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The City Council of the City of Charlotte, North Carolina, met in a regular session on Monday, December 11, 1978, with Mayor Kenneth R. Harris presiding, and Councilmembers Don Carroll, Betty Chafin, Tom Cox, Jr., Charlie Dannelly, Laura Frech, Harvey B. Gantt, Ron Leeper, Pat Locke, George K. Selden, Jr., H. Milton Short and Minette Trosch present.

ABSENT: None.

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INVOCATION.

The invocation was given by The Reverend Rex Horne, Eastway Christian Church.

PLAQUE FROM KEEP AMERICA CLEAN PRESENTED TO CITY OF CHARLOTTE.

Mr. Robert Waugh, Chairman of the Charlotte Clean City Committee, stated last week the Silver Anniversary of Keep America Beautiful was held and at the meeting Charlotte was honored through its Committee with a Plaque.

The Plaque was presented to the City of Charlotte and was one of 140 cities participating in the program, and was one of the three cities picked in 1974 to pioneer the program. Through the work of the Committee, it has resulted in a major reduction of litter of over 70%. This has made Charlotte one of the cleanest cities in the south and in the country. A lot of the credit for this goes to two former chairmen - Mr. J. B. Smith and Mr. Jeffery Huberman, and to the past and present coordinators - Ms. Marilyn Williams and Vickie Ranson. A lot of it goes to the public works department, and to the Council for backing the program.

He stated he is honored to present the Plaque to the City.

MINUTES OF COUNCIL MEETING ON MONDAY, DECEMBER 4, 1978 APPROVED WITH CORRECTION.

Motion was made by Councilmember Trosch, seconded by Councilmember Selden, and carried unanimously to approve the minutes of the last meeting, Monday, December 4, 1978, as submitted with the following correction:

Page 374 - 4th paragraph, 9th line, change the word "perimeter" to "planimeter".

RESOLUTION APPROVING THE SALE OF FIVE HOUSES AND LOTS ON GREENLEAF AVENUE, IN THE THIRD WARD COMMUNITY DEVELOPMENT TARGET AREA TO MOTION, INC.

The public hearing was held on a proposal by MOTION, Inc., for the purchase of five houses and lots on Greenleaf Avenue in the Third Ward Community Development Target Area.

Mr. Sawyer, Director of Community Development, stated MOTION, Inc. desires to acquire and rehabilitate five structures in the Third Ward Target Area, all of which are located on Greenleaf Avenue.

These represent five more of the total number MOTION plans to purchase and rehabilitate under their contract with the City. The sale price for these properties was established for conveyance to a non-profit organization according to the North Carolina Urban Redevelopment law, which provides that the conveyance shall be for a consideration not less than said value of the property agreed upon by a Committee of three professional real estate appraisers. That fair value has been established at \$18,275. MOTION will abide by the rehabilitation standards and the requirements of the project. All of this is provided for in the sales contract. It also provides that the rehabilitation work write up will be submitted to the Community Development Department for approval prior to the conveyance of the property. He stated they recommend the approval.

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No one spoke for or against the proposal.

Councilmember Selden asked if Community Development is involved in anyway in assisting in MOTION's activities to dispose of the property? Mr. Sawyer replied after MOTION buys it, it has the choice of either disposing of it by sale or by holding it and leasing it. The primary objective would be to sell it and to sell it by allowing a purchaser to assume the loan for rehabilitation, which is a three per cent loan.

Councilmember Gantt stated as long as it is not sold to a speculative real estate firm. Mr. Sawyer replied that is right; it can be sold to a low income family. Mr. Selden asked if CD helps to find a buyer? Mr. Sawyer replied they work together in finding a buyer; and they like to find a family that is being relocated because the relocatees have financial benefits which can be used to help pay for the property. Mr. Selden asked if the price is established by an appraiser? Mr. Sawyer replied yes; the State Law is very specific that three appraisers must form a Committee to establish a price.

Councilmember Trosch requested Mr. Sawyer to give them an overall picture of what has happened in the Third Ward Area? Mr. Sawyer asked if she would wait until the hearing on the Amendment to Third Ward which is later on the agenda; that she will present the whole picture.

Councilmember Gantt stated he would like to commend whoever has the strategy of impact development in that area when you try to reverse the whole direction of the street by not going with the scattered site approach as we do in some of our other housing strategy in places for different reasons.

He stated at the last meeting he attended a question was raised by Mr. Cox about the appraisal process. Where we use the same three appraisers when we are acquiring property from someone who lives in the area. Does the appraiser take a different viewpoint when we are buying a piece of property as opposed to when we are selling the property? Mr. Sawyer replied they do. That Mr. Cox's Finance Committee has been very much involved in studying this process and procedure, and has had an appraiser who in his opinion is very competent to meet with the Committee and explain the process.

Mr. Sawyer stated he would like to speak very generally and without authority. The appraiser does look at the property differently - or looks at it as it is when he is appraising it for disposition. The appraisal for acquisition and the appraisal for disposition must be two entirely separate transactions by law. They never use the same appraisers to appraise for acquisition as they use for disposition. The appraiser takes into account any changed conditions; he must take into account all the conditions the plan puts on the property that the purchaser must adhere to and abide by; most of those conditions lead to extra cost.

Councilmember Gantt stated it is a sellers market when you are acquiring; and a buyers market when you sell. He is not saying that because he objects to the sales price that MOTION is getting. He has seen these programs work in other cities where they actually give them the property for \$1.00.

Councilmember Carroll moved adoption of the resolution approving the sale of five houses and lots on Greenleaf Avenue in the Third Ward Community Development Target Area to MOTION, Inc., for a total of \$18,275. The motion was seconded by Councilmember Dannelly, and carried unanimously.

The resolution is recorded in full in Resolutions Book 14, beginning at Page 27.

RESOLUTION APPROVING THE SALE OF A HOUSE AND LOT AT 613 BILLINGSLEY ROAD TO FAMILY HOUSING SERVICES, INC. IN THE GRIER HEIGHTS COMMUNITY DEVELOPMENT TARGET AREA.

The public hearing was held on the proposal by Family Housing Service, Inc. to purchase a house and lot at 613 Billingsley Road in the Grier Heights Community Development Target Area.

Mr. Sawyer, Director of Community Development, stated Family Housing Service proposes to purchase the house and lot in the Grier Heights Target Area, and they will abide by all the requirements of the plan; the price has been established at \$4,100.

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Mr. Ed Gormley, 519 Campus Street, stated his position is a neutral one. He is neither for or against this. He only wants to put in a pitch for the community he lives in one more time - he lives in the community known as Five Points Target Area. Two concepts come to his mind as he listens to all this. The presentation by MOTION, and the consideration of buying homes. His wish is that one day Christmas will come to his community.

He stated the two concepts are "haves" and "have nots" in the term consecutive and confirmed. It is difficult to be a member of a family like Charlotte and see other communities getting things, and his community is not. If there is some magic formula or they have been bad, he wishes someone would spank them on their hands, and tell them what they have done wrong; and they will consider doing something about the error of their ways. He can understand if it is a question of individual accomplishments if he made \$20,000 he can understand his not being able to purchase \$12,000 home - that is on an individual basis. But when the revenue sharing funds come from the big family of the United States government to our city, he wonders why so much of our efforts have to be on a consecutive basis. Why can it not be concurrent? Why cannot all enjoy the pie in the sky now? Some of the people in his community may not be there another five years; so is it maybe they do not deserve what other communities are going to get until five years from now? There must be some kind of formula? Is it that we need more MOTIONS? He is certain that schools were putting out the kinds of talent we have seen demonstrated here.

Mr. Gormley stated his telephone number is 375-2341; also there are other means of communication; and they are ready and able to listen to any and all possible solutions to their blight in Five Points.

Mayor Harris asked Mr. Sawyer to respond to Mr. Gormley's remarks. He asked if he has information about the availability of funding for Five Points; that he thinks it is on a fairly equitable basis in the ten target areas in the City.

Mr. Sawyer replied the problem Mr. Gormley refers to is more scheduling and timing. It just happens that the Five Points Target Area was scheduled to receive its monies for implementation of its plans in the last three years of the six year program, so that other areas he refers to have a head start and are receiving the benefits of the program started three years earlier than Five Points. He stated they are proceeding and have been proceeding to implement portions of the plan in the Five Points area that lie east of Beatties Ford Road; they are buying property and establishing parks; buying property to build new streets and widen streets and connect streets. They are beginning the planning of the other area; it is a matter of scheduling their staff time and the planners time.

Mayor Harris asked if he gave Mr. Gormley a copy of the Five Points Plan? Mr. Sawyer replied they furnished him copies of everything he requested.

Motion was made by Councilmember Gantt, seconded by Councilmember Selden, and carried unanimously to adopt a resolution approving the sale of a house and lot at 613 Billingsley Road to Family Housing Services, Inc., in Grier Heights Community Development Target Area, for a total of \$4,100.

The resolution is recorded in full in Resolutions Book 14, beginning at Page 28.

**RESOLUTION APPROVING AMENDMENT NO. 1 TO THE REDEVELOPMENT PLAN AND FEASIBILITY OF RELOCATION FOR THIRD WARD TARGET AREA.**

The public hearing was held on an amendment to the Redevelopment Plan and Feasibility of Relocation for the Third Ward Community Development Target Area.

Mr. Sawyer, Director of Community Development, stated this is a hearing on the first amendment to the Third Ward Redevelopment Plan which was approved by the City Council in January, 1976. At that time the total funds allocated for this project area was \$3,558,000. So the planning proposals were concentrated in the area south of Fourth Street Extension, in the area between Cedar Street, West First Street, the Interstate, Fraser Park and West Fourth Street because of the amount of money.

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Mr. Sawyer stated the amount of additional funds which was \$3,362,000 for a total project budget of \$6,920,000 have been concentrated in the other areas of the project, and that is essentially what this amendment represents. It represents the proposal for using those additional funds - \$3,362,000; with the total budget of \$6,920,000 being the sum of the first three years' money concentrated in a point he designated on the map, and the last three years' money concentrated in another area he pointed out on the map, north of Fourth Street.

The amendment proposal can be divided generally between those new proposals in one area and some general technical housekeeping changes resulting from zoning and subdivision ordinance requirements; and also resulting from these new proposals.

Mr. Sawyer explained the new planning proposals. He stated that because of the emphasis that this Council has put on preserving existing housing, the rehabilitation cost estimate survey was done for each structure in the amended area. This included (1) the cost to move the structure and bring it into compliance with property rehabilitation standards and make marketable; (2) the cost to bring the property into compliance with the property rehabilitation standards and make marketable at its present location; and (3) the cost of correcting minimum mandatory requirements of the property rehabilitation standards at its present location, by the owner. This would be enforcement of the code and what would be feasible for the owner.

To accurately determine whether or not the structures would be feasible to rehabilitate, either on site or to be moved and rehabilitated, they applied the three-part residential feasibility test, and using this test, the structure must be economically, structurally and functionally feasible in order to be considered feasible to rehabilitate (the form is the one they have been sending to Council with the recommendations in connection with what they are doing in West Morehead). If one of these conditions was not met then the structure, for this purpose, was considered to be not feasible. He stated that applying these tests, they determined that the cost of moving and rehabing structures, generally speaking, in these areas was too costly by the criteria that they had been considering and on which they had been making recommendations to Council.

On the other hand, the test for rehabing in place resulted in six structures (he pointed out the location) meeting all parts of the test. Then they considered the feasibility of what a private owner might do if the code was enforced on a house owned in a certain area of a project - they would make a recommendation to change the land use. For example, to change from single family to multi-family.

With this general background in their planning process, he will give some of the details of the amendment. The first is the rehabilitation change from a set of standards higher than the minimum housing code to the minimum housing code. So, they are recommending to Council that they approve doing in this plan what they have approved doing in other projects which have had higher than minimum housing code standards. These higher standards resulted in most owners - all owners they contacted - wanting to sell their property to the city rather than rehabilitate it; that occurred in Grier Heights and all the other areas where the standard was higher. The only way the city can enforce that standard is of course to buy the property. Most owners consider that not a threat but a welcomed opportunity.

Councilmember Short asked if those changes bear upon human safety and things like that? Mr. Sawyer replied no, the code takes care of the health and safety minimums. Mr. Short stated they are not lowering the standards? Mr. Sawyer replied no, all they are recommending is that the minimum housing code be the minimum standard for the project.

Councilmember Trosch asked if he is speaking in terms of just when they approach an owner and not in terms of when the city does a rehab? Mr. Sawyer replied when we do it we choose our own standard, to which Ms. Trosch added our own standards are quite a bit higher. Mr. Sawyer stated generally speaking they are. In all cases when the City rehabs the property

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it is higher. Only when the Building Inspection Department enforces the housing code; that the minimum housing code is the standard and the owner then, - of course has the option of going above it.

Ms. Trosch asked if when the City does the rehab are we under a federal standard as far as the minimum is concerned. Mr. Sawyer replied it is the standard that Council chooses; the standard they approve.

Ms. Trosch stated he is not saying to alter that; only alter the relationship to owners? Mr. Sawyer replied that is right.

Councilmember Gantt stated in other words what they are doing is allowing the owner of housing that is on the borderline the opportunity under a code enforcement situation to do just a little bit less than at least meet the minimum housing code; it keeps us from getting in the position of having to buy a new unit. Mr. Sawyer agreed.

Councilmember Leeper asked if he has found that homeownership in that particular area is any higher than in some of the other areas? Mr. Phillips, Assistant Community Development Director, replied there is only one street where there is substantial homeownership and that is on Westbrook. Mr. Sawyer added there are some on Victoria.

Mr. Leeper stated the point he is trying to get at is they are talking about absentee landlords and Mr. Sawyer agreed. Mr. Leeper asked if he personally feels that by lowering the standards that will encourage them to do more to bring their houses up to standard.

Mr. Sawyer replied he is merely saying that the only way the city can enforce those higher than minimum code standards that they had originally was to buy the property because they had no other way to force the owner to do it. They thought they could encourage the owner to do it by offering them the 3 percent loan money, but there were no takers.

Mr. Leeper stated then he is saying they can at least force them to bring them up to minimum standards

Ms. Trosch asked if he has done this in other areas? Mr. Sawyer replied it has been done, approved by previous Councils. He believes this is the first one to come before this Council.

Councilmember Gantt asked how many units does he have in the new amended area and the old area that he considers to be dilapidated or on the borderline?

Mr. Phillips stated that the total residential structures classified as dilapidated are 69; 147 are deteriorating and in need of major repairs; and 48 were considered to be standard. That was the Planning Commission's blight certification for the entire area. This was in 1976.

Councilmember Selden asked how many of those have actually been treated - like the ones MOTION is working on, etc. The reply was about 55, out of the 147, about a third. Mr. Phillips explained that out of the 116 structures in the rehab area (before this amendment) they have received 55 applications for loans or grants. Out of that 55, 29 houses have been completed; they are all south of the Trade Street connector - just a few north of the connector. There are 7 that are underway right now.

