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The City Council of the City of Charlotte, North Carolina, met in regular session on Monday, October 2, 1978, at 3:00 o'clock p. m., in the Council Chamber, City Hall, with Mayor Kenneth R. Harris presiding, and Councilmembers Don Carroll, Tom Cox, Jr., Charlie Dannelly, Laura Frech, Harvey B. Gantt, Ron Leeper, Pat Locke, George K. Selden, Jr., H. Milton Short, Jr., and Minette Trosch present.

ABSENT: Councilmember Betty Chafin.

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INVOCATION.

The invocation was given by Reverend Howard Fortenberry, First Assembly of God.

APPROVAL OF MINUTES.

Upon motion of Councilmember Short, seconded by Councilmember Trosch, and carried unanimously, minutes of the last Council meeting, on Monday September 25, 1978, were approved as submitted.

APPLICATION OF JET LIMOUSINE EXPRESS AND TAXI COMPANY FOR NEW CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY, DENIED.

The scheduled public hearing was held on an application of Jet Limousine Express and Taxi Company for one (1) new Certificate of Public Convenience and Necessity.

Mr. Jerry Honeycutt spoke on behalf of this request. He stated he has had experience in operating taxicabs on commission, on lease and also as an owner-operator for the last five and a half years.

Councilmember Selden stated that in his application it was stated he had \$300 as the basis of funding to establish this business, and asked Mr. Honeycutt if that was right? Mr. Honeycutt replied affirmatively and stated he was starting on a shoestring. Mr. Selden asked if he has any other resources that might come into play if required? Mr. Honeycutt replied that he had taken into consideration the expense and what he can expect and is pretty sure that he can take care of anything that happens. Mr. Selden stated but he does not have any other basic resources to call upon, and Mr. Honeycutt replied no.

Councilmember Frech asked if he has filed a notification with the Taxicab Inspector that he has a place within the city to do business? Major F. R. Smith, Taxicab Inspector, replied that he has a notice Mr. Honeycutt gave him back on August 23rd that he had been granted permission from George C. Carter, who owns the C & C Imports on Independence Boulevard. That as late as 10 o'clock this morning he was out there and Mr. Honeycutt does not have an office, nor does he have a telephone, although the man did say that he had told Mr. Honeycutt he could operate if he could get a certificate. But at this time he does not have anything in the building.

Councilmember Short asked if Mr. Honeycutt's driver's license had ever been revoked? Mr. Honeycutt replied no. Mr. Short asked if he had ever had any kind of conviction related to driving? Mr. Honeycutt replied no, he has had speeding tickets, but nothing like that.

Mayor Harris called attention to his application in which it was stated he was charged once with intoxication. Mr. Honeycutt agreed that was correct.

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Councilmember Short asked what happened to that charge? Mr. Honeycutt replied he just went ahead and paid off the fine because he was on the street. Mr. Short asked if the charge involved driving or just intoxication? Mr. Honeycutt replied no, just intoxication.

Councilmember Leeper stated he supposes his cab is not currently equipped with a meter, etc.; what kind of problem would that create for him if he had to answer the phone and respond to calls; how would he operate that? Would he answer the call and then go pick up the fare? Mr. Honeycutt replied that is right. Mr. Leeper asked what he would do in the meantime if other calls came in?

Mr. Honeycutt replied he does not have his office completely equipped. That he was making preparation to have a telephone installed and a radio put in, and everything, when the Taxicab Inspector came out to inspect; but he was told that when the inspector came he indicated his plans were not acceptable - he would have to have the telephone enclosed, had to have a radio, had to have this and that. He stated he just got the approval this morning that this was going to be his station. That it was sort of jumping the gun a little bit and he just could not do it. That until it was approved he could not go to anymore expense.

Councilmember Selden asked what is the extent of his liability? Mr. Honeycutt replied his latest policy is \$10 -50 -500.

Mr. William Joe King stated he is president of Charlotte Cab Company; that he has been in the taxi business about 32 years. That he would be pleased if they would look at this application and take it into consideration. That those who are in the taxi business have thousands of dollars tied up in equipment and operate 24 hours a day; and it is quite expensive. That if Council sees fit to grant this certificate of necessity, he feels this would open the field to any and everybody, and it would help put him out of business.

Councilmember Gantt asked how many applications the City has had from new cab companies in the last five years? Major Smith stated he has had it for the past five years, and he does not know of any other companies that have applied. He stated Mr. Honeycutt, himself, was employed by another cab company until recently.

Mr. Gantt stated he has some real difficulty in reading a lot of the letters that have come from the various cab companies with regard to this application. That Mr. King makes a point about the increased competition that he is likely to have. That he believes all of the cab companies which are in operation now are quite sizable compared to the operation which Mr. Honeycutt proposes which will probably be a one-man show. He asked Mr. King if his problem is with Mr. Honeycutt himself or is it with the competition that he sees coming about as a result of the application?

Mr. King replied he hardly knows Mr. Honeycutt. Mr. Gantt stated he is suggesting that future applications may be coming in to get in on a business that is hard pressed at the moment? Mr. King replied yes; that just recently they have had to go to the State Legislature and beg them for a tax refund on their gasoline in order to stay in business and to keep the rate of taxi fares from going up. Mr. Gantt remarked that it does not sound like the kind of business a lot of people would be trying to start.

The Mayor stated that just recently they went through the matter of raising the rates and it was indicated by the Inspector that they were not using the number of licenses that are already authorized. Mr. King stated he has cars sitting on his lot that they would be glad to have drivers for.

Councilmember Gantt stated there is a trend in the Country to, in some cases, protect certain industries from competition; that there is a reverse trend happening in the transportation business, particularly among the airlines. He is wondering if a little competition might not stimulate everybody.

Councilmember Trosch asked if in the Taxicab Inspector's opinion, one more certificate would exceed the demands for this service at this time. Major Smith replied that his recommendation is based on the statistics they have

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in the department. In 1972 there were 259 certificates, with less people in the City of Charlotte; now they only have 167 certificates issued and only 158 of them are being used as of this date. There are more people in the City and therefore a bigger demand. That he thinks the recession cut them back in 1972; that the insurance rates cost a little more to keep them going at that time. He does not believe that one more certificate would hurt the other cab companies; but it will create a little bit of a problem for his office. All of the certificates that they have now operate under four basic companies; this would be an independent operation and would create a little more extra work in that it would require inspection of another garage, if he has one and he does not have one at this time.

Ms. Trosch asked if his operation would have to be set up and inspected before he could begin operation? Major Smith replied he would assume so from the way he reads the orders.

Mr. Burkhalter stated the Council is the one who has to determine whether an extra certificate is in order; that Major Smith did not give them all of it; that the recession did bring this to their attention and the Council reduced the number because there were a lot of cabs that were not being used. It was agreeable to the cab companies because they were just keeping these numbers vacant. He does not know that they ever needed them, but they were keeping a lot of vacant ones and when the insurance got up so high they were not wanting to keep them. That is what brought it down to a practical number. They have no way of telling Council how many are actually needed.

Councilmember Leeper stated he is still not sure that Mr. Honeycutt answered his question to his satisfaction. That he is interested in how he would operate that business. We have an ordinance against cabs cruising, and he is concerned that it would put an individual in a situation where he would be encouraged to do that if he were not, in essence, able to answer his phone and get calls. If Mr. Honeycutt could just explain to him how he would answer his phone and go out and pick up a call and still know that calls were coming in while he was out.

Mr. Honeycutt replied he has a lot of permanent calls, special calls at particular times when he knows to pick those people up. That before he completely answers Mr. Leeper's question, he would like to back up and speak to the question of whether one more is needed or not. That after all, he has operated for the last five and a half years as an owner-operator - one of the cabs that was operating. That he is not adding one on; he is just changing his operation. That over the years he has had a lot of personal business; that people would call the company he worked for and ask for him personally; that he has been told by people in advance that they wanted him to pick them up at certain times, at unusual times. That for the public as a whole, later on he intends to not only have a telephone but have someone to answer it at all times. He is not interested in operating 24 hours a day.

Councilmember Leeper moved to deny the petition on the basis that public convenience and necessity does not require additional taxi service at this time. The motion was seconded by Councilmember Locke.

Councilmember Carroll stated he has been wondering how they ought to handle this; and was interested in what the people who were going to speak would have to say. That as he reads the statute and the role that Council plays, basically they make a determination of whether or not this is going to dilute the service by increasing the competition. If that is not the case, and the petitioner meets the requirements of the statute, he does not see any ground that is not capricious for Council to deny it on. That maybe they might wish he had a few more assets, or a little newer cab, or what not, but he does not see why it does not meet the requirements of the statute. That, as he understands from Mr. Underhill, he will still have to do the things that are necessary before he can begin to operate in terms of opening his garage, etc.

Mayor Harris stated Mr. Underhill should inform the whole Council; that Mr. Carroll probably knows more about the statute than the other Councilmembers.

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Councilmember Carroll stated he feels personally, and had mentioned this some months ago, as Councilmember Gantt does that perhaps it would be good for Council to look at other ways to increase the competition in the transportation business. That Mr. Honeycutt's argument that he has been driving for another company shows that they would not be actually changing the real world of what happens out there. He is ready to be convinced by other Councilmembers that there is reason to deny it, but under our ordinance it appears that he is entitled to have this petition granted. He made a substitute motion that the certificate be granted. The motion was seconded by Councilmember Cox.

At the Mayor's request, Mr. Underhill stated Mr. Honeycutt would have to comply with the provisions of the ordinance before he could go into operation. That maybe it would be of some help if he explained the Code. That the article in the City Code which regulates taxicabs and requires this hearing says that "no certificate shall be granted until the Council shall, after hearing, declare by resolution that public convenience and necessity require the proposed taxicab service. In determining whether public convenience and necessity require the operation of a taxicab, or taxicabs, for which application for certificate is made, the Council shall consider and investigate whether the demand of the public requires additional taxicab service, the adequacy of existing mass transportation, taxicab service, financial responsibility and experience of the applicant, the ability of the applicant to earn a fair return on the capital invested, number and kind of equipment and the color scheme to be used, the effect which such additional taxicab service may have upon traffic congestion and parking, whether the additional taxicab service will result in a greater hazard to the public, and such other relevant factors that the Council may deem advisable or necessary."

