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The City Council of the City of Charlotte, North Carolina, met in a regular session on Monday, August 22, 1977, at 2:30 o'clock p. m., in the Council Chamber, City Hall, with Mayor John M. Belk presiding, and Councilmembers Betty Chafin, Louis M. Davis, Harvey B. Gantt, Pat Locke, James B. Whittington, and Joe D. Withrow present.

ABSENT: Councilman Neil C. Williams (at beginning of meeting).

The Charlotte-Mecklenburg Planning Commission sat with the City Council and, as a separate body, held its public hearings on the zoning petitions. Present were: Chairman Allen Tate, and Commissioners Campbell, Curry, Ervin, Jolly, Kirk, Marrash and Tye.

ABSENT: Commissioner Broughton and Royal.

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INVOCATION.

The invocation was given by Rabbi Harold Krantzler of Temple Beth El.

MINUTES APPROVED.

Upon motion of Councilwoman Locke, seconded by Councilwoman Chafin, and unanimously carried, the minutes of the last meeting on Monday, August 8, 1977, were approved as submitted.

PERIOD FROM SUNDOWN ON FRIDAY, SEPTEMBER 2 TO MIDNIGHT ON LABOR DAY, MONDAY, SEPTEMBER 5, 1977, DESIGNATED AS SAFETY SABBATH WEEK IN CHARLOTTE, BY PROCLAMATION OF THE MAYOR.

Mayor Belk recognized Mr. Joe Maloy of the Citizens Safety Association and read the following proclamation:

WHEREAS, traffic during holiday periods averages higher than compatible non-holiday periods and the rate of fatalities per mile traveled is traditionally higher during the Labor Day week-end; and

WHEREAS, the City of Charlotte does have laws designed to stop the shocking waste of life and property resulting from needless automobile accidents; and

WHEREAS, the citizens of Charlotte want all drivers to observe our traffic safety laws and always drive safely; and

WHEREAS, the Charlotte-Mecklenburg religious leaders of all faiths have requested that a special week-end be set aside for worship and prayer seeking Divine Guidance and emphasizing moral responsibility for safe driving;

NOW, THEREFORE, I, John M. Belk, Mayor of Charlotte, do hereby proclaim the period from sundown on Friday, September 2, to midnight on Labor Day, Monday, September 5, 1977, as Safety Sabbath Week here in Charlotte and hereby urge all citizens, during this Labor Day holiday and throughout the year, to avoid turning pleasure into tragedy.

Mayor Belk expressed appreciation to Mr. Maloy and all ministers for the many years they have helped in promoting safety for the citizens of Charlotte and Mecklenburg County and stated he hopes their record will continue. Mr. Maloy was greeted by each of the Councilmembers.

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HEARING ON PETITION NO. 77-35 BY CARRAS REALTY COMPANY FOR A CHANGE IN ZONING FROM R-6MF and O-6 TO B-1 PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF PARK ROAD, BEGINNING AT THE INTERSECTION OF SELWYN AVENUE AND PARK ROAD, AND RUNNING SOUTH ALONG PARK ROAD FOR A DISTANCE OF APPROXIMATELY 135 FEET.

The scheduled public hearing was held on the subject petition.

Mr. Bob Landers, Principal Planner, located the property on a map showing that it is south of the Park Road Shopping Center and between the confluence of Little Sugar Creek and Briar Creek. He stated the land in the area is zoned predominately single family; to the north is a small shopping center; Park-Selwyn office complex is in the area; and south of the property is a veterinary facility. The property, at the present time, is used as a barber shop.

He stated throughout the area, on the east side, is single family residential zoning; the area immediately adjoining the property both to the north and to the west is zoned O-6; the property itself is split in zoning pattern, the predominate portion of it being zoned O-6 with a small portion now being zoned R-6MF.

Mr. Thad Adams, 1509 Elizabeth Avenue, attorney for the petitioner, stated the basic reason for this petition is the recent construction and opening of a large office complex immediately adjacent to the subject property. That the Park-Selwyn building has been open for a little over a year and has created something of a glut of office space in the immediate area. The immediate area on the west side of Park Road is already business to a predominate degree until you get down to Sugar Creek. At that point there seems to be a dividing line, and from that point on, out towards SouthPark, it is completely residential.

Mr. Adams stated this particular tract of land is not big enough to accommodate anything of any size; that the basic reason the petitioner wants the property rezoned is to have a bit more flexibility in trying to lease the property. For some time now it has been either a beauty shoppe or a barber shop and at the present time the business occupies what used to be a single family dwelling converted now to office space. They contend, with the tremendous glut of office space immediately adjacent in the Park-Selwyn complex, the property would be best used for a small business type establishment.

He pointed out that he believes there is a variance in existence in the Park-Selwyn Center which permits certain business type uses in that building and that at the present time there is a bar or a tavern which operates there after the closing hours of the office, and up into the wee hours of the morning. So, they do not feel that their request will result in any change at all in the total character of the neighborhood, but with the huge office complex and the prior existence of a veterinary hospital immediately adjacent, that there certainly would not be any substantial change in the neighborhood and this would merely allow the owner of the property more flexibility in attempting to find a client who would pay a reasonable value for the highest and best use of the property.

Replying to questions from Councilmembers, Mr. Adams stated there is almost 148 feet of frontage and the depth is roughly 220 feet and 103 feet across the rear; that at the present time there are no prospective tenants other than the one in the building. It is simply a fear on the part of Carras Realty, which has been realized to some extent in the interest which has been shown in the property since the Park-Selwyn opened up, that what few feelers that were obtained in the past and could not be entertained because of the existence of the present lease, have pretty well dried up with the huge offices nextdoor which even at this point is only half full.

Councilman Gantt referred to the Planning Commission map which showed the subject property being surrounded by office use, and asked what use is being made of the property just south of it. Mr. Landers replied that is the veterinary facility and it is not allowed in an R-6MF zoned area, but it is an existing non-conforming facility - it has been there for a number of years. He indicated on a flood plan the relationship of both Sugar Creek and Briar Creek to the property.

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Mr. Leonard Coppala, 5122 Park Road, spoke in opposition to the petition. He stated that at one time he owned this property and it was zoned O-6, the main property which is right below the B-1. That they got the property zoned for office when they got the other property zoned. They talked with the Planning Board, that Mr. McIntyre and Mr. Bryant very obviously did not want business property in there at the time. They had done a study on it; the traffic was getting pretty bad. They had been in that location for 25 or 30 years; when they went in there was no Park Road Shopping Center, SouthPark - it was a two-lane road. Obviously, they would like to have put business property on that O-6. They applied for it at the time and some members of Council and the Planning Board told them it was obviously out of the question; the property at that time was zoned for apartments.

He stated they could live with O-6 property at that time because apartments were overloaded in Charlotte just like office space is now. That some of the Councilmen at that time were very concerned that they would turn the B-1 property into buildings and reach across the creek and put parking on the O-6 property. So, he gave them a guarantee that he would not do this. The reason this small piece of property - it was much more needed at the time - was not included in the office property was that one day the zoning was passed and changed it to O-6 and the property jumped from \$35,000 to \$75,000 and they found they could not stand the cost.

He stated they cannot stand much more traffic up and down Park Road. That the map shows a very small part of the property up and down Park Road zoned for offices; that on the other side of the B-1 property, for the next three blocks you have nothing but O-1 office property zoning. Legally, you might not have to rezone the other property, but morally every property owner up and down that road is in the same predicament as these people are; you would end up with a strip shopping center up and down Park Road. He does not know if that is what the City wants or not.

Decision was deferred pending a recommendation from the Planning Commission.

COUNCILMAN WILLIAMS COMES INTO MEETING.

Councilman Neil Williams came into the meeting at this point and was present for the remainder of the session.

HEARING ON PETITION NO. 77-36 BY OLDE GEORGETOWNE OF CHARLOTTE, INC., FOR A CHANGE IN ZONING FROM R-15 TO R-15MF(CD) FOR THE PURPOSE OF BUILDING TWO TENNIS COURTS ON PROPERTY FRONTING ON THE EAST SIDE OF PRINCE GEORGE ROAD, BEGINNING ABOUT 250 FEET SOUTH OF THE INTERSECTION OF PRINCE GEORGE ROAD AND WHISTLESTOP ROAD.

The scheduled public hearing was held on the subject petition.

Mr. Bob Landers, Principal Planner, stated this property is part of the Olde Georgetowne project which is located south of Sharon Road and to the east of Park Road - north of where Park and Sharon come together. It is in the center of a large single-family residential area; the property surrounding the subject site is developing with single family homes. This particular site is located on the south side of Prince George Road which is a wrap-around road centering on Olde Georgetowne condominiums. Immediately adjoining the property is the Olde Georgetowne Racquet and Swim Club facility. There is an existing swimming pool and existing tennis courts. Across the street are single family homes - some under construction, others already occupied - as is true adjoining the property to the south and extending along Georgetowne.

He pointed out the zoning pattern for the area on the map - single family, either R-15 or R-12; R-20MF, conditional zoning which governs Olde Georgetowne. This petition would provide for the addition of two additional tennis courts, transferring them from the single family, residential type of development over to recreation, as part of the total project.

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Mr. Ralph Howey, the petitioner, stated it is his understanding that only those living in the detached houses could play on the tennis courts; people in the townhouses could not use them. What they are asking for is to tie it into the other common area.

Councilman Gantt asked for clarification of his statement about which of the residents could use the present courts. Mr. Howey stated they are limited to those in the houses. Mr. Landers stated it is a technicality; the facilities are intended for all of the members of the Association, of which the attached housing in Olde Georgetowne is very much a part, so that the zoning administrator feels that since it is for the multi-family portion it should be zoned consistent with the multi-family area. For that reason, if they were to build tennis courts in a single-family zoning district this would be possible. It is not a question of the tennis facilities; instead it is a technical question of who can play once they are constructed. This simply allows them to construct it as part of the total project; it simply allows them to give the tennis facility over to the Association as part of the common open space.

No opposition was expressed to the petition.

Decision was deferred pending a recommendation from the Planning Commission.

HEARING ON PETITION NO. 77-37 BY WILMONT BAPTIST CHURCH FOR A CHANGE IN ZONING FROM R-6MF TO B-1 PROPERTY GENERALLY LOCATED ON THE SOUTH SIDE OF WILMONT ROAD AT THE INTERSECTION OF OLD STEELE CREEK ROAD WITH WILMONT ROAD.

The scheduled public hearing was held on the subject petition.

Mr. Bob Landers, Principal Planner, stated the property is located on the western side of the City and pointed it out on the map as it relates to West Boulevard. He stated there is sparse development in the area, mixing between industrial, commercial, institutional and residential. There is single family development along Wilmont Drive and other streets in the area. On Steele Creek Road there is a rehabilitation facility, single family homes, plumbing supply company, an industrial facility and the Wilmont Baptist Church.

He stated the property right now is housing an upholstery shop and adjoining it to the south is a marine sales and repair facility; an existing parking lot is at the corner of Richard Street and Wilmont Road.

The zoning map shows the area immediately around the property is predominately multi-family, R-6MF, with some R-9 single family existing along Burgess and Shady Lane towards Reid Park. This zoning was instituted some years ago by Council in a rezoning action which attempted to establish and reaffirm the residential pattern for the area. Coming from West Boulevard there is I-1 zoning and farther south of the property is the Charlotte Utility Department facility operation plant with an I-2 classification.

Councilman Withrow asked if this property was a grocery store for years and years and Mr. Landers replied yes, later it was given to Wilmont Baptist Church and was operated as a Boy Scout facility for a number of years, and most recently as an upholstery shop; that the upholstery establishment was initiated and begun prior to identification of the complex. The zoning ordinance provides that if a non-conforming use such as a grocery store should cease and should become conforming, such as the Boy Scout facility, then the property owner would not be able to revert the use back to the non-conforming establishment.

Rev. Charlie Simmons, Pastor of Wilmont Baptist Church, stated they thought the property was already zoned for such when they let it be used for a business; that Mr. Hamrick has gone to considerable expense to outfit the building for his business. That they do not need it for the church at all and in order to allow him to continue in the building with his upholstery shop, they felt the only recourse they had was to petition for the rezoning. He stated that a classification that would suit them just as

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well as B-1 would be to make it B-1SCD, which would make this property available for an upholstery business only; that would suit them fine, as well as Mr. Hamrick.

Councilman Gantt asked if the petitioner intends to retain this providing it is changed and the church would maintain the property? Mr. Simmons replied that Mr. Hamrick has expressed a desire to buy the property if it is available for his purposes; that the property is no good to the church as it is now - it is not used and it is just property they have to keep up. They have not used it in quite some time; that before Mr. Hamrick occupied the place it was run down and transients would go in and use it over night. His personal opinion is that it would benefit the community to belong to Mr. Hamrick for his business.

Councilman Whittington asked if he is saying they were going to sell it to Mr. Hamrick. Mr. Simmons replied Mr. Hamrick has expressed a desire to them but he does not know if the church would sell it; he has not discussed it with them.

No opposition was expressed to the petition.

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

HEARING ON PETITION NO. 77-38 BY HTL ENTERPRISES, INC., FOR A CHANGE IN ZONING FROM B-1 TO B-2 PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF WOODLAWN ROAD AND MONTFORD DRIVE.

The scheduled public hearing was held on the subject petition.

Mr. Bob Landers, Principal Planner, located the property on the map stating that Woodlawn Road is part of the major thoroughfare plan and is a continuous part of the Eastway-Wendover-Woodlawn beltroad system. In the immediate area of the property at the present time there are restaurants, barber shops, bowling alleys, weight-watcher facilities and commercial facilities - mostly personal service oriented facilities - along Montford Drive. The large area along Woodlawn Road shown on the map is the Exxon office facilities; and there are office facilities coming off of Park Road on Abbey and Hedgemore Drives to the southwest - part of the IBM office complex and a series of individual offices - doctors and dentists, etc. North of the property and across Woodlawn Road - and across Little Sugar Creek which parallels Woodlawn Road - is all single family residential. Off to the southwest is multi-family, again separated by Sugar Creek.

He stated the zoning map reflects this land use pattern with predominately single-family zoning existing to the north and east of the property; commercial zoning throughout the area to the northwest - Park Road Shopping Center, etc. Southwest of the property is office zoning, both in the O-15 and O-6 category; and to the direct south is R-6MF.

The subject property, being zoned B-1, provides for neighborhood business uses. The zoning ordinance, however, does not provide for drive-in restaurant facilities, bearing in mind that at the time the zoning ordinance was drafted the major drive-in facilities were quite popular. That anything with a drive-in service facility requires a B-2 classification rather than a B-1.

Commissioner Tate asked if Mr. Landers could show them anything about the road this property is located on, will there be any change?

Mr. Landers replied that in terms of road construction, all along Woodlawn Road the right-of-way acquisition has included most of that land between Woodlawn Road and Sugar Creek. This acquisition has already taken place. A good bit of work has been done in construction of the creek crossings along Sugar Creek so that Woodlawn Road, of course, is the major thoroughfare and is the predominate flow of traffic.

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The Mayor asked where the entrance would be to Holly Farms?

Mr. Landers replied the preliminary plans that have been shown provide for two access points along Woodlawn Road and one access point along Montford, with the outbound traffic from the pick-up facilities, etc. It is strictly schematic or generalized at this time and, of course, not committed. But, the drive-in window will be on the southeasterly side and the outbound traffic would go on Woodlawn.

Mr. Andrew Weathersbee, P. O. Box 2177, stated he represents HTL Enterprises. That they operate the Holly Farms fried chicken restaurants in the Charlotte area. They obviously would like to have the property re-classified to B-2 zoning so that they can have drive-in window facilities. They can build without these facilities and use the B-1 zoning, but because of the size of the lot it would lessen congestion and be to their advantage to have the drive-in window facility. He realizes there is no precedent for B-2 zoning in the area, but they feel that since there are no major businesses that have access to the thoroughfare - Woodlawn Road - there would be no real reason to allow other B-2 zoning.

There was no opposition expressed to this petition.

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

COMMISSIONER MICHAEL TYE IS INTRODUCED TO COUNCIL.

Mr. Allen Tate, Chairman of the Planning Commission, introduced Mr. Michael Tye, who was recently appointed to the Commission.

Mayor Belk thanked Commissioner Tye for accepting this responsibility.

RESOLUTION ADOPTED TO CLOSE A PORTION OF CRESTBROOK DRIVE FROM STRAWBERRY HILLS TO RANDOLPH ROAD.

The scheduled public hearing was held on a petition to close a portion of Crestbrook Drive.

Mr. Robert Hopson, Public Works Director, stated this is a request by certain members of Council to possibly close Crestbrook Drive from Strawberry Hills over to Randolph Road. He stated this petition ties in very closely with an item on today's agenda recommending approval for the acquisition of property at 1154 Crestbrook Drive from Mr. and Mrs. Hobart R. Wood. The subject petition is to return to the adjoining property owners two little pieces of land; and the other item, if it is done, is the dedication of the necessary right-of-way by Mr. and Mrs. Wood to finish the cul-de-sac on the northern and western sides of Crestbrook Road.

