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The City Council of the City of Charlotte, North Carolina, met in regular session on Monday, February 13, 1978, at 3:00 o'clock p. m., in the Council Chamber, City Hall, with Mayor Kenneth R. Harris presiding, and Councilmembers Don Carroll, Betty Chafin, Charlie Dannelly, Laura Frech, Harvey B. Gantt, Ron Leeper, Pat Locke, George K. Selden, Jr., and Minette Conrad Trosch, present.

ABSENT: Councilmembers Tom Cox, Jr. and H. Milton Short, Jr.

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#### INVOCATION.

The invocation was given by Reverend Jack Bullard, Executive Director of the Community Relations Committee.

#### APPROVAL OF MINUTES.

Motion was made by Councilmember Locke, seconded by Councilmember Trosch, and carried unanimously, approving the Minutes of the last meeting on Monday, February 6, 1978, as submitted.

#### RESOLUTION ABANDONING AND CLOSING AN ALLEYWAY EXTENDING FROM SUNNYSIDE AVENUE TO EAST INDEPENDENCE BOULEVARD IN THE CITY OF CHARLOTTE, NORTH CAROLINA.

The scheduled public hearing was held on a petition by J. Van Hanford & Son, Inc. to abandon and close an alley extending from Sunnyside Avenue to East Independence Boulevard. Council was advised that the petition has been investigated by all city departments concerned with street rights-of-way, and there are no objections to the closing.

Ms. Susan Chrismon, Attorney with Horak, Talley, Pharr & Lowndes who represent Hanford's, stated she will answer any questions. There were no concerns expressed; and no opposition expressed to the closing.

Councilmember Selden moved adoption of the resolution closing the alleyway. The motion was seconded by Councilmember Trosch and carried unanimously.

The resolution is recorded in full in Resolutions Book 13, at Page 175.

#### PRELIMINARY PLAN (PHYSICAL PORTION) FOR THE EXPENDITURE OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS, WITH AMENDMENTS SET FORTH BY COUNCILMEMBER CARROLL, APPROVED.

At the last Council meeting, on February 6, 1978, two motions were tabled for further consideration on today's agenda - a motion by Councilmember Locke, seconded by Councilmember Selden, for approval of the Preliminary Plan for the expenditure of Community Development Block Grant Funds; and a substitute motion, made by Councilmember Carroll and seconded by Councilmember Leeper, for approval of the Plan with amendments as set forth by Mr. Carroll.

Councilmember Carroll stated they discussed with staff at the luncheon meeting today, a significant part of the proposals - where they agree or disagree and what consensus they have. He believes there is a consensus on Council that the City needs to move forward with rehabilitation. It has been a goal of the Community Development Plan for a long time but in some instances it has not been one that has been achieved in each of the target areas. From the comments of the other Councilmembers, it appears to him that they do have agreement that they need to move forward to promote greater rehabilitation in the four target areas that they are particularly concerned with.

He stated the question is how they do that. That they have general agreement that they need to be sure their efforts to allow people who wish to remain in those target areas are able to do so. Therefore, he would suggest that they continue to keep that portion of the proposal which allows for the expanded use of the Family Housing Services to help in that capacity. That is one point of disagreement between his suggestions and what the staff is suggesting.

One of the other major points is how we begin to provide some incentives for those properties which in the past have been owned by absentee landlords who have not availed themselves of the incentives that presently exist under the Community Development program. He stated he has suggested, as an additional incentive, that they use our Code in rem remedies to see that this housing is brought up to standard; that this is a part of the planning process as it goes on so that we will not experience what Mr. Sawyer called "planners' deterioration." For that reason, he thinks it is important that they go ahead and decide that they are willing to experiment, that they are willing to enforce the Code which says that the City of Charlotte is committed to having standard housing for people to live in, and that we do it in these four very selected areas.

He stated he is aware, and some of the earlier speakers have commented on the fact, that very often there is a problem of vandalism and what not in rental houses. That they are dealing with it, though, in four selected areas where we have some of the oldest citizens in Charlotte living; we have people who are in older, more stable neighborhoods where that is not a problem as it perhaps has been in other areas of the City. That they are, in fact, by just dealing with these four neighborhoods going forward and taking the opportunity to see if we can make some real progress here. He stated there is no question but that the Council has reached the consensus that they need to make more progress in this area. This is a tool that they have; that it is one which they do not know at the start whether or not it is going to answer all questions, but one which they can go forward with and see if, in fact, it will not bring some real progress in these areas. That it is certainly worth going forward with in that respect.

Mayor Harris stated they should clarify that the in rem remedy is not a part of the CD area - as far as an official function of the CD area; it is in the Building Inspection area; it is not administered by the Community Development area; Should it be a part of the plan?

Councilmember Carroll stated it is, of course, an eligible activity under the Community Development Act and regulations. It is something which is handled through a separate department. It is something which he has made, in principle, in his proposed amendment, a part of the Community Development plan, for the four target areas. That is so that they can go ahead and see if, in fact, it is going to give them the kind of results that we need.

Councilmember Carroll stated there is one other area that he should mention which was discussed briefly at the luncheon meeting, and in which there is some disagreement - the Cherry plan. The proposal which is in the original green book suggested an alternative that would fund an organization to perhaps perform some of the key parts of our plan - rehabilitation and increasing owner-occupants in that area. He stated that Mr. Sawyer said that he did not think that was perhaps a wise idea; that he saw that as being something that is a governmental function that perhaps we should not delegate to the community organization. He believes we do contract many governmental functions. That we are not going to give the Cherry Community organization the power which only Council can exercise, that is the eminent domain to acquire things. He thinks they can, through this sort of contracting procedure, see that we move forward with what is perhaps very important for what they are trying to do here, and that is really working with a neighborhood to come up with something which that neighborhood really wants and it is their desire and their ability to participate in that plan that is extremely important. They very much feel like that this is something that they would like the opportunity to experiment with to see if it will work.

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He thinks it would be good to include that in their plan. It does not mean that Community Development cannot acquire by eminent domain properties in that area at some point. It just means that that is another option that we feel is a good one to try in that area.

He stated there is one other thing that Rev. Horne spoke about and that is the proposals that are included to insure that the rehabilitation which is done is up to good quality and good standards. He knows that Community Development is concerned about that; that it is good for them to go ahead and put these precepts into the plan; to go on record more or less to speak for what they see as the need to make sure all of the rehabilitation that we do is good for the people who have agreed to have this done.

Finally, he stated they will be in the process of examining all of this more completely when they are presented with the amendments for Third Ward, the Cherry plan and when they are perhaps presented again with some replanning in the Five Points area. He thinks it is important now that they set forth for our own city staff some standards which will guide them in developing these things and which will really promote the overall goal of rehabilitation which they are agreed upon. For that reason, even though he has just looked through some of the staff's response since lunchtime, that the amendments that have been suggested are workable and ones that they should go forward with and he hopes the Council will see fit to adopt them.

He stated, as part of a clarification of his amendment, he did not mean to take into account any of the social service contracts and he would like to leave open for discussion that part of the CD Plan, if anyone wants to address that. The amendments only address themselves to the physical parts of the plan, and he would like to keep it restricted to that scope.

Mayor Harris summarized Mr. Carroll's suggested amendments for the benefit of Council. (1) Rehabilitation, rather than demolishing, as a general policy; (2) Using in rem remedy; (3) The use of Family Services for communication and advice; (4) The Cherry Community Organization; and (5) Have a good quality of work on rehabilitation.

Councilmember Frech stated there are two things she would like to hear more about in this plan - she would like to hear from some of the realtors and also from the Community Development Department, about rent control features in the rehabilitation loan grant plan. She would like to hear from the realtors what will happen if this proposed plan is applied.

She stated that Rev. Battle is present and she would like to hear his comments on the proposed changes related to the Five Points area.

Rev. George Battle stated he has seen the amendments as proposed by Mr. Carroll; that he is here only to represent the interests of the Five Points Community Organization - his church has no interest in that community; it has no houses, no land at all. He serves as the President of the Organization. They had a meeting Wednesday night and also this morning, and they told him to come down and support the CD Plan. Nothing physical has happened in their community and they want things happening in Five Points. They have been talking for three years and they want some action.

The next point, he had the distinct pleasure on Sunday of having Councilmember Frech in his service and Councilmember Carroll touring the area. They were of the opinion that some of the dwellings, especially right around the church, might could be moved onto some of that property. That he has already expressed this to the CD Department and also to Council. They are of the opinion that they will not be talking about things that are going to hurt their community because if other Councilmembers were to be in their community where he took Mr. Carroll and Ms. Frech to see some of the conditions, they would concur that the best thing that could happen to upgrade their community and make it a viable part of the city and to keep the people in Five Points, would be some demolition, and also some rehabilitation.

Councilmember Frech quoted from Mr. Carroll's amendments: "the entire plan for Five Points shall be redrawn with residents' participation according to the same procedure described in the part on Third Ward . . ." She stated

that Community Development responded that perhaps if that is done, it would be wise to continue with the CD Plan for the area that is west of Beatties Ford Road, but redraw the plan for the area east of that point.

Rev. Battle stated he does not know what CD has proposed and he cannot comment to that particular point. All he knows is the fact that he does not see how much more participation you can get because every time CD has been out there with those plans - four different times - the people themselves told CD what they wanted. He stated he kept hearing this Council say that people are saying they did not want these things, so he called a meeting Wednesday night to find out if he was, in fact, trying to perpetuate something that they did not want. These are the feelings that they expressed and he would welcome any of the Councilmembers to go out there and check it themselves. He stated that some of the houses that are slated for demolition, the tax value on them is \$1,000. How in the world can you spend rehabilitation money to revamp a house with a tax value of \$1,000 and make it worthwhile?

He stated there are other problems in the Five Points Community that he does not think they are addressing that relate directly to the quality of living. They have terrible flooding problems in that area, and they have invested quite a bit of money from his church with the anticipation that some improvements were going to be made. They were all under the impression that these completions and some of these physical activities were going to get underway by the time their building was completed. Their building is almost completed and they still have the same problems. That they might see him up here in a few more days asking for relief from some of those problems.

Councilmember Gantt stated to Rev. Battle that the reason Council had requested that he come was that they have had two Councilmembers talk with him with slightly differing viewpoints. One Councilmember suggests that the plan does not really reflect the potential for the neighborhood; the other, as Councilmember Frech has indicated and his response supports, is that the community is very much in accord with the present CD Plan, which in essence calls for some improvement on the west side of Beatties Ford Road, in the area where Rev. Battle's church is; that those improvements have already started. The present Plan provides for substantial demolition and tearing away of that portion on the east side of Beatties Ford Road, below the University.

He stated he thinks Mr. Carroll's point is - can we go into that community and save most of the houses in there through a very well done rehabilitation program; as opposed to what the Plan - the plan his neighborhood group approved - which calls for total demolition of that community? That the debate here is should we save some of these that are worth saving, demolish some of the others; rehabilitate those which we can rehabilitate so that the essential character of that community will be about the same - single family housing in the same location.

He stated he is interested in knowing whether or not Rev. Battle is saying yes, we go along with the CD Plan that we have at present, but that maybe we have a different interpretation of what is going to be done on the east side of Beatties Ford Road. He asked Rev. Battle what is his interpretation of what is going to happen below Johnson C. Smith University?

Rev. Battle replied it was his understanding that even in the last Council meeting, when the proposal came up, that he went back and talked with Mr. Sawyer and his staff about what was going to happen with that particular area. That he also found out since that time that most of the property in that area belongs to Johnson C. Smith; that he also carried this information back to the community residents; that he felt that he should not get involved with trying to influence a decision there because the land belongs to Johnson Smith and he felt like they should be the ones to decide what they want to do.

Councilmember Gantt stated what he is trying to say is, is the neighborhood - the Five Points Community - in agreement that that property below Johnson Smith, on the east side of Beatties Ford Road, be demolished? Do they

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understand that. That Council has gone through that - a year ago about this time they talked about the number of demolitions and they all agreed that there were many houses in there that are sub-standard and need to come out - density problems, drainage problems, what have you. Is the Five Points Community in agreement that that entire area be cleared?

Rev. Battle stated he just expressed it the way it was told to the people at that meeting; they brought maps and pointed out every phase to the Five Points organization; that he only chaired the meeting and the CD staff pointed out to the people what was going to be acquired. That naturally he was only interested in what was going to be taking place right around the area that affects him the most. But, the people there after the plans were presented, asked questions and voted for it; that is all he is here to say. He stated he is not as familiar with all of the details of demolition as probably he should be. All he knows is he is representing the interest of that community at this point because that is all he can do.

Councilmember Frech stated the green book says that during the period 1979-1981, 237 properties will be acquired, 198 families and individuals will be relocated and about \$900,000 spent for public improvements - she knows that is what the community is interested in, drainage, etc. to get rid of water in the streets and in the church yard. Then it says they expect to rehabilitate approximately 160 homes. She asked Rev. Battle if that pretty well fits with what would suit the community and the number of people who want to live there?

Rev. Battle replied he contends that they can relocate everybody that is going to be affected at Five Points back into the community if they have rehabilitation simultaneously with the demolition. That what he means by that if you tear down a house you have one that is being rehabilitated at rent people can afford, you can keep people right in that community. He can cite seven houses on Campus Street that can be rehabilitated on the basis of what is sound that possibly are all of the people who are going to be moving from Cemetery Street can live in. He also feels that there are houses on this side of town that possibly could be moved onto sites that are going to be cleared on Cemetery Street. The economic feasibility of moving those houses might become a problem, but he does not think it will be as major a problem as moving the people out to another community, transferring the problems somewhere else.

He stated they are not trying to get rid of anybody in Five Points, but they do want their community to be the best possible community it can be. He contends that statistics are irrelevant here because people are moving in and out of Five Points so much.

Councilmember Carroll stated he has a concern that is sort of isolated. That not as much the side of Beatties Ford Road where the improvements are to take place, including the area on Cemetery Street, but the other area that they drove through, suppose all of that is slated for actual demolition. It amounts to about 200 and some families, of the 600 and some who are supposed to live in the Five Points community. He has heard from people in that area who perhaps have not participated to the extent in the community organizations that they should have, but very often Council hears from people a little late. He knows how anxious Rev. Battle is that the Community Development program begins to move forward. Does he feel that if Community Development moves forward with the plans that are already approved for this side of Beatties Ford Road, including perhaps some moving of houses as well as some demolition on Cemetery Street and some of the other places they looked at, and the Community Organization took another quick look at the plans on the east side of Beatties Ford Road and decided that is what they wanted to do with it, does he think that would be acceptable?

Rev. Battle stated for the record that he is not here representing Gethsemane AME Zion Church - he would not be that selfish. Also, for the record, that he has nothing to gain, nor lose, if Council rehabilitated every house in there and spent \$30,000 on every house. Thirdly, every resident of Five Points, when they have meetings, is given a notice. That he or a staff member carry these on their own time to inform people about meetings. That some people do not want to meet there because of various economic reasons

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and things of that nature, and others just do not take the time. That he is here today, not to represent George Battle, but he is here saying to Council what the organization told him to say. That they have just as viable a community organization as any CD target area they have in that booklet. He feels badly that somebody feels that they do not know what they are doing. They went into this thing with good faith that the improvements were going to be made to their community that everybody could live with, and now all of a sudden, everything is so questionable.

Mayor Harris stated the Council is not really questioning this. It is just a matter that this year, hopefully, Five Points is finally getting off the ground after three years; and the plans that Mr. Sawyer and his people are working on right now are physical improvements. That the housing question is coming up next year - the rehabilitation versus demolition. This is not going to slow down the other things that are going on as far as going forward with the physical improvements this year.

Rev. Battle stated he would be willing to call all of the people from that side of town this afternoon - get them a notice - and let them meet and decide; have Council send any representative they want to and let them express their wishes at this point.

Mayor Harris stated he does not feel that Council is saying it is an urgent matter that this has to be done. It is not going to be done in this fiscal year they are talking about - the housing. He stated the important thing is that the message has gotten to the CD staff that we are going to try to rehabilitate houses.

Rev. Battle stated he contends that there are houses that can be rehabilitated, that they all agree with that; there are houses that should have been torn down twenty years ago.

Councilmember Carroll stated he would like to amend his proposed amendment, with Mr. Leeper's concurrence, where it says the "entire" plan for Five Points, let it say "the plan for Five Points east of Beatties Ford Road." In this way those things which are actually scheduled to occur in this next fiscal year on the west side of Beatties Ford Road, the community will know that they are not slowing those up. That Council wants to do whatever they want to do on the other side, but they have gotten some mixed messages and since it is a year off in the funding, they will take another close look at it.

Councilmember Leeper agreed to this change. He stated to Rev. Battle that he believes he and Council are saying the same thing - that they want to evaluate housing on an individual basis to determine whether they can be rehabilitated or not.