Councilmember Gantt stated he had been thinking that what they should do was table this motion and move on. But, it seems to him in considering the question of public convenience and necessity, he has been looking at the question of convenience from the standpoint of service that might be offered by this new company. Mr. Honeycutt makes the point of the fact that he has some regular customers that he would serve. In fact, his service might be so limited to a very small group that Council might consider that it may not be necessary at all. On the other hand, one has to make a judgment as to the quality of that service which is being offered. There are a number of different kinds of things that they could consider - they look at the applications for rent-a-car service out at the airport and they have an exclusive location. That they want to insure that what is offered to the citizens of Charlotte, of course, is of a certain quality and type. His dilemma is that he thinks Mr. Honeycutt is the underdog right now. He has a one-car taxi company and he wants to go into business. That the denial of his certificate is likely to cause the end of his ability to operate as a taxicab driver in this town, as he reads the letters that Council has received. He is not likely to get another job driving a cab around here. That is his debate. He really thinks there is some room in what Mr. Underhill just read for them to deny the petition, on the basis that the service likely to be offered may not be up to the standards that we have been accustomed to getting here in Charlotte.

Mr. Burkhalter stated he would like to interject something here. When Council passed the Zoning Wrecker ordinance, they created a Wrecker Review Committee and it was their intention to have Mr. Underhill amend the taxicab ordinance subsequent to that and make that same committee serve as a review committee for taxicabs. We do not have the proper review procedure for that now. That staff would like to come back to Council with that. If they would like to defer a decision on this, they can do that within a reasonable length of time. But, he would point out one thing to them - the worst problem they have with taxicabs is when they run out of something to do. Then you have real problems with them in illegal activities; that is one of the fundamental reasons that Council started taking control of them. That the question of whether taxicabs can cruise or not should be addressed. They would like for this committee to come in and make some recommendations.

Councilmember Trosch stated some of the questions she had have been answered. That she really feels they were not provided information on which they were supposed to base their decision, and therefore cannot really make a good decision.

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Councilmember Frech asked if a taxi driver is charged or convicted of driving while under the influence of alcohol, what happens? Does he lose his license?

Major Smith replied he would lose his license to drive, but he is not sure if the City, under the new law, can prohibit this man from driving just from the loss of that driver's license, once he gets it back. That is his understanding of the law, as far as his livelihood goes. That they have operators coming in daily who have a record, but they are told by their attorney that they cannot prohibit a man from getting a permit if the cab company is willing. They can report this fact to the company, but that is as far as they can go.

Councilmember Short asked if this is enabling legislation or is it simply an ordinance that the City passed? Mr. Underhill replied it is part of the local ordinance which was adopted by the Council partially in 1946, and revised rather extensively in 1972. Mr. Short stated, in any event, the game rules that now exist revolve around public convenience and necessity. That in terms of necessity, what Mr. King says, and what has been obvious in rate hearings, etc., there is no necessity here for another taxi service. In terms of convenience, he would also question whether the public is really inconvenienced by an operation that does not have night service and does not have a telephone. He would be inclined, with all respect to Mr. Honeycutt, to support Mr. Leeper's motion.

Mr. Short stated he also has a comment about Mr. Burkhalter's statement about the committee. That the City is now the owner of a bus company; they are actively advertising for bus riders in an effort to promote bus service as a form of transportation which clearly competes with the taxi business, and yet they have a death throttle on the taxi business because Council grants these certificates of public convenience and necessity which lets them exist at all or come into being; they also regulate the taxicab rates. It seems to him that Council should divest themselves of the taxi business entirely and have some kind of committee that perhaps would be answerable to the City Manager, or answerable to somebody, but not to Council. There is just simply a conflict here. If he were Mr. Honeycutt, he would hate to be voted down by guys like himself and Mr. Leeper who also own the bus system. He is going to vote for the motion, but for the future they should think about this.

Councilmember Leeper stated that is a good point, but at this point, to give all sides an opportunity to hear some recommendations that might come from the committee that Mr. Burkhalter mentioned, he will withdraw his motion for at least a few weeks until they can get a report back from that committee.

Mr. Underhill advised that we do not have a committee; that he is to draw up an ordinance to establish one - this is what the Manager had reference to. There is a committee that was established under the Zone Wrecker ordinance which has the duty to hear and resolve customer complaints regarding towing, but it has nothing to do with taxicabs. That what the Manager's idea was, and he thinks it is probably a good one, is to amend the taxicab ordinance to authorize the same board to also resolve complaints and perhaps advise the Council on matters relating to issuing taxicab certificates and regulation of drivers. Mr. Short stated that is a matter for a later date.

Councilmember Leeper therefore did not withdraw his motion.

Councilmember Trosch requested that Mr. Underhill advise them again what they are basing this decision on legally. Mr. Underhill re-read from Section 19-12 of the City Code; adding that the next section then provides that "if the Council finds that the public convenience and necessity will be served and requires additional taxicab service," then Council grants the petition by adopting a resolution.

Councilmember Trosch stated she would say they do not have but about half of the information on which to base a decision.

Councilmember Carroll stated in response to what Ms. Trosch has suggested that that is the purpose of the hearing and that Council has to weigh the information that the petitioner has given them and other interested parties;

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that Councilmember Short has a point that perhaps night service is one reason that this would not actually serve that much of the public convenience and necessity. That the phone would be something that would have to be added before he could start operating. That it is a lack of information that Council has, not from anyone's fault, but he does not see the information that makes him believe that he is not going to serve some of the public convenience and necessity. That if he had a newer taxicab and was a little more financially well off, that everybody would be a little happier, but that is not something which disqualifies him per se.

Councilmember Cox asked if the certificates are transferable? Mr. Underhill replied no.

The vote was taken on Councilmember Carroll's substitute motion and failed as follows:

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

The Mayor broke the tie vote by voting "Nay."

The vote was taken on the main motion by Councilmember Leeper and carried as follows:

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

The Mayor broke the tie vote by voting "Yea."

COUNCIL RULES SUSPENDED TO CONSIDER NON-AGENDA ITEM.

Motion was made by Councilmember Locke, seconded by Councilmember Selden, and carried unanimously, to suspend Council rules in order to continue the discussion on the Special Population Recreational Area.

DECISION ON SITE FOR SPECIAL POPULATION CENTER DEFERRED UNTIL MONDAY, OCTOBER 30, 1978, TO ALLOW FURTHER STAFF STUDY AND RECOMMENDATION.

Councilmember Trosch stated they were given figures earlier that for the City's own land it would be \$6,000 and the figures on the Plaza Road site come to between \$2,000 and \$3,000 per acre.

Mr. Eric Clark, representing the owners of the Plaza Road site, stated that they made their last offer to sell last Friday, and Mr. Ott did not have access to those figures; that is the reason for the difference in figures. Mr. Ott confirmed the figure for the Tyvola site of \$6,000 as the appraised value.

Mr. Burkhalter stated that since staff has not seen this information - that it is certainly news to him - he would certainly like the opportunity to go back and review the need with this new price in mind and come back to Council with a recommendation.

The Mayor replied that is a very valid request; Councilmember Carroll agreed and asked for some input on the question of considering Evergreen as a site. That we are going to develop a park there anyway and in line with what some people have said about the need to be a part of other facilities, it would seem to be an area where they can do both and have a lot of facilities for the general public as well as for the special population. He suggested that staff perhaps get some feedback from the special population folks as to what they would think about that site.

Mr. Carroll stated another comment he would like to make for the record is that in regard to what Mr. Ott was talking about as to the funds available when he mentioned that staff was considering the use of funds for the replacement of Third Ward Center to go for this park, the Council has never

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acted on that and it is his feeling that if Third Ward Center has to be replaced that it should be replaced with a facility to serve the people in Third Ward. He says that, also keeping in mind that there is no doubt of this Council's commitment to funding a Special Population Center, but he does not know that they should do that by taking away a center that may have to be moved because of other public improvements in an existing area.

Councilmember Locke asked when this would come back to Council? Mr. Burkhalter replied he knows of no reason why they cannot have it next week.

Councilmember Trosch stated that since there is a good list of twenty some agencies which worked with staff in developing this concept, and since there are two proposed sites, she would like to see them have some input on the selection. This would be helpful to Council.

After further discussion, it was decided to set October 30th as the date for this subject to be placed on the Council agenda.

CONTRACT WITH HORNET'S NEST GIRLS SCOUT COUNCIL, INC. FOR SCOUTING PROGRAM FOR COMMUNITY DEVELOPMENT AREA.

A motion was made by Councilmember Short, seconded by Councilmember Selden, for approval of a contract with the Hornet's Nest Girls Scout Council, Inc. for a scouting program for Community Development Area girls, for a twelve month period, effective October 1, 1978, for a total of \$28,531.

Ms. Carolyn Dykstra, Executive Director of the Hornet's Nest Council, stated it is going to be their aim to conduct this project next year in such a fashion that they will insure that the girls in the program will continue in Girl Scouting even after funding stops. That for the past three years they have tried to integrate them as much as possible in the mainstream of Girl Scouting, with some special handling as the troops were started. That since they see funding coming to an end, they want to insure that these girls will continue in Girl Scouting after that. She introduced to Council two staff members who are currently working in the project - Ms. Ruby Grey, the director of the project; and Ms. Zettie Chun, the field adviser working directly with the troops.

Councilmember Carroll stated the contract eliminates the week-end camping trips. Ms. Dykstra replied they are eliminating it only in that they are eliminating it from being an encampment that is segregated - these girls having an encampment just for themselves. They want them to have camping experiences in the total Council framework, so that all girls in the Council would have an event together. That, in effect, that segregated these girls. It was a good idea the first year or two because they had limited camping skills; some of the leaders were a little nervous about going camping, so this gave them a special "hand-holding" and an opportunity for an experience with special care and training, in a small group where they could feel safe with everybody in the same kind of experience. But, now they still want them to have camping experience.