Mr. Selden asked if there has been demolition to reduce the number as reflected in the 1976 count. Mr. Sawyer replied there has been some demolition but it was of those that were so dilapidated that there was just no hope of rehabing them.

Councilmember Carroll asked if the proposed change of the standard will affect the standard that we are now requiring the MOTION and Family Housing houses to rehabilitated to. Mr. Sawyer's reply was no, because their standard is much higher - their standard is the highest standard of all which is rehabilitation to a marketable standard. Mr. Carroll stated then the only thing it does is give us an additional tool to deal with the substandard housing because it allows us to use the housing code remedies? Mr. Sawyer replied that is correct.

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Ms. Trosch asked about the life of a rehab that MOTION is doing as opposed to the others. Mr. Sawyer replied the life of a property that MOTION would rehabilitate would be a minimum of twenty years because the loan that the buyer would assume would be for twenty years and that property is practically renewed. When they say marketable condition that means that it is competitive with most any other house that is put on the market, that meets all code and other standards. This is true of Family Housing rehabs and any other non-profit organization which Council approves a sale to.

Mr. Sawyer continued with his presentation by stating that other changes are that some acquisition of additional property has been added to the plan, between Fourth and Trade and between Fifth and the cemetery, so in the area where multi-family housing re-use is proposed they also propose the acquisition of additional property to remove blighting conditions.

Public improvements have been proposed. This included improvements such as new sidewalks, storm drainage, sewer, water, refurbishing and resurfacing sidewalks and streets, and these are primarily on streets such as Grove, Irwin, Fourth, Waccamaw, Sycamore, Sixth, N. Clarkson, Cedar and First.

Councilmember Cox asked why the refurbishing has to be paid with CD money? Mr. Sawyer replied there is no other money available and the effort is to refurbish all of the public property and improve it at the same time the residential property is improved so that it will all have a new lease on life together. Mr. Cox asked if there is something different about these streets and other streets in the city? Mr. Sawyer replied yes, they are in target areas and that is the major difference.

Mr. Cox raised a question about doing this with "regular" money since the whole objective is to stretch this CD money as far as possible. Mr. Sawyer stated it is for improving the neighborhoods and they consider the improvement of the public property in the neighborhood as just as necessary as improvement of the private property. They operated on the theory that it just was not fair to ask a private owner to put money in his property when the city owns a street out front that has no curb and gutter, has drainage problems and has no sidewalks, etc. They have assumed from the beginning that this money was to do the total job in the designated neighborhoods.

Councilmember Gantt stated the question is in a world of limited resources, when in fact certain demands are made from these neighborhoods that may have other priorities such as the building of a community facility and other kinds of things that often we cannot use the public monies for those purposes because they are in fact tied up in Public Works projects such as streets, storm drainage, whatever. The question is does it make some sense for us to look other places to handle what are considered to be the more mundane and average, everyday services that most city streets have? Then takes those CD funds and use them in other places.

Mr. Sawyer stated he does not have an answer for that.

Mr. Burkhalter pointed out that it is not a practice to do this kind of work on any streets; the streets are built by the homeowners and they are usually charged back through subdivision regulations. The only ones the City spends money on normally, outside of target areas, are those for the whole city where they are widening to four lanes or something like that.

Mr. Cox stated the answer to the question is that we are building streets; we are not resurfacing like we do in other neighborhoods in the city. Mr. Sawyer stated we are doing what is necessary for that street and are doing a great deal of resurfacing. If that is what is needed, they do that. Mr. Cox stated the sense of his question was that we want to treat these streets like we treat streets outside the target areas. If we spend money on streets outside the target areas in the manner we propose to spend it here, then he has to ask a question about that; but if we are doing something special for these streets . . .

Mr. Sawyer stated we are doing much that is special. Mr. Cox stated if we are doing something for these streets that we would not do for somebody else, maybe there is room for some kind of exception.



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Mr. Sawyer stated all of the improvements that are recommended come from a study of the situation by the Public Works Department, and these are referred to the citizens during the hearings and the citizens decide where they want the sidewalks, if sidewalks, and where they want curb and gutter. In other words, the citizens, in the final analysis, determine where the priorities for spending are.

Mr. Cox stated he is not saying they should not do it; but Council went through one of these plans a while back and they were going to put in a stoplight; that it seems to him if a stoplight was warranted, they ought to pay for that out of stoplight funds; if the stoplight was not warranted and the community wanted it, they they could pay for it with CD funds. He just does not understand.

Councilmember Leeper stated one of the most important points about this question which Mr. Cox is asking is that we have nine target areas which are a small area of the total city; that we cannot use federal funds to do some of the things that we need to do in some of the other areas. It would make more sense to use general funds to do the things we need to do in some of the other areas of the city and use the federal funds where they are targeted for.

Continuing his presentation, Mr. Sawyer pointed out on the map the land use changes which are being proposed. One is that they have reduced the size of the proposed convenience shopping site at the corner of First and South Cedar. The zoning has also been recommended for change to conform to that. The land use has been changed from commercial to multi-family on a portion of West Trade Street - most of it is zoned now for commercial. One parcel has been changed from industrial to residential on West First Street. It was the only industrial parcel north of First Street. It is recommended for change to R-6MF. This is the zoning recommendation for that entire area between First Street and the Trade- Fourth connector. Most of this is single family and the reason they are making this proposal is because there are also quite a number of multi-family structures; and duplexes, other than duplexes on corners, which are permitted in single family residential areas. They could not, under that zoning classification, make the improvements and make the rehab loans to improve those properties under that zoning classification. So, recognizing that, most of it exists anyway and will remain a single family residential area

Councilmember Trosch referred to the fact that the Planning Commission voted, although it was a close vote, not to recommend this; that the reason was not because of the difference between single family and multi-family land use, but because of the high cost of rehabilitation. That they probably need a little more discussion on that.

Mr. Fred Bryant, Acting Planning Director, responded to Ms. Trosch's request, first stating that when the vote was taken there was some mix-up as to what the vote was all about; that the vote should be reversed (as supplied in his memo) and the actual vote was on a motion to approve and that motion was defeated. Those who were in favor of amending the plan - those voting "nay" to the recommendation not to amend were Campbell, Culbertson, McCoy and Tye; those voting to not recommend a plan change - voting "yea" - were Broadway Ervin, Kirk, Curry and Royal.

He stated that most of the Planning Commission discussion on this centered around the cost of rehabilitation. In effect, he would have to say in all fairness, that this was more an appraisal of economic process as far as a recommendation than it is on a basis of land use. That in terms of the land use analysis, they would have no objection - the staff or the Planning Commission itself - to the land use changes that were proposed. Mr. Phillips did present the Planning Commission with some figures relative to the cost of rehabilitation and on the basis of those figures this concern was expressed.

Ms. Trosch stated those figures were not given to Council in their materials. That the Planning Commission is trying to send a message on the basis of them, and Councilmembers do not have them.

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Mr. Phillips stated that at the first meeting of the Planning Commission the question was asked as to the approximate cost. They were not presented with the detailed figures either. They did not think it was appropriate to send out the detailed estimated costs. So, he estimated what the estimated average cost would be. It was only at the second vote that he gave them some detailed figures, but these were not handed out, he just told them.

At Councilmember Selden's request, Mr. Sawyer pointed out this strip of housing on the map. It is located just below Fourth Street to Third Street; and then from Second Street to First Street - there are two sections.

Mrs. Virginia Woolard, 1001 West First Street, stated her family has an interest in the Third Ward Area - on West First Street - and she has had continuing interest in this problem through the years. She does not have the ability to absorb all of the technical aspects of this; she would like to share some of her perspectives with Council about this particular area.

Last year when Council set up the Municipal Service District, they outlined what she would call "uptown". It included businesses and residences in that area and they were treated equally as far as taxation goes. That this did a lot of nice things - it identified what to her is uptown; that they have an uptown community. Within that community they have three neighborhoods - the First, Third and Fourth designations. She stated when you look at this plan and realize it is part of uptown, then they have to think about this in the same way they think about Fourth Ward and First Ward. That in the past several weeks, Council has said let's stop on First Ward a little bit because they have not come up with a real sensitive plan that takes into account the needs. That, fortunately, with the Third Ward plan they have one that does take into account the needs of people. It is sensitive, as with Fourth Ward, to pedestrian traffic; they have thought about cutting out vehicular traffic by closing off certain streets. It thought about green spaces; it thought about many things which this plan also incorporates. She stated she hopes that Council will enthusiastically endorse this plan. So many people who live in the area are, in a sense, very frustrated because City Councils have tarried so long in making a complete and final affirmation of this plan.

She stated if they can look beyond what is there right now to the beautiful trees, etc., she really and truly believes it is going to be one of the most prized areas to live in uptown. Council should get its courage up and go ahead and vote for it.

Mr. Malachi Green, 825 Cates Street, Apt. A, stated he would echo the sentiments expressed by Ms. Woolard. It is time to get off the ground; time to blast off. That Third Ward is beginning to take off; they just need Council's support. That the Community Development staff people in the Third Ward Community have worked long and hard with the residents and come up with what they think is a very good plan. They just want to see if carried out. There are still some problems. It leaves a lot of the residents in limbo in terms of they really have no place to turn in seeking assistance. That needs to be looked into. He was somewhat angry with what the Planning Commission did when it voted to destroy those houses up on the northern part of Cedar Street, but if they can get the concept that they are, in fact, going to keep good housing there - more than the minimum code enforcement, but rather to bring every piece of property to a marketable condition where feasible, where people will move into Third Ward and they will have a real viable community again. That perhaps if they look at some of these areas where it is not economically feasible to build single family residences but they could, in fact, make certain that houses are put back there - housing in some form.

He stated he has heard this Council and others talk about high-density areas. You are going to have high density areas in a city. Charlotte is a city now; it is no longer a little country, take-your-time, town anymore; we are in fact a city and we are going to have density. You do not have to have slums because you have high-density residential areas. If the human services things are in place - this Council and all the other social services agencies and businesses in the district can work together to make certain that the human service things are in place - they can build places for people who cannot afford to go on the market and buy houses. They can live in Third Ward, live in downtown, and yet we do not have to have a slum, if we take into



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consideration the human factor. Those human services are necessary to keep a slum from developing. That in the area north of Trade Street, where the Irwin Avenue school is, there is some bad housing. They need to get on about the business of getting rid of that bad housing and replacing it with something so that people will want to live there. The other area which Ms. Woolard referred to is going to be in the next six months in really beautiful shape. It is surrounded by beautiful greenways, a park, etc. But Council needs to consider (1) the replacement of houses where it is necessary to destroy these dilapidated structures, (2) making arrangements for those folks who live in the area that is zoned business (there are a lot of houses, a lot of apartments in there now). If they just accept minimum code then those folks are caught again in that never, never land. The area there along Cedar Street, the Swartz property, etc. - all these things they need to get on with, they need that plan. They need some direction. They have been going about it in a hit and miss way because they have not had a real plan of attack, and Council can give that to them.

Councilmember Dannelly asked if he is saying in essence that the Third Ward Community Group is in favor of this amendment. Mr. Green replied yes, this was worked out pretty much between the City staff people and the residents of the community. There are some parts that they could kick at, but they need a plan. Mr. Dannelly stated then with this part of the plan they are in agreement, but they are also talking about some additional things that they would like to see happen?

Mr. Green replied yes and he thinks they can happen if they can get on about the business of getting something going over there.

Councilmember Frech asked if he does not want to see the standards for rehabilitation - those that would be required of owners - lowered? Mr. Green replied if it is necessary for the City to talk about acquiring those structures and then putting them back into decent housing, then that is something Council ought to consider and talk about. Ms. Frech stated then that part of the amendment - the part that would lower the standard - he is not in favor of? Mr. Green replied he would oppose it, yes; but he would not oppose it if it would mean that the entire plan would be scrapped. He wants to get on with the program.

Councilmember Trosch directed some questions to Mr. Sawyer. She stated that in both the resolution and in the plan it speaks of relocation. How many people are due to be relocated by this plan? And, secondly, in the resolution it is stated that there is sufficient housing for this to occur, and yet they have been wrestling now for months with the fact that they say there is no housing for this to occur and that is why they are not doing the West Morehead people, etc. etc. Can we accurately make that statement?

Mr. Hoyle Martin, Assistant CD Director, replied to her questions. He stated the initial plans for the Third Ward was designed to relocate 99 families and individuals. Of that number, 81 have actually been relocated, leaving 18 from that original plan. That 18 is now included in a total of 29 which constitutes their current workload for relocation in the Third Ward Area. In addition to that they anticipate an additional 45 families and individuals coming into their workload, for a total of 74.

Ms. Trosch stated then he is saying that by what the resolution says, we can in a reasonable time relocate these people in the existing housing market in Charlotte? Mr. Martin replied right; that when they say within a reasonable time, however, they are talking about a period of three or four years. Given the demands in the low income housing market, given the demands for relocation in other areas, such as West Morehead, the reasonable or feasible time they are referring to is a period of three years. In breaking down the 74 that he referred to, it would be 28 in the current fiscal year, 20 in FY-1980 and 26 in FY-1981. He stated the total number of people who have been relocated is something like 320. This only refers to those persons relocated in terms of CD projects; it does not include code enforcement relocations.

Ms. Trosch stated when she read the material she felt that they were saying there was sufficient housing in Charlotte to relocate these people with all due speed. That it is a tremendous concern of most people on Council that

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in the process of making this a good neighborhood, that they not have people with no place to go. That they talk about the housing being there, but it is not happening.

Mr. Martin stated that when they say that this is a relocation transferral over a period of three years, they are making the assumption that as that time comes about, the housing that is not there will be available, keeping in mind their concern is a legitimate one with regard to West Morehead. Considering this and considering the fact that they pointed out at the hearing on October 19th, that the actual housing market for low income families is about 1 percent of the total housing market. But, over a period of time more housing becomes available through the rehabilitation program they are talking about here, and it means more housing will become available.

Ms. Trosch stated then the bottom line is that he feels that in all good faith that they can say that these people will be relocated with decent housing in a three-year period without a problem even though it is 1 percent of the housing market. Mr. Martin stated he would not say without problems; there will always be some problems. But, they do feel that they can relocate this number of families and individuals.

Councilmember Leeper addressed questions to Mr. Green. He stated he is still not sure that Mr. Green understands that they are asking that the City lower its standards - be less restrictive so that people can bring their houses up to minimum code. That Mr. Green is saying that we need to move on with this process, but he does not want the standards lowered. That is a problem that has them all somewhat over a barrel, because as Mr. Sawyer has said, most of the absentee landowners do not seem to be willing to bring the houses up much higher than just to minimum code and Council does not have the stick to force them to do it. What we, in essence, do is end up purchasing the houses at an astronomical cost, which means that we end up taking money out of the money that is allocated to do some other things in the area. That is the real problem. He just wants to make sure that Mr. Green is thinking in the same key; if he is not willing for the City to lower the standards so that absentee landowners can at least bring their houses up to minimum code, then he needs to tell Council what he really wants them to do. That he is just at a loss as to how to address that; it really utilizes most of the money to purchase those houses at a very high cost.

