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The City Council of the City of Charlotte, North Carolina, met in regular session on Monday, February 27, 1978, at 2:30 o'clock p.m., in the Council Chamber, City Hall, with Mayor Kenneth R. Harris presiding, and Council Members Betty Chafin, Don Carroll, Tom Cox, Charlie Dannelly, Laura Frech, Ron Leeper, Pat Locke, George K. Selden, Jr., Milton Short and Minette Trosch present.

ABSENT: Councilmember Harvey Gantt came in after the vote on the Minutes, during the Zoning Hearings.

Also present, and sitting as a separate body during the Zoning Hearings were the following members of the Charlotte-Mecklenburg Planning Commission: Chairman Tate, Commissioners Broadway, Campbell, Curry, Kirk, Jolly and Tye.

ABSENT: Commissioners Ervin, Marrash and Royal.

* * * * *

INVOCATION.

The invocation was given by Reverend Leonard W. Topping, Associate Minister, Albemarle Road Presbyterian Church.

MINUTES APPROVED.

Motion was made by Councilmember Short, and seconded by Councilmember Locke to approve the minutes of the CATV Hearing on Wednesday, February 8, 1978, and the Minutes of the last regular Council Meeting on Monday, February 13, 1978, with the following addition to the Minutes of February 13, 1978 as requested by Councilmembers Carroll and Selden:

By adding the amendments to the Preliminary Community Development Plan as presented by Councilmember Carroll in meeting on February 6, 1978, and to include the amendments to the amendments as adopted by Council in Meeting on February 13, 1978. Add at the bottom of Page 192, Minute Book 67, the following:

"The Preliminary Plan for the Expenditure of Community Development Block Grant Funds was approved as submitted with the following amendments;

RELOCATION, REHABILITATION, AND CODE ENFORCEMENT

Additions beginning at p. 79:

NEW COORDINATION OF RELOCATION, PLANNING, REHABILITATION, AND CODE ENFORCEMENT

To further the objectives of the C-D plans and the relocation program as stated above, the City will implement a new coordination of relocation, planning, rehabilitation, and code enforcement in the various target areas according to the following principles.

REVISED PLANNING OF INDIVIDUAL AREAS

In the Grier Heights, Cherry, Third Ward, and Five Points target areas, there is still considerable activity in public improvements, rehabilitation, and relocation scheduled over the next three years. Efforts to maximize residents' desires in the planning and coordination of these activities shall be made according to provisions herein on the individual target areas.

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REHABILITATION AND CODE ENFORCEMENT

In order to maximize the number of houses that can be rehabilitated in all target areas, a new approach towards rehabilitation will be followed. First, in the Grier Heights, Cherry, Third Ward, and Five Points areas, all absentee owned houses will be inspected for code violations. Inspected houses will be divided into two categories = dilapidated and deteriorated (cost of repair less than 50% of value of structure and land).

As to all deteriorated houses, owners will be notified of the defects and ordered to make repairs according to the normal enforcement procedures, except that orders will also notify owners that the City will employ the in rem remedy to make the necessary repairs should the owner fail to comply with his own improvements. These owners will also be invited to participate in the low interest loan program for rehabilitation, and the City will defer use of the in rem remedy as to any owner that agrees in writing to participate in the rehabilitation program.

As to the dilapidated houses owned by absentees who are unwilling to repair the houses, either with or without the rehabilitation loans, normal code enforcement procedures for clearance shall be followed as a last resort after satisfactory relocation of the occupants. If the occupants of such housing cannot be relocated with financial assistance under the Uniform Relocation Assistance Act, the City will acquire the property.

Acquired properties that are cleared of structures will be the subject of planning for new use by the residents of the community. Examples of possible uses of such parcels are mini parks, sites for in-fill houses that might be moved from other locations or constructed by some means.

All future proposed acquisitions of property for the purpose of demolition shall be individually reviewed and approved by the City Council prior to acquisition (The City already reviews and approves the actual demolition). Community groups in the pertinent target areas shall be notified and invited to address the City Council on each such proposal to assure that residents' plans for the areas are in harmony with the proposals.

Acquisitions for demolition of dilapidated housing will not be approved unless a present, realistic plan for relocating the occupants according to the revised priorities of relocation are demonstrated.

To assure accountability and better quality workmanship in the rehabilitation program, the Community Development Department will make the following changes:

(1) the department will have a person experienced in construction work evaluate the bids on all projects and reject unreasonably high and low bids;

(2) all construction contracts will clearly prohibit the use of used (second hand) materials;

(3) a person trained in construction will will evaluate all rehabilitation work in progress, investigate complaints of the occupants, and make final approval of work prior to asking occupants to authorize payment;

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(4) all beneficiaries of rehabilitation work, owners and tenants, shall be given an individual orientation session in their target area where the city supervisors of the rehabilitation contracts will be identified and explanations of how to make grievances heard will be given; and

(5) No contractor who has an uncorrected valid complaint about his prior work shall be awarded any subsequent Community Development contract or City of Charlotte contract.

REVISIONS IN RELOCATION POLICY

In all target areas, every effort shall be made to avoid relocating any persons desiring to remain in the community. All residents desiring to be relocated out of the community shall be displaced ahead of unwilling displacees.

Each potential relocatee will be interviewed by a Family Housing Service coordinator who will evaluate the potential relocatee's budget and will advise on the economic feasibility of buying and renting options. In every case in which a relocatee is relocated outside the community the Family Housing Service coordinator will certify in the relocation record that the relocatee desired displacement outside of the community and was properly interviewed.

All relocations outside of the target areas will be according to the standards of the Revised Relocation Plan. The Relocation Division will also make monthly reports to the City Council on all relocations made in the City, showing the amounts of payments, location of the relocatee, cause of displacement, and other relevant data.

If the new priorities for rehabilitation, decreased demolition, and relocation result in fewer relocations from the C-D areas, unused parts of the Relocation Budget will be allocated towards rehabilitation of housing and other development goals of the plans.

FIVE POINTS

TARGET AREA DESCRIPTION

Physical and Housing Characteristics The Five Points neighborhood stretches from Interstate 77 in a northeasterly direction to Irwin Creek. The northern boundary is the Northwest Freeway, and the southern boundary is West Trade Street. Johnson C. Smith University is the single largest user of land in the neighborhood. Beatties Ford Road is the major road that runs through Five Points. Trade Street borders the neighborhood and provides access to the downtown area. One of the major problems in the neighborhood is that only Trade, Fifth Street, and Beatties Ford Road provide direct access out of the neighborhood. This causes severe congestion when activities at the University and the churches in the neighborhood coincide.

Almost 92 percent of Five Points is zoned for residential use, with a like percentage of the dwelling units zoned for residential usage. Eight percent of the tract is zoned for commercial use, with an additional one acre zoned for industrial use. Five Points has good protection against adverse non-residential zoning.

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The deterioration potential should be the first problem addressed in the neighborhood. There are approximately 740 dwelling units in Five Points. The median value of the owner-occupied housing in 1970 was \$9,500 with five units valued in excess of \$25,000. Fifty-seven percent of the owner-occupied housing units are valued below \$10,000. Approximately 32 percent of the dwelling units are owner-occupied. This is the next to the highest percentage in all of the target areas. Of the rental units, forty percent are rented for less than \$80 a month. The median rent for a leased unit was \$85. The chief cause of deterioration potential is the unwillingness of absentee owners to participate in rehabilitation efforts.

Housing conditions in Five Points present a problem when measured by overcrowded living conditions. Overcrowding exists in 16.8 percent of the homes (measured by more than 1.01 persons per room). Serious overcrowding, where more than 1.51 persons reside in a room, exists in 6.4 percent of the dwelling units.

FIVE POINTS - THREE YEAR PROGRAM

Some acquisition of property and limited relocation have occurred in preparation for adding a street in the area. However, it is in the next three years (FY 79 - 81) that major changes will take place in this area.

Previous plans for Five Points called for acquisition of some 237 properties and relocation of some 198 families and individuals. Many of the acquisitions and proposed clearances of residential structures were scheduled for further street improvements and proposed sales of land to Johnson C. Smith University. These previous plans are now held in abeyance, and no further acquisitions and relocations shall be made until all replanning of the target area is completed.

The plan for Five Points, east of Beatties Ford Road, shall be redrawn with residents' participation according to the same procedure described in the part on Third Ward herein. This process will enable the residents to orient the plan around preservation of the neighborhood, minimizing relocation outside of the target area, combining code enforcement with rehabilitation by absentee owners, and other goals of the residents.

NOTE: For details pertaining to activities in Five Points, please refer to the Five Points Community Development and Redevelopment Plan which is available at the Community Development Department, 301 South McDowell Street, Charlotte, North Carolina.

CHERRYTARGET AREA DESCRIPTION

Physical and Housing Characteristics. The neighborhood is located to the southeast of the central business district and is delineated by Third Street, Kings Drive, Henley Place and Queens Road. It has remained intact for over 55 years, surviving commercial encroachments along Independence Boulevard and Kings Drive. Many of the original family names are still prevalent. There are approximately 606 dwelling units in Cherry. Approximately 17 percent are owner-occupied. The median value of owner-occupied homes in Cherry was \$9,600, with nine units valued in excess of \$25,000. The median rent of units was \$85 a month in 1970.

The quality of the buildings in Cherry is low. A major reason for the deterioration of buildings in Cherry is the failure of absentee owners to adequately maintain their property. Some absentee owners maintain that it is economically unfeasible to rehabilitate the structures to any higher standard. In the past, some absentee owners have refused Community Development loans for rehabilitation of their property.

Business zoning with its negative impact on neighborhoods has also played a role in the deterioration of Cherry. Nineteen percent of the tract and 22 percent of the dwelling units are zoned for business. In spite of this fact, Cherry has remained quite homogeneous. No industrial zoning exists in Cherry, even though a four-acre tract is used for industrial purposes (existing before zoning).

The encroachment of business and commercial land uses from outside the Target Area is an additional problem in maintaining Cherry as a residential community.

The deterioration potential is high in Cherry with 53 percent of the owner-occupied homes valued below the \$10,000 level. Forty-one percent of the leased units rent for less than \$80 a month. The mean age of all dwelling units is 53.4 years, which is close to the life expectancy of a home. Forty percent of the units have already reached the 60-year-old level. Approximately 21 percent of the total dwelling units are overcrowded.

Population Characteristics. Cherry experienced a 39 percent decline in its population between 1960 and 1970. In 1970 there were 1,752 persons living in Cherry. It is still a very densely populated area, especially when it is realized that there are no multi-storied dwelling units. The population density is 7,617 people per square mile, which is approximately four and one-half times greater than the City average.

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Socio-Economic Characteristics. The problem of educational deficiency exists in Cherry, with a median of nine school years completed. Only one-third of the residents are high school graduates, with 19 percent of the total residents completing one or more years of college. Nearly half (48%) have had no high school education at all. However, a promising trend is developing in this area in that only 7 percent of the youth between the ages of 16 and 21 are not presently enrolled in a high school program.

A large percentage of Cherry residents (46%) are employed in the generally low-paying personal services occupations, while only 10 percent are employed as professionals or managers. Seven percent of the female labor force are employed as professionals or managers.

The median family income for Cherry residents is \$4,722, which is inflated by the incomes represented by the homes on Henley and Queens. Thirty-five percent of the families (32% of the individuals) earn less than the poverty level.

COMMENTS AND REQUESTS OF CITIZENS IN CHERRY -FY 79

- The CD and Redevelopment Plans stated objectives which Cherry residents wanted to see accomplished, but what happened? Why has so little work been done in Cherry since it was designated a target area?
- Because many of the things proposed would not have worked in Cherry.
- Just recently a number of meetings have been held with Mr. Sawyer and a basic agreement has been reached on an approach that is likely to save Cherry as a strong, safe, stable residential community.
- The details have not been worked out and the presentation of the plan will be made to the Mayor and Council at the appropriate time.
- Cherry is at last on the move in the same direction as the CD Department.
- Cherry has created a non-profit neighborhood corporation which will take an active role in the CD Program.
- The broad objective of the plan is to encourage greater home ownership. One way to accomplish this objective is to rehabilitate and offer homes to residents.
- Want to conduct a door-to-door survey and hire a staff person with the resources to do it. They request a grant from the CD Department for this purpose.

CHERRY - THREE YEAR PROGRAM

The goals for the revised Community Development and Redevelopment Plan for Cherry are to maintain Cherry as a residential neighborhood, and to rehabilitate the housing stock in Cherry so that it is safe and sound and so that the longevity of the dwellings is increased. In order to accomplish these goals, the dominance of absentee ownership of the dwellings in Cherry should be eliminated.

Since the houses facing Queens Road and the houses on Henley Place have essentially different physical and residential characteristics than the remainder of the Cherry Target Area, these streets are not included in the revised Cherry Plan.

The first step toward fulfilling the goals for Cherry is to implement comprehensive enforcement of the Housing Code. Rehabilitation loans and grants will be offered to qualifying owners of dwellings which do not meet the minimum standards of the Housing Code. The in rem remedy set out in §10A-12(c)(2) of the Housing Code will be used to procure compliance with the Housing Code by those owners of deteriorated dwellings who are not willing to voluntarily rehabilitate their property to meet Housing Code standards.

In order to meet the goals of the CD Plan for Cherry, consideration will be given to financing a community organization to purchase houses in Cherry. This organization should be a non-profit corporation composed of the residents of Cherry. The community organization would re-sell the housing to people who will make a commitment to living in the houses. The organization would maintain those houses which are not sold and rent them to people desiring to be Cherry residents.

In order to keep Cherry from deteriorating after rehabilitation and in order to provide neighborhood stability, the community organization will be funded or trained to manage rental property, and to offer homeowners counselling.

The details of the revised CD Plan for Cherry have not yet been developed. The complete Plan will be submitted to the Charlotte-Mecklenburg Planning Commission and Mayor and City Council for approval.

In order to assure full and effective citizen participation in the development of the details of the Plan for Cherry, and in order to obtain complete and up to date information on which to base the Plan, Community Development funds should be used to grant the request of the Cherry Community Organization, Inc., for funds to hire a coordinator who will be responsible for taking a comprehensive survey of Cherry residents and Cherry structures and who will assist the residents of Cherry in preparing the plan.

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BUDGET FOR CHERRY

The funds which have been approved to date for use in Cherry and funds previously in the budget for FY 1981 will be reallocated and used to finance the new objectives.

	APPROVED TO DATE	FY 1981 and REALLOCATION	FUNDS FROM FIRST WARD	TOTAL RE- ALLOCATION
Rehab Loans \$ & Grants	385,000	(((\$2,337,000 ((-0-	2,337,000
Real Estate Acquisition	682,400	((
Public Improvements	1,019,162	-0-**	-0-	-0-
Relocation	160,000	-0-	-0-	-0-
Administration Other	315,000	325,000	-0-	325,000
Congingencies	360,000	360,000	-0-	360,000
TOTAL	\$2,922,000	\$3,022,000	-0-	\$3,022,000

The public improvements already begun by the City are expected to be completed with already committed funds or contingency funds.

THIRD WARDTARGET AREA DESCRIPTION

Physical and Housing Characteristics Third Ward is located six city blocks northwest of the center of downtown. Its general boundaries are the Southern Railroad, Seaboard Coastline Railroad, Interstate 77, and Pinewood and Elmwood Cemeteries. It was certified as an urban renewal area in 1972, but the urban renewal program was never funded. The proximity of Third Ward to the downtown area is further magnified by the fact that Interstate 77 has two interchange points within the area. In addition, 5th Street bisects the area and is a major northwest arterial serving the downtown and outlying residential neighborhoods. Trade and West 4th Streets, which are arterials, also traverse the Target Area. The area is bounded on two sides by industrial uses, and permanent growth barriers on the two other sides in the form of highways and cemeteries.

The area is primarily residential in nature with a large majority of the structures being single-family dwellings. The presence of a large metal salvage yard company and several light industrial businesses complicates the planning of this neighborhood as a viable residential area.

According to the 1970 Census, Third Ward contained 294 dwelling units with approximately 66 of these owner-occupied. Tenants and homeowners alike pay a relatively low amount for housing with the Target Area average monthly rate being \$65. Of the dwelling units 56 percent are considered to be in need of repair.

Population Characteristics In 1970 there were 1,364 residents.

Socio-Economic Characteristics The Target Area is deficient in many respects. Over 60 percent of the residents have no high school education. Fifty percent of the families are at or below the established poverty level. At least 25 percent of the individuals are employed in personal service occupations which usually pay low wages.

Positive aspects of the area are a strong sense of community among most of the residents and a desire to preserve their neighborhood. Many residents have expressed a desire to continue living in the area even if they may have to relocate to dwellings other than the ones they presently occupy.