Mr. Carroll stated he may have missed it, but they are talking in terms of still having provisions for week-end camping? That last year it was for 150 girls. Ms. Dykstra replied that was the isolated camping, but now these troops may go troop camping on week-ends; it is just not a built-in requirement in the project. Those things happen in all troops several times a year as an ongoing practice.

Mr. Carroll asked about their effort to increase the participation; that he noticed they were short of what they had hoped last year, and also they had a couple troops fold in North Charlotte. What efforts are going to be made in this direction? Ms. Dykstra replied they just want to shore up the troops they have; they are not anxious to expand the number of girls; they would rather emphasize quality and strength in the numbers that they have now. That she thought for a while they were doing better than they were; she had the impression that if the money was completely erased, those troops would stand on their own. But, as they have withdrawn some services, they find they are not that sure on their own to conduct the troops - more training is

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needed and more experiences. They tried to accomplish a lot in three years; that they need to strengthen what they have done so far, instead of expanding the numbers.

Councilmember Trosch stated that in the needs that were expressed to Council by the Budget and Evaluation Department in their evaluation was the need for increasing the involvement of CD area youth. That they have done away with the Brownie day program in the contract; that was very successful.

Ms. Dykstra replied that there again their aim is to integrate all of the Community Development Scouts in the total program, rather than segregate them into a Brownie day program just for CD girls. They do not feel it is a growing enough experience to stay segregated; that girls from all over Mecklenburg County should mix together. There will be opportunities for Brownies to have events but just not as a segregated event. She agreed with Ms. Trosch that the encouragement will still be there; otherwise, when funding ends those groups will have never had a chance to go to an experience where all of the Scouts are mixed together. They feel that will make it stronger.

Councilmember Carroll stated he hopes they will have the week-end camping trips even though it is not in the contract. Ms. Dykstra replied there will be.

Councilmember Frech referred to the Budget and Evaluation recommendation that the program strengthen the efforts to involve new CD area youth, stating that at several points it says that an objective is to seek new and innovative approaches in Scouting activities. She asked if they could quickly give some examples of those.

Ms. Grey stated they eliminated the established camping as a Brownie day event and instituted the sister troop program - that is at least ten troupes participating. The requirements are that they participate with troops outside of their areas; that would integrate activities. That in the older girl program one of their aims is wider opportunities for girls to participate - this would be beyond the troop level. They tried to budget this year for programs that are Council sponsored so that these girls would not be segregated because that is not what scouting is all about. They want to include them in the programs that the "normal" girl would participate in. The sister troop program would still be perhaps a week-end camping trip and if there is a troop across town going to a camping event, then there is money in there to help a troop in the target area to go also.

Councilmember Leeper asked for more specific information on the item "wider opportunities for two girls." Ms. Grey replied wider opportunity means outside of the Council jurisdiction. There is Girls Scouts USA, along with Councils throughout the United States, which hosts events. They are held in the summer - some run from a week to fifteen days.

Mr. Leeper asked how they pick the girls to participate in these events? Ms. Grey replied they submit an application; that the only requirement for a girl to participate would be that she has paid her \$2.00 membership fee which makes her a member of the Girl Scouts. This application goes to the host Council and they make the selection there. That this costs an average of \$500 per person, but the community plays a part in this also. They work with the family and the community in getting this girl ready to go.

A call for the question by Councilmember Locke carried unanimously.

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

Mr. Ed Gormley, 312 Mattoon Street, stated he represents the Five Points Community Organization and just wants to let them know that they exist out there. That whenever there is a Community Development program where Five Points is involved, he would just like to know something. If they are supposed to have something, he would like to know where to go to get it - he does not mind doing that. Mayor Harris stated to Mr. Gormley that he is seated close to Ms. Dykstra as well as Mr. Sawyer, CD Director, and he is sure they can tell him a lot about this program.

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CONTRACT WITH FAMILY HOUSING SERVICES FOR HOME MANAGEMENT AND IMPROVEMENT PROGRAM FOR COMMUNITY DEVELOPMENT, DEFERRED UNTIL OCTOBER 30.

Councilmember Carroll moved that Council defer until October 30 consideration of the subject contract. The motion was seconded by Councilmember Trosch.

Councilmember Carroll stated he hates to do this; that Family Housing Services has been planning on this since February when it was included in the preliminary plan, and they are geared up to go ahead. But it has come to his attention over the weekend members of our staff have been out in the community advising people to come in and oppose this contract.

He feels this is a very serious problem for all of us. It is a problem for several reasons. One, if our staff has problems with something, those problems should be coming directly up to Council so that we have a full awareness of them. Second, if we have our staff out there trying to effectively determine the policy we are suppose to be setting, it seems we have the tail wagging the dog. Third, and most important to him, we are not suppose to be, and that is the Council or the city staff, putting the people in these neighborhoods in the middle of a policy making battle. We are suppose to get their input fresh and uncontaminated. That is what he wants.

In his motion, he would request the City Manager to look into this, and report whether, in fact, this has occurred; and also, let us know, if in fact the staff knows what the channel of communication is to see that this problem does not come along again.

Mr. Burkhalter, City Manager, replied just before he walked into the meeting someone told him an employee of the City had been doing this. Certainly this is not at staff level; it may be some employee doing this. It is certainly without his knowledge. Also he is sure Mr. Sawyer knows nothing about this.

Councilmember Carroll stated in the next several years, we are facing the downhill on funding of a lot of these things, and we are going to hear from a lot of people. We need to hear directly from our staff and how they feel. But we are going to be caught in a terrible cross fire if we do not have our staff working for us directly on this.

Mr. Burkhalter stated he thinks staff's situation is very clearly explained. They brought Council a contract they think Council told them to bring. He points these things out to them as he pointed out last week that they had not had the review made and when the review was made by budget, Council received the information.

This contract is before Council today, and if they want to do what they said to do, this contract does it. He wants Council to know what it does, when they do it. He asked what Council wants staff to do in the meantime? Mayor Harris replied the motion by Mr. Carroll was for them to report back on the question of staff. Councilmember Carroll stated if this has occurred, he would like to have the chance to be sure that some accurate information goes to neighborhoods; and that Family Housing Services has a chance to meet with these people, and if there are misconceptions, correct them. He is not as much concerned about this particular contract as he is about the potential overall problem we have as policy makers for the city.

Councilmember Selden stated he would like to elaborate on what would come back in the report. The memorandum with respect to this presentation said "At the October 2 meeting to review and consider the proposed contract." Customarily the terminology is to approve or adopt an ordinance. He stated in that response, he would like to see the basis of questions as to its applicability or propriety. It may be the manner in which the Council has requested the contract to be drawn. If so, he would like to see it identified as the areas in which the Community Development sees some areas of problems by having stated in their recommendation to review and consider, rather than to approve.

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Mr. Burkhalter stated it is very difficult to talk about something you do not know based on the rumor he got when he came in. That he would be very disturbed if we have a department head or staff level person out doing this. It is certainly without his knowledge. On the other hand, every employee is free to discuss anything he wants to discuss. He cannot say the Council told him, or the City Manager told him; but is free to discuss his concern, and there is not much you can do about this. But as far as being the policy and this sort of thing, we do not operate that way.

Councilmember Selden stated he is not questing the employee or the situation. There is doubt in the mind of Community Development. Councilmember Gantt stated it looks like a lukewarm recommendation. Mr. Selden stated he wants to find out what is behind it. He may want to be lukewarm also. Mr. Burkhalter replied the Community Development Department nor he recommends that Council do this. That is all right as Council did it and staff brought it to them.

Mr. Burkhalter stated he does not see why Council cannot vote on the contract today. Councilmember Carroll stated he thinks it is important that people in the neighborhoods understand what we are trying to do. If Council approves this, and they feel we are operating on the basis of misinformation, or they have misinformation.

Councilmember Leeper stated he thinks the people in the neighborhoods need to know clearly what this means, one way or the other. Mayor Harris stated this is the purpose of the meeting. So he thinks Council should hear the speakers, and make its decision.

Mrs. Marion Jordan, 835 Cates Street, stated Mr. Carroll said one of the staff persons got to people in the neighborhood. She does not know who told him that lie; she got it out of the paper and she called him, called Ms. Parker and several others trying to find out what this is all about. She believes they can say in here how they feel. We need citizen participation and what came out in the paper, there was no citizen participation in that. She invited Mr. Carroll to their community meeting but he was out-of-town at the time. Mrs. Jordan asked Mr. Carroll if he remembered her extending this invitation to him and Mr. Carroll replied that he did. Mrs. Jordan advised Mr. Carroll not to put something on someone else, because she is the one who did it, and she is not a city employee.

Councilmember Carroll stated he was not trying to put it on anyone. Mrs. Jordan replied that she did not like him trying to pass the buck on somebody for what she did. Mr. Carroll stated he did not know what Mrs. Jordan had done. He was just asking for the information. She stated she is the one who called and asked them what was this about in the paper on Thursday, the 28th. She stated that he had proposed monies being taken from Third Ward. He replied that was incorrect, the monies would not be taken from Third Ward. The monies are there to provide the services that have to be provided.

Mrs. Jordan stated she had a paper there with Mr. Carroll's statement. Mr. Carroll requested Mrs. Jordan to go ahead and tell Council how she felt about it. She replied that she could not tell them how she felt about in there but on her own grounds, she could. She stated that they were going to get a meeting with him in Third Ward Area, so more than herself will be talking to him. She wants Ms. Lucas to come also. Mr. Carroll stated he thinks that will be helpful.

Councilmember Gantt stated to Mrs. Jordan that he had just read the statement for the first time and it seems that she is saying that her neighborhood, or at least she, would prefer having \$21,000 used in another way in her community, rather than for the services that Family Housing Services proposes to offer. She stated this was correct. Councilmember Gantt stated she has not had any problems with Family Housing Services in the past, but she just thinks that the services are not needed by her community? Mrs. Jordan replied that she was not having any problems with Family Housing, none whatsoever. Each time they ask for money for daycare, recreation or anything, there is no money there for them.