Responding to Councilmember Frech's request to hear from someone representing realtors, Mr. T. R. Lawing stated that so they can be sure they understand since Councilmember Carroll has been pushing for the use of the rehabilitation program, he would like Mr. Carroll to describe to them what the low-interest loans do as far as rent controls are concerned.

Councilmember Carroll stated in target areas 3 percent loans are available for fixing up houses. Mr. Lawing stated that is correct, in return for the owner agreeing to not increase the rent above what half of the cost of living index is, or some national deal - if you have something that rents for \$60 a month, you could spend \$5,000 on it and the most you could raise the rent would be \$3.60.

Councilmember Gantt stated he does not know if it comes out that way, but he does recall that the previous Council did deal with this issue and there was some relationship between the cost of living index and 25 percent of the income. Mr. Lawing stated they have had owners tell them they have not used the program because it implies a rent control on their property.

Mayor Harris stated it does, to a certain extent. He does not know about the mechanics of it.

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Mr. Sawyer stated the mechanics of it were that they would get appraisals to determine the fair market rent at the outset, and then the increase would be 50 percent of the annual cost of living increase as reported by the Commerce Department.

Councilmember Gantt stated, in other words, a fair return for the initial capital investment made determined the rent that was appraised based on the value of the property at that time. Mr. Sawyer stated, the fair market rent after rehab. Mr. Gantt stated the subsequent increases would be based on half of the cost of living index? The answer was yes, \$3.00 a month.

Mayor Harris stated if you had something worth \$10,000 and you put \$10,000 more into it, are they saying that if they are getting \$30.00 a month before you could not get \$60.00 a month after that? Mr. Lawing replied you could not get as much return on your investment.

Mayor Harris stated Council has had questions at prior meetings as to why the loan program is not working and Mr. Lawing has just answered the question - the economics do not work out. Mr. Lawing stated that is the answer to it.

Mr. Lawing stated another thing - and Mayor Harris has told them they should have been here earlier and he agrees, but they did not know this was in the plan until Friday - is "as to all deteriorated houses that are absentee owned owners will be notified." They think the four words "that are absentee owned" should be scrapped. Why should absentee owners be any different from any other owner? That puts an unfair burden on Mr. Jamison to enforce.

Councilmember Carroll stated the reason for that is very clear; the owner occupants have availed themselves of the CD program, it has only been the absentee landlords who have not. Mr. Lawing stated then he would have no objection to scratching that? Mr. Carroll replied it would be no problem at all.

Councilmember Gantt stated he is still not clear as to what Mr. Lawing's reason is for why it is not economically feasible if he is going to put that much money in it. Does he think he cannot keep a tenant?

Mayor Harris stated perhaps he can answer that. That to put another \$5,000 to \$10,000 into a house does not mean the market is going to be such that you are able to raise your rent sufficiently to get a proper return off of that additional investment.

Councilmember Gantt stated that is what he is asking - is he saying that the tenant would not be able to pay the rent that he would have to have?

Mayor Harris stated that is the failure of the program at this point? That is why the landlords do not use the money? Mr. Lawing replied yes.

Councilmember Frech asked if the owner does not want to participate in the low interest loan program, and the City goes ahead and employs the in rem remedy and makes the repairs and bills the owner - puts a lien on the house - then what will happen? What will the owner do?

Mayor Harris stated the basic question that Mr. Lawing and Mr. Berryhill have addressed is that if they are going to have a law, they should enforce it. The question is whether we should have the law.

Mr. Lawing stated they come into degrees on this; that an attorney told him today that quite often, in searching titles, he will see where a lien has been placed against them by the City for cutting grass on their property. He instructs the seller to pay this lien and the seller does this. It is generally not a problem. But, if you have a \$10,000 lien, or a \$5,000 one, when you get up into big money, he believes there would be a lot of litigation over it.

Councilmember Selden asked if the cost of providing a heating system that meets Code standards is the major part or the minor part of housing brought up to Code?

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Mr. Lawing replied it is a minor part, but the economics again do not work here. He had one on Jackson Avenue recently that has a heating unit in it and the Piedmont Natural Gas deposit, based on past experience, is \$250 that the tenant had to pay before they could have the gas turned on. So, they did not pay to have the gas turned on; they put their circulators in and burned wood or whatever in them. It is rather complicated. They have a lot of units that have forced hot air systems in them that are not being used by the tenant because he cannot afford the utilities. This has been a practice in the community through the years - the tenants move their own heating units with them wherever they move - from one unit to the other.

Councilmember Selden asked what percentage of the low income housing that Mr. Lawing manages is heated by units that he had installed or vice versa. Mr. Lawing replied only 2 or 3 percent is furnished by the tenants, a very small part.

Councilmember Leeper asked if Mr. Lawing would say that it has probably been a practice for tenants to purchase and move their own heating system because indeed the landlords have not provided it? Mr. Lawing replied it has been a practice primarily because they are looking for the lower rent. That a unit that has the forced hot air heating system to each room has been out of their economic reach - this has generally been the case.

Mr. Lawing stated they are, of course, participating now in Section 8 programs and this is good. They have many people renting from us as private owners that are getting subsidies on their rent. This is fine. They can put heating units in them and bring them up to every code that the City has. They get checks from the government, and checks from the private people, in working with them on the Section 8 program.

Councilmember Chafin stated one of the questions that Council has been struggling with in reviewing the Preliminary Plan particularly with respect to their concern for preserving houses has been the suggestion that perhaps the "carrot" that they have handed out to the absentee landowners has not been sufficiently sweet enough to insure that the houses in these target areas have been brought up to Code; that our Code enforcement policy and our loans and grants policy, therefore, has not worked. There has been the further suggestion that with Mr. Carroll's in rem remedy proposal, they are now talking about using the "stick" approach. She asked if Mr. Lawing would comment on that as to what this Council needs to do relative to a policy in this area that will be sufficiently attractive enough to the landlord to insure that this housing is brought up to Code so they can preserve it, short of using the stick approach.

Mr. Lawing replied he wishes he had the answer to that. He stated the vandalism is still their biggest problem - as it is in the school system and everywhere. He was pleased to read in the paper recently that there has been less glass broken lately; that perhaps there has been less vandalism. But they have been struggling with the Watts syndrome, or whatever. They had this years ago; they have had their places just demolished, they would not believe how they tear out the electrical switches and everything. If they could have some additional policing or protection of the homes, this would go a long way.

Mayor Harris stated that Council will be talking about a housing strategy or trying to come up with a housing policy to work within the framework. That it would be very valuable for the realtors or the landowners to have input into these recommendations. That Council has been struggling with this situation and it is still unresolved. Mr. Lawing replied they would be happy to be there.

Councilmember Trosch asked if she heard Mr. Lawing correctly; that he would concur with the provisions of Paragraph 4 except for the phrase "that are absentee owned"? Mr. Lawing replied they are living with that now; it is the law today. It is not being enforced. Ms. Trosch stated that is what she is saying, the enforcement of it. Mr. Lawing stated if all other remedies have been tried, he thinks it is legitimate to have that stick there perhaps. That Mr. Sawyer has been very patient, Mr. Jamison has been



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very patient, in rehabilitating. But, he does not think the property owners will stand being pushed much harder than they have been pushed. They can still have that as a last resort.

Councilmember Gantt asked about something Mr. Berryhill said in the Citizens Hearing about bringing housing up to Code. Mr. Lawing stated he cannot speak for Mr. Berryhill but under his own interpretation, the owners are bringing things up to Code; that Mr. Gantt being an architect knows that they are referring to existing housing codes. If he has a house out there that is forty years old, he does not have to bring that up to the same code as if he were building a new house today. He understands that, and he can live by that. He believes Mr. Berryhill's thinking of it was that there is some movement or effort to make them bring it up to the same code as you would if you built a new house.

Councilmember Gantt stated even on our old housing, does not our Code call for a heating system? Mr. Lawing replied all it requires is that a thimble be furnished.

Councilmember Gantt stated he believes that Mr. Lawing and everybody else just wants to see that we have uniform enforcement throughout the community. The question is whether or not they are talking about the same code.

Mr. Bill Jamison, Superintendent of Building Inspection, stated the Code speaks to the point that a house must be capable of being heated to 70 degrees on the inside when the outside temperature is 30 degrees. This can be accomplished in a number of ways - with a central heating system, a circulating system centrally located, or maybe a couple of circulating systems within the house. Either one is acceptable. He agreed that it does not speak to who furnishes it; or it does not say whether the house is forty years old or one year old. That the same requirement is there for both types of homes. He stated the housing code is less stringent than for new structures.

Councilmember Selden asked Mr. Jamison, of the vacant housing that they inspect - the low income housing - what share of that would he say has no heating system in it? Mr. Jamison replied basically their inspections deal with housing that do not have central heating systems in them, the majority of them.

Mayor Harris asked him to clarify that. He asked if they do not inspect every house that is repaired or built? That he is not saying that all of the houses that they inspect, or the majority of them, do not have a heating system? Mr. Jamison replied that low income housing, the vast majority of them do not have central heating systems. They have circulating systems with the pipes going into the flue.

Councilmember Selden asked if it is true, as far as his experience is concerned, that the majority of the tenants in low income housing provide their own heat? Mr. Jamison replied they furnish their own heating systems.

Councilmember Trosch stated she heard Mr. Lawing say that the Code does not speak to who provides the heating. Mr. Jamison stated the ultimate responsibility is on the owner to provide this heat, but the contract between the owner and the tenant, of course, his department does not get into that, so long as they have the heating system.

Councilmember Leeper stated that Mr. Underhill was looking up the Code and he wonders if that is the wording. Mr. Underhill stated what he said was correct, he does not disapprove of a thing he said. That the minimum housing code is not as stringent as the various codes by which new housing is subjected to today. It takes into account that there is going to be existing housing rather than new construction.

Councilmember Leeper stated then it is just a question of interpretation as to who provides the heating? Mr. Underhill replied that the ultimate responsibility does rest with the owner; that the owner, through some lease arrangement with the tenant can make other arrangements. That Mr. Jamison is there to see that the heating is being provided in accordance with what the Code requires. If it is not there, ultimately he has to go to the owner to seek some remedy for that condition.

Councilmember Carroll stated he is willing, with Councilmember Leeper's approval, to amend his proposed amendments so that the words "that are absentee owned" are deleted. Mr. Leeper was in agreement, but responded to the motion by saying that it seems to him that it is the philosophy that they are trying to portray in reference to how they are going to go about assuring that housing is built. It seems to him that the philosophy of the amendment that Mr. Carroll proposed coincides more with the way the Council thinks as opposed to the current plan, and he would suggest that Council support the substitute motion.

Councilmember Dannelly stated it is his understanding that they seemingly agree on a lot of points. That in their discussions they also indicated that this is a preliminary plan and other amendments could be made if necessary. That they can still have a chance to do whatever they find would need to be done; that he urges the support of that so that not only do Councilmembers but citizens as well know that the preliminary plan as originally presented is not the plan that will necessarily be.

Councilmember Locke asked Mr. Carroll if, in this amendment, he is saying specifically that the Cherry community will get the Community Development funds to do as they wish for rehabilitation - use them as a non-profit organization? That she cannot support that.

Councilmember Carroll stated that is included and would certainly be his intention that would be pursued as something they would try to develop. It is not set down on any particular scale at all but it is an alternative that will be pursued.

Ms. Locke stated she cannot support that; they have no plans - the only plan they came to Council with was for \$10,000 - and she did support that, as a grant. She will support the main motion.

Councilmember Dannelly asked if it is possible for funds to be held aside until a possible plan is presented?. Mayor Harris replied it would be absolute he is sure; that he can speak for Mr. Sawyer and Mr. Burkhalter right now. That we are not going to probably be spending money to non-existent plans; and he is sure that the residents in Cherry are certainly not going to be wanting to come to Council to ask for funds until they have a plan. That the format of how they would wind up communicating or funding this, if Council approves it, would be certainly approved by Council at that time. It is not an open-ended check. He asked Mr. Dannelly if that answered his question?

Mr. Dannelly replied he is really not so sure. That he said it would be absolute, but he is not so sure he understands. Mayor Harris stated this is a preliminary plan - the plans right now are saying, if Mr. Carroll's motion is approved, he is asking that the Cherry organization be used as a non-profit organization. Then the plan is approved and comes back, but as actions are taken by Council, before any funds would ever be dispersed to anybody, it is going to come back to Council and say, this is an amount of money to do thus and so and they have a right to vote it up or down at that time. Mr. Burkhalter stated that was right, but of course that is true of the whole thing.

Mr. Dannelly asked if they are saying that if the non-profit neighborhood organization came up with a plan of contracting services, Council could do this? Mayor Harris replied this plan, as Mr. Carroll has put in his motion, is just a guideline in effect saying this is our intention to do. The door would be open for this if Mr. Carroll's motion carries and is put into the plan. He asked Mr. Burkhalter if that is his understanding.

Mr. Burkhalter stated before they vote on this, he hopes they will let Mr. Sawyer speak to the problems he may have with it. That he has one real concern about the language - that is, the reference to First Ward funding. That they have made so many commitments to the schools and other people and this thing has been in the courts so long he would hate to see anything done that makes any reference to First Ward. There may not be any problem with it at all, but he would just hate to see anything that might get people all upset and concerned again about First Ward.

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Mayor Harris asked Councilmember Carroll if there is any possibility of deleting that? Councilmember Carroll stated he does not have any problem with that except that he would like for them to take into consideration the possible use of that money, once it becomes recycled.

Mr. Burkhalter stated they have talked about this, it is something that he would like to see. Just do not get everybody all excited about First Ward.

Mayor Harris stated it is hard to be too specific in a general plan.

Mr. Burkhalter stated staff has no problem with what Council wants to do, but he would like for Mr. Sawyer to speak to the matter - if Council does this, what he is going to have to do.

Mr. Carroll stated in response to Ms. Locke's remarks that whatever the Cherry plan ends up being, Council will have a chance to give it a close scrutiny. That he does think that using the neighborhood organization, something which is encouraged by the 1977 amendments to the Community Development Act, is something that could be an exciting experiment for Charlotte to work with. He knows Mr. Sawyer has some problems with it and he does not want to see things being delegated that should not be delegated, but he thinks they have precedents for doing that.

Ms. Locke stated she also has problems with that. That she would, frankly, like to see Council give them the \$10,000 to see what they could do with it. Then, maybe she would be more amenable to funnelling through them - but not now.

Mr. Sawyer, Community Development Director, stated on the First Ward funds and what has already happened to some of those funds, previous Councils have allocated about \$820,000 of those funds already for closing out of Urban Renewal projects. They have made other proposals in this Preliminary Plan for use of some of those funds. One of their proposals is that with the money that remains, they purchase the one block of property north of the First Ward school - Ninth Street School - and clear that. It is primarily developed with an old factory. That will do two things as far as the City's interests are concerned. One, it will improve the environment right across Caldwell Street from the 25 units of housing that we are building. That he thinks that housing deserves that kind of environmental improvement.

The second thing is that the land once cleared, is planned to be sold to the School Board to increase the campus of the Ninth Street School. That will take about all of the money there is. That what Mr. Carroll is proposing is that once that land is sold (Mr. Carroll interjected and once the Urban Renewal money comes back from the Federal Government). . . Mr. Sawyer stated the Urban Renewal money is coming back from some of Brooklyn, downtown, Greenville and First Ward. It may be a substantial sum of money - they do not know - but Mr. Carroll's motion is that all of that go to Cherry, and that Council earmark it at this time. He does not know if that has been highlighted or discussed, but he thinks that Council should consider that.

Councilmember Carroll stated that what he agreed to was that he is willing to delete any reference to using part of that money for Cherry and/or part for the extension of the North Charlotte Target Area. There were three streets up there which Council had a request to be extended. It was just that they put that into the planning process as a way to use that money once it comes back. He agreed to take it out so that it would not further complicate the plan. That if Councilmember Leeper is agreeable he will ask that his plan be amended to do that.

Mayor Harris asked Mr. Sawyer to address, for the record, any other concerns that he has brought to Council by the memorandum he gave them earlier.

Mr. Sawyer replied all of their recommendations are included in the memorandum. Mayor Harris requested that the Clerk include Mr. Sawyer's memorandum as part of the Minutes, because he thinks it is important that his concerns and interests about the various points of the proposal be a matter of record.

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Mr. Burkhalter stated what he is asking of Mr. Sawyer is if this resolution passes now, what is it going to do to his application? Would he have to amend his application?

Mr. Sawyer replied yes they would; that it is policy; once this is approved it is Council's policy. They would try to implement that policy through the application; in the application they would spell it out in those statements that they have to make concerning the long range goals and objectives, the short range goals and objectives. The problem is really coming when they have to put money in the various line items on the form - that is a problem. It would be almost an arbitrary decision to do it within the time frame they have to work with, if they are going to get the document back to Council for approval on the 27th. They will do as much of it as they can and can certainly include the statements that implement this policy for the next year.