COMMENTS AND REQUESTS OF CITIZENS IN THIRD WARD

The CDD shall consider every concern or request which is contained in this Preliminary Plan or is expressed as a valid concern or request by the target area residents during neighborhood meetings or public hearings. A timely decision as to what should be done about each concern or request will be made, and the Neighborhood Relations staff shall be responsible for informing the target area residents of the decisions, actions, and status.

	<u>THIRD WARD</u>				
	<u>APPROVED TO DATE</u>	<u>FY 79</u>	<u>FY 80</u>	<u>FY 81</u>	<u>Total</u>
Rehab. Loans and Grants	\$ 999,000	\$ 700,000	\$ 320,000	\$ 329,143	\$3,303,24
Public Improvements	629,200	400,000	130,000	79,876	1,239,07
Real Estate and Expenses	1,954,100	400,000	20,000	-0-	1,419,00
Relocation	293,900	100,000	30,000	57,600	481,50
Administration and Other	383,000	150,000	100,000	117,000	750,00
Contingencies Land Proceeds	260,000 (961,200)	150,000	-0-	278,381	688,38 (961,20)
Total	<u>\$3,558,000</u>	<u>\$1,900,000</u>	<u>\$ 600,000</u>	<u>\$ 862,000</u>	<u>\$6,920,00</u>

THIRD WARD - THREE YEAR PROGRAM

During the first three years, detailed planning has continued, the land acquisition program began and rehabilitation work started. In addition, a major public improvement contract was completed. Rehabilitation work has been infrequent. Only owner occupants have expressed an interest in participating. Absentee owners have elected to sell rather than increase their investment in an unprofitable situation.

However, it is expected that increased interest by absentee owners in the rehabilitation assistance programs will result from the new policies explained in Part V, below.

The mixed land uses in the area make it extremely difficult to preserve the neighborhood identity, but during the next three years further emphasis will be placed on the following:

- (1) Elimination of the dilapidated structures that cannot be rehabilitated;
- (2) Rehabilitation of residential structures in certain locations in the target area which are still predominately residential;
- (3) Improvement of public facilities; and
- (4) The construction of housing in an effort to accomplish this preservation.
- (5) From the Third Ward budget, \$20,000 of additional funds for planning will be allocated to the C-D contracting agency, Family Housing Services. Family Housing Services will involve citizens in the Area who wish to stay in the community in helping re-plan the area and coordinate efforts for rehabilitation and relocation. Residents who wish to leave Third Ward, regardless of the opportunities to remain, will receive full relocation assistance. All residents desiring to remain in Third Ward, regardless of the condition of the dwelling they presently occupy, will be assisted towards that end. If residents desiring to remain presently occupy dilapidated structures that are economically unfeasible to repair, such residents may relocate first to rehabilitated dwellings in Third Ward that are vacated by people not desiring to remain in the area--with priority going to residents in dilapidated structures that are deemed presently dangerous or unhealthy (lacking heat, etc.). If residents residing in dilapidated structures outnumber the available places in rehabilitated structures in Third Ward, then the second priority residents shall be temporarily relocated to standard, affordable housing outside of the Target Area and be given a certificate entitling them to priority occupancy in any new or rehabilitated housing that becomes available subsequently in Third Ward.

PROGRAM SUMMARY OF PRELIMINARY
PHYSICAL DEVELOPMENT PLAN

Page 4: Add triple asterisk (***) to the left of "GRAND-TOTAL" and add explanation at bottom of page beside triple asterisk which reads as follows:

"All figures in above target areas subject to revision pursuant to intended on-going planning as explained in Parts III and V below."

GRIER HEIGHTS

Page 17: Add sentence to last paragraph: The new efforts are described in Part V, below.

NORTH CHARLOTTE - THREE YEAR PROGRAM

Page 22 - add a new paragraph as follows:

Extend the boundaries to include Drummond Avenue, Everett Street and Pickney Avenue.

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CITY OF CHARLOTTE EMPLOYEE PLAQUES PRESENTED.

The Mayor and City Council recognized the following persons and presented each with a City of Charlotte Employee Plaque, and expressed their appreciation for their service to the City:

- (a) William Edward McIntyre, Planning Director, Employed January 1, 1955 and Retired December 30, 1977.
- (b) Robert Springs, Labor Crew Chief I, Landscaping, Employed September 16, 1958 and Retired December 30, 1977.
- (c) Gene Cochrane, Utility Department, Employed 1947 and Retired December 1977.

Mr. McIntyre was also recognized by members of the Planning Commission and presented with a plaque in appreciation of his service to the Commission.

HEARING ON PETITION NO. 78-6 BY IDEAL INVESTMENTS, INC. FOR CHANGE IN ZONING TO ACCOMMODATE THE SALE AND STORAGE OF BUILDING MATERIALS ON LAND FRONTING THE SOUTH SIDE OF OLD MONROE ROAD, WEST OF THE INTERSECTION OF OLD MONROE ROAD AND COMMONWEALTH AVENUE.

The scheduled hearing was held on the subject petition for a change in zoning from B-2 and I-1 to I-2(CD). Council was advised that a protest petition sufficient to invoke the 3/4 Rule requiring nine affirmative votes of the Mayor and City Council in order to rezone the property had been filed.

Mr. Bob Landers of the Planning Staff stated the petition involves a parcel of land on the south side of Monroe Road, just beyond McAlway. Along Monroe Road are predominately commercial uses, both restaurant and retail sales. Immediately adjoining the property is the Red Lobster Restaurant.

The property consists of approximately three and half acres. At present the Holiday Skating Rink is located on the property at the back. Adjoining the property to the east is the Hungry Bull Restaurant, then a motorcycle dealership. Opposite the property is a scattering of residential and commercial development; the activities are predominately retail sales and restaurant facilities. Across the street is property that is partially vacant and St. Johns United Methodist Church, then a scattering of single family houses as you go out Monroe Road. To the south is the Seaboard Railroad; beyond that is a small portion of industrial, then a residential pattern mixed between single family and multi-family uses. He pointed out the location of the Asphalt Paving and Concrete Supply on the western side of McAlway.

The zoning pattern reflects a mixture of uses. Along the south side of Monroe Road is a pattern of I-2 and I-1 zoning located on the north side of the Railroad. Along Monroe Road is a mixture of business, residential and industrial zoning. The business pattern extends on the north side up to the Church, and on the south side beginning just beyond McAlway.

This is a conditional zoning request to provide for outside storage. The sale of building materials is permitted in the B-2 district, but the outside storage feature requires an I-2 classification. The site plan which has been submitted purposes to erect a six foot high chain link fence along one side for the outdoor storage activity; the inside of the building would be used for retail sales and for storage.

Councilmember Short asked if the petitioner plans to use the same building? Mr. Landers replied he assumes there would be some modifications, but they would use the same building. He pointed out the area for the outdoor storage and the portion for the paved parking. To the west of the property is the Red Lobster Restaurant; to the east of the property is the Hungry Bull Restaurant. At present there is an outdoor advertising sign shown on the ground on the west side of the subject property.

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Mr. George J. Buchanan, Jr., Senior Vice President of the Moore's Division, stated they are the proposed tenant for this property; they now operate in Charlotte on Tryon Street. The operation on Tryon is not to be confused with what they planned to operate in the subject location.

The Company operates two types of facility. One is a lumber yard, typical of the Tryon Street location, and the other is a retail sales, selling building materials. This is a home center type of operation. They do not offer credit other than the usual retail credit; they do not have any delivery from the location customerally; they do not have any contractors salesmen or anyone working out of the building; they operate on one price structure which is the retail price; they do not require any rail siding; they do not stock the heavy components that a traditional lumber yard carries; they feature a wide line of decorative items, paneling, paints, hardware and electrical. There will be no sawing. It will require a very limited area to be fenced for the purpose of displaying and storage of lumber and building material. The materials are neatly stacked and displayed; they carry no large quantities of any material to be stored on the outside.

They will maintain an inventory of approximately \$250,000, most of which will be inside the building. Their operation in this facility would permit neighborhood shopping; no great distance to drive; keep the business in the city; bring other business to the other business establishments in the area; they have high quality customers - usually a homeowner interested in keeping his home in good condition; they are good housekeepers. They feel their type of operation is much more desirable than many permitted uses under the B-2 classification. They would correct a condition that now exists -- the parking area is not now paved, and their plans call for it to be paved. Their traffic is not as heavy as a super market or a similar use. It will create less congestion in the neighborhood.

Mr. Mike Booe, Attorney for the opposition, stated he is representing the owners of property adjacent to and to the west of the subject property - that is the property of the Red Lobster Restaurant. The 3/4 Rule has been invoked by his client. The objections to the petition are in two major areas. One is they object to the zoning change to I-2 (CD); second they object to this particular proposed use of the property.

He stated this area of Monroe Road is stripped zoned for commercial activities, and there is substantial I-2 area to the south and to the west of the location, with I-1 immediately 200 feet off Monroe Road. Beginning with the area east of McAlway and continuing almost to Sharon Amity Road, the Planning Commission and City Council have seen fit to impose controls in that area to limit the types of land use that can take place along Monroe Road frontage.

Approval of this petition would be a first step in a retreat from the controls heretofore been opposed in that area, and a deterioration of that area to the same type of commercial strip you have to the west. It could adversely effect traffic patterns in the area more than they are now.

(COUNCILMEMBER GANTT CAME INTO THE MEETING AT THIS POINT, AND WAS PRESENT FOR THE REMAINDER OF THE SESSION.)

If this petition is allowed it will create a situation where his client's property immediately to the west and the next parcel would be an island between I-2 and I-2 (CD). They submit it would make it very difficult to resist applications for rezoning of those particular areas to I-1 or I-2 and make it difficult to resist petitions to rezone the area across the road.

His client's property immediately to the west is used as a restaurant facility; the next property shows use as a retail establishment, but it is an outdoor advertising sign and the lot is vacant with a for sale sign on it. The property directly across the street shows no use and it is vacant and is for sale. If this particular petition were approved it would be most advantageous to seek other changes to continue the I-2 commercialized strip further down Monroe Road

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His client believes this particular use in this particular location will be detrimental to the business of its tenant, the Red Lobster Restaurant. Their main concern is because of the outdoor storage facility; it is for the storage of building materials and supplies; it is immediately adjacent to the restaurant. The reason they are here today is because of that outdoor storage. If all the building materials and supplies were stored in doors, then this business could be conducted on this area without any zoning change.

Mr. Robert Palmer, Area Supervisor for Red Lobster, Inc., stated they agree wholeheartedly with Mr. Booe's statements.

Council decision was deferred for a recommendation of the Planning Commission.

HEARING ON PETITION NO. 78-7 BY COMMUNITY DEVELOPMENT DEPARTMENT TO CHANGE ZONING ON PROPERTIES IN THE SOUTHSIDE REDEVELOPMENT AREA, LOCATED GENERALLY BETWEEN THE SOUTHERN RAILROAD AND INTERSTATE 77, AND BETWEEN TREMONT AVENUE AND HERMAN AVENUE.

The public hearing was held on the subject petition for a change in zoning from B-1, I-1 and I-2 to R-6MF, I-1 and I-2. Council was advised that a protest petition sufficient to invoke the 3/4 Rule requiring nine affirmative votes of the Mayor and City Council in order to rezone the property had been filed.

Mr. Landers of the Planning Staff stated this involves five separate parcels. The area is east of I-77 and to the south of Tremont and to the west of South Boulevard; the parcels are scattered throughout the Southside Target Area along Remount Road, Toomey Avenue, Baltimore Avenue and what has been Chicago Avenue, and along Lancaster and Remount Road; and down to the south at South Tryon Street.

In the center of the Southside Homes Target Area is a multi-family concentration; this is represented by Brookhill Village Apartments, north of Remount Road; the Southside Homes to the south. There are some single family homes within the southern portion, south of Remount Road. At the center is the Southside Park which is in the process of being improved and expanded through the CD program. To the Southeast of Tryon Street is a mixture of industrial and commercial uses; southeast of that along South Boulevard is a mixture of commercial, office and industrial uses. I-77 represents the boundary for the area, and the boundary of the land use. Around that is the Revolution Park, and then single family area to the rear of that.

The zoning pattern very much reflects the use. To the west and northwest of I-77 is predominately single family character, and single family zoning; there is existing R-6MF through much of the area, represented by the Brookhill Village and Southside Homes. Industrial zoning picks up along South Tryon Street, and continues over to South Boulevard with some business along South Boulevard. North of Tremont is industrial and multi-family classifications

The first request is a change in zoning from I-1 to I-2 for a parcel of land acquired and cleared by the Community Development Department along Remount Road and Lancaster. The intent of the change is to adjust the industrial boundary line, enabling the Community Development Department to consolidate the I-2 under one I-2 classification. That property is for re-sale for re-development.

To the south, just off South Tryon Street is another area presently zoned I-2 and the petition is to rezone to I-1. The existing boundary line fell away, and the opportunity to consolidate the industrial zoning in that area was recognized.

The third parcel involves a B-1 classification, changing from B-1 to R-6MF a parcel of land on the southside of Remount Road. The parcel has been acquired and is in the process of being made a part of the Southside Park area.

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Next is a parcel along the southern portion of Toomey Avenue. The area has been all vacant land; its present zoning is I-1 and it is requested to R-6MF. The parcel is being incorporated into the Southside Park.

Finally is an area on the north side of Remount Road, south of Tremont, on Toomey Avenue which is being requested for rezoning from I-1 to R-6MF. The parcel on the southeast side is vacant, and is the boundary of Brookhill Village Apartments; on the northwest side is one single family home.

Mr. Sawyer, Director of Community Development, stated they regard this as a housekeeping proposal; that is they are trying to group the zoning districts to straighten out the logical zoning district lines, and to change existing zoning district lines in order to protect residential uses in the area. There are two large residential uses left in the area between I-77 and South Boulevard. They are Brookhill Village, north of Remount and Southside Homes, south of Remount Road. These two projects are entirely surrounded by industrial zoning. Within the project line they were trying to give more protection to the existing residential uses.

Councilmember Cox asked why I-1 to I-2 in the first section Mr. Lander's mentioned? Is there some kind of boundary on that? Mr. Sawyer replied the boundary there is South Tryon Street. Councilmember Cox asked why change from I-1 to I-2; the logic? Mr Sawyer replied to add to the heavier use which is east of there. Councilmember Cox asked if there is some kind of line there; how was the line drawn? Mr. Sawyer replied he does not think there is a natural boundary; it was drawn by the ownership. The city owns that property. Mr. Landers stated as he understands it all the area has been cleared and acquired. The redevelopment of this coming off Remount Road and back into it is a larger parceling out. You have the opportunity for a larger parceling out coming off the cul-de-sac - rather than having one single small business for industrial use along Remount Road.

Councilmember Short asked to what extent the City owns the five parcels? Mr. Sawyer replied it only owns two - this one, and the one off Remount Road between Baltimore Avenue and the park. They are recommending it be changed to R-6MF which is more compatible with the park. CD does not own any of the other parcels. Councilman Short asked if they are taking someone else's industrial property and making it multi-family? Mr. Sawyer replied in two instances yes.

Councilmember Leeper asked the relationship between the property down next to Bank Street and the schools in the area? That it has been mentioned several times when zoning changes have come up about the interest of the schools. He asked if they are taking this in consideration whenever they bring requests for rezoning in? Mr. Sawyer replied they are looking at all the uses in the area, and how they relate, and the natural boundaries; there is a drainage way that forms something of a natural boundary. He pointed out the improved residential which is zoned multi-family; the rest of it is industrial. But it was considered.

Councilmember Frech stated she thought from the application all the property was owned by the City. Mr. Sawyer replied they do not own all of it; only two parcels. Councilmember Selden asked if he owns the property to the northwest? Mr. Sawyer replied the city owns; it was not purchased as a part of the Community Development project.

Councilmember Selden asked what areas other than No. 5 are being protested? Mr. Sawyer replied that is the only one he is aware of. Mr. John Hunter, Attorney, stated they are protesting all of Parcel No. 5.

Councilmember Leeper asked if Mr. Sawyer is anticipating anything down in the area of the schools? Mr. Sawyer replied they are recommending that all of the zoning changes petitioned for be made.

Mr. Kermit McGinnis, Attorney for "Service First", stated the corporation conducts a business just north of West Tremont Avenue and across the street from

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Parcel No. 5. That he wishes to express the concern of his client in opposing this petition; Mr. Hunter will speak to them also, and he concurs in everything he is about to say.

Mr. McGinnis stated his client feels the change in the zoning in this parcel from an I-1 to R-6MF would not be in the best interest for the land involved or for the neighboring like businesses. The I-1 classification is intended to be a type of a buffer; the zoned and planned use of the land is precisely that. The strip in Parcel 5 is bordered on the east by I-77; on the west by Toomey Avenue, and on the north by West Tremont, and then the zoning is I-1 above that. They strongly suggest that Parcel No. 5 not be changed; if the Council should deem that any part of that particular parcel should be changed then they strongly urge that the Council consider not changing anything east of Toomey - let that remain the buffer zone between I-77 and the R-6MF parcels to the west of Toomey. They feel this is an appropriate application, and it would appear it would maintain the value of the small businesses in that area - the commercial businesses, and would not harm the multi-family uses to the west of Toomey Avenue. They do oppose the change in zoning for that reason.

