ordering the removal of weeds and grass at 2907 Lake Avenue;
 - (r) Ordinance ordering the removal of weeds and grass on vacant lot 117 North Irwin Avenue;
 - (s) Ordinance ordering the removal of weeds and grass on vacant lot between 920-912 Rodey Avenue;

- (t) Ordinance ordering the removal of weeds, grass, trash, rubbish and miscellaneous junk at 1020 Druid Circle;
- (u) Ordinance ordering the removal of an abandoned motor vehicle located at 3723 Marvin Road;
- (v) Ordinance ordering the removal of an weeds, grass, trash, rubbish and junk at 3101 N. Myers Street;
- (w) Ordinance ordering the removal of an abandoned motor vehicle at 3101 North Myers Street;
- (x) Ordinance ordering the removal of an abandoned motor vehicle at intersection of Mill Road and Campus Street;
- (y) Ordinance ordering the removal of weeds, grass, trash, rubbish and junk at intersection of Mill Road and Campus Street;
- (z) Ordinance ordering the removal of an abandoned motor vehicle at 3033 N. Myers Street;
- (aa) Ordinance ordering the removal of trash, rubbish and junk at 3033 N. Myers Street;
- (bb) Ordinance ordering the removal of an abandoned motor vehicle at 3036 N. Myers Street;
- (cc) Ordinance ordering the removal of trash, rubbish and junk at 3036 N. Myers Street;
- (dd) Ordinance ordering the removal of an abandoned motor vehicle at 3045 North Alexander Street;
- (ee) Ordinance ordering the removal of weeds, grass, trash and rubbish at 3045 North Alexander Street.

The ordinances Numbered 243-X through 273-X are recorded in full in Ordinance Book 26, beginning at Page 189 and ending at Page 219.

(6) Property transactions:

- (a) Acquisition of 5' x 140' of property, plus a temporary construction easement, at 5100 Providence Road, from Kale Knitting Mills, Inc., at \$900.00, for FY78 CIP Sidewalks, Phase II, Providence Road.
- (b) Acquisition of 5' x 190' of property at 1201 Old Farm Road, from Patty S. Gabriel, at \$1,000.00, for FY78 CIP Sidewalks, Phase II, Providence Road.
- (c) Acquisition of 5' x 250' of property at 1200 Brockton Lane, from Ralph A. Sams and wife, Margaret S., at \$800.00, for FY78 CIP Sidewalks, Phase II, Providence Road.
- (d) Acquisition of 192' x 5' of property, plus a temporary construction easement, at 1201 Brockton Lane, from Lola M. Simons and Mary Jane Simons, at \$3,000.00, for FY78 CIP Sidewalks, Phase II, Providence Road.
- (e) Acquisition of 5' x 210' of property, plus a temporary construction easement at 7400 Folger Drive, from Harry P. McAllister and wife, Dorothy L., at \$710.00, for FY78 CIP Sidewalks, Phase II, Providence Road.
- (f) Acquisition of 5' x 109.6' of property at 5401 Providence Road, from Joseph L. Todd and wife, Grace R., at \$725.00, for FY78 CIP Sidewalks, Phase II, Providence Road.
- (g) Acquisition of 5' x 115' of property, plus a temporary construction easement at 5415 Providence Road, from Richard B. Muller and wife, Charlene G., at \$1,050.00, for FY78 CIP Sidewalks, Phase II, Providence Road.
- (h) Acquisition of 5' x 756.55' of property, plus a temporary construction easement at 5431 Providence Road, from Reuben C. Russell and wife, Sarah B., at \$2,250.00, for FY78 CIP Sidewalks, Phase II, Providence Road.