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Councilmember Gantt asked Mrs. Jordan if she had an opportunity prior to today or last week before this hit the newspapers to hear from your neighborhood relations people what services were going to be offered by Family Housing Services? Mrs. Jordan replied that she just met Ms. Lucas on Thursday night at the community meeting.

Mr. Gantt stated that there is a section to their contract that calls for resident participation services; which is they will be working with your group to stimulate all kinds of different activities, including neighborhood togetherness and what have you. He asked Mrs. Jordan if she had ever heard any of this before? Mrs. Jordan replied she had talked with one of Ms. Lucas staff persons about a couple of her neighbors; one she works with, as of today, the other resident, the counselor has not been there as yet. But if we call someone from CD, someone is coming to see if they can be of service to the people, and this has been like the first part of August and this is the 2nd day of October. They do not need someone who is going to take almost two (2) months to come and see what a resident wants.

Councilmember Frech asked Mrs. Jordan if she had received a notification first of all to the people from the Community Development Department? Mrs. Jordan stated it was Family Housing. She made the referral to Ms. Parker and she referred it to a staff member and they still have not gotten there.

Mr. Edward Gormely, 312 Mattoon Street, stated he was very much in accord with the deferral of this item. This he feels should have been done last week, he regrets having to come down here again this week, but he is going to try and make the best of this opportunity to stress once more that their organization does indeed exist and has existed since July, 1978 this year. If we need to develop a letter and get enough copies made to disseminate to all the departments in government in Charlotte or whatever, however it needs to be disseminated so that we can get on various lists and thereby be given the opportunity to provide input to whatever is going to affect them, primarily at Five-Points. And, of course, secondarily, any other community in our community development area. Because we feel that what affects another area, Third Ward and others, affects us. So we are all in this together, we do not mean to take a selfish point of view to only those items that just concern Five-Points are we interested in.

He believes this is a very good action. Number one, there official Executive Committee has not acted on this; we have a meeting coming up this coming Wednesday; we will certainly massage it as nicely as we can. Then our actions will be recommended to our general membership meeting which will be on this Sunday. There they will have their opportunity, which is their right to act on anything that is going to affect them. This is what they wanted in the first place; and then there after they would feel pretty good about it going on to the Council.

Mr. Gormely stated there was one other thing, a general statement maybe to get something going, he would like to recommend consideration be given to generating an extra copy of items of business affecting our Five-Points Community Development Target Area, certainly with discretion, they are just interested. He does not know what else to say, or how else we can take care of this, he is certainly open to any suggestions; either now or later.

Mayor Harris asked Mr. Sawyer if they had a list of various organizations within the CD areas that you can keep informed? Mr. Sawyer replied that they do, and they do keep those organizations informed. Mr. Gormely states his organization has existed since July, 1978; but they elected new officers and he understood that they did not reorganize; and this is the same organization that Rev. George Battle has been president of for two or three years and to his knowledge he does not think that organization has been abandoned or a new one has been formed in July. He just understood that new officers were elected at that time. We stay in touch with this organization and all other organizations. Mr. Sawyer stated it was not their practice, it never has been and nor will he recommend that all of our contracts to do work or any service in this area be circulated to the general population. We discuss

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those policy matters at the meetings; nothing is held back when we meet out there. We ask if there are any questions, and discuss any subjects to the best of our ability. Then when we agree on the terms and conditions, the contract is drawn; but we do not circulate the contract.

Mr. Gormely stated the Five Points Organization reorganized as the old one was not meeting with the regular frequency. They foresaw the need to organize for a more respectable, legitimate basis, meeting with a certain frequency every month. They now meet once a month the Second Sunday. This way the people will know about it.

Mr. Burkhalter stated he thinks in all fairness Mr. Gormely should know that Council is not doing this today; this was done back in February after public hearings on the CD plan. His group spoke to the plan. This is not something new. Councilmember Gantt stated he thinks Council understands that; but what we need to have is more effective communications. He thinks the neighborhood agents we hire to work and communicate with those neighborhoods, if they have to say it over 1,000 times, they need to say it in terms of what is going to happen in their communities. The average every day citizen does not get the fine point between the decision or allocation of funds back in February, and the program that we will have, and the actual allocation of that budget that occurs in October or November. If it is necessary to have it said, and if it is necessary for them to have an agent at every meeting to go over every program and answer every question that comes up, he thinks we should do it. Communications is apparently what the problem is now with respect to this contract. Mr. Burkhalter stated the important thing he wanted to do was to defend the Council and to tell Mr. Gormely that Council is not doing this today; it was done back in February, and after public hearing. This is when they decided how to allocate this money.

Ms. Barbara Lucas of Family Housing Services stated they are very strong in support of withholding any action on this contract; they have never been in the position of forcing their services on any of the people; they have always been asked. They feel they can do a good job; but they also feel they need the support of the community to do that job. She hopes that during the next few weeks they will have Council's support and Council's help in going to the community, and making sure there is a communication link established which explains very factually and very carefully what this contract will call for. Then if those communities do not want it, then Family Housing Services would have to be in a position of withdrawing. She hopes they will withhold any action today.

Councilmember Short stated in making his motion Councilmember Carroll included some remarks criticizing some personnel for going out to discuss this contract with target area residents. In voting on this motion, he thinks Council should make it plain, if we are going to give Family Housing Services time to go out and talk about it, we are not inhibiting our city manager and his designated people from also discussing it. Councilmember Carroll stated what bothered him was his impression there were things being said about it that were not true.

The vote was taken on the motion to defer until October 30, and carried unanimously.

ORDINANCE NO. 331-X ESTABLISHING A COMMUNITY DEVELOPMENT REVOLVING LOAN TRUST FUND.

Motion was made by Councilmember Gantt and seconded by Councilmember Short to adopt the subject ordinance appropriating funding for a total of \$490,000 to provide low interest loans to minority individuals and business in Community Development Target Areas.

Mayor Harris asked if the criteria for establishing these loans included in the agenda package? Mr. Sawyer, Director of Community Development, replied it is in the overall policy setting up the development loan fund. Mayor Harris stated he would like to see that. Councilmember Carroll asked if this is just economic development loans, or all out loans? Mr. Sawyer replied economic development loans.

Councilmember Leeper stated there are a number of contracts here with Community Development. One of the points about community development contracts is that we try to insure target area residents in terms of first priority and in terms of employment. He stated he understands most of the contractors send in a report in terms of their success in employment of target area residents. He asked Mr. Sawyer to send him, and perhaps other Council Members, a report on the success of each program. Mr. Sawyer replied he has submitted that information to the City Manager's office, and it should come to them shortly.

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

The ordinance is recorded in full in Ordinance Book 26, at Page 278.

RESOLUTION REQUESTING APPROVAL FROM HUD TO LOAN FUNDS TO THE NORTH CHARLOTTE COMMUNITY DEVELOPMENT TARGET AREA FROM THE FIRST WARD COMMUNITY DEVELOPMENT TARGET AREA TO FUND IMPROVEMENTS ON DRUMMOND AVENUE, EVERETT PLACE AND PINCKNEY AVENUE.

Motion was made by Councilmember Selden, seconded by Councilmember Trosch, to adopt a resolution requesting approval from HUD to loan funds in the amount of \$200,000 to the North Charlotte CD Target Area from the First Ward CD Target Area to fund improvements on Drummond Avenue, Everett Place and Pinckney Avenue.

Ms. Doris Davis, 844 Woodside, read a statement from the Plaza Hill-Villa Heights Community Improvement Committee of Carolina Action:

"We are hopeful that the Council will respond positively today by voting for \$200,000 for the extension of North Charlotte Target Area. This will provide the money to begin work on the necessary repairs of our homes this year. We have fought long and hard for this program. Our group was one that introduced it to the Community Development Department. We outlined our needs and priorities in the area of loans and grants, drainage and sidewalks. The cost of the total improvement is \$600,000.

"We want to remind the Council that we want to be funded in the coming year for the entire plan. It is counter-productive to have half the houses fixed up and the other half remain in poor condition. It is useless to repair our homes when our properties have been eroded by drainage problems. We want a guarantee that more money will follow this allotment in the coming year."

Councilmember Short stated that he believes that in response to Councilmember Carroll's efforts to help Drummond, Pinckney and some other streets, staff has uncovered what amounts to a \$200,000 windfall. That maybe they cannot call it a windfall exactly because they could have seen from ten or fifteen years ago that that land was going to be spent. Anyway, it is new money that apparently Council had not considered at the time of the budget. So, it is new money into this current fiscal year in any event whether they call it a windfall or not.

He stated the idea for using it for Pinckney and Drummond may be good. That in the past whenever they have uncovered a "windfall" Council members have had twenty suggestions as to what the money might be used for. Perhaps this is the best use, but he is a little bit reluctant, as a trustee of public funds, to adopt the first thing suggested. It seems to him that they should ask the Budget Department, City Manager, and consult Council's own preferences as to a variety of things that this money from the sale of land on McDowell Street might be used for.

Councilmember Carroll stated this is really not a windfall; that it is good money management in the sense that it reflects the use of an available resource until such time as they will really need it in the First Ward Area. It reflects staff's part - Mr. Burkhalter's part - in pushing for a way to find some money to begin some work in the area that Council extended. That

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they, at first blush, did not want to do it until next year, but they should be thanked for their diligence in pursuing the idea that Council had which they themselves were not all that excited about. He does think it is part of the fulfillment of what they wanted to do when they initially extended the Target Area last year, and that it is an excellent way to use an existing resource until we get into the next budget time.

Mr. Short asked if he would not be at all interested in considering even himself, any other possible use for these funds? That he might find a number of things in District 1 other than this that might be applicable.

Mr. Carroll replied this is a result of having this as a very important need, essentially an unfunded commitment that Council made earlier, and finding rather innovatively a way to begin to do some work on this project before they get to the next budget session. Particularly with the loan and grant program, there is some time lag - it takes a while; this will really help get started so that when the program begins to close out three years from now this area will have caught up with the rest of North Charlotte. He thinks it is very appropriate that they move ahead now.