Councilmember Chafin asked if it is not true that even if Council approved and filed an application after the 27th that some revisions can occur in that application while it is in the review process by HUD? Mr. Sawyer replied yes. That Mr. Joe Michie and Mr. Tom Martin are the two staff members who are authorities on the rules and regulations; that Mr. Michie has stated they can move any amount in any line item up to a maximum of 10 percent, without amending the application. But, they can amend the application, or any other part of the plan, at any time except that if you exceed that amount, that HUD has to approve it. He stated they may not have any problem with that; that HUD generally regards this program as a local program, even though it is federal money.

Mayor Harris stated the most important thing is that unless we have an application by March 1st, this is all a mute point. Mr. Sawyer replied that is right.

Councilmember Chafin asked that Mr. Sawyer share with the Council an exchange that he and she had earlier when they discussed what the preliminary plan really is in terms of being primarily a guide - an internal document - to staff.

Mr. Sawyer replied the preliminary plan is the policy statement to staff from Council concerning what Council wants to do, those activities that Council wants to engage in to the degree that it is written in there. The way they want to engage in those activities in spending the money for the next three years.

Councilmember Leeper stated Mr. Sawyer indicated a concern about the Cherry proposal, as well as Councilmember Locke. That he is trying to feel out where his real concern is as far as that is concerned - the second step in terms of the non-profit corporation. Would he have any specific problems if the Cherry Community Organization was set up on that basis and they came to Council and said that they had worked out an agreement with the owners of the properties, that they had 85 houses that they were ready to purchase and they had worked out a settlement for \$115,000 whereas on the other hand if we had to get appraisals from Community Development it might cost us \$315,000. Would he have any problems if they could work it and they would come back on individual requests as they worked the agreements out with the property owners?

Mr. Sawyer replied no, if it would save that much money. He stated his real concern is the Federal law has put the burden on the City to comply with the 1970 Uniform Land Acquisition Policies Act which spells out how you acquire property. His concern is that the Federal establishment will interpret this as a circumvention of that and we might be challenged on it. That is one concern; the other concern is that they have had a lot of experience in acquiring property, and he does not know what credentials this organization has, what experience it has in acquiring property. That knowing of none, although it may be there, he questions whether or not a function that the Community Development Department is experienced in ought to be transferred to another agency that apparently is inexperienced in order to acquire land. He understands the concern; the concern is that when the City buys

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land it apparently pays inflated prices - he says apparently; it pays appraised prices and also when they go to court in condemnation cases, almost invariably, a higher award is made. That this is well documented - everytime they go to court, they lose about a third more money - in court costs, increased award to the property owner and legal fees. They keep track of this and can show them. His question is if appraising property and negotiating on the basis of the appraisals is fair, then they ought to do that; if negotiations fall down and they cannot buy a property on that basis, they go to court and let the court, an impartial body, make the decision. The court, almost invariably, says the City is paying too little, you ought to pay more. He does not know how a community organization can go in and negotiate for a lesser price. But, he could be wrong.

Councilmember Trosch asked if when they vote on this as Councilmember Carroll suggested, are the human services a part of what they are voting on?

Mayor Harris replied they voted on the HAP; they are voting on the physical improvements now; the human service area would be the next area they will talk about.

Councilmember Chafin asked Mr. Sawyer if Mr. Carroll was willing to delete his reference to the neighborhood organization in Cherry, would he be comfortable in going back with the original language in the Preliminary Plan which refers to the use of the neighborhood corporation as an alternative? In other words, go back and continue negotiations with the neighborhood organization. She stated his memo clearly recommended against that; that some of them are a little bit uncomfortable with Mr. Carroll's proposal as really tying their hands. On the other hand, they would like to see that option pursued with the neighborhood organization.

Mr. Sawyer replied they recommend that. Mr. Tom Martin of the CD Staff stated they recommended that the Community Development Department purchase property and rehabilitate Cherry; they did not recommend funding the Neighborhood Based Organization. The requirements for funding Neighborhood Based Organizations have not been published. One of the conditions in the regulations states there will be specific requirements concerning the administration of these block grants to Neighborhood Based Organizations. They are not sure what kind of requirements we will have to put these Neighborhood Based Organizations under to spend the money. He understands what Ms. Chafin is saying, that we should continue to explore it; but he also wants to qualify it by saying the regulations have not come out yet what restraints will be placed on the Organizations.

Ms. Chafin stated these regulations should come out within the next month, according to the information they have received. The point is that they should come out during the period of time when they are completing the Cherry plan to be brought back to Council for recommendation. She is trying to leave the door open.

Mr. Sawyer stated they would be willing to leave the door open.

Councilmember Chafin asked Mr. Carroll if he would be willing to delete, with Mr. Leeper's concurrence, that portion of his recommendation? Councilmember Carroll asked for some indication from representatives of the Cherry community as to whether they would go along with that?

Ms. Phyllis Lynch stated Cherry has always stated that it wants to do whatever it must do to preserve the neighborhood and it wants to work cooperatively with Council and they have tried to work cooperatively with CD. That she would have to say that whatever is going to expedite the matter and get them some final decisions allowing rehabilitation of houses, and if that takes acquisition of property or whatever, they want to do that. They would just hope that the door would be open, because she thinks they are not limited to Mr. Carroll's suggestions, they are not limited to Mr. Sawyer's suggestions; they have some suggestions of their own they would like to bring to Council.

Councilmember Gantt stated he would like to make sure that the motion includes the extending of the boundaries of the North Charlotte Target Area to include those three streets. That it was indicated on one of the citizens' comments that it is primarily to allow those citizens the benefit of the planning that will go into drainage problems in that area in addition to allowing them the right to take advantage of the rehabilitation loans and grants. There is a lot to be said for the fact that they were missed.

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Councilmember Carroll said this is something that he, of course, wanted to do through the additional money that would come back from First Ward. He sees it as a real problem in that he believes that the money in North Charlotte is already stretched awfully tight. He very much would like to include this area, but he thinks Council is going to have to commit themselves to some additional funding for North Charlotte if they do that.

The Mayor asked if he is agreeing with Mr. Gantt and Mr. Carroll stated he cannot include that in his motion unless they want to go back and put in some of those monies. He stated he would be glad to put in there that they extend the boundaries with the idea they are going to look for additional funds to pay for it. Councilmember Leeper agreed.

Councilmember Carroll stated the other change would be on Page 26A - "in order to meet the goals of the CD Plan for Cherry consideration will be given to financing a community organization . . ."

Councilmember Selden stated in due respect to Mr. Lawing, and going back to the in rem remedy, they have a number of people in the audience who are property managers or property owners. He would like to know if any of them want to speak to the in rem remedy, either pro or against the position that Mr. Lawing took.

Mr. Dave Berryhill asked if they would use the same standard in the in rem remedy. If a property is appraised at \$15,000 and it cost more than \$7,500 to repair it, are they then going to tear it down, or are they going to say they can spend \$10,000 to repair it? Councilmember Carroll replied, tear it down.

The only other point that he might make is what Mr. Lawing said, that if they push the owners much further than what they are pushing them now, he is real concerned about the position the local government will be in, in providing governmental housing. They can only do so much, with so much money. You have to have a return on that money.

Mayor Harris asked if, like Mr. Lawing, would he be glad to work with Council and give them some creative ideas about how they can dissolve that problem? Mr. Berryhill replied he would be glad to meet with any of the Councilmembers or staff.

Councilmember Gantt asked Mr. Berryhill how much they are pushing him now? He replied that when Mr. Jamison sends you a registered letter and you have a list of about 15 or 20 items, and you have a house out there that needs 8 or 10 screens - about \$8.00 a piece. You go out there and you re-screen it; and in the meantime, before anyone can really even move in, the screens are either removed, torn up, vandalized. You go back to the owner and tell him he has to put on new screens - this is just a minor item of \$80 or \$100 a house. That Council is talking about some major items. That anytime you go to an owner and tell him you have to spend some money and the City Government is forcing them to force him to spend money, it drives him up the wall.

Councilmember Leeper asked if he does not feel that he has a responsibility for a house that he is renting, to maintain it to some degree? Mr. Berryhill replied yes, they are doing that. When Mr. Jamison sends them a letter, they bring it up to what he says they must do. Mayor Harris explained that Mr. Berryhill is just saying as a manager, that the owners are at a point of no return.

Mr. Howell Glenn, Brown and Glenn Realty Company, stated his firm handles some low income property. He related one specific instance of vandalism. A house that they manage for another owner at 1236 Norris Avenue - they have spent \$1,736 on the house in January of this year, to bring it up to Code. It was inspected by the Charlotte Building Inspector and they were given a letter of clearance (the work was done before that) thanking them for their cooperation in bringing the house up to meet all requirements. At that time they negotiated a lease with a tenant. Before the tenant could move in - one of the displaced tenants - and before all of the red tape could be ironed out, the house was vandalized. They had to spend at

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that time \$181.45 before the tenant could move in. Last week they received another notice from the city that the house was unfit for human habitation again. They could not understand this; he assured his client that the house was in good condition and had been put in good condition twice. They went out and inspected the house and they did find that some glass had been broken, the screens, that had been replaced twice since November, had been torn. Holes had been knocked in the walls. The Building Inspector apologized for sending them a letter, but thought they should know that what they had spent on the house again had been vandalized by the present tenant.

That is one of the problems they have as managers and owners. He stated this landlord is not anxious to spend anymore money on this property. The property rents for \$100 a month and they have spent over \$2,000 since November on it and right at this minute it is not up to Code because he has not replaced the torn screens or broken glass that happened in the last two weeks. He stated his client cannot make up his mind whether to spend any more money on this house. He asked how much time he will have before the City goes in and spends another \$1,700 on his client's property to bring it up to Code the third time in six months? He is worried about the time element on the repairs they make to these houses.

Councilmember Gantt stated he finds that amusing - is he saying that much of the vandalism that took place after this tenant moved in was done by the tenant? Mr. Glenn replied there were three broken glasses, two holes kicked in the plaster and the screen torn out, but that house even with one glass broken is unfit for human habitation according to the City Code. It is not the amount, it is the principle. Mr. Gantt asked if they charged the tenant for the vandalism? Mr. Glenn replied the tenant can hardly pay the rent, but that is going to be their attempt - they will try to recover it from the tenant.

Mrs. Tucker stated she is one of the absentee landlords and she has heard a lot today. She moved here in August from New York and has two houses here with tenants. At no time did anyone get in contact with her to say that the houses were below standard. The reason they moved here was because of the constant repairs. She has rented all of her life; she does know there is a housing code. She was born in Charlotte, moved away and has returned. From where she is looking, and she is looking at the realtors, there have been no repairs. If you have a tenant that destroys, you have an option of getting rid of that particular tenant. That she thinks tenants should be screened; when she moved into her apartment, she was screened. That she is sure all of the realtors here know the condition of their houses - she is speaking of Cherry. It is really terrible. The house she moved into, and the other house, is terrible. But no one got in touch with her to say that they were below standard - and they are below standard and she is here to do something about it!

Councilmember Chafin stated the discussions Council has had this afternoon suggest to her the need for considerably more dialogue between members of Council, members of the Community Development staff, Building Inspection staff and the property managers who are here today. She would hope that after today, and perhaps as part of Councilmember Carroll's amendments, they instruct the Mayor to appoint an ad hoc committee to come back to this Council with some recommendations on how they can combine perhaps a "carrot/stick" approach, to bring the houses in the target areas up to Code, to use our Code as a rehab tool, and at the same time do it in a way that will be economically feasible for the owners. That it is very important that they have this additional dialogue.

Councilmember Gantt stated he has already stated his feelings for the Plan in terms of it philosophically stating what many of them want to do. The concern he has expressed to Mr. Carroll and others who are supporting the Plan was ultimately what they want to do is rehabilitate and get decent housing for people. He is not sure about the in rem remedy as an approach to this. He is not sure that they have done everything they could have done in terms of providing the kinds of incentives necessary for owners of property and managers of property to provide that decent housing. He will vote for the amendments as they have been set out today, with the understanding that there is, in fact, going to be a considerable amount of

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follow-up by either the committee that Ms. Chafin has suggested or the Public Works and Planning Committee or any of the other good proposals that have been made at this point. If they could generalize this Plan - put the proper philosophy on it - and be much more flexible in its approach. If he had a criticism of the plan it would be that it appears to box the Council into certain areas where they are not even sure they ought to be treading. Fully understanding that Council has the right to amend he begins to get the same feeling as when Mr. Sawyer presents a plan to him and says he can amend it. That is why he felt they would have been a whole lot better off with a more generally written plan and a generalized budget. He will vote for it now because he thinks everybody clearly understands that they are going to do a lot of "tinkering" with it.

The vote was taken on Councilmember Carroll's substitute motion and it carried unanimously.

Councilmember Locke stated she hopes the committee suggested by Councilmember Chafin will not be the Public Works and Planning Committee; they need an ad hoc committee made up of some of the developers, renters, people from Cherry - people other than Councilmembers.

Mr. Burkhalter suggested that they may want to formulate that after the Council retreat. Councilmember Chafin stated as long as it is clearly understood that they are going to do that; that she also wants to make it clear that she is not talking about a housing task force - she is talking about a committee that would look at this one very narrow area. She thinks it is a very significant area in terms of this Council's policy making.

Mayor Harris stated to some of the speakers today that he would be back to them. If they have the committee they will need their input.

Response of Community Development Director  
to Councilmember Carroll's Amendments

- I. Description of operations: A. Citizen Participation,  
B. Rehabilitation and Code Enforcement

- A. Councilman Carroll's comments under "Revised Planning of Individual Areas" suggests that our Department has not made sufficient efforts to involve target area residents in the planning process.

This year, the Preliminary Plan includes a new section, "Citizen Participation Plan and Perspective," pages 113 - 121, which fully describes the citizen participation process our Department developed and has used since the beginning of the Program to encourage citizens, particularly target area residents and property owners, to participate in the planning, implementation and evaluation of the Program. The Neighborhood Relations Staff is the lead group in this process, but our entire Department participates.

We have always attempted to recognize the concensus of the individual, representative neighborhood groups as the final authority on our CD and Redevelopment Plans. Once we receive their approval, we feel that we can go to the next step in the Plan Process.

We feel that our efforts to encourage citizens to participate in our program are commendable, and in the future, we will continue to encourage target area residents, owners of property, and other interested persons to participate as much as they wish.

- B. Other than the enforcement of the in rem remedy, which would be a Building Inspection Department responsibility, but one which our Department would certainly want to monitor to determine its effect, we now perform these activities.



Under North Carolina Redevelopment Law, a redevelopment plan is not developed until an area is certified by the Planning Commission to be a blighted area. The certification identifies structures and describes their conditions. The Charlotte-Mecklenburg Planning Commission has specific criteria or standards it uses to determine the condition of structures which are based upon the requirements of North Carolina Redevelopment Law.

In its planning process our Department uses these same criteria or standards to determine whether structures should be removed or preserved through code enforcement and/or rehabilitation. Once this certification is given, then a redevelopment plan can be developed.

The Housing and Community Development Acts of 1974 and 1977 require the City to involve citizens in the planning stages of the program. Our Department, as was stated above, has done this.

Once these redevelopment plans have been approved by the target area residents, speaking through their duly elected representatives of their own neighborhood association, the next steps are:

1. To submit the plan to the Planning Commission for review and approval, at which time interested citizens can attend and comment.
2. To submit the plan to the Mayor and City Council for a public hearing, review and approval.

The plan is a complete document and describes in detail all the functions performed by our Department. It provides information relevant to the scheduling, reasons for acquisition, relocation, public improvements, rehabilitation, conditions of the area, budgets, rehabilitation standards, and priority work areas for all functions within the target areas. It is our Department's guide for getting the job done.

We would like to offer examples to show how Councilman Carroll's proposal for rehabilitation and code enforcement conflicts with the plan process.

If a subarea (a square block) of residential structures within a target area is designated for acquisition and clearance for reasons of deterioration, improper land use, environmental improvement, or neighborhood requests, then our Department cannot force an owner who had anticipated acquisition and relocation to repair his/her property without first amending the plan. This would require the same process; i.e. replanning which would require neighborhood meetings, environmental assessment, revisions to the plan, Charlotte-Mecklenburg Planning Commission review and approval, public hearings and City Council review and approval.

Currently, when the acquisition process begins in an area where the only reason for acquisition is removal of a sub-standard structure, we attempt to persuade the owner to repair the structure to minimum code and to take advantage of our rehabilitation loan and/or grant program if necessary. If there are other reasons for acquisition, we inspect the structure to determine if it is economically feasible to move the structure and rehabilitate it. (The three houses rehabilitated by this Department in Third Ward are an example of this procedure.)