Councilmember Short asked if he is representing someone across the Street? And he is saying they would rather have industry across the street than apartments? Mr. McGinnis replied yes; it is zoned I-1 and they would prefer it stay. One thing it would not deteriorate from the value of the premises his client owns. The commercial zoning would be more advantageous; it would have some effect on the tax base. It is ideally situated for that purpose. He pointed out from a map the area they are concerned with, especially the area east of Toomey; his client is located directly across West Tremont. He pointed out the location of WGIV which is zoned I-1, then the proposed area to be changed to R-6MF, and stated it then goes to I-1 again. They feel this area should be the buffer zoned between the multi-family and I-77. Mr. McGinnis stated his client is involved in compressor reconditioning; they take compressors of large and various sizes and recondition them and sell them. They occupy 2310, 2320 and 2330 Toomey Avenue.

Mr. John Hunter stated he is an Attorney representing the owners of Parcel 5, and they are also his relatives. He stated this property was rezoned by the City a number of years ago to I-1. It is his grandfather's home place; the house is still there, and his two aunts still live there. The city rezoned it to I-1 years ago when it had nothing except single family dwellings on it. Subsequently, a portion of Toomey Avenue, which he pointed out on a map, has been developed with large, industrial warehouses, the whole block. The other block is the block they own, and is all vacant except for the big house where his Aunts live, and then WGIV which is zoned I-1 and I-2. On the back is I-77. They are completely surrounded by newly constructed warehouses on both sides of Toomey Avenue in that direction; there is a plumbing shop diagonally across from them; WGIV adjacent to them; I-77 at the rear. The request to change it from I-1 to R-6MF is spot zoning. It would be R-6MF bordered on both sides by industrial, and the major highway at the rear. It does not make good planning to rezone this property R-6MF.

What purpose would it be at that time. They would never be able to develop it. The property has been on the market for a number of years. They received an offer to buy a portion of Parcel 5 - the portion that fronts on I-77 - in January. It was contingent upon it being zoned I-1 and I-2. That he called his aunts and his uncle in Texas with the offer. Then his aunt called one day excited because the person who had submitted the offer had a contractor out there checking over the grade. The next day she called him again all excited; she had seven envelopes in her hand and only opened one. It was a notice that the property was being rezoned. The contract fell through. The property is of no other use except for industrial; it is not a buffer zone; it is industrial property.

He asked that they deny the petition.

Mr. Pat Hunter stated the family feels this would basically be a seizure of the property. In the five years they have had it on the market; they have sold it; and what has been sold has been developed with warehouses. There

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has not been one inquiry for residential use; it is not suited for that; zoning it for multi-family use would be tantamount to seizure of the property, or condemnation without compensation. The parcel they are talking about is Parcel 5; it is separated by Toomey Avenue; it lends itself to perfect commercial development; there are 11 businesses on the street; there is only one family in the area being rezoned, and that is his aunts home. They are trying to sell it and move out, and they hope a warehouse will take its place. The remainder of the street, which is not shown on the rezoning map, is a series of warehouses. The other parcel which is adjacent to the Animal Shelter - it seems ironically to change the zoning next to a dog pound from I-1 to multi-family; that he cannot visualize anyone wanting to move in next to the dog pound.

Mr. Sawyer stated the recommendations his department brings to Council are those that evolve from a fairly long planning process that includes citizens from the neighborhood. Not only citizens but property owners. In all of the citizens hearing they did not have any word from these owners. They may have done something differently.

Decision was deferred for a recommendation of the Planning Commission.

HEARING ON PETITION NO. 78-5 BY HURLEY D. ROGERS, ET AL FOR CHANGE IN ZONING OF PROPERTY FRONTING ON THE NORTH SIDE OF MORRIS FIELD DRIVE, WEST OF JASON AVENUE AND EXTENDING WESTERLY.

The scheduled hearing was held on the subject petition for a change in zoning from R-6MF to I-2.

Mr. Landers of the Planning Staff stated this is a request to change the existing zoning from R-6MF to I-2 on approximately 25 acres of land which is located on the west side of the community, on the north side of Morris Field Drive and on Dixie Avenue, which runs off Morris Field Drive to the site. He stated this is an area of scattered development and is a area of long term residential development. The residential development has been scattered with no current significant residential development activity.

There are several parcels involved in the zoning request. Much of the request is stimulated through the relocation of the Winston Container Company which is the principal industrial use in close proximity to the parcel. The company is located on the north side of Morris Field, just at Taggart Creek. On down Morris Field is the National Guard Armory Truck Terminal; on the south side of Morris Field are scattered individual homes. There is one industrial wholesale trade operation which is Research Products, Inc.; then again residential pattern on the south of the property; residential pattern to the northeast of the property. The most recent industrial activities in the area is the industrial activity along Golf Acres Drive. Plato Price Junior High is located on the east side of Morris Field.

There is large area of mult-family zoning - R-6MF; to the fringes of that is R-9 zoning. To the northwest and north of the property is a general industrial zoning classification.

Ms. Jolly asked what the comprehensive plan and the airport plan show for this area? Mr. Landers replied the comprehensive plan shows in main a residential pattern in the area. He indicated on the map the route of the Airport Parkway which will form the boundary. With respect to the Airport plan this is an area that is coming along and is subject to some additional consideration and detailing as to the decisions before us on airport facilities and the Airport Parkway.

Councilmember Selden asked if the Airport Parkway will divide the Winston Container Company from this property; or will it go to the west of it? Mr. Landers replied that operation will be divided, and the front portion would be in the right of way of the Airport Parkway. The rear portion would not. A good portion of this land is within the Taggart Creek Floodway. There are existing problems, the Airport Parkway not withstanding.

Councilmember Short asked if part of the rezoning effort by the Container Company

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is to recoup itself because of the impending Parkway that is coming? Mr. Landers replied it is his understanding that a part of this consideration is for the relocation of the container company.

Mr. Robert Burris stated he is representing the petitioner. That as far as he knows there is no consideration for the Container Company.

The natural boundaries of the area are obvious; to the west is the Airport and the National Guard facility; to the north is the industrial land which has already been developed on the Golf Acres Drive which is I-2; the other which is in the flood plain, the city owns 27 acres. The other portion of the R-6MF which is at Morris Field Drive is essentially undeveloped. There are some houses there and as far as he knows there is absolutely no plans to develop any of that area that is R-6MF. There are a few houses in there, but as far as they know there are no plans. His client has been trying to market the property for a number of years, and has been unsuccessful in a residential area in trying to market it. The natural boundaries of the area present themselves very obviously. The Airport; the railroad to the north and Morris Field Drive which should be the limit of the industrial zoning. Across Morris Field Drive in the R-6MF is just not going to be developed as residential. If it is developed at all it is going to have to be industrial. The property is contiguous to I-2 property on two sides, and a partial on the other side. To the immediate west is I-2; to the immediate north it is I-2; and northeast is developed I-2 on Golf Acres Drive. The property to the east is R-6MF just as his client's property is R-6MF. But it has not been developed, and as far as they know there are no plans to develop it.

It would appear to him that this is an island going across Morris Field Drive which should be I-2 just like everything else around it. That is where it should stop.

Councilmember Gantt asked if his client anticipates any type of building on the property? Mr. Burris replied he has it on the market; there is one client interested in it for a warehouse situation. There is no contract and no definite plan.

Councilmember Selden stated the property is vacant across Morris Field Drive except for three locations; and he asked what they are? Mr. Landers replied the Research Products Company, a wholesale trade activity; the others are residential uses. The only other non-residential is a grocery store and a garage, and a vacant lounge.

Councilmember Gantt asked how a wholesale activity can be located in an R-6MF? Mr. Landers replied he would expect that is a non-conforming use that has been there sometime.

Councilmember Frech asked if the residential are single family or apartments that are adjacent? Mr. Landers replied they are single family; there are three or four located along the southwest side, immediately abutting the property. There is a non-conforming garage activity located within the area; then other scattered homes.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred for a recommendation of the Planning Commission.

HEARING ON PETITION NO. 78-8 BY CHARLOTTE-MECKLENBURG BOARD OF EDUCATION TO CHANGE ZONING OF PROPERTY FRONTING THE EAST SIDE OF SHARON ROAD, LOCATED SOUTH OF THE INTERSECTION OF SHARON ROAD AND FAIRVIEW ROAD EXTENSION.

The public hearing was held on the subject petition for a change in zoning from R-15 and O-6 to R-12MF and O-6.

Mr. Landers of the Planning Staff stated this petition is to rezone property at the Old Sharon Elementary School site which has been relocated, and the site cleared.

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The property is located at the southeast corner of Fairview and Sharon Roads. In addition to SouthPark in the area, there is SouthPark Area office activity which orients towards Fairview Road, and the Sharon Shopping Center located on the southwest corner of Fairview and Sharon Roads. Beyond the shopping center is a residential pattern, predominately all along Sharon Road.

He pointed out the location of the Presbyterian Nursing Home, and the church in the area.

The area immediately surrounding the site - there is a townhouse apartment to the south of the site, a dry cleaning establishment (a non-conforming use); to the north is Mutual Savings and Loan and a newly established restaurant. Along Fairview Road Extension is a Duke Power high tension line extending parallel to and just to the south of Fairview Road. The property to the north and along the east side and down the south side is all vacant property.

The zoning very closely follows the existing land use - the B-1SCD for SouthPark, with several office districts established along Sharon Road on the east and on the west side, north of Fairview; B-1 zoning for the Sharon Shopping Center; office zoning representing the SouthPark and Fairview Road office park. Single family zoning predominates along the south and east side.

This is a request that would change the existing zoning from single family to Office on the front and multi-family (R-12MF) on the rear.

Councilmember Gantt asked if it shows division? Mr. Landers replied it does not, and it should have. The petition reads as an extension of the center line of Savings Drive.

Mr. John Hansil of the School Board stated he and Mr. Cleve Davis are present to answer any questions; that Sharon School has been moved, and this is what they think would be the best use of the property.

Councilmember Carroll asked what they propose to do with the property? The answer was to sell it.

Councilmember Selden asked what footage depth the O-6 segment is? Mr. Landers replied the O-6 is approximately 300 feet deep.

Mr. Peter Gerns stated he is an Attorney and is representing the Mountainbrook Civic Association and the South-Southeast Council of Homeowners.

He stated the Charlotte-Mecklenburg Board of Education has petitioned to change the zoning of property consisting of approximately nine acres, by dividing the parcels into two areas - two and half acres fronting Sharon Road for office zoning, and seven acres for multi-family dwellings.

The vicinity of the SouthPark Shopping Center has been subject to numerous request for rezoning. Fairview Road properties which join Fairview Road Extension was denied to change the zoning from O-6 and R-15 to B-1 only last year. An effort was made in 1973 to rezone the property the adjoining property to the south from that property to Sharon View to O-6, and the City Council declined to rezone that property. The subject property is located between these two.

The City of Charlotte has adopted a comprehensive plan which calls for residential zoning throughout the entire area, and it is so zoned at this time. With the adoption of the comprehensive plan, the City of Charlotte and the Planning Commission adopted an instrument to control land use. By the passage of the plan, the City assumes the responsibility to effecuate the plan, and not to allow variations in zoning. It would be tantamount to scuttling the plan whenever it is convenient or the proper motive of the individual dictates.

Mr. Gerns cited a number of cases dealing with rezoning under existing comprehensive plans.

The present zoning of the property R-15 requires 15,000 square foot per dwelling; R-12MF which the petitioner is requesting in the rear of the property calls for a density of 11 1/2 dwelling units per acre in the first, and 14 1/2 for the six additional acres. They are addressing themselves to the existence of approximately 120 units, and the office spaces and whatever else goes with it. The application argues the property is not suitable for single family occupancy due to the heavy concentration of retail, commercial, office and multi-family use within the immediate vicinity. It is for that reason, this property should remain single family zoned. Once the dike is broken there is no reason for this Council to deny a similar request.

When the Planning Commission made the SouthPark Land Use Study, in September 1976, it was stated - "Additional concentrated commercial activity in the area should be limited to the SouthPark Shopping Center block itself, and not be allowed to spill over onto the adjacent streets, such as Morrison, Barclay Downs, Fairview and Sharon. The Planning Commission made a study of several tracts of land surrounding SouthPark, and recommended that the property located south of the Carmel-Fairview Extension be developed into single family fashion. Office activity which exists on Fairview Road, between Sharon and Park, should be confined to that block itself, and not be allowed to spill over in an easterly direction across Sharon Road, as previous rezoning petitions have not allowed it to move westerly across Park Road." It also stated in the same manner to recognize potential higher use for property east of Sharon Road is to recognize a reasonable land use pattern with respect to environmental concerns. From a traffic standpoint, single family development as opposed to office and MF will present fewer traffic problems. The highest number of cars from a 100 unit apartment would be eight trips per day. Also, the amount of run-off increases with the increased in development. The more intense development would have greater amount of impervious cover. A change of land use from single family to office increases the runoff by 1/3. There is a great deal of land left for office zoning in the immediate area. There is also a great deal of development of multi-family dwellings in the area. Approximately 1500.

The purpose of zoning is to lessen congestion, prevent overcrowding, and promote public welfare through the regulations of land use. An obvious result of the use of this property for office facility and the rear for multi-family dwelling will increase the traffic flow already greater than the vicinity and the streets can bear. Traffic traveling south on Sharon Road which would require a left hand turn on the property, combined with the left hand turn with traffic traveling in the northerly direction on Sharon and turning left into the Sharon Shopping Center and Old Town Apartments would bring more congestion on Sharon Road.

In May, 1973 City Council denied the petition for the rezoning of property on the east side of Sharon Road beginning at Sharon Elementary and ending south on Sharonview. The rezoning change was from R-15 to O-9. Because of the vicinity of Sharon Road and Fairview, one of the most concentrated areas of commercial and office activity in Mecklenburg County was the reason stated. Despite the amount of development that has occurred since then in this area, there was and still remains a considerable amount of property already zoned for office purposes that has not been developed in this fashion. The business area which includes Sharon Shopping Center and SouthPark is at the core of this district pattern with office zoning basically surrounding the business activities; and at no point does this pattern extend away from the core area. This type of zoning has not been allowed to extend along Park Road, Sharon Road or any other major road in the immediate vicinity. If this zoning is granted, it will be a major break-a-way from this type of comprehensive zoning relationship. It would mean for the first time, office zoning would be allowed to extend in a strip along the road, away from the core portion of the district. It would also have the effect of allowing office zoning, and office use located directly across the street from good single family residential housing that now exists on the west side of Sharon Road.

He urged them to stay with the comprehensive plan. Like cancer, stop this development while they are still able. This property adjoins property facing Sharon View. Help them to preserve their neighborhoods.

Mr. Tom Phillips pointed out his property on the map and stated it is 200 x 200

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feet; that he has lived there since 1956; that they are very proud of their neighborhood.

He stated he realizes the subject property is owned by the public sector; and that the School Board wants to enhance the value of the property, and they need to get it rezoned. But if they would rezone property that he owns or controls he would resell it also. In the absence of a plan showing where things might go, such as the office; the residential might go he does not see how anyone can make a decision intelligently. That Mr. Gerns referred to the SouthPark Land Use Study. He believes the Planning Commission in prior months has gone on record saying they do not want any further commercial or office zoning in that area. There is an awful lot of property - some 37 acres along Fairview Road which he is involved in. He hopes someday a plan will be submitted to utilize that property. He does not know what that plan might be. In his opinion, the timing is not right at all. If they can consider this request, then they can consider anyone's request who comes in and asks for a rezoning in order to enhance the value without knowing what goes where; or how it will impact the area.

Mr. Phillips stated he cannot say that he is all the way against the request; nor can he say he is for it. There is a lot to be learned before an intelligent decision is made.

Mr. Harold Couch stated he would like to point out a correction on the map also; that he is shown as non-existing. That he lives within about 60 feet of a portion of the property. That they moved there in 1951 and have been there 27 years; there have been other zoning fights. They would like to continue to live there. That he does not want to be an obstructionist; on the other hand he would plead with the Planning Commission that this is single family and they would hope it would stay at least compatible with single family.

Mrs. Primm stated she lives in the Mountainbrook Area. If they do not stop all this rezoning now and plan the regular business and office area in areas that are not now designated for housing, we will have to take the hugh South-Park area and elect their own mayor and city council because there will be so many people out there and it will be so congested. She asked that they consider stopping the spread of business in their area..