Mr. Green stated it is a dilemma; they have talked about it as recently as just before the Council meeting. That perhaps, as in Fourth Ward, Third Ward needs some additional assistance from the City along with that which is available through the federal funds. For example, Council has set a limit of \$27,000 to be used to purchase and rehabilitate a structure. Some of the houses that they are talking about require somewhat more than this. If there could be the situation where they could have available two or three thousand dollars more to put into one of those structures to make it marketable - that might be a good thing to talk about. But, at the same time, when you do that you perhaps drive the cost of the house out of the range of those folks who are really interested in trying to buy it. Perhaps, in some cases, that is necessary in order to get the viable socio-economic mix that will make for a stable, decent neighborhood. He really does not have the answer.

Councilmember Leeper asked about maybe selling the house for less than the initial value to a non-profit organization who is going to rehabilitate. That would tend to lower the cost.

Mr. Green replied if it were possible - the homestead situation, the dollar acquisition price, would certainly free up part of the money because they are talking about if they would have to spend six, seven, or eight thousand dollars to buy a piece of property, and then turn it over to an outfit like MOTION, or Family Housing Services, and they have to recover the purchase cost of the house in the sale of the house, that may drive the price of the house out of the range of certain people. That perhaps they need some assistance - some additional commitment from this Council - for Third Ward, money-wise; more than just the availability of the federal dollars. He could see where that would help out; he is still not sure they are addressing the question involving those property owners who are absentee owners, who really need

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to make some kind of investment to bring their property up to standard. If they are required to bring them up much higher than the minimum, then they really do not have another mechanism to do that other than purchasing. That is the dollar they are really concerned about.

Minimum standard, as he understands it, seems to indicate that as long as the toilet flushes and the roof isn't leaking - that is as far as minimum standards go. Mr. Selden stated it goes farther.

Councilmember Gantt stated not much; they would not delude themselves into believing that. It is the kind of thing that he thinks these people perceive that they want from neighborhoods. But the answer to the question of what do you do when you are in between is . . . we have limited resources, and on that basis, the real answer, in the long haul, in trying to produce more houses, is to force that situation so that he is in a competitive market.

Councilmember Selden addressed a question to Mr. Sawyer. He stated that first of all, they cannot actually change standards; the housing code has a certain minimum that they have to abide by in terms of enforcement if they force by in rem remedy any house owner to bring to a standard - that is a given standard. It does not say that the houseowner cannot; he might elect to do so, if he wants to market his house at a higher value. He can put more than that into it. So, they are basically only talking about that one standard. Now, the other standard is the marketable standard which CD has chosen in times past to make the area more habitable, more desirable. They are not actually changing that standard; it is simply a matter of shortage of funds in terms of what they can do with. Therefore, they are electing to prompt the property owner to come to the standard that they want the property to be, saving money thereby to apply in other areas such as the houses they are selling to MOTION to bring to a higher standard. He asked Mr. Sawyer if that is so, and Mr. Sawyer replied that it is.

Councilmember Frech stated she believes what Ms. Woolard and Mr. Green are saying is that they want to see Third Ward not to be a low-income neighborhood but another Fourth Ward - a middle or upper income area; that they do not want the houses to continue as just minimum standard houses but they would prefer that they somehow be rehabilitated to a marketable level. She asked if they have considered urban homesteading, and is this an area in which there would be people willing to take those houses for a dollar and bring them up to a higher level?

Councilmember Gantt stated the amendments proposed in this plan do anything at all for those strategies that she is talking about. That his perception of the plan itself is that it does not have to have an economic distinction that that is a low-income area. That is the real sleeper here; that the area could be equally attractive to any number of people. It is still going to require some of the same kind of incentives that Mr. Green has talked about - like the 6 percent loan program that we have in Fourth Ward - that would allow for substantially greater rehabilitation.

Ms. Frech stated that they should perhaps be thinking about that, since they have put that kind of thing in Fourth Ward. Maybe it will be a couple of years down the line; at least they should keep the options open.

Ms. Woolard stated she would like to share one thing - if she is wrong they can correct her. That when the program was begun initially - she grew up on West Fourth Street - these higher standards were very strongly suggested. That they, of course, went ahead and did everything to their home that was suggested, and in no way can you get any sort of investment return. The lady who is there is someone they know and they are really supplementing her. It is sort of a mute question; there is no way you can charge somebody enough rent on a home that you have brought up the the higher standard.

She stated this Community Development fund is for low and middle income; that an upper income person might choose to live there. But, the amenities of buffering, of all the things that make a place habitable is what she thinks the City can do for that area. They can also make it possible for private capital to come in there in the same way that Fourth Ward did - with the NCNB group coming in.

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The Mayor stated the requests he has had are, as Mr. Green said, to get on with the plan; there is other vacant land over there and nothing going on; they want something done with it.

Councilmember Trosch asked that Mr. Sawyer show Council where they are regarding improvements and houses being rehabed at the present time.

Mr. Sawyer stated that from the beginning the major concentration has been in the area of Greenleaf Avenue, Westbrook Drive, Victoria Avenue. There has also been housing improvements in another section which he pointed out on the map. He stated the very first grant to improve the first house in the area was on Fourth Street.

Councilmember Selden moved adoption of the resolution to amend the Redevelopment Plan and Feasibility of Relocation for the Third Ward Target Area. The motion was seconded by Councilmember Locke.

Councilmember Carroll requested that the specific changes in the plan be pointed out and explained.

Mr. Walt Phillips, Assistant CD Director, explained the changes in land use as follows:

On First Street the size of the commercial center was reduced, changing a small parcel from industrial to residential for an open space on the north side of First Street. The land use in the other area stayed residential single family -R-6MF.

The land use changed along the Trade-Fourth Connector from B-1 to R-6MF. The previous plan had it indicated as R-9MF.

In another area the zoning is proposed for change, but the land use is basically single family. It is multi-family in the area of the Orchard Apartments and the two parcels that they want to add with the elimination of some of the blighted spots in that area.

Mr. Carroll asked is there is any change other than maintaining those eight houses on Cedar. Mr. Phillips replied the amendment does add the properties on either side of Clarkson Street to be acquired and converted into multi-family development for the future. Presently there are single family and duplex houses there. There was no prior plan for this area because even though they had one big area, most of the activity was limited to the other area. What the amendment is to do is show how they are going to expand and use the rest of the money up in that area.

Councilmember Dannelly asked how commercial the area referred to as a commercial center will be? Mr. Phillips replied that this particular plan only speaks to letting that corridor be retained as a commercial corridor with no action with respect to housing; and with no acquisition of property; it will kind of shift for itself.

Councilmember Carroll stated he needed to share with Council a comment from Mr. Sawyer, stating that he is delighted that the staff has come up with the proposal to preserve those houses on Cedar Street, next to the multi-family development; that they are wrestling with what to do with other houses (which he pointed out on the map). He stated they have made an analysis about the cost of preserving these houses and how they measure up with each of the three tests that are normally done. He stated that Mr. Sawyer has said that Councilmembers will have a chance to go through house by house and take a look at each one of these as they come along, so that they are not by approving this plan necessarily committed for complete removal in that area and to complete multi-family land use. He thinks it is important that they look closely at that area; that in preserving the houses on Cedar Street it gives some real balance to that part of the neighborhood.

Mr. Sawyer stated if they do approve this plan, they are in fact approving this area as a multi-family area, however, the one house they recommend remain anyway as a single family structure because it is a very good one. The

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others have been determined, just by their preliminary test, to not be economically feasible, however any or all of those could remain or be rehabilitated. Another group which he pointed out could be moved at a little greater expense and located somewhere else.

Mr. Carroll stated there is a real concern that they move ahead with the plan and not hold things up; but at the same time they are all well aware, from the presentation of MOTION, that they have some programs going rehabilitating existing housing; they do not have any programs going that guarantee that they can put any multi-family housing back in there. That is his concern - that they do not end up on the negative end on the housing; plus the fact that this is an area where you do have some multi-family housing, and single family can balance it out to a certain extent.

The vote was taken on the motion and carried unanimously.

The resolution is recorded in full in Resolutions Book 14, at Page 29.

ORDINANCE NO. 463-Z, AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE OF THE CITY OF CHARLOTTE - THE ZONING MAP - BY CHANGING THE ZONING OF PROPERTY LOCATED IN THE 2500 AND 2600 BLOCKS OF ARNOLD DRIVE FROM R-6MF TO R-12MF.

Motion was made by Councilmember Locke, seconded by Councilmember Selden, that the subject petition be denied as recommended by the Planning Commission.

Councilmember Frech stated Council has received a petition from a large number of people living on Arnold Drive and on the streets leading into Arnold Drive, asking that the petition be granted, based on their feeling that traffic is a problem in the area and dense multi-family development will have a serious and deleterious impact on their neighborhood. They have also received letters from people in the neighborhood supporting the petition.

She pointed out again that she does not understand what the logic was in zoning property fronting on Arnold Drive multi-family in the first place, particularly R-6MF. Arnold Drive is a single family street for its entire length. Or, along with that, why the multi-family should have gone so deep into the neighborhood in back of Arnold Drive and on the south side of Arnold Drive when there was no need to go any farther than Arnold Drive at any rate.

That other members of Council agree that R-6MF is not good zoning for that, but they also pretty well agree that to change it at this point to R-9 single family would not be good zoning either. Eventually, she would hope that the Planning Commission would bring in recommendations about this particular piece of property, as part of the area studies in the comprehensive rezoning that they expect to get.

In the interest of being fair to the property owners, and also regarding the need of the neighborhood for some protection against further possibly harmful development, Ms. Frech made a substitute motion that this tract be rezoned to R-12MF. This would reduce the density allowable. That under R-6MF the 5.5 acres could be developed to about 118 units; under R-12MF it would reduce it to about 76 units. That would be a considerable reduction but would still allow some multi-family development.

According to the Traffic Engineering Department, it would reduce the traffic in the area by about 35 percent.

She stated the information that Council has shows that Fountain Square is actually developed to about 15.5 dwelling units per acre, which is between R-9 and R-12. So, an R-12MF zoning would bring those 5.5 acres about into line with what Fountain Square is now - it would not allow the land to be developed to a denser level. They should bear in mind that if these 5.5 acres were developed at R-6MF it would be about 118 dwelling units that could be put in there, which would be far beyond the density of Fountain Square. She thinks they are agreed that Fountain Square is probably as dense as that neighborhood could tolerate. That R-6MF is, in most cases, a density of zoning that really should not be allowed in most areas of the City as it is too dense.

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She stated the Aztec Apartments are developed at R-6MF and if they look at those they can see that you just about have to pave over every square foot of land.

Councilmember Short seconded the motion, stating that he has mixed feelings about this zoning change, but in about a 49-51 situation he will go along with Ms. Frech.

Councilmember Carroll agreed it is a tough situation. That the problem was not caused by this Council, not by the petitioners, nor by the landowners. They inherited it. That this suggestion is a very fair compromise.

Councilmember Selden stated he would vote for an R-9; that he has doubts from an economical standpoint, about restricting property where the owners who own 75 percent of the property in question are going to have difficulty.

Councilmember Chafin asked Mr. Selden what kind of distinction, economically, he makes between R-9MF and R-12MF. Mr. Selden replied it is the value of the individual property units, whether condominium or rental, related to the ability to attract tenants or condominium owners, in that particular area, to that particular level of economic structure. For instance, Woodlawn House is R-9; if you go to an R-12MF the property owner will have great difficulty trying to accommodate the economic structure you have to build and the pricing you have to put with it.

Councilmember Short stated that on the morning that Council planned a field trip to this property, about three or four weeks ago, he discovered that Mrs. Davis did not know until almost at the last hour that such a thing was planned. She, fortunately, had an opportunity to mention this. Here is a person whose land is being brought up for consideration for rezoning against their will and by third parties, and here was probably the definitive opportunity for decision in this matter by the Council; and the party most affected was not even notified. He stated he hopes that kind of thing will not happen again.

Ms. Frech stated that Mrs. Davis' attorney was notified about two days before that Council was going. Mr. Short replied his conversations were with both Mrs. Davis and the attorney and he believes he stated it accurately. That he feels this is important.

Councilmember Gantt stated he has a great deal of sympathy for the property owner; that he spent some time talking with her one Sunday afternoon. That he has a great deal of respect for Neil Williams, knowing his views not only as the attorney but from the period he served on City Council; that as he looks at this particular issue, it is not one of those happy ones. Whatever decision is made will not make a lot of people very happy. It seems to him they have some choices. It is going to take nine votes to pass this petition. He senses the majority of Council - not necessarily nine votes - believes that the density in that area is too much, given that intersection and given the relationship it has to the residential area. That he thinks more than a substantial majority would agree that the pattern is very unfortunate. Three votes would leave the situation exactly like it is. In the potential development Mr. Williams has promised a hundred units; they are really dealing with the question of whether or not they want to put a hundred units there or 76 units. That Mr. Selden has said 76 units will make it economically unfeasible. He stated he cannot make that judgment; he does not know what land is selling for and he does not know the kind of units that somebody may want to build there. It is conceivable that one can build 76 very nice units and it could become a very attractive kind of thing. And, it may have a great deal of attraction being adjacent to a very nice single family residential neighborhood. He will support Ms. Frech's position; it is the only logical compromise; the only thing he can do is hope that for Mrs. Davis it is not economically unfeasible to develop this at the R-12 density. He stated they are all familiar with Fountain Square and if the density is essentially that density, he does not think any of them is going to ask that much more be put there. So, it really comes down to the issue of 76 or 100.



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

YEAS: Councilmembers Frech, Short, Carroll, Chafin, Dannelly, Gantt, Leeper, Trosch; and Mayor Harris.

NAYS: Councilmembers Locke, Selden and Cox.

The ordinance is recorded in full in Ordinance Book 26, at Page 413.

COUNCILMEMBER SELDEN EXCUSED FROM VOTING ON NEXT ITEM.

On motion of Councilmember Carroll, seconded by Councilmember Chafin, Councilmember Selden was excused from voting on the next item due to a conflict of interest.

SPECIAL USE PERMIT, CHANGING THE ZONING MAP - CHAPTER 23, SECTION 8 OF THE CITY CODE - TO ALLOW FOR A YMCA FACILITY ON SHARON ROAD, BETWEEN QUAIL HOLLOW AND SHARON HILLS ROADS.

Motion was made by Councilmember Locke, seconded by Councilmember Dannelly, and carried unanimously, to approve a Special Use Permit to allow for a YMCA facility on an 18-acre tract of land on Sharon Road, between Quail Hollow and Sharon Hills Roads; and to adopt the Findings of Fact as submitted by the Planning Commission.

Following are the Findings of Fact:

Findings Regarding Requirements Prescribed for Schematic Plans:

The schematic plan and the other materials submitted with the petition at the time of filing fully comply with each of the requirements of Section 23-36(c), (1)-(7) and of Section 23-36.7(a), (1), (4) and (6).

Findings Regarding Prescribed Standards.

The following findings are made from the record evidence presented at the hearing with respect to the four standards prescribed by Section 23-36.7(c), the basic facts relied on in support of each being set forth below:

Finding (Standard) No. 1. That the proposed use will not endanger public health and safety or substantially reduce the value of adjoining or nearby property.