Councilman Carroll and other councilpersons have questioned the validity of the "windshield survey ratings" versus an actual exterior/interior inspection. At the request of our

Department, a study was done by the Budget and Evaluation Department during FY 77 to determine the validity of these ratings. One finding of the study was "The windshield survey ratings completed for the housing in the target areas are valid indicators of housing conditions...." Therefore, the "windshield survey rating" done by competent staff is a valid method for determining housing conditions when time, manpower, and money are limited.

In reference to paragraph 3, page 1 -  
 If dilapidated property is to be acquired by our Department, then the occupants are eligible for relocation benefits upon initiation of negotiations with the owner. If the property is not to be acquired and the code is to be enforced, then relocation assistance including benefits can be offered as soon as City Council takes action to enforce the code which would require vacating the premises, but would not require acquisition of the property by the City. Therefore, the acquisition cost would be saved.

In reference to paragraph 1, page 2 -  
 This is done during the planning stages.

In reference to paragraph 2, page 2 -  
 City Council now reviews and approves all acquisition contracts whether for purchase of vacant land or property with structure. City Council can immediately reject the acquisition contract because of price, but if City Council wants to reject an acquisition contract for other reasons, the plan must be amended and the plan process must be followed.

In reference to paragraph 3, page 2 -  
 Will be addressed under the "Revision in Relocation Policy."

In reference to paragraph 4, page 2 -  
 As to the requirements to assure accountability and better quality workmanship in the rehabilitation program, our Department presently has these requirements except:

1. We allow second-hand materials to be used with the owners knowledge and consent.
2. We have not ceased to do business with a contractor or recommended the contractor not be awarded other City contracts.

C. Revisions in Relocation Policy-- We would like to provide a brief description of our current Relocation Plan.

- (1) When the redevelopment plan for a target area is developed and the redevelopment area is determined and those parcels to be acquired within that area are identified, a relocation survey is done to determine the number of persons to be relocated and their needs; e.g. social services, financial status, housing. This survey and the cost of relocation is included in the redevelopment plan.
- (2) During the acquisition process, the "Notice of Intent To Acquire" letter is forwarded to the owner-occupant, and the absentee-owner and tenant. The "letter" sets a whole series of steps in motion which involves a number of our Department's Administrative Division, especially Relocation, and the Neighborhood Centers Department's Intake and Referral Division which is responsible for providing relocation clients and other CD clients direct social services and referring the client to other social service agencies, including Family Housing Services, Inc., as needed.

One step, which was required by the McKnight Memorandum of Understanding, and is incorporated into the Relocation Plans, for the target areas, is to show relocation clients at least three available, affordable and standard housing resources in areas of the City where there are not high concentration of black population and/or low-income families.

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, also requires that persons being relocated be shown housing resources in geographical areas where there are no high concentrations of black population and/or low-income families.

Each target area has high concentrations of black population and/or low-income families.

Unless City Council elects to eliminate this requirement from the current Relocation Plans for the target areas and ignores the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, our Department will have to continue its present procedure of showing those three housing resources.

As was stated in the "Relocation Plan Perspective" section of the Preliminary Plan, every effort is made by the Relocation staff to accommodate the desires of the client. If the client wishes to remain in a target area, then a search for available standard housing resources is made in that target area. If a client wishes to move to another target area or area of the City, then appropriate resources are found. But that does not relieve our Department of the responsibility for showing three housing resources in areas of the City where there are no high concentrations of black population and/or low-income families.

We feel we are doing an excellent job with Relocation which as stated in the Preliminary Plan is the most time consuming, and because of its direct impact on people's lives, most sensitive function we perform.

In reference to paragraph 1, page 3 -  
We already involve Family Housing Services, Inc. in a number of ways in our program. They participate, on a referral basis, in our Relocation and Rehabilitation functions. All persons (clients) who are being relocated are referred to Neighborhood Centers Department as a step in the Relocation Process. Neighborhood Centers Department social workers do a diagnostic interview to determine the needs of the client. If a social worker determines that a client needs counseling concerning mortgage matters, family budget, or similar matters, then the client is referred to Family Housing Services, Inc.

The Rehabilitation Section currently refers clients to Family Housing Services, Inc. whenever they feel the client can be aided by counseling. Often a condition of the loan and/or grant application approval is that the client seek counseling. We believe our Department's current referral procedures are adequate to meet the needs of our clients and we feel that adding a Family Housing Services, Inc. coordinator is a duplication of effort and an extra expense which is unwarranted.

In reference to paragraph 2, page 3 -  
Our Department presently completes reports for our entire program. These reports are done for the Budget and Evaluation Department, City Manager, and Department of HUD. We will be happy to share these with City Council.

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In reference to paragraph 3, page 3 -  
When City Council approved the first Preliminary Plan for FY 1976, 77, 78, Grier Heights, North Charlotte, and Cherry were designated conservation and rehabilitation target areas. Third Ward was designated a partial clearance target area and Five Points was designated a special project area with work to begin in the third year after CD and Redevelopment Plans were developed. Rehabilitation, based on Charlotte-Mecklenburg Planning Commission's and our Department's standards, is the priority function in Grier Heights, North Charlotte, and Cherry Third Ward and Five Points. Any budget surpluses will continue to be used for Rehabilitation.

- II. Description of operations in specific target areas to respond to Councilman Carroll's written recommendations for Third Ward, Five Points, Cherry, North Charlotte, First Ward Expansion and Grier Heights.

#### Third Ward

In reference to the Target Area description changes -  
When the Target Area Descriptions were written in 1975, the most current objective data was used. The data used was excerpted from the Charlotte-Mecklenburg Planning Commission's Neighborhoods in Charlotte which used the 1970 Census as its main data source. Planning Commission staff is presently conducting a neighborhood definition study, and as soon as that study is published, the Target Area Descriptions will be updated.

The descriptions were meant to be summaries, and it was never intended they include every detail about the area. Our Department attempted to provide as much objective data about the target areas as possible, in the space permitted, and refrained from stating individual perceptions regarding the areas.

The additional comments made by Councilman Carroll are good ones and will be incorporated into future Target Area Descriptions.

#### Three Year Program

In reference to paragraph 2 -  
To date, approximately eighty percent (80%) of the parcels scheduled for acquisition have been acquired and appraisals are underway on the remainder.

One parcel owned by Lawyer Charles Bell, was acquired at Council's request.

An amendment which includes acquisition of vacant land and two residential structures on West Trade, some property around Orchard Apartments, a few residential structures on Waccamaw, and industrial property on Sycamore, was approved by the Planning Commission on February 7, and is ready to be presented to City Council immediately. If this amendment is not approved by City Council and changes are recommended, then, in order to comply with the redevelopment plan process, as described above; replanning will have to be done, including environmental assessment, neighborhood meetings will have to be held, and Planning Commission approval will have to be obtained.

We are presently implementing a rehabilitation demonstration program. (CD Housing Sales Plan) A brief description is as follows:

1. Owners of all structures scheduled for acquisition to remove blight will be offered choice to rehab or be acquired.

Those being acquired will be put to the test of Rehabilitation Feasibility. Those failing will be demolished at City expense -- those that are feasible will be rehabilitated by Housing Sales Plan.

2. Owners of all structures scheduled for rehabilitation will be offered regular Loan and Grant assistance as well as all other rehab services. Some will use Loan or Grant, others will rehabilitate using own funds.

Owners who do not cooperate - an inspection will determine if they are feasible to rehabilitate as if they were City-owned. Those feasible will be acquired and will be rehabilitated through the Housing Sales Plan. Those not feasible will be turned over to Building Inspection for code enforcement.

#### Purpose of the CD Housing Sales Plan

1. To achieve rehabilitation of residential structures that may not be rehabilitated at all by owners or be rehabilitated to a bare minimum standard.
2. To avoid demolition of residential structures that have rehabilitation potential or feasibility.
3. To increase homeownership for low-to-moderate-income persons.
4. To create relocation resources for area displacees for purchase or rent.
5. To act as a stimulus for neighborhood stability by attracting new construction thus increasing area desirability.

#### CD Housing Sales Plan Procedure

City-owned structures determined feasible for relocation will be appraised and sold to a non-profit housing corporation at a negotiated sales price. An Economic Development loan may be used to finance the purchase of the property. A CD Rehabilitation 3% loan or Section 312 loan can be used to finance the cost of necessary rehabilitation and to refinance the Economic Development loan which has been imposed on the property as a mortgage loan Deed of Trust recorded at Mecklenburg County Court House. After rehabilitation, the house and lot can be sold at a price sufficient to cover the Rehabilitation loan. The purchaser may be approved to assume the existing 3% loan to aid in the purchase transaction.

In reference to paragraph 3, number (5) -  
As stated above, we feel that our Department has an excellent planning process which involves interested citizens and residents of the target area, a rehabilitation program with the primary objective of preserving as many residential structures as possible, and a relocation program that is sensitive to our clients desires, as described on page 77 of the Preliminary Plan. We believe that Family Housing Services does not need to be directly involved in this effort.

Through the use of the CD Housing Sales Plan, we feel we will be able to accommodate all relocation clients who are interested in becoming homeowners, thus obviating the issuance of "certificates" for later occupancy.

#### Five Points

##### Target Area Description - Physical and Housing Characteristics

In reference to paragraph 3, last sentence -  
It must be clarified that the rehabilitation program is not scheduled to begin until FY 79 so to conclude at this time that the absentee owners are unwilling to participate in rehabilitation efforts is somewhat premature.

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### Three Year Program

In reference to paragraph 3, we think it is unnecessary to redraw the entire plan for the area. The residents, particularly the target area organization, support it.

At the public hearing held December 13, 1977, the target area organization made comments which supported our Department's work in the area. Those comments can be found on page 50 of the Preliminary Plan and are reprinted below:

- Congratulated the CD Department for working with and involving community in the development of the CD and Redevelopment Plans. Eagerly await the implementation of the CD and Redevelopment Plans for the area.
- The Five Points CD and Redevelopment Plan as adopted by Mayor and City Council allocated funds through FY 81. The Organization requests Mayor and City Council not to change their commitment.

If City Council decides the plans do not reflect the target area resident's wishes as articulated by their organization, then we would have to begin the redevelopment plan process immediately in order to begin work in the area during FY 79.

If City Council wants the plan redrawn, the Department would recommend that only that area east of Beatties Ford Road be replanned and City Council allow the Department to proceed as planned west of Beatties Ford Road, where only minimum acquisition is planned.

### Cherry

#### Target Area Description - Physical and Housing Characteristics

In reference to paragraph 2 -  
This paragraph reflects a matter of personal preference. If Councilman Carroll prefers to have this paragraph in this section, rather than under the "Three Year Program" section which is where it was in the Preliminary Plan, page 27; that is his prerogative.

### Three Year Program

The Department agrees with Councilman Carroll that the goal for Cherry is to preserve the neighborhood. The Department does not agree with Councilman Carroll's means to achieve that goal.

The Department does not recommend that a non-profit neighborhood based corporation be funded. Our Department may purchase most of the absentee-owned residential property, sell for rehabilitation or rehabilitate it ourselves and then either sell or rent it through a subsidized housing program using the non-profit housing development corporation.

In reference to the last paragraph -  
The Department has worked on CD and Redevelopment Plans for this area, held numerous neighborhood meetings, and continued to seek neighborhood consensus. The comments of the citizens which are shown on page 25 of the Preliminary Plan, reflect this process and how responsive our Department has been to the neighborhood.

We are to the point of reconfirming agreement on the plans and presenting them to City Council for approval. If City Council agrees that the area along Queens Road, Bromely Road, and Henley Place be withdrawn from the target area, we see no problem with that.

### Budget For Cherry

We will develop a new budget using the funds "approved to date" and for FY 81 which will reflect the greater emphasis on rehabilitation of residential structures and homeownership.

North Charlotte

We do not recommend that the North Charlotte target area boundary be extended to include Villa Heights.

First Ward Expansion

Approximately \$820,000 in CD funds were spent to close out three urban renewal projects. We recommend that as these funds return, they be spent where needed and as allocated by City Council at the time.

Grier Heights

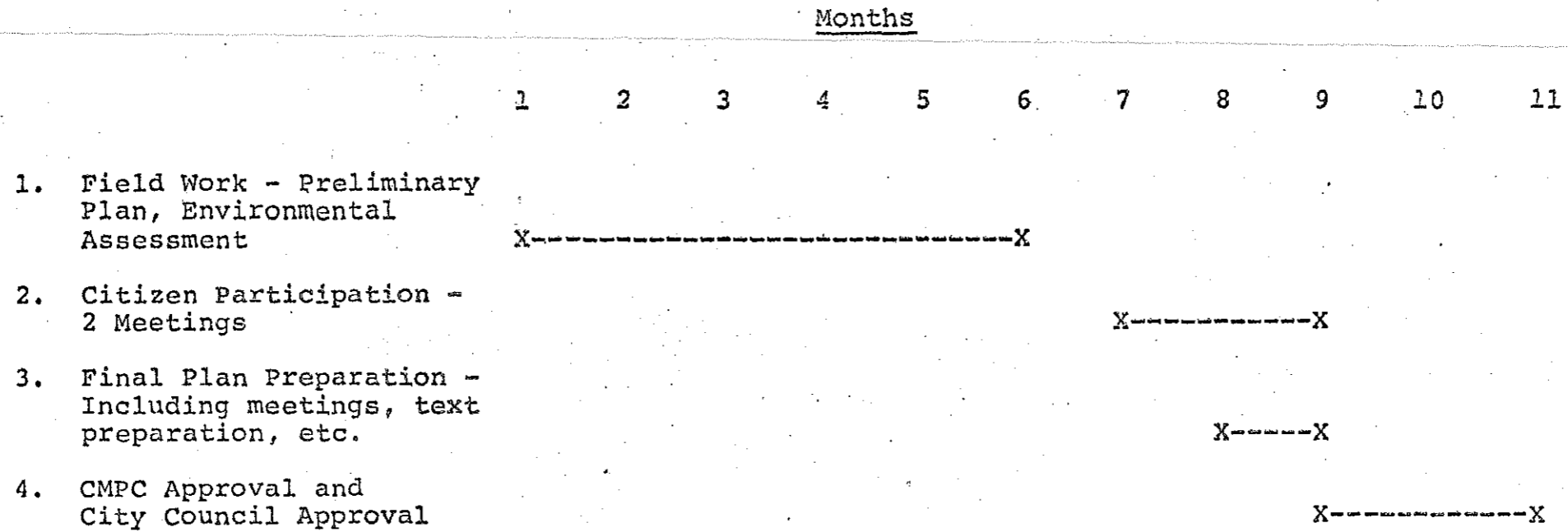
We believe we have responded to Councilman Carroll's comments pertaining to Grier Heights with our comments about the other areas.

III.

	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	March	April	May	June	
Neighborhood Contact - Meetings and Household contact	X			Year 'Round							X
Development of Work Plan for Preliminary Plan		X	X								
Public Hearings for Preliminary Plan				X							
Preparation of Preliminary Plan				X	X						
Distribution of Preliminary Plan to interested citizens, groups, others and City Council					X						
Special Sessions with City Council					X	X					
City Council approval of Preliminary Plan					X	X					
Development of Work Plan for Application					X						
Preparation of Application						X					
0. Distribution of Application to interested citizens, groups, others and City Council							X				
1. Approval of Application by City Council								X			
2. A-95 Review by local and State Clearinghouses - 45 days March 1 - April 15							3-1 to 4-15				
							X	X			
3. HUD Review - 75 days April 15 - June 30								4-15 to 6-30			
								X		X	

This is the process we use to effectively involve target area residents and other citizens in the development of the Application. We feel this process reflects our continued commitment to citizen participation.

\*CD and Redevelopment Plan Process and Plan Amendment Process Milestone



\*This process was described in Sections I and II of the Report.



IV. Necessary actions by this Department to change program emphasis to reflect City Council preferences.

The Department recognizes and wishes to respond to City Council's greater emphasis on code enforcement, rehabilitation and preservation of all housing in the target areas.