Councilmember Trosch stated under normal circumstances, they might all want to bring their own needs in, but this was a commitment and, therefore, a priority that Council set many months ago. They have found funding to meet a commitment that they made when they voted to extend that area. However, she would like to ask another question concerning appraisals on the First Ward property. Where are we in that process, do we have the appraisals back? That it was indicated it may be higher or lower.

Mr. Sawyer, Community Development Director, replied the appraisals are not in and complete yet, but they will be in very shortly. Ms. Trosch stated so that prediction is not based on the fact that it might be lower or higher? Mr. Sawyer replied no, they have an estimate based on tax appraisals of the cost of that real estate, but they really will not know until the actual appraisals come in.

Ms. Trosch asked what kind of time frame are they expecting to get those appraisals in? Mr. Sawyer replied they usually allow 30 to 45 days for this kind of work. That he believes the appraisal contracts were let shortly after Council approved the Redevelopment Plan.

Mr. Burkhalter stated all of these things tie in with his decision to approve this sort of thing being sent to Council because of the fact that he does not think they would have had the information in time to spend that money and they had it sitting there. That if they do need this money, they can get it from somewhere else in order to continue with what they had planned to do in the First Ward. As far as the amount of the appraisal is concerned, he hopes it is not as much as they anticipated. If not, they will have money left over. That there is no question about their feelings; they want to proceed without harming the First Ward project.

Ms. Trosch stated that is what her question is, because she has been approached by people who are concerned with the First Ward project - they have held that off of the market for a good while - and do not want this to interfere with that procedure.

Mr. Burkhalter stated unless Council tells them something different, they are proceeding to go right on with that and this will not hold that up.

Councilmember Selden stated it is his interpretation that this is a borrowing from the next year's budget, rather than a windfall which they are attempting to spend by a certain manner or means?

Mr. Finnie replied that both of those statements are correct. There are several assumptions you can make. One is that if the piece of property sells - the minimum they put on it was \$247,000 - then it is, as Mr. Short said, something of a "windfall." In that case, they will be taking new money and making that allocation at a cost to no one else. That Mr. Short may be right - there may be something else they would rather do with it.

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That if the property does not sell, then Mr. Selden is correct in that they are making a commitment now to appropriate that money from someone who already has a piece of that action for next year.

Mr. Selden stated if the property sells and they use the funds, then they will not be holding this amount of money need in the 1979 budget year; therefore it would still be a borrowing from the next year's budget. They have already said that they want to do it; this was done back in February, but we just did not have the funds to do it. So, in effect, they are borrowing from next year's budget no matter how you figure it.

Mr. Finnie agreed. That the interpretation he is making is that in the program for next year, the amount of money that has been identified, that money is not in there; it is money over and above the program.

Councilmember Leeper stated, in response to Mr. Short's concern, that he had an opportunity to go out in the Drummond area and walk around with many of those folks out there some months back. That he was concerned about the drainage problem - they have some real bad flooding problems which he is not sure that this is going to address at this particular time. That what he was impressed with was the fact that many of those houses are in the marginal area now, which we have expressed a good deal of concern about in our city. He stated they have an opportunity to allow some of these citizens a chance to get some low interest loans and grants to maintain their property so they will not get to the degree that many of the houses in other areas in North Charlotte - Cherry, Southside - because we did not have these kinds of programs previously to give those citizens that opportunity.

He stated that is probably the most important over-riding factor right now as we address the critical housing shortage and the need of standard houses in our community. To allow some of these citizens the opportunity to catch up with some of the other areas of North Charlotte who previously did not have a chance to participate in this program. That the money will be well spent and he would certainly encourage other Councilmembers to support it.

Councilmember Frech stated she thinks they have a commitment to support this but she is still curious as to why this is considered a windfall. She asked if this is land that they did not know that they had for sale?

Councilmember Short stated it is just money that was not in the current budget and might not have appeared for years ahead - it has been sitting there as an asset for ten or fifteen years.

Ms. Frech stated it seems that Councilmember Carroll has always proposed that when money became available from the sale of urban renewal property and other areas it would go for this type of thing.

Mr. Short stated he thought that Mr. Carroll had proposed that Council extend the boundaries of the North Charlotte area with the intention that at the next budget, or whenever they were able to do so, it would then be budgetted. He did not understand his intent to be that it would have first claim on either tail-end funds or windfall. He thought Plaza Road Park had first claim on tail-end funds.

Councilmember Dannelly stated Mr. Short has more or less clarified his understanding of what they talked about in extending the North Charlotte Target Area - that they extended it, recognizing that there was not any funds available. That his understanding was that they would utilize funds out of the next appropriation, if these things came about. That he thinks he knows the answer as to where the monies come from to pay back into the General Revenue Sharing Funds, if that becomes necessary. Apparently, it will be out of the total Community Development appropriation, which means that all of the other Target Areas will be helping to fund that expansion. If not, he wants to know whether or not the monies have already more or less been indicated for the North Charlotte Area and that payback will come only out of that which they anticipate will be appropriated to North Charlotte.

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Councilmember Carroll reminded the Council that the basis for the extension of the North Charlotte Target Area which was made back in February was the fact that they find some other place to fund it. His impression at the time (and other Councilmembers have concurred) was that they thought there was even some funding available with that initial action, but there was not; that this is a way to try to begin to bring that part of the program up to speed. It certainly made no sense to extend the Target Area and raise all of these folks' expectations if they are not going ahead and fund it.

Councilmember Dannelly stated he agrees with Mr. Leeper on the need for doing something about the drainage problem in the area, as he has visited the area also. That most Target Areas, he is sure, can find extensions to their areas that are needed - he can think of two streets right now.

Councilmember Cox stated he has mixed emotions about this. He is going to vote for it with pleasure; but the mixed part of his emotion (and from listening to the discussion he feels others share this) is that they took an action not knowing exactly where the appropriation was going to come from. That he thinks that is a mistake.

Mr. Carroll stated that he suggested in the plan where the appropriation would come from, but Council did not act on it in February.

Mr. Cox stated what he is saying is they should have acted on the extension of the North Charlotte Target Area and the appropriation at the same time. That he made a mistake himself by not tying that one down.

He stated he is very pleased to spend the money - the scarce resource for Community Development funds - for this area; that it is well spent; that he has been out there and there is a good opportunity out there to use the right kind of money. But, he has a minor problem in deciding what use of funds will be made and not comparing it to other uses of funds in a kind of coordinated way. He can sleep at night, though, because he believes they are spending the money in the right way.

Councilmember Gantt stated he does think they are talking about dividing up a smaller pie; that he had some citizens to come in the other day and suggest that there are other areas that are in dire need of some attention that simply were neglected when the target areas were originally set up. They feel as if some funds ought to be spent in their neighborhood. That everybody is saying that. It may come down to the fact that if the Congress funds the Revenue Sharing program for another period of time, we may have to change some of our target areas. We may have to deal with concentrating on some new areas that deserve attention.

Mayor Harris stated he has visited the area and it is a very nice neighborhood. That the principal thing is the drainage problem.

Councilmember Locke called for the question.

Councilmember Short stated there is a point which is of some significance to him. Is this \$200,000 that comes from the old Brooklyn Urban Renewal Program limited to use in CD Target Areas, or is it available just for general city purposes - like a new walkway over Fourth Street or something of that sort?

Mr. Sawyer replied the HUD requirement is that when any Community Development money is used to close out an old Urban Renewal project, then the proceeds from any sale of that land thereafter goes back into the CD fund.

The vote was taken on the motion and carried unanimously.

The resolution is recorded in full in Resolutions Book 13, at Page 459.

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CONTRACT BETWEEN THE CHARLOTTE-MECKLENBURG PLANNING COMMISSION AND THE TRANSIT PLANNING OFFICE TO PROVIDE PLANNING SERVICES INCLUDING SHORT RANGE TRANSIT PLANNING, AIR QUALITY STUDIES, TRANSIT USAGE SURVEYS AND TRANSIT PLANNING FOR THE DISADVANTAGED.

On motion of Councilmember Locke, seconded by Councilmember Selden, and carried unanimously, the subject contract was approved.

CONTRACT WITH MANAGEMENT IMPROVEMENT CORPORATION OF AMERICA FOR A WORK MEASUREMENT STUDY OF THE UTILITY DEPARTMENT WORK CREWS.

Motion was made by Councilmember Locke, seconded by Councilmember Dannelly, for approval of the subject contract in the total amount of \$24,500.

Councilmember Trosch stated she has several questions involving this contract. That in a memorandum to Council from the City Manager, a statement was made that MICA guaranteed the cost savings is greater than the contract or no fee is paid. That a reference is made to a League of Cities contract that they have. However, it is not included in our contract, and the contract does state that this writing contains the entire agreement between the parties.

Mr. Thomas Finnie, Budget Director, stated that was an oversight and he can give them an amendment to the contract. Ms. Trosch stated she would like for that to be included.

Ms. Trosch asked how many people are going to be put on this project from MICA; how many observations will be made? Mr. Finnie replied that Ms. Karen McCotter is the principal person involved and she is present to answer questions.

Ms. Trosch asked what degree of confidence will their statistical model have?

Ms. McCotter replied it is set up right now with 95 percent - that 100 percent would mean they would have to do it ad infinitum.

Ms. Trosch stated the reason for asking this is that we have a productivity study that had very few observations and therefore implementing that study comes into question because they say they did not observe enough times, so the model is not statistically accurate, but with 95 percent confidence . . .

Ms. McCotter stated they feel that it will take approximately eight weeks with the crew; that she would guesstimate right now that the number of observations would be between 12,000 and 15,000.

Ms. Trosch stated that sounds like they will have a model that is workable and implementable - that is her real concern; that they do not end up with another study that sits on the shelf because it is not a statistically justifiable recommendation.