Facts Supporting Finding No. 1.

1. The proposed use is designed and intended to promote public health through recreational programs.
2. The site plan for the proposed facility provides for safe vehicular access to the property from Quail Hollow Road minimizing potential traffic safety problems (see staff exhibit No. 3).
3. The proposed facility as presented by the petitioner is not anticipated to endanger public health and safety or substantially reduce the value of adjacent or nearby properties (see testimony of L. H. Griffith Realtor, R. p. 38-40).

Finding (Standard) No. 2. That the proposed use will be compatible with the general characteristics of the area with respect to the location, size and exterior features of the structure, the location, design and screening of the parking areas and the location and size of signs.

Facts Supporting Finding No. 2.

1. The proposed site is located in an area of mixed but residentially oriented uses and vacant land (see staff exhibit No. 1).
2. The proposed site plan orients the building towards Sharon Road. Earthen berms landscaping and treatment of the building exterior features are designed to blend the facility in with the neighborhood. (See staff exhibit No. 3 and testimony of Larry Taylor, Architect, R. p. 22-25.)

3. The proposed site plan maintains all vehicular access and parking along Quail Hollow Road. The parking areas will be set back 40' from the road right-of-way and will be screened. A single identification sign will be placed on the site at the entrance to the complex. The sign will be low, unlighted and approximately three feet by five feet in size (see staff exhibit No. 3 and testimony of Larry Taylor R.p.24-32).

Finding (Standard) No. 3. That the proposed use will not substantially increase the volume of vehicular traffic within the area.

Facts Supporting Finding No. 3.

1. The initial facility and planned parking for 126 vehicles will generate approximately 400 trips per day. This would constitute a measurable but not an adverse increase of traffic on the adjoining streets. The total facility is constructed over approximately 15 years would have a similar impact on traffic (see testimony of Bernard Corbett, Traffic Engineer, R. p. 35-37).
2. The proposed use would generally generate traffic at hours other than the normal peak traffic periods and could reduce distance of travel necessary to reach a facility of this nature (see testimony of Bernard Corbett, R. p. 37-38).

Finding (Standard) No. 4. That the proposed use will be compatible with the general living environment of the area, particularly with respect to noise level.

Facts Supporting Finding No. 4.

1. The outdoor recreational facilities are participatory rather than spectator type functions and are not expected to generate noise levels characteristic of spectator oriented events. Earthen berms, low shrubs and trees are to be provided to screen and buffer the noise that is generated. (See testimony of Larry Taylor, R.p.23.)
2. The outdoor ball fields and tennis courts will not be lighted and evening activity would primarily be building centered (see testimony of George Crestwell R. p. 21-42).
3. The site plan provides for the preservation of trees along Sharon Hills Road to the extent practical to be consistent with the character of the area (see exhibit No. 3 and testimony of Larry Taylor, R. p. 22).

SPECIAL USE PERMIT, CHANGING THE ZONING MAP - CHAPTER 23, SECTION 8, OF THE CITY CODE - TO ALLOW FOR EXPANSION OF AN EXISTING YMCA FACILITY AT THE SOUTHERLY CORNER OF REGAL OAKS DRIVE AND DEMOCRACY DRIVE, AND AT THE NORTHERN TERMINUS OF IDLEBROOK DRIVE.

Motion was made by Councilmember Gantt, seconded by Councilmember Trosch, and carried unanimously, to approve a Special Use Permit to allow for expansion of an existing YMCA facility at the southerly corner of Regal Oaks Drive and Democracy Drive, and at the northern terminus of Idlebrook Drive; and to adopt the Findings of Fact as submitted by the Planning Commission.

Following are the Findings of Fact:

Findings Regarding Requirements Prescribed for Schematic Plans.

The schematic plan and other materials submitted with the petition at the time of filing fully comply with each of the requirements of Section 23-36(b) (1) - (7) and of Section 23-36.7(a) (1), (4) and (6).

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Findings Regarding Prescribed Standards. The following findings are made from the record evidence presented at the hearing with respect to the four standards prescribed by 23-36.7(c), the basic facts relied on in support of each being set forth below.

Finding (Standard) No. 1. That the proposed use will not endanger public health and safety or substantially reduce the value of adjoining or nearby property.

Facts Supporting Finding No. 1.

1. The proposed use is designed and intended to promote public health through recreational programs.
2. The site plan for the facility provides for safe vehicular access to the property from Idlebrook Drive and from Regal Oaks Drive minimizing potential traffic safety problems. Automobile parking areas are separate from outdoor recreation areas. (See staff exhibit No. 3.)
3. The proposed facility as presented by the petitioner is not anticipated to endanger public health, safety or substantially reduce value of adjacent or nearby properties (see testimony of Don Winecoff, Architect, R. p. 20 and testimony of Richard N. Lovell, Realtor, R. p. 22-23).

Finding (Standard) No. 2. That the proposed use will be compatible with the general characteristics of the area with respect to the location, size and exterior features of the structure, the location, design, and screening of parking areas and the location and size of the signs.

Facts Supporting Finding No. 2.

1. The proposed site is located in an area of mixed but residentially oriented uses and vacant land. To the north and east are a church, an elementary school and a junior high school. To the south are single family homes. Adjoining vacant land is zoned for office and multi-family development (see staff exhibit No. 1 and 2).
2. The proposed site plan retains the natural features of the site, especially with respect to the trees and unique topography. Developed areas within the site will have minimum visibility from the single family areas. The location and design and the exterior features of the structures and the location of the parking areas have been selected to be compatible with the residential characteristics of the area. (See testimony of Don Winecoff, R. p. 12-16 and 18-20.)
3. A single identification sign approximately three feet by five feet will be placed at the entrance to the facility at Democracy Drive. (See exhibit No. 4 and testimony of Don Winecoff, R. p. 17-18.)

Finding (Standard) No. 3. That the proposed use will not substantially increase the volume of vehicular traffic in the area.

Facts Supporting Finding No. 3.

1. The proposed facility will not alter the Class A level of service of Idlebrook Drive, Riding Trail Drive or Regal Oaks Drive. The facility will not substantially increase traffic volumes (i.e. greater than a 10% increase) on either Idlebrook Drive or Riding Trail Drive. The apparent substantial increase of traffic on Regal Oaks Drive (16%) is due to the very low volume of traffic presently on that road. The resultant road volume is not substantial (see testimony of Bernard Corbett, Traffic Engineer, R.p.23-25).

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Finding (Standard) No. 4. That the proposed use will be compatible with general living environment of the area, particularly with respect to noise levels.

Facts Supporting Finding No. 4.

1. The existing and proposed activities for this site are located to minimize adverse visual and noise impacts on adjoining properties. (See testimony of Don Winecoff, R. p. 14, 18-19.)
2. All of the proposed additions to this facility are of an indoor nature and would not generate noise impacts on the surrounding neighborhood (See testimony of Ted Rizelle, Branch Director, R. p. 26-29).

MEETING RECESSED AND RECONVENED.

Mayor Harris called a recess at 4:45 p. m. and reconvened the meeting at 4:55 p. m.

CONTRACTS FOR IMPROVEMENTS AT CHARLOTTE HOUSING AUTHORITY LOCATIONS.

The following actions were taken to transfer General Revenue Sharing funds to the Housing Authority:

1. Councilmember Dannelly moved approval of a contract with the Authority for improvements at the Pitts Drive Apartments Housing Project for a total of \$35,000. The motion was seconded by Councilmember Leeper.

Mr. Dannelly requested that the Housing Authority let him know when they plan to meet with the residents to discuss what is going to take place in these improvements.

Councilmember Trosch suggested that the contract include the fact that the contractor will involve the area residents organization in the design and planning procedures. She stated this has been placed high on the priority list in the park plan and they have told the residents they will be involved. Mr. Dannelly and Mr. Leeper accepted this as an addition to their motion. The motion carried unanimously.

2. Motion was made by Councilmember Chafin, seconded by Councilmember Selden, for approval of a contract with the Authority for improvements at Boulevard Homes Housing Project for a total of \$250,000, with the additional stipulation that the residents organization be involved in the plans.

Councilmember Trosch called attention to the fact that a copy of this contract was not included in the agenda attachments, and Mr. Burkhalter stated that one was left out but it is the same as the one for Pitts Drive.

Councilmember Leeper stated he thought those improvements were contingent on Council's approval of these funds for those particular areas, but he has already received the plans for that area and understands the bids have already been let and were too high and they are going to run the bids again. He asked Mr. Finnie if he was aware of that?

Mr. Finnie replied he was not aware that they had gone through a bidding procedure already. That there has been no contract - he can tell him that. They have had the contract ready but are waiting until after the Housing Authority met. Under the general guidelines, the Housing Authority has to approve it first.

Mr. Leeper stated it is possible that they could have had \$250,000 to do that work. That one of the questions that he raised during the budget hearing was that the money was needed because they did not have the money from other sources to do that work. But, it seems to him that the information he had was that they had already had the bidding.

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Mr. Finnie stated they may have been short cutting by putting it out for bids. That it has been three or four weeks since the material has been ready.

Mr. Leeper stated it is all right; he is satisfied that the citizens have had some input.

The vote was taken on the motion and carried unanimously.

RESOLUTION APPROVING AN AMENDMENT TO THE FEDERAL AVIATION ADMINISTRATION GRANT FOR RUNWAY LIGHTING PROJECT AT DOUGLAS AIRPORT.

On motion of Councilmember Selden, seconded by Councilmember Locke, and carried unanimously, the subject resolution was adopted approving an amendment to the Federal Aviation Administration Grant for the runway lighting project at Douglas Airport, to increase the federal contribution by a total of \$77,358.

The resolution is recorded in full in Resolutions Book 14, at Page 33-35.

DECISION ON CONTRACT FOR ADVERTISING ON CHARLOTTE TRANSIT SYSTEM BUSES DEFERRED AND STAFF INSTRUCTED TO NEGOTIATE WITH BOTH WINSTON NETWORK AND NATION-WIDE COMPANIES AND COME BACK TO COUNCIL WITH THEIR BEST OFFERS.

For purposes of discussion, a motion was made by Councilmember Gantt, seconded by Councilmember Leeper, to approve an Advertising Privilege Contract with Nation-Wide Bus Advertising, Inc., to place advertising on the interior and exterior of Charlotte Transit System buses.

Councilmember Gantt stated some of the Councilmembers have had some inquiry from at least one of the proposers of this particular contract about the nature of the process Council uses in evaluating these various firms. That he heard from Winston Network, a company that is not being proposed by staff for this particular contract. That there were enough questions raised - in reading through the evaluation done by Mr. Kidd and his staff - for him to ask that this be deferred last week in order for him to at least have the opportunity to ask Mr. Kidd some questions related to the matter of bus advertising in general. He is aware of the fact that the staff was not exactly in favor of doing this kind of thing. The Transportation Committee held some hearings specifically for the purpose of evaluating bus advertising on the new buses that we are going to get.

He stated Winston Network had some people in here and made a long presentation on the new vinyl bus advertising medium that they use, and the committee was given to understand by the staff and others that this particular process is very tricky - you have to have some experience with it in order for it to look good; this was one reason the staff did not want to fool around with it because the new buses themselves would lend themselves to the old form of advertising.

In looking at Mr. Kidd's evaluation, he does come down very hard in the area of the differential in dollars that will benefit the City. There was almost no discussion at all on the merits of the two firms. Since he understands this is not a big process, he would personally want to see more evaluation of the firm's ability to work with this vinyl; some idea of the capabilities of the firm; the size of it; a number of other things that come into play, particularly since the differential involved does not seem to be that substantial. He is concerned that the firm that has had this contract over a substantial period of time felt that they were not given the opportunity to negotiate their proposal, as opposed to the other firm. There were just enough questions raised by his meeting with them to at least allow an open forum for some discussion of that.

Mr. Michael Kidd, Public Transit Coordinator, stated that on September 11, 1978 the City Council approved a policy to continue advertising on the Charlotte Transit System buses. This has been done for a number of years.

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Subsequent to that, the Planning Office prepared a request for proposals document which detailed the types of advertising services that the City was looking for. These documents were mailed to eleven transit advertising firms on September 13, setting a proposal deadline of October 1 (since this date fell on Sunday, it was extended until October 2 at 1:00 p. m).

They had two proposals - one from Winston Network, our present firm; and one from Nation Wide Bus Advertising. They reviewed these proposals, checked out the references; looked at the things that were called for in the proposals to make sure they were there; called other transit systems with whom the proposers had advertising contracts presently about how they were doing and what problems they were having.

Based on that investigation they found that either firm would be qualified to perform the services that they had outlined in their proposals. Then they started evaluating what was in the proposals and it came down really to the money issues, quantifiable issues, that made sense to them to make a recommendation.

They are recommending the Nation Wide firm for this contract for two primary reasons. One, the annual guarantee - per bus, per year - was higher with the Nation Wide firm. They proposed a \$360.00 per bus, per year guarantee. Winston Network proposed \$313.44 for the first two years and \$333.12 for the next three years. Based on a 100-bus fleet, the minimum revenue guarantee from Nation Wide would be over \$17,000 higher. Both proposers would be quick to tell them that is the minimum; that they would hope that their actual sales would produce revenues in excess of the guarantee. However, if they want to look at it as a minimum contract value, the Nation Wide firm is a little over \$17,000 higher over the five-year period of the contract.

Secondly, and probably more important to the City, Nation Wide proposed a net revenue distribution of 52.5 percent to the City and 47.5 percent for themselves. The Winston Network proposed a 50 percent for the City and 50 percent for the Network. Therefore, the City's portion of net revenues collected could be 2.5 percent greater with the Nation Wide firm.

Therefore, they concluded that the Nation Wide proposal was the better of the two and proceeded to enter negotiations with them. They did not negotiate any of the money items; but they did negotiate a couple of the things that they felt were very important. First and foremost - and this was very important to them - the old contract, as with most contracts of this type throughout the country, the transit system reaps a revenue percentage from collected revenues. They negotiated into their contract 52.5 percent of the contracted receipts. If something was uncollectible it would be up to the company to bear that cost. That they feel like since the City has provided the space, that as part of the obligation the City should receive 52.5 percent of what that space generates in revenue.

They also specified payment by the 20th of each month; a \$360 per year, per bus guarantee; a contract term of three years, renewable for two more. They specified a very detailed report system to allow them to monitor exactly what was going on; required a performance bond equal to the amount of the guarantee; required an office staff with a resident manager to handle sales; and City concurrence on the advertising rates. They thought that was very important. They also negotiated that there would be no charge for posting of any of our CTS ads; they plan to do advertising on our own bus system.

Councilmember Gantt stated his question was that all of those points that Mr. Kidd made were developed in negotiation with the firm they ultimately selected; did he evaluate in terms of the experience of the competing firm; were there some other measures in addition to the financial picture?

Mr. Kidd replied there were. That one of the systems that they called they asked for things like in what conditions are the boards in; is it ragged all the time or does it look good; do they report to you on a timely basis; are the boards filled up or are there a lot of empty spaces. There were guarantees for all the places they contacted.