Mr. B. A. Corbett, Traffic Engineering Director, pointed out on the map the Strawberry Hills Apartment project which has connection into Sardis Road. He stated if Crestbrook Drive is withdrawn from dedication and all of the traffic which is generated in there will have to use Sardis Road or Providence Road, the information which they have on hand now leads them to believe that under the present zoning approximately 1,000 apartments could be built in this total area, developing it to its maximum capability. If that should be done, then they can expect that number of apartments to generate anywhere from 8,000 to 10,000 vehicular trips per day. With Crestbrook closed the two alternatives available to the traffic would be to come out, go down Sardis Road, make a lefthand turn onto Randolph, or to come out to Providence or a connecting road which would have to be built to come out to Providence.

He stated the difficulty in that is that presently on Sardis Road there are some 1,670 vehicles each day turning left from Sardis to Randolph. That works down to about 240 vehicles during the morning peak hours, which is no great problem in itself. But if this apartment project is developed to its

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ultimate capacity of 1,000 units, there would be at least 1,000 work trips each day generated, probably more depending upon the employment characteristics of the people who occupied the apartments. This would mean that during the morning you would have approximately 500 vehicles coming out of Strawberry Hills onto Sardis Road, down to Randolph Road and turning left. Again that may not seem to be a great problem, but if you take that 500 work trips and add it to the 240 that already exist, you end up with 740 trips during the morning peak hours, attempting to turn left off of Sardis onto Randolph. They have provided for no other increase in traffic and that amount of traffic would have to be bucking some 1,940 trips coming up Sardis Road going straight ahead during the same time.

He stated this amount of traffic would be a two-lane demand for turning left. With a traffic signal there split so as to provide a phase for traffic on Sardis Road coming in one direction and a left-turn phase to turn left onto Randolph Road, and a third phase for Randolph Road, with the traffic volumes they would anticipate the signal time would be divided up roughly 40 percent for one approach, 40 percent for another approach and ten percent for the other approach during the morning peak hours.

That means you take one hour with 40 percent of the time available for one approach to turn left, that means only 24 minutes out of any given hour to be available as green time for those 750 vehicles. That boils down to the fact that some 31 vehicles would have to turn left off of Sardis during any minute of green time. They would end up with an accumulation of some 31 vehicles in two lanes extending for some 400 feet. He stated that is not unreasonable at all and it is not taking into consideration any increase in traffic that would be caused by anything else.

What this would mean to this section of Sardis Road which has just been widened to five lanes, it would have to be widened to probably seven lanes to accommodate that demand. It would mean further that because of the signal time that would have to be given this approach it might become necessary also to widen the other approach.

This is the thing Council will have to consider in reducing the number of outlets which are available in this particular area. He understands the concerns of those people who live along Crestbrook and also those who live along Wilhaven, but without these connections we will definitely encounter, when this property is developed to its capacity, a very serious problem at this intersection. He would not expect serious problems at Providence and Carmel Roads.

Councilwoman Locke stated the Public Works Committee recommends that those two streets remain closed and that they never be opened; that they have worked with Mr. Lex Marsh who says he will ask that they not be reopened.

Mr. Tom Odom, Attorney, stated he thinks they have just had an example of two things: (1) You can prove anything by statistics, (2) If the bullfrog had wings he would not bump when he landed. That Mr. Corbett has made certain assumptions here that that property in the next 20 to 50 years is going to be developed to its fullest; that is entirely speculative and if he had the type of traffic problems he is talking about nobody would want to rent an apartment in that situation and he cannot for a moment believe that would occur - that it will be developed with 1,000 units.

He stated Mr. Corbett has ignored the situation of how it can be divided and have a couple of streets coming in off of Providence. He is assuming everybody wants to go up to Randolph and Sardis to make a turn, but that is in error.

He stated he is representing the people on Crestbrook Drive and join with the Public Works Committee in requesting that these streets be withdrawn from ever being through streets. When you really consider the factors that are involved here and the dangers and problems that will be encountered in the future if they are open, there can be no conclusion other than that they should be forever closed.

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He stated from a standpoint of being entirely selfish, the people along those streets, rightly or wrongly, many years ago - some recently - purchased their homes or built their homes in reliance upon that being a dead-end street. It not only is a dead-end street but it is a cul-de-sac - it's paved and curved in that way. When you look at the map that is recorded and from which they purchased, you could assume that was a dead-end and was a turn-around and could not be extended. Now, they are suddenly shocked to find that instead of having about 120 car trips per day, they are talking about anywhere from 2,000 to 8,000 car trips a day. That, in and of itself, should be sufficient not to open the street. It is a lovely street and has some lovely homes and in that regard that small, tiny neighborhood should not be destroyed by opening it up.

He stated from the standpoint of safety and something the maps do not show, you can only see it and appreciate it if you go out there, if you would turn several thousand cars a day down Crestbrook to where they have to intersect with and cross over, or turn into Crestbrook and Randolph, in his opinion, they would have a very, very serious traffic and safety problem there. It would require another light. The reason for that is that where Crestbrook intersects with Randolph, it is near the bottom, and from Crestbrook back up the hill to Sardis you have an "S" curve - you cannot see all the way up there and it is only about 1400 feet. You are talking about a speed limit of about 45mph - when he opens his gates up there at the top you can well imagine what might happen 1400 feet down, coming through an "S" curve into that intersection. That in itself would be bad. Then to consider that two, three or four thousand cars a day may try to enter Randolph off of that "T" intersection, it is also a horrendous thought.

He stated they have secured the signatures of over 500 residents who live in that neighborhood, all of whom support the permanent closing of the streets involved. He filed the petition with the Clerk. He stated there are other people in other sections of the City who support this too but the bulk of the signatures come from the South and Southeast.

Councilman Gantt stated Mr. Odom mentioned two streets and the hearing is set up for only one street. Mr. Odom replied the one he is addressing is Crestbrook - they are the ones who have taken the initiative and asked that their street be officially closed by withdrawing the tiny segment at the end of it to make it coincide with what is, in fact, there.

Councilwoman Locke moved that the recommendation of the Public Works Committee to keep Crestbrook closed be accepted. The motion was seconded by Councilwoman Chafin.

Councilman Davis asked for clarification as to whether the street is closed now or subject to being opened? Mr. Corbett replied the street is subject to being opened at any time because it does extend up to the property line. The reason it is before Council now is because the developer of this property proposed to bring a street and tie it in there. The proposal is to withdraw that portion shown on the map in red from dedication which would mean the street would then not connect with the property and it would not be possible to connect on to Crestbrook.

Councilman Davis stated the motion as it appears now, the discussion the neighbors have carried on with Mr. Marsh and gotten him to agree not to try to utilize this outlet, it does look like from the map it makes more sense to go out on Providence Road. But, if Council takes this action now they are limiting the options of Council if this property is developed fully to using either Sardis Road or Providence Road - they would not be able to reopen those streets.

Mr. Underhill, City Attorney, stated that a subsequent Council could acquire the property that this Council would be abandoning by adopting this petition. Councilman Davis stated he is concerned that they might take some action today that would tend to make the residents of Crestbrook relax and think they would have no more problems and then three or four years hence another Council comes along and looks at the same map and hears the same expert traffic advice and decides to do something contrary. It was generally agreed that this is true with every decision Council makes.

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The vote was taken on the motion and carried unanimously.

The resolution is recorded in full in Resolutions Book 12, at Pages 477 and 478.

(Later in the meeting Councilmembers expressed appreciation to Mr. Lex Marsh for what he had done for this community.)

PETITION NO. 77-23 BY JOHN W. AND DONNA D. HARDING FOR A CHANGE IN ZONING FROM R-9 TO O-6(CD) FOR CONDITIONAL OFF-STREET PARKING ON LAND LOCATED TO THE REAR OF PARCELS FRONTING ON THE EAST SIDE OF SELWYN AVENUE, DENIED.

Councilwoman Locke moved denial of the subject petition as recommended by the Planning Commission. A protest petition had been filed and found sufficient to invoke the 3/4 Rule requiring six affirmative votes of the Mayor and City Council in order to rezone the property. The motion was seconded by Councilman Williams.

Councilman Gantt asked if the petitioner had actually provided a site plan of his particular site; that he thought there was an opportunity here for some enhancement of the neighborhood if the petitioner had allowed in his official site plan for this property not to pave the front yard also. A representative from the Planning Department indicated that a site plan was filed.

Councilman Gantt stated apparently he planned to pave the front and back yard. He stated he is happy the Planning Commission said in its report that we need to look into the entire zoning pattern that exists in that neighborhood and not simply at the property lines.

The vote was taken on the motion and carried unanimously.

ORDINANCE NO. 675-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE OF THE CITY OF CHARLOTTE AMENDING THE ZONING MAP BY CHANGING THE ZONING FROM B-2 TO R-6MF OF PROPERTY ON THE SOUTHEAST SIDE OF NORTH CALDWELL STREET, AS PETITIONED BY THE COMMUNITY DEVELOPMENT DEPARTMENT.

Councilman Gantt moved adoption of the subject ordinance amending Chapter 23, Section 23-8 of the City Code to amend the zoning map by changing the zoning from B-2 to R-6MF of property located on the southeast side of North Caldwell Street, from 174 feet north of East 8th Street to 200 feet north of East 11th Street, and both sides of East 11th Street, from North Caldwell Street to 200 feet south of North Alexander Street. The motion was seconded by Councilwoman Chafin and carried unanimously.

The ordinance is recorded in full in Ordinance Book 24, at Page 399.

ORDINANCE NO. 676-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE OF THE CITY OF CHARLOTTE AMENDING THE ZONING MAP BY CHANGING THE ZONING FROM R-20MF TO R-15MF AND B-1(CD) FOR AN INDOOR TENNIS FACILITY ON PROPERTY FRONTING ON THE WEST SIDE OF LANDMARK DRIVE, AS PETITIONED BY PROVIDENCE SQUARE III PROPERTIES.

Motion was made by Councilman Gantt, seconded by Councilman Williams, adopting the subject ordinance to amend Chapter 23, Section 23-8 of the City Code amending the zoning map by changing the zoning from R-20MF to R-15MF and B-1(CD) for an indoor tennis facility on property fronting on the west side of Landmark Drive, about 175 feet south of the intersection of Landmark Drive and Sardis Lane (to R-15MF) and property fronting on the east side of Landmark Drive at its dead-end terminus (to B-1(CD)).

Councilman Gantt stated that two years ago this same petition was before Council and at that time he voted against, what Mr. Horack likes to call, a technical change, but at the time it seemed very substantial to him, of the tennis courts going from essentially a private facility to a public facility. He stated the petitioners are before Council again asking for

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that same change and one of the questions that he thinks was essential in the arguments made this year as opposed to what he did not see clearly made in the first petition was whether or not it would be in the public interest to allow the petitioners to change the property from a private use to an essentially public use. He has decided that in this case the public would not be severely damaged by the changes in this zoning - in fact, not damaged at all. He can see no other means of measuring this other than what the impact would be on the entire area as a result of the change in zoning. They are talking about three tennis courts which admittedly cannot generate so much additional traffic through the area. There is another argument to be made that the Council made some special considerations for this developer and the question should be raised as to whether or not Council should be making zoning decisions on the basis of the economic impact of those decisions - that is, the developer petitions and argues that he is losing money or that the facility is not an ongoing or viable economic entity. He submits that is not a valid argument for Council to make. The proper argument ought to be whether or not it is really in the public interest to make a change or is the public substantially damaged by the change. Under consideration he is in effect changing the vote he made two years ago. At least it has not been demonstrated to him in the hearings and reading the petition that there will be substantial damage to the public interest.

Councilman Davis stated he has received a number of contacts from individuals and all of them have been opposed to this change. He has not heard from anyone who favors it. The citizens tell him that they were made certain promises by the developers of the Providence Square Apartments, mentioning a lot of other things that they were concerned about, but the concern here is about the tennis courts. They were assured that this would be a private facility. He stated that other considerations aside, he feels there is some propensity to stick to that and that Council has some obligation to honor that. He stated the citizens tell him that they view this as a bail-out of the private investor. He does not go along with that but he does go along with their first complaint that they were made certain promises. That if the Council were to approve this it would be to pick the better of two choices they have. That if the City Council insists on maintaining the present zoning that the residents have to consider the possibility that we would be stuck with a large single-purpose building that has no economic usage; and we would be condemning it to non-usage and probably non-maintenance and eventually it would become an eyesore and maybe a safety hazard.

He stated on the other hand if they can make a change and permit some type of commercial interest in there, perhaps to some limited degree, we may come up with a compromise solution that would be in the best interest of the public in the long run. He is concerned that not a single person out there sees this as being in their best interest.

Councilman Davis made a substitute motion that this petition be referred back to the Planning Commission for further study and ask that a neighborhood representative perhaps contact a sampling of people in that area and perhaps conduct a meeting to explain to them what the alternatives are.

Councilman Williams stated he has some information that there are some outside courts as well as inside courts, and a swimming pool outside also. He wants to make sure that he understands correctly that the exterior tennis courts and the swimming pool are not affected by this petition. Mr. Horack affirmed that the petition applies only to the inside courts.

Councilman Whittington stated he is going to vote for the petition; that he too voted against it two years ago. But there is a public paying tennis court across Sardis Lane from this location now and most of the people who have called him in opposition to this change have been people who are in the public tennis court business. That if this man is losing money there, he should have the same opportunity to invite paying customers in the same as his competitors do. The only thing that concerns him about this is that some people have some concerns that the entrance to Providence Square, on Landmark and Sardis Lane, is a dangerous intersection; that he would suggest that the petitioner ought to consider what could be done to eliminate any hazardous conditions that might exist there.

Councilman Davis' substitute motion did not receive a second.

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The vote was taken on the motion and was recorded as follows:

YEAS: Councilmembers Chafin, Gantt, Locke, Whittington, Williams and
Withdraw.
NAY: Councilman Davis.

The ordinance is recorded in full in Ordinance Book 24, at Page 400.

ORDINANCE NO. 677-~~3~~² AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE OF THE CITY OF CHARLOTTE AMENDING THE ZONING MAP BY CHANGING THE ZONING FROM I-1 TO I-2 OF THE SOUTHERLY PORTION OF A LOT LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF SOUTH TRYON STREET AND TRYCLAN DRIVE.

Upon motion of Councilman Whittington, seconded by Councilwoman Locke, and unanimously carried, subject ordinance was adopted to amend the zoning map by changing the zoning from I-1 to I-2 of the southerly portion of a lot located at the southeast corner of the intersection of South Tryon Street and Tryclan Drive.

The ordinance is recorded in full in Ordinance Book 24, at Page 401.

PETITION NO. 77-28 BY CLIFFORD M. AYCOTH, SR., FOR A CHANGE IN ZONING FROM R-9 TO O-6(CD) FOR THE PURPOSE OF OFF-STREET PARKING ON A TRACT OF LAND LOCATED ABOUT 170 FEET TO THE REAR OF PROPERTY FRONTING ON THE SOUTH SIDE OF OLD MONROE ROAD, ABOUT 400 FEET SOUTHEAST OF THE INTERSECTION OF OLD MONROE ROAD AND RICHLAND AVENUE, DENIED.

Motion was made by Councilwoman Locke, seconded by Councilman Whittington, and unanimously carried, denying subject petition as recommended by the Planning Commission.

REPORT ON SECTION 8 HOUSING IN ALBEMARLE ROAD AREA, AND DELEGATE TO COG TO BE INSTRUCTED ON VOTE ON FUTURE SITES, AND HUD REQUESTED TO ELIMINATE EITHER REDDMAN SITE OR IDLEWILD SITE.

Mr. Vernon Sawyer, Director of Community Development, stated his report is in response to Council's request at the last meeting for more detailed information regarding the fiscal year 1978 Section 8 New Construction proposals for 120 units of housing for the elderly and handicapped. Council specifically asked what would the potential effect on the racial composition of the census tracts in which the proposals are located be, if developed as proposed.

He stated his department has prepared information related to that and it is included with today's agenda. He reviewed briefly the general content of this material, stating they assumed the maximum impact when they compiled these figures. That they do not know who will occupy the units, but assuming that all units would be occupied by minorities, they gave the maximum impact.

In the discussion which followed it was brought out that the proposed sites on Albemarle Road and on Farm Pond Lane are approximately 3/4 of a mile apart; that each of the eleven proposed sites is for 120 units except Midland which is for 56 - one or more sites will be chosen to equal the 120 units. There may be more than 120, but they do not know that at this time as 120 were advertised.

Mr. Sawyer then referred to his Report No. 2 in which information was provided on all subsidized projects concentrated in the Albemarle-Reddman-Idlewild-Milton Roads and Florence Avenue area. He reviewed this report which covered those projects existing or under construction, those proposed and those approved by HUD. He stated that assuming 44 units will be occupied by minority families - the maximum impact - the estimated increase in minority population will be 132 persons, a total minority population of 342 persons, or 3.8 percent of Census Tract 1502.