Councilmember Trosch stated that in the contract it refers to "summer work sampling." If we are beginning the contract now, and it is 140 days after execution of the contract; it is now October and this would be over in February, she does not know how we are going to get a summer sampling, or a sampling before budget time.

Mr. Finnie stated they were talking about that this afternoon. That the problem they ran into was that this was put together back awhile when they thought they would have time for the summer sampling, but in getting everyone in agreement and bringing it to Council the days slipped by. That, in effect, there is a condition in which they can modify the days of the contract, with a written agreement from both ends. That what they will have to do is try to get part of it done now, immediately - they will have the four-week winter sampling, with no problem; it will be a partial sampling now.

Ms. Trosch stated then we will not get the complete sample? Mr. Finnie replied that is correct; that they will have documentation complete within four weeks after the study is completed, but it may be a little bit more than 140 days. Ms. Trosch stated but it will be before budget time? Mr. Finnie replied yes.

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Ms. Trosch asked if they feel this will provide a statistical model even though we do not get the summer and the winter differentiation, that will be usable? Ms. McCotter replied yes it should be, there is not more than a 2 or 3 percent differentiation anyway.

Councilmember Carroll asked what degree of precision she feels the 12,000 to 15,000 observations will give them? Ms. McCotter replied it is what they call a 95 percent confidence level in the results, which means that they are 95 percent sure that the results that they have are a true and accurate picture. That she could take it up to 99 percent, but it generally, at that point, will increase the time required by about ten times.

Mr. Carroll stated the important point that has been made is that we already have one productivity study they have not done anything with and they do not want another one unless it is going to give them more data to make decisions on.

Ms. McCotter stated the 95 percent level is an accepted level by the Industrial Engineering Department at North Carolina State University. Ms. Trosch replied but that is not precision. Ms. McCotter stated yes it is; they are saying if they made 100 percent that would be exactly what happened, and that they will have a plus or minus 5 percent variance. That what she does during the study is also to establish an outer limits for her observations. She throws out anything that occurs above them and below them, so that there again they are reassured of getting things that are within the norm - the results are within the norm.

Mr. Carroll asked Mr. Finnie where the money is coming from for this study? Mr. Finnie replied this is, in fact, in support of the productivity report. That as they may recall, the productivity report made some fairly broad statements, but there was very little support behind them. They have made some reductions; they are attritioning people right now on work crews. The money that we will save from that original attrition will be used to support this more in-depth study to find out how far they can go. That right now, to put it in a nutshell, we have taken attrition just about as far as they feel comfortable with, given the service level that we are providing. That any other attrition is going to have to come from some new or better way of doing the work. That neither Mr. Dukes, Utility Director, or himself have the expertise to provide that kind of work measurement. They want to test this concept.

Councilmember Carroll asked how many people have they actually attritioned? Mr. Finnie replied, in conference with Mr. Dukes, they have taken a reduction in crew size of right around ten positions already. He explained that they are in the process of doing this - he cannot say that all ten have been eliminated but there is a commitment to do it, and it will be done primarily from this point on into the spring.

Mr. Dukes stated they have also committed themselves to annexation with no people, and the budget before last they removed 14 positions - they are getting to the point that they are beginning to hurt. In this year's budget they are opening up two treatment plants and they have not approved a single treatment position. They are trying to be able to fill these with the positions they are opening up for this. Mr. Carroll stated increasing productivity? Mr. Dukes replied hopefully, yes.

Mr. Finnie stated that the commitment that was made was that they were going to have to in some way attrition about ten or twelve positions just to get those plants open. It is not a matter that we would like to, or we will promise you anything; it has to be done to get those treatment plants open; that is a commitment.

Councilmember Carroll asked if he understands correctly that the money to pay for this study is going to come from the attrition that he is talking about? Mr. Finnie replied from the savings that is generated.

Ms. Trosch stated she wants to make sure that added to the contract is the 95 percent confidence level. Mr. Finnie replied they will have that and they will have the warranty.

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

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ORDINANCE NO. 332-X TRANSFERRING FUNDS FROM UTILITY SEWER COLLECTION SYSTEM CAPITAL PROJECTS TO PROVIDE A SUPPLEMENTAL APPROPRIATION FOR MINOR SANITARY SEWER EXTENSIONS.

Motion was made by Councilmember Short, seconded by Councilmember Selden, and carried unanimously, to adopt the subject ordinance for a transfer of funds totalling \$82,509.41 for project close-out.

The ordinance is recorded in full in Ordinance Book 26, at Page 279.

RESOLUTION AMENDING THE CITY'S PAY PLAN TO ESTABLISH JOB CLASSIFICATIONS OF PUBLIC INFORMATION SPECIALIST I AND PUBLIC INFORMATION SPECIALIST II.

Motion was made by Councilmember Short, seconded by Councilmember Locke, to adopt the subject resolution.

Councilmember Gantt stated he understands this is not the addition of two new positions; that the persons who now serve in these positions will be increased by that salary.

Mr. Wilder, Personnel Director, stated these are two new classifications that are being added. They are positions presently in several departments - Parks and Recreation, Community Development - existing positions. He stated that three of the four are moving laterally - staying within grade, getting no increase; they are just appropriately classifying the position. That in the Police Department, there was a position, a uniformed person, who had been doing this, but as a result of their movement recently of several people, it was determined there was a need. That will be within the number that they have and that will be a new hire - they will be recruiting for that position.

Councilmember Gantt stated there will be four positions with one new hire? Mr. Wilder replied that is correct. He stated it is within the total budget.

Responding to a question from Councilmember Selden, Mr. Wilder stated the position in the Police Department will be a lower classification than the position formerly used - the Major position.

The vote was taken on the motion and carried unanimously.

The resolution is recorded in full in Resolutions Book 13, at Page 461.

ORDINANCE NO. 333 AMENDING CHAPTER 13, SECTION 53(e) OF THE CITY CODE TO PROHIBIT OUTDOOR COMMERCIAL MUSIC EVENTS, PROGRAMS OR CONCERTS BETWEEN THE HOURS OF 11:00 P.M. AND 7:00 A.M.

Councilmember Selden moved adoption of an ordinance amending the City's Noise Ordinance prohibiting outdoor commercial music events, programs or concerts between the hours of 10:00 P.M. and 7:00 A.M. The motion was seconded by Councilmember Short.

Councilmember Locke requested the City Attorney to explain the stopgap measure. In his memorandum to Council he said this was a stopgap. She would like to know what is being done to overcome this.

Mr. Underhill stated several members of Council have asked staff to look at the existing noise ordinance with a view towards comprehensively rewriting it to an ordinance that uses objective levels to determine violations, such as decibels. They do this in Raleigh, and they do it in a number of other cities. If there is any kind of trend, he would say the trend is probably toward that sort of approach. There are a number of city departments that would be involved; and a committee of city staff people have been asked to look at this, and make recommendations. That effort will take several months, and they may come up with something that has an entirely different approach to noise complaints from this sort of source. So that is the reason for his choice of words in saying he viewed this as a stopgap measure because somewhere down the line hopefully they will be presented with an ordinance that is going to rewrite, in toto, the existing noise ordinance; and may propose some other means of regulating this sort of noise activity.

Councilmember Selden stated he would like to commend Mr. Underhill for putting together this stopgap measure to tide us over until that redesign comes to Council.

Councilmember Leeper asked the time limit at present for outside concerts? Mr. Underhill replied you run into a lot of requirements here. First, this does not do anything to the 85 decible requirement; it just adds to it another requirement. Even if you are operating an outdoor concert of a commercial nature at 9:00 o'clock in the evening, before this curfew type of restriction comes into play, if it is exceeding 85 decibels measured from the street, you are in violation of the noise ordinance, notwithstanding this. The language found in another subsection of the ordinance makes mention of time. There are only two places which mention time at all. One is a section that deals with the loud playing of stereos, phonographs and radios, and this sort of thing. Anytime you play one of those kinds of devices at a volume that is louder than necessary or for persons within a room to hear them, and you are disturbing someone, you are violating the ordinance then. It does say that between the hours of 11:00 P.M. and 7:00 A.M. if you can hear that sound 50 feet from the facility, it is a prima facie violation of the ordinance. In other words, someone could get on the stand and testify that they stood 50 feet away from this apartment and heard that stereo, and it was loud and and disturbing. Under the terms of that ordinance that is prima facie evidence the ordinance has been violated. There is another section that time is mentioned, and that has to do with construction work.

Councilmember Leeper stated if there was a concert, and it was 8:00 o'clock at night, and if the noise exceeded 85 decibels, then the police could request that they reduce the sound? Mr. Underhill replied yes. Councilmember Leeper stated that is his concern. That what we are really trying to deal with is the sound, moreso than the hour. He is not sure that 10:00 o'clock is a reasonable hour to request people not to have a commercial activity outside. He stated he feels we have the mechanism now to deal with that if we use it. Councilmember Selden stated there was a noise measuring device brought into play at Crockett Park and they cut the sound down; but the actual application which will come with the overall redesign of this ordinance will put into greater play the ability to deal on a noise level basis. That is where the stopgap aspect will come into play. This will terminate after the 10:00 o'clock hour so that we will not have this terrible opposition on the part of the community to the activity. The activity can go on all day and up until 10:00 o'clock at night.

Councilmember Leeper asked if this will apply to Memorial Stadium as well? Mr. Underhill replied he suggests there will be confusion unless Council makes a comparable amendment to the rules and regulations at the Stadium because those rules and regulations which Council recently adopted allow concerts held in Memorial Stadium to run until 12:00 P.M.

Councilmember Selden stated he would like to amend his motion to add that the Memorial Stadium ordinance wording be modified in accordance with this paragraph.