Councilmember Trosch stated in the information given to Council, it states the Planning staff assisted in the overall review of existing land uses out there. She would like to know how comprehensive that was? Mr. Landers replied the Board of Education contacted their staff, Mr. Bryant, and asked for some basis advise as to the zoning opportunities or as to the probable land uses for the area. He does not think there has been any broad staff study of it. This is something that any petitioner would do. There is a clear distinction between a staff dialogue with any petitioner, and a detailed staff study and evaluation. Councilmember Trosch stated she thinks it would be necessary at this point to have that type of review.

Councilmember Frech asked if there are other roads or access into the back of the property? Mr. Landers replied there is evidently more access than their field survey reveals. Savings Drive is the principal access other than Sharon Road. To his knowledge there is not any direct access to any of the other area - vehicular access. Councilmember Frech asked if Mr. Phillips and Mr. Couch live on a road? Mr. Landers replied there is evidently a private drive coming through. Councilmember Frech stated at present there is no road that gives access into the back of that property; if multi-family was built in there, how would they gain access? Mr. Landers replied any development would have access via Savings Place, or via Sharon Road.

Councilmember Gantt stated this whole issue where we are dealing with the School Board is one of the prime kinds of things that might be worked out prior to a public hearing with the Laision Committee in the future. Nothing can be done about it now because we have held this hearing. Also a number of references have been made to the SouthPark Landuse Study. That study was done by the Staff and never endorsed by the Planning Commission, and there might be some confusion on that issue. It might be a good reminder to the Planning Commission to possibly come up with a position either that of the study, or some other position so that we might more clearly define what it is we want to do in that area.

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Councilmember Short stated the zoning item referred to in 1973 was probably some 200-300 feet further south? Mr. Gerns stated no; it was the Herlocker property which extended from the school property directly to Sharon View. At that time, the county line was running through that property, and they appeared before the City Council and the County Commission to defeat that proposal. Councilmember Short stated his recollection of that was the existence of the school was one of the principal points made for not rezoning that property. Mr. Gerns stated it was a petition to change from R-15 to O-9.

Mr. John Hansil stated there are a lot of things involved in the relocation of the Sharon School; one was the road was widened, and that is where the access road off Fairview comes in behind the bank; and that is the only road at the present time. They have been working on this for about ten years, and they have been working with the Planning Commission. They requested and received good support. This is not a decision made over night; it is a long range plan. The front portion with the seven lanes on Sharon Road they could not get buses in and out and that is the reason for the back road. This is not an instant opinion on his part, and they did receive a lot of good help from the Planning Commission. It is a two-way street. When they buy a site or sell a site they work jointly with them.

Mr. Davis, Real Estate Consultant for the Board of Education, stated they are always concerned with being a good neighbor. When this school was abandoned, the city condemned the building so they tore it down. Prior to putting the land on the market for sale, they submitted a proposal to the Planning staff to review the site, and tell them whether or not they should put it on the market for sale as single family residential only, or if it should be rezoned in order to put it on the market consistent with a use pattern that would fit the entire neighborhood. Mr. Fred Bryant assisted them on this; he studied this matter for three or four months. The proposal submitted today conforms with his letter of recommendation to the Board of Education. He has recommended, in his opinion, to rezone the front portion to office institution, and the rear portion to multi-family. That is the sole reason they are making this request today. They do not plan to put the property on the market unless they know the uses of it will conform to the whole neighborhood. That he is delighted to hear what the neighbors have to say about it, and he would be very much in favor of a much more comprehensive plan. If they do not have the sanction of the Planning staff now, he would like very much to see that they do get their sanction, and to do a much more in depth study than he understands now has taken place, so that when they do put the property on the market it is used for the highest and best uses consistent with good planning for the city, not for them alone.

Mayor Harris stated he would like to have a copy of the letter Mr. Bryant wrote them.

Mr. Gerns asked that the Planning Commission and City Council consider that there be better notice given to the people of Charlotte. When you drive by this piece of property, the only notice was a sign parallel to the easterly edge of Sharon Road. Unless you happen to think there might be a zoning change and craned your neck, you would not have seen it. He suggested they consider putting signs facing traffic on both sides with maybe arrows to it so that people can see what is going on. That he would like them to also consider giving more time to people so they can prepare. This sign went up two weeks ago today, and it is down today. Enough time for people to get together, perhaps hire counsel, and do other things necessary to appear before Council.

Councilmember Selden asked if letters were sent to the adjacent property owners? The reply was yes.

Council decision was deferred for a recommendation of the Planning Commission.

HEARING ON PETITION NO. 78-9 BY B.C.P AND MARSH REALTY COMPANY FOR A CHANGE IN ZONING OF PROPERTY LOCATED TO THE REAR OF PROPERTY FRONTING THE EAST SIDE OF EASTWAY DRIVE, SOUTH OF THE INTERSECTION OF EASTWAY DRIVE AND MEDFORD DRIVE.

The scheduled hearing was held on the subject petition for a change in zoning from R-6MF (Conditional off-street Parking) to O-6.

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Mr. Landers of the Planning Staff stated the property is located south of Central Avenue on the east side of Eastway Drive, back in and among an office area that has been established.

He pointed out the location of the Eastway Shopping Center located at the southwest corner; a skating rink; a vacant restaurant; a gas station; and a Waffle House Restaurant. There are service stations on the remaining three corners of the intersection of Eastway and Central Avenue; there is a single family residential area - Medford Subdivision; there is an office use under construction on the east side of Eastway Drive; new office buildings at Eastway and Argus; and a realty company at Biscayne. Biscayne is an access for Eastway Junior High School, with Norland Drive being the front street for Eastway Junior High School. Beyond there is a large amount of vacant land adjoining and behind the fast food restaurant; then the single family pattern resumes.

There is business zoning at the intersection of Eastway and Central Avenue, extending all the way down to Biscayne and the fast food restaurant. Opposite that is the office zoning along Eastway and back and around. Biscayne, and there had been about a 30 or 40 foot buffer strip established when this zoning pattern was made to protect and assure the access to the school, and orient all the office uses within the area of Argus and to keep it from orienting along Biscayne.

The subject property is zoned R-6MF with a provision that had been in the zoning ordinance for conditional off-street parking. That provision of the ordinance has fallen away, and the conditional off-street parking has had about a one year's time in which they could act on that approval, and if that is not the case the land use restriction would fall back to the base density. The intent of this request is to establish the office pattern for all the office area.

Councilmember Gantt asked why it was not all originally zoned for office? Mr. Landers replied he cannot understand why. It is now R-6MF; the area had been R-6MF; that he believes there was a certain amount of concern about Medford, and there were some ownership patterns that had kept it out; then it was set aside for conditional parking associated with the office use.

Councilmember Selden asked if the two properties immediately adjacent are occupied? Mr. Landers replied yes; they are residences.

Mr. Ron Davis stated he is representing B.C.P. Corporation the owner of the major portion of the property in the rezoning petition. His client discovered this problem the latter part of last year by notice from the Planning Commission, and urges them to vote for the petition to change what now exists as an island of R-6MF conditional parking to the rear 1/3 of his client's property. About 3/4 of the rear 1/3 of the property is this R-6MF conditional zoning, the remaining portion being owned by Marsh Mortgage Company which owns the O-6 property immediately surrounding his client's property. If this reverts to R-6MF it will be sitting entirely by itself, surrounded by O-6 with only one lot and a portion of another lot to the north zoned R-9, which would be totally inconsistent zoning for this 100' x 170' parcel of land sitting within O-6 zoning.

No opposition was expressed to the proposed zoning change.

Council decision was deferred for a recommendation of the Planning Commission.

HEARING ON PETITION NO. 78-10 BY ROBERT B. MCDONALD FOR A CHANGE IN ZONING TO ACCOMMODATE A COMMERCIAL ART GALLERY AND RESIDENT ON PROPERTY ON THE SOUTHEAST CORNER OF THE INTERSECTION OF EAST BOULEVARD AND LOMBARDY CIRCLE.

The public hearing was held on the subject petition for a change in zoning from O-6 to B-1(CD).

Mr. Landers of the Planning Staff stated the property is located at the south-

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east corner of East Boulevard and Lombardy Circle. There has been a mixture of development taking place in this area - both commercial and office. There is business zoning on one segment with office zoning on another segment. The most familiar feature for the area is the Dilworth Co-op which is at the corner of Garden Terrace and East Boulevard and Lombardy. Immediately adjoining is an office facility and multi-family older structure; office use. The property immediately adjoining the subject parcel is vacant; then there is office on the opposite side of Lombardy with McNeill's Art Gallery, hair styling and office activity. As you move up East Boulevard, you find more of the straight commercial activities. Down Lombardy is a scattering of office conversion taking place. In spite of the zoning pattern along East Boulevard up to Lombardy you have business with office on the adjoining street by one or two lots and from Lombardy down to Freedom Park and Kings Drive is office zoning.

This is a conditional zoning request - requesting B-1(CD) for the purpose of establishing an art gallery. This requires a site plan. The plan shows East Boulevard, the existing structure with a garage or secondary building. There is no major change to the structure. They propose to use one half of an existing duplex for an art gallery for McDonald's Art Gallery with the second half to be used as a residence for the owner. The accessory building would be used partially as a garage and partially as a storage and work shop area. The parking arrangement would be to the rear with screening on the far south portion.

Mr. Bob McDonald stated he and his wife run the McDonald Art Gallery which is presently located in the old stone church on the corner of McDowell Street and East Trade Street. This is part of the city's renewal project, and they are to vacate the premises by May 1. They have made an offer on the subject property contingent upon the change in zoning.

McDonald Art Gallery has been in business in Charlotte for nearly ten years; they operate a good gallery; it does not generate a lot of parking. That they would be an asset and a good neighbor in this location as they have in other places.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred for a recommendation of the Planning Commission.

HEARING ON PETITION NO. 78-11 BY THE CITY OF CHARLOTTE TO CHANGE THE ZONING OF PROPERTY ON THREE PARCELS FRONTING ON THE SOUTH SIDE OF HALL STREET, AT THE SOUTHWEST CORNER OF HALL STREET AND NANDINA STREET AND EXTENDING WESTERLY.

The scheduled hearing was held on the subject petition for a change in zoning from R-6MF to R-6.

Mr. Landers of the Planning Staff stated this petition is an outgrowth of the earlier Plaza-Midwood study. The subject parcels are located along Hall Avenue just off Nassau and Nandina Street. There are three parcels and consist of one duplex and two single family residences. The zoning pattern shows the accomplishment of the Plaza-Midwood zoning; it is predominately a single family residential pattern all through the area with multi-family coming back one lot depth back behind Central Avenue. The subject property is the north-westerly most corner of multi-family concentration that was the remains of all the rezoning actions.

Ms. Mable Deaton, 1815 Hall Street, stated she has lived in this block for 30 years, and they have a pleasant, quiet neighborhood, and they value their homes and take good care of them. Multi-family apartments do not do much for a neighborhood, especially a neighborhood like theirs which is one block from the back of Midwood Elementary School; the streets are narrow, and at times there is a lot of traffic.

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The Plaza-Midwood Association and the Planning Commission is trying to improve the zoning in their area, and they appreciate it; they have done a good job. When the Plaza-Midwood Association's petition was sent around it was mis-represented to them as the person taking the petition around did not understand it. They would not have signed it if they had known it. When they found out the plan actually called for part of their block to be zoned multi-family, they got together and began trying to have it reconsidered.

She stated she has talked to a number of the Council Members and the people at the Planning Commission. She was notified that the matter had been turned over to the City Council for handling, and she is here today representing the families on their street to request that their block be rezoned to residential so they may be able to preserve the character of their neighborhood and the value of their homes they have worked hard to buy.

Also speaking for the petition was Mr. David Alcala, 1812 Hall Avenue. He stated he had lived in his home for six years; that it would not improve the neighborhood to have the zoning remain multi-family; the lots are not that big and the streets are narrow.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred for a recommendation of the Planning Commission.

MEETING RECESSED AND RECONVENED.

Mayor Harris called a recess at 4:33 o'clock p.m., and reconvened the meeting at 4:45 o'clock p.m.

ORDINANCE NO. 910-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING THE ZONING OF PROPERTY ON THE NORTH SIDE OF LANSDALE DRIVE AND CENTRAL AVENUE ON PETITION OF CLARA M. HUNT.

Councilmember Locke moved adoption of the subject ordinance changing the zoning of the property from R-9 to B-1(CD) as recommended by the Planning Commission. The motion was seconded by Councilmember Selden.

Mr. Fred Bryant, Assistant Planning Director, stated the plan has been filed by the petitioner, and the petitioner has agreed to the plan. He exhibited a copy of the plan which was filed stating the only concern the Planning Commission had was because there are some houses on one side of Central Avenue, and houses to the rear. They were concerned about where this might lead in terms of additional changes in the area unless it was firmly established that this could be compatible with those two locations. The plan proposes to build one building on the site with parking in front; the building will have a total area of 8,000 square to be used for retail sales and/or office purposes. A hedge screen will be installed on two sides.

Councilmember Gantt stated Council just had a hearing concerning an art gallery taking over an old house which seems to him an appropriate use of the conditional zoning without changing the whole pattern of zoning. This is a new structure in an area zoned for residential. The condition simply means they will build an 8,000 square foot building with screening. He does not understand the rationale for CD as opposed to something else. The person next door can come later on and ask for CD also. Mr. Bryant stated primarily in this case, the Planning Commission wanted to insure adequate screening, particularly on that side. The basic ordinance is very, very weak as far as a screening relationship between commercial and residential. That entered into it more than anything else. At the same time this case was heard there was a proposal across the way to also change that lot in order to allow a used car lot. The Commission felt this needed a little more attention as far as knowing in advance what the configuration would be; what the screening relations would be. In this case it would limit it to retail sales facilities.

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

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

NAYS: Councilmember Gantt.

The ordinance is recorded in full in Ordinance Book 25, at Page 206.

ORDINANCE NO. 911-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE BY CHANGING THE ZONING OF PROPERTY ON THE EAST SIDE OF BANK STREET, SOUTHEAST CORNER OF THE INTERSECTION OF BANK STREET AND FOSTER STREET, ON PETITION OF HARRY PAGE.

Councilmember Locke moved adoption of the ordinance changing the zoning from R-6MF to I-1 as recommended by the Planning Commission. The motion was seconded by Councilmember Selden.

Councilmember Locke stated the change to I-1 in lieu of the requested I-2 was acceptable to the petitioner as indicated in the materials sent to Council.

Councilmember Leeper stated he has some real concerns about this area. There are two schools in this area; that he would like to see the City Council and the Planning Commission come up with a plan to assure the entrance to those schools, and in the development to protect those schools. Right now, it seems every week there is a zone change coming up, and he is not so sure it is in the interest of those schools.

Mayor Harris stated this is in the CD area, and it seems they should be the ones to initiate any changes.

Councilmember Gantt stated he would like to see the Southside plan which Mr. Bryant has. That this is the little square piece next to the one that CD wants to change. The petition heard today would allow that to be I-1. Mr. Bryant stated it would be a change from I-2 to I-1. Councilmember Gantt asked if there is I-1 below it and I-1 above it? Mr Bryant pointed out an area stating it would be I-2; I-1 and then another I-1. This particular piece of property has industrial on three sides. The overall proposal of CD was to change the I-2. If you look at the existing land use there is not an awful lot of changes you can accomplish through zoning. The land use pattern generally along Main Street, along Foster and along a portion of Bank is already firmly established. The idea was to install I-1 zoning in preference to the I-2 that is there now in order to give that much protection to the area.

That he shares Mr. Leeper's concern about the entrance to the school. It is a very poor entrance situation for a school.

Councilmember Gantt stated he does not know if the zoning is bad or whether the location of the schools is a good one. Councilmember Leeper stated the location is a bad one and the School Board may have to consider moving the schools. But what he is saying is the decisions Council makes as elected officials is taking money out of one pocket and putting it in another. Councilmember Gantt stated he agrees with him, and he tends to agree with Mr. Bryant. If you look at the predominance of industrially zoned property, he cannot think of an alternative at this moment that would help the situation without rezoning the entire area.

Mr. Bryant referred to the land use map of the area stating it indicates already existing industrial uses. That is what he means when he says he does not think that zoning is going to accomplish very much in that area because it is already used. It would be much better if some sort of entrance could be created to bring that traffic from the school out in another direction. The Board of Education owns all the property in there all the way to Clanton Road. In times past there has been some discussion attempting to get a roadway out to Clanton in that direction.

Councilmember Locke stated to Mr. Leeper this is something he could bring to the Liaison Committee.

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The vote was taken on the motion to rezone the property to I-1, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 25, at Page 206.

ORDINANCE NO. 912-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE BY CHANGING THE ZONING OF PROPERTY IN THE GREENVILLE REDEVELOPMENT AREA, ON PETITION OF THE COMMUNITY DEVELOPMENT DEPARTMENT.

Motion was made by Councilmember Gantt, and seconded by Councilmember Chafin to change the zoning from R-6MF, B-1, B-2 and I-2 to R-6, R-9MF and B-1 properties in the Greenville Redevelopment Area, generally located between Oaklawn Avenue on the north, and the Northwest Expressway on the south, Statesville Avenue on the east and Irwin Creek on the west, as recommended by the Planning Commission.

