

The City Council of the City of Charlotte, North Carolina, met in regular session on Monday, February 6, 1978, at 8:00 o'clock p.m., at the Belmont Neighborhood Center, with Mayor Kenneth R. Harris presiding, and Councilmembers Don Carroll, Betty Chafin, Tom Cox, Jr., Charlie Dannelly, Laura Frech, Harvey B. Gantt, Ron Leeper, Pat Locke, George K. Selden, Jr., H. Milton Short, Jr. and Minette Conrad Trosch present.

ABSENT: None

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INVOCATION.

The invocation was given by Reverend Paul Drummond, Minister of St. Paul's Baptist Church.

MINUTES APPROVED.

Upon motion of Councilmember Locke, seconded by Councilmember Trosch, and unanimously carried, the minutes of the last meeting, on January 30, 1978, were approved as submitted.

RESOLUTION CLOSING AN UNOPENED PORTION OF NORTH COLLEGE STREET, BETWEEN EAST 28TH AND EAST 29TH STREETS, CHARLOTTE, NORTH CAROLINA.

The scheduled public hearing was held on petition of Weyerhaeuser Company to close an unopened portion of North College Street, between East 28th and East 29th Streets, in the City of Charlotte.

Council was advised the petition had been investigated by all city departments concerned with street rights of way and there were no objections to the closing.

No opposition was expressed to the closing.

Motion was made by Councilmember Gantt, seconded by Councilmember Short, and unanimously carried, adopting a resolution closing the unopened portion of North College Street.

The resolution is recorded in full in Resolutions Book 13, at Pages 172 and 173.

MOTION TO APPROVE PRELIMINARY PLAN FOR EXPENDITURE OF COMMUNITY DEVELOPMENT FUNDS, AND SUBSTITUTE MOTION TO INCLUDE AMENDMENTS PROPOSED BY COUNCILMEMBER CARROLL; TABLED FOR ONE WEEK. HOUSING ASSISTANCE PLAN APPROVED WITH VARIOUS AMENDMENTS.

Councilmember Locke moved approval of the Preliminary Plan for the expenditure of Community Development Block Grant Funds. The motion was seconded by Councilmember Selden.

Councilmember Carroll made a substitute motion for approval of the Plan with the amendments as set forth in a handout which Councilmembers have. This motion was seconded by Councilmember Leeper. Other Councilmembers stated the amendments were just handed out and they had not had an opportunity to read them.

Councilmember Carroll stated the material he passed out to them basically came out of the meeting held about a week ago - on Tuesday when they were in the second day of hearings on the proposed CD Plan, at the close of which meeting he suggested that he had some problems with it and the Mayor suggested that he try to put these in writing and come back to the Council with these proposals. In the meantime he has tried to get whatever input he could from any of the Councilmembers regarding the CD Plan and what they should do with it. He will take just a few minutes to describe what he thinks the proposals would do and why they are important.

He stated they saw in the hearings they had and the discussion with the Community Development staff that one of the grave shortcomings of our Community Development program was that we did not have any absentee landlords using the rehabilitation loans which were available under Community Development. They have seen that the areas where they have had successful rehabilitation in the CD program have been areas such as North Charlotte where there is a predominance of owner-occupied dwellings - the rehabilitation has moved forward in those areas.

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He stated his concern was that in the majority of the Target Areas where they still need to move forward - Grier Heights, Cherry, Third Ward and Five Points - the majority of those properties are held by absentee landlords. That he thinks it is time they begin to enforce the code in those areas to provide some incentive for these properties to be fixed up.

Mayor Harris stated the document that Councilmember Carroll handed out has not been studied by staff. Councilmember Carroll replied he has gone over it with Mr. Sawyer; that since it is a preliminary plan he would like to basically explain the concepts and put this out so that the public and Councilmembers would have a chance to think about it for several weeks until they get to the point of adopting a final plan.

Mayor Harris stated, in other words, this is for information, not to be included as a part of the plan at this time? Councilmember Carroll stated he would propose that they include it that way because he would like to see them maximize the chance to get comment on it and for folks to really take it seriously.