- (i) Acquisition of 15' x 328.02' of easement, plus a temporary construction easement at 5209 Princess Street, from John Robert Ellington and Janice H. Ellington, at \$2,000.00, for Annexation Area I Sanitary Sewer.
- (j) Acquisition of 15' x 130.08' of easement, plus a temporary construction easement at 1425 West Sugar Creek Road, from W. Eugene Flowe, Heirs; Eleanor F. Plummer, Trustee, at \$360.00, for Annexation Area I Sanitary Sewer.
- (k) Acquisition of 15' x 623.85' of easement, plus a temporary construction easement at 1300 block of Little Rock Road, from William Leroy Holden, ux, Virginia S., at \$624.00, for Annexation Area 8 Sanitary Sewer.
- (l) Acquisition of 15' x 9.74' of easement, plus a temporary construction easement at 2300 block of Rayecliff Drive, from Robert K. Vernon, at \$92.00, for Annexation Area 8 Sanitary Sewer.
- (m) Acquisition of 15' x 347.02' of easement, plus a temporary construction easement at 2501 Kendrick Drive, from Donald T. Wright and wife, Hazel D., at \$647.00, for Annexation Area 8 Sanitary Sewer.
- (n) Acquisition of 15' x 374.26' of easement, plus a temporary construction easement at 5701 Paw Creek Road, from F. Warren Bancroft and wife, June B., at \$1,200.00, for Annexation Area 8 Sanitary Sewer.
- (o) Acquisition of 15' x 182.03' of easement, plus a temporary construction easement at 2338 Toddville Road, from Osborne Rawlins, at \$1,000.00, for Annexation Area 8 Sanitary Sewer.
- (p) Acquisition of 15' x 504.66' of easement, plus a temporary construction easement at 2432 Toddville Road, from Claires Summerour, at \$1,250.00, for Annexation Area 8 Sanitary Sewer.
- (q) Acquisition of 15' x 205.03' of easement, plus a temporary construction easement off 2300 block of Toddville Road, from Commercial Real Estate and Investment Company, at \$206.00, for Annexation Area 8 Sanitary Sewer.
- (r) Acquisition of 15' x 200.9'5 of easement, plus a temporary construction easement off 2700 block of Dogwood Drive, from Sallie Hamilton, at \$1,000.00, for Annexation Area 8 Sanitary Sewer.
- (s) Acquisition of 15' x 62.92' of easement, plus a temporary construction easement at 6057 Delta Road, from Eugene Stewart, ux, Minnie, at \$63.00, for Annexation Area 2 Sanitary Sewer.
- (t) Acquisition of 15' x 101.21' of easement, plus a temporary construction easement at 5413 Mallard Drive, at \$602.00, for Annexation Area 2 Sanitary Sewer, from James Kenneth Smith and wife, Brenda B.
- (u) Acquisition of 15' x 433.70' of easement, plus a temporary construction easement at 400 block of Stillwell Oaks Circle, from Neill Wilkinson, ux, Miriam A., at \$434.00, for Annexation Area 2 Sanitary Sewer.