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

The ordinance is recorded in full in Ordinance Book 25, at Pages 207-209.

ORDINANCE NO. 913-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE BY CHANGING THE ZONING OF PROPERTY LOCATED IN THE GRIER HEIGHTS COMMUNITY TARGET AREA, ON PETITION OF THE COMMUNITY DEVELOPMENT DEPARTMENT.

Councilmember Gantt moved adoption of the subject ordinance changing zoning from R-6MF, B-1, B-2, O-15 and I-2 to R-6, R-6MF and O-15 properties in the Grier Heights Community Target Area, with the exception that the properties on the north side of Billingsley Road and on the west side of Ellington Street not be rezoned, all as recommended by the Planning Commission. The motion was seconded by Councilmember Leeper.

Councilmember Short stated the Community Development wants to change the zoning from apartments to office, and the Planning wants to leave it as apartments. The whole area is full of various county agencies. It seems to him we should invite someone from the County staff to come and answer questions about this.

Mr. Bryant, Acting Planning Director, stated they have had contact with the county on this matter. What you are talking about here is property which the county does not own at this point in time; granted sometime in the future they may expect to acquire it. But they are satisfied to see it as it is, and then request rezoning at the proper time. That CD is now in agreement with this. This is not in accordance with their original proposal, but after hearing the arguments and considering the facts presented, they are agreeable to this, and they will be presenting to Council a change of plan in that respect.

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

The ordinance is recorded in full in Ordinance Book 25, at Pages 210-212.

ORDINANCE NO. 914-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE BY CHANGING ZONING OF PROPERTY ON THE SOUTH SIDE OF DWELLE STREET, WEST FROM THE INTERSECTION OF DWELLE STREET AND ROZZELLES FERRY ROAD, ON PETITION OF NATIONAL PRECISION CORPORATION.

Motion was made by Councilmember Selden, seconded by Councilmember Chafin and unanimously carried, changing the zoning from R-6 to I-2 as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 25, at Page 213.

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PETITION NO.77-52 BY HORACE E. HALL FOR CHANGE IN ZONING TO PERMIT PETROLEUM STORAGE IN EXCESS OF 100,000 GALLONS FOR PROPERTY WEST FROM THE INTERSECTION OF EAST SEVENTH STREET AND EAST FIFTH STREET, FRONTING ON THE SOUTH SIDE OF FIFTH STREET, DENIED.

Council was advised that a protest petition had been filed and found sufficient to invoke the 3/4 Rule requiring nine affirmative votes of the Mayor and City Council in order to rezone the property. Also that a request had been filed by the Attorney for the Petitioner to defer decision for at least six to nine months.

Motion was made by Councilmember Selden to deny the subject petition for a change in zoning from R-6MF to I-1(CD) with conditional consideration to permit petroleum storage in excess of 100,000 gallons. The motion was seconded by Councilmember Carroll.

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

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

NAYS: Councilmember Locke.

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APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR FY 79, APPROVED.

Motion was made by Councilmember Gantt, seconded by Councilmember Selden, to approve the submission of Application for Community Development Block Grant Funds for FY 79, in the amount of \$7,435,000 to the Centralina Council of Government and the State Clearinghouse for the A-95 Review.

Councilmember Carroll stated he has a question about the Housing Assistance Plan portion. He stated he talked with Mr. Jerry Moore of the CD Department after Council finalized this at its meeting of February 6, at Belmont Center. That at that particular meeting when they approved the HAP portion, the motion was that, along with the things that are stated on Pages 72 and 73 of the green book, if the Housing Authority had any plans for building housing which was in conflict with these guidelines that they would bring those to Council on a project-by-project basis.

He stated the plan they have before them now includes what the Housing Authority's locational policy is, which was adopted after the lawsuit several years ago, and leaves open the inference that Council is in fact approving a separate guideline for the Housing Authority to follow in its planning or positioning of the housing which they would put out there. He stated he does not believe that was the intent of what they passed at the previous meeting and would like to see the plan amended to exclude the Housing Authority's locational policy, and simply to include the provision which he felt they originally adopted that if, in fact, they had plans which were in conflict with those, that they would bring them to Council for consideration on a project-by-project basis.

Mr. Vernon Sawyer, Director of Community Development, explained that they have locational policies, or guidelines, in the Plan concerning new construction programs (Page 72); rehabilitation programs (Page 76); and rental assistance on existing units. They have different guidelines for each of those. The new construction guideline requires that the Housing Authority and everyone else conform to the Council's locational policies which they have there. That on the existing Section 8 program, the Housing Authority's locational policies and standards do apply. It is not inconsistent to have different locational standards for each of the three programs.

Mr. Carroll stated he does not understand that.

Mr. Sawyer stated there is a set of guidelines that every developer, including the Housing Authority, must conform to. That HUD will recognize in approving this Section 8 new construction proposals.

Mr. Carroll stated, in other words, he is saying that under Sub-Section C, on Page 76, that the Housing Authority could acquire additional Section 8 existing units to administer which would be subject to their locational policies only and not to Council's.

Mr. Sawyer replied acquisition, he is not sure; but rental, it would be according to the guidelines set forth here. If it is acquired and then administered, it would be a different matter. He asked Mr. Moore to speak to that.

Mr. Moore stated the units to be acquired without substantial rehabilitation will have to be located per the new construction guidelines. The policy on Page 76 refers only to the Section 8 existing program which the Housing Authority does administer. They should keep in mind that their policy, being part of this document, is City policy - for the Section 8 existing program. Insofar as new construction goes, which is spelled out on Page 41, the third paragraph, any developer or agency who proposes to provide any kind of assisted housing must do so in conformance with the HAP.

Mr. Carroll asked what it is that the Housing Authority can actually do under Section C, pursuant to that policy? They can acquire additional Section 8 units which they will administer? Mr. Moore replied no; they can receive allocations under the Section 8 existing program - it is a rental program. Mr. Sawyer stated the Housing Authority can rent these units, according to these guidelines, to low income persons or families.

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Mr. Moore stated that following the meeting which Mr. Carroll referred to when they approved the preliminary plan, there were some additional discussions with HUD which confirmed the fact that the Housing Authority would have to adhere to, and submit proposals to, Council under these new construction guidelines. It was for that reason that they did not re-state it other than to say they would have to conform. They did not go back and re-state that part of the motion which had said that they would bring new construction projects before Council, because that is going to happen in the normal process.

Mr. Carroll stated he understands the new construction; that what he is wondering about is whether existing houses which they acquire, or which they can administer, as Section 8 housing, are subject to the Housing Authority's policy only, or to Council's general policy.

Mr. Moore replied it is his understanding that the units to be acquired without substantial rehabilitation will follow the new construction guidelines as far as location is concerned.

Councilmember Selden asked if the rental policy relates to an absentee ownership - a private developer per se - in which the rent subsidy applies under Section 8, and this relates to the half-mile circle rather than the full-mile circle. Mr. Moore replied that is correct; that is the Part C on Page 77.

Councilmember Short asked if the plan for Community Development, as it has been revised as suggested by Mr. Carroll and other Councilmembers, calls for, or does it instruct the City staff, to make repairs on private citizens' property or houses or buildings, then add the cost to the tax bill of the owner? Does it now provide what they have popularly called "the in rem remedy"? Does it instruct the City staff to proceed with the added on tax form of the in rem remedy?

Mr. Sawyer replied it does; in all target areas. It instructs them to employ the use of the in rem remedy to make all necessary repairs, should the owner fail to comply with improvements.

Mr. Short stated by sending out forces or employing a contractor or someone to make these repairs and then adding it to the tax bill of the owner of the property - is that what this plan now provides, as amended?

Mr. Underhill stated you do not add it to the tax bill, you place a lien against the property.

Mr. Sawyer stated he does not know the details of implementing it, but he understands it would be implemented by the Building Inspection Department, the department that administers the housing code in which this in rem remedy is included.

Mr. Short stated, in effect, a bill is just simply sent to a landlord or owner for some work that the City decides to do on his property. Is that correct? He asked Mr. Underhill if he understands it that way?

Mr. Underhill stated the City would place a lien on the property and it would depend on how Council wishes to enforce the collection of that lien. He would think their first effort would be to ask the property owner to pay. If he failed to do so, then the alternative left is to foreclose against the property to collect the lien.

Mr. Short stated in his opinion that provision is very difficult, and he thinks there are other arrangements that could be used. One reason that he thinks that is particularly difficult is that it is just going to appear to be very arrogant as far as property owners are concerned; and it is going to turn them against redevelopment and against local government. That on Page 7 of the material prepared by Mr. Sawyer in response to Councilmember Carroll's proposal, he has a plan for the rehabilitation of sub-standard structures, called the "Housing Sales Plan." The plan, in effect, calls for the City to condemn property where the owner refuses to "cooperate."

The City then proceeds to rehabilitate these properties and sell them. The loss, if any, it would appear to him would fall on the Community Development budget. In other words, it would fall on the taxpayers of the United States and the taxpayers of Charlotte. This is a simple, legal, practical remedy that is working, because Mr. Sawyer has said he has already used it three times in the Third Ward.

He stated for the City to make repairs and just simply attempt to lay that on the individual landlord, by putting it on his tax bill or making a lien out of it, is just a poor procedure. This has the direct effect of putting the cost of housing rehabilitation on the poor, in his opinion, because all the landlord is going to do, and usually the only thing he can do, is just add this onto the rent. The question is, basically, who is going to rehabilitate run-down housing that ought to be rehabilitated in Charlotte, when it becomes impossible to get the cooperation of the owner and the landlord. He just does not think they can put this cost on the poor of this City. Also, this plan is going to appear arrogant to property owners and turn them against local government and against redevelopment.

Councilmember Short moved that the Community Development they are considering be amended to delete any requirement or any directive that any department or agency of the City Government make repairs on any building belonging to a citizen and then add it to the cost of the tax bill, or try to collect it by means of a lien. The motion died for lack of a second.

Councilmember Gantt stated he thinks they should respond to Mr. Short's statement. That he read the plan last night and kept trying to find the in rem remedy. That one of the things that he hoped the staff would do in rewriting it was to write it in such general terms that it would allow them to do the kinds of study of this entire thing that they all want the opportunity to do. For that reason he wants to commend staff for what they have done - they have juggled some of the dollars around so that they have substantially more in rehabilitation, although not as much as some people would like to see yet. He stated he could not find where the in rem remedy is mentioned.

Councilmember Short stated he had the same problem, so he started calling around to members of the City staff and they told him that it was included. Councilmember Gantt stated there is something called comprehensive enforcement and all kinds of other euphemisms that refer to the fact that the City is going to do something substantial.

Mayor Harris asked Mr. Sawyer to state where this is in the plan as far as he is concerned. Mr. Sawyer replied they did not include the term "in rem remedy" in this application. Mr. Carroll's amendment put it into the Preliminary Plan, but the Preliminary Plan is the document that they follow and the guidelines and policies from that are incorporated in the application. The application is a very general document. It just contains a statement of need, a statement of long term objectives, a statement of short term objectives, a budget - it is a very general thing. They have no problem in putting it in; their problem was if they mention any particular part of the . . .

Mayor Harris asked him if he is referring to the "comprehensive enforcement," is that what he is explaining? Is that any different from the prior years' plans? Mr. Sawyer replied yes, it is; they did not have that term in the plan in prior years. He stated they felt that the term "comprehensive enforcement" covered the enforcement of the housing code. They can mention "in rem remedy" and other things.

Councilmember Selden stated he seconded the motion for the approval of the Plan because of the terminology used there; but he is very much at a loss to actually determine, both by polling different Councilmembers and also in reference to a newspaper article that specifically says that Councilmembers are unsure if the policy (the one they are talking about) means one thing or another thing. That he would like to see the vote go on the proposed green package because he thinks that it would allow flexibility. But before they get any further down the road, he would like to determine exactly what their policy is, notwithstanding what Mr. Carroll's package is. That specifically he will ask "Does the policy provide for city repairs, applying

in rem remedy on substandard housing which is boarded up today?"

Mr. Sawyer replied his understanding of the policy is that it would. That when they reach an impasse with an owner, they turn it back to the Building Inspection Department for enforcement of the Code. That the Building Inspection Department would enforce the Code including the in rem remedy.

Mr. Selden stated he recognizes that there is a very detailed procedure whereby they go to the Housing Appeals Board, and they can appeal to the courts, but the question he wanted to know was did Council establish the policy that assuming it went all through the procedures as shown in the housing code. Mr. Sawyer replied the answer is yes.

Councilmember Carroll stated he would like to respond to that; he believes it is a legal question and one which he believes Mr. Underhill will bear him out on. As he understands it, the question is whether the unit is a dwelling at the time that the order is issued requiring it to be brought up to code. The interpretation which he discussed with Wayne (Alexander) at length and which he thought most suitable was that if it was a dwelling at that time, the in rem remedy would apply. So, once the building inspector handed the order, if somebody was living in it it would be a dwelling and could be brought up to code. If it is boarded up, it would not. So, boarded up houses would not be subject to the in rem remedy.

Mr. Selden stated that establishes the first category of what they both know. The second category is, if it were vacant with a "For Rent" sign on it, and it was inspected - not occupied - and found to be below code, and the absentee landlord elected to close it, rather than to continue to rent it or repair it, does it apply in that case?

Mr. Carroll stated he thinks it probably would not apply in that case. Mr. Underhill stated under the definition of dwelling in the Housing Code, that is a much closer question than the first one he raised, but he would still say the answer is probably no. You would not be permitted to use the in rem remedy in that situation, assuming it was vacant.

Mr. Selden stated what he is trying to do is establish exactly what City Council moved, or accepted, that night; not to alter the plan so much as to establish what the policy was; that they have established that (a) and (b) would not apply, the (c), if the premises were occupied and found to be substandard, and a letter was sent to the absentee owner to repair, or, and the premises were vacated before the reply came, and the owner elected to board it up. He is getting closer and closer to that "on the fence" question, but he thinks that these answers need to be secured.

Mr. Carroll stated his understanding is that the interpretation would run from when the order was first issued. If it was a residence then it would apply and the remedy could go ahead. Of course, the tenant has a right to participate in the hearing before the Housing Appeals Board also, if he wished to continue to live in the dwelling.

Councilmember Selden asked if the only question is the matter of a heating system and the tenant would like to continue his own heating system?

Mr. Carroll stated he thinks Mr. Jamison answered that at the other meeting. It is the owners ultimate responsibility, but if the owner and tenant can agree on a heating system contractually, there is no problem.

Councilmember Carroll stated he would like to respond to what Councilmember Short said. He realizes that Mr. Short was not at the meeting when Council spent several hours going through this. That there was a feeling among the Council that it was important that they set a policy, that they did want to enforce our housing codes and see that housing was sanitary and brought up to standard in Charlotte. That in the past, because of a lack of use of some of the incentives in the Community Development target areas, they wanted to use an additional incentive to try to see that particularly housing which was occupied was brought up to standard. That they all recognize that this is somewhat of an experimental way of proceeding, but they are proceeding in target areas in some of the older parts of the City that have some of the most stable residences in them. He thinks that is a good place

to start and see if they cannot really promote the goals they want to in requiring decent housing in Charlotte. That it is important, as Mr. Sawyer has indicated, since Council did approve that at the last meeting, that he understands what Council wants the policy to be; that they had a consensus there - he can understand Mr. Short's disagreeing with it - but that they should leave the meeting with his understanding that Council wants him to carry forward with this part of the Community Development plan in this fashion.

Mayor Harris stated he would like to correct one thing. He thinks Mr. Carroll is saying that the CD area is going to do the in rem remedy. They are not; that Mr. Sawyer made that point very clear that was not his area; it is Mr. Jamison's area.

Mr. Carroll replied his point was that that was a part of the Preliminary Plan, in fact it was just the four target areas where the code enforcement was a part of the plan and that was where Council wanted the City to proceed, whichever department had the responsibility.

Mayor Harris stated he believes the Council was really approving code enforcement, more so than they were the in rem remedy - as far as the minutes show. It is not really that process.

Mr. Carroll replied he disagrees; that was in the amendment and was very much a part of their discussion that night - to go ahead and proceed and try it in these four selected areas.

Councilmember Short stated that Mr. Carroll is being indeed consistent because it is his understanding that the in rem remedy with the lien feature will be used and is called for. He is agreeing with Mr. Sawyer and he thinks that this is the reason that Mr. Carroll, who is certainly a good lawyer, made a motion earlier in the day that Council add to the minutes of the previous meeting this understanding of what happened at a meeting which he could not attend because he had the flu.