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Mr. Gantt asked if they had had experience with the bus system. Mr. Kidd stated that on that specific question, the Winston Network people. He understands from the Nation Wide people that they are members of the Transit Advertising Association, they serve on committees, they know what the operation is all about. His judgment was that it probably was not fair to them to disqualify them on the basis that they did not have any buses on the properties they were managing with the practical experience. Obviously, there are some things in the contract about appearance and things like that that they could work with. They did give him assurances that they would be right on top of it when the new buses came in and the advertising would be in place.

Mr. Gantt asked if in the negotiations of price, did he decide that the items he would negotiate with the firm selected would not include price . . . or was that a part of the proposal that said that was not. . .

Mr. Kidd stated they expected in the proposal process for the firms to give them their highest and best proposal on the money items. They did not draw up a draft contract to send out and have them fill in blanks. There were some other areas of concern that they wanted to make sure they could pin down. The proposal was done for them to evaluate and make a decision on who they wanted to negotiate the final contract and bring it before Council for its consideration.

Councilmember Gantt stated his only concern here is that the committee spent a lot of time debating this issue of whether they were going to have transit advertising or not. He is very concerned about the firm that they ultimately select. The staff's concern was that it was something that we should not have; it would do damage to the visual appearance of the buses; and that the revenue gained would not be worth the aesthetic deterioration of what they would see. They took a great deal of pain to evaluate this new vinyl system that is being put on buses and, in effect, generally found out that the firm that we have been using for bus advertising probably had a corner on that particular part of the market. They saw a number of slides that indicated that they had come up with some fairly innovative ways of using it. He just wants to be sure that when they use this Nation Wide, or whoever they ultimately hire, that they have a firm that can capably handle the new buses that we will be bringing in now and in the future. He feels a little concern when the evaluation simply bore down to the difference in dollars, even if it is \$17,000 a year. He is not sure that can be negotiated.

Councilmember Trosch stated Mr. Gantt has voiced most of her concerns. That being a member of the Transportation Committee she knows that the priority is on aesthetics; that in fact it was a proper decision for the committee to make. That they were concerned about the application of the new vinyl. She asked if in this type of situation, they usually negotiate after the proposal is made? Mr. Kidd replied that normally his experience in the past has been not to do so. Ms. Trosch asked if he does not feel the flexibility to say that perhaps they have more experience? Mr. Kidd replied they felt they received sufficient information in the proposals to go ahead and make a judgment. Ms. Trosch asked if he feels satisfied that this firm can satisfactorily provide the aesthetics? Mr. Kidd replied he thinks they are going to have to work very hard on that to see that the advertising does not create an aesthetic problem; they are going to do everything they can to see that it is applied correctly.

He stated that since the discussions they had in the Transportation Committee over the summer, they have learned a lot more about this - the people in the industry - as more of these buses have been delivered. He stated again that in their evaluation, they did not disqualify someone simply because they had not had practical experience. Ms. Trosch stated she just would not want them to learn from their mistakes on our buses.

In reply to another question by Ms. Trosch, Mr. Kidd replied the proposal is very explicit on the fact that on the regular buses they will continue to advertise on the sides and back; on the new buses only on the sides, plus the interior.

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Councilmember Selden asked about the track record experience we have had with Winston Network? Mr. Kidd replied that generally it has been good; they have done a good job for us. The City does not get directly involved with the sale of space and that kind of thing; that there have been situations - minor problems - that you will have with any firm: posters being torn which has to be replaced, etc.

Mr. C. L. Criswell, representing Winston Network, thanked the City for giving them the opportunity of doing business since 1954. He referred to a letter from Mr. Mike Winston, copies of which were distributed to Councilmembers, in which he pointed out the logical reasons why Winston Network can best serve the City of Charlotte as their transit advertising representative for the bus system - (1) they have been here since 1954, (2) they have a man with sales experience of 18 years in this market, (3) they have a fully staffed office with secretarial help that has been here for 16 years, (4) the production department manager has been here for 16 years, (5) they have regional sales offices that surround and support this Charlotte area, (6) they also have other markets in the State of North Carolina that they represent, such as Asheville, Durham, Gastonio, Greensboro, Winston-Salem, Salisbury, Wilmington and Greenville-Spartanburg, S. C. These supporting markets give them the ability to put more manpower, to put more dollars, in the market to better serve Charlotte. They try to make Charlotte as the hub where there business is.

In addition Winston Network is prepared to pay at least the following guarantees to the City of Charlotte, if allowed the right to negotiate (he stated he was told that the right to negotiate the amount of guarantee would be given if they were the selected company). They believe the City of Charlotte will benefit both financially and in other areas of concern by permitting Winston Network, Inc. the opportunity to negotiate a contract. Charlotte's request for proposal was unclear, and his company anticipated the right to engage in negotiations for the contract. That this is the only right they deserve, but they believe it will culminate to the benefit of the City of Charlotte. It is their desire to be given the same opportunity given other parties in negotiating a transit advertising contract equitable and beneficial to the City of Charlotte.

Mr. Charles Buckley, Attorney representing Nation Wide Bus Advertising, stated they recognize that the bidding process as used was not required by law, but that was the format chosen by the City of Charlotte. It is in the nature of a sealed bid; you solicit and advertise for proposals from national firms; you give a time certain for responses, and they were to be in writing. It could not be an informal proposal over the phone, but were to be in writing and were to be received in Mr. Kidd's office at a time certain. So, the format is identical with a sealed bid process. He submitted that what they have here is not so much what the law requires but what the City of Charlotte required, so they have to look at the integrity of the City of Charlotte and the system it has utilized here. You have a national company which has responded; they responded very clearly to the City's instructions as it understood those instructions. It has made a bid proposal based on its best shot, you might say. It gives the most beneficial return to the City of Charlotte. It is prepared to fulfill the contract. He has heard that Winston is larger and this may be true, but the Nation Wide firm is very active in the medium size market and that is exactly what Charlotte is - a 100-bus operation. That in the proposals which Council has copies of, they will see towns and cities that Nation Wide is operating in now. He stated that it is experienced and is ready and capable to perform this contract.

He stated that Mr. Kidd has indicated that he has checked on all of the references and they are all very positive. That it boils down - if he understands Mr. Gantt's question correctly - to the RTS-2 bus with reference to the vinyl. He stated Petersburg, Virginia, has contracted the services of Nation Wide and they plan within the next two weeks to have 10 of these buses in operation. Nation Wide has this contract and has had it for a number of years. This self-adhesive vinyl process Nation Wide has utilized for more than 15 years. It deals with other areas of advertising - not just buses. He stated Mr. Andrew Wood, president of Nation Wide, is present and

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if Council has questions so far as his ability to carry out the contract in terms of the vinyl he is prepared to answer them.

Mr. Gantt stated he thought Mr. Kidd just made the statement that they had no bus operation? Mr. Wood replied these 10 RPS buses have been delivered to the City of Petersburg; obviously, they have to be checked out and put in the proper operating condition. However, this fact would not stop them from going in and developing the program for them. He stated that insofar as the application of vinyl is concerned, the transit industry has been using the self-adhesive vinyl material for years. There is no big trick. There are basically two ways to apply it - you have the dry process and the wet process. If it is a slick surface or otherwise it makes no difference; you encounter the same problems with adhesive. They have been dealing with this for all these years. His company is 44 years old and were charter members of the Transit Advertisers Association. That they serve very actively on the Standardization Committee in the industry. This committee has, since the very inception of the RTS-2 and the Special 8-70, have been experimenting and determining exactly what will work and what will not work. They have been active in this field; they have dealt with the 3-M people on materials, the General Motors people. It is nothing new to them; they are not springing something on somebody who has never seen, has never had direct application to it. If they did not feel that they could provide the services in this contract they would have declined the request to respond. Obviously, in the bus advertising business, you are only as good as you appear on the street. If you are not going to appear good on the streets, you should stay out of it.

Mr. Stanley A. Gertzman, Attorney for Winston Network, Inc., called Council's attention to the letter given them by Mr. Criswell, stating it addresses itself to annual guarantees and minimums which will be paid to the City of Charlotte under the terms submitted by Winston Network. In 1979 they amount to at least a minimum guarantee of \$36,000; in 1980, \$37,000; 1981, \$38,000 and 1982, \$39,000; 1983, \$40,000. It is his understanding from Mr. Kidd in his presentation that the issue has been raised about the difference in money. They are prepared to reasonably match by competitive bid. He stated he understood from Mr. Gantt that this is not a bid process; this is what his client understood also. Therefore, when the proposal was submitted, as far as they are concerned, indicated that it was a proposal and they would subsequently have the right to come before the committee to negotiate a contract. They are prepared at this moment to do that - to negotiate a contract which would be favorable to the City of Charlotte. Some of the language in the request for proposal in the transit advertising contract indicates under length of contract that it is anticipated proposals will be for a three to five year term, and shall be binding on successors or assigns to the party. The word "anticipated" - in terms of payment to the City - "It is expected that payments to the city will be made on so and so." This kind of language does not nail it down into a bid, but a proposal which opens the door for negotiating to the contract, led them to believe throughout that the proposal that would be made would cause the negotiating parties to come forward to negotiate what would be the most favorable attitude for the City of Charlotte resulting in a contract.

That a letter from Mr. Kidd, under date of October 31st, directed to Mark Winston, President of Winston Network, Inc., indicates appreciation for their proposal, but after careful consideration the City has decided to recommend another company. He then says "should the City be unable to successfully negotiate the contract with Nation Wide, or should City Council choose not to contract with Nation Wide, we will be back in touch with you." This certainly indicates that these are proposals that are up in the air; that they anticipate sitting down and negotiating.

He stated that he would pick up on what the Chairman of the Transportation Committee has stated - it is not a bid process; they did not enter into a bid process; they entered into a proposal arrangement; and the only item that Mr. Kidd seems to "lay a heavy hand on" is the amount of money involved. That with Winston's experience - they have been contractors for the City since 1954 - they certainly would appreciate Council's recommendation that they move forward. In further checking into this as to what the status of any proposal or form of contract that may have been proposed already, there are certainly stipulations in the proposal form that the

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City Council for whatever reasons can approve or disapprove - he assumes that Mr. Underhill will verify this.

That what they are asking is merely the right to negotiate a favorable contract with the City of Charlotte with the understanding that whatever bid process or negotiating process would be thoroughly labled out so that the eventual winner in this matter will be the City of Charlotte.

Councilmember Locke stated that both companies raises serious questions about the process of negotiation. She does not think that at this point in time Council is ready to make a decision on this. She recommended that the Mayor send this back to the Transportation Committee to come back to Council with their recommendation.

Councilmember Gantt stated he really does not want the Transportation Committee to get involved in this; that he would like to go back to staff with this because he thinks staff has not looked at a number of aspects of this.

Councilmember Carroll stated that perhaps the confusion has arisen in regard to whether there would be more negotiation, or exactly how it would be handled. This is something that in the future needs to be made clear in whatever is submitted to the people who are being solicited. That at this point they obviously have two good competitors; that they can both do the work from what has been said; that it is incumbent upon Council to get the best contract that they can for the City. He would think that it would be best to defer the matter and request the staff to negotiate both companies and to come back to Council with two contracts and let Council decide which one is the best one for the City's needs. That it seems that both of them want to negotiate and want to do the work.

Mr. Carroll stated his substitute motion: That they defer the matter and that staff be instructed to negotiate with both companies and come forward with the contract which each company considers its best offer. The motion was seconded by Councilmember Selden. He asked if in this respect, would it be feasible to have closed bids on this proposal? Mr. Carroll replied it is something that normally is not done with a professional contract so this would perhaps be the best way to accomplish that end of getting their best offer.

Councilmember Frech stated she is concerned about the fact that the staff seemed to have considered the money; and she is not sure that they have a clear recommendation as to which company they think can best do the work. That the question really is how are they going to meet the aesthetic considerations that the Transportation Committee has addressed themselves to. She would like to have a little clearer statement somewhere along the line.

Mayor Harris stated he had planned to make a comment after Council had voted, but he would like for them to do him a favor - if they pass this motion, to wait until they get the buses parked out here in late January and they can all see if one of those things on the side will be a good thing for the City of Charlotte.

Ms. Frech stated her point is she does not think money alone is the issue here. That she would like more than just two contracts with money involved because apparently they will each try to meet that; but she wants a clearer evaluation of which company can best meet the standards that they want.

Councilmember Leeper stated he really does not like to be in this position. He would like for Mr. Underhill to get with Mr. Kidd and get some other way that they can make sure that they are not put in this position again. He does not like for a company to come up here - Council already knows what their offer is and it will put them in a bad position in terms of trying to come up with another proposal. He just does not like to be put in this position. They are either bidding with these folks or negotiating with them and they should know that.

Mr. Burkhalter stated this is not unusual at all; if it were something that never happened before it would be different. These people have been in this business for a long time and he is surprised that anyone would get up and say

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he did not understand what he was doing. It is always this way - you open your proposals and the man that makes the bottom dollar bid; that is what you stand by. Now, if they want to negotiate the rest of it - they've opened a hundred bids and done the same thing. Several Councilmembers stated this was not bids, but Mr. Burkhalter replied it is the same thing - you just do not bid services, but you open "proposals" on services. You just don't call it bidding; it is the same thing. The point is that you have one here that proposes to give you something for a certain figure; and you give another man an opportunity to lower his bid. That is exactly what you are doing. There is no way you can go back and do anything over. If Council wants them to do that - go through the whole proposal process - they can do it; but they have already put their man on the spot.

Councilmember Short stated a number of the Winston people are personal acquaintances and friends of his, but he just absolutely has to stick with Mr. Buckley's comment that the integrity of the City is at stake. They cannot set up a system like this and then just set it aside when the bids have been revealed. In his opinion, a motion to defer this at all any further is out of order.

Councilmember Carroll stated the difference in what Mr. Short said is that it is not a bid; and as Mr. Kidd has pointed out, the contract has been negotiated, certain terms have been added; that's money. It is just like allowing somebody to change their bid, if it was a bid. So, he agrees with the point, and that was his initial comment, which Mr. Leeper says, that perhaps they need to change the procedure so that when they send out they make sure that people understand that this is it, on the money or whatever, from the start. But, they are in the situation where that has not been made clear; that they need to give everybody a fair opportunity to take a clean swipe at it.

Councilmember Trosch stated that in response to what Mr. Burkhalter said, that in the Transportation Committee and what was brought to Council, it was not just a money item; it was very specific that aesthetics was a very vital part of this and should be given heavy consideration.

Mr. Burkhalter replied aesthetics is more of a problem with him than that - he does not even want the signs. But, if they are going to have them, they certainly would not recommend one that would not look well.