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Mr. Sawyer stated HUD has not taken official action, but these figures are the result of a visit to HUD last Monday. That the preliminary report indicates that the proposal to develop the 120 units on Milton Road will not be selected - it does not mean it will not be selected, but the preliminary indications are that it will not.

In Census Tract 1901, which includes the Reddman Road site and the Florence Avenue Housing Authority scattered site, the maximum impact is indicated as going from a minority population of 246 persons to 486, or 4.2 percent.

In Census Tract 1902, there are no existing projects or none under construction, however, the Idlewild North site, 50 units, has been approved. The other units that have been proposed are the Farm Pond Lane site for 120 units for the elderly and the Albemarle Road site for the elderly - 120 units. Preliminary reports indicate that the Albemarle Road site will not be selected, but that the Farm Pond site may be selected. HUD has until September 30 to make the final selections.

He indicated that the Reddman Road and Idlewild sites are about 1-1/4 miles apart.

Mr. Sawyer went on to explain the status of the developers' plans.

Reddman Road site. HUD approved it on September 30, 1976. The sponsor is B. G. Sanders Company of Atlanta; they now control the land - this could mean he owns it but probably means that he has a final option on it. He has applied for FHA mortgage insurance and has prepared and submitted final working drawings and specifications for the project. The Building Inspection Department and the Planning Commission are reviewing the final plans and specifications now.

Idlewild Road North site. Same situation as Reddman Road.

Farm Pond site. Proposed as two three-story structures (120 units), it will be a little more spread out than the hi-rises. The project sponsor is Westminster Properties of Greensboro and final date for HUD approval or rejection is September 30.

Albemarle Road site. Sponsored by B. G. Sanders Company and the date for HUD decision is September 30.

Florence Avenue site. Groundbreaking occurred in June of this year and the project completion date is January, 1979.

Milton Road site. Groundbreaking in June and completion date is October, 1978.

Glory Street site. Approved. The sponsor now controls the land, has applied for FHA mortgage insurance and has prepared preliminary plans.

Councilman Gantt stated it appears to him that they have three sure things and one possibility in two census tracts - 1901 and 1902 - for projects, rather than the eight that are indicated as dots on the map. These would have a combined total of 252 units; that the population in those two tracts according to the most recent census is 14,255 people. He put the two tracts together because most of the time people do not identify where they live by census tracts, but by neighborhoods. He is trying to assess what the impact would be. That they have a total population of minority persons in those two census tracts of about 400 people. That while the figures quite obviously cannot be up-to-date, they are relatively current.

He stated what that is going to mean is that if those three sure projects and one possible project are completed they will have 252 additional units of housing in the area, which if they use the figures of 1.25 persons per household, they are probably talking about 300 people - there would be more in the family units. If you have 14,255 people living in the area now, you are probably adding a net of about 300 to 400 persons. Assuming that all of these units are occupied by minorities, that would be the maximum impact

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of Tract 1901 and 1902. That if they put the percentages that he shows in both tracts now it would mean they are talking about an increase to a minority population of around 3 to 4 percent. In addition to that, with the kind of attention that apparently has been given to these two census tracts by developers from Atlanta and other places, once those projects are approved we could pretty much expect that it is going to be difficult to locate additional housing in that area. He hopes that when Council reviews that they will take that into consideration.

He stated he can appreciate the concerns of the people who will be expressing them today, of citizens who feel that they have been targeted for an onslaught by realtors, the net impact is that they are really only talking about four sites, the net impact of which is a relatively small number. That he suspects the other minority people who are already existing there are living in single family homes. He wants to listen with an open mind, but they may be seeing what amounts to the end of continuing to locate in that area. That according to the Housing Assistance Plan, Council will probably have to "veto" any additional housing that might be attempted in these two census tracts.

Councilwoman Locke stated when it came through in an A-95 review that there were adverse comments in June 1976 on both of these projects - they were approved at half of what was proposed.

Mr. Sawyer stated Councilman Gantt has made a good point. That the Section 8 New Construction Housing program is a new program. They are only feeling the effects of it now for the first two years. Unless Congress changes it, it is going to be an ongoing program and in future years, in his opinion, sites will not be approved here - chances are they will not be. He does not know why there are no housing proposals for the other census tracts. It is a private enterprise program. Maybe in the future some sites will be proposed; perhaps their turn just has not come.

Mayor Belk stated there are a number of citizens who want to speak to this item. That Council knows how important this is to each of them and they will not be restricted as to time unless it is necessary. He asked that they confine their remarks to the Albemarle Road area generally. At a later time they will be glad to listen to those concerned with other areas.

Ms. Barbara Mattingly, 4817 Coronado Drive, stated she wonders about the number of people that have been projected - 3.1 per unit; that a good number of the units have five bedrooms and there will probably be more than that average in each household.

She stated in the two weeks since the last Council meeting she has done a great deal of thinking about public housing and has become increasingly concerned on two counts. First, the promise and reliability of the site choosing process as practiced by HUD and participating agencies. Secondly, she is concerned about the ability of our local Housing Assistance Plan as it is now formulated to achieve truly scattered public housing.

She was distressed two weeks ago when she heard residents of the Glory Street area telling Council that theirs is a neighborhood with newly-obtained racial stability, a stability that they obviously hope to maintain. Surely, the housing officials who reviewed the Glory Street site could have discovered this. An automobile trip into the area and a chat with residents would have been revealing.

Similarly, the residents of Idlewild Farms would have told Housing authorities that their neighborhood is in the process of becoming peacefully integrated. A drive out Albemarle Road would have allowed a site reviewer to witness for himself the pressures of intense commercialization. Were the site reviewers unaware of these factors, or do they perhaps feel that locating housing units is more important than preserving the already existing neighborhoods? She stated whatever the reason, she does not believe we can any longer afford to let appointed officials with no public accountability have the final say in determining the location of housing in our city. That the local Housing Assistance Plan must be modified to put the final decision in the hands of professional planners and of City Council.

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Her second concern is about the local Housing Assistance Plan which outlines the following guidelines for site selection for public housing: (1) That 50 percent of public housing units must be located outside of the impacted areas; (2) That no family project may be located within a one-half-mile radius of already existing or proposed public housing. She stated it would seem from this that public housing can be located almost anywhere in Charlotte. But, in order to obtain a realistic picture of where public housing can practically be built, there are two other factors that must be considered - zoning and land costs. That Mr. Brantley of the Housing Authority has told them that the City had so much opposition to the rezoning of the Archdale site that they will not again attempt to rezone it. HUD officials have told them that their office does not look kindly on proposals which involve the rezoning of land.

She stated that furthermore in order to achieve a true scattering of low income family housing, the City has made a commitment to locate public housing in south Charlotte. Keeping in mind all of these considerations, where in south Charlotte can they locate public housing? If they were to look at a zoning map, they would see that the whole area west of Randolph Road and east of Park Road is essentially excluded because there are at present only one or two tracts zoned for multi-family use and land costs there would be prohibitive. Where then do we find land in south Charlotte already zoned multi-family and at a reasonable cost? You find it only in the middle income areas such as along Albemarle Road or west of Park Road. Is it surprising then that so many of the Section 8 proposals have been concentrated in these areas? But, is it just to force middle income neighborhoods to bear the whole burden of public housing? These are neighborhoods which can in many cases, as in the case of the Albemarle Road neighborhood, perhaps bear less stress than more affluent areas.

She stated that clearly these problems created by zoning and land costs must be dealt with if we are to pay more than lip service to the concept of scattered site public housing. That today is the time for Charlotte to stop and re-examine its housing policies, making sure that we do not overburden some areas while sparing others.

Mr. John Kavanaugh, representing Westminster Company of Greensboro, the developer proposing to construct the project on Farm Pond Lane, stated they did rely quite a bit on the Housing Assistance Plan of the City of Charlotte when they picked this site. He stated that all communities are required to have these plans, the idea being that when developers are looking for sites they would determine where approvable locations were.

As far as impaction on the neighborhood, this project will be for the elderly. They are developing about 600 of these units across the State now and have approximately a third of them in occupancy. They are in as good a neighborhoods as Farm Pond Lane and are not one hundred percent minority. In fact, most of the projects are pretty much in accordance with the racial composition of the neighborhoods.

He stated the area in which they are proposing to build was zoned for apartments and is land that the Ervin Company had planned to use before they had their financial difficulties. That this would have far less impaction than family units with a lot of cars, children, etc. He requested that Council not back down on its commitment to the Housing Assistance Plan because developers rely on this.

Mr. George White, 4825 Coronado Drive, stated he is retired and a resident of Coventry Woods; that they chose this area and the City of Charlotte for retirement because of its middle income housing developments. They would like to keep it that way and believe it is the responsibility of our City Council and our Planning Commission to determine the location of public housing in our city. That only our local officials with knowledge of local conditions, aided by public hearings such as this, can correctly decide on the location of such housing. It should not be left to bureaucrats up in Greensboro as to where such housing should be placed.

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Mrs. Connie Byre, 7537 Fox Hunt Road, stated her residence is in Idlewild Farms; that she believes people are mistaking their concern - it is not necessarily a concern about whether the neighborhood is going to change racially so much as they are wondering why they were selected to have so many units. She stated the two units will border her neighborhood on both sides. They are told that Section 8 housing cannot truly be scattered throughout the City because the land in the wealthier areas is too expensive. She feels this is a smoke screen used to protect certain areas of our city from having their fair share of the public housing.

She stated that in fact, no public housing is economically feasible - it is all subsidized and it is all maintained at the taxpayers' expense. It is only a question of to what extent it is to be subsidized. Who is to decide that it can be subsidized enough to put it in a middle income neighborhood but not enough to put it in an upper income neighborhood?

Mr. Warren Binnick, 6801 Saddle Ridge Road, also in Idlewild Farms, stated that the Reddman Road project is located on the northwest side of Idlewild Farms while the Idlewild Road North project is to be located on the northeast side of Idlewild Farms. One could say that Idlewild Farms is to be sandwiched between these two projects. Obviously, this is asking Idlewild Farms residents to accept more than their fair share of public housing.

He stated that any city should provide its residents with an opportunity to put down roots in a progressive community, however, this progress must be offered to the citizens without the expense of neighborhood cannibalization. Those people who have given of themselves and their livelihood to grow roots in Charlotte soil ask only that they be treated fairly so that they may be able to reap what they have sown.

Mr. Roy Matthews, 5520 Sunfield, stated he represents the Northeast Community Organization which covers about 1,400 homes in Census Tract 1501; that he is speaking in support of the Albemarle Road people objecting to the placement of public housing so close together. He stated they have been touched in their area by public housing. Barrington Oaks is a rent subsidy housing of about 100 units and almost next door there has been ground broken for public housing consisting of 44 units. The fact that an area might become impacted seems to not have too much flavor, at least in his neighborhood.

He stated unfortunately the stigma of public housing is something they have to deal with. We have not advanced in our social aspects in today's world to accept public housing and what we think is the quality of people that may come with public housing. This is as unfortunate as is "white flight" in neighborhoods that are being integrated. The problem has to be dealt with as it is today and not how we would like to have it. That people who have to live near public housing feel picked on, and sometimes rightly so, as in the case where public housing seems to be concentrated. We are not going to change the attitudes of our people by waving a magic wand, nor are we going to change these attitudes by scattered housing. But scattered public housing is a way to progress to change the public attitude.

Mr. Matthews stated public housing location decisions should not be made in a vacuum; public housing must be supported by public funds and these funds must be spent in the best public good. They contend that the public good is not fully served with just the erection of these houses, but that the public good is fully served when these houses are erected in such a way that they do not damage or contaminate the environment in terms of a major change in the makeup.

That Council's problem, it seems to him, is one of reaching out and understanding and dealing with the peripheral effect of public housing location. That public housing and rent subsidy housing are vital to all of us; it is using all of our money and dealing with it is something that we cannot avoid in terms of what it does to the surrounding neighborhood. They believe that the City of Charlotte should have a solid public housing policy that deals with the location of public housing in regard to what it does to a neighborhood. That they live in a neighborhood that is changing racially in some areas and despite the fact that public housing may be located in Census

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Tracts 1901 and 1902, it does not follow necessarily that additional housing in that area would be vetoed. It also does not take into consideration the fact that the areas could change drastically from a racial standpoint because this would be one more "nail in the coffin" in some of the minds of the white people. It is a very unfortunate situation; actually it is dumb, but it exists. Therefore, we must deal with it.

He stated they believe that scattered housing policy for the City of Charlotte should be done something along this line. That he does not believe that any neighborhood would object to public housing being in its location if indeed public housing was scattered throughout the city. Someone mentioned that if the more affluent neighborhoods had been the first to receive public housing you probably would not have heard any reaction from any other area. He does not know whether this is true or not. He stated the scattered site housing is valid. That all of the areas of the city should receive public housing before any area is duplicated in public housing. In other words, no second units of public housing should be built in an area until the whole city has public housing throughout. They also believe that these public housing projects should be low-density. It seems that the maximum of 50 is the magic formula and that practical physical location should be considered. Out in his area the elderly site was chosen out in an industrial area. That is certainly a bad place to put housing for the elderly.

He urged Council to speak directly to the problem they are hearing today and not undersell the problem. Council should not feel that public housing does not have the impact that these people are telling them about. He is dealing with the problem right now and it is real.

Ms. Pat Lloyd, 6800 Rambling Rose Drive, also in Idlewild Farms, stated their area is an attractive, middle-income, integrated neighborhood. The residents there would like to see it stay that way and that is why they are here asking for Council's support. They feel they are maintaining a pleasant neighborhood atmosphere despite the commercialism on Albemarle Road, the traffic that flows through their streets because people take a short cut from Albemarle Road to Idlewild Road and despite the attempts of some realtors to steer whites out of Idlewild Farms and blacks into it.

She stated that at least one complaint has been filed with the Community Relations Council because of the illegal practices of some realtors.

She stated they are also troubled by the fact that the local Housing Assistance Plan allows multiple low-income housing projects to be located in one neighborhood as long as they are not within a half-mile radius of each other. Idlewild Farms, like most neighborhoods, is more than a half-mile in breadth and depth. They feel that the distance between these projects should be increased and that further directives should be established for deciding on locations. That factors such as commercialization and, as in the case of the Glory Street project, precarious racial balance must be taken into consideration. Clearly, they should not build new housing at the expense of destroying existing neighborhoods. Each proposed site should be carefully canvassed and a decision of whether or not to locate a low income housing project there should be based upon consideration of the particular needs and problems of that area.

Mr. Jim Speidel, 6906 Marlbrook Road, in Idlewild Farms, stated he supports the public housing scattered site project concept; that it is a good one; that it is something that is long overdue. Many of the points that he had planned to make have been covered by previous speakers.

He stated the map really speaks for the way he feels about this project. That if you look at the map and try to be objective about scattered site housing, if it were a dartboard and you tried to put things on there at random and keep no two darts too close together - that is the ideal we are striving for. The world is not always an ideal place. That the sites along the Idlewild Road area are too close together and too numerous at this point in time. That one of the previous speakers had said that ideally no double sites should be in any neighborhood until the city is covered completely the first time; that very well expresses his feelings too.

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Mr. Speidel stated that many of them who bought homes in Idlewild have noticed a lot of the vacant land that is adjacent to their development and have hoped that maybe someday, in a less pressurized time than today, the City Council will see fit to do what is in their power to create a park for that area; that they would plead with Council not to use up all of the land around Idlewild Farms for public housing - they would like to have some left over for a park.

Mr. Tom Noell, 7707 Eldwood Drive, in the Fairfield Park community, stated his area is off of Idlewild Road North. He recognized a group of people from his area who were present but would not speak. He stated this community is small but it has been here for some time. They were annexed by the City approximately four years ago and during that time have undergone many changes. That they have been affected by urban sprawl, commercialization caused primarily by Eastland Mall and the accompanying development. They have experienced increased traffic congestion, increased taxes. Instead of being an area of good planning, what they feel is happening is that Albemarle Road is becoming a dumping ground for urban sprawl, commercialization, traffic congestion, noise and air pollution. They believe that the proposed placement of two low-income housing developments at Idlewild Road North and at Reddman Road is but another example of using this area as a dumping ground and poses an unfair and disproportionate burden on this area and their community.

He urged the Council to be bold, take a stand in favor of the people who have come out today and stated their concerns, and help them preserve what is left of a good community.

Ms. Carol Cauthen, a resident of Idlewild Farms, stated it is said that sites for Section 8 housing should be chosen by the free market rather than by thoughtful city planning. This notion is inconsistent with the basic concept of scattered site housing and destructive to its goals.

She stated that scattered site public housing is a planning concept premised on historical realization that marketplace control of site selection for low-income public housing leads to a concentration in one area, ultimately leading to slums. If we are going to have planned scattered site housing, let's truly plan it.

Mr. William A. Williams, 3509 Crosswinds Road, stated he lives in an area that is referred to as Valley Grove-Crosswinds. That Council has heard people discuss the true nature of scattered site housing and to a degree this is what he would like to see. That he has been an outspoken proponent of scattered site housing.