Councilmember Trosch stated Mr. Underhill says they will probably have the staff's recommendations by Spring; we are now going into October which is really probably going to mean that between now and then outdoor concerts may not even be proposed. So we are doing something that is perfunctory. Mr. Underhill replied he suggested that, but Mr. Selden tells him there is another one scheduled in October for Crockett Park. Ms. Trosch stated she has also heard that when the Country & Western was held there there were no complaints. So the type of music is what we are talking about. Then if it is the kind of music people who live in the community do not like, then we get the complaints. The Park facility was there prior to many people purchasing their homes; she hates to curb beyond a reasonable amount a control for their own good. She wonders if this stopgap is necessary; she understood Mr. Selden to say another concert is scheduled. He replied that is his understanding. The people in the neighborhood customarily listen to ball game noise and have not found this disturbing; but the concert went on for eleven hours - from Noon until 11:15 at night. Ms. Trosch stated this will affect the entire community, and not just this particular place. She wants to make sure that we take into consideration everything we will upset with this 10:00 o'clock curfew. Mr. Selden stated the only thing that would have application at Memorial Stadium would be music type concerts in which the music is amplified.

Councilmember Dannelly stated he has mixed emotions about this. Sometimes with this kind of proposal he almost feels we are moving back as close as we can get to the stone age when it comes to noise, and thinking about our young people and the kinds of things they enjoy that could be more wholesome than the kinds of things that we may put them out to find some kind of recreation enjoyment for themselves. He can feel for someone who happens to be lucky enough to have some fine facilities in their neighborhood that from time to time may prove to be a little inconvenient. He found it interesting that Ms. Trosch pointed out that there were no complaints on the Country & Westerns. He stated he recognizes the fact that when a facility is in your district then you will receive some calls if it makes some persons uncomfortable. Comparatively for a hand full of people who do not like it, we are going to cut the rest of the people out of enjoying it for a certain length of time. He has problems dealing with the fact that, he is sure there are some people voicing an opposition to this being very loud about it, because of the type of music being played and it is not their type of music. He knows we need something to control the loudness; and he would prefer to wait for that kind of ordinance, rather than to say to some young people, in our day and time and he does not think this Council can make the parents change that, who may not even leave home to go to the concert, since it is is a 8-10 hour concert, until 8:00 or 8:30 p.m.

Councilmember Selden stated he had several people to comment they liked the music and went; but 11:00 o'clock at night was too late. Councilmember Dannelly stated in Mr. Selden's district and in his district and everyone's elses we have over 40,000 people. Mr. Selden stated there were a lot of people who complained from Presbyterian Hospital and Hawthorne Home when the lateness of the hour became apparent when the rock concert was held at the Stadium. Mr. Dannelly stated he wonders if they were concerned about the rock concert or the loudness of it. Mr. Selden stated they were concerned about going to sleep. Mr. Dannelly stated he asked if they were concerned about the rock concert being held there, or the amount of noise coming from it? Mr. Selden replied they were concerned about the noise. Mr. Dannelly stated then you are getting back to what he would like to wait for; and that is something that controls the noise rather than limit the time. Mr. Selden stated they were concerned about the noise at the particular hours in the evening regardless of whether it was a classical concert or anything else; they were disturbed at the late hour of the evening. Mr. Dannelly asked if he wants this to control the noise and the hour? Mr. Selden replied he wants this to be a stopgap until the actual re-design comes to service.

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Councilmember Gantt asked the existing hours now? Mr. Underhill replied he would be hardpressed to argue that we have a time limitation on this; he does not think the 11:00 to 7:00 section really applies to this activity.

Councilmember Leeper made a substitute motion to adopt the ordinance setting 11:00 o'clock as the cutoff time until we can get some recommendations. The motion was seconded by Councilmember Dannelly.

Councilmember Frech stated when Council does its noise ordinance, it is going to place a lower limit on the sound that is allowed. She knows young people like this kind of music, but she suspects if testing the hearing of a lot of them you would find they had lost a great deal of it from listening to loud, loud music. So she questions if they have the right to inflict that level of sound on the rest of us. She intends to vote for Mr. Leeper's motion, but it is not that she is in favor of continued loud noise in the community. Councilmember Dannelly stated he agrees with Ms. Frech; and he can remember being a child. He is sure his parents thought that swing music etc. was wild. But not to the young people because they enjoyed it.

Councilmember Selden stated we have on the books now that you cannot have a truck with an amplifying system riding up and down the streets in day time or night time. All this proposal would do is say after 10:00 p.m. in the evening there would not be this disturbance in the area.

Councilmember Short stated he is going to support Mr. Selden's motion, but he thinks a reasonable opportunity to sleep is an absolute human need, like water and air.

The vote was taken on the substitute motion by Councilmember Leeper, and carried as follows:

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

The ordinance is recorded in full in Ordinance Book 26 at Page 280.

ANNUAL FEE ESTABLISHED TO NEWS MEDIA REQUESTING NOTIFICATION OF MEETINGS UNDER THE REVISED OPEN MEETINGS LAW.

Upon motion of Councilmember Leeper, seconded by Councilmember Trosch, and carried unanimously, a \$10.00 Annual Fee to news media requesting notification of meetings under the revised Open Meetings Law was established.

PLANNING COMMISSION PETITIONED TO HOLD HEARING ON AMENDMENT TO ZONING ORDINANCE TO ELIMINATE MOVIE THEATRES FROM B-1 ZONING DISTRICTS AND B-1SCD DISTRICTS.

Councilmember Short stated he thinks it is a good idea to at least hold a public hearing on deleting movies as an allowable use in B-1 zones, and B-1SCD zones. This Council talks a lot about protecting neighborhoods, but if we do not go ahead and at least hold this hearing we have refused to open up to public comment and to Council consideration this simple protection that we could give neighborhoods without hurting anybody at all.

This is not triggered by any fight against pornography; it is not triggered by the series of articles in one of the local newspapers. He had mentioned this to a couple of Councilmembers long before that series of articles even appeared. If this is done that we have the hearing on, there would still be a great many locations in Charlotte where someone could build a theatre or an adult store and could show anything from Bambi to Deep Throat. This is purely a matter of preserving the property values and dignity of neighborhoods. It has nothing to do with any battle against pornography or any moral values.

One of the members of Council spoke to him about preserving concept of neighborhood theatres, which we have had in this Country and in this City for many years. But he would say if some business man puts an 8mm type movie operation at the corner of Plaza Road and Hickory Grove Road, and this reduces the value of homes in that area, which he is sure it would by \$500 or \$1,000 each, that is going to be some

expensive 8mm movie watching, and he believes the people in that neighborhood would be just as happy to go a few more blocks to a B-2 zone to see whatever kind of movie they want to see.

Councilmember Short moved that Council proceed with having the Planning Commission do what they have to do to go through the zoning procedure process and set up hearing on this matter, and make it refer to B-1 and B-1SCD zones. The motion was seconded by Councilmember Selden.

Councilmember Trosch stated she would like to make sure of what we are doing. What Council is doing is not actually endorsing this, but merely setting up the process to go through. Councilmember Short replied that is right; Council will be the judges, and he thinks it would be out of order if Council took an attitude of endorsing it.

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

CONSENT AGENDA APPROVED WITH EXCEPTIONS.

Motion was made by Councilmember Cox, seconded by Councilmember Locke, and carried unanimously to approve the consent agenda with the exceptions of Agenda Item No. 21(b) and No. 21(c):

- (1) Resolution setting a Public Hearing, on Monday, October 30, 1978, at 3:00 o'clock p.m. to consider a proposal by Home Finding, Inc. for the purchase of a Five Unit Multi-Family Structure and lot located in the Third Ward Community Development Target Area.

The resolution is recorded in full in Resolutions Book 13, Page 462.

- (2) Resolution setting a Public Hearing, on Monday, October 30, 1978, at 3:00 o'clock p.m. to consider the designation of the "Dowd House" as an historic property.

The resolution is recorded in full in Resolutions Book 13, Page 463.

- (3) Resolution approving a Municipal Agreement with the North Carolina Department of Transportation for construction of a left turn lane on West Boulevard, at Dalton Village Drive.

The resolution is recorded in full in Resolutions Book 13, Page 465.

- (4) Resolution authorizing the refund of certain taxes, in the total amount of \$1,522, which were collected through clerical error and illegal levy against one tax account.

The resolution is recorded in full in Resolutions Book 13, Page 466.

- (5) Adoption of the following ordinances ordering the removal of weeds, grass, trash, rubbish, junk and an abandoned motor vehicle from properties in the City:

- (a) Ordinance No. 334-X ordering the removal of weeds, grass, trash and rubbish from vacant lot at 1101 Herrin Avenue.
- (b) Ordinance No. 335-X ordering the removal of weeds and grass at 1701 Academy Street.
- (c) Ordinance No. 336-X ordering the removal of weeds, grass, trash and rubbish at 3400 block of North Davidson Street.
- (d) Ordinance No. 337-X ordering the removal of weeds and grass on vacant lot adjacent (to right) of 2209 Bancroft Street.
- (e) Ordinance No. 338-X ordering the removal of weeds and grass at vacant lot adjacent to 2107 Roslyn Avenue.
- (f) Ordinance No. 339-X ordering the removal of weeds and grass at vacant lot adjacent to 3504 Mountainbrook.
- (g) Ordinance No. 340-X ordering the removal of weeds and grass at 6209 Coach Hill Lane.
- (h) Ordinance No. 341-X ordering the removal of trash and rubbish on vacant lot corner Washburn and TV Place.

- (i) Ordinance No. 342-X ordering the removal of trash, rubbish and miscellaneous junk at 4745 Silabert Avenue.
- (j) Ordinance No. 343-X ordering the removal of weeds, grass and junk on vacant lot formerly 1004 N. Myers Street.
- (k) Ordinance No. 344-X ordering the removal of weeds, grass, trash, rubbish and junk at 3500 block of Spencer Street.
- (l) Ordinance No. 345-X ordering the removal of weeds and grass on vacant lots adjacent to 2115 and 2227 Winthrop Avenue.
- (m) Ordinance No. 346-X ordering the removal of weeds and grass on vacant lot adjacent to 1925 Baxter Street.
- (n) Ordinance No. 347-X ordering the removal of weeds and grass on vacant lot adjacent to 798 McAlway.
- (o) Ordinance No. 348-X ordering the removal of weeds and grass at 1512 Rama Road.
- (p) Ordinance No. 349-X ordering the removal of weeds and grass at 2020 Hamorton Place.
- (q) Ordinance No. 350-X ordering the removal of weeds, grass and miscellaneous junk at 1324 East 35th Street.
- (r) Ordinance No. 351-X ordering the removal of an abandoned motor vehicle at 2020 Mandarin Boulevard.