Once City Council formally adopts the Preliminary Plan incorporating this greater emphasis, our Department must comply with the steps as outlined below:

- A. Replanning and Plan Amendment Process, which includes environmental review, neighborhood planning, meetings, revised schedules and work activities, neighborhood relations planning, rehabilitation, relocation, acquisition, engineering, redevelopment plan revision, Charlotte-Mecklenburg Planning Commission and City Council approvals.
- B. Revision of the Relocation Plans to eliminate the requirement that persons who are being relocated have to be shown at least three (3) housing resources in geographical areas of the City where there are no high concentrations of black population and low-income families. This would require City Attorney review and comment and City Council approval.
- C. City Attorney comment regarding our responsibility under the Uniform Relocation Assistance and Real Property Acquisition Policies Act to show persons being relocated housing resources outside of areas with high concentrations of black population and/or low-income families.
- D. Revise Rehabilitation Loan and Grant Program for absentee-owners to encourage greater participation. One factor to consider would be the rent control provision. City Council would have to approve this revision.
- E. Anticipating additional administrative cost which might include hiring and/or contracting staff to meet the added responsibilities for rehabilitation, planning and general administration.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
COMMUNITY DEVELOPMENT PROGRAM

1. NAME  CANT

City of Charlotte,  
North Carolina

2. APPLICATION NO.

3.  INITIAL  
 AMENDMENT

ENTITLEMENT APPLICANTS ONLY

4. PROGRAM YEAR:

FROM: 7/1/78 TO: 6/30/79

ACTIVITY DESCRIPTION (1)	RELATED SHORT-TERM OBJECTIVE (2)	CENSUS TRACT/ENUMERATION DISTRICT (3)	ENVIRONMENTAL REVIEW STATUS (4)	RELATED BUDGET LINE ITEM (5)	ESTIMATED COST (\$000)				
					BLOCK GRANT FUNDS			OTHER FUNDS	
					PROGRAM YEAR (6)	SUBSEQUENT YEARS (7)	TOTAL (8)	AMOUNT (9)	SOURCE (10)
<b>C. Multi-Year Physical Programs-CD Target Areas</b>									
<b>A. Grier Heights</b>									
1. Acquisition of Real Property	C-2	22, 23	Certification Completed	1	0	200,000	200,000		
2. Site Improvements	3, 4	"	"	2	0	500,000	500,000		
3. Code Enforcement	1, 5, 6	"	"	3	0	117,500	117,500		
4. Clearance, Demolition, Rehab.	1, 5, 6	"	"	4	0	0	0		
5. Rehab. Loans & Grants	5, 6, 19	"	"	5	0	175,000	175,000		
6. Payments for rent	n/a	"	"	7	0	0	0		
7. Disposition costs	2	"	"	8	0	0	0		
8. Relocation	n/a	"	"	12	0	40,000	40,000		
9. Planning & Management	23	"	"	13	0	0	0		
10. Administrative	23	"	"	14	0	110,000	110,000		
11. Contingencies	n/a	"	"	17	0	0	0		
<b>Subtotal</b>					0	1,142,500	1,142,500		
<b>B. North Charlotte</b>									
1. Acquisition of Real Property	C-2	7, 9, 14	Certification Completed	1	0	0	0		
2. Site Improvements	3, 4	"	"	2	0	0	0		
3. Code Enforcement	1, 5, 6	"	"	3	0	50,000	50,000		
4. Clearance, Demolition, Rehab.	n/a	"	"	4	0	0	0		
5. Rehab. Loans & Grants	5, 6, 7	"	"	5	0	600,000	600,000		
6. Payments for rent	n/a	"	"	7	0	0	0		
7. Disposition costs	n/a	"	"	8	0	0	0		
8. Relocation	7	"	"	12	0	0	0		
9. Planning & Management	23	"	"	13	0	0	0		
10. Administrative	23	"	"	14	0	50,000	50,000		
11. Contingencies	n/a	"	"	17	0	0	0		
<b>Subtotal</b>					0	700,000	700,000		
<b>*Note: Subsequent Program Years Combine 5th and 6th CD Years (FY80 &amp; 81)</b>									
<b>GRAND TOTAL</b>					\$	\$	\$	\$	

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT COMMUNITY DEVELOPMENT PROGRAM				1. NAME OF APPLICANT City of Charlotte North Carolina		2. APPLICATION NO.		3. <input type="checkbox"/> ORIGINAL <input checked="" type="checkbox"/> AMENDMENT	
						ENTITLEMENT APPLICANTS ONLY			
						PROGRAM YEAR:			
						FROM: 7/1/78 TO: 6/30/79,			
ACTIVITY DESCRIPTION	RELATED SHORT-TERM OBJECTIVE	CENSUS TRACT/ENUMERATION DISTRICT	ENVIRONMENTAL REVIEW STATUS	RELATED BUDGET LINE ITEM	ESTIMATED COST (\$000)				
					BLOCK GRANT FUNDS			OTHER FUNDS	
					PROGRAM YEAR	SUBSEQUENT YEARS	TOTAL	AMOUNT	SOURCE
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
<b>C. Cherry</b>									
1. Acquisition of Real Property	C-2	26,27	Assessment	1	0	90,000	90,000	-	-
2. Site Improvement	3,4	"	"	2	0	0	0		
3. Code Enforcement	1,5,6	"	"	3	0	0	0		
4. Clearance, Demolition, Rehab.	1,5,6	"	"	4	0	0	0		
5. Rehab. Loans & Grants	5,6,19	"	"	5	0	0	0		
6. Payments for rent	7	"	"	7	0	0	0		
7. Disposition costs	2	"	"	8	0	0	0		
8. Relocation	7	"	"	12	0	0	0		
9. Planning & Management	23	"	"	13	0	0	0		
10. Administrative	23	"	"	14	0	10,000	10,000		
11. Contingencies	n/a	"	"	17	0	0	0		
Subtotal					0	100,000	100,000		
<b>D. Third Ward</b>									
1. Acquisition of Real Property	C-2	5	Certification Completed	1	685,000	629,143	1,314,143		
2. Site Improvements	3,4	"	"	2	370,000	179,876	549,876		
3. Code Enforcement	1,5,6	"	"	3	75,000	100,000	175,000		
4. Clearance, Demolition, Rehab.	1,5,6	"	"	4	30,000	30,000	60,000		
5. Rehab. Loans & Grants	5,6,19	"	"	5	400,000	20,000	420,000		
6. Payments for rent	7	"	"	7	2,000	5,000	7,000		
7. Disposition costs	2	"	"	8	15,000	20,000	35,000		
8. Relocation	7	"	"	12	98,000	82,600	180,600		
9. Planning & Management	23	"	"	13	0	0	0		
10. Administrative	23	"	"	14	225,000	395,381	620,381		
11. Contingencies	n/a	"	"	17	0	0	0		
Subtotal					1,900,000	1,462,000	3,362,000		
	2								
<b>GRAND TOTAL</b>					\$	\$	\$		

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
COMMUNITY DEVELOPMENT PROGRAM

1. NAME OF APPLICANT

City of Charlotte,  
North Carolina

2. APPLICATION NO.

3.  ORIGINAL  
 AMENDMENT

ENTITLEMENT APPLICANTS ONLY

4. PROGRAM YEAR:

FROM: 7/1/78 TO: 6/30/79

ACTIVITY DESCRIPTION (1)	RELATED SHORT-TERM OBJECTIVE (2)	CENSUS TRACT/ENUMERATION DISTRICT (3)	ENVIRONMENTAL REVIEW STATUS (4)	RELATED BUDGET LINE ITEM (5)	ESTIMATED COST (\$000)				
					BLOCK GRANT FUNDS			OTHER FUNDS	
					PROGRAM YEAR (6)	SUBSEQUENT YEARS (7)	TOTAL (8)	AMOUNT (9)	SOURCE (10)
<b>E. West Morehead</b>									
1. Acquisition of Real Property	C-2	1,4	Certification Completed	1	780,000	400,000	1,180,000		
2. Site Improvements	3	"	"	2	350,000	200,000	550,000		
3. Code Enforcement	n/a	"	"	3	0	0	0		
4. Clearance, Demolition, Rehab.	1	"	"	4	50,000	50,000	100,000		
5. Rehab. Loans & Grants	n/a	"	"	5	0	0	0		
6. Payments for rent	7	"	"	7	2,000	0	2,000		
7. Disposition costs	2	"	"	8	20,000	22,500	42,500		
8. Relocation	7	"	"	12	398,000	0	398,000		
9. Planning & Management	23	"	"	13	0	0	0		
10. Administrative	23	"	"	14	300,000	127,500	427,500		
11. Contingencies	n/a	"	"	17	0	0	0		
Subtotal					1,900,000	800,000	2,700,000		
<b>F. First Ward Expansion</b>									
1. Acquisition of Real Property					500,000	0	500,000		
2. Site Improvements					26,000	0	26,000		
3. Code Enforcement					0	0	0		
4. Demolition					116,000	0	116,000		
5. Disposition Costs					10,000	0	10,000		
6. Relocation					15,000	0	15,000		
7. Administrative					98,254	0	98,254		
Subtotal					765,254	0	765,254		
<b>GRAND TOTAL</b>					\$	\$	\$	\$	

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT COMMUNITY DEVELOPMENT PROGRAM				1. NAME OF APPLICANT	2. APPLICATION NO.	3. <input type="checkbox"/> ORIGINAL <input type="checkbox"/> AMENDMENT				
				ENTITLEMENT APPLICANTS ONLY						
				4. PROGRAM YEAR:						
				FROM:			TO:			
ACTIVITY DESCRIPTION	RELATED SHORT- TERM OBJECTIVE	CENSUS TRACT/ ENUMER- ATION DISTRICT	ENVIRONMENTAL REVIEW STATUS	RELATED BUDGET LINE ITEM	ESTIMATED COST (\$000)					
					BLOCK GRANT FUNDS			OTHER FUNDS		
					PROGRAM YEAR	SUBSEQUENT YEAR	TOTAL	AMOUNT	SOURCE	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	
- Economic Development Program					165,000	1,105,600	1,270,600			
- Reprogrammed Unobligated Funds From Previous Program Years - First Ward Expansion										
A. Charlotte Housing Authority					150,000	---	150,000			
B. Motion, Inc.					100,000	---	100,000			
<b>GRAND TOTAL</b>					\$	\$	\$	\$		

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SUMMARY  
HUMAN SERVICES PLAN  
APPLICATION FY 79

SERVICE CATEGORIES AND PROGRAMS	APPROVED TO DATE	PROPOSED FY 79	PROPOSED FY 80	PROPOSED FY 81
<b>ADULTS &amp; FAMILIES</b>				
Satellite Methadone	338,000 10,000	After FY 76, Methadone was dropped and Satellite redefined as Intake/Referral & Health/Medical		
Intake/Referral Health/Medical (Homeakers Upjohn)	315,054 390,504	140,000 ***0	** 103,310	** 111,310
Counseling Services Family Housing Accounting Aid Community Education (CPOC) Chore Services	107,312 83,395 267,363 98,227	88,464 90,827	68,181 69,140	52,431 63,390
		Dropped after end of extended FY 76 Contract		
		After FY 78, included with Health/Medical		
<b>CHILDREN &amp; YOUTH</b>				
Special Education Gethsemane Church ****Bethlehem Center Clt/Meck. Youth Council ****Comm. School of Arts Special Recreation (Johnston YMCA) Probationer Assistance (Meck. Court Vol.) Recreation for Handicapped Impact & ILEAP Respite Care Girl Scouts Big Brothers Day Care  One-to-One Tutoring Helping Hand Group Homes  Special Day Care (Bethlehem Center) Special Activities	341,850 0 186,151 0 53,500 22,628 226,904 95,992 33,131 19,384 455,128  252,112 81,419 414,273  15,000 25,000	305,040 113,000 70,311 12,000 46,750 19,103 60,500 27,100 19,384 455,128  252,112 81,419 414,273  15,000 25,000	236,595 87,584 54,223 11,590 34,170 11,735 46,110 20,862 20,862 20,862  20,862 20,862 20,862  20,862 20,862 20,862  20,862 20,862 20,862	151,200 76,079 40,123 14,840 30,420 17,985 43,460 16,362 16,362 16,362  16,362 16,362 16,362  16,362 16,362 16,362  16,362 16,362 16,362
		Dropped after end of FY 77 Contract		
		Dropped after end of FY 76 Contract		
		Funds used for St. Marks & Nevins Centers and allocation dropped after FY 78.		
		Dropped after 1st quarter of FY 77.		
		Dropped after end of FY 76 Contract.		
		Continued under ESEA Grant after FY 77; equipment purchased under CD contract & owned by City is used by program.		
		One year contract program to furnish new Day Care Center.		
		Funds used for summer recreation program in lieu of unimplemented special activities program for developmentally disabled children.		

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<u>SERVICE CATEGORIES AND PROGRAMS</u>	<u>APPROVED TO DATE</u>	<u>PROPOSED FY 79</u>	<u>PROPOSED FY 80</u>	<u>PROPOSED FY 81</u>
<b>ELDERLY &amp; DISABLED</b>				
Hot Meals	666,136	303,905	233,500	237,000
Activity Center	62,068	Allocation dropped after FY 77.		
Special Transportation	70,000	Allocation dropped after FY 78; Transportation & Activities provided in conjunction with Hot Meals Program.		
<b>SUMMER PROGRAMS</b>				
****Summer Education (Bethlehem Center)	0	0	0	0
***Summer Recreation (McCrorey YMCA)	0	0	0	0
<b>SUPPORTIVE PROGRAMS</b>				
Social Planners (Clt/Meck. Plann. Comm.)	0	60,000	60,000	60,000
***Winter Emergency Assts.	0	0	0	0
Neigh. Meeting Facilities	6,000	0	0	0
Alexander St. Center	63,000	FY 76 allocation for purchase of center.		
<b>SUB TOTAL</b>	<b>4,699,531</b>	<b>1,337,000</b>	<b>1,037,000</b>	<b>914,600</b>
<b>ADMINISTRATIVE COST</b>	<b>300,000</b>	<b>150,000</b>	<b>150,000</b>	<b>150,000</b>
<b>CONTINGENCY</b>	<b>62,507</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>TOTAL ****</b>	<b><u>\$5,062,038</u></b>	<b><u>\$1,487,000</u></b>	<b><u>\$1,187,000</u></b>	<b><u>\$1,064,600</u></b>

\*The Preliminary Human Services Plan is based on the continuation of previously approved and successful FY 78 Social Service Contract Programs.

\*\*\*Consideration should be given to using General Funds for continuation of this service. If General Funds cannot be used, then CDBG funds must be found.

\*\*\*The Health/Medical Program will be funded during FY 79 with unspent funds allocated to this program for FY 78.

\*\*\*\*These programs have previously been funded with reprogrammed first and second CD year Human Services funds. Reprogrammed funds had been available from first and second CD year allocations for programs which were started-up late in a fiscal year, contracted at an amount less than the program allocation or not implemented during the fiscal year.

\*\*\*\*\*The totals for FY 79, FY 80 and FY 81 represent 20% of the total CD Grant for each of these fiscal years.

Corrected 2/27/78  
Minute Book 67,  
Page 212

The Preliminary Plan for the Expenditure of Community Development Block Grant Funds was approved as submitted with the following amendments: . . ."  
(See Pages 212 through 223.)

February 13, 1978  
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HUMAN SERVICES PORTION OF PRELIMINARY PLAN FOR EXPENDITURE OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS - WITH AMENDMENT TO INCLUDE SUMMER PROGRAMS, APPROVED.

Councilmember Trosch moved that the Preliminary Plan be amended to allow funding for the summer programs that have presently been cut out. The motion was seconded by Councilmember Selden.

Ms. Trosch stated she has heard it expressed by several members of Council that they are locked in to 20 percent for Human Services. It is her understanding that according to the new guidelines, they are not locked in to 20 percent.

Mr. Joe Michie of the Community Development staff, agreed that Ms. Trosch is correct; that the only locked in thing that they had was that the Department of Housing and Urban Development interpreted the conference committee report, the original legislation, to mean that the intent of Congress that no more than 20 percent of the CD Block Grant should go for the social service programs. That had been interpreted through communications from the HUD central office to the area office that any city that had over 20 percent of its funds, their programs would be carefully examined by HUD.

Mr. Michie stated the only thing they have recommended to Council consistently has been that they continue at 20 percent. This has been the policy for the last three years, and it seemed fair. But, there is nothing in the law, or nothing in the existing regulations, that would prohibit Council from increasing it over 20 percent. He cannot give them the magic percentage of how far they can go before HUD would really start questioning the emphasis of their program.

Councilmember Trosch asked what it would cost to carry the summer programs? Mr. Michie replied somewhere between \$70,000 and \$90,000, with the programs that Council heard recommended during the public hearing process - the West Boulevard Area, McCrorey Y, Johnson C. Smith, the southside area, all of those that came up during the hearing. It would be no more than \$90,000, probably less.

Ms. Trosch asked Mr. Sawyer if he felt the money can be found to fund these programs? Mr. Sawyer replied yes, if Council says find them, they will find them.

Councilmember Carroll stated these programs are very vital because they relate to the programs that are going on during the winter, fall and spring. That we need them to keep the continuity of the things they are trying to do in these areas. That they are worth trying to find the money for. He would even consider using general funds if necessary.

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

Councilmember Selden moved the approval of the Human Services part of the Preliminary Plan, with the amendment to include the summer programs. The motion was seconded by Councilmember Locke, and carried unanimously.

Mr. Sawyer stated it will take his staff the rest of this week possibly to draft the application; then it goes to the printer - it may be the middle of next week before it is printed. Then they will have it to consider on the 27th.

CONTRACT WITH A CONSORTIUM OF BETHLEHEM CENTER, THE CHARLOTTE AREA FUND, AND THE CHARLOTTE HOUSING AUTHORITY FOR EMPLOYMENT TRAINING FOR HIGH SCHOOL DROPOUTS.