Mayor Harris asked Mr. Sawyer, Community Development Director, if he is changing positions, or is this all additional material? Mr. Sawyer replied a lot of it is the same; with Councilmember Carroll adding some they are substituting; and Mr. Sawyer stating that is right. Councilmember Carroll stated it is, in fact, making some major changes which he would like to explain those and then Mr. Sawyer can respond to them. That they talked about them today, but he certainly has not had sufficient time to really do anything in depth. It is the concept, more than the details, that he is most interested in presenting.

Councilmember Carroll stated they have heard talk about code enforcement ever since they had their initial hearings back on the HAP when they had a number of people speak in favor of it. They have all been through areas today where they have seen the results of not having code enforcement. If they have real code enforcement, it means two things - that those houses which are not economically justifiable to bring up to code would be demolished. He stated they passed a lot of houses today which were either boarded up or left open which were in bad shape, which were a hazard to the neighborhoods they were in. They are very serious problems to the people who live in those neighborhoods.

That what he is proposing to do is, in the Community Development Target Areas, the four that he mentioned, where they still are in the process of moving forward, that they try full code enforcement and use of the code enforcement remedies to see if that is not going to give them the kind of incentives that we need to get these properties rehabilitated, brought up to code, or if it is not economical to do that, that they are demolished under the procedures provided in the code.

He stated that basically we have three kinds of property in the CD areas. They have property that is dilapidated, that is uneconomical to bring up to code; that have property that has to be acquired for public improvements, such as streets and parks; and then they have property that can be rehabilitated, that is economical to do so and they have certain incentives in the Community Development programs. They have had the staff tell them that after three years those incentives have not produced the rehabilitation in those areas where we have a large percentage of absentee landlords. That if they start enforcing the code and using that remedy that they will see better results. Here is a chance to try it in four areas (he would like to see it tried in the whole city, frankly), but let them try it in the four areas and see if it will not work. Try enforcing it, using the repair remedy, using the demolition remedy, and see where they can get. He would like for them to adopt this in the preliminary plan and get some comment on it during the next two weeks and see where they go.

He stated he mentioned the three classes of property in each area - that he thinks the emphasis on rehabilitation should be such that in the second class where they acquire property that has to be used for public improvements - roads or parks - that they try to move that property, that they move it over like the three houses they saw in Third Ward, which were on the Fourth Street connector, that they move those to some of our vacant land

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where houses are demolished, and use those. As they all know, there is absolutely no money available under Community Development to build new houses. That once they tear something down they do not know that anything is ever going to be able to replace it.

They also went through Greenville this afternoon and they saw the acres there that are torn down where there is nothing in the works to be built. So, it behooves them to use the Community Development program for something that is realistically going to bring improvement to the lives of the people who live in these neighborhoods. That he thinks we are at the point, after three years, where they need to try enforcing our code and using those remedies.

He stated there are two other aspects that these changes speak to. One has to do with the quality of construction in the rehabilitated areas. That Rev. Horne took them through a house in North Charlotte this afternoon - on Page 2 of the material they have, they can see some suggestions to help make sure that the rehabilitation work that we do for the elderly widow who is on a fixed income is good and does not end up costing her more money in the long run than if we had never tried to help her in the first place. He stated he thinks this is very important; it is something he knows the Community Development Department wants; he is just suggesting that they put another foot forward and press for it.

The third part of the proposal is basically one involving relocation. That is, where Community Development has to move people, that in the past this has gotten us, among other things, a couple of lawsuits. It has also gotten us some of the most expensive portions of the budget which do not, in fact, do anything to help the neighborhood. They are involved with moving people around and the hardship that creates, particularly for elderly neighborhood people who may wish to continue to live in the neighborhood they have lived in for years.

Councilmember Carroll stated he has suggested they bring in the services of Family Housing Services; that it is basically an idea which he thinks they will be glad to do although he has not spoken to them directly about it. That most of the Councilmembers know that we have a Family Housing Service that is one of the best in the country and we have some of the top people in it. They can offer, he believes, to the citizens in the target areas the budgeting, the counselling, the economic expertise, to try to find ways to keep people in the neighborhood who want to stay - to rent houses, to buy houses - but if they want to stay, to stay.

He stated they have been operating under the procedure where people who have to be relocated are given the option to seek three places outside of the area they are in. That he thinks that is good; he does not believe they should cut down people's options. But, they are also not doing as much as they could to insure that those people who want to stay have the chance to stay, and have a chance to stay, hopefully, in a rehabilitated house.

He stated the heart of the