He stated he was at a meeting not too long ago when Mr. McIntyre and Mr. Sawyer were present and they had a map which projected to 1990 when the City planned to have housing units in all sections of the city. The people in his area ask "Why not now? Why has this area been more or less selected as being an area for a sudden high concentration. If it is coming, spread it out now; approach it as a true concept of scattered site housing.

That Councilman Gantt had addressed himself to the fact that it would not create a significant increase in the population or racial composition of the neighborhood, but unfortunately you cannot always approach these matters on the basis of demographics alone. If this area perceives, in their own minds at least, that they are the ones who are being singled out, then the fact that they are only going from 2 percent to 6 percent is lost - we will see white flight.

By the same token, if they see that the program is being administered in a fair and equitable system and is going on across the city, then it will stabilize the patterns of the neighborhood. Basically, these two sites have certain problems associated with them. That last year Council addressed itself to the question of pillard Drive being extended and surrounding one site by road construction. He stated Delta Road is being extended down by the State to intersect with Idlewild Road North and Lawyers Road is being rerouted so in essence they are encircling another housing project. That the area on Reddman Road was originally settled in a nice pastoral, serene

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atmosphere and is already under an impact of having to adjust to vast commercialization in that area. The traffic there is already bad; steps are being taken to alleviate part of these problems and the question then becomes "Can they also cope with the impact of this on their neighborhood and adjust to it?" He stated the people in his particular area can accept one of the two sites now - either one. The question is can they accept both. Later on perhaps if the City demonstrates a commitment to a true scattered housing concept, then they can accept the second, even a third or fourth. He stated the City spent a considerable amount of money on the 1995 Comprehensive Plan and to a degree they are abrogating many of the concepts which went in there by deferring certain of their controls to agreements between private contractors and federal government programs. If Council as a body is to have control over the future growth of this city they need to exercise some control now.

Ms. Pat Baker, 4515 Easthaven Drive, stated some have expressed the opinion that it is too late to do anything about the project on Idlewild North, near Easthaven Addition and on Reddman Road, across from Eastland Mall. That she drove by these two sites this morning and she noticed that no ground has been broken for construction as yet.

She stated they, therefore, ask that Council do the same for them as they did for the people who live near the Glory Street site, by requesting that HUD relocate these projects.

Ms. Debbie Hannon, 6129 Bent Tree Court, stated she is a resident of Four Seasons Community of 342 homes, right off Albemarle Road, and she understands and supports the concept of scattered public housing, but they must rely on Council, their elected officials, to discourage unnecessary concentration of public housing locations within our city. That several years ago, they saw this kind of concentration have some extreme detrimental effects on the west side of our city and she would think that Housing Officials, both local and federal, would be extremely cautious in selecting new concentrated sites that may trend other portions of our city in that same manner, but instead, choose to effectively scatter locations equitably throughout the entire city. That this will include all areas of the city, including the more affluent areas.

She stated this equitable distribution would allow public housing to be comfortably absorbed into the system rather than dominating the future development of those areas as it has in the past. If this is not learned from the past, then our City Council must bear this responsibility - for responsible, equal distribution of public housing.

Ms. Hannon requested members of City Council to inform HUD that we, in Charlotte, are working to preserve and better the quality of life in all areas of the city and take an active part and refuse to cluster public housing.

Ms. Rhonda Innes, 2711 Dunlaven Way, stated she would just like to add emphasis to what has already been said but she does feel it is unfortunate that these people have had to travel here today to bring such an obvious inequity to the attention of Council.

Councilwoman Locke pointed out the location of her home on a map and stated it is right between two high-density areas. That she does believe in scattered low income housing and has voted for it consistently, but she likes what Mr. White said - that we have to take it out of the hands of the bureaucrats in Greensboro; that Council should have the opportunity to make the decisions as to where these houses go, but she does not know what Council can do about it.

Mr. Sawyer stated the only way would be for Congress to change the law because the way the law is written and interpreted by HUD, and approved by HUD regulations, it is, of course, the law. That this is a federal assistance program that merely gives rental subsidy to builders who make proposals, so HUD does not go out and select the sites, neither does the City Council, a builder, or developer, plans his own site and makes a proposal and it is reviewed and either accepted or rejected. He stated a change in the Congressional Act would be the surest way for Council to have this choice.

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Councilman Whittington stated the reason that HUD has the process which it has today on sites is because elected officials across the country apparently wanted it that way, or HUD took the burden of making these decisions off the elected officials. That the thing that concerns him about these sites, and he has discussed this with developers and people in this area, is that local government does not have any input in the decision making until it is done - that COG does and the Mayor does, and the Mayor has furnished Council with the information that he has turned down two of these projects because it was more than 50 units designated for particular projects.

He stated we are impacting the area of Plaza, Milton Road, Shamrock by allowing these units to continue to be developed in there and the records will show that he said to the City Manager and to Mr. Sawyer, Mr. Williams and Council that the Barrington Woods project was already chipping the Plaza, Milton Road area and yet we have a public housing yet to be constructed at Dillard Drive and Milton Road - that this is wrong and somewhere along the line, some of these projects have got to be stopped, even if Council makes the motion to stop it.

Councilman Whittington stated he would say to the developers and to the citizens that he would hope the Staff would look at this area between Independence Boulevard, bordered by Sharon Amity, all the way to Delta Road, back to Albemarle Road and across Lawyers Road to Idlewild again - look at this area where, if his calculations are right, there are eight sites, some of which are single family, or multi-family, some of which are for the elderly. It is unfair and unrealistic to impact eight projects in there, regardless of what kind they are and Staff ought to come back to Council and make some recommendations to cut that into at least half - bearing out what Mr. Williams said that his area would be willing to take one and maybe another later, but not all at one time.

He stated we have to be fair and realistic about future scattered sites and try to do what these people are taking about; find other sites where no sites now exist. That it is unrealistic and unfair to him for Council to put all these projects in this area and he would respectfully request that Staff try and come back to Council with recommendations on deleting a part of them. He stated he feels this is all these people are asking for, and then ask HUD to comply with that. That the problem is not only minorities, it is economically-depressed people, and that combination, in many instances, does not go together, whether they be white people or black people.

Councilwoman Chafin stated she agrees with Mr. Whittington that we are asking that area of our city to absorb too much of the brunt of public housing. That these areas are, in fact, a little shaky that there are efforts going on by neighborhood organizations in the northeast area to stabilize the neighborhood. That there is a very sincere interest in maintaining middle income, integrated residential areas. That as other speakers have pointed out, there is a great deal of commercialization going on in this area and some major road projects. She stated she would concur with Mr. Whittington that Council should indicate to HUD their interest in reducing the impact proposed to these areas. That at the same time, she would hope that Council will remember that while they have not had any direct input in the decisions on these locations since the applications were submitted to HUD, that by their passage of the Housing Assistance Plan, Council did, in fact, set forth certain guidelines and set out certain locational policy; and if Council, at this point, is going to attempt to have some input on the locations of subsidized housing, then it is important that Council review the guidelines which Council, themselves, approved in the Housing Assistance Plan and perhaps revise those guidelines for future proposals. That the Housing Assistance Plan, according to Secretary HUD, Patricia Harris, in a recent edition of Nations Cities, is the guide that HUD uses, that the private developers use and our own Staff use - both the Planning Commission, Community Development and other departments in reviewing the applications that are submitted.

She stated this is a guide and is important that Council take a look at our Housing Assistance Plan and if they are interested in developing a coordinated approach to scattered site housing, then we will probably have to make some changes in our own Housing Assistance Plan.

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Councilman Withrow stated he has pushed scattered housing; that he ran for City Council on the strength of scattering public housing because of what it did for the west side of Charlotte. He stated since he is not running for re-election, he will tell them like it is - the City officials do not want the responsibility nor has sought the responsibility of scattering public housing and taking it away from the Housing Authority for the simple reason, it is not good to say, as a politician, that we are going to put public housing at a certain location. Everyone will say "I believe in scattered public housing, but just don't put it near me." Or, "don't put it near me, or in my area." That this is what has happened here in Charlotte.

He stated the developers are not going out to select a place where they do not think this Council is going to approve, nor a place where they feel HUD would not approve, nor where the Housing Authority would not approve. That it is going to be almost impossible for politicians to take a stand and designate areas - it just will not happen.

Councilman Withrow stated it is bad that this came before Council during election time. That it is good for the people in the audience because they are able to put all kind of pressure on this Council to not do certain things and they might do certain things that are not right for the community and this city because of the election that is coming up. He stated he agrees that they should not impound some areas. That he is the first one to say that if you put a lot in one area, you will get white flight because he has seen it; he is speaking of this because he lived on the west side and knows what would happen.

He asked if anyone can get politicians to say to the Housing Authority "we want a public housing at SouthPark or we want a public housing on Queens Road or we want public housing at some other place." That they are not going to say it and they are not going to accept the responsibility to do it and that is the reason HUD has said "we are going to do it." This is why the developers have gone to these places where they think it would be approved. That he is not kidding himself because he would feel the same way if he was seeking re-election.

Councilman Davis stated it seems there are two issues rolled into one here. First, these folks have come here today to make comments and are surprised to find the different proposals at this advanced stage with very little public information about them, and in fact, zero public discussion. That it is a little bit surprising to him, too, but he is not disturbed by it; it did surprise him to see all these sites on the map at one time because it raises some valid arguments.

He stated the question arises as to why we have not heard more about it before. That he understands the manner in which the Mayor exercises review input and he has no particular criticism of it but he feels as far as these folks' complaints are concerned, perhaps the method of handling this should be changed so there is Council discussion and Council review with input into it. He stated this is something Council can start today and do at another time but he would like to see more Council and public discussion of this so the public knows when the opportunity exists for input and Council is more involved in the decision, which would involve more Council-association with the Housing Authority, which was established under an Act of the North Carolina Legislature.

Councilman Davis stated this is another case where all the advisors are appointed by the Mayor. That we are using a lot of the input from the Housing Authority, but really have no input into the appointments on there; Council should look at this with a view toward possibly providing some Council-input on the Housing Authority.

He stated when Council approved the Housing Assistance Act, there was a great deal of information contained in that from the Housing Authority so it is very difficult for the community to complain to Council and thrust Council into the middle of an operation where it is very difficult for them to take any action in response to the public. That possibly the Mayor is the one to respond to these complaints

because he exercises the review input. He stated he is concerned about the propriety of Council now trying to interpose itself in the policy-making decision.

Councilman Davis stated he has no objection to doing this but it would be more proper for the Mayor to do it. That the Housing Authority, which has the mission of maintaining and operating our low income housing, is an important part of this and will continue the impact in the future and he would like to have some input into who serves on the Housing Authority.

He stated the second matter today is the immediate problem of responding to these folks' complaints as to the apparent over-concentration. That he is inclined to agree with these people and he would support, at least, a request to reduce the concentration of housing in areas 1901 and 1902.

Councilman Gantt stated in response to Mr. Withrow's statement, he is right; that it is very easy to play politics on this but he would not play any politics on this as the question boils down to the fact he hears a lot of citizens talking about the need for scattered site public housing. He stated we all agree on that; Council agrees on that and the people in the audience agree according to the signs the people have on them.

He stated one essential argument he hears is one that deals with equity - whether or not it is fair for my area to get the brunt of the housing. That it reminds him of the joke that goes around the black community very often and that is "you can take a few of us, but not too many." He stated we have a need for "x" number of thousand housing units in the City of Charlotte that would have to be subsidized probably over the next ten years, as noted in the Housing Assistance Plan, and we are only beginning. That we are now talking about 300 units which have been approved, plus 123 for the elderly - six projects of 50 units apiece. So, in effect, what is happening is that we are starting on the program.

Councilman Gantt stated as he said earlier, if one area has gotten the brunt of it, or in some case, may get as many of 252 units in two census tracts but that also means that this area is not likely to get anymore. That he cannot predict the future but the likelihood is if the Housing Assistance Plan, even if modified, as suggested by Ms. Chafin, Council can do some things to set that Plan up, or fine tune it, it does mean that that area is not likely to get much more public housing.

He stated this does form the question of whether or not we can do anything with Section 8. That he feels a very clear answer to that is not much, unless there is substantial change in the Legislation at the Federal level. Then the question comes, if we requested a change or redirecting a Plan and asked to reduce the number, then he would certainly not want to put the City in a position of reducing the amount of housing under Section 8 because the housing is sorely needed. So, what we are talking about is selecting some other areas, which is fine with him. Probably in other areas where applications have already been approved on.

That on the question of equity, it does seem the City still has an opportunity to location housing in other areas, even in areas not now zoned for multi-family housing. The Housing Authority is making a choice at this point not to get involved with any more of its own scattered site public housing, but that is not a decision that is hardened in concrete - the Federal Government is still going to provide public assistance money for housing which will allow the Housing Authority still to build and to build on scattered sites. It seems to him that somewhere along the line, the Commission, the Housing Authority and the Council will have to "bite that bullet" if it appears that the normal market forces do not allow for housing to be built and scattered as Council would like to have it done.

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Councilman Gantt stated he is not willing to say that certain areas of the city are sacrosanct or are going to be sanctuaries that will not have any public housing. That public policy may dictate that Council does get involved in making sure that everyone bears their fair share of the burden.

He stated his final point is one that is hard to put a handle on. That he knows many of the people who came before Council today are good citizens in Charlotte and he knows them to be people to be interested in their neighborhood, and the second part of the argument which comes through when you get away from equity, is one that deals with fear and perception. He stated he mentioned this when the last project was discussed. That he would like to ask Mr. Matthews if he could really discuss in some detail about the effect on Barrington Oaks and the proposed Milton Road units to be built, whether or not the units themselves have produced the problem in the neighborhood, or whether or not it is the fear and perception of poor people, whether they be black or white. That he suspects maybe our country is moving too much in the area of class struggle between both poor people and us middle class folk. Somewhere along the line, this Council and maybe we will even ask citizens in this community to become leaders, and talk about progressive communities and those progressive communities may mean that we have to learn to live with people who may find themselves poor but no less industrious and striving citizens of this community.

Councilman Gantt stated he would hope that this argument over equity does not lead us into kinds of problems that deal with racism and economic class struggle. That he does not yet believe we are talking about major impact on most of these neighborhoods; the percentages and figures do not indicate that and they do not have to indicate that - we do not have to get into white flight; we do not have to get into problems where we, in fact, assume stereotypes about poor people and people who finds themselves having to live in public housing. He stated we have to be leaders and we have to lead ourselves in the direction that everybody bears the fair share of opportunities that exist, rather than the burdens.

Councilman Williams stated as a veteran of the fight over the Archdale and Florence Avenue scattered sites, he has been struck by an inspiration this afternoon, not only in scattering housing, that the thing Council should do, or whoever is doing this, is to announce two sites in the same neighborhood and then delete one.

He stated he would also like to offer two resolutions for consideration and then maybe discuss this a little further. That both of the resolutions are directed at regaining for the Council and the citizens that Council represents, more of an influence and more of a voice in the selection of these sites. The first resolution he would suggest to Council is that Council resolve that their delegate to the Metrolina Council of Government will not vote to approve a public assistance housing project without receiving instructions from Council.

Councilwoman Chafin seconded Councilman Williams' motion.

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

Councilman Williams stated the second resolution is something he is a little less sure about and may need some education on by someone who knows more about it than he does, but it deals with the response that the City is required to make when an inquiry under 213A comes from the Department of Housing and Urban Development. It may be an administrative, or executive, matter to respond to that or it

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may be that the Council should have a shot at it before any official response goes back on behalf of the City. If it is improper for Council to become involved in this, he would like for someone to tell him now before he goes any further. That if it is not improper, he would move that a resolution be adopted today that in the future the Council, by resolution, shall respond to inquiries pursuant to 213A of the Housing and Community Development Act when they are received from the Department of Housing and Urban Development.

Mr. Burkhalter stated this might be a duplication and it seems either one of Mr. Williams' motions would be satisfactory to get this on the Council's agenda.

Councilwoman Chafin asked Mr. Burkhalter to explain why this would be a duplication of Mr. Williams' first resolution and Mr. Burkhalter replied if a person comes in and applies for a building permit, or if a person writes in and asks the zoning at the intersection of so and so, and if they can build a four-story building - that he would look at the zoning regulations which Council has passed and established and he can say "yes, you may, or no, you cannot." That we have this all the time and this is the same thing; Council has created a Housing Plan which states "you may build this housing in certain areas if it meets a certain criteria"; that all Greensboro, or HUD, does is write to the Mayor and ask "does this conform to your Plan?" Then he sends it to the Government and they look at Council's Housing Plan, and they say "yes, this conforms to the City's Housing Plan, period." He stated the Mayor signs it as a perfunctory duty.

Mr. Burkhalter stated this is what comes from the HUD Office; the other one is A95 Review, which goes to COG Agency, and COG, in turn, circulates that to all interested parties. That either one of these avenues, unless they want both of them, would place this on the Agenda. He stated this one would be the one more likely Council would put on their Agenda, rather than the A95 Review.