Councilmember Chafin asked if Mr. Underhill had any comments on the procedure that this motion would set forth; it is somewhat unusual? Mr. Underhill replied that he did read the proposals that were sent out to some eleven or twelve companies; that two did choose to respond. That a number of things were asked for by those choosing to respond, including their familiarity and experience with the vinyl adhesive process; the EEOC commitments, and a number of other things. It was fairly comprehensive. That he looked at both proposals, after the matter had been recommended to Council, and both companies did respond to each and every point raised in the proposal. He does not know whether or not it was unclear to the people who were involved that there was going to be further negotiations or not. The background in the proposal stated they were being solicited or requested with a view towards recommending to Council a contract for continuation of bus advertising. It was not a bid; it was a situation where they did not have to bid. But, Mr. Buckley does raise a valid point in that they asked for proposals and both sides did disclose their positions. That apparently there is right much negotiating room in this industry. That legally, he thinks Council can defer this and follow the process this motion proposes.

Mr. Kidd advised that the Winston contract expires December 31; that Council might want to extend that month-to-month or take the advertising off until they select a firm.

Mr. Carroll agreed to incorporate in his motion that the Winston contract be extended until January 31, 1979 - the existing contract, under the same terms and conditions. Mr. Underhill stated they should ask the Winston people if they are agreeable to that.

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Councilmember Cox stated he does not agree with Mr. Burnette's allocation of those funds. First, he thinks the funds ought to be spent for something other than a visitors center.

Councilmember Carroll suggested adding the word "suitable" before "State" in the third paragraph; and adding at the end of the paragraph the request that the Department of Transportation consult with the City Council regarding the site.

The vote was taken on the motion and carried unanimously.

The resolution is recorded in full in Resolutions Book 14, at Page 36.

CONTRACT WITH THE INSTITUTE FOR URBAN STUDIES AND COMMUNITY SERVICE AT UNCC WITH THE CITY AND COUNTY TO PROVIDE PROFESSIONAL SERVICES FOR THE CITY/COUNTY RECREATION CONSOLIDATION STUDY COMMITTEE.

Motion for approval of the subject contract for a total not to exceed \$4,878 was made by Councilmember Locke, seconded by Councilmember Gantt.

Mayor Harris recognized Mr. Jim Whittington, Chairperson of the City/County Recreation Consolidation Study Committee, and former Mayor pro tem, for the purpose of commenting on this item.

Mr. Whittington stated that about two months ago Mayor Harris, and then chairman of the County Commission, Pete Foley, appointed Ace Walker chairman of a committee to bring back a plan to consolidate the Park and Recreation Departments of City/County government. That the Mayor asked him to serve on this committee, along with Harry Cuthbertson, Walter Tucker and Phil Gerdes; there are others to be appointed by the County.

He stated they have had three meetings and anticipate having eight more. They asked for a person from the Institute of Urban Studies at UNCC to help them with the Clegg Report (this is a report done by a man by the name of Clegg on this issue in the State of Georgia). He will also help them in looking at Louisville, Kentucky and Jacksonville, Florida and other southeastern cities to see the best way to do this. That having eight more meetings and depending on this individual from the Urban Institute to do their research, they obviously need a little money. That he has come today and waited all this time to ask for less money than anybody else; he hopes Council will appropriate approximately \$2,500 from the City; that Mr. Walker will go to the County next week and ask for the same amount.

The vote was taken on the motion and carried unanimously.

DISCUSSION OF POLICE PATROL OPERATIONS IN THE CENTRAL BUSINESS DISTRICT.

Councilmembers had received copies of a written report on the addition of more police to patrol the downtown area during shopping hours during the Christmas season.

Mr. Burkhalter, City Manager, stated they will have an opportunity to establish a satellite station on 7th and Tryon Streets. That the thing that will answer this problem downtown and remove more of the fears is to take some real stringent steps toward the operation of parking lots downtown. This is where the problem is and this is where the attention is needed. If Council is willing to "bite the bullet" and write some stringent regulations about how parking lots are operated, getting away from this idea of dropping money in a can and leaving your car unattended. This is where most of the problems occur downtown - people lurking in these lots and attacking people when they come to get in their cars.

He stated Council is not saying they are going to do this; they just did not have time to come up with a firm plan on such short notice. When asked if Council needs to approve it, Mr. Burkhalter replied if this is in line with what they have been talking about, they will just go ahead and do this.



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Councilmember Leeper stated he has not read the report, but when the Mayor asked about it earlier, Mr. Burkhalter indicated that in order to do that they would have to take some policemen out of some other areas.

Assistant Police Chief Charles Adams replied they have some policemen in the field just winding up their on-the-job training; that there are five of these recruits in the Adam Bureau and they will be assigned to Adam I and placed in the business district to close out their on-the-job training. He stated this would be for at least 30 days.

Mayor Harris stated he would like to make sure records are kept of that so that Council could have some feedback on it.

Councilmember Trosch asked about the evaluation; and Mr. Burkhalter replied there would not be much evaluating - with the bus strike this is really not a good time to do it; that the holiday season is really not a good time to do this.

Councilmember Carroll stated that reflecting on the Crime Commission meeting which he attended in District One, the major concern expressed at that time was lack of response and lack of the availability of police when they were needed, and lack of visibility of police. That he is glad they can do this with recruits as part of their training. That when they leave in about a month there may be requests to keep them down there. He thinks they will have to consider that in view of the overall needs of the rest of the community, and in light of the structure by which our policing is accomplished. He recognizes and is very sensitive to the needs downtown, but there are a lot of other needs. Just because they have not heard about them at this particular time - they are out there, and they need to consider the whole picture before moving in any particular direction.

Mr. Burkhalter stated that anytime Councilmembers hear a report about non-response time - all of this matter is documented - he wishes they would give him this information, where a policeman is called and does not respond. All of this is on tape and they can go back and review it and tell them exactly what happened.

Councilmember Short stated that about six months ago Councilmember Cox mentioned that there is a lot of difficulties in parking lots just from being unable to get traffic regulated, etc. - dangerous driving in parking lots. In addition to that, there is the matter which has just been mentioned of assaults in parking lots. That they should consider for their legislative want list some further consideration by the legislature of what he understands as a requirement that you can only have one type of policeman and that is a full-fledged policeman with 200 hours of training.

That in an earlier day there was a scheme where you could have policemen with only a much smaller degree of training and he could be assigned as a deputy or a private policeman just for an individual property. Of course, it was possible to greatly multiply the number of policemen in that way, and it had some effect on moonlighting too. But, the fact is it was possible and they did set up policemen who had authority. That just a few years ago that system was knocked in the head and was not continued because of the tremendous educational requirements you now have to give. That a part of this picture is to consider going back to the earlier plan where with minimal training someone could just operate in a supermarket parking lot or a downtown parking lot and be paid by the people who owned that business and want that security. He hopes Mr. Underhill will keep that in mind in putting together the legislative want list.

Councilmember Dannelly stated he applauds Mr. Burkhalter's looking at the parking lot situation and coming back hopefully with some more stringent requirements for the owners of those parking lots. That there should be some element of safety guaranteed to those people who park their automobiles there. He has seen in other cities where they half-way look out for their customers - they are protected. He sees other things too, possibly. He is sure if the requirements are stringent enough it may drive the cost of parking up a little and this may increase ridership on our buses.

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RESOLUTION AMENDING THE CITY PAY PLAN TO ADD NEW CLASSIFICATION OF ANIMAL CONTROL SUPERVISOR; ORDINANCE NO. 464-X AMENDING THE FY79 BUDGET ORDINANCE TO TRANSFER CONTINGENCY FUNDS TO THE ANIMAL CONTROL DEPARTMENT; CONTRACTS FOR THE PURCHASE OF VEHICULAR EQUIPMENT FOR ANIMAL CONTROL DEPARTMENT.

The following actions were taken to implement the recommendations of the Mayor's Task Force on Animal Control:

1. A resolution was adopted, on motion of Councilmember Selden, seconded by Councilmember Gantt, and unanimously carried, amending the pay plan to delete the classification of Senior Animal Control Officer, Pay Range 11, and adding a new classification, Animal Control Supervisor, Pay Range 11.
2. Councilmember Locke moved adoption of the subject ordinance amending the FY79 Budget Ordinance to transfer funds from the General Fund Contingency to the Animal Control Department budget for a total of \$11,200; and to amend the Table of Organization for the Animal Control Department to delete two Senior Animal Control Officer positions and add three Animal Control Supervisor positions. The motion was seconded by Councilmember Chafin.

The new Superintendent of the Animal Control Department, Ms. Diane Quisenberry, was introduced and welcomed by the Mayor and Council.

The vote was taken on the motion to adopt the ordinance and carried unanimously.

3. Motion was made by Councilmember Short, seconded by Councilmember Chafin, awarding a contract to the low bidder, City Chevrolet Company, in the amount of \$11,190.46, on a unit price basis for two cabs and chasis.

Mr. Robert Hopson, Public Works Director, stated this is a new type truck - chassis and body - in that it is compartmentalized. That way they can bring in six different types of animals at one time. Previously they had an old box and had to put injured animals in with good animals, etc. and it was quite a problem. That if these two prove successful, they will try to secure more during the coming year.

Responding to a question from Ms. Frech, Mr. Hopson stated the old trucks were worn out and were going to be replaced anyway; it was in the budget.

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

The following bids were received:

City Chevrolet Company	\$ 11,190.46
LaPointe Chevrolet Company	11,549.38

4. Motion was made by Councilmember Short, seconded by Councilmember Chafin, awarding a contract to the low bidder, Swab Wagon Company, Inc., in the amount of \$7,450, on a unit price basis, for two animal control fiber-glass cages for installation on the two truck cabs and chassis. The motion carried unanimously.

The following bids were received:

Swab Wagon Company, Inc.	\$ 7,450.00
City Chevrolet Company	7,680.00

Councilmember Trosch reaffirmed Council's thanks to Councilmember Frech and the staff for what has been done regarding the Animal Shelter.

The resolution is recorded in Resolutions Book 14, at Page 37.

The ordinance is recorded in full in Ordinance Book 26, at Page 415.

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RESOLUTION AMENDING THE PROCEDURE FOR THE NOMINATION, CONSIDERATION AND ELECTION OF PERSONS TO CITY BOARDS, AGENCIES, COMMITTEES AND COMMISSIONS.

Councilmember Gantt moved adoption of a proposed resolution amending the procedure for the nomination, consideration and election of persons to City Boards, Agencies, Committees and Commissions. The motion was seconded by Councilmember Chafin.

Councilmember Selden requested that room be made for a white ballot where there is only one nominee. After discussion it was the consensus of other Councilmembers that this was not needed.

Councilmember Trosch questioned if under the present procedure they have an option to vote "no" on candidates? Following discussion, Mr. Underhill stated if you voted by show of hands you obviously can vote no by just not voting when that candidates name is called, but under the present process, he does not believe it is possible.

Ms. Trosch stated she would like that option in the balloting procedure.

Mr. Underhill stated the best way to handle that would be just to put "none of the above" on the ballot. He does not think you have to change this in order to do that. They would just need to revise the ballot form.

Councilmember Short stated simultaneous voting is important, and for that reason, with all due respect to the staff, he does not like this system at all. One of the great things that they accomplished when they went to the paper ballot was the simultaneous voting. Prior to May 29th, there was no simultaneous voting because they took it candidate by candidate. Under this new proposal, they will be taking it Councilmember by Councilmember on an alphabetical type of arrangement. Again, it is not simultaneous. That being at the end of the alphabet, what is going to happen is that he and Ms. Trosch, about 97 percent of the time, will merely be voting for the record - it will be already settled by the time it gets to them. That they should completely re-think this procedure. They should try to have some good, efficient system, but one that still calls for the simultaneous voting. There is no reason why someone on down in the alphabet ought to be affected by what has already been stated by those in the earlier part of the alphabet. He does not like this system.

Councilmember Carroll stated that being close to the top of the alphabet, he can see it differently, but Mr. Short's point is an excellent one. That the problem that concerned Council and the reason they asked for some revision of the procedure is when they were having to vote a paper ballot that had one nominee. That is a small change. They should do that and keep the rest of the system, including the "Charlie Dannelly tie breaker."

Mr. Carroll made a substitute motion allowing a voice vote when there is just one nominee and the option of voting for no candidate; otherwise leaving the present procedure in tact. The motion was seconded by Councilmember Short.

Councilmember Selden suggested that someone look into the feasibility of a set of boxes where Councilmembers could vote simultaneously by punching a button.

Councilmember Chafin stated that Councilmembers are forgetting that the reason they requested this revision was because they were finding that from time to time the system which they had been utilizing was very cumbersome and has resulted in some delays, confusion and some very awkward moments. That staff was merely bringing them a procedure which gives them the option, in certain circumstances, of using the roll call or voice vote. It certainly does not impose this requirement on them; they always have the option of using the paper ballot. She will have to vote against the substitute motion.

Councilmember Trosch stated that as she reads the revision, everytime they have to decide, in another step, what kind of method they have to do in order to proceed to do the method.

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Ms. Chafin stated she would hope that would be a fairly quick decision - unless they have to have a long debate on the merits of voice vote or paper ballot.

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

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

The resolution is recorded in full in Resolutions Book 14, at Page 38.

CITY COUNCIL MEETING SCHEDULE, EFFECTIVE JANUARY 1, 1979, ADOPTED.

Consideration was given to a proposed schedule for regular meetings of City Council to be effective January 1, 1979. The recommendation came from staff in response to a request from Council to alleviate lengthy agendas. Councilmember Chafin moved approval for purposes of discussion, and the motion was seconded by Councilmember Gantt.

Councilmember Trosch stated she has several problems with this proposed schedule. First of all, the County Commission, when that recommendation came to it to limit the television coverage, they voted for gavel-to-gavel coverage because of the need to be open to the public. That she thinks night meetings are important because of the fact it allows most working people to view it and participate in it.- it offers larger quarters.

Another problem she has with the schedule as it is presented, is that it puts a burden on the district representatives. That those who have been to a district meeting know that it takes a great deal to get the citizens involved and out; she would not want to feel that the district representatives would be the one opportunity for the citizens to participate, in a room large enough, in a place conducive to citizen participation. She understands WTVI's problem, but she would hate for this Council to appear to be pulling back on public exposure, pulling back from a nighttime situation when more of the population could be a part of it.

Mayor Harris stated that since he had something to do with this subject, perhaps he should state his views. He has supported the concept of televised meetings from as far back as four or five years ago; he initiated them before district meetings were started, or neighborhood meetings; that all of the meetings they had, Council was certainly responsive to the community. He does not believe there is any question about that. The night meetings he can certainly go along with; they should have them. But, the idea of televising those meetings for four or five hours when WTVI is trying to raise funds to exist - if they want to put up additional funding. . . . But, that is not the only thing - it is the idea of them having enough varied programming - other than seeing Council on four or five hours.

Ms. Trosch stated she can see the transition coming when the access channel is available; she does not want it to appear to the public that they are pulling back.

The Mayor stated the only difference with access is when it comes to evening meetings. If they have four evening meetings every month, he would have no objections; but the point is whether or not they want to tie up the only public TV channel in this community for a whole evening.

Councilmember Selden asked if Ms. Chafin would accept as part of her motion establishing the third Monday for zoning hearings. She agreed but with no separate meeting.