- (v) Acquisition of 15' x 132.28' of easement, plus a temporary construction easement at 433 Stillwell Oaks Road, from Archie D. Dancy and wife, Glenda D., at \$950.00, for Annexation Area 2 Sanitary Sewer.
- (w) Acquisition of 7.5' x 95.45' x 15' x 105.20' of easement, plus a temporary construction easement, at 501 Stillwell Oaks Road, from John Ross Cathey and wife, Margaret, at \$1,000.00, for Annexation Area 2 Sanitary Sewer.
- (x) Acquisition of 0.75' x 8.55' x 8.39' of easement, plus a temporary construction easement at corner of Wilora Lake Road and Stillwell Oaks Circle, from Neill Wilkinson, ux, Miriam A., at \$10.00, for Annexation Area 2 Sanitary Sewer.
- (y) Acquisition of 15' x 103.30' of easement, plus a temporary construction easement at 511 Stillwell Oaks Road, from Jesse R. Whitaker and wife, Nancy M., at \$104.00, for Annexation Area 2 Sanitary Sewer.
- (z) Acquisition of 15' x 488.43' of easement, plus a temporary construction easement at 7221 Albemarle Road, from Little-McMahon Properties, Inc., formerly known as New-South Properties, Inc., at \$489.00, for Annexation Area 2 Sanitary Sewer.
- (aa) Acquisition of 15' x 101.81' of easement, plus a temporary construction easement at 6120 Lake Forest Road, from Paul Lewis Smith, ux, Mazelle G., at \$1,000.00, for Annexation Area 2 Sanitary Sewer.
- (bb) Acquisition of 15' x 1,582.38' of easement, plus a temporary construction easement off Farm Pond Lane, from Four Seasons Homeowner's Association, Inc., at \$1,555.00, for Annexation Area 2 Sanitary Sewer.
- (cc) Acquisition of 15' x 351.89' of easement, plus a temporary construction easement on Wilora Lake Drive, from Charles Walter Allison, Jr., at \$352.00, for Annexation Area 2 Sanitary Sewer.
- (dd) Acquisition of 15' x 108.57' of easement, plus a temporary construction easement at 6534 Louglen Circle, from Linda Watson Neel, at \$260.00, for Annexation Area 2 Sanitary Sewer.
- (ee) Acquisition of 15' x 55.96' of easement, plus a temporary construction easement at 6053 Wilora Lake Road, from Carl B. Hough, Sr., Carl B. Hough, Jr., Dorothy H. Boylston and Nellie H. McLester, at \$56.00, for Annexation Area 2 Sanitary Sewer.
- (ff) Acquisition of 15' x 2,287.87' of easement, plus a temporary construction easement on 12 acres on Verndale Road, from Robert H. Morrison, at \$2,288.00, for Annexation Area 2 Sanitary Sewer.
- (gg) Acquisition of 15' x 292.39' of easement, plus a temporary construction easement on 7.29 acres on Wilora Lake Road, from Carl B. Moore, Sr., ux, Helen B., at \$293.00, for Annexation Area 2 Sanitary Sewer.

- (hh) Acquisition of 15' x 123.61' of easement, plus a temporary construction easement, at 6109 Verndale Road, from Ronald G. Kelley, ux, Linda M., at \$124.00, for Annexation Area 2 Sanitary Sewer.
- (ii) Acquisition of 15' x 178.95' of easement, plus a temporary construction easement at 4100 Robinwood Drive, from Lloyd C. Ritch and wife, Elsie W., at \$700.00, for Annexation Area 2 Sanitary Sewer.
- (jj) Acquisition of 15' x 148.65' of easement, plus a temporary construction easement, at 6325 Dale Avenue, from Edward Alan Jaffre and wife, Ruth C., at \$650.00, for Annexation Area 2 Sanitary Sewer.
- (kk) Acquisition of 15' x 2,438.86' of easement, plus a temporary construction easement on 72.35 acres at 6100 block of Verndale Road, from George G. Barrett and wife, Evelyn H., at \$2,439.00, for Annexation Area 2 Sanitary Sewer.
- (ll) Acquisition of 15' x 920.47' of easement, plus a temporary construction easement at 5901 Verndale Road, from W. T. Harris and wife, Connie Laverne, at \$921.00, for Annexation Area 2 Sanitary Sewer.
- (mm) Acquisition of 15' x 192.64' of easement, at 6097 Verndale Road, from Harold J. Caldwell and wife, Mildred S., at \$194.00, for Annexation Area 2 Sanitary Sewer.
- (nn) Acquisition of 15' x 266.77' of easement, plus a temporary construction easement at 6101 Verndale Road, from Harold J. Caldwell, Jr., ux, Gloria W., at \$267.00, for Annexation Area 2 Sanitary Sewer.
- (oo) Acquisition of 16.54' x 16.68' x 2.13' of easement, plus a temporary construction easement at 6305 Barcliff Drive, from Tony Alexi and wife, Margo C., at \$500.00, for Annexation Area 2 Sanitary Sewer.
- (pp) Acquisition of 15' x 36.85' of easement, plus a temporary construction easement at 3035 Moore's Lake Drive, from Moore's Park Civitan Club, at \$37.00, for Annexation Area 8 Sanitary Sewer.
- (qq) Acquisition of 15' x 113.91' of easement, plus a temporary construction easement, at 3051 Moore's Park Drive, from Thomas C. McNeil, Jr. and wife, Mary G., at \$1,000.00, for Annexation Area 8 Sanitary Sewer.
- (rr) Acquisition of 15' x 1,375.61' of easement, plus a temporary construction easement on 10.6 acres at 4900 block of I-85 South, from Irene Sadler Estate, at \$1,376.00, for Annexation Area 8 Sanitary Sewer.
- (ss) Acquisition of 15' x 60.73' of easement, plus a construction easement at 6935 Calton Lane, from Charles F. Dodson, at \$500.00, for Annexation Area 8 Sanitary Sewer.
- (tt) Acquisition of 15' x 102.38' of easement, plus a temporary construction easement, at 6925 Calton Lane, from S & S Development Corporation, at \$1,000.00, for Annexation Area 8 Sanitary Sewer.