He stated that to understand this situation, it is necessary to look at several documents. You have to look at the plan which they started with, the green book; they have to look at the suggestions that Mr. Carroll made after a lot of study and with the most sincere motives, although he thinks they are counter-productive in this regard; and you have to look at the material that Mr. Sawyer has provided in response to Mr. Carroll's proposals. He stated there is also something else that has to be understood. That is documentation that goes back several years to perhaps 1971 or 1972. When the Housing Appeals Board was established it was done because of federal requirements and in order to get federal funds for various housing programs, etc. In order to get this federal money, it was necessary to not only create the Housing Appeals Board, but to set up various concepts that might be considered and might be used for the bringing of houses up to code standards. One of these is exactly the in rem remedy, with the lien feature, etc., exactly as Councilmember Carroll is talking about.

He stated that remedy has never been used - Mr. Jamison has never used it and he does not believe Mr. Jamison has ever understood that he was instructed to use it. It was just simply a part of a documentation that was considered by the Council about six or eight years ago and it was included as a possibility that he might be authorized to use for the purpose of getting substandard housing corrected in Charlotte. The fact is, as Mr. Sawyer has just stated it, Mr. Carroll's proposal is that Council is instructing Mr. Jamison to use the in rem remedy. It has been in our code all these years; he has not used it; he has not been instructed to use it. But, he thinks that Mr. Carroll is agreeing with him that he now is instructing Mr. Jamison to do this; and that Mr. Sawyer is agreeing that Council is now doing this.

He stated he certainly can respect the sincerity of the motives here; that his motives are the same. He can only admire the great amount of work that Mr. Carroll has put into this thing, and the entire Council has put in. But, this kind of approach is counter-productive. It is just going to

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"turn off" the landlords; it is just not going to be possible to use this remedy to go out and add on to the bill of some landlord to bring up to code standards every substandard house in these target areas - you just cannot get blood out of a turnip. It is not there and there is no way that this is going to occur. To the extent that it did occur, it would occur through rent increases which would, in effect, put the cost of bringing this housing up to code standard on the poor.

He stated the suggestion that Mr. Sawyer originally made and that has been used heretofore is the Housing Sales Plan which calls for the City to buy such property - condemn them - and that is no easy remedy right there. You are condemning somebody's property because he will not be cooperative about it. If he is not cooperative, then Council condemns the property and the City brings it up to those standards, using the CD budget or whatever funds the City can get, and then re-sells it. Whatever loss is involved falls on the taxpayers of the United States and not on the poor. This is the only kind of plan he is going to vote for.

Councilmember Cox stated he was not at the meeting either. He went through and tried to read the minutes and talked with several people - with Jerry Moore in Boone - and his consensus was that nobody knew what happened at that meeting. That in the second reading of the minutes of the meeting of February 13th, he thought that Ms. Chafin's suggestion made the most sense of anything. That what he heard in the minutes was that Council committed themselves to a policy of code enforcement, yet they were not real sure how they would go about doing it; and that Council appoint an ad hoc committee to study the implementation of how they are going to do it. That was his understanding and it happened to be the understanding of about 25 percent of the people he talked with. The other 75 percent said something different.

He stated the responses to Councilmember Selden's questions today were punctuated with words like "probably" - he heard that at least twice. That Ms. Chafin's suggestion is a good one.

Councilmember Chafin stated that Mr. Cox's understanding and that of the 25 percent who agreed with him is essentially correct; they approved Mr. Carroll's amendment that included reference to the use of the in rem remedy. But, most of the Councilmembers were approving that provision with the understanding that there would be attempts to sit down with some of the property managers and perhaps develop some alternative approaches, some positive incentives, so that in fact the in rem remedy would be used only as a last resort. But, with the understanding that it is part of our existing code and that in some cases they might want to use it. But, that first they did want to develop some sort of understanding with the property managers as to what Council might do to encourage them to rehabilitate houses without the application of this particular provision. She stated this question was posed to the property managers in the meeting that day. That she did not feel that the responses were satisfactory. She does not think the City can really afford to buy all of these properties and rehabilitate them. That is a concern of hers and she thinks it is a concern of Mr. Carroll.

She stated that as an alternative to this ad hoc committee, she suggested that they might want to refer the matter of how they are going to implement this provision - a program of comprehensive enforcement of the Housing Code - to the Operations Committee. It is chaired by Councilmember Short who clearly has a strong interest in this issue and it also includes Mr. Carroll and Mr. Selden, Mr. Leeper and Ms. Locke. It would certainly cover three people who have indicated a very strong interest in it. She is not excluding the property managers. She would assume that there would be an opportunity to sit down with them in a much more informal setting and hear them out to see if they cannot develop some sort of workable approach to enforcement of the code. She would like to put that in the form of a motion after they get the other matter out of the way.

She stated this document, as Mr. Gantt and several others have indicated, is a flexible document and they approved Mr. Carroll's amendments with the understanding that there was flexibility there. She stated she wants to approve the plan today so that it can be sent off.

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Councilmember Short stated if they approve that plan after the motion Mr. Carroll made about what is supposed to go into the minutes of the last meeting, then Council has adopted the in rem remedy.

Councilmember Selden stated he has established how they would apply the in rem remedy. That within the concept of the enforcement that is in the green book, there are two other areas that should be clarified at this point. One is, specifically they are talking about the Cherry, Five Points, Grier Heights and Third Ward target areas. The other thing he would like to clarify is the Housing Code has a lot in it besides repairs. It has, among other things, the height of the ceiling in certain rooms, dimension of rooms, requirement for bannisters and stoops over porches, etc. He wants to know if all of the facets of this Housing Code are going to be applied in the four target areas.

Mayor Harris stated he does not think they should get into the details of the exact implementation of this Plan. That they should deal with just the application now.

Mr. Carroll stated to Mr. Short that he agrees with him. That on the basis of the amendments that Council adopted and which were incorporated in the plan although it is loose in language, that they are agreeing to proceed on an experimental basis in these four target areas, with the in rem enforcement. That they are agreeing to do that because they are realizing that the several hundred thousand dollars they are spending in social programs in these areas are not going to help people if they do not have a decent place to live, a house that is heated and sanitary. That it is a basic sort of "putting things first" that they are agreeing on. He is certainly willing to go along with Ms. Chafin's suggestion that the Operations Committee look into the code, look into the various aspects that Mr. Selden has mentioned, and determine if the code should be changed. There are some housekeeping details that need to be taken care of, because the North Carolina general statute has been changed and the references in the code are not correct.

Councilmember Short replied that the situation is a little bit reversed to what it was when they were out at Belmont Center. That he wanted to go ahead with it and Mr. Carroll and Mr. Gantt were saying something about not letting these important matters go to sleep. He stated he thinks this is a very important matter and that they better not let it go to sleep. That they had better get the matter straight before they actually pass this with the amendments. In other words, to go ahead and adopt this in rem remedy, which is clearly counter-productive and unfair to the poor (his motives are certainly the same as Mr. Carroll's about the housing), it is just going to be awkward to try to ever get that changed. The principal person who is going to oppose any change of it is Mr. Carroll. He would not blame him because his views are very obvious. He just simply thinks that today they should amend this plan to provide that the in rem remedy with the lien factor added on to it will not be instructed for use by Mr. Bill Jamison. On that basis, they can proceed to go ahead and get this application into Washington and do everything in the world they can to clean up the substandard housing problems in this city. That they can all go forward behind this and he believes the real estate people, the developers and the landlords will be with them; that it will be a tremendous advantage for the poor, the tenants who live in these nine areas.

Dr. Rudolph Hendricks, Minister of South Tryon Street Presbyterian Church, stated that he has been coming to Council for the past three years. He understands there has been some money found for summer programs. He hopes he is not assuming this, but he wanted to let Council know that they still exist out there in the Brookfield neighborhood and still would like to have their program implemented.

Councilmember Gantt asked if the summer programs they have talked about are previous summer programs that have existed or does it include Rev. Hendrick's program. Mr. Sawyer replied it includes his program. That he made a proposal for a program that amounted to about \$20,000. There were three or four summer programs proposed. That, as they know, Community Development did not recommend any summer programs because of the shortage of funds. That when Council instructed them to find the funds, then they earmarked \$90,000.

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Ms. Jennie Tucker, 1412 Baxter Street, stated she wants to address herself to all of the Councilmembers, to Mr. Cox and Mr. Short who were both absent. It seems to her, if you are absent from a meeting you would get together with the others and find out what happened. From listening to them, they appear to have come today to try and thrash something out.

She stated she lives in one of the target areas and has listened to Mr. Short talking about the poor landlord. She would like to know where the landlord has been all these years that his property has developed into this condition. She does not know whether the Councilmembers have traveled through the areas, or possibly just called someone in an area to find out something. They need to really visit these areas and they will find out that the housing has not functioned. She does not know Mr. Jamison but if he had functioned the houses would not be in the condition they are in. Something has to be done because people are living in them. They want the same things that the Councilmembers want. She would like that to be brought out. They want no less. They are poor, but they have the same desires. Possibly they cannot express themselves. Economically, they cannot handle the situation, but they want the same things.

She stated she has tried to attend all of the meetings and she has listened and listened. One minute they say one thing, another minute they say something else. This puzzles her, because all of them are intelligent, they are well informed. Things are just twisted. This is her interpretation - she could be wrong, but as a resident of one of the target areas - Cherry - she is most concerned. She wants to see something done, not talk. They have talked, talked and talked. Now they need action. There is too much talk, too much study. They know that something has to be done. She is sure if a person owns property he wants it taken care of. If they will look around, the property owners have not done anything. She is sure there are rental areas in other areas - she would like to know what happens in other areas other than the target areas. Did they fall apart also? She would like those answers, please.

Councilmember Short stated that in referring to the poor he was referring strictly to the tenants, not to the landlords. The question is basically whether when they have an uncooperative landlord, is the City going to move in and do something about that, or is it just going to be an effort to force that one landlord to do something about it, under circumstances where it is obvious already he is not going to do anything, and cannot do anything about it.

Ms. Tucker replied the landlord has allowed this to happen; he has allowed his property to depreciate to this point.

Councilmember Short stated it certainly is regrettable, but he hates to put the burden of repairing such a situation upon the poor tenant. Under the plan suggested here, they wind up putting it on the poor tenant through an increase in rent that the landlord has to make in order to pay off the City's lien. Ms. Tucker stated the landlord is allowed to ask for an increase, is he not? Mr. Short replied that is just the point he is making. Ms. Tucker stated if you are a homeowner, you do know you have to constantly repair, otherwise it will fall in.

Mr. Short stated he is a landlord and has several units himself and the repairs are tremendous. That some of his comments and some of his background on this matter, relates to the fact that he is a landlord.

Mayor Harris suggested that Ms. Tucker come to the committee meeting when this is discussed. She stated she wants to talk to all of them - she is serious. She has been listening for a long time now. Mayor Harris stated he hopes she will continue to come to Council and to him - they need her input.

Councilmember Frech asked if they vote to approve this plan, are they automatically instructing Mr. Jamison to go out and enforce the in rem remedy?

The discussion that followed indicated there was disagreement among Councilmembers on this question.

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Mayor Harris stated each of them are talking about different things. They are all interested in getting some action on this, but they should let Mr. Underhill and Mr. Sawyer give the answers. He reminded them of a memorandum they received on the retreat that went into the process in much detail. He stated that Council certainly does not pre-empt the decision making out of the areas of these staff people.

Mr. Burkhalter stated the in rem remedy is law now and if Council were to tell him today to start using it, they would go out and start using it. The reason it is not used is because Council has made it very clear in the past that they did not want it used. The only way they can use the in rem remedy is to come back to Council every time they use it. It will be a long and tedious process, but Council has to get involved in it. Even if they do not pass this today and next week as a Council they instruct him to start using in rem remedy, he will have to start using the in rem remedy.

He stated he would give them another word of caution. That they ought to think again before they put this housing matter in another committee. He is concerned about that.

Councilmember Chafin stated that what she was trying to do was keep it within Council and resolve this one issue. She stated she does not think the Housing Task Force should get bogged down with this particular issue.

Councilmember Short requested that they have Mr. Underhill rule on Ms. Frech's question. After she repeated the question, it was referred to Mr. Burkhalter. He replied that the tenor of Council seems to be they want it enforced, so he is beginning to lean in that direction. They have already told Council they will look at all of the ways of doing things to try to accomplish what Council has indicated it wants accomplished - that is, to get these boarded-up and delapidated houses fixed up, and not going down. That is the key to the whole thing.

Mayor Harris stated he cannot believe the City Manager would use the biggest stick he has before he used the smaller ones.

Mr. Short stated that landlord is going to be down here with a lawyer that is going to cost him \$500 or something like that - money which he might otherwise have spent trying to repair the house, if this sort of procedure is approved on the basis of it coming to Council each time. That it will also come to that landlord each time to hire a lawyer and come down here and defend it.

Councilmember Dannelly stated he hopes he can say what he would like to say and be understood correctly. That basically all of them are concerned about the type housing the poor are living in now and this is the type housing they are addressing. He agrees with Ms. Tucker that if something had been done all along these houses would not be in the conditions they are and they would not have to discuss it the way they are now. He is afraid if Council does not take some kind of stand to proceed, utilizing the suggestion that Ms. Chafin made of bringing about some cooperative method of improving, then they are going to always be in the situation we are in now - houses being run down and nothing being done about it.

He stated he recognizes that when one builds a house that he expects to make a profit out of it, but once he has made all the profit that he needs or wants, then he lets it run down. That is basically why they are talking about this kind of situation. It does cost too much to keep it up; he does not want to take his profits now and put them back to get it to the extent that it is livable for low income people. He is ready to really support Ms. Chafin's suggestion, recognizing what Mr. Burkhalter says. He recognizes now that it will be hard for Mr. Jamison to enforce the in rem remedy, from the discussion he has heard today; that there will be such mixed opinions. But, he is beginning to feel that it may be true that Council has been "buffaloed" by the landlords into doing nothing except talk. They need to take some kind of action.

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Motion was made by Councilmember Locke, seconded by Councilmember Selden, and carried unanimously, to call for the question.

The vote was taken on the motion to approve the application for CD Block Grant funds, and carried as follows:

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

NAY: Councilmember Short.

ENFORCEMENT OF HOUSING CODE AS IT RELATES TO REHABILITATING HOUSING IN COMMUNITY DEVELOPMENT TARGET AREAS, REFERRED TO OPERATIONS COMMITTEE.

Councilmember Chafin moved that the issue of enforcement of the Housing Code, as relates to the achievement of Council's stated goal of rehabilitating housing in our Community Development target areas, be referred to the Operations Committee and that the committee be instructed to involve representatives of the real estate community in their deliberations. Councilmember Gantt seconded the motion for discussion.

Mr. Gantt stated that there is a tendency when they talk about landlords and tenants to look at one of them as being pure as the driven snow and the other as just a rascal, and they all know that is not true. For that reason, the discussion they are going to have in the Operations Committee ought to involve not only property owners and managers but also people from the neighborhood groups. That he is talking about a situation of shared responsibility. That neighborhood groups can do a lot to improve the areas; it is a cooperative arrangement. He would hate to have the Committee hear one side of the story or the other, without hearing both. Ms. Chafin agreed to amend her motion to include target area residents in committee deliberations.

Councilmember Carroll stated he agrees with Mr. Gantt on the representation of consumers in the dialogue that they want to have. He asked that they also include in the motion a review of the Housing Code to include any revisions that should be made and bring back those suggestions to Council.

Mayor Harris stated they need a specific charge; that they have found with all the discussion they have had today that they need a specific charge in the motion to this committee. Mr. Carroll stated that was what he was getting at - that they need to consider not only the procedure but the substance at the same time because they are really inseparable at certain points. Mayor Harris asked for a restatement of the motion so as to make sure the Operations Committee understands the charge from this Council.

Councilmember Selden stated that notwithstanding that he brought up the various aspects of the Code, he would like to divorce that from the action the Operations Committee takes. That, frankly, that is going to be a very involved procedure. He stated he will work hard on it if it is a separate activity of the Operations Committee, but he thinks it is a big thing in itself and will delay the response.

Councilmember Short stated that Mr. Selden spent a year writing that code himself in 1971 - he knows what he is talking about. Mr. Selden replied he did not write it - HUD wrote it; he worked with it locally.

Councilmember Leeper stated he still needs some clarification on it. That Ms. Chafin is saying they are going to study the code enforcement, is that not right? Ms. Chafin replied by restating her motion as amended.

Councilmember Cox asked if the motion includes the income side of the question? Ms. Chafin replied she thinks it does but she is not sure what he means. Mr. Cox explained that intuitively, if you fix up a house, you have to have some kind of income to help amortize the loan. A lot of these people are not going to have that extra income. What are they going to do about that? Does the charge to the committee address that specific problem. Ms. Chafin replied yes, it is inevitable that would have to be included.

The vote was taken on the motion and carried unanimously.

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CONTRACT WITH NEVINS CENTER, INC. FOR CONSTRUCTION OF SHELTERED WORKSHOP FACILITY FOR THE HANDICAPPED.