Motion was made by Councilmember Gantt, seconded by Councilmember Chafin, approving a contract with a consortium of Bethlehem Center, The Charlotte Area Fund, and the Charlotte Housing Authority to provide employment training through PROJECT MEET for 32 economically disadvantaged high school dropouts for a total of \$78,640.



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Councilmember Gantt stated he does not quite understand the role of the Charlotte Area Fund. That it sounds like the same program that the Area Fund came to Council with last year. Is their role in this the fiscal management?

Mr. Bob Person, Manpower Director, replied it is a little bit complicated. That he can not say whether it is the same program that they had last year or not. It does represent a consortium based on these three agencies, to work with youngsters who have dropped out of school. That it is spelled out as clearly as they could in the contract as to the role that each would play. He stated the "fiscal" which is mentioned in the contract may be a misnomer, because there is really not that much fiscal accountability in the program. The allowances and that sort of thing will be paid through the Manpower office. They are only talking about maybe three or four staff people. They will have some responsibility for keeping time sheets on these individuals and working up the payroll data to be submitted to the Manpower office for payment.

Mr. Gantt stated he was really trying to find out who is going to run the program; that the Housing Authority is going to recruit the students; Bethlehem Center is apparently going to find out whether they went to school or not, how much training they had. That Bethlehem Center is going to train them; The Charlotte Area Fund is responsible for fiscal management.

Mr. Person stated Lucy Gess of Bethlehem Center, and John Crawford of the Housing Authority are present and can speak to this program.

Ms. Gess stated this is the same type of thing they have with Rev. Battle. That Gethsemane and Bethlehem Center have a council; they meet and supervise the two workers. They would pick the youth from out of the target areas and the housing projects. That Mr. Kornegay of the Area Fund has been very much aware of the whole process, so the Fund will be involved. There will be representatives of each of the agencies and they will meet weekly or monthly to make it run smoothly.

Mayor Harris asked why is the Charlotte Area Fund involved?

Mr. Person replied actually the Area Fund has a neighborhood facility in that area; and it was because of this that they were working on this joint effort.

Councilmember Gantt stated he was hoping that what he would say is they are trying to help the Area Fund on certain of their requirements.

Councilmember Trosch stated the contract says this will commence on January 10, 1978. That this is a little bit after that and she wonders if they are operating without funds and this would be retroactive. Mr. Person replied they are not operating at the present time; it was anticipated that this contract would come before Council on the 10th of January, so the commencing date should be changed, making it effective today.

The vote was taken on the motion and carried unanimously.

RESOLUTION STATING AN INTENT TO CONTINUE THE LOCAL FUNDING FOR THE ACCIDENT IDENTIFICATION AND SURVEILLANCE PROGRAM; AND AUTHORIZING DIRECTOR OF TRAFFIC ENGINEERING TO FILE APPLICATION FOR A GRANT FROM THE NORTH CAROLINA GOVERNOR'S HIGHWAY SAFETY PROGRAM TO FUND THE SECOND YEAR OF THE PROGRAM.

Motion was made by Councilmember Gantt, seconded by Councilmember Locke, and carried unanimously, adopting the subject resolution.

The resolution is recorded in full in Resolutions Book 13, at Page 176.

RESOLUTION APPROVING TRAFFIC SIGNAL INSTALLATION AT INTERSECTION OF NORTH GRAHAM AND NORRIS AVENUE; ORDINANCE NO. 904-X APPROPRIATING FUNDS.

Motion was made by Councilmember Gantt and seconded by Councilmember Selden, adopting a resolution to approve a municipal agreement with North Carolina Department of Transportation for traffic signal installation at the intersection of North Graham and Norris Avenue; and the ordinance to appropriate funds in the total amount of \$6,275 for cost of installation (to be reimbursed from State Funds).

Councilmember Carroll stated he has heard that the people in the neighborhood are concerned about the cut-through traffic from Graham to Tryon, on Norris. As he understands it, there are signs up that say no truck traffic or what not - is that correct?

Mr. B. A. Corbett, Traffic Engineer, replied he cannot verify that the signs are there. There is a possibility that with the installation of this signal that it could adversely affect the neighborhood by attracting more traffic to the street. They advised of this in the report that they initially sent out stating that the signal was warranted. However, it does warrant a signal and it should be put in, from the aspects of the traffic conditions at the intersection. He stated generally when they put in a new signal, it does attract traffic to the side street.

The vote was taken on the motion and carried unanimously.

The resolution is recorded in full in Resolutions Book 13, at Page 177.

The ordinance is recorded in full in Ordinance Book 25, at Page 199.

CONTRACT WITH LANDMARK ENGINEERING COMPANY FOR THE FY-78 AERIAL PHOTOGRAPHY FOR THE TRAFFIC ENGINEERING DEPARTMENT, APPROVED.

On motion of Councilmember Selden, seconded by Councilmember Trosch, and carried unanimously, a contract was approved with Landmark Engineering Company for the FY-78 aerial photography for the Traffic Engineering Department; contract amount not to exceed \$11,350.

ORDINANCE NO. 905-X TRANSFERRING FUNDS FROM THE 1972 AIRPORT GENERAL OBLIGATION BOND FUND BALANCE, AND ESTIMATED SUPPLEMENTAL FEDERAL GRANT FUNDS, FOR CONSTRUCTION OF NORTH/SOUTH RUNWAY, ADOPTED.

Motion was made by Councilmember Locke, seconded by Councilmember Chafin, to adopt the subject budget ordinance transferring funds from the 1972 Airport General Obligation Bond Fund balance, and estimated supplemental federal grant funds, for a total of \$1,647,382, for the construction of the North/South runway.

Councilmember Gantt requested that Mr. Birmingham, Airport Manager, explain what the participation of minority contractors will be in this project. That the previous contract that was aborted had a relatively significant participation, but he understands that many of those contractors are not "in the ballgame" anymore.

Mr. Birmingham replied he does not know exactly whether that is the case or not. He does know that they are striving to do that in all of their contracts, but making it consistent with the low bid policy of the general statutes. Mayor Harris asked him to get this information for the Councilmembers.

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

The ordinance is recorded in full in Ordinance Book 25, at Page 200.

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USE OF MEMORIAL STADIUM FOR OUTDOOR CONCERTS TABLED AND CITY ATTORNEY REQUESTED TO DRAW UP POLICIES.

Motion was made by Councilmember Locke, seconded by Councilmember Chafin, to continue the City's policy of no outdoor concerts at Memorial Stadium.

Mr. John Hasty, attorney for Kaleidescope Productions, stated he has told Council just about everything they know concerning the conduct of concerts in other areas of this country and in this community. He has become aware of a great number of pressures that may have been brought to bear on the Councilmembers. That he and his client have attempted not to go to the media in any way to try to bring any type of pressure on Council's decision. He knows it is a difficult one for them.

He stated when he sifts through everything that has been said, and all of the objections that have come from all the sources, it boils down to one simple thing. That is, the apprehension on the part of some that there might be a repeat of an incident that happened in 1974. No other reason that he has heard advanced, by anyone, on either side of this matter, is valid as far as he can see. Those pressures from the Coliseum Authority, of course, are obvious. They do not want the City's Park and Recreation Commission to promote anything that would take away from their building.

He stated the problem that they have here then is one to consider what has occurred in other places; it is that simple. If they are going to gage themselves by the conduct of one person in 1974, and have that deprive the other young people of this area from listening to a concert, that is an invalid reason for Council to base its decision on. The areas of the country which he has told them about, where there have been no incidents, indeed the city itself in the surrounding area where there have been no incidents, tell him and it should tell Council, that this type of program can be successfully carried on in Memorial Stadium.

He stated that last year 14,000 young black people gathered at the Metro-lina Speedway to hear basically soul type music without incident. It was policed by off-duty Sheriff's Department employees. That he has pointed to the Marshall Park and Freedom Park concerts, all of which attract large crowds of young people, all without incident. We have the facility in Charlotte in Memorial Stadium and he believes this Council owes a duty to young people of this community to provide them with a place where the best in top rock and top 40 concerts can be held. It is his opinion that the City Council is legally responsible to rent this facility to anyone who applies for it for the use of any legitimate purpose and he requests that they do so.

There are any number of ways that this concert could be staged. He has presented to Council a plan which they feel is feasible, but in working with the Parks and Recreation Department they will be happy to abide by anything that would be reasonable as far as how the concert could be staged.

Councilmember Frech stated her mind is not made up on this. She has had some comments from young people who say they would like this opportunity to attend rock concerts. Of course, Councilmembers have a number of reservations about this. She asked if the promoter would be willing to take additional insurance or post a bond to cover any possible damage? The contract says that he will see that the city is kept harmless from any suit. She is concerned about what backing he has to make sure that if there is such a loss that he will be able to do that.

Mr. Hasty replied they carry liability insurance on all of these events - \$500,000. As far as damages are concerned, he would have no objection to having his client post in cash or surety with Park & Recreation Commission, an amount of money to insure against damages. That in the past seven concerts that have been given, the total damages in all seven concerts was less than \$500 and that was paid promptly to Central Piedmont Community College. He would think that a \$500,000 cash bond would be reasonable.

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Mr. Wylie Williams, Assistant City Manager, stated he talked with Mr. Lynn Thompson of the Orlando Sports Authority and with Major Lecorie of the Orlando Police Department. That Mr. Thompson, of course, said there were no problems, they handled crowds ranging from 32,000 to 50,000 people, had uniformed police, and that they have a plan that they will send us if we need it. It governs their parking, traffic control and those sorts of things.

He stated Major Lecorie is in charge of the tactical operations of the Police Department. The first comment he made was "Mr. Williams, are you planning to have concerts up there?" When he replied that we were thinking about it, he stated he would preface anything he was going to say by saying "They're hell." He went on to say that they handled them but that one of the key things is police and promoter rapport - they must have good rapport.

They also have a procedure for checking out each performer. They contact each performer and check with the police chiefs in the last five places where they have given concerts to find out what problems they have had. If they find any potential problem areas, they will recommend to the Authority or to the governing body that they not allow the concert. They also have an extensive program - Fire Department support, emergency training officers. Of the four major concerts they have had, three major football games, they have had no major incidents. One interesting point is that they get the people in and out of the stadium within an hour.

Councilmember Leeper stated he has wrestled with this all week and is sure other Councilmembers have too; that he has some real concerns about this proposal. It seems to him that the possibility of at least trying this on a temporary basis outweighs the negative aspects of it. That Council should allow such an opportunity to see if this can work. Based on Mr. Williams' follow-up on this, he offered a substitute motion that concerts be allowed on a temporary basis, basing it on each performance. The motion was seconded by Councilmember Frech.

Councilmember Trosch stated it sounds from Mr. Williams' report that Orlando does this on a provisional basis - from concert to concert. That each is approved by the Council. Mr. Williams agreed this is right.

She stated it concerns her greatly that in the contract the stadium is open three hours before the performance begins. She asked how long it is open for other events held at the stadium? What is the purpose of this three-hour period?

Mr. Diehl replied that for the Shrine Bowl they open the gates at 10 o'clock in the morning and close about 4 o'clock in the afternoon. Ms. Trosch stated there is a parade involved in that - it is not exactly a concert.

Mr. Hasty stated whatever length of time it takes to get 25,000 people in is fine. That it takes about two hours to get 13,000 or 14,000 into the Coliseum. That whatever time staff people think is adequate; that they do not want them there any longer than they have to be, either. He hopes Council can appreciate that. They want the concert to get in, and get out.

Councilmember Selden asked the seating capacity of Memorial Stadium? Mr. Diehl stated the seating capacity is 24,133. Mr. Selden asked what we do about a limitation as to how many people get in - what do they do about the overflow? What if 40,000 people show up?

Mr. Hasty stated the stadium could hold that many when you fill up the field as well. That when you promote the event, you do it in such a way, with certain acts, to attract certain numbers of people. They are shooting for 25,000 people. When they promote the act, that is the way it will be promoted.

The question was asked what would happen if they had 60,000 people coming down the street wanting to get in? Mr. Hasty replied that just will not happen.

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Councilmember Locke stated she does not believe that. That in 1976 there was something at the Coliseum and the doors were broken down - glass was broken - because they could not let the people in. She foresees more people showing up. That young people from 19 to 25 will think she is a mean old witch for voting against this. She stated we have a problem in this city, in and around Memorial Stadium, with traffic control, parking and toilet facilities. She just thinks that they would be opening the door to chaos if Council allows this motion to pass. That when they say 25,000 people will show up and 50,000 show up like they did at the Speedway - then you have some real problems of controlling the people. She will have to vote against it.

Councilmember Gantt asked Mr. Hasty if he has given up on other sites that are available in the Charlotte area - the Charlotte Motor Speedway. Why would his group not be interested in putting on an affair there? Mr. Hasty replied that the Charlotte Motor Speedway is not available for concerts, first of all. Mr. Gantt stated he is aware that they did have one. Mr. Hasty stated they have new management, they are undergoing an extensive construction program. They will just not make it available for that purpose. Also, from past experience, to make that venture work demands even larger crowds and when you get into dealing with crowds of several hundred thousand people, you have a different set of problems. They are not interested in getting into it on that scale. But, the main reason is it is not available.

He stated the Metrolina Fairground does not have the facilities to handle more than about 10,000 or 12,000 people. There is a good amount of dirt and dust there and the facility is simply not what they should have.

Councilmember Gantt stated that those two sites were simply the only two they have had in the past? Mr. Hasty replied those are the only two. They did promote one at Carowinds, but they are now in that business themselves and the situation is that they are a private business.

Councilmember Gantt stated what he is getting at is that the location of these things have a lot to do, in his opinion, with the feasibility of having them. Where you have an area that is wide open - where the parking and other kinds of things can be handled, you can alleviate some of the traffic problems. That the construction of the Tangerine Bowl in Orlando, or Atlanta Stadium, or any of the other large places where they have these outdoor concerts, given the location of the ingress and egress to the stadium, the crowds can be controlled fairly easy. That unfortunately, the design of Memorial Stadium itself does not speak to emptying and filling the stadium in a reasonable fashion, in addition to the fact that it exists in a location that comes fairly close to the damage of other property. Most stadiums are built in such a way that there is very little opportunity for damage to other public property.

He stated he has been constrained from taking the viewpoint that they should ban this kind of thing totally, because he is not so sure that there is a lot in Charlotte that is different from other places in the country. That we do have a segment of people that they need to offer more kinds of leisure time opportunities to. For that reason he would like to add some amendments to Mr. Leeper's motion because he feels they should experiment with it with some very stringent guidelines. First, he would place a limitation on the number of these events that would occur in any one summer or year. That Council could decide that. Secondly, he would limit the number of patrons that could go through the turnstiles. He does not "buy" the answer that simply because they are bringing in "Joe Blow" act, they know they are not going to get anymore than 20,000. He thinks it is in the promoter's interest to sell as many tickets as they can get in the stadium. The danger is that they are going to stack people on top of people - and we have all kinds of traffic problems. That they should limit the capacity and the number of tickets that they could actually sell. Of course, it limits the amount of money that the City is going to get.

He stated he would also like to limit the number of hours that the event can go. That also they should have the proper kind of insurance and bonding; that they should evaluate the particular promoter and his past record of giving these kinds of events; and that they should review the specific

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plans for the security of that event in terms of the number of security personnel they hire. He stated Council has to approach it that way in view of what has happened; in view of the inadequacies in the design of the stadium itself; in view of the inadequate amount of parking. That with the control experiment here, they could evaluate how this thing works out.

Councilmember Leeper stated he could accept the amendments; that they should be fair to all of the citizens. Councilmember Frech, who seconded the motion, stated she has a question before she decides to accept the amendments. If they limit the number of tickets to 25,000 or so, and 50,000 show up, what are the 20,000 outside in the street going to do?

Mr. Hasty stated that Councilmembers are not conversant with the promotional aspects of the business; that he himself is only on the edges of it. But, when they have an act that is going to perform in an area - a coliseum or stadium - you can limit the number of people that will come because you know where this group is in a reference scale of 1 to 10 in the top 40, you know what percentage of the concert going audience will want to come to see this act. Then you know how many people there are that live within a certain area. By promoting the show in a certain geographical area, and by the act that you choose, you know about how many people are going to come. That it has proven true in all of the other concerts. He stated that he cannot see anything drastically wrong with what Mr. Gantt said; they are perfectly willing to work out a concert arrangement in that stadium that will be workable. That is what they want to do. As far as getting with the staff and working out this plan, they are perfectly willing to do that.