- (uu) Acquisition of 15' x 1,199.97' of easement, plus a temporary construction easement on 21.50 acres at corner of Tuckaseegee Road and Little Rock Road, from Little Rock I-85 Corporation, at \$1,200.00, for Annexation Area 8 Sanitary Sewer.
- (vv) Acquisition of 15' x 54.16' of easement, plus a temporary construction easement at 6439 Elmwood Circle, from Estate of John Alexander Rymer, at \$55.00, for Annexation Area 8 Sanitary Sewer.
- (ww) Acquisition of 15' x 108.40' of easement, plus a temporary construction easement, at 6447 Elmwood Circle, from Michael Bud Payne and wife, Sherry D., at \$750.00, for Annexation Area 8 Sanitary Sewer.
- (xx) Acquisition of 15' x 559.38' of easement, plus a temporary construction easement at 2301 Wildlife Road, from Mecklenburg Wildlife Club, Inc., at \$1,050.00, for Annexation Area 8 Sanitary Sewer.
- (yy) Acquisition of 7.52' x 9.50' x 12.52' of easement, plus a temporary construction easement, at 1001-1015 Gore Street, from Nellie Rose Hill, at \$200.00, for Annexation Area 8 Sanitary Sewer.
- (zz) Acquisition of 15' x 104.03' of easement, plus a temporary construction easement, on one acre at end of Gore Street, from Mary Bowers, at \$500.00, for Annexation Area 8 Sanitary Sewer.
- (aaa) Acquisition of 15' x 445.39' of easement, plus a temporary construction easement, at 9400 block of Smith Drive, from Nellie Rose Hill, at \$900.00, for Annexation Area 8 Sanitary Sewer.
- (bbb) Acquisition of 15' x 145.54' of easement, plus a temporary construction easement at 6648 Pawnee Drive, from Jerry A. Nicholson and wife, Patricia C., at \$146.00, for Annexation Area 8 Sanitary Sewer.
- (ccc) Acquisition of 7.5' x 195.00' of easement, plus a temporary construction easement, at 2331 Little Rock Road, from Edwin J. Myers and wife, Virginia Lee, at \$1,000.00, for Annexation Area 8 Sanitary Sewer.
- (ddd) Acquisition of 7.5' x 195' of easement, plus a temporary construction easement off 2300 block of Tuckaseegee Road, from Joe W. Mitchell and wife, Vera Lee, at \$1,000.00, for Annexation Area 8 Sanitary Sewer.
- (eee) Acquisition of 15' x 45.00' of easement, plus a temporary construction easement at 1408 Little Rock Road, from Robert Lee Henson and wife, Virginia L, at \$432.00, for Annexation Area 8 Sanitary Sewer.