On motion of Councilmember Locke, seconded by Councilmember Selden, and carried unanimously, contract with Nevins Center, Inc. for the construction of a Sheltered Workshop Facility for the Handicapped was approved in the amount of \$275,000.

ORDINANCE NO. 915-X TO AMEND 1977-78 BUDGET ORDINANCE TO PROVIDE ADDITIONAL FUNDS FOR THE CETA TITLE II AND TITLE VI PROGRAMS.

Councilmember Gantt moved adoption of the subject ordinance to amend the 1977-78 Budget Ordinance, revising revenue estimates and expenditures within the Manpower Department to increase the budget by \$1,993,677 to provide additional funds for the CETA Title II and Title VI programs. The motion was seconded by Councilmember Selden and unanimously carried.

The ordinance is recorded in full in Ordinance Book 25, at Page 214.

PAYMENT OF INITIAL DEPOSIT TO THE TRANSIT SYSTEM EMPLOYEES PENSION TRUST, APPROVED.

Councilmember Locke moved payment of \$55,000 to Transit Management of Charlotte, Inc. covering the initial deposit to the transit system employees pension trust. The motion was seconded by Councilmember Gantt.

Councilmember Selden asked what is the existing retirement plan? Mayor Harris stated he does not know whether any of the Councilmembers have received a copy of the pension plan. It was approved back in October he believes. He asked if Councilmembers could have copies of the pension plan?

Mr. Underhill replied yes, there is no problem. He does not think it has been received but he will check.

The vote was taken on the motion and carried unanimously.

RESOLUTION APPROVING A MUNICIPAL AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR IMPROVEMENT OF SOUTH TRYON STREET/WEST BOULEVARD INTERSECTION.

Motion was made by Councilmember Short, seconded by Councilmember Gantt, and unanimously carried, adopting a resolution to approve a municipal agreement with the North Carolina Department of Transportation for the improvement of the South Tryon Street/West Boulevard intersection, with the State to pay all right-of-way and construction costs, and the City to pay for sidewalk costs.

The resolution is recorded in full in Resolutions Book 13, at Page 185.

ACTIONS TAKEN TO PROVIDE SITE STABILIZATION FOR THE PAVING OF NORTH/SOUTH RUNWAY AT DOUGLAS MUNICIPAL AIRPORT.

The following actions were taken to provide for site stabilization for the paving of the North/South Runway at Douglas Municipal Airport:

- (a) Ordinance No. 916-X, to estimate federal revenues and provide supplemental appropriation for site preparation in the construction of the runway, for a total of \$519,525, was adopted unanimously, on motion of Councilmember Locke, seconded by Councilmember Gantt.

The ordinance is recorded in full in Ordinance Book 25, at Page 215.

Councilmember Gantt stated he gets a little confused. When they talked about the runway development, they talked about re-negotiation with Rea Construction, and now he sees a number of new bids and new people involved in a lot of different kinds of things. What is the relationship of all of this to the original contract with Rea Construction?

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Mr. Birmingham, Airport Manager, replied that Rea Construction had a contract to pave the runways. That after three years of erosion this runway has gotten in such condition that they have to do these things.

Councilmember Selden stated he notices that F. T. Williams is the low bidder on one item and bid twice what everyone else bid on another item. Mr. Birmingham stated the reason for that was probably that he had more experience in the one than he did in the other.

- (b) Contract with F. T. Williams Company, Inc., in the amount of \$404,880, to install drainage structures across Taxiway B and construct electrical duct to new tower, approved on motion of Councilmember Locke, seconded by Councilmember Short, and unanimously carried.
- (c) Contract with Blythe Industries, Inc., in the amount of \$104,595, to restore grades areas of new parallel runway, approved on motion of Councilmember Selden, seconded by Councilmember Trosch, and unanimously carried.
- (d) Contract with Propst Construction Company, in the amount of \$481,278.90, to install subdrains and perform subgrade recompactation on new parallel runway, approved on motion of Councilmember Locke, seconded by Councilmember Selden, and unanimously carried.
- (e) Contract with Law Engineering Testing Company, Inc., in the amount of \$16,000 to provide materials testing services for subdrains, subgrade recompactation and Taxiway B drainage structure projects on new parallel runway, approved on motion of Councilmember Short, seconded by Councilmember Selden, and unanimously carried.
- (f) Contract with Law Engineering Testing Company, Inc., in the amount of \$75,000 to provide materials testing service for paving the new parallel runway, approved on motion of Councilmember Locke, seconded by Councilmember Selden, and unanimously carried.

ERECTION OF MONUMENT IN FREEDOM PARK HONORING BISHOP HERBERT W. SPAUGH, APPROVED.

Motion was made by Councilmember Dannelly, seconded by Councilmember Short, and unanimously carried, approving the recommendation of the Public Monuments Committee for the erection of a monument in Freedom Park honoring Bishop Herbert W. Spaugh by the Citizens Safety Committee.

ORDINANCE NO. 917-X APPROPRIATING FUNDS TO INSTALL 24-INCH PIPE AS A SANITARY SEWER STUB FOR A FUTURE COFFEY CREEK OUTFALL LINE.

Motion was made by Councilmember Locke, seconded by Councilmember Short, and unanimously carried, adopting the subject budget ordinance appropriating \$25,000 to install 400 feet of 24-inch pipe as a sanitary sewer stub for a future Coffey Creek Outfall line.

The ordinance is recorded in full in Ordinance Book No. 25, at Page 216.

ORDINANCE NO. 918, AMENDING CHAPTER 6, ARTICLE VI BY REPEALING THAT SECTION IN ITS ENTIRETY AND ADOPTING A NEW ARTICLE VI, CHAPTER 6, TO PROVIDE FOR THE REGULATION OF COMMUNITY ANTENNA TELEVISION SYSTEMS.

Councilmember Selden moved adoption of the above ordinance, seconded by Councilmember Chafin for purposes of discussion. Mr. Selden stated that Page 18 of the Agreement does not provide for tying in the Consumer Price Index to the increases. Mayor Harris stated that was a suggested alternative if they wanted to take out the rate increases. Mr. Underhill stated that is correct.

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Mr. Selden amended his motion to include the provision that the rate increase not exceed the Consumer Price Index, without review. Ms. Chafin agreed to the amendment.

Councilmember Carroll suggested they go along with the CPI but no more than 6 percent so that in essence they are taking what was suggested but are back at the City's initial ceiling also.

Mr. Dannelly asked why it is that Cablevision does not want Council to review rate increases? Mr. Gantt stated he has some trepidation about the fact that Council does not have the reviews. That they all know about the CPI and what they are saying is automatic even if they have windfall profit it does not matter. They automatically get a 6 percent increase if they want it. He has serious problems with that. That is why he suggested previously that they investigate the matter of giving them a long term franchise and, of course, have a review every year.

Mr. Burkhalter stated, before they work under a misapprehension, he does not believe the franchise says they will do that every year; it only says they will have that privilege; not that they will do it every year.

Councilmember Gantt made a substitute motion that a portion of the ordinance be amended to provide for a review by Council of all rate increases.

Councilmember Short stated Mr. Gantt and Ms. Chafin are on the right track because one thing that contributes to inflation is for everybody, every business, to have an automatic annual protection against inflation. This is one thing that just makes inflation habitual. That if they are going to ask Cablevision of Charlotte to make good on their comments that they are going to invest some millions of dollars in this system, then perhaps a 15-year commitment is a good one. He certainly does buy the suggestion that Council would have to approve all rate increases.

Mr. Underhill stated the substitute motion as he understands it, is that no rate increases will be allowed or put into effect without Council approval, and that the franchise term shall be 15 years rather than 10.

Mayor Harris asked the representatives of Cablevision if, since they have gone through negotiations already and Council is sitting here negotiating without negotiating, this is acceptable. The staff has been doing the negotiating and now they are changing it all at the final hour. Is this acceptable?

Mr. Burkhalter stated he is not speaking for the Cable-TV people - they are present. His concern is that they wanted the 10-year all the time and they also wanted the 6 percent, instead of the cost of living. He told them that he would, personally, never recommend that to Council. Personally, he would rather have the 10-year and the 6 percent. He can understand Council's concern this way. He would rather Council put in the contract 6 percent rather than give them the 15 years. From his viewpoint of monitoring this, he thinks the City has a better hold in the investment they are putting into this company and the things they are going to have to do to meet this requirement in the next five years is going to be very expensive and they are not going to be able to afford - we are going to be in a very good bargaining position at the end of ten years, which will be here before they know it. That is the reason he argues that position.

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Mr. Burkhalter stated that in discussing this with Mr. Gantt a few minutes ago he told him that if he wanted to take out the 6 percent, or the cost of living, fine; but he would not ask Council to do this, but he can tell them that if they had not agreed to this, he would have come to Council with the 6 percent out and a 15-year agreement. He would have presented to Council that the rate would come back to them for review whenever they wanted an increase and it would have been a 15-year contract. In other words, they were arguing over whether it would be the 10-year franchise or they have this right. They said they would rather just have a 10-year franchise and have this rate.

Councilmember Cox stated there are several points at work here. One, they are by policy requiring these people to expand a service into areas that are not likely to buy that service in the same percentages they buy it now. That is going to put cost pressures on them. Secondly, they have certainly committed to us that they are going to upgrade the quality or level of this service. This will add cost pressures. He would say that they have another force at work which is the quality of the service they give existing customers.

Most of his complaints, personally, and those he has heard from current users address themselves to that area. They say that when the picture is good it is great, but try to get someone to fix it and you have a problem. That they are really putting these folks in a bind, a cost kind of bind that if he were running the operation, would not want to take that kind of risks with. That they ought to consider giving them the option of increasing the rates by 6 percent every year, but that they also introduce a factor they do not have right now - someone to complain to for poor service. He stated that Mr. Underhill has pointed out that there is no one at City Hall who is responsible for maintaining a log of complaints, so if anyone ever calls, one day Mr. Underhill will answer the complaint, one day Vi Taylor will answer it, another day the Mayor will answer it - you do not really have a kind of documentation on what kind of poor service or good service they are giving the community.

Councilmember Trosch stated she has a concern also concerning another aspect. It is her understanding that any of these that have been awarded since 1972 automatically have three access channels - educational, public and governmental; but because we were "grandfathering" in the contract it provided that they promote the usage of this, however, since she does not think it is going to be very profitable, we need someone to monitor the fact that this is being promoted and used for the community. This is a real positive thing for our community - the public access and the fact that we can eventually have an education access channel, public and separate channels, also.

Councilmember Carroll stated he agrees with that. Going back to the question of 6 percent, 10 years, or no percent and 15 years, he feels very strongly that the time is a factor which perhaps is more important than the 6 percent. That is because the way the thing is set up, everything that they need to do and need to bring about is in the term of that 10 years - getting all the services in place. We can see the need for doing that by looking at the map. Once they are all in place, and once everything is going, it should be a very profitable operation because the costs then will be down to a minimum. That we would be in a much better position to renegotiation that contract in 10 years, after we have allowed them to do all the capital outlay to expand. What he would suggest is giving a cost of living but no more than 6 percent without Council's review. He understands Mr. Selden's sentiment that they should take a look at any increases, but they are negotiating something with somebody out in the open market and this is the bottom line that they are willing to bite off and that is a good contract. He suggested they go with the Consumer Price Index, but no more than 6 percent a year and stick with the 10-year franchise.

Councilmember Short asked if he knew what that would put the rate at in 10 years? Mr. Carroll stated that assumes that it is not competitive.

Mr. Short stated, on the other hand, you cannot assume that Council is not going to go along with them either. That Council certainly would, in the public interest, want to see that they were well funded and got good rates every year when it was necessary. He stated had has figured the rate would be \$12.69 a month at the end of 10 years.

Councilmember Leeper stated he is inclined to support Mr. Gantt's motion for 15 years but allowing some flexibility in there so they would be able to come back to Council to request an increase and indicate the need for one. His only concern is that previously they have been questioned about their businesslike manner in which they are negotiating with people on one hand and then come back and decide to give them a different contract without their having the opportunity to renegotiate. That if Council is going to be businesslike - if they are going to change the contract they should give Cablevision some input.

Mr. Selden stated the CPI probably will not exceed 6 percent on an average yearly basis, over the next ten years. If it does go much beyond that, there are going to be some real problems in Washington. The second thing is, there is a market limit on the extent to which they can price themselves - they will prive themselves out of the market. They have already made their capital expenditures, so it would be an extreme disadvantage to them if they pushed their rate increase too far. The third thing, in ten years \$12.69 will look like \$7.50 in terms of our incomes, etc.

He would hope that they could go with the 10-year contract and then, as Mr. Burkhalter said, renew the contract with new terms at the end of ten years. They have to realize that for all practical purposes, this is a monopoly.

Councilmember Short stated he had mentioned, and Mr. Frazier had agreed, that Johnson C. Smith and Queens College. That the contract has not been amended accordingly. Mr. Frazier replied there would be no problem with that.

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

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

Councilmember Dannelly stated he believes that people in business need to keep their heads above water and make a profit. Also, that as a public body, Council should exercise some kind of control. He offered a substitute motion, as a compromise, that they permit a 3 percent increase without review, and anything above that would require Council review. - a ten-year contract. The motion was seconded by Councilmember Gantt.

Mr. Fleming, Attorney for Cablevision, stated that would be totally unacceptable. He would have to say that to put those two together would make it such a burdensome franchise that neither this operator nor anybody else would want it. In response to a question from Mr. Dannelly as to whether it was the ten-year period that was burdensome, Mr. Fleming stated that on a ten-year basis with a 3 percent increase when you put the two together it would make it a burdensome franchise which would be unacceptable.

Mr. Dannelly stated he feels that Council should have some kind of control when they vote for an increase. He does not know how other Councilmembers feel about a 15-year contract, but he will change his motion to say a 3 percent increase without Council review, and anything above that would require Council review, on a 15-year basis. Mr. Gantt seconded this motion.

Councilmember Carroll stated this is worse than the one they just voted on and there was agreement from several other Councilmembers. That they hit zero in 15 years. He agrees with what they are saying; that Council reviews are important and they have a real responsibility here.

But in terms of negotiation he would rather see Council be able to re-negotiate everything in 10 years than in 15 years. He thinks that trade is worth making and that is what they are agreeable to. It is a business judgment decision and he believes the 10-year one helps the City protect its interest.

Mayor Harris stated this certainly illustrates the point that Council cannot negotiate sitting here. That they should refer this back to the staff and let them do this; that Council should give them some type of directions as a collective group.

Councilmember Carroll explained his position again, at the request of Mr. Dannelly. That the previous motion that was voted on was for no increases without Council approval, for 15 years. That he likes the no increase without Council approval. He is just willing to trade 6 percent in order to get a 10-year franchise instead of 15, so that the Council has a chance to have a complete review of the whole thing in 10 years. It could include dropping the rate way down if it looks like it is in a bad situation.

Mr. Dannelly stated that would keep them from going into the red. The other thing is that the 15 years would allow them the time to provide all of the benefits and the City would still be in a position to re-negotiate. He does not see how any Council would drop them after their investment, after ten years, regardless of what it is.

Mr. Burkhalter stated the staff did discuss themselves a lesser percentage - not with Cablevision. That one of the reasons they did not go lower is if you went 3 percent they felt they would force Cablevision to make a 3 percent every year whether they really needed it or not.

The vote was taken on Councilmember Dannelly's motion and it failed by the following vote:

YEAS: Councilmembers Dannelly, Gantt, Leeper and Short.

NAYS: Councilmembers Carroll, Chafin, Cox, Frech, Locke, Selden and Trosch.

Councilmember Carroll asked Councilmember Selden if he is willing to place a 6 percent ceiling on his cost of living provision? Mr. Selden replied yes.

Mr. Underhill asked if they are talking about allowing them to increase their rates on an annual basis so as not to exceed the ratio of the CPI but, in no event, higher than 6 percent? They had better ask Cablevision what they think about that.

Mr. Fleming stated he understands that would be 6 percent per annum. In other words, after three years you can go up to 18 percent or the Cost of Living index, whichever gives the lower number. Mr. Carroll stated that is different. Mr. Fleming replied that is what they just said. Mr. Carroll stated if they do not raise their prices for three years they cannot come in and do 18 percent.

Mr. Fleming stated he does not understand it that way. The way the original drafting of that language was it would allow a rate increase at any time at the rate of 6 percent per annum. In ten years, theoretically, it could be 60 percent. You do not have to raise your rates every year. He cannot imagine why Council would want to force a rate increase if it were not needed. It might be that they would skip the first year and at the end of the second year, or even the third year, they would want 8 percent. Surely the Council would not want to force interim 6 percent increases that were not needed in order to get the value. The original language was on the basis of 6 percent per annum. This was their understanding with staff.