Councilwoman Locke stated the A95 Review Section 8 should come before Council. (Councilmembers were generally in agreement.)

Councilman Withrow stated sometime ago, Council asked the Housing Authority to come up with about 15 different sites all over the city and announce them all at one time, for this reason, if you announce one, those people come to Council in droves and say Council is being unfair with them, so therefore, the sites back years ago were not put in because of this reason and they did not become a reality. That real estate people sold lots to a developer and when he found out low income housing had leaked out down there, he tried to withdraw his property away from the developer. If politicians pick the sites, you are going to have people coming and changing minds, but if could be that they could pick 15 sites and the politicians not even know about it until the sites were all picked and all announced at one time, we might get scattered low income housing, but until this happens, we are going to have a hard time getting scattered low income housing other than concentration in certain areas that will take them.

He stated we get confused about Section 8 - Section 8 Housing does not have to be new housing; they can go out into an apartment complex, one that is already built, and put in Section 8 Housing. That complex could apply for so many units of Section 8 Housing and these units could be put into those complexes already built; they do not have to be new. The new ones being built, do not have to be all low income apartments either. Maybe Council should appoint a committee (of Council) to come up with some idea as to just how to go about this and let that Committee study the problem and find a solution to our problem.

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Councilman Withrow stated if they really want to scatter public housing throughout the city, then have a Committee to come up with a solution as to how we can really do it.

Councilwoman Locke stated she feels the most important thing Council can do at this point in time is to modify the Housing Assistance Plan and be on top of it through Mr. Williams' procedure.

Councilman Whittington made a motion that Mr. Sawyer and the Housing Authority and the City Manager and his Staff come back to Council with a recommendation on how to cut at least four of these proposed sites out of the total picture in the area that Council has been talking about this afternoon. The motion was seconded by Councilwoman Locke.

Councilman Williams stated the way he understands the people who have been appearing before Council today is that they are objecting primarily to two green dots which appear on the map - the green dots denoting the family projects. That he does not think he has heard that much objection to the elderly projects, which are noted by red dots, and are probably not going to come about anyway, if he understood Mr. Sawyer correctly. That the two green dots seem to be the immediate matter, having received preliminary approval from HUD and possibly Council ought to just confine themselves to the two green dots on the map.

Councilman Williams moved that Council ask for recommendations from our Staff concerning whether or not one of the two green dots, family projects, on Reddman Road and Idlwild Road North, should be deleted. The motion was seconded by Councilman Withrow.

Councilwoman Chafin asked what Staff would be able to tell Council? That she feels Council has got to do what they did on the Glory Street Project, and if Council objects, then write HUD a letter similar to what they did on the Glory Street site.

Councilman Whittington stated that is exactly what he meant by his motion and Councilwoman Chafin replied she just did not feel the buck should be passed to the Staff.

Councilman Whittington stated as he understands what has been said this afternoon, these people just said they did not want all of them, but would take half of them. That his motion was to eliminate four of the eight; Mr. Williams stated four of them were for the elderly and Ms. Mattingley said they do not object to that. That he would go back to the two green dots and eliminate one of them.

Councilman Withrow asked if Mr. Williams would change his motion and ask Staff to give Council one of those to eliminate and give Council a recommendation on which one to delete.

Councilman Williams stated Council might want to leave that to the discretion of HUD and ask them to eliminate one of them. Councilman Withrow stated he would second the motion.

Councilman Gantt stated he is not going to vote for the motion. That he thinks what happened in the Glory Street Project is that Council went through the motions of trying to object to HUD on those projects and he does not believe Council received a favorable answer on them, or at least we have not heard yet. He stated he voted on the Glory Street Project because they

do have a real problem there in terms of percentage of minority persons who are already living in that neighborhood to stabilize it. But, as the percentage indicates, neither of these two areas we are talking about now, compares with this and he cannot, on the same basis, call these two commensurate.

Councilman Whittington stated where he disagrees with Mr. Gantt is that according to some of these people, these two sites are less than a mile apart, and he feels their concerns are valid and one of them should be eliminated. He stated this is all they are asking for.

Councilman Gantt stated he understands that and he hears their concerns about this.

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

YEAS: Councilman Williams, Withrow, Chafin, Davis, Locke and Whittington.
NAYS: Councilman Gantt.

Mr. Burkhalter asked if this means Council wants Staff to come back with the recommendation that if Council eliminates Reddman Road or Idlewild Road, which one would be better to eliminate and several members of Council replied yes.

Councilwoman Chafin stated it is important that if Council is going to begin to have some input on these proposals and we have a number of proposals pending, then Council has to take a look at the Housing Assistance Plan because it is the guide. That she would ask that Council have either on the Agenda, or a special meeting, our Housing Assistance Administrator review with Council the Housing Assistance Plan so Council can determine whether they do want to include some additional or modified criteria.

Mr. Burkhalter stated we have eleven applications on the table now and asked when Council would like for them to be placed on the agenda.

Councilwoman Locke stated she would like for them to be on the next agenda.

Mr. Burkhalter stated after thirty days, these things do not mean anything anyway.

ORDINANCE NO. 678-X AMENDING ORDINANCE NO. 506-X, ANNEXING THE STERLING AREA IN ORDER TO DELETE A SMALL STRIP OF PROPERTY PREVIOUSLY ANNEXED BY THE TOWN OF PINEVILLE.

Upon motion of Councilwoman Locke, seconded by Councilman Whittington, and unanimously carried, the subject ordinance was adopted annexing the Sterling Area in order to delete a small strip of property previously annexed by the Town of Pineville.

The ordinance was recorded in full in Ordinance Book 24, beginning at Page 402.

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CONTRACTS FOR COMMUNITY DEVELOPMENT PROGRAM AUTHORIZED.

Motion was made by Councilman Whittington, seconded by Councilman Williams, and unanimously carried, approving contracts for Community Development, as follows:

- (a) Contract with Johnston Memorial YMCA, in the amount of \$46,750, to be used for a Youth Services Program for the North Charlotte Target Area.
- (b) Contract with Mecklenburg County in cooperation with the Mecklenburg County Homemaking Education Department, in the amount of \$357,323, to be used for a Hot Meals for Elderly and Disabled Community Development Target Area residents.

RESOLUTION AUTHORIZING YOUTH HOMES, INC. TO CONTINUE TO HAVE POSSESSION AND USE OF ALL PROPERTY PURCHASED FOR THE GROUP HOMES PROGRAM WITH FUNDS PROVIDED BY COMMUNITY DEVELOPMENT PROGRAM SOCIAL SERVICE CONTRACTS.

Mr. Vernon Sawyer, Director of Community Development Department, stated the resolution as written and presented requested that first priority in the future be given to Community Development Target Area residents. That Group Homes Agency has done exactly what they have been asked to do from the beginning, that is, to accept our funding for the start-up and then to look to other sources for future funding. He stated they have done this and this year their Grant is from the LEAA. That legally, under that Grant, they cannot give first priority to Community Development Target Area residents, so they have changed the wording under Item 2 of the Resolution, beginning with the word "Now, therefore," to take out the wording "first priority" and put in equal treatment, and which is fine with his department because legally, they could not give first priority without using our money entirely.

Councilwoman Locke moved adoption of the resolution, as amended, which motion was seconded by Councilwoman Chafin, and unanimously carried.

The resolution is recorded in full in Resolutions Book 12, beginning at Page 479.

CETA TITLE VI FUNDS FROM THE U. S. DEPARTMENT OF LABOR, ACCEPTED.

Councilman Gantt moved acceptance of \$4,432,852 in federal obligation for CETA Title VI Funds from the U. S. Department of Labor to continue three hundred seventh public service employment positions, and to support two hundred forty nine project positions through September 30, 1978, which motion was seconded by Councilman Whittington, and unanimously carried.

RESOLUTION ADOPTING THE 1977 CHARLOTTE-MECKLENBURG THOROUGHFARE PLAN, AND DELETING RADCLIFFE AVENUE AND THAT PORTION OF SHARON ROAD EXTENDING FROM QUEENS ROAD EAST TO WENDOVER ROAD, AND EXTENSION OF SHARON AMITY ROAD THROUGH TO DILLARD DRIVE AND NEWELL-HICKORY GROVE ROAD.

Councilwoman Locke stated the recommendation of this Committee is that the Charlotte-Mecklenburg County Thoroughfare Plan, dated April 4, 1977, be approved and adopted as a guide in the development of the streets and highway system in the Charlotte urbanized area and the same recommended to the North Carolina Department of Transportation for its adoption, excluding Radcliffe Avenue and that portion of Sharon Road extending from Queens Road East to Wendover. She stated this Committee would like to point out and emphasize not all roads are

to be four laned or widened. This is a concept and concept only and the governing body will have an opportunity each year to make a decision, voting project up or down, during the Capital Improvement Budget time. The public will have plenty of opportunities for input and discussion at Public Hearings as Council makes each decision within the next twenty years.

She stated the Committee would also like to point out this concept will help our Public Transit System develop in a more logical and orderly fashion.

Councilwoman Locke moved adoption of the resolution, which motion was seconded by Councilwoman Chafin.

Councilman Whittington stated he would like to make a comment and ask for an amendment to Councilwoman Locke's report. That he would like to thank the Committee for their study and recommendations to the Thoroughfare Plan. The amendment he would like to request is that Council put the extension of Sharon Amity Road through to Dillard Drive and from there to the Newell-Hickory Grove Road and ask the Department of Public Works, and all the other agencies that are involved, to try to get this on schedule as quickly as possible in order to take some of the burden of the automobile traffic off of Shamrock Drive. That this is still open country and they should do it right away. He stated he would like to have this added as an amendment to the Committee's report.

Councilwoman Locke replied the Committee would accept Councilman Whittington's amendment to their report.

Councilman Withrow seconded the motion for the amendment, which carried unanimously.

Councilman Davis stated he read the minutes of the Public Works Committee Meeting and certainly he would like to protect these neighborhoods if we can, but he cannot find any logical justification in there for deleting one portion of the thoroughfare and leaving in numerous other ones that are also going to be needed or not needed, based on the validity of traffic engineering projections. That it seems to him if Council wants to influence this matter that traffic runs through Charlotte like water flowing through a sieve and if someone is pouring a certain amount of water in there, it is going to go through certain areas; if we start trying to stop up one hole here and there, we are just going to dump additional traffic onto some other neighborhood road, as we found when we tried the sample or trial closings.

He stated without some information that just to almost arbitrarily say that we would like to delete that, and certainly we would like to protect one of the most beautiful neighborhoods, we are going to leave ourselves wide open to taking out a whole lot of other neighborhoods that are on the thoroughfare plan, which he is not willing to do. That the proper place to influence this is on a policy making basis, and the only way to influence it is to determine how much water is poured into this sieve and that is the volume of traffic that we deal with. The only way Council has to deal with this and the only alternative known today is transit and we are not getting very much use of the transit in Charlotte. There are a number of things that Council can do to stimulate the use of transit and to discourage the use of automobiles and he feels Council should look at protecting all the neighborhoods in Charlotte and try the best we can to cause Mr. Corbett's traffic projections not to come true - try to make them turn out lower.

Councilman Davis stated based on what has happened in the past, his projections will be conservative and we will end up with actually more traffic than he has projected. That if Council takes this action right now, which seems to him almost arbitrary, then Council is doing two things. One real dangerous thing

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is that we are giving the folks in this neighborhood a false sense of security because Council can very easily vote to take this out right now; we do not have to face the fiddler for another eight to ten years. When the traffic does build up and it comes down to Sharon Road and is trying to get to the East Boulevard side of Charlotte and we begin to fill up the feeder streets in the area, and there is a backlog there, we will begin to have traffic jams.

He stated the Traffic Engineer will come in and suggest the most logical way to get through there. If today it is the Sharon Road-Radcliffe Road area, it is probably going to be the same thing at that time and then the decision will have to be made based on traffic engineering results. If Council puts these folks in a false sense of security right now and they go ahead and improve their homes, or maybe build new homes there, after going down to the Planning Commission and say that Council voted in 1977 to remove this from the Thoroughfare Plan, then they should be safe but we will be in exactly the same position we were in recommending the Belt Road. In 1972, local government told developers, home builders, home buyers that the Belt Road would not go north of Highway 51 and now we are going through brand new homes, lots which the Planning Commission just approved for development of home sites. That he does not want to put himself or any other future Council in that position. He stated as much as he would like to protect neighborhoods, he does not see this would be the vehicle for doing this.

Councilwoman Locke stated she was very glad to see that Mr. Davis had read the Minutes of the Public Works and Planning Committee and on Page 8, at the bottom of the page, they asked Mr. Heard about this and he replied "we are not expecting significant volume on Radcliffe, but that on Sharon we would be expecting some significant volume to rise" and this is why they voted to delete this.

Mrs. Rhonda Innes, 2711 Dunlaven Way, stated she is representing the Citizens' Committee for Traffic Control and she would like to have Councilman Davis on her committee, but he is not. She stated she is appearing to say that it seems premature to vote on the Thoroughfare Plan before Council has either adopted, or not adopted the policy to protect Charlotte neighborhoods from unnecessary traffic. That if Council votes favorably for the neighborhoods it will mean a re-alignment of traffic movement priorities, therefore, it may be necessary to review the Thoroughfare Plan in a different light.

She read the following comments from the Thoroughfare Plan: "Need for Consistent Policy Guides. Elected officials, technical staff, private developers and citizens alike have need for an adopted and agreed upon Thoroughfare Plan. Community Thoroughfare Planning and Implementation is complex because of its impact on land development patterns and other public facilities. We need a clear direction for future planning goals and objectives of the community."

Mrs. Innes stated she does not feel this is a mere formality to be up-dated just to keep the dust off. It has been determined that progress in the direction of Ms. Chafin's motion of April 18 can come only after a strong policy position by Council, placing the protection of neighborhoods from excess traffic in a position of priority above swift traffic movement. Accordingly, the Committee offered the following resolution for the consideration of Council and asked Councilwoman Chafin to read the proposal, since she made the original proposal to the Committee.

Councilwoman Chafin stated in talking with Mrs. Innes and her involvement with the Committee that was appointed subsequent to their motion of April 18, when they were discussing Sherwood Avenue, it became clear that it was still not understood by Staff that in passing this resolution, at least she, and hopefully

the other members of Council, were really stating their policy, or attempting to state their policy, on neighborhood cut through traffic.

Councilwoman Chafin stated on April 18, they passed a motion which said, in effect, that Council accepts Mr. Corbett's report as information, which refers to Sherwood Avenue, and that Council further requests the Traffic Engineering Department and the Planning Commission to conduct a study and recommend a broader policy which will include guide lines and suggested tools to enable Council to preserve neighborhoods all over Charlotte from the encroachment of cut-through traffic.

She stated what Mrs. Innes and her Committee are attempting to do is clarify and specify the implementation of this earlier motion.

Mrs. Innes presented a resolution from her Committee to Councilwoman Chafin and other members of Council.

Councilman Williams stated there is no question but that Council has to adopt a Thoroughfare Plan because the Statute specifically says we have to do it, and there are good policy reasons behind that expressing the intent by the Legislature. The Statute also says something else that is interesting and that is, in effect, once this Plan is adopted, it cannot be changed except by mutual consent of the Municipality and the Department of Transportation. That Council ought to be very conscious of what we are doing because it is not that it cannot ever be changed, but the Statute does say mutual consent is required to change it.

He stated some features of this Plan still trouble him, but on the whole, if he has to decide whether or not to vote for a Plan or vote against the Plan, he is going to vote for it. That he is impressed by the work the Committee did on this and he has read over the minutes and appreciates some of the comments some of the citizens had to make. He stated one citizen said "cars beget roads and roads beget more cars and more cars beget more roads"; at some point, somebody has to stand up and say, "wait a second, let's break this vicious cycle"; what it boils down to is to let the drivers choke a little bit on these main arteries.

Councilman Williams stated he thinks this is significant as it relates to the plan for public transportation. That he may be a little unrealistic about public transportation - it may be as long as people have the money to buy gas, they will demand the right to drive their automobiles on the roads the government has to provide for them, but he would like to interject this word of caution; he does not know that the City or a governmental agency has to aide and abet in that drive for extinction. That what this citizen seems to be suggesting is "let's make it difficult for people to get around; let's make it a little hard so they will consider public transportation."

He stated if this Thoroughfare Plan is implemented in the next twenty years or so, then whoever is making those decisions, should think about this and not make it that much easier for people to own and operate one, two or three automobiles. Some people would call that the congestion theory and it may be that the people won't stand for it; it may be that if they are sitting there in a traffic jam during a few weeks before an election, some candidate or incumbent will put up a billboard saying "he is tired of sitting in a traffic jam which those people deliberately created, vote for me and I'll build you some roads." It may be that he will be elected in a landslide because that is what the public demands. This is an alternative that has to be considered at some point or else

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we will not have more than 7% of our trips made in 1995 by public transportation. This relates a little bit to roads that are out - specifically the Outer Belt Road. It very well may be we cannot do without an Outer Belt but if it is going there, whoever is making the decisions, in his opinion, should do whatever they can to keep it from being a stimulus to development; and keep it from attracting office parks, apartments and shopping centers away from the central part of the city because that works contradictory to a plan for public transit. Any public transit plan which is economically feasible and efficient must operate in a compact area; the more you sprawl out, the harder it is for that bus to ever make a go of it. If it is built, then we must find some way to keep it from being a stimulus to development out there.