(7) Water and Sewer contracts:

- (a) Contract with George Goodyear Company for the construction of 1,550 linear feet of 6-inch and 2-inch water mains to serve Old Oaks Subdivision, No.2, inside the city, at an estimated cost of \$11,100, with the applicant to construct the entire system at his own proper cost and expense and the city to own maintain and operate said system, all at no cost to the city.
- (b) Contract with Providence Properties, Inc., for the construction of 2,220 linear feet of 8-inch, 6-inch and 2-inch water mains to serve Park Ridge Subdivision, Section 2-A, outside the City, at an estimated cost of \$20,900, with the applicants to construct the entire system at their own proper cost and expense, and the city to own, maintain, and operate said system, all at no cost to the City.
- (c) Contract with Buildecon, Inc. for the construction of 89 linear feet of 8-inch sewer main to serve 5237 Albemarle Road, inside the city, at an estimated cost of \$1,780, with the applicants to construct the entire system at their own proper cost and expense and the city to own, maintain and operate said system, all at no cost to the City.
- (d) Contract with Marsh Companies for the construction of 795 linear feet of 8-inch water main to serve Strawberry Hill Apartments, inside the city, at an estimated cost of \$8,550, with the applicant to construct the entire system at his own proper cost and expense and the city to own, maintain and operate said system, all at no cost to the City.

(8) Encroachment agreements with North Carolina Department of Transportation:

- (a) Agreement permitting the City to construct new or maintain existing water and sewer lines in Sardis Woods, III.
- (b) Agreement permitting the City to construct a 2-inch water main beginning north of the intersection of Linewood Drive and N. C. Highway 16, Brookshire Boulevard.
- (c) Agreement for an 8-inch sanitary sewer line located in the right of way of 5237 Albemarle Road (N.C. 24 & 27.)

(9) Acquisition of four vacant parcels of real property and approve the acquisition of one parcel of property with approval to relocate and rehabilitate the structure, all located in Five Points Target Area:

- (a) Acquisition of 3,600 sq. ft. from John F. Williams, Jr., at 411 Cemetery Avenue, at \$1,100.
- (b) Acquisition of 78 sq. ft. from Gethsemane AME Zion Church, at 534 Campus Street, at \$300.
- (c) Acquisition of 10,498 sq. ft., from Hood Jordan Heirs, at 503 Campus Street, at \$22,000.
- (d) Partial taking of 91 square feet, from Gethsemane AME Zion Church, at 531 Campus Street, at \$300.
- (e) Acquisition of 5,009 sq. ft., from Johnson C. Smith University, at 201 Solomon Street, at \$1,400.

(10) Resolution providing for public hearings on Monday, September 25, 1978, at 2:30 o'clock p.m., on Petitions No. 78-35, 78-45, 78-46 and 78-48-78-51 for zoning changes.

The resolution is recorded in full in Resolutions Book 13, Page 410.

PURCHASE OF PROPERTY FROM ST. PETER'S EPISCOPAL CHURCH FOR DISCOVERY PLACE, AUTHORIZED.

Councilmember Gantt stated the issue he wants to raise on this property is the impact from the city's standpoint in terms of what we projected in land acquisition in the funds that are available.

He thinks the acquisition is needed; it makes a lot of sense in terms of what is approved. But the one question we have to ask is what this means in terms of the overall impact on the budgeted funds? Mr. Peithman, Executive Director, replied it is within the budget; after this purchase there will be about \$150,000 remaining.

Councilmember Gantt stated in a procedure where we are acquiring, and the amount is in excess of the appraised value with extenuating circumstances like this, it should not be a part of the consent agenda.

Councilmember Carroll stated we are paying \$50,000 more to knock down a building to make a parking lot. He does not know why the people who attend St. Peter's could not use the city's parking lot under some type of agreement. In addition there are several other parking lots right in that area; there is one beside the building that will be knocked down. It seems to be a very expensive way to achieve a goal to accommodate the church.

Mr. Peithman stated under the first alternative would be the problems of funerals and weddings. The parking lot next to the building mentioned is not available for sale unless it is part of a total package; it goes all the way around to Eighth Street. This is the only available land within a block that they could purchase and use as a parking lot for the church to replace the existing parking lot. That people would like to walk directly across to the church rather than a block.

Councilmember Gantt stated we could still condemn the property and run the risk of the church talking about the damage done. So this is a negotiated settlement here in which we agreed to provide them with enough profit so they could go out and do the other thing.