Councilmember Short stated he means that after nine years, they could automatically increase the rate 54 percent without permission of the Council. Mr. Fleming replied as he understands Mr. Selden's motion, if the cost of living index figure came to a lower number they would be limited to that lower number. For instance, if the cost of living

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index were 7 percent a year, you could raise the rate 54 percent at the end of nine years. The alternative that is under discussion would be to require a 6 percent rate increase in every year. That economically speaking, he does not know why Council would want to force that on either the operator or the public.

Councilmember Short stated that way they would feel they had to do it, otherwise, they would lose the opportunity. The best procedure is to give them 15 years and let Council approve all rate increases. They ought to have the 15 years. No one would put \$2.0 million into a piece of property if they only had a 10-year lease on it.

The Clerk restated the motion by Mr. Selden and Ms. Chafin - to approve the ordinance in incorporate the provisions in the letter on Page 18 of the ordinance. Mr. Selden stated there was a further provision made by Mr. Carroll that it not exceed more than 6 percent per year. It would be a little more restrictive than what is presently in the ordinance. He stated if you have two or three years of 5 percent on CPI, you cannot go six percent. Councilmember Cox stated if the CPI is nine percent one year, what do you carry over? Councilmember Selden replied six percent.

The vote was taken on the motion by Councilmember Selden for not more than 6 percent per year, or CIP if less, for ten years, and carried by the following vote:

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

Mayor Harris stated there has been so much discussion about this, that he thinks it should be postponed. He would like to postpone the matter because he wants to make sure that staff understands this. He asked the City Manager if he will be able to work with this? Mr. Burkhalter replied yes; that this is what they worked with the Company on; they did not recommend the cost of living. The cost of living is a minor modification.

Mayor Harris asked the Attorney for the Company if they can live with it? Mr. Fleming replied it is a little more restrictive from their point of view; they do not have quite the leeway they had worked out with staff, but it is acceptable.

Mayor Harris stated then he will withdraw the postponement.

The ordinance is recorded in full in Ordinance Book 25, beginning at Page 217.

COUNCILMEMBER CHAFIN EXCUSED FROM REMAINDER OF SESSION.

Councilmember Chafin asked if she could be excused from the remainder of the Session as she has a speaking engagement.

Motion was made by Councilmember Fréch, seconded by Councilmember Trosch, and carried unanimously to excused Councilmember Chafin from the meeting.

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ORDINANCE NO. 919-X GRANTING A FRANCHISE TO AMERICAN CABLEVISION OF CAROLINAS, INC., T/A CABLEVISION OF CHARLOTTE, TO CONSTRUCT, OPERATE, AND MAINTAIN A COMMUNITY ANTENNA TELEVISION SYSTEM IN THE CITY OF CHARLOTTE.

Councilmember Selden moved adoption of the subject ordinance granting a franchise to American Cablevision of Carolinas, Inc., T/A Cablevision of Charlotte. The motion was seconded by Councilmember Locke, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 25, at Page 246.

Councilmember Carroll stated following up on the concerns of a number of the Councilmembers, he would suggest that there be someone from staff to take complaints in an effort to assure this ordinance is enforced. Mayor Harris stated a complaint file should be maintained. Councilmember Cox stated this is not done now.

Mr. Burkhalter stated that is true. We have not had anyone doing this. That we will get our Action Line coordinated so that this will be done.

Mayor Harris stated the files should be maintained, and documented. Councilmember Carroll stated in other cities, they very often have a person to monitor the complaints and sees the ordinance is enforced. Councilmember Trosch added that it is promoted; that the promotion does take place. There are unlimited possibilities with the eventual three access channels.

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CITY POLICY ON PUBLICATION OF NOTICES OF STREETS CLOSINGS DEFERRED.

Motion was made by Councilmember Frech, seconded by Councilmember Gantt, and carried unanimously to defer consideration of city policy on publication of notices of street closings.

ORDINANCE NO. 920-X AMENDING THE 1977-78 BUDGET ORDINANCE TRANSFERRING FUNDS TO PROVIDE FOR THE PURCHASE OF A PORTABLE VOICE AMPLIFICATION EQUIPMENT FOR USE WHEN COUNCIL MEETINGS HELD OUTSIDE CITY HALL.

Upon motion of Councilmember Locke, seconded by Councilmember Short, and unanimously carried the subject ordinance was adopted transferring \$8,267 for the purchase of portable voice amplification equipment.

The ordinance is recorded in full in Ordinance Book 25, at Page 247.

CONSIDERATION OF NOMINATIONS FOR THE BOARD OF DIRECTORS OF MOTION AND THE PARADE PERMIT COMMITTEE, DEFERRED.

Motion was made by Councilmember Gantt, seconded by Councilmember Locke, and unanimously carried deferring appointments to the Board of Directors of Motion.

Councilmember Selden stated there is a letter attached to the Agenda Material from Chief Goodman asking that he not be considered for reappointment to the Parade Permit Committee

Miss Vi Taylor stated she talked to Ms. Chafin and she had said she would be willing to substitute the name of Commander Eidson as the Police Department representative. Councilmember Gantt placed in nomination the name of Commander Eidson.

Motion was made by Councilmember Locke to defer consideration of the appointments, which motion was seconded by Councilmember Frech, and carried unanimously.

CONTRACTS FOR VARIOUS ITEMS AWARDED.

(a) Upon motion of Councilmember Locke, seconded by Councilmember Short, and carried unanimously, contract was awarded the low bidder, Pomona Pipe Products, in the amount of \$40,996.50, on a unit price basis, for vitrified clay pipe.

The following bids were received:

Pomona Pipe Products	\$40,996.50
Griffin Pipe Products, Inc.	45,223.70

(b) Councilmember Locke moved award of contract to the low bidder, Sears, Roebuck and Company, in the amount of \$5,242, on a unit price basis for playground equipment. The motion was seconded by Councilmember Short, and carried unanimously.

The following bids were received:

Sears, Roebuck & Co.	\$ 5,242.00
Cunningham Associates, Inc.	5,303.02

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(c) Councilmember Locke moved award of contract to the low bidder, ITT Grinnell Corporation, in the amount of \$20,090, on a unit price basis, for five hydrants. The motion was seconded by Councilmember Trosch, and carried unanimously.

The following bids were received:

ITT Grinnell Corp.	\$20,090.00
Dresser Mfg. Division	20,761.00

(d) Councilmember Locke moved award of contract to the low bidder, Ben B. Propst Company, Inc., in the amount of \$583,741.70, on a unit price basis for sanitary sewer construction for Paw Creek Outfall Phase II. The motion was seconded by Councilmember Short, and carried unanimously.

The following bids were received:

Ben B. Propst Contractor, Inc.	\$ 583,741.70
Bryant Utilities	626,420.25
Rea Brothers, Inc.	766,213.50
Blythe Industries, Inc.	776,080.10
Dickerson, Inc.	789,774.80
Sanders Brothers, Inc.	790,621.95
CFW	848,698.30
Gilbert Engineering	914,057.64
L. A. Reynolds	1,200,525.74
Rand Construction Company	1,211,446.87

(e) Councilmember Locke moved award of contract to the low bidder, Merritt Bros, Inc., in the amount of \$6,883, on a unit price basis for Third Ward Community Development Landscaping. The motion was seconded by Councilmember Short, and carried unanimously.

The following bids were received:

Merritt Bros., Inc.	6,883.00
Wilson's Nursery	8,187.20
Moretti Construction	11,952.00

(f) Councilmember Locke moved award of contract to the low bidder, RDR, Incorporated, in the amount of \$185,929, on a unit price basis for water distribution Project, 16 inch water main along Moores Chapel Road. The motion was seconded by Councilmember Trosch, and carried unanimously.

The following bids were received:

RDR, Inc.	\$185,929.00
Sanders Brothers, Inc.	193,784.72
A.P. White & Associates	223,376.50
Blythe Industries, Inc.	227,452.50
CFW	244,525.00
Gilbert Engineering	252,931.25

CONSENT AGENDA APPROVED.

Motion was made by Councilmember Locke, seconded by Councilmember Short, and unanimously carried, approving the following items on the consent agenda:

(1) Public hearings set.

(a) Resolution providing for public hearings on Monday, March 20, at 8:00 P.M., Educational Center, on Petitions No. 78-12 through 78-17 on zoning changes.

Resolution is recorded in full in Resolutions Book 13, Page 186.

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- (b) Resolution providing for public hearings on Monday, March 20 at 8:00 P.M., Educational Center, to consider adoption of flood area maps for Paw Creek Tributary No. 2 and Ticer Branch.

The resolution is recorded in Resolutions Book 13, at Page 187.

- (c) Resolution calling for a public hearing on Monday, March 20, at 8:00 P.M., Educational Center, on Amendment No. 1 to Redevelopment Plan for West Morehead Redevelopment Area.

The resolution is recorded in Resolutions Book 13, at Pages 188-191.

- (d) Hearing set for Monday, March 13, at 3:00 P.M., Council Chamber, on use of general revenue funds.

- (2) Proposed settlement in City of Charlotte v. Latta G. Kidd, et al, for McDowell Creek Outfall, Parcel 7, in the total amount of \$3,500.
- (3) Quitclaim deed granted by City to C.D. Spangler Construction Company relinquishing a temporary work area easement obtained from that Company by the city.
- (4) Ordinances ordering removal of weeds, grass, trash, rubbish and two abandoned motor vehicles.
- (a) Ordinance No. 921-X ordering removal of trash and rubbish from 325 S. Turner Avenue.
- (b) Ordinance No. 922-X ordering removal of weeds and grass from rear of 400-410 West Trade Street.
- (c) Ordinance No. 923-X ordering the removal of trash and rubbish from two vacant lots adjacent to 1801 Harrill Street.
- (d) Ordinance No. 925-X ordering the removal of abandoned motor vehicles at the rear of 908 Belmont Avenue.

The ordinances are recorded in full in Ordinance Book 25, beginning at Page 248 and ending at Page 251.

- (5) Resolution authorizing the refund of certain taxes in the total amount of \$361.46 collected through clerical error and illegal levy against four tax accounts.

The resolution is recorded in full in Resolutions Book 13, Page 191.

- (6) Contracts for water and sanitary sewer installations:
- (a) Contract with Roberts Development and Construction, Inc. for the construction of 2,035 feet of 8-inch and 6-inch water mains and two fire hydrants to serve Holly Hill Phase II, outside the city, at an estimated cost of \$17,850, with the applicant to finance the entire project with no funds required from the city.
- (b) Contract with Roberts Development and Construction, Inc. for the construction of 1845 linear feet of 8-inch sanitary sewer line to serve Holly Hills, Phase 2-B, outside the city, at an estimated cost of \$27,675, all at no cost to the city.
- (c) Contract with The Mathisen Company for the construction of 1823 linear feet of 8-inch sanitary sewer to serve Oak Creek Estates, outside the city, at an estimated cost of \$27,795, all at no cost to the city.

(7) Property transactions, authorized:

- (a) Acquisition of 20' x 1947.02' of easement, plus temporary construction easement, from Hobart Smith Construction Co, off Rocky River Road, at \$1950, for Toby Creek Sanitary Sewer Outfall.
- (b) Acquisition of 20' x 706.06' of easement, plus temporary construction easement, from F.O. Godley and M. R. Godley, off Branch Hill Circle, at \$1,000, for Toby Creek Sanitary Sewer Outfall.
- (c) Acquisition of 20' x 207.31' of easement, plus temporary construction easement, from John C. Dobbs and wife, Betty L., at 3800 Elderwood Lane, at \$410, for Toby Creek Sanitary Sewer Outfall.
- (d) Acquisition of 15' x 1445.74' of easement, plus temporary construction easement, from Hobart Smith Construction Co., Dougherty Drive, at \$1445, for Annexation Area I Sanitary Sewer.
- (e) Acquisition of 15' x 915.6' of easement, plus temporary construction easement, from Ben E. Douglas, Sr. and wife, Mary J., at 7432-36 N. Tryon Street, at \$1795, for Annexation Area I Sanitary Sewer.
- (f) Acquisition of 15' x 442.53' of easement, plus temporary construction easement, from Hobart Smith Construction Company, at end of Rockland Drive, at \$445, for Annexation Area I Sanitary Sewer.
- (g) Acquisition of 15' x 296.65' of easement, plus temporary construction easement, from F. O. Godley and M. R. Godley, off Branch Hill Circle, at \$500, for Annexation Area I Sanitary Sewer.
- (h) Acquisition of 15' x 577.46' of easement, plus temporary construction easement, from M. R. Godley and F. O. Godley, Branch Hill Circle, at \$1,000, for Annexation Area I Sanitary Sewer.
- (i) Acquisition of 15' x 340.74' of easement, plus temporary construction easement, from Dorothy Mae Thompson, 6221 King George Drive, at \$600, for Annexation Area I Sanitary Sewer.
- (j) Acquisition of 15' x 127.89' of easement, plus temporary construction easement, from Dorothy Mae Thompson, west end of Fairhaven Drive, at \$300, for Annexation Area I Sanitary Sewer.
- (k) Acquisition of 15' x 568.42' of easement, plus temporary construction easement, from Robert C. Caldwell and wife, Dorothy B., 6020 McDaniel Lane, at \$1000, for Annexation Area I Sanitary Sewer.
- (l) Acquisition of 15' x 463.29' of easement, plus temporary construction easement, from Della Blevins Graham (widow), 1800 Sugar Creek Road W., at \$465, for Annexation Area I Sanitary Sewer.
- (m) Acquisition of 15' x 182.90' of easement, plus temporary construction easement, from Zylpha D. Summerville (widow), 1822 Sugar Creek Road W., at \$185, for Annexation Area I Sanitary Sewer.

COMMENTS ON ATTENDANCE REQUIREMENTS FOR BOARDS AND COMMISSIONS.

Councilmember Cox asked if there is any interest on Council on enforcing the absentee policy on the Boards and Commissions. Mr. Underhill, City Attorney, stated it is automatic. Councilmember Locke stated some of them have not been adhering to it.

Councilmember Short stated he would like to nominate Ms. Beverly Ford for reappointment to the Civil Service Board to be voted on next week. Councilmember Cox stated he thought she was already a member.

COUNCIL REQUESTED TO THINK ABOUT POLICY FOR ACQUIRING RIGHT OF WAY FOR SIDEWALKS ON SHAMROCK DRIVE.

Councilmember Frech stated she has met with the residents of Shamrock Drive where the sidewalks are suppose to be constructed. That she would ask Council to be thinking about what the policy will be on this. Quite a few of them indicated they will not donate right of way and will oppose the use of the right of way. They want the city to cover the ditch beside the road and place the sidewalk there. In which case the city would not need any right of way.

She would like for them to be thinking about whether they want to (a) try to buy right of way because they will not donate it; (b) probably have to condemn a fair amount of it.

Councilmember Locke stated the original motion was to buy the right of way. Councilmember Frech stated we would have to go to court to condemn a fair amount of it.

Councilmember Frech stated she is not saying this should go on the agenda right now. The residents are going to come in with a petition of what they want done.

COMMENT CONCERNING LENGTH OF AGENDAS.

Councilmember Locke stated the council agendas are too long; or people are talking too long. But when public hearings are scheduled she thinks it is imperative that the agenda not be so long.

RECOMMENDATIONS OF STUDY COMMITTEE FOR MINT MUSEUM REQUESTED PLACED ON MARCH 13 AGENDA FOR DISCUSSION.

Councilmember Locke stated she would like to put on the agenda for the 13th of March the possibility of a long range/shortrange feasibility study to give credence to the current study by the Mint Museum. She would suggest when this comes to Council finally, and the consultant selection is made, she would like for someone from the Arts and Science Council be put on the selection committee; someone from the Board of Trustees of the Mint Museum, Council Member and the Mayor to appoint the Council Member and two staff members.

Mayor Harris suggested that the recommendations be placed on the agenda and this be discussed.

Councilmember Locke requested this be placed on the agenda for discussion.

APPROPRIATE ORDINANCES FOR PRIVATE DEVELOPERS TO PLACE BENCHES THROUGHOUT THE CITY AT BUS STOPS REQUESTED.

Councilmember Gantt requested the City Attorney to give Council the appropriate ordinances that would govern allowing private developers the right to provide benches at bus stops throughout the city for advertising. Mr. Underhill replied this is coming to them through the Manager's office. That Mr. Jamison, Mr. Bryant and he were all asked to comment on it.

PROPOSED GENERAL ORDER ON WIRETAP REQUESTED HELD FOR FURTHER INPUT FROM COUNCIL.

Councilmember Carroll stated he would like to receive some input from the Members of the Bar and other people about the suggestions Council received today on wiretap policy. That he would ask the Manager to request that Chief Goodman not use those policies until Council approves them. Mr. Burkhalter stated that comes under a general order in the Department, and normally the Council does not have to approve this. The issue today was a proposed order, and he sees no problem with holding it up.

ADJOURNMENT.

Upon motion of Councilmember Locke, seconded by Councilmember Trosch and un-animously carried, the meeting adjourned.

Ruth Armstrong

Ruth Armstrong, City Clerk