He stated all things considered on this Thoroughfare Plan, he plans to vote for it; but he is not really enamored by many parts of it.

Councilman Gantt stated in reading the minutes he noted the Committee did make a point that ultimate ratification of these plans for street widening and new roads is made by the voters. If they defeat bond issues, then they will not build roads. He asked if Ms. Innes is saying we cannot vote on the Thoroughfare Plan without tying this motion for protection of neighborhoods from cut-through traffic at the same time.

Ms. Innes replied exactly. She does not think there is a unanimous realization of the implication here. If we go actively for the protection of neighborhoods, there is a whole change in the thinking of the Traffic Engineering Department; they have to go back and re-think if they are going to build a new thoroughfare or redesign an intersection, and smooth the traffic on the thoroughfare to keep it from extending into the neighborhood.

She stated she would like for them to read her resolution carefully. They have sent a committee of staff people out to study whether or not it is possible or feasible to protect neighborhoods. They are gathering information to prove that it is. This does not help imagining whether or not they are going to protect neighborhoods. It helps in knowing how to do it. If they do not act on a policy of where our future is going in transportation, how can they approve a thoroughfare plan.

It was the consensus of Council that the resolution brought by Ms. Innes should be placed on the agenda for the next council meeting for discussion.

After further discussion, the vote was taken on the motion to adopt the resolution with the amendment and carried as follows:

YEAS: Councilmembers Locke, Chafin, Gantt, Whittington, Williams and Withrow.
NAYS: Councilman Davis.

The resolution is recorded in full in Resolutions Book 12, at Page 482.

PROGRESS REPORT ON WHAT STAFF IS DOING ABOUT THE PROBLEMS OF TRAFFIC IN NEIGHBORHOODS REQUESTED.

Councilman Whittington requested the City Manager to give him a report on what the Planning Commission and staff, and Mr. Corbett's staff is doing about what Ms. Innes is talking about, and the opening and closing of streets we have been talking about for sometime.

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RESOLUTION REQUESTING THE STATE DEPARTMENT OF TRANSPORTATION TO UPGRADE HIGHWAY 51 AND BYPASS THE TOWNS OF MATTHEWS AND PINEVILLE.

Councilman Withrow moved adoption of the subject resolution requesting the State Department of Transportation to upgrade Highway 51, and bypass the Towns of Matthews and Pineville, which motion was seconded by Councilman Whittington, and carried unanimously.

The resolution is recorded in full in Resolutions Book 12, at Page 483.

ORDINANCE NO. 679-X INCREASING REVENUE AND EXPENDITURE ESTIMATES TO EXTEND TRANSIT SERVICE TO THE UNIVERSITY OF NORTH CAROLINA AT CHARLOTTE AS A PILOT PROJECT; AND CONTRACT WITH UNIVERSITY OF NORTH CAROLINA AT CHARLOTTE, ADOPTED.

Councilman Gantt moved adoption of the subject ordinance, and approval of the contract with the University of North Carolina at Charlotte. The motion was seconded by Councilman Withrow.

Council was advised there are some technical changes in the wording of the contract, and copies of the amendments are before Council now.

Councilman Gantt stated he would accept the amendments as a part of his motion.

Councilman Davis asked Mr. Kidd, Transit Planner, when he is going to present the Transit Program to Council, and Mr. Kidd replied hopefully in September or October. Councilman Davis stated every time he brings up something to Mr. Kidd, and he has heard the same thing from others, the reply is they will bring the Transit Program to Council, and now he hears it may be this Fall. He would like to have a definite time set for this report because as far as he is concerned that is the reason Council has poured millions of dollars of tax monies into getting the new operating unit for the Transit System, and bringing Mr. Kidd here was to increase ridership. That as of this moment he does not see any increase at all. He sees no return on this tremendous investment.

Councilman Davis stated the number one priority should be for his Department to get something before Council which they can act on. He does not think money is going to do it. This is going to just add to the deficit. This is a great thing and he is for it; but it is not going to do a whole lot for the system here that operates generally in the city limits. His number one priority should be to bring something to Council real soon that will have some specific items in there that will give Council some definite ways to encourage people to use transit and discourage the use of the automobile.

Councilman Gantt stated he does not agree; it does offer an opportunity where we can begin to test out some routes that we have not had within the city. For example, the in-city travel on this particular route.

Councilman Davis stated he suggested some routes and was told Council was going to be presented a Comprehensive Plan this Fall. All he is saying is he wants to get that plan before Council so we can get started.

Councilman Gantt asked if he means the five year transit development plan, and Councilman Davis replied yes. Councilman Gantt stated he really cannot understand why he would object to having this done, even if the Plan is going to come a month and a half from now. He does not think there is anything wrong in asking for a specific date for the report. Councilman Davis stated he does not object and he is going to vote for it. He is glad to see it; but he wishes Mr. Kidd would bring the other things he has asked for forward. He wants the whole thing brought forward quickly and he does not want to keep hearing it is coming later.

Councilman Gantt stated he would like to make a point that this is some benefit to the citizens of Charlotte, including the citizens who happen to be members of the staff, faculty and students of the University.

Councilwoman Chafin introduced two of the Vice Chancellors from the University - Vice Chancellor Leo Ells, Business Affairs and Vice Chancellor Douglas Orr, of Student Affairs.

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Mayor Belk thanked them for the fine work they are doing at the University and stated he appreciates their efforts. Councilwoman Chafin stated each has worked very hard on this project.

The vote was taken on the motion, with the amendments in the contract, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 24, at Page 407.

RESOLUTION AUTHORIZING THE CITY MANAGER TO FILE AN APPLICATION WITH UMTA FOR THE ANNUAL TRANSIT OPERATING ASSISTANCE, AND AUTHORIZING THE MAYOR TO EXECUTE CONTRACTS RELATED TO THE GRANT.

Councilwoman Locke moved adoption of the subject resolution authorizing the City Manager to file an application with UMTA for the annual transit operating assistance, in the amount of \$1,116,377, and to authorize the Mayor to execute contracts related to this grant. The motion was seconded by Councilman Withrow, and carried unanimously.

The resolution is recorded in full in Resolutions Book 12, at Pages 484 and 485.

CONTRACT WITH WRAY/WARD ADVERTISING, INC. FOR ADVERTISING SERVICES FOR THE CHARLOTTE TRANSIT SYSTEM

Motion was made by Councilman Whittington and seconded by Councilwoman Locke, to approve the contract with Wray/Ward Advertising, Inc. for advertising services for the Charlotte Transit System, in an amount not to exceed \$97,000.

Mr. Kidd, Transit Planner, stated a little over a year ago, they did some extensive evaluation of local advertising firms, and the firm of Cargill, Wilson and Acree was selected after a fairly extensive search. In his opinion this firm performed very well for them.

Mr. Kidd stated we had some pretty good ridership gains, and as a whole the firm worked very well with them. This is the same agency, but they have a new name, Wray/Ward Advertising, Inc. When the budget was approved by Council on July 1, there was money available in the budget for some advertising, and promotional activities.

He stated they are recommending Wray/Ward based on their past performances with us. The dollar amount is misleading in this because this is the amount available to do certain items. The fee the Agency will take out of that is roughly 15 percent. They have the contract structured such that on a project-by-project basis, he can outline a year's activities, maybe three or four major projects, but no approval for expenditure of funds would occur until they developed budgets and know exactly where they are going.

In response to a question, Mr. Kidd replied it would be very difficult to come up with the amount of fees; they have \$10,000 available for professional fees and they may or may not use all of the \$10,000. It depends on what types of programs are developed.

The vote was taken on the motion and carried unanimously.

AGREEMENT PERMITTING THE FEDERAL AVIATION ADMINISTRATION TO INSTALL REMOTE RECEIVER AND TRANSMITTER AT DOUGLAS MUNICIPAL AIRPORT TO IMPROVE GROUND-TO-AIR RADIO TRANSMISSION.

Motion was made by Councilwoman Locke, seconded by Councilman Gantt, and unanimously carried, approving the agreement permitting the FAA to install a remote receiver and transmitter at Douglas Municipal Airport to improve ground-to-air radio transmission.

ORDER AUTHORIZING \$4,400,000 SANITARY SEWER BONDS, AND FIXING DATE OF PUBLIC HEARING ON THE ORDER ON MONDAY, SEPTEMBER 12, 1977, AT 3:00 P.M.

Councilwoman Locke introduced an order entitled: Order Authorizing \$4,400,000 Sanitary Sewer Bonds.

Councilman Davis stated the last time this was discussed in Council, he believes Mr. Whittington suggested the City Manager contact the Congressional Delegation to see if EPA was going to back down on some of the requirements, or lighten some of the requirements. Mr Burkhalter, City Manager, stated he went back and checked on the correspondence with North Carolina Department of Economic Resource. Councilman Whittington stated he discussed this with Senator Morgan but he does not believe he asked the City Manager to make the contact.

Councilman Davis stated Council should note before starting to vote that what is being done here today is going to have some impact on rates. Nobody knows for sure what; but this \$4.4 million and the additional money that may eventually go into this will not result in any significant increase in capacity; it will just upgrade the quality of the system. So it will be pretty much dead weight as far as the system user paying for it. It is probably going to cause some questionable rate increase, and he thinks Council should understand that.

Thereupon, on motion of Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, the City Council designated the Finance Director as the officer to make and file with the City Clerk the sworn statement of debt of the County as required by the Local Government Bond Act, as amended, to be filed before the adoption of the order which was introduced at this meeting.

Thereupon the Finance Director filed with the City Clerk, in the presence of the City Council, the sworn statement of debt as required.

Thereupon Councilman Whittington moved the adoption of the order entitled: Order Authorizing \$4,400,000 Sanitary Sewer Bonds. The motion was seconded by Councilman Withrow, and carried unanimously passing on the first reading.

On motion by Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, the City Council fixed 3:00 P.M., September 12, 1977, as the hour and day for the public hearing upon the foregoing order, and directed the City Clerk to publish said order, together with appended note as required by The Local Government Bond Act, as amended, in The Charlotte Observer not later than the sixth day before said date.

The order is recorded in full in Ordinance Book 24, beginning at Page 408.

RESOLUTION AND ORDINANCE TO PROVIDE FOR ENGINEERING DESIGN FOR THE MCALPINE WASTEWATER TREATMENT PLANT IMPROVEMENTS, AND THE BIG SUGAR CREEK, TOBY CREEK AND MATTHEWS OUTFALL.

Motion was made by Councilwoman Locke, seconded by Councilman Withrow, and unanimously carried to adopt the following resolution and ordinance to provide funds for the subject projects:

- (a) Resolution accepting a state grant in the amount of \$122,325.
- (b) Ordinance No. 680-X appropriating \$733,953 in federal funds, \$122,325 in state funds, and \$125,000 in local funds.

The resolution is recorded in full in Resolutions Book 12, at Page 486. and the ordinance is recorded in full in Ordinance Book 24. at Page 410.

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RESOLUTION AUTHORIZING THE SUBMISSION OF STEP III 201 WASTEWATER FACILITIES APPLICATION FOR THE MCALPINE CREEK WASTEWATER TREATMENT PLANT UPGRADING BIG SUGAR CREEK, TOBY CREEK AND MATTHEWS OUTFALL.

Councilman Withrow moved adoption of the subject resolution. The motion was seconded by Councilman Whittington, and carried unanimously.

The resolution is recorded in full in Resolutions Book 12, at Pages 487 and 488.

AMENDMENT TO EXISTING CONTRACT WITH METROLINA-TEXAS ENGINEERS, LTD FOR ENGINEERING SERVICES AND SUPERVISION OF CETA EMPLOYEES FOR PROJECT ON SUGAR CREEK WITHIN FREEDOM PARK.

Councilwoman Locke moved approval of an amendment to the existing contract with Metrolina-Texas Engineers, Ltd., for engineering services and supervision of CETA employees for the erosion control and beautification project of Sugar Creek within Freedom Park, with the cost of the services to be 5.9% of the total construction costs. The motion was seconded by Councilman Withrow.

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

YEAS: Councilmembers Locke, Withrow, Chafin, Gantt and Whittington.
NAYS: Councilmembers Davis and Williams.

PERSONNEL DEPARTMENT TO REPORT BACK TO COUNCIL WITH A PLAN TO PUT THE EDUCATIONAL INCENTIVE PAY BACK INTO PAY PLAN FOR ALL SWORN POLICE OFFICERS.

Officer Jim Corriher, President of the Fraternal Order of Police for Mecklenburg County, stated their organization is now 450 strong.

He stated they have three areas of concern regarding the educational incentive pay and the pay plan amendments. First is the educational incentive pay for police officers. Under the approved pay plan Sergeants and below will receive this incentive pay. Fourteen eligible people above the rank of sergeant will be excluded. This seems to be the wrong direction for professional police department to take. Experience and training are provided for each police officer in the Department; however the education you receive must be obtained on your own time. Each sworn police officer should be rewarded for making this additional effort to better themselves as a well rounded professional police officer. Education should be rewarded in the same manner for captains, majors or chief as it is for a patrolman. The ranking personnel of the department deserve the same incentive for their efforts as the patrolmen in place of making a giant step backward in professional police work in Charlotte and Mecklenburg County.

The FOP recommends educational incentive available to all sworn police officers regardless of rank in the City.

Second, regarding the captains. The new pay plan creates several levels of pay for the rank of captains. They feel this is a mistake. Sergeants and lieutenants use to go through several pay ranges before reaching top pay. These errors were corrected and all sergeants and lieutenants were moved to top pay when they were promoted. We need to have a uniform pay plan for captains so they can be transferred from one assignment to another without having any problems. They recommend that all captains be paid top pay immediately. This is \$430.92 per week.

Third, regarding investigators. Police officers and investigators will make the same pay under the approved pay plan. Serving as an investigator is a training and learning experience for a police officer, and should not be considered a promotion. However, due to the call back time an investigator must

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adhere to he should be entitled to a pay step while serving in that capacity. In addition the investigator develops a network of importance after serving in this capacity for a period of time. This aids them in clearing many cases that otherwise would remain unsolved. The pay step would encourage the investigator to remain in this capacity. They recommend that the one pay step be retained for a police officer serving as an investigator.

Councilman Davis asked him to repeat his statement about educational incentive. Mr. Corriher replied they want educational incentive pay for all police officers regardless of rank or position. There are 14 who are not receiving it whereas there are 200 receiving it, and these 14 should not be penalized.

Councilman Gantt asked what educational requirements exist in job description for police major or police chief? Is it possible for someone to obtain those positions now under the present structure without having a professional degree or college degree? Mr. Corriher replied it is possible. That it is also in the advertisement from the City of Charlotte in hiring that you will receive educational incentive pay without any cut off.

Councilman Gantt stated a point has been made by the Personnel Department that these positions of captains, major and assistant chiefs require a certain level of training. He is trying to find out if that is the case, or if someone can come in with certain kinds of education and qualify for a position of police captain; just as it is impossible to become a lawyer without having a law degree. Does the position itself require a degree, and if you are already paid for that and is your pay already set up in accordance with the education you already have? Mr. Corriher replied there is no requirement on that. A man without a degree now has just as much a chance for a promotion as a man with a degree. It is based on training, experience and education.

The City Manager stated Tim Mayes is here to talk about this. The new pay plan raises those people and pays them for education - all of them. That was the idea; so you do not require this any more. Because you want to begin to require higher educational standards for these jobs. If we were to advertise for a Chief tomorrow, he is sure we would advertise with a degree as one of the requirements. You would either have to meet that or show some very good reason why not. This pay plan would not have raised these grades to the grades they are if incentive pay had been left in; the grade would have been lowered if the incentive pay had been left in.

Mr. Mayes of the Personnel Department stated they have gone through a very long process during the last year - about a nine month period where they had a group to come in from Chicago. They had about 3600 positions and assigned about 300 different job classifications. Council approved the plan in June as a part of the budget, and in approving the plan asked the Manager to come back with some information about educational incentive pay. In the process of replying to this request they also got into some concerns that the police chief had, as well as the Fraternal Order of Police. In addition, they met with representatives of each rank in the police department - the majors, captains, sergeants as well as the officers. In reviewing all these matters as a whole they thought it best to approach it in that manner so they would not come back with hit and miss information about incentive pay. They think there are some things about incentive pay that influence the basic pay structure which was approved. The Chief has run into a problem with his captains which he has made the Personnel Department aware of since the plan. At present there are 28 captains; ten of these are drawing additional pay step because they are team commanders, and another is drawing it as a bureau commander. The problem they have is in moving the team commanders from that assignment to other assignments in the department, in order to do that a team commander will experience a cut in pay. This is something that through experience, in the past several months, they have come to appreciate more than they did in June. In addition to that they have looked at the relationship in the basic pay plan structure between the police captain and the police major. Presently a team commander serving as a captain is at pay range 24, and majors are at pay range 25. They realize the effect of this in the department.