Councilmember Carroll stated that part of the impetus for this came as a concern to have a separate zoning meeting; that he feels that would really be good; and that the comments Mayor Harris made about not being on television but at least having public access by having a night meeting would be good. He would like them to continue with the two night meetings; if they do not keep at least one more a month, they would only be having seven a year which to the normal citizen who works is not that much access to their local government.

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Mr. Carroll made a substitute motion that they continue with the one meeting monthly at the Education Center as well as the district meetings as proposed; but they have one bi-monthly night meeting that is just devoted to zoning hearings. The television issue he would like taken up separately. The substitute motion was seconded by Councilmember Cox.

Mayor Harris stated his understanding of the substitute motion is to have four meetings a month on Mondays as they normally do, with two of them in the evening. In addition, every two months they would have a special zoning meeting on some other night in the week.

Ms. Vi Alexander stated the night meetings for zoning would not work well because the Planning Commission meets following that to make a decision; if the zoning hearings last until nine o'clock they will go home rather than meet that late. The Commission would prefer that the zoning hearings be held on a separate day and that it be done in the morning or early in the day so that they can meet afterwards.

Councilmember Chafin stated she needs to be sure she understood the staff proposal. She understood that if they designate a regular Monday meeting monthly for zoning hearings, that entire meeting would in fact be devoted to zoning, and that they would schedule other agenda items so that they would appear on days other than that particular Monday. They would not continue to try to handle zoning as well as other matters. Mr. Burkhalter confirmed this as the staff proposal.

Ms. Chafin continued by stating her concern about the evening meetings. That clearly the district meetings have been extremely successful; for the most part they have been well attended; for the most part they have helped create this feeling - not feeling, but reality - of bringing government closer to the people. By and large, her experience, after serving on Council for three years, is that this Council as was true with the previous Council simply does not make its better decisions at an evening meeting. That people get tired; they get irritable at times; that when they are sitting there at 11 o'clock they are dealing with important agenda items and they get acted on very quickly, without sufficient discussion. She also thinks that it is an additional imposition on the staff. She really feels that Council functions better in the afternoon meetings. That if they have at least one evening meeting a month, then they can provide the access to the public. She further thinks that it is possible for staff to schedule those items that they could anticipate public input on at that evening meeting and she would hope if they approve the proposal as presented by staff that they would have twelve district meetings; that they would continue to have district meetings each month.

She stated to Ms. Trosch that they do not have to be the elaborate meetings which they have had.

Councilmember Short commented that was a good statement. Councilmember Selden stated he would second everything that Ms. Chafin has said, but would add one comment - they are going to take up the same amount of time with respect to the zoning hearings and the other substance; you save the amount of commuting time, etc. by having it a part of the regular meeting rather than scheduling a separate meeting. That his time is running out.

Councilmember Leeper stated he respectfully disagrees with that. That after four hours, whether it is a night or in the evening, he gets a little irritable; that is a long time to be in a meeting. But, what is even more important is that they make sure that those citizens who ordinarily would like to come when they have zoning hearings have the opportunity to come down and express their views. Some of them cannot come to those hearings if they do not have them at night. That if they have just the zoning hearings at night they will not be as long as they have been when they have been held along with the regular Council agenda. That would be a help in itself. He would like to see them continue to have the district meetings. That he and Mr. Gantt have talked about having the zoning hearings when they had the district meetings, but his problem in that is that he has difficulty himself in finding the places they have had the district meetings, and he can imagine some of the citizens who might want to speak to a particular zoning issue affecting their community, trying to find Lansdowne School or something like that.

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Mayor Harris stated he personally favors the continuation of district meetings the first week in every month. Then on the third Monday if they do not need the extra meeting time, would be a great time for zoning hearings; maybe they can compromise and start at 5 p. m. on that day. That way the people can come after they get off work and it would not be too late when they get through for the Planning Commission. Councilmember Chafin agreed to incorporate that in her original motion.

Councilmember Short stated they should hear from the staff before they do that. Mr. Burkhalter stated that zoning is not a matter that that requires a hundred people; that they have a lot of people who have been sitting here a long time tonight - about twenty-five. Several Councilmembers expressed the opinion that they did not want extra meetings. Mr. Burkhalter stated that many of the department heads do not appear at the meetings until their item comes up and that is because they have speakers in their offices and can follow the meeting there and can work until that time. He stated that staff has considered carefully the amount of planning decisions they have to make and if Council holds those hearings regularly - they can have them every other month and take care of it, but that would not be giving the service to the people that he thinks they should have. Several Councilmembers agreed. Councilmember Trosch felt that 5 o'clock was inconvenient for those with families. A 6 o'clock time was then suggested.

Councilmember Carroll withdrew his substitute motion and the following schedule was agreed upon:

Day	Time	Meeting	Location
1st Monday	7:00 7:30	Citizens Hearing Council Meeting	Electoral District
3rd Monday	6:00	Zoning Hearing	Education Center
2nd, 4th and 5th Mondays	2:00 3:00	Citizens Hearing Council Meeting	Council Chambers

A discussion of televising Council meetings followed.

Councilmember Frech stated the zoning hearings have made the televised meetings so long. That she agrees that they should continue to televise a short meeting. If they hold the zoning hearings earlier and do not start the television coverage until the regular meeting, they will solve that problem. She does not think they should continue to televise four hour meetings including hearings - no one wants to listen to those zoning hearings anyway. She does not want to preclude at this point the possibility of continuing to televise.

Councilmember Chafin stated they could adopt the County Commission's procedure and have delayed telecasts. That also WTVI will soon have the capability of coming out and televising a district meeting. That would be the best. Mr. Burkhalter and several Councilmembers agreed.

Council was in agreement that WTVI could be advised that Council would accept limited coverage - no more than two hours.

The vote was taken on Ms. Chafin's motion to approve the procedure as recommended by staff, establishing the 3rd Monday of each month as zoning hearings, such meeting to begin at 6 p. m. and be held in the Education Center. The motion carried unanimously.

DEED AND EASEMENT AGREEMENT WITH MRS. LILLIAN W. REA FOR THE PURCHASE OF HER INTEREST IN THE SWAN RUN VILLAGE SANITARY SEWER SYSTEM.

Motion was made by Councilmember Short, seconded by Councilmember Selden, and carried unanimously, approving the subject agreement for a total of \$53,500.



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CONTRACT AWARDED WOOTEN EQUIPMENT, INC. FOR ONE MOTOR GRADER.

On motion of Councilmember Cox, seconded by Councilmember Selden, contract was awarded the low bidder, Wooten Equipment, Inc., in the amount of \$44,791.61, on a unit price basis for one motor grader. The motion carried unanimously.

The following bids were received:

Wooten Equipment, Inc.	\$44,791.61
Mitchell Distributing Company	45,687.00
Western Carolina Tractor Company	47,300.00

CONTRACT AWARDED WOOTEN EQUIPMENT, INC. FOR ONE WHEELED TRACTOR, WITH BACKHOE/LOADER.

On motion of Councilmember Selden, seconded by Councilmember Trosch, and carried unanimously, contract was awarded the low bidder, Wooten Equipment, Inc., in the amount of \$19,678.83, on a unit price basis for one wheeled tractor, with backhoe/loader.

The following bids were received:

Wooten Equipment, Inc.	\$19,678.83
Charlotte Ford Tractor, Inc.	20,427.40
N. C. Equipment Company	21,495.00
A. E. Finley & Associates	21,882.00
Case Power & Equipment Company	22,161.05

CONTRACT AWARDED CONTRACTORS SERVICE & RENTALS, INC. FOR ONE RUBBER TIRED, 4-WHEEL DRIVE TRENCHER WITH BACKHOE AND BACKFILL BLADE.

On motion of Councilmember Trosch, seconded by Councilmember Short, and carried unanimously, contract was awarded the low bidder, Contractors Service & Rentals, Inc., in the amount of \$17,950, on a unit price basis for one rubber tired, 4-wheel drive trencher with backhoe and backfill blade.

The following bids were received:

Contractors Service & Rentals	\$17,950.00
Ditch Witch of Charlotte	18,468.50

CONTRACT AWARDED CHARLOTTE FORD TRACTOR, INC. FOR ONE RUBBER TIRED, DIESEL-POWERED INTEGRAL TYPE BACKHOE/LOADER.

On motion of Councilmember Trosch, seconded by Councilmember Frech, and carried unanimously, contract was awarded the low bidder meeting specifications, Charlotte Ford Tractor, Inc., in the amount of \$29,922.60 on a unit price basis for one rubber tired, diesel-powered integral type backhoe/loader.

The following bids were received:

Charlotte Ford Tractor, Inc.	\$29,922.60
Case Power & Equipment Company	30,128.95
Wooten Equipment, Inc.	31,471.78

Not meeting specifications:

A. E. Finley & Associates, Inc.	\$27,120.00
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CONTRACT AWARDED CHARLOTTE FORD TRACTOR, INC. FOR ONE INDUSTRIAL TYPE TRACTOR WITH SIDE MOUNTED AND REAR MOUNTED FLAIL MOWER.

On motion of Councilmember Frech, seconded by Councilmember Selden, and carried unanimously, contract was awarded to the low bidder, Charlotte Ford Tractor, Inc., in the amount of \$14,953.43, on a unit price basis, for one industrial type tractor with side mounted and rear mounted flail mower.

The following bids were received:

Charlotte Ford Tractor, Inc.	\$14,953.43
Porter Brothers, Inc.	15,954.20

CONTRACT AWARDED CASE POWER AND EQUIPMENT COMPANY FOR THREE HEAVY DUTY INDUSTRIAL OR ALL PURPOSE TYPE TRACTORS.

On motion of Councilmember Dannelly, seconded by Councilmember Short, and carried unanimously, contract was awarded the low bidder, Case Power and Equipment Company, in the amount of \$19,300.02, on a unit price basis, for three heavy duty industrial or all purpose type tractors.

The following bids were received:

Case Power and Equipment Company	\$19,300.02
Charlotte Ford Tractor, Inc.	20,841.12
Wooten Equipment, Inc.	21,565.29

CONTRACT AWARDED CHARLOTTE FORD TRACTOR, INC. FOR THREE ROTARY CUTTERS, HEAVY DUTY.

On motion of Councilmember Dannelly, seconded by Councilmember Short, and carried unanimously, contract was awarded the low bidder, Charlotte Ford Tractor, Inc., in the amount of \$2,874.30, on a unit price basis for three rotary cutters, heavy duty.

The following bids were received:

Charlotte Ford Tractor, Inc.	\$ 2,874.30
N. C. Equipment Company	3,285.00
E. J. Smith & Sons Company	4,028.40

CONTRACT AWARDED CHARLOTTE FORD TRACTOR, INC. FOR ONE 15-FOOT ROTARY MOWER.

On motion of Councilmember Frech, seconded by Councilmember Short, and carried unanimously, contract was awarded the low bidder, Charlotte Ford Tractor, Inc., in the amount of \$4,965.51, on a unit price basis for one 15-foot rotary mower.

The following bids were received:

Charlotte Ford Tractor, Inc.	\$ 4,965.51
N. C. Equipment Company	4,985.00
E. J. Smith & Sons Company	5,089.50

CONTRACT AWARDED MITCHELL DISTRIBUTING COMPANY FOR ONE PORTABLE AIR COMPRESSOR.

On motion of Councilmember Selden, seconded by Councilmember Short, and carried unanimously, contract was awarded the low bidder, Mitchell Distributing Company, in the amount of \$8,297, on a unit price basis, for one portable air compressor.

The following bids were received:

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Mitchell Distributing Company	\$ 8,297.00
N. C. Equipment Company	8,814.92
Western Carolina Tractor	9,734.00
Spartan Equipment Company	10,000.00
Contractors Service & Rentals	10,292.00
J. W. Burress, Inc.	14,090.00

CONTRACT AWARDED CONTRACTORS SERVICE & RENTAL, INC. FOR THREE TRUCK MOUNTED, SELF CONTAINED PATCH UNITS.

On motion of Councilmember Selden, seconded by Councilmember Frech, and carried unanimously, contract was awarded the only bidder, Contractors Service & Rentals, Inc., in the amount of \$38,100, on a unit price basis for three truck mounted, self contained patch units.

CONTRACT AWARDED E. J. SMITH AND SONS COMPANY FOR ONE FAIRWAY MOWER, 7-GANG REEL TYPE.

On motion of Councilmember Selden, seconded by Councilmember Dannelly, and carried unanimously, contract was awarded the low bidder, E. J. Smith and Sons Company, in the amount of \$11,644, on a unit price basis for one fairway mower, 7-gang reel type.

The following bids were received:

E. J. Smith and Sons Company	\$11,644.00
Porter Brothers, Inc.	13,750.00

CONTRACT AWARDED RAND CONSTRUCTION COMPANY, INC. FOR SANITARY SEWER CONSTRUCTION TO TORRENCE CREEK OUTFALL, PHASE III.

On motion of Councilmember Selden, seconded by Councilmember Dannelly, and carried unanimously, contract was awarded the low bidder, Rand Construction Company, Inc., in the amount of \$381,840.50, on a unit price basis for sanitary sewer construction to Torrence Creek Outfall, Phase III.

The following bids were received:

Rand Construction Company, Inc.	\$381,840.50
Dellinger, Inc.	385,660.00
Propst Construction	393,733.00
L. A. Reynolds Company	414,569.25
Dickerson, Inc.	415,495.00
Ben B. Propst Contractor, Inc.	425,479.50
Culp Brothers	436,459.00
Blythe Industries	485,880.00
Sanders Brothers, Inc.	491,293.00

CONTRACT AWARDED MURPHY CONCRETE AND CONSTRUCTION COMPANY FOR CONSTRUCTION OF WALK AND DRIVEWAY ON EAST EIGHTH STREET IN THE FIRST WARD URBAN RENEWAL AREA.

On motion of Councilmember Selden, seconded by Councilmember Short, and carried unanimously, contract was awarded the low bidder, Murphy Concrete and Construction Company, in the amount of \$9,500, on a lump sum basis for construction of walk and driveway on East Eighth Street in the First Ward Urban Renewal Area.

The following bids were received:

Murphy Concrete & Construction Company	\$ 9,500.00
Piedmont Grading & Wrecking Co., Inc.	9,995.00

Responding to a question from Councilmember Trosch, Mr. Underhill advised that construction work for less than \$10,000 does not require formal advertising.

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COUNCILMEMBER COX EXCUSED FROM VOTING ON FOLLOWING ITEM.

On motion of Councilmember Carroll, seconded by Councilmember Locke, Mr. Cox was excused from voting on the following item.

CONTRACT AWARDED BURROUGHS CORPORATION FOR COMPUTER EQUIPMENT EXCHANGES TO INCREASE THE CAPACITY OF THE CITY'S CENTRAL COMPUTER SYSTEM.

On motion of Councilmember Locke, seconded by Councilmember Selden, and carried unanimously, a contract was awarded Burroughs Corporation for computer equipment exchanges to increase the capacity of the City's central computer system, for a total cost of \$1,987 per year through December 1981; \$42,497 per year from January 1982 through July 1984; and \$43,449 per year from August 1984 through January 1986, with maintenance service costs included.