Councilmember Carroll stated he thinks Mr. Gantt is getting at sort of the heart of the problem, which is not this particular request at all. That what they are dealing with here is a public policy that Council sets for access to a public facility - something that the people of Charlotte own - and Council is supposed to set some guidelines for that usage. He is very disturbed by the fact that the policy as set forth now would not hold muster if it were challenged. It selects one particular type and says we will not allow those in this public facility. That what they need to do is go back to the drawing board and develop a policy which will apply across the board - apply fairly to all members of the public who wish to use this facility. That there are a lot of things that need to be taken into consideration, as Mr. Gantt mentioned, that relate to that. He is particularly concerned about the parking. That he does not like Independence Park being used as a parking lot, for the Shrine Bowl games, or anything else. That they should see that whoever is going to use the stadium, that some arrangements are made to use some of the other downtown parking areas with transportation, or something else. It is a physical problem that will have to be confronted with existing facilities. That Council has to set a policy that applies evenly across the board. What we have now that says that one type of musical concert cannot be held there. He realizes that there are some time constraints which the promoter feels that he would like to have resolved, but he would like to see Council develop a policy first before they decide to selectively go about handling this.

He moved that the matter be tabled and requested that Mr. Underhill to see if he cannot develop some policies with the ideas that all the Councilmembers have discussed, including some provision that the cash bond could be used by the City to help meet the claims of all property owners in the vicinity. The motion was seconded by Councilmember Selden, and it carried as follows:

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

NAYS: Councilmember Dannelly.

Mr. Hasty asked what procedure will be followed now. What happens next? Who is going to put it back on the agenda?

Mayor Harris replied when Mr. Underhill gets a policy ready he will bring it back on the agenda.

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Councilmember Gantt asked why is it necessary for Mr. Underhill to be the only one to develop that policy? He thought what they were really saying is that some of the concerns he himself had and some that were expressed around the table, that Council would be forced to actually decide this issue, and maybe they ought to examine the entire policy. For that reason they might want one of Council's committees to begin an examination of this. He does not understand why the City Attorney has to be the one to draft the the policy if Council is responsible.

Mr. Burkhalter stated he would just like to ask if they want to have these concerts; if they decide that, there would not be a problem.

Councilmember Carroll stated he thinks they have to deal fairly with anybody of the public who wants access to the stadium. That maybe he does not like these concerts at all, but it is a question of having a policy that applies fairly to everybody. That Mr. Gantt's suggestion is a good one; that they get some other input.

Mr. Burkhalter stated they have several concerns about that that they have discussed, but it will take some time to work each one of these parts out. In the first place, they have to assume that Council was advised that they were not moving illegally when they banned that sort of thing. That there might be good reason to say that they can ban this type of activity.

Mr. Gantt stated it is a good reason for them to limit the way they use it, as opposed to some other policy, and Mr. Burkhalter replied right. That what he was going to say, from a conversation he heard in that connection, that you cannot be very selective about which one of these you want to have. That is what he wanted to warn Council against.

Mayor Harris asked Mr. Diehl if he has a stated policy as to the use of Memorial Stadium - in writing. Mr. Diehl replied no, they have contracts for football games and for other uses. Mayor Harris stated what he hears is that Mr. Burkhalter is looking for a statement of use to be brought back to this Council.

Mr. Burkhalter asked if what Council wants done is for Mr. Underhill to prepare a lease that they can have this type of service? Mayor Harris replied no, that is not what he heard Council saying.

Councilmember Selden stated that last week Councilmember Cox spoke to the fact that if these concerts were permitted, then others would be permitted. That if their restraints are legal and proper then you could apply the restraints to some and not to others. He stated they need to resolve this question before they vote on the motion.

Mayor Harris stated he would like to know the intent of Council right at this point - are they looking to have Mr. Hasty's group give concerts in Memorial Station? If they are, then that is what Mr. Gantt is saying, that we need guidelines, various things spelled out. He is not saying they should take that into consideration today since they have already tabled the matter. But as a guidance to Mr. Burkhalter, is Council saying come back to them with a recommended policy on the use of Memorial Stadium?

Councilmember Selden stated he would like to hear what the legal opinion is as to whether you can restrain on the basis of a given type of performance. Then, having resolved that, he agrees with Councilmember Carroll that they need a certain set of parameters for the use regardless of what type of concert is involved. Mayor Harris stated they want a legal opinion, plus a proposed operational policy on Memorial Stadium.

Councilmember Dannelly stated he would certainly like to know whether or not it would be legal for this Council to decide on an individual request from promoters as to whether or not they will allow a concert. They can certainly decide on the basis of the last concert. That he is asking that because of what Mr. Williams said indicating that in Orlando they check out the last five places before approving a concert. Other Councilmembers stated that was in Orlando's policy; we do not have a policy. Mr. Dannelly stated if we do not have the policy, can they look into it being legal for Council to do that. In the background, he is really thinking about the

needs of young people as opposed to adult fears.

Mayor Harris suggested that Mr. Williams request a copy of Orlando's policy.

Councilmember Gantt asked Mr. Underhill to consider the legal questions that he raised as amendments to Mr. Leeper's motion. First, whether or not it is possible to limit the types of concerts legally. Mr. Underhill asked what he means by types - rock versus country and western? Mr. Gantt replied "outdoor" musical concerts he considers a category, whether it be religious music, gospel music, or whatever. That they need to look at whether a publicly owned facility can limit the various kinds of things it wants to have in that facility. They had this discussion to some extent with wrestling matches in Park Center a few years ago.

He also asked if they can limit the size of the audience; can they decide that no promoter will sell more than "x" number of tickets; can they limit the duration; can they make a selection based on the prior performance of the promoter. In other words, establishing the credibility of a promoter seems to be in the public interest - the fact that that promoter might have some difficulty in living up to his end of the bargain.

Councilmember Leeper stated that Mr. Underhill might also want to share with Council whether they can limit the number of tickets a rock promoter might be able to sell as opposed to the number of tickets that can be sold for the Shrine Bowl. He does not think you can single out one particular activity and say you cannot sell but "x" number of tickets, and allow other people no limit.

Mayor Harris stated they are getting into legal things; that they should let the attorneys resolve that.

He stated to Mr. Burkhalter that what he hears Council saying to him is to come back with a proposal, excluding Mr. Underhill's business, with these various alternatives in it - the blanks to be filled in; that Mr. Underhill has been asked to provide a couple of answers to legal questions.

Mr. Hasty stated he believes that is clear to him. That since Councilmember Carroll brought it up, he is of the opinion that City Council must furnish the stadium; that he wants them to understand that his client, after talking with him about, has elected to come to Council and try to work this out and not simply bring a lawsuit against the City. He believes sincerely that if he was to bring such a lawsuit, the judge would require the City to rent the stadium to them. He only asks Council to please work as fast as they can. They need to book the acts much in advance; they are losing acts everyday.

Mayor Harris stated that evidently we have a monopoly on space that can be rented in the 50-mile radius of Charlotte. Mr. Hasty replied he hopes that is very clear, that they feel the stadium is the only place in 50 miles of this city that is suitable to stage such an outdoor concert.

Councilmember Gantt stated his interest in this is not so much to help Kaleidoscope Productions, but it is a matter of setting public policy; that he does not feel necessarily that he has to be forced into this decision.

Mr. Hasty stated they do not want to try to force Council into a decision either; that his client does not disagree violently with anything that has been said here, except Ms. Locke's comments and the motion to table the matter.



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COUNCILMEMBER DANNELLY EXCUSED FROM MEETING.

Councilmember Dannelly requested Council to excuse him from the remainder of the session at this time.

Motion was made by Councilmember Chafin, seconded by Councilmember Locke and carried unanimously to excuse Councilmember Dannelly from the remainder of the session.

RESOLUTIONS AND ORDINANCES FOR STATE CLEAN WATER BOND FUND GRANTS.

Motion was made by Councilmember Locke, and seconded by Councilmember Selden to approve the following resolutions and ordinances for State Clean Water Bond Fund Grants:

(a) North Mecklenburg 201 Projects.

- (1) Resolution accepting a State Clean Water Bond Fund Grant increase for the North Mecklenburg 201 Projects, totaling \$271,648.
- (2) Ordinance No. 906-X amending Ordinance No. 725-X, North Mecklenburg Wastewater Facilities Projects, appropriating supplemental State Matching Funds for North Mecklenburg 201 Phase I Project.

(b) Metro Charlotte 201 Projects.

- (1) Resolution accepting a State Clean Water Bond Fund Grant increase for the Metro-Charlotte 201 Projects, totaling \$473,164.
- (2) Ordinance No. 907-X amending Ordinance No. 724-X, Charlotte Metro 201 Wastewater Facilities Projects, appropriating supplemental State Matching Funds for Metro 201 Phase I Project.

(c) Metro Charlotte 201 - Phase II Wastewater Facilities Project.

- (1) Resolution accepting a North Carolina Clean Water Bond Grant in the amount of \$3.5 million for the construction of the Metro-Charlotte 201 Wastewater Facilities Project.
- (2) Ordinance No. 908-X to estimate federal, state and local revenues and to establish an appropriation to finance the construction of Phase II of the Metro Charlotte 201 Wastewater Facilities Projects.

(d) Sewer Collection Systems in the 1977 Annexation Areas.

- (1) Resolution accepting State Clean Water Bond Grant in the amount of \$1,301,149 of financial assistance for wastewater facilities projects.
- (2) Ordinance No. 909-X to amend the 1977-78 budget ordinance, increasing the revenues and expenditures estimates as a result of a State Grant for sewer collection system construction in the 1977 annexation areas.

Mayor Harris stated it has been brought to his attention that we have inadequate 201 matching funds; and this city is being hurt in this area because we do not have enough matching funds in order to get the 201 monies? Mr. Dukes, Utility Director, replied that is correct. That as Council reviews the budget this year they are hoping they will keep in mind about three and half million dollars for these as they go through the capital improvements budget. That they are limited and would like to complete the program; they needed \$7.0 million, and they have about \$4.4 million.

Mayor Harris stated this has been called to his attention for the first time; that he did not realize we were being held back from getting the funds. Mr. Dukes stated we are not quite being held back; we are on schedule; we have been fortunate enough to keep up with the appropriation. They hope to be funded in July of this year for the Irwin and McDowell Plant. They have been able to keep up with what has been available. But this is what is in front of us.

Mayor Harris stated he understood there were monies up there we could get if we could qualify for it; and we did not have the funds on a matching basis. Mr. Dukes stated so far we have done it; we have more than we can spend right now. This money we are accepting today results in about \$50.0 million in capital improvements.

Mayor Harris stated he seems to be the only one with questions at this point; that there is to be a briefing with Utilities in March. At that time he would ask Mr. Dukes to go over these factors with them. That he thinks the 201 program is very important to this community.

He stated the second question he has is that he understands we have limited sewer capacity as far as any major industry wanting to move into the city today. That we would have a very difficult time trying to get approval of that facility.

He requested Mr. Dukes to bring this up when they meet with them in March.

Mr. Dukes stated we have about 50 million gallons capacity treatment right now; we have contracted for 16 million additional; we are treating 40 million gallons of sewage a day. This is talking about an average day; you have a criteria for an average of the maximum month which is a little different. So it may create a little problem.

The vote was taken on the motion and carried unanimously.

The resolutions are recorded in full in Resolutions Book 13, beginning at 178 and ending at Page 181.

The ordinances are recorded in full in Ordinance Book 25, beginning at Page 201 and ending at Page 204.

CONTRACT WITH TOWN OF MATTHEWS FOR THE CITY TO COLLECT AND TREAT PORTION OF MATTHEW'S WASTEWATER.

Motion was made by Councilmember Gantt, seconded by Councilmember Selden, and carried unanimously approving a contract between the Town of Matthews and the City of Charlotte for collection and treatment of a portion of the town's wastewater.

CONTRACT WITH SOUTHERN BELL TELEPHONE COMPANY FOR INSTALLATION OF EQUIPMENT TO IMPLEMENT 911 EMERGENCY TELEPHONE SYSTEM.

Motion was made by Councilmember Locke, and seconded by Councilmember Gantt to approve a contract with Southern Bell Telephone Company for the installation of equipment to implement the 911 Emergency Telephone System.

Councilmember Carroll stated he understands this is being done with the County. He asked how the cost is being shared? Ms. Loveless, Administrative Assistant, replied the cost is based on the number of calls that come in. Right now it is 26% for the County and 74% for the city. Councilmember Carroll asked about the cost of the contract Council is approving today? Ms. Loveless replied there is no cost attached to this contract. This is just a guarantee that we are going on with the system. We will pay a termination cost if it is pulled out, within five years. There will be another contract later on for the equipment, installation and service charges. Councilmember Carroll stated that is what he is wondering about - the capital cost involved in 911 - how we share that with the county? Ms. Loveless replied there will be an inner-agency agreement and it will be 26-74, and based on the number of service requests coming into 911. The 26-74 percent will be adjusted each year.

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

ADOPTION OF PROPOSED CATV ORDINANCE AT ITS FIRST READING, ADOPTION OF ORDINANCE AWARDING FRANCHISE TO AMERICAN CABLEVISION OF CAROLINAS, INC. T/A CABLEVISION OF CHARLOTTE, ON ITS FIRST READING.

Councilmember Selden moved adoption of a proposed CATV ordinance at its first reading, and adoption of an ordinance awarding a franchise to American Cablevision of Carolinas, Inc., T/A Cablevision of Charlotte, at its first reading. The motion was seconded by Councilmember Chafin.

Mr. Underhill, City Attorney, advised that what is done at the first reading, can be changed at the second reading. But any ordinance that deals with granting a franchise must be approved at two separate meetings.

Mr. Burkhalter, City Manager, stated there are two people who have expressed some concern about this - Mr. Short and Mr. Cox; and he would like to emphasize what Mr. Underhill said - at the next meeting they can do whatever they want to do with it.

Councilmember Gantt requested the City Manager to determine before the next reading whether or not we went to 15 year lease, could we remove the stipulation of the automatic 6 percent consideration.

The vote was taken on the motion and carried unanimously.

APPOINTMENT OF LEWIS A. BACOT TO MUNICIPAL INFORMATION ADVISORY BOARD.

Councilmember Frech moved the appointment of Mr. Lewis A. Bacot to the Municipal Information Advisory Board to fill vacancy which will expire April 30, 1980. The motion was seconded by Councilmember Chafin, and carried unanimously.

ADDITIONAL NOMINATIONS FOR APPOINTMENTS TO MOTION'S BOARD OF DIRECTORS.

Members of Council indicated they had additional nominations to be made to the Motion's Board of Directors, and would like to defer consideration of the nominations on the table. They were advised to make the nominations and it would automatically leave the nominations on the table.

Councilmember Locke stated Councilmember Cox asked her to place the name of George Godwin in nomination.

Councilmember Gantt placed in nomination the name of Mr. Raleigh Bynum.

Councilmember Carroll placed in nomination the names of Ms. Phyllis Lynch, and Mr. Jim Johnson.

CONTRACTS AWARDED.

(a) Councilmember Locke moved award of contract to the low bidder, GMC Truck and Coach Division, for four 12 passenger vans, in the amount of \$28,939.24, on a unit price basis. The motion was seconded by Councilmember Selden, and carried unanimously.

The following bids were received:

GMC Truck & Coach Div.	\$ 28,939.24
Young Ford, Inc.	29,987.24
LaPointe Chevrolet Co.	30,025.88

(b) Motion was made by Councilmember Chafin, seconded by Councilmember Trosch and carried unanimously, awarding contract to the low bidder, Sutphen Corporation, for one 90-foot telescoping aerial tower with breathing air system, cab and body, in the amount of \$203,640, on a unit price basis.

The following bids were received:

Sutphen Corporation	\$203,640.00
Howe Fire Apparatus Co., Inc.	203,788.00
Jack Cocke & Co., Inc.	209,114.00

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(c) Upon motion of Councilmember Selden, seconded by Councilmember Chafin, and carried unanimously, contract was awarded the low bidder, Howe Fire Apparatus Company, Inc., in the amount of \$94,023.00, on a unit price basis for one 1000 GPM Pumping Engine with 50 foot telescopic water tower.

The following bids were received:

Howe Fire Apparatus Co., Inc.	\$ 94,023.00
Snorkel, Div. of ATO, Inc.	102,756.00
American LaFrance	103,705.00

(d) Councilmember Frech moved award of contract to the low bidder meeting specifications, Pyco Supply Company, in the amount of \$9,842.00 on a unit price basis for 2,200 -3/4 inch and one inch corporation stops. The motion was seconded by Councilmember Selden, and carried unanimously.

The following bids were received:

Pyco Supply Company	\$ 9,842.00
ITT Grinnell Corporation	9,862.00
Mueller Company	10,230.00

Bids received not meeting specifications:

Carolina Pump & Lighting Co.	7,254.00
Southern Meter & Supply Co.	9,166.00

(e) Motion was made by Councilmember Chafin, seconded by Councilmember Locke, and carried unanimously awarding contract to the low bidder meeting specifications, ITT Grinnell Corporation, in the amount of \$3,042.00 on a unit price basis for 100 -2 inch corporation stops.