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Mr. Mayes stated in their report to Council they have suggested two recommendations they think will enable them to deal with the basic pay structure of the department. That is to assign all captains to pay range 23, and assign all majors to pay range 26. This will do two things; it will get all captains at the same pay level; in addition it will establish a differential between captains and majors that is more meaningful than the present differential.

Concerning the question of educational incentive pay, one point which is very important is that they did not simply remove educational incentive pay from all ranks in the police and fire department. No longer do we give educational incentive pay as an add-on for captains and majors in the police department, and for district chiefs in the fire department. The basic pay range assignment for the captains was increased from pay range 22 to pay range 23 in the study which was given to Council a few months ago, based on the fact that educational incentive pay was being removed from that class. The same is true of the district chief class in the fire department. It was increased to range 23 because of the removal of educational incentive pay. That is very important to understand because if we are talking about in some manner adding incentive pay back to these classes, it is very important to realize these classes have already been pushed up to account for removing incentive pay away from that class.

Mr. Mayes stated they would very strongly recommend to Council if incentive pay is added back that it will be necessary to adjust the basic pay levels of these two classes such that they would not be improperly inflated. In meeting with representatives of the police department, including the chief and representatives from the different employee groups, they feel this recommendation is one they can operate with, and the chief feels there are a lot of improvements with this plan. They feel that incentive pay is an add-on, and they would certainly want all the majors to have educational attainment; no one would question that. What has been seen through experience is that most people who have attained the higher ranks even though it is not required one of the things they would definitely look for is the education. They do prefer a major to have a degree.

Councilman Williams asked how many assistant chiefs and how many major positions are in the department? Mr. Mayes replied there are three assistant chiefs and seven majors; that two of these officers have a four year degree. He stated they have seen a great improvement in our force through the aid of the incentive pay policy and have seen a number of the ranking officers obtain degrees. We now have close to 1/2 of the uniform officers with degrees. In the coming years they think that the best applicants for the captain and major positions will have degrees; although at this point they do not require an applicant to have a degree.

Councilman Davis stated he believes very strongly in the educational incentive and he is inclined to agree with Mr. Corriher that there should be educational incentive for all sworn police officers. He thinks this should be separated from the regular pay class so that the individual knows with a college degree or two or four years of college training he will get "x" amount of additional dollars. That college trained policemen will be much better public servants; and the educational training will help him to accomplish this; that it is worthwhile for Council to motivate this in some manner. He would like to see the personnel department come back with a plan maybe including the other changes which he has no objections to, but a plan to place the educational incentive back in for all sworn police officers. He thought that was the understanding at the time this came before the budget hearing. It may be that it would be cumbersome to do this right now as in order to produce the money for it it might reduce somebody in pay. It may be better to wait and do this at the next budget time when a pay increase could be passed out in those ranges in form of educational incentive. He would like to see the incentive separately identified and returned to the pay plan.

Councilman Whittington moved approval of the item as recommended by the City Manager and Personnel Department for discussion. That is amending the pay plan to change the salary of police majors from pay range 25 to pay range 26 and to establish all police captains at pay range 23. The motion was seconded by Councilwoman Locke.

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Speaking for the educational incentive pay for majors was Major Jack Bowman who stated he is a dedicated police officer; that he has been in the department 21 years. As long as society associates professionalism with education then he thinks they should have educational incentive pay. He disagrees that it equalizes out in the pay plan. As an example. He was drawing pay step 26 with two additional steps, four year educational degree. Under the new pay plan he did not get a raise this last time, but 1.6. Just for an example, retirement went up one percent; hospitalization went up, and he took less money home than he had been taking. If that is the kind of pay raise he gets, it looks kinda bad; they don't hesitate to give other big salary raises; and they should take that into consideration. That he intends to go on and get his masters degree; but he would like to have some help from Council also.

Councilman Williams offered an amendment to the motion to reinstate the educational incentive pay for all police officers. The motion was seconded by Councilman Davis for discussion.

Councilman Williams stated he does not know how it would affect the other; but to him it is so important as a policy statement that that should come first. Instead of the tail wagging the dog, the dog should be wagging the tail.

Mr. Mayes stated if you place the educational incentive back in there is one point he would like to re-emphasize. That is the effect of re-implementing the educational incentive pay plan on top of the basic pay level that were presented in this report. Without a doubt, it would unnecessarily inflate pay levels of both the captains and majors. With their recommendation of pay range 23 and 26 and incentive pay on top of that, it would unnecessarily inflate the pay levels of those two classes. He stated they would have to recommend that we revert back to the original pay levels that we had prior to the pay plan which was approved in June.

Councilman Gantt stated what is being said here is with the increased pay ranges of the captains and majors and district chiefs that they went up to compensate for the educational requirements; normally they would not have gone up, and would simply have taken the 6 1/2 percent increase everyone else in the city received; but they stepped them one more which in effect places the educational incentive pay in their base pay plan. It seems to him Council would have to say to move it back and then compensate those who have the education in order to be fair about it. Councilwoman Chafin stated it is an either/or proposition. Councilman Whittington stated that is why Council should approve what is recommended. Councilman Gantt stated he thinks the danger of the arguments Mr. Davis makes is that it implies all of a sudden Council has decided it is against education. That he does not think that is the case at all. Councilman Davis stated he believes he suggested just what Mr. Gantt said and that is the Personnel Department go back and redo this and come back with a proposal that has the educational incentive in there. Councilman Williams stated he thinks it should be effective immediately because if you put it off it may be put off forever.

Mayor Belk stated if you put it into effect immediately, then you miss what Mr. Gantt is talking about which involves the pay plan. Councilman Williams asked what pay range the majors were classed last year? Mr. Mayes replied pay range 25. Councilman Williams stated now they would be raised from 25 to 26 if Council does what is recommended, which is a five percent raise. If you have a four year degree you get a ten percent increment. So you raise them five percent and take away ten percent. Mr. Mayes replied that is the point Major Bowman was making. We have to build a basic pay plan structure that is consistent from top to the bottom of the police department. There are three majors out of seven with degrees; two of the three having baccalaureate degrees, and one has an associate degree, and the other four do not have degrees. He stated their concern is to build a plan that is solid from top to bottom. They run into problems if they automatically added, in each case where they took away incentive pay, two pay steps. There are 28 captains, nine with associate degrees and two with baccalaureate degrees - 11 out of the 28 captains have degrees, and this goes with the three majors which comes to 14 that Mr. Corriher was referring to.

Councilman Davis stated based on that information it looks to him as if he has

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done just the opposite of educational incentive. You now put the incentive on folks not educated because you raised them up to the same level as college educated or the associates are making. That is the reverse of what he wants to do.

Mr. Mayes stated they have the incentive pay since around 1960-62. In 1974 Council amended the policy. Prior to that time we provided additional pay to police officers and police investigators. It was not automatic but if they thought gaining additional education exhibited a superior level of performance the Chief would recommend they receive additional pay. In 1974 they added on and went beyond police officers and went through all the ranks in the police department through major. Since this time, they have had three captains and one major receive their degrees; prior to 1974 another eight captains and two majors received their degree. Since 1974 when it was extended to majors and captain, three people in those ranks have gone on and received their degree. He is not sure if any of them had started their education prior to 1974; he would guess perhaps they did in order to get their degree this quickly. What they are seeing is a situation where we have the people enticed at the lower levels through the incentive pay plan to go to school; hopefully they are banking on that paying off sometime in the future when it comes time for promotions. This is not to say of the four majors who do not have a degree that none are willing to go out and work on their degree; he does not know. He can say that none of them are actively working on their degree at this time. At this time there are no captains working on their degree and there are no majors. There are about 28 police officers who are working on their degree in addition to the about 170 who now have their degrees. There are about two sergeants who are actively pursuing their degrees semester by semester, and quarter by quarter they are going back to school and sticking with it. When we look at our experience we have seen that the incentive for the most part has been at the lower level, and the officers are very concerned about getting their degrees at that level as a way for them to be promoted.

Councilman Gantt asked what would happen to Major Bowman's situation under the recommendation they are making now? That he is at pay range 26, and as a result of the new pay plan he was put in range 25, and received about 1.6% raise. Under the situation which Personnel now recommends would that mean he would get approximately a six percent raise? Mr. Mayes replied at this time Major Bowman is at a step beyond step (f) of his pay level assignment. He is at range 25; but if you look at the pay plan in most cases we have steps (a) through (f). He is beyond step (f) and is at step (g). They did this as a way of not reducing his pay as we converted to the new plan. That is the reason he received the 1.68 percent. If we go to range 26, Major Bowman would automatically be at step (f), which is the same pay rate he is now. By going to pay level 26, he would already be where he is now at the maximum for 26, and he would not experience an increase.

Councilman Davis made a substitute motion to ask the Personnel Department to report back to Council at the next meeting, or as soon after as possible, with a plan to put the educational incentive back into the pay plan for all sworn police officers. The motion was seconded by Councilman Williams.

Mayor Belk asked if this is a change in the substitute motion already made? Councilman Williams stated he will withdraw his original substitute, and Councilman Davis withdrew his second to the original substitute.

After further comments, the vote was taken on the substitute motion, and carried as follows:

YEAS: Councilmembers Davis, Williams, Chafin and Gantt.
NAYS: Councilmembers Locke, Whittington and Withrow.

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RESOLUTIONS SETTING HEARINGS ON PETITIONS TO CLOSE PORTIONS OF STREETS.

Motion was made by Councilwoman Locke, seconded by Councilman Withrow, and unanimously carried, adopting resolutions providing for public hearings on petitions to close portions of Streets, as follows:

- (a) Resolution stating an intent to close a portion of Kings Drive North and a portion of a street or alleyway sometimes known as Sussman Street, and setting a date of public hearing on Monday, September 26, at 3:00 o'clock p.m.

The resolution is recorded in full in Resolutions Book 12, Page 489.

- (b) Resolution stating an intent to close a portion of East Tenth Street, between North Caldwell Street and North Davidson Street, in the First Ward Redevelopment Area, and setting a date of public hearing on Monday, September 26, at 3:00 o'clock p.m.

The resolution is recorded in full in Resolutions Book 12, Page 490.

RESOLUTION PROVIDING FOR PUBLIC HEARINGS ON MONDAY, SEPTEMBER 19, ON PETITIONS FOR ZONING CHANGES.

Upon motion of Councilwoman Locke, seconded by Councilwoman Chafin, and unanimously carried, the resolution was adopted providing for public hearings on Monday, September 19, at 2:30 p.m., in the Educational Center Board Room on Petitions No. 77-30, 77-39 through 77-49, 77-51 and 77-52 for zoning changes.

The resolution is recorded in full in Resolutions Book 12, at Page 492.

DR. WILLIAM MCCOY NOMINATED FOR APPOINTMENT TO THE CHARLOTTE-MECKLENBURG PLANNING COMMISSION.

Councilwoman Chafin stated she would like to place a name in nomination for the Charlotte-Mecklenburg Planning Commission.

She nominated Dr. William McCoy for a three year term, and asked that this nomination together with the name of Mr. Bob Broadway remain on the floor until the next meeting.

APPOINTMENTS TO THE PARADE PERMIT COMMITTEE.

Councilwoman Chafin moved the appointment of Mr. Bill Hill and the appointment of Fire Chief Jack Lee to succeed themselves for a three year term each to the Parade Permit Committee. The motion was seconded by Councilman Whittington, and carried unanimously.

APPOINTMENTS TO THE AIRPORT ADVISORY COMMITTEE.

Councilwoman Chafin moved the appointment of the following nominees to the Airport Advisory Committee, each to succeed themselves for a three year term, which motion was seconded by Councilman Whittington:

- (a) Stan R. Brookshire.
(b) Harry Nicholas.
(c) Harry F. Wolfe, Jr.
(d) Roddy Dowd.

At the question of Councilman Davis, the Clerk advised that each of the nominees has served one term with Mr. Brookshire's term being a five year term, and the remaining three having served three year term each.

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Councilman Davis stated since this would mean one would be serving more than six years, that he thinks this is contrary to the spirit of the rule Council has adopted, and he made a substitute motion that Mr. Stan Brookshire, our former Mayor, be honored by being made a member of the Airport Advisory Committee for life, and the other three nominees be appointed for three year terms each. The motion did not receive a second.

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

YEAS: Councilmembers Chafin, Whittington, Gantt, Locke, Williams and Withrow.
NAYS: Councilman Davis.

CONTRACTS AWARDED.

1. Councilwoman Locke moved award of contract to the low bidder, Tool Sales and Service, Inc., in the amount of \$15,754, on a unit price basis, for field maintenance and lubrication service vehicle. The motion was seconded by Councilman Whittington, and carried unanimously.

The following bids were received:

Tool Sales & Service, Inc.	\$ 15,754.00
Lubromation, Inc.	19,850.00

2. Motion was made by Councilman Whittington, seconded by Councilman Withrow, and unanimously carried awarding contract to the low bidder meeting specifications, Seaboard Rental & Sales, in the amount of \$31,995, on a unit price basis for one aerial lift truck.

The following bids were received:

Seaboard Rental & Sales	\$ 31,995.00
Map Enterprises, Inc.	32,589.00

Bids received not meeting specifications:

Trice & Sons Equipment, Inc.	\$ 28,762.37
Utility Distributors, Inc.	31,636.00

3. On motion by Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, contract was awarded the low bidder, Town & Country Ford, Inc., in the amount of \$12,697.12, on a unit price basis for two 12-passenger vans to be used for Hot Meals program.

The following bids were received:

Town & Country Ford, Inc.	\$ 12,697.12
GMC Truck & Coach Division	13,907.62

RESOLUTION OF CONDEMNATION FOR ACQUISITION OF PROPERTY AT 2900 TYVOLA ROAD FOR SUGAR CREEK DREDGING PROJECT, WITHDRAWN.

Council was advised that the acquisition of property at 2900 Tyvola Road for Sugar Creek Dredging Project had been settled and it would not be necessary to adopt the resolution of condemnation.

Motion was made by Councilman Whittington, seconded by Councilman Withrow, and unanimously carried to withdraw the resolution from the agenda.

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RESOLUTIONS AUTHORIZING CONDEMNATION PROCEEDINGS FOR ACQUISITION OF PROPERTY, ADOPTED.

- (a) Councilwoman Locke moved adoption of a resolution authorizing condemnation proceedings for the acquisition of property for overall condemnation of Blocks Nos. 15, 16, 20, 47 and 48 in the First Ward Project. The motion was seconded by Councilman Whittington, and carried unanimously.

The resolution is recorded in full in Resolutions Book 12, at Page 493.

- (b) Councilman Whittington moved adoption of a resolution authorizing condemnation proceedings for the acquisition of property belonging to Willie J. Cuthberton located at 215-15 1/2 Skyland Avenue, in the Grier Heights Target Area. The motion was seconded by Councilman Withrow and carried unanimously.

The resolution is recorded in full in Resolutions Book 12, at Page 495.

- (d) Upon motion of Councilman Whittington, seconded by Councilwoman Locke, and unanimously carried, resolution was adopted authorizing condemnation proceedings for the acquisition of property at 131 West Palmer Street belonging to Eugene Proctor; property at 314 Quincey Street belonging to Richard Guiney; and property at 1318 South Church Street belonging to Ulysses McCain, all in the West Morehead Target Area.

The resolution is recorded in full in Resolutions Book 12, at Page 496.

CONSENT AGENDA APPROVED.

Upon motion of Councilwoman Locke, seconded by Councilman Whittington, and unanimously carried, the following action was taken on Consent Agenda items:

1. Denial of claim of James H. Gabriel, 1639 Wensley Drive, for reimbursement for storm drainage repair in the amount of \$857.67.
2. Adoption of ordinances ordering the removal of weeds and grass from premises, as follows:
 - (a) Ordinance No.681-X ordering removal of weeds and grass from vacant lot at rear of 3926 Statesville Avenue.
 - (b) Ordinance No.682-X ordering removal of weeds and grass from 2416-2418 Sanders Street.
 - (c) Ordinance No.683-X ordering removal of weeds and grass from vacant house at 904 Greenleaf Avenue.
 - (d) Ordinance No.684-X ordering removal of weeds and grass from 3512 Avalon Avenue.
 - (e) Ordinance No.685-X ordering removal of weeds and grass from 4714 Morgan Street.

The ordinances are recorded in full in Ordinance Book 24, beginning at Page 411 and ending at Page 415.