RESOLUTIONS OF CONDEMNATION.

1. Councilmember Selden moved adoption of a resolution authorizing condemnation proceedings for the acquisition of property belonging to Ruby Carolyn Love and husband, Lucious M. Love, at the corner of Freedom Drive and Elmwood Circle, in the City of Charlotte, for the Annexation Area 8 Sanitary Sewer Trunks Project. The motion was seconded by Councilmember Short and carried unanimously.
2. Councilmember Locke moved adoption of a resolution authorizing condemnation proceedings for the acquisition of property belonging to Norman B. Horton and wife, Inda H. Horton, located at 6546 Loughlen Circle, in the City of Charlotte, for the Annexation Area 2 Sanitary Sewer Trunks Project. The motion was seconded by Councilmember Short and carried unanimously.

The resolutions are carried in full in Resolutions Book 14, at Pages 40 and 41.

AUTHORIZATION OF CONDEMNATION PROCEEDINGS FOR ACQUISITION OF PROPERTY AT 7700 ALBEMARLE ROAD, DEFERRED.

At the request of City Attorney Underhill, authorization of condemnation proceedings for the acquisition of property located at 7700 Albemarle Road, belonging to Grace E. Cruse, widow; Joseph M. Griffin, Trustee; and Peoples Savings and Loan Association, was deferred.

CONSENT AGENDA APPROVED.

Motion was made by Councilmember Cox, seconded by Councilmember Dannelly, and carried unanimously, approving the consent agenda as presented, with the exception of Agenda Item 23.

1. Change Order No. 1 in the contract with Rea Construction Company to widen Taxiway Fillets and to add supplemental Wind Cones at Douglas Municipal Airport, increasing the contract amount by \$11,991.81.
2. Approval of the following loan agreements:
  - (a) Agreement with Helen Gray Townend, 212 Baldwin Avenue, in the amount of \$6,500, for Cherry Target Area.
  - (b) Five Agreements totaling \$30,775, in Third Ward Neighborhood Strategy Area, at the following locations:
    - (1) 915 Greenleaf Avenue, \$7,300.
    - (2) 1000 Greenleaf Avenue, 7,500.
    - (3) 1001 Greenleaf Avenue, 3,825.
    - (4) 1108 Greenleaf Avenue, 7,250.
    - (5) 1112 Greenleaf Avenue, 4,900.

The five agreements are with MOTION, Inc.

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3. Resolution authorizing the refund of certain taxes in the total amount of \$305.50 which were collected through clerical error and illegal levy against five tax accounts.

The resolution is carried in full in Resolutions Book 14, at Page 42.

4. Contracts for Sanitary Sewer Main Extensions:

- (a) Contract with Vanply, Inc for the construction of 158 linear feet of 8-inch sewer main to serve Vanply, Incorporated, inside the city, at an estimated cost of \$3,160, all at no cost to the City.

Located at the intersection of Chesapeake Drive and Corporation Circle.

- (b) Contract with Spartan Food Systems, Inc., for the construction of 219 linear feet of 8-inch sanitary sewer main to serve Quincy's Family Steak House, 3930 Brookshire Boulevard, inside the City, at an estimated cost of \$7,280, all at no cost to the city.

Located between Linwood Avenue and Hoskins Road.

- (c) Contract with Aladdin Corporation for the construction of 520 linear feet of 8-inch sewer main to serve the south side of the 5600 block of Albemarle Road near Reddman Road, inside the city, at an estimated cost of \$14,300, all at no cost to the City.

- (d) Contract with William Trotter Development Company for the construction of 885 linear feet of 8-inch sewer main to serve Sardis Forest Section I, outside the city, at an estimated cost of \$17,700, all at no cost to the City.

Located on Dulins Knob Court, north of Sardis Road, between Sardis Road North and N.C. 51.

5. Property Transactions:

- (a) Acquisition of 162' x 209' x 161' x 209' of property with a one-story frame residence, from Ronald F. Beck and wife Sandra, at RFD 4, Box 512-F, Wallace Neal Road, at \$21,450, for Besser Drive and Wallace Neal Road Project.
- (b) Acquisition of 1.5' x 1.5' at 501 North Poplar Street, from Karl J. Reid, at \$1.00, for proposed right-of-way of West 8th Street at North Poplar Street.
- (c) Acquisition of 15' x 850' of easement, plus temporary construction easement, at 4335 Rea Road, from T. Leon Rea, at \$1,350, for Annexation Area 5 Sanitary Sewer.
- (d) Acquisition of 7.5' x 304' x 15' x 181.31', plus temporary construction easement, at 4717 Windyrush Road, from Dean B. Davis and wife, Evelyn G., at \$1,180, for Annexation Area 5 Sanitary Sewer.
- (e) Acquisition of 20' x 285.92', plus temporary construction easement, at 2801 Rea Road, from Candlewyck Homes Association, at \$285, for Annexation Area 5 Sanitary Sewer.
- (f) Acquisition of 15' x 483.24' of easement, at 5721 Freedom Drive, from George Ross Summerville and wife, Margaret Hipp Summerville, at \$800, for Annexation Area 8 Sanitary Sewer.
- (g) Acquisition of 15' x 804.19' at northwest corner Toddville and Thrift Roads, from George Ross Summerville, at \$1,000 for Annexation Area 8 Sanitary Sewer.
- (h) Acquisition of 15' x 2.64', at 15.06 acres 5200 block Idlewild Road North, from Brookridge Center, a limited partnership, at \$1.00, for Sanitary Sewer to serve new and old Lawyers Road.

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RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A SUPPLEMENTAL MUNICIPAL AGREEMENT FOR THE AIRPORT PARKWAY TO DECREASE THE COST OF UTILITY IMPROVEMENTS TO BE FINANCED BY THE CITY.

Councilmember Locke moved adoption of the subject resolution, seconded by Councilmember Trosch.

Councilmember Selden asked if this particular letting was not postponed because of cost. Mr. Burkhalter replied that is true, but this agreement is to take the place of a municipal contract, and it is really a good deal for the City - it is only \$1,500.

The vote was taken on adoption of the resolution and carried unanimously.

The resolution is recorded in full in Resolutions Book 14, at Page 43.

COMMENTS BY MAYOR ON AD HOC COMMITTEE ON PLANNING.

Mayor Harris stated that last Monday, in expediting the meeting, he had passed out in advance copies of the Mecklenburg County resolution and that he went ahead and did his part of it by making two appointments. Council was not given a chance at that time to discuss the matter. That if any Councilmembers have anything they want to say on that, now is the time to bring it up.

CONCERNS EXPRESSED BY COUNCILMEMBER CARROLL.

Mr. Carroll asked the City Manager about several things that were in the "pipeline."

Lifeline Proposal regarding Utility Rates - Mr. Stuart reported this study is about three-quarters finished; it should be available next week.

Use of CETA Personnel in Rehabilitation - Mr. Williams stated he would have to check on that.

Sewage Back-Up Problem, Al Cowan - Mr. Burkhalter stated this is probably ready now. He has received the report but sent it back because it did not have the ordinances to implement what was being recommended. That Mr. Underhill has advised it does not need an ordinance.

Report on Liddell Street Area - Mr. Williams stated the Public Works Department is looking at this. Mr. Carroll and Mr. Gannt stated they have gotten a report but it left the issue sort of hanging. Mr. Burkhalter stated he will get a report on that.

Councilmember Carroll stated he would like to have placed on the agenda for the next meeting the questions that were raised in the MOTION presentation about if they are to reapply for the proposals in three or four areas. That he has some questions about some of those areas; that MOTION is exactly right in that they do not want them to spin their wheels if Council thinks the housing might be impacting there. He believes Council should discuss this and respond to the questions they have raised.

Mayor Harris stated that at this point he would like to bring up something that has been "bugging" him for sometime. He is beginning to believe that they need a CD committee on Council.

Mr. Carroll stated they should also discuss a few of the other things that were talked about today, such as a loan program in Third Ward like we have in Fourth Ward; whether they want to do some dollar lots in Third Ward; and other things that they can begin to step into some of these gaps that people are pointing out.

There was no objection to placing this matter on the agenda for next week.

Library for Council Room - Mr. Carroll stated he has received in the mail, as he is sure other Councilmembers have, things like the Revenue Reporter, and books about urban planning. He suggested that a book shelf be installed



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in the Council Room and begin to take some of these publications so that Councilmembers can drop by and read them. That some of them have some good ideas but they cost something like \$100 to subscribe. He suggested using some of the money from the travel fund. Other Councilmembers indicated interest in establishing such a library.

Ad Hoc Committee on Planning - He is glad the Mayor brought that up. That they probably should have discussed it at the last meeting, but things have gone beyond that now and since a report has come from the two appointments, they should move on to that.

COMMENTS BY COUNCILMEMBER SHORT.

Mr. Short stated that he, Ms. Trosch and Ms. Frech had an opportunity in St. Louis to attend a seminar that he thought was very pertinent to Charlotte. It was on how to revitalize a run-down urban strip. That what was basically discussed was what they have done in Baltimore at a place called the Old Town Mall - a block area where all the riots occurred a few years ago. They have now revitalized this strip and the before and after pictures indicated that they did a real good job there.

The first thing they did was have a Run-down Commercial Strip bond issue which was approved; with this bond issue they made funds available for low interest loans to businessmen and landlords in this four-block area. In addition, they used some of the funds from the bond issue to put in public amenities like sidewalks and sewer lines, etc. After making the money available, they passed a "shape-up" ordinance which said that if you did not renovate your building and put a front on it and bring it up to code standards, etc. (give it a new look) within two years, they would fine you \$100 a day. He stated that sounds a little drastic, but apparently this worked - all of the businessmen apparently went along and nobody was fined, and apparently it was quite successful. Nobody went broke. He thinks this is something that Charlotte should consider and Council should ask staff to look into it.

COUNCIL RULES SUSPENDED IN ORDER TO CONSIDER NON-AGENDA ITEM.

On motion of Councilmember Chafin, seconded by Councilmember Locke, and carried unanimously, Council rules were suspended in order to consider the next item.

COUNCIL OFFICIALLY ACTS TO JOIN MECKLENBURG COUNTY BOARD OF COMMISSIONERS AND CHARLOTTE-MECKLENBURG PLANNING COMMISSION IN A COMMITTEE EFFORT TO STUDY PLANNING PROCESS.

Councilmember Chafin stated that she and Mr. Short as Council's representatives to the Joint Committee on Planning have submitted two separate reports because they had no time to get together before this meeting. That the two reports combined will provide Council with an over-view of what occurred at their meeting. She stated that it was a very good organizational meeting; no decisions were reached, but the issues that need to be addressed were clearly identified. She hopes other Councilmembers will have an opportunity to review their reports, as well as the several papers which they will be receiving in the mail. She requested their comments so that when the committee meets again they can begin to formulate their recommendations to be presented on the 18th.

Stating that she and Mr. Short would both feel a little more legitimate if Council took action to officially join with the County Commission in this effort, she so moved. The motion was seconded by Councilmember Locke.

Councilmember Trosch stated that she had been concerned because she thought they were sending people without having action of Council and this put them in a difficult position. But, the efforts that have been made by both Ms. Chafin and Mr. Short had been exceptionally good, and she appreciates that as well as the two reports. It is so crucial in this particular area.

The vote was taken on the motion and carried unanimously.

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COUNCIL RULES SUSPENDED IN ORDER TO CONSIDER NON-AGENDA ITEM.

Councilmember Chafin moved suspension of Council rules in order to consider the next item. The motion was seconded by Councilmember Locke, and carried unanimously.

EXECUTIVE SESSION TO BE HELD IMMEDIATELY FOLLOWING ADJOURNMENT CONCERNING CASE OF RALPH MOORE VERSUS CITY OF CHARLOTTE; AND REPORT ON ALLEGED POLICE DEPARTMENT WIRETAPPING.

On motion of Councilmember Chafin, seconded by Councilmember Trosch, and carried unanimously, Council voted to hold an executive session immediately following adjournment of this meeting for the purpose of receiving advice from the City Attorney about the case captioned Ralph Moore versus the City of Charlotte; and for the purpose of receiving a report and advice from David B. Sentelle regarding the alleged wiretapping and destruction of evidence by the Police Department.

(Councilmember Carroll noted for the record that he had previously been excused from participation in the wiretapping matter.)

COUNCILMEMBER LOCKE EXCUSED FROM MEETING.

On motion of Councilmember Short, seconded by Councilmember Selden, and carried unanimously, Councilmember Locke was excused from the meeting at this point and was absent for the remainder of the session.

CONCERNS OF COUNCILMEMBER LEEPER.

Plans for Cherry Community - Mr. Leeper stated he understands that a proposal may be presented at the next Council meeting about the sale of some land in the Cherry area. He also understands that the Cherry community and the CD Department have come to some sort of agreement about the Cherry plan. He stated he would like to have a copy of that plan before he approves the sale of that land, if at all possible.

The Mayor asked Mr. Burkhalter to send copies of the plan to all Councilmembers in advance of the next Council meeting.

Questions Raised by President of Wilmore in Action group - Mr. Leeper asked Mr. Burkhalter if Council could get a response to the questions raised by Mr. Ernest Grier, president of Wilmore in Action, during the CD hearings, with regard to some houses they needed some help on.

Overgrown Property on Pennsylvania Avenue - Mr. Leeper stated a man stopped him on the street before he came to Council meeting - Mr. Walter Stitt, 800 Pennsylvania Avenue (Phone No. 392-5514) - and said he has been having some difficulty getting some overgrown property close to his own property taken care of. He asked that someone look into that.

COMMENTS BY COUNCILMEMBER FRECH.

Ms. Frech stated she did visit the Baltimore commercial revitalization project. She was very impressed with both that program and their Community Development Program. That she asked the people in Baltimore how the citizens felt about bond issues for this commercial revitalization, and apparently they are very enthusiastic about it. They had no difficulty in passing the bond issues. She was also interested in their urban homesteading program, but that may be something that does not suit Charlotte because we simply do not have the houses to sell for a dollar a piece as they do. She is interested in Council at a later time pursuing the commercial revitalization.

Councilmember Short stated to Mr. Burkhalter that he would like Mr. Sawyer to give Council a report on this.

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CONCERNS OF COUNCILMEMBER SELDEN.

Schwartz & Sons Property - Mr. Selden stated they have had interesting letters which have been responded to on this property; the response was that it would be on the agenda. He asked if staff has any idea when that will be. Mr. Burkhalter replied that he did not know, but he would find out and let Mr. Selden know.

Correlation Committee - He stated that LaFontaine Odom made a suggestion that City Council might want to explore a correlation committee for the Park Bond funds. He was advised that this is on next week's agenda.

ANNOUNCEMENT REGARDING NOMINATIONS.

The Clerk announced that at the Council meeting of January 8, 1979, nominations would be made to fill vacancies on the Civil Service Board and the Zone Wrecker Review Board.

ADJOURNMENT.

On motion of Councilmember Chafin, seconded by Councilmember Selden, and unanimously carried, the meeting adjourned; and Councilmembers went into an Executive Session.



Ruth Armstrong, City Clerk