The following bids were received:

ITT Grinnell Corporation	\$ 3,042.00
Pyco Supply Company	3,154.00
Southern Meter & Supply Co.	3,166.00
Mueller Company	3,273.00

Bids received not meeting specifications:

Carolina Pump & Lighting Co.	2,372.00
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(f) Councilmember Leeper asked for an explanation on the low bidder meeting specifications; that this has appeared several times in these bids. Mr. Brown, Purchasing Director, replied there is a state law which provides you can go to another bid if the low bidder does not meet your needs, and you cannot recommend it for award due to past performance; it has to do with quality. It has nothing to do with the company; it is the quality of item being purchased.

Motion was made by Councilmember Locke, seconded by Councilmember Chafin and carried unanimously to award contract to the low bidder meeting specifications, Pyco Supply Company, for 2700 corporation stop couplings, in the amount of \$10,007, on a unit price basis.

The following bids were received:

Pyco Supply Company	\$ 10,007.00
Mueller Company	10,470.00

Bids received not meeting specifications:

Carolina Pump & Supply Co.	6,934.00
Southern Meter & Supply Co.	7,585.00

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(g) Councilmember Chafin moved award of contract to the low bidder meeting specifications, ITT Grinnell Corporation, in the amount of \$9,894.50, on a unit price basis for 2,050 curb stops. The motion was seconded by Councilmember Trosch, and carried unanimously.

The following bids were received:

ITT Grinnell Corporation	\$ 9,894.50
Pyco Supply Company	11,001.50
Mueller Company	11,437.50

Bids received not meeting specifications:

Carolina Pump & Supply Co.	9,160.50
Southern Meter & Supply Co.	9,548.50

(h) Motion was made by Councilmember Chafin, seconded by Councilmember Frech and carried unanimously awarding contract to the low bidder, Carolina Pump and Supply Company, in the amount of \$3,579.00, on a unit price basis for 100 two inch gate valves.

The following bids were received:

Carolina Pump & Supply Co.	3,579.00
Pyco Supply Company	3,600.00

(i) Councilmember Frech moved award of contract to the low bidder, L. A. Reynolds Company, in the amount of \$712,789.30, on a unit price basis for sanitary sewer construction to McDowell Creek Outfall, Phase II, subject to approval by E.P.A. The motion was seconded by Councilmember Selden, and carried unanimously.

The following bids were received:

L. A. Reynolds	\$712,789.30
Sanders Brothers, Inc.	742,513.00
Blythe Industries	745,337.05
Dickerson, Inc.	752,241.80
Gilbert Engineering	771,231.65
Rand Construction Co.	818,220.00
Ben B. Propst Contractor	861,612.95
Breece & Burgess, Inc.	881,290.00
Preston Carroll Construction	937,145.00
C.F.W. Construction	967,153.00

(j) Motion was made by Councilmember Locke, seconded by Councilmember Frech, to award contract to the low bidder, Crowder Construction Company, in the amount of \$296,521.00, on a unit price basis for EDA Sidewalk Construction, Phase II.

Councilmember Selden asked when Council will get the priority list on sidewalks? Mr. Burkhalter, City Manager, replied he has it on his desk now. The order in which he sends them to Council has been the problem. They have selected from all those available, the ones they would recommend for the next \$500,000.

Councilmember Gantt stated this is an EDA contract; that we had all the problems with the housing. He asked if we are running way over the dollar limits? Mr. Hopson, Director of Public Works, replied this is right on the estimate; there were no problems with the sidewalks.

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

The following bids were received:

Crowder Cosntruction Company	\$296,521.00
T. A. Sherrill Construction Company	299,094.06.
Blythe Industries	300,339.00

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ITEMS REMOVED FROM CONSENT AGENDA FOR DISCUSSION.

Councilmember Carroll stated he would like to remove Agenda Item 20(g) for discussion. Councilmember Trosch indicated she would like to comment on Item 20 (h).

CONSENT AGENDA ITEMS APPROVED.

Councilmember Locke moved approval of the following items under the consent agenda, which motion was seconded by Councilmember Chafin, and carried unanimously:

- (1) Settlement as recommended by City Attorney:
  - (a) Settlement in the case of City of Charlotte v. John G. Turner, et al, for Discovery Place Project, Parcel 7, in the amount of \$120,000.
  - (b) Settlement in the case of City of Charlotte v. Alfred L. Purrington, Jr., et al, for sanitary sewer to serve State Employees Credit Union, in the amount of \$7,500.
- (2) Resolution authorizing the refund of certain taxes in the total amount of \$924.58 which were collected through clerical error and illegal levy against 34 tax accounts.

The resolution is recorded in full in Resolutions Book 13, at Pages 182 - 184.

- (3) Contracts for construction of sanitary sewer mains:
  - (a) Contract with Bevins Development Company for the construction of 2,596 linear feet of 8-inch sanitary sewer main to serve Taragate Farms III, outside the city, at an estimated cost of \$38,940, all at no cost to the city.
  - (b) Contract with Living Saviour Lutheran Church for the construction of 160 linear feet of 8-inch sanitary sewer main to serve 6817 Carmel Road Extension, outside the city, at an estimated cost of \$3,500. The applicant is to advance 50% of the total cost and the remaining cost will be funded by the city under the existing Water/Sewer Extension policy.

PROPERTY TRANSACTIONS AUTHORIZED.

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

- (a) Option on 15,964 square feet of property owned by Interstate Stations, Inc., 3101 Milton Road, at \$12,400, for Dillard Drive Extension.
- (b) Acquisition of 20' x 33.56' of easement, plus temporary construction easement, from William J. Liska and Mary Liska, 921 off Rocky River Road West, at \$85 for Toby Creek Outfall.
- (c) Acquisition of 15' x 505' of easement, from Leonard E. Mauney and wife, at 12518 Huntersville-Concord Road, at \$510, for Huntersville Pump Station and Pressure Line.
- (d) Acquisition of 15' x 92.75' of easement, from Estate of M. Lee Heath and wife, at 14.07 acres southside of 2600 block of Belvedere Avenue, at \$1.00, for sanitary sewer to serve 2111 Peppercorn Lane.
- (e) Acquisition of 7.50' x 22.5' of easement, from Henry B. Benoit and wife, at 2107 Peppercorn Lane, at \$1.00, for sanitary sewer to serve 2111 Peppercorn Lane.
- (f) Acquisition of 7.5' x 22.5' of easement, from Yates W. Faison, Jr., and wife, at 2111 Peppercorn Lane, at \$1.00, for sanitary sewer to serve 2111 Peppercorn Lane.

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#### ACQUISITION OF PROPERTY FOR FIVE POINTS TARGET AREA.

Motion was made by Councilmember Locke, and seconded by Councilmember Leeper to approve the acquisition of 23,556 sq. ft. of property from Roberta Hobbs, at 529-39 Solomon Street, at \$10,650, for Five Points Target Area.

Councilmember Carroll asked for an explanation from Mr. Sawyer.

Mr. Sawyer, Director of Community Development, stated the reason for this acquisition is to widen and improve the extension of French Street, from Beatties Ford Road across Campus, Cemetery Street and Mattoon Street. There is also a map with the attachments showing the location of the parcel. In this case, consistent with the motion today approving the preliminary plan it is in the area west of Beatties Ford Road.

Councilmember Carroll asked if they will give consideration to moving the dwelling on the lot, and rehabing it? Mr. Sawyer replied yes they will; they will bring back to Council an inspection report and a financial analysis showing the condition of the house, and what it will take to bring it up to standard, and what it will take to move it; and what it will probably be worth once it is moved into place.

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

#### ACQUISITION OF PROPERTY AT 3429 MARVIN ROAD, DEFERRED.

Councilmember Chafin moved approval of the acquisition of 6,300 square feet of property containing one residential house, from Theodore A. Nodell, 3429 Marvin Road, at \$10,000 for Grier Heights Target Area. The motion was seconded by Councilmember Selden.

Councilmember Trosch asked why this is being purchased? Councilmember Carroll stated it is a nice little brick structure. Mr. Sawyer, Director of Community Development, stated he has not looked at it. Mayor Harris asked if it could wait for a few weeks, and Mr. Sawyer replied it could.

Councilmember Selden made a substitute motion to defer action. The motion was seconded by Councilmember Locke and unanimously carried.

#### COUNCILMEMBER GANTT EXCUSED FROM MEETING.

Motion was made by Councilmember Locke, seconded by Councilmember Chafin, and carried unanimously to excuse Councilmember Gantt from remainder of session.

#### CITY MANAGER REQUESTED TO SET WHEELS IN MOTION FOR A NEIGHBORHOOD CENTER IN AREA OF ELDERLY HIGH RISE ON GLORY STREET.

Councilmember Carroll stated he was impressed with the presentation about the neighborhood centers last week at the Neighborhood Center. He suggested to the City Manager that the wheels be set in motion for analyzing the need and possible location of another center. That it seems from what they have seen, another site might be up close to the elderly high rise on Glory Street, judging from the number of people coming from the area.

#### NOMINATIONS TO PARADE PERMIT COMMITTEE.

Councilmember Chafin placed in nomination the name of Ms. Charlotte Hampton for reappointment to the Parade Permit Committee for a three year term. That Councilmember Dannelly asked that she place this name in nomination before he left the meeting.

Councilmember Chafin placed in nomination the names of Ms. Jackie Frost and Chief J. C. Goodman for reappointment to the Parade Permit Committee.

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REMINDER THAT THIS IS ARTS AND SCIENCE COUNCIL WEEK.

Councilmember Locke reminded Councilmembers that this is Arts and Science Council Week.

REQUEST FOR PAVING ON FARMER STREET GIVEN TO CITY MANAGER FOR INVESTIGATION.

Councilmember Leeper asked the City Manager if he has received a request from a citizen on Farmer Street requesting paving for the street? Mr. Burkhalter replied he does not recall it. That he will look into the request if Mr. Leeper will pass the request to him.

COMMENTS ON RENT CHARGES IN TARGET AREAS WHEN PROPERTY IS PURCHASED BY CITY.

Councilmember Leeper asked if the City has a specific policy that determines the amount of rent people in the Target Areas pay based on their income; and at some point was a determination made that when the City took over the dwellings - particularly in the West Morehead Street Area - that the rent would be substantially less? He asked how much rent the city is charging? The City Manager replied he will check into this and give him a report; he would think we are charging the same rent they were paying. The city does not have any rent policy; and the only policy we follow are the rent subsidy policies of the Section 8 program.

Mr. Underhill, City Attorney, stated once the city becomes a landlord, the rent collections drop substantially if First Ward is any indication.

PROGRESS REPORT REQUESTED ON ATTORNEY WHITE'S PROPERTY ON DUNKIRK AVENUE.

Councilmember Leeper asked if the City Attorney has any additional information on Attorney White's property on Dunkirk Avenue? Mr. Burkhalter replied he has no more information than when he talked to him before. He asked if the man is still living in the house, and Councilmember Leeper replied he is. Mr. Burkhalter stated we told him not to pay his rent until the man fixed it. That the City carried it up to the legal limits; then the man sold the property to his daughter, and now we have to start all over again with the legal requirements.

That he will give him a report on it.

REPORT ON CONCERNS OF CITIZENS ABOUT FIRE DEPARTMENT'S RESPONSE TIME TO FIRE IN NATIONS FORD ROAD AREA.

Councilmember Leeper stated he has received concerns from residents in the Nations Ford Road area about a house that caught fire; and everyone was out of the Nations Ford Road Station at the Training Center.

Chief Lee stated this is not unusual. The name of the game in fire protection is providing services from the nearest facility that does not have an assignment. In the history of fire protection, we have been training our people ever since he can remember and that goes back 20 years. They are trained in various circumstances, and it is not unusual to have those courses at the Academy. So they may find a station that is out.

In spite of this, the average response time in the city is three minutes and 30 seconds, and the response distance is an average of 1.6 miles. This includes the responses made by the second company. That is when the first company is out of pocket.

He stated he does not feel they have been caught with jam on their face - rather what was exposed was a very normal situation that happens any number of times throughout the year. It could happen any number of times. The only alternative is (x) number of more staff to cover these positions when they are vacant. They are already operating with a minimum number.

Mayor Harris stated technically they could be out on a call, and when you have an empty station, it automatically goes to the next closest station. Chief Lee stated the next closest company in this instance was three miles a way, and responded in about seven minutes, and not the fifteen minutes as suggested in



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the news. All the response times are recorded and are available for anyone to inspect.

Councilmember Leeper asked how often this is done? Chief Lee replied the Nations Ford Station is not an exception; they have four companies in training practically every day of the year, five days a week. The benefit gained is much greater than the risk incurred.

Councilmember Locke stated she would like to commend the Fire Department on the response they made to a possible heart attack victim at the Mint Museum recently. It made a very vivid impression on each one present. Other members who were present indicate they were very impressed.

The City Manager stated once you become the first respondent there will be a lot more vacant stations.

Chief Lee stated they have contacted the person who lives at the location on Nations Ford Road and also the neighbors to explain the situation.

Mayor Harris asked the difference in response time? Chief Lee replied the first station is located within 6/10 of a mile; part of the seven minutes response time is receiving the alarm and notifying the company. It probably would have been five minutes sooner; but in as much as that particular fire is concerned, it was observed coming through the roof. You do not save much when you have that situation.

#### MOTION TO CONSIDER A NON AGENDA ITEM.

Motion was made by Councilmember Selden, seconded by Councilmember Locke, and unanimously carried, to consider a non-agenda item.

#### CITY MANAGER AUTHORIZED TO GIVE PERMISSION TO AGRICULTURAL EXTENSION DEPARTMENT TO FIRE GUNS TO FRIGHTEN AWAY BIRDS IN AREA OF OLD CONCORD ROAD.

Councilmember Frech stated she has a petition from residents off Old Concord Road concerning birds. They would like permission to have the Health Department and Agricultural Department to assist in getting rid of birds at Fairhaven Drive and King George Drive.

After discussion, motion was made by Councilmember Frech that if the Health Department makes the proper request, the City Manager is authorized to give the permission to the Agricultural Extension Department to assist in getting rid of the birds. The motion was seconded by Councilmember Carroll, and carried unanimously.

During the discussion, Mayor Harris asked that the Police Department be notified of this also.

#### CONCERNS EXPRESSED ABOUT USE OF TRAPS TO CATCH ANIMALS.

Councilmember Frech stated she is concerned about a situation in the Hickory Grove Area concerning the entrapment of dogs by using a trap from the City's Animal Control Department. It seems there are no policies on this, or how long someone can make use of one.

This is a city owned trap and has been in the yard of one person for several months, and he has turned in about 30 dogs.

She stated she thinks we need some policies about under what circumstances a person may have a trap in a yard; how long an individual can keep it; and other things that should be covered.

The people in this neighborhood are very upset and in newly annexed areas they are going to get upset. This is a very peculiar situation and she does not think it is one we need going on.

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Mr. Burkhalter stated he will look into this and give her a report.

Mr. Underhill stated the day Council took office, Mr. Short raised the same question to him and asked that he draft an ordinance for Council. That he has not gotten to it as yet.

Mayor Harris stated eventually we need some kind of advisory board from the humane area of animal control.

COMMUNITY DEVELOPMENT DEPARTMENT REQUESTED TO PREPARE COMPREHENSIVE DESCRIPTION LIST OF JOB OPERATIONS DESIRED FOR NON-PROFIT ORGANIZATIONS DEALING WITH HOUSING.

Councilmember Selden stated in dealing with the Motion contract, there was considerable difficulty in understanding the job description or the requirements Community Development had of Motion, or any non-profit organization that would be dealing with this.

He requested the Community Development Department to prepare a comprehensive description list of the job operations desired, and/or expected of a non-profit organization dealing with housing, such as Motion.

He feels it would be advantageous to use the next three months in doing this. He is asking they work it in whereby by May 15, a meeting date, that we have the response so that at such other times as the contract with Motion or with any other similar type body is up for consideration, we will have what is desired on the part of the company being contracted with.

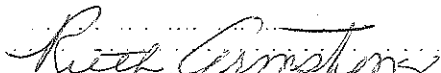
COMMENTS ON COUNCIL MEETING TO BE HELD IN DISTRICT 2.

Mr. Burkhalter, City Manager, stated Councilmember Dannelly is concerned about the meeting in his area and the attendance. That three Council Members will be away - Ms. Chafin, Ms. Frech and Ms. Locke. His concern is if all the other Councilmembers do not come, it will be real bad.

Ms. Taylor, Administrative Assistant, stated Mr. Dannelly is planning to start at 4:00 p.m., with light refreshments at 5:00; then the Park and Recreation Orientation will be at 6:00.

ADJOURNMENT.

Upon motion of Councilmember Chafin, seconded by Councilmember Trosch and unanimously carried, the meeting adjourned.

  
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Ruth Armstrong, City Clerk