Mr. Burkhalter, City Manager, stated he was not involved in the negotiations; but he suspects the legal way that they provided this is the damage done to the church is what they are paying for; not for the building. His question has not been addressed. His question was this could have been designed without taking their property which was the original intent. Council has never been involved in changing that intent. Mayor pro tem Chafin stated she thinks some of the councilmembers were aware of it. Councilmember Gantt stated they were aware the architects always wanted that additional piece of property. While the building did not get in the way, the display garden did. Even if we did not get it, there is the cost of the retaining wall we would have to put in there.

Councilmember Frech stated she feels very strongly about this. This is a fairly attractive building; she does not know the value of it; it has been on the market for years, and they have not been able to sell it. She does object to tearing down a building, and putting another parking lot when there are parking lots right in the area - adding more parking lots to that block. She believes them when they say there is no other solution. Mayor pro tem Chafin stated there does not appear to be; that all the alternatives have been looked at closely.

Councilmember Carroll stated those three lots, 6, 7 and 8, could be condemned a lot cheaper than we can buy the building and knock it down. In order to do that he would assume we would have to extend the boundaries of our plan to take it in and make it a part of the public purpose, and lease it to the church for a long period of time. Councilmember Selden asked if he is saying condemn lots 6, 7 and 8, and buy them, and then turn them over to the church? Mr. Carroll replied in order to do it legally he thinks this would have to be done.

After further comments, Councilmember Carroll moved that Council asked the Staff and the Church to see if they can negotiate somehow to accommodate parking for the church within the area which we plan to use for parking by perhaps increasing that space or some other way to tackle the problem, and report back to Council within a couple of weeks. The motion was seconded by Councilmember Frech.

Mr. Peithman stated about four months of negotiations have gone on looking at every possibility; they have explored every other alternative and believe this is going to be the best solution. The option with the church runs out in a few days. If they do not exercise that option, they may have to start all over again.

Councilmember Cox stated he thinks we have a man here we have a lot of respect for; he has done the job, and we have put confidence in him that he has done the job, and should take his recommendation.

Councilmember Cox made a substitute motion to approve the purchase of a portion of property containing 9402 square feet of land from the Vestry and Trustees of St. Peter's Episcopal Church, located at the rear of a lot facing 115 W. 7th Street and furnish parking facilities for both the Church and an office building also located thereon, at a total of \$107,775. The motion was seconded by Councilmember Selden.

Councilmember Cox stated Mr. Peithman has already done all the analysis, and this is the only alternative we have.

Councilmember Gantt stated he does sympathize with Mrs Frech's concern about the parking, and Mr. Carroll's concern that may be we should find another way to do it. Apparently we are talking about \$57,000, and a parking deck would be substantially more than we are talking about. The visual impact is that we are moving another building and replacing it with a parking lot which he can see will be worth only a relatively few parking spaces - 105 x 94. He questions why the church would want to buy that particular site for what they are likely to get out of it, cost per parking spaces they do get. On the other hand, it is his feeling that if it goes to condemnation a very good case could be made for damage to the property.

Councilmember Gantt stated he would like to see Council^{vote}/for the substitute motion, and encourage the church to look elsewhere to find it. He cannot see that as being a good buy for them at all. He does not see anything in this motion that indicates even if we were to go with this price they are obligated to do that anyway. He is not sure they are going to buy this property when they consider the value of what the parking is going to be worth for the dollars they spent for the land.

Councilmember Short asked what if we pay them \$107,000 for what was originally \$50 or \$60 thousand, and then we find they did not proceed to buy this building? Mr. Peithman replied he would be suprised; based on the conversations he has had with them and in writing, he cannot believe that would happen. Mr. Burkhalter stated if we went to condemnation and paid them the extra \$60,000, they still would not have to build the parking; they could do anything they wanted.

Councilmember Carroll stated in response to Mr. Gantt if we had some agreement to provide the space, we would at least keep this other land in the tax base. Councilmember Gantt stated we should try to see if there is a way to get them not to do this; they are not going to get a lot of parking spaces out of this. Mr. Carroll stated that is the reason he feels it is worth deferring to explore a little longer.