The ordinances are recorded in full in Ordinance Book 26, beginning at Page 281 and ending at Page 298.

(6) Approval of the following contracts for water and sewer construction:

- (a) Contract with Queen's Grant, Incorporated for the construction of 3,690 linear feet of 8", 6" and 2" water mains and three (3) fire hydrants to serve Stonehaven Section 20, Phase I, inside the City, at an estimated cost of \$30,000. The applicants are to construct the entire system at their own proper cost and expense. The City is to own, maintain, and operate said system at no cost to the City.
- (b) Contract with Ralph Squires Company for the construction of 2,820 linear feet of 6" and 2" water mains and two (2) fire hydrants to serve Heathergate Subdivision, Phase 2-A, outside the City, at an estimated cost of \$20,200. The applicants are to construct the entire system at their own proper cost and expense. The City is to own, maintain and operate said system at no cost to the City.
- (c) Contract with Transport Realty Company for the construction of 640 linear feet of 8" Cast Iron water main and one (1) fire hydrant, to serve Transport Drive, outside the City, at an estimated cost of \$7,000.00. City forces are to construct the entire system at the applicant's own proper cost and expense. The City is to own, maintain and operate said system at no cost to the City.
- (d) Contract with William Trotter Development Company for the construction of 1,985 linear feet of 8" sewer line to serve Sardis Forest, Section IV, outside the City, at an estimated cost of \$39,700.00. The applicants are to construct the entire system at their own proper cost and expense. The City is to own, maintain and operate said system at no cost to the City.

(7) Approval of the acquisition of the following properties for Community Development:

- (a) Acquisition of 6,240 sq. ft., from Raymond L. Sikes, 505 North Poplar Street, at \$26,795; and 1,690 sq. ft., from Wesley Clement, 615 North Pine Street, at \$7,500, for Fourth Ward Urban Renewal Area.

- (8) Approval of the acquisition of 21,500 sq. ft., containing single family brick residence, from Delford Edrington and wife, Billie F., 3609 Besser Drive, at \$34,500, for Douglas Airport.
- (9) Approval of the following property transactions:
- (a) Acquisition of 3.5' x 9' x 7' from Robert P. Hutcheson and wife, at 2118 Milton Road, for sidewalk improvements Milton Road at Tipperary Place, at \$100.00.
 - (b) Acquisition of 7.50' x 210', plus a temporary construction easement, from Edward Serwin and wife, 5421 Mallard Drive, for Annexation Area 2 Sanitary Sewer, at \$710.00.
 - (c) Acquisition of 7.50' x 210' of easement, plus a temporary construction easement, from Roy G. Edgar and wife, 5429 Mallard Drive, for Annexation Area 2 Sanitary Sewer, at \$982.00.
 - (d) Acquisition of 15' x 217.25' of revised easement, plus temporary construction easement, from George Harold Burkholder and wife, 1.68 acres to the rear of 2600 Burkholder Road, for Annexation Area 2 Sanitary Sewer, at \$1.00.
 - (e) Acquisition of 15' x 222.73' of revised easement, plus a temporary construction easement, from George Perry Burkholder and wife, Linda B., for Annexation Area 8 Sanitary Sewer, at \$70.00, 2600 Buckholder Road.
 - (f) Acquisition of 15' x 128.15' of easement, plus a temporary construction easement, from Paul H. Price and wife, 6500 Shoreline Drive, for Annexation Area 8 Sanitary Sewer, at \$300.00.
 - (g) Acquisition of 6.58' x 6.27' x 5.42' of easement, plus a temporary construction easement, at 2714 Dogwood Drive, for Annexation Area 8 Sanitary Sewer, at \$50.00.

COUNCILMEMBER SHORT EXCUSED FROM MEETING.

Councilmember Short asked to be excused from the remainder of the meeting.

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

ACQUISITION OF PROPERTY FROM SUSAN R. WHISNANT FOR GRIER HEIGHTS TARGET AREA.

Councilmember Dannelly stated he would like to know what kind of profit it is to the city to sell property for 88 cents a square foot. He asked what kind of property in the city sells for 88 cents a square foot? Mr. Sawyer, Director of Community Development, replied he is not familiar with the lay of that land; it is residential vacant land, and that is pretty expensive; it is about average. He does not know how to compare it with others.

Mayor Harris suggested that Mr. Dannelly met with Mr. Sawyer and talk with him about comparable values in that area.

Motion was made by Councilmember Selden, seconded by Councilmember Trosch, and carried unanimously, approving the acquisition of 1,815 square feet of property at 201 Fannie Circle, from Susan R. Whisnant, at \$1,600, for Grier Heights Target Area.

ACQUISITION OF PROPERTIES FOR WEST MOREHEAD TARGET AREA.

Councilmember Carroll stated on the action initiation papers to acquire properties in West Morehead Target Area, it says to acquire the parcels, and then the forms regarding the feasibility indicate all of them are city owned. He asked the status of these properties? Mr. Sawyer, Director of Community Development, replied they are not city owned until Council approves the acquisitions. The papers assume if Council approves buying the property, then the feasibility is determined at the same time.

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Councilmember Carroll moved that we proceed with the acquisition of property at 1417-19 South Church Street from First Union National Bank, and with the acquisition and demolition of properties at 153 and 155 West Bland Street, from Thomas F. Kerr Company; and further the acquisition of property at 205 West Bland Street, from John M. Farrell, and acquisition of property at 1415 South Church Street from Cora Lee Berryhill, and defer consideration of whether or not we will rehabilitate or demolish these structures until such time as we can get a report from staff regarding the possibility of using CETA employees to rehabilitate and restore some of these properties in the West Morehead Area. The motion was seconded by Councilmember Cox.

Councilmember Carroll stated Council heard earlier from people about the CETA program who are concerned about where our next step will go. This is an area of primary need. He has talked briefly with Bob Person about this. He thinks there are some real possibilities here, and we need to get more from staff on what these possibilities are about. He would hate to lose a couple of good prospects if we can get a program underway.

Councilmember Selden stated he would like to speak particularly on the motion to the building at 205 West Bland Street. He is not against the motion; but is calling Council's attention to a fact. The purchase cost is \$8,750 and the moving and rehabilitation is \$26,255, for a total cost of \$35,005; the size of the house is 827 square feet. In Item 22, there is a brick house which has 1120 square feet for \$34,500, which indicates when you break the barrier of \$30 per square foot for rehabilitation and relocation, you are getting to an expensive level or pricing for rehabilitation.

Councilmember Gantt stated as an example, his firm has just completed a design of what he considers a luxurious residence at \$33 per square foot.

Councilmember Selden stated for this reason, and he recognizes the motion defers decision on rehabilitation or demolition of each of these property, but he would hope when this matter is decided upon, we will take into account the fact that \$33.74 per square foot is a very expensive cost.

Councilmember Gantt asked if these costs are not overstated? Mr. Sawyer replied it is not their intention; his staff, which is pretty experienced in estimating these things, did not intentionally overstate it. Mayor Harris stated it is according to who is doing the work. Mr. Sawyer does not have any staff doing rehab currently; it is contracted out. Mr. Sawyer replied they estimate it for the purpose of using that estimate as a guide when they do contract it out.

Councilmember Carroll stated he appreciates Mr. Selden's remarks. In trying to be sensitive to those, and the rest of the sentiment on Council, he thinks if we are going to do some rehabilitation in this existing housing stock, we have to find another way to do it. Perhaps the CETA program offers that alternative.

He stated there is no structural replacement listed for 205 West Bland Street. So it is dealing with a structure that is sound, and it is just a question if we can come up with another way to make it available for people to use.

Councilmember Cox stated there are some things we should bend over backwards for, and this is one of them.

Mr. Sawyer asked for a clarification on the motion as Mr. Carroll stated restore them on West Morehead. Councilmember Carroll replied he meant in Third Ward.

Mayor Harris stated the motion included the provision of establishing a program of CETA employees to do the rehabilitation. Mr. Burkhalter, City Manager, stated he understands he is to come back to Council with a feasible way of doing it. Mayor Harris stated if this is a part of his motion, it has not been determined by Council yet. Councilmember Carroll stated it is not for them to do it; but for staff to report to Council on the feasibility of it. Councilmember Cox stated he did not second the motion to do this, but for a report to come to Council.

Mr. Burkhalter stated he understood the motion to say we buy them all; and two we do not tear down until we come back and discuss it with Council.

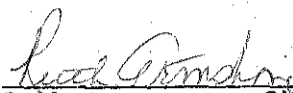
The vote was taken on the motion, and carried unanimously.

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ADJOURNMENT.

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


Ruth Armstrong, City Clerk

COMMENTS BY COUNCILMEMBERS.

Councilmember Carroll stated Council is talking about changing the zoning for movie theaters. One thing Council has talked about a number of times is a tree screening ordinance, and beefing it up. He asked the status of this.

The City Manager advised this will be sent to them this week.

Councilmember Trosch stated Council received the Uptown Pedestrian Study Booklet with their agenda. This is something that has set for a long time. Council has it now, and she would hate to see this sit on Council's desk. She would like to see a presentation on it at a luncheon meeting; that she understands there are some slides that go with the presentation. There are some very innovative and far reaching ideas and concepts here, and some ways to involve both the private and public sectors in creating a place for pedestrians.

Councilmember Carroll stated he would second a motion for a luncheon with the slide show on the study.

Councilmember Trosch stated on the Park Bonds she would like to ask any Councilmembers who are members of Civic Clubs or organizations, if they are able, should talk to Mr. Odom. This is where the ideas come from, and if they will feed this information to Mr. Odom he will know where they can speak and go out and promote the bonds.

She asked for an update on where the committee is, and the kinds of things that need to be done. Mayor Harris replied right now they are trying to raise some funds.