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3. Adoption of ordinances declaring housing unfit for human habitation, as follows:
- (a) Ordinance No. 686-X ordering unoccupied dwelling at 600 Mercury Street in Community Development area, to be demolished and removed.
 - (b) Ordinance No. 687-X ordering occupied dwelling at 516 Lakewood Avenue to be vacated and closed.
 - (c) Ordinance No. 688-X ordering unoccupied dwelling at 2803 Seymour Drive, Apt. No. 1, to be closed.
 - (d) Ordinance No. 689-X ordering the unoccupied dwelling at 2219 Irma Street to be demolished and removed.
 - (e) Ordinance No. 690-X ordering the unoccupied dwelling at 1925 Parson Street to be demolished and removed.
 - (f) Ordinance No. 691-X ordering the occupied dwelling at 1615 North McDowell Street to be vacated and closed.
 - (g) Ordinance No. 692-X ordering the occupied dwelling at 522 Lakewood Avenue to be vacated and closed.

The ordinances are recorded in full in Ordinance Book 24, beginning at Page 416 and ending at Page 422.

4. Approval of loan agreements between the City and the following applicants:
- (a) G. Andrew Fernald & Wanda G. Fernald, in the amount of \$13,300, for 4308 Howie Circle, North Charlotte Target Area.
 - (b) Jerry W. Jernigan & Susan N. Jernigan, in the amount of \$12,200, for 919 Mt. Vernon Street, Wilmore/Dilworth Area.
5. Approval of contracts for sanitary sewer installations with:
- (a) Carolina Connecticut Properties, Inc. for construction of 2,985 linear feet of 8-inch line to serve Carmel Ridge Village of Walden, Phase II, outside the city, at an estimated cost of \$44,775.
 - (b) Messrs. Averill C. and Henry A. Harkey for the construction of 1,045 linear feet of 8-inch line to serve Interstate Industrial Park, Phase II, inside the city, at an estimated cost of \$15,675.
 - (c) Shoney's South, Inc., for the construction of 344 feet of 8-inch main to serve Delta Road at Albemarle Road, inside the city, at an estimated cost of \$5,160.
6. Adoption of a resolution for a lease agreement, in the amount of \$100 per year, between the City and the Seaboard Coast Line Railroad for a parcel of land approximately 50' x 70' located off French Street and Brookshire Freeway, for storing and handling stone or gravel and constructing and maintaining any necessary structures. The resolution is recorded in full in Resolutions Book 12, at Page 497.
7. Approval of encroachment agreements, as follows:
- (a) Agreement with the North Carolina Department of Transportation for existing water mains in N. C. 49 and N. C. 160.
 - (b) Agreement with the North Carolina Department of Transportation for sanitary sewer to serve County property along I-85 Service Road to Beatties Ford Road.
 - (c) Agreement with the North Carolina Department of Transportation for proposed 8-inch water main crossing Quail Hollow Road (SR 3906) at Quail Forest Drive.
 - (d) Agreement with the North Carolina Department of Transportation for proposed 2-inch water main in Windwood Circle (SR 3905).

8. Approval of Property Transactions, as follows:

- (a) Acquisition of 93.29' x 14.46' x 90.23' from Hobart R. Wood and wife, Jo Ann H., at \$1.00, for right-of-way for Crestbrook Drive, at 1154 Crestbrook Drive.
- (b) Acquisition of 15' x 5' of easement, from Arlen Realty, Inc., at \$1.00, at 251 Eastway Drive, for sanitary sewer to serve North Park Mall.
- (c) Acquisition of 30' x 1,693.88' of easement, plus construction easement, plus construction easement, from Edgar S. Alexander and Macie Bell Alexander, on westside of I-77 at intersection of Westmoreland Road, southwest corner, at \$3,500 for McDowell Creek Outfall, Phase III.
- (d) Acquisition of 30' x 228.63' of easement, from Clyde C. Walters and wife, Theresa C., at Rt. 1, Huntersville, N. C., at \$500, for Torrence Creek Outfall, Phase III.
- (e) Acquisition of 30' x 89.17' of easement from Rodney L. White and wife, Betty K, at P. O. Box 261, Abingdon Circle, Huntersville, N. C., at \$350, for Torrence Creek Outfall, Phase III.
- (f) Acquisition of 30' x 160.42' of easement, plus construction easement, from Wilmer A. Hough and wife, Sadie C., at 13,625 Circle Avenue, at \$210 for Mallard Creek Outfall.
- (g) Acquisition of 30' x 87.79' of easement from Blanche D. Stough, at 19,519 Oak Street, Cornelius, N. C., at \$300, for McDowell Creek Outfall, Phase III.
- (h) Acquisition of three parcels for Grier Heights Community Development Target Area:
 - 1.) 15,000 sq. ft., from Sarah McIlwain, 209 Skyland Avenue, \$15,000.
 - 2.) 5,088 sq. ft., from Sarah McIlwain, 3133 Goldyn Street, \$10,560.
 - 3.) 4,892 sq. ft., from Sarah McIlwain, 208 Alpha Street, \$7,185.
- (i) Acquisition of four parcels for Third Ward Target Area:
 - 1.) 5,195 sq. ft., from Mildred K. Burgin, 1100 Greenleaf, \$1,600.
 - 2.) 7,820 sq. ft., from Joseph Messina, 908 Greenleaf, \$7,500.
 - 3.) 6,965 sq. ft., from Chancie Vance, 917 Greenleaf, \$9,000.
 - 4.) 6,975 sq. ft., from Eva H. Dysart, 1115 Greenleaf, \$8,000.
- (j) Acquisition of nine parcels for West Morehead Target Area:
 - 1.) 4,752 sq. ft., from Gathings Motor Co., 116 & 118 West Catherine Street, \$10,000.
 - 2.) 5,520 sq. ft., Richard D. Guiney, 1305 S. Church Street, \$6,000.
 - 3.) 5,520 sq. ft., Peggy J. Good, 1313 S. Church Street, \$4,650.
 - 4.) 5,520 sq. ft., Charnoca Corp., 1317 S. Church Street, \$6,000.
 - 5.) 7,590 sq. ft., Theodore Smith, Jr., 1321 S. Church Street, \$7,050.
 - 6.) 3,660 sq. ft., Charnoca Corporation, 1325 S. Church Street, \$4,500.
 - 7.) 3,940 sq. ft., Alfred W. Smith, 1335 S. Church Street, \$5,600.
 - 8.) 2,760 sq. ft., Katherine Mangum, Winnifred Street, \$2,300.
 - 9.) 3,660 sq. ft., Charnoca Corporation, 1232 Winnifred Street, \$4,500.
- (k) Acquisition of 1,474 sq. ft. from Zeb C. Strawn, 2812 and 2812A Baltimore Avenue, at \$450, for Southside Park Target Area.

9. Approval of the renewal of a special officer permit to Timothy Brian Weber, for a period of one year, for use on the premises of Charlotte Park and Recreation Commission.

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INFORMATION REQUESTED CONCERNING PREVIOUS REQUEST TO PLANNING COMMISSION ON SOUTHPARK LAND USE STUDY.

Councilman Davis stated over a year ago he asked for the SouthPark land use study, and this has gotten to be an issue from time to time. He would like to request officially that the City Manager inform the Council what happened to the Council's request for the Planning Commission to provide Council with comments on the SouthPark land use study.

Mr. Burkhalter suggested he address his request to the Planning Commission, and then he will ask the Planning Commission for him. That he cannot tell the Planning Commission what to do.

Councilman Davis asked how the request was translated before? Mr. Burkhalter replied he does not remember as it has been so long. It has been brought up two or three times since then. Councilman Davis stated he would like to know what procedure was used to transmit the request to the Planning Commission and might just ask them officially what happened to that request. Mr. Burkhalter replied he will find out just how it was done before.

MOTION TO CONSIDER NON-AGENDA ITEM.

Councilman Whittington moved that Council put the matter of the Morrison Boulevard - Harris property - zoning on today's agenda. The motion was seconded by Councilman Withrow, and carried unanimously.

PETITION NO. 77-34 FOR AMENDMENTS TO SITE PLAN ON MORRISON BOULEVARD GRANDFATHERED AND ACTION OF COUNCIL ON AUGUST 8 SETTING HEARING ON PETITION RESCINDED, AND HEARING DATE OF SEPTEMBER 21 SET FOR QUASI-JUDICIAL HEARING ON PETITION.

Councilman Whittington moved that the zoning ordinance amendments adopted by City Council on August 8, 1977 not apply to pending zoning petition No. 77-34 and that this petition be heard at a public hearing conducted under the adopted Rules of Hearing Procedure, and further that the petition be determined based upon the provisions of Section 23-35 of the City Code that existed immediately prior to the adoption of the zoning ordinance amendments on August 8, 1977, and further moved that the required public hearing be held on _____ (date) at _____ o'clock in the Council Chamber, and that the motion adopted by Council on August 8 scheduling this petition for public hearing on September 19, 1977 be rescinded; the purpose of the motion is to "grandfather" Petition No. 77-34 since it was filed during that period of time when Council was considering the zoning text amendments but prior to the Council taking final formal action on the amendments, and since the new ordinance imposes new substantive requirements with respect to B-1SCD petitions. The motion was seconded by Councilman Withrow.

Councilman Davis asked if first you have to rescind Council's action in passing the zoning ordinance? Mr. Underhill, City Attorney, replied that is the problem with this. As he tried to point out the last time, the best time to have done this was when Council adopted the ordinance at its last meeting; but the ordinance has been adopted now, and Council in essence in his opinion is "grandfathering" a pending zoning petition; and he thinks Council legally can do that. The only question he has is whether it can be done by simple motion, or if it takes a formal ordinance amendment to actually do that. He thinks it can be done this way. If Council adopts this motion, it will have to set a new date for the public hearing because this matter is scheduled to be heard, and Council adopted a motion to this effect at its last meeting also to be heard at a meeting on September 19. He does not think Council would want to hear a quasi-judicial matter at the same time it hears these larger number of other zoning requests scheduled for the 19th. He suggests to Council that a new hearing date be set if this motion is adopted. It encompasses a lot of things. It 'grandfathers' that petition; it rescinds the motion scheduling the petition for the 19th, and sets a new hearing date for the petition under the old zoning ordinance, in essence, and under a quasi-judicial process.

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Councilman Davis stated he does not see how we can do this at this point without rescinding the ordinance. Mr. Underhill replied he does not think you have to rescind the ordinance in its entirety; the law generally allows a Council, particularly in zoning matters where it is most prevalent, to grandfather certain situations, or treat in this case pending applications in a way different from applications filed after the adoption of the ordinance. He sees the point Councilman Davis is raising, and he thinks procedurally that is another way of doing it, and maybe a better way of doing it.

Mr. Underhill read the motion again stating perhaps it should be broken down into a series of motions.

One motion could read as follows: "Move that the zoning ordinance amendments adopted by Council on August 8, 1977 not apply to pending zoning Petition No. 77-34, and that this petition be heard at a public hearing conducted under the adopted rules of hearing procedure (which is the quasi-judicial procedure); and further that the petition be determined based upon the provisions of Section 23-35 of the City Code that existed immediately prior to the adoption of the zoning ordinance amendments on August 8, 1977."

The other motion could read: "I further move that the required public hearing on this matter be held on _____ (date), at _____ o'clock in the Council Chamber, and that the motion adopted by Council on August 8 which scheduled this petition for public hearing on September 19, 1977 be rescinded."

Mr. Underhill stated the only motion to rescind is the motion scheduling the hearing on the 19th. He stated Council has to pick a hearing date, and he will have to counsel a little bit on that because it has to be advertised in a certain manner two consecutive weeks for not more than 25 days, or less than 15 days prior to the date set for the public hearing.

Councilman Whittington asked if Council can make a motion for the first section, and then another motion to set the public hearing? Mr. Underhill replied yes; but Council will not meet again until the 12th, and should set the public hearing date.

Councilman Whittington restated his motion moving that Zoning Petition No. 77-34 be heard at a public hearing conducted under the adopted Rules of Hearing Procedure and that the merits of the petition be determined in accordance with the provisions of Sec. 23-35 of the City Code that existed immediately prior to the adoption of the zoning amendments on August 8, 1977, and that the zoning ordinance amendments adopted on August 8 not be applicable to this petition only. The purpose of the motion is to clarify Council's intention to 'grandfather' Petition No. 77-34 from the provisions of the August 8 zoning amendments since the petition was filed during that period of time when Council was considering the zoning amendments but prior to Council taking final formal action and since the August 8 amendments imposes new substantive requirements with respect to B-1 SCD petitions. The motion as stated was seconded by Councilman Withrow.

Councilman Gantt asked if the motion is not approved, it means we stick with the standard procedures? Mr. Underhill replied that is correct.

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

YEAS: Councilmembers Whittington, Withrow, Locke and Williams.
NAYS: Councilmembers Chafin, Davis and Gantt.

Councilman Gantt moved that the required hearing on Petition No. 77-34 be held on Wednesday, September 21, 1977, at 2:00 o'clock p.m., in the Council Chamber, and that the resolution adopted on August 8 scheduling this petition for hearing on September 19 be rescinded. The motion was seconded by Councilman Withrow, and carried unanimously.

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CALENDAR FOR CITY COUNCIL MEETING SCHEDULE FOR SEPTEMBER, OCTOBER, NOVEMBER AND DECEMBER APPROVED.

Councilwoman Locke moved approval of the calendar for City Council Meeting Schedule for September, October, November and December with the amendment to change the time of the September 19 meeting from 7:30 p.m. to 2:30 P.M. The motion was seconded by Councilman Davis and carried unanimously.

MAYOR BELK COMMENTS ON ARTHUR YOUNG RATE STUDY REPORT, AND STAFF REQUESTED TO BRING A REPORT ON THE STUDY TO COUNCIL.

Mayor Belk asked who was present for the Arthur Young presentation on the rate study. That he was not able to attend the meeting, and he would like to bring up several matters on that report. That he notes from their report they want more money for the same operation. There are three things which he thinks are very detrimental in the report.

One is the bond issue for water is paid off with later bond issues. This is a bad precedent. This is the way New York City got into trouble. If we go along with this report where we issue bonds to pay off bonds, he thinks it is a real bad situation.

Second is the subsidy from taxes. He thinks this is a bad precedent too.

Third is the service charges. He thinks this is another bad precedent.

Mayor Belk stated for these three reasons he would like to recommend that Council have Staff bring a report to Council from them to hear their side. This is a real bad situation, and if you are going to set any of these precedents on water rates, you will get into a lot of trouble. That he thinks Council should hear staff's side. That he thinks there are a lot of pitfalls in there and that Council will regret forever.

Councilman Whittington stated everyone he has talked with has said to him that this report is very bad and very dangerous, and Council would do well not to approve it.

Councilwoman Locke stated she thought it was an excellent report. Councilman Davis stated he has heard some very high praise of it.

Mayor Belk stated he thinks Council should be warned with these steps it will be the worse situation; he would not call it fraud, but it is close to not going by the state law, if Council adopts the report as it is. That is the reason he would suggest that Council get some other ideas on it before making a bad mistake.

Councilman Gantt stated at the time of the presentation, Council asked that staff come back with recommendation.

Councilman Davis asked when staff will be ready to present their recommendations on the Arthur Young study? Mr. Burkhalter, City Manager, stated the last time he talked with them they had about finished their work. He asked if Council wants it on an agenda, or if they want a special meeting on it? Councilwoman Locke replied she thinks it will require a special meeting.

Councilman Davis moved that Council ask the City Manager to schedule a special meeting within the next 30 days to hear staff recommendations on the Arthur Young study, and also ask the City Manager to send a copy of the Mayor's comments to the Community Facilities Committee, and he would like for them to be present at this meeting. The motion did not receive a second.

Councilman Davis stated he would like to hear their comments on the points Mayor Belk brought out as he did not pick up on them himself. Mayor Belk stated they are three very dangerous points, and there are some others he would like to bring up on the report on the fixed charges. That is another thing.

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MOTION THAT CITY NOT CARRY GENERAL LIABILITY INSURANCE COVERAGE THIS YEAR.

Councilwoman Locke stated the City Manager has asked Council about the general liability insurance. She stated the increase is preposterous, and she feels we should not cover for this year as she feels sure it will go down

Councilwoman Locke moved the City not carry the general liability insurance for this year as recommended by the City Manager. The motion was seconded by Councilman Whittington, and carried unanimously.

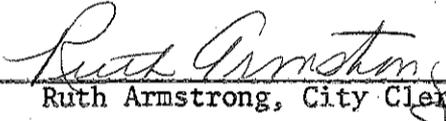
EXPENSE ALLOWANCE FOR MAYOR TO BE PLACED ON THE NEXT AGENDA.

Mr. Burkhalter, City Manager, stated in answering questions from candidates who have announced for office, his staff has checked back and have a record of all the subjects that have been questioned. It is very apparent there is no expense allowance for the Mayor. That he wants Council to be aware of this. There will be a new mayor this next two years, and if there is to be an expense allowance it will have to be set before the new mayor is elected. If Council would like to consider something like this he will put it on the agenda.

It was the consensus of Council that this should be placed on the next agenda for consideration.

ADJOURNMENT.

Upon motion of Councilman Withrow, seconded by Councilman Gantt, and unanimously carried, the meeting was adjourned.


Ruth Armstrong, City Clerk