Councilmember Trosch moved to call the question, which motion was seconded by Councilmember Selden, and carried unanimously.

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

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

MOTION TO SUSPEND RULES TO PLACE AN ITEM ON THE AGENDA.

Councilmember Trosch moved to suspend the rules to place an item on the agenda. The motion was seconded by Councilmember Cox, and carried unanimously.

August 21, 1978
Minute Book 68 - Page 478

RESOLUTION OF CITY COUNCIL OF THE CITY OF CHARLOTTE REQUESTING THAT THE SITE SELECTION COMMITTEE RECOMMEND LOCATING THE NORTH CAROLINA SCHOOL OF SCIENCE AND MATHEMATICS IN THE CITY OF CHARLOTTE, NORTH CAROLINA.

Motion was made by Councilmember Trosch, seconded by Councilmember Cox, and carried unanimously, adopting the subject resolution.

The resolution is recorded in full in Resolutions Book 13, at Page 411.


COUNCILMEMBER LEEPER EXCUSED FROM MEETING.

Councilmember Leeper asked to be excused from the meeting.

Motion was made by Councilmember Carroll, seconded by Councilmember Short, and carried unanimously, excusing Councilmember Leeper from the meeting.

MEETING RECESSED UNTIL MONDAY, AUGUST 28, 1978, AT 2:00 P.M.

Motion was made by Councilmember Cox, seconded by Councilmember Trosch, and carried unanimously, to recess the meeting until Monday, August 28, 1978, at 2:00 o'clock P.M.


Ruth Armstrong, City Clerk

The following comments and requests were made after the formal meeting adjourned.

COMMENTS ON AGENDA PROCEDURE AND LENGTH OF MEETING.

Councilmember Dannelly requested the City Manager to bring to this Body another agenda procedure. He requested that he look at having zoning hearings only at a meeting, rather than including them in the regular meetings. That today is a perfect example of this kind of agenda. Council needs to do something about this.

Mayor pro tem Chafin replied she shares his concern. She thought at the last meeting Council had communicated to staff that Council wanted to keep this a relatively short meeting, and that was one of the reasons to start at Noon. She was floored when she saw the combination of zoning and the reports, to the effect of having the meeting begin at Noon negated.

Mr. Burkhalter, City Manager, stated he is sure they will find that every item on this agenda has been requested at some point. Mayor pro tem Chafin agreed.

CHARLOTTE TRANSIT COMPANY'S SERVICE STANDARDS AND OPERATING PERFORMANCE POLICY REFERRED TO TRANSPORTATION COMMITTEE.

Councilmember Carroll stated he just received the Service Standards and Operating Performance Policy for Charlotte Transit Company. He thinks it would be appropriate for the Transportation Committee to look at this. He asked if the Mayor pro tem will refer it to the Committee.

Mayor pro tem Chafin replied she will be happy to do that, and indicated to Councilmember Gant that the matter was referred to his Committee.

REQUEST TO BOARD OF TRANSPORTATION FOR PARKING IN AREA OF CENTRAL PIEDMONT REQUESTED PLACED ON AGENDA FOR RECESSED MEETING.

Councilmember Carroll stated about five days ago he sent to each Councilmember a memo requesting the Board of Transportation to take into account parking in the area of Central Piedmont. He asked if this could be placed on the agenda for the recessed meeting.

MEMBERS OF OPERATIONS COMMITTEE INDICATE THEY CANNOT ATTEND MEETING ON
SEPTEMBER 7.

Councilmember Short asked Mr. Carroll and Mr. Selden if they can attend a
meeting of the Operations Committee on Thursday, September 7, at 4:00 p.m.
That it concerns a matter referred to the Committee by the City Manager, and
pertains to drainage problems in the Shannon Park Area.

Councilmember Selden indicated he would not be able to attend on that date.
Councilmember Short replied he will set another date, and advise the members.

Ruth Armstrong

Ruth Armstrong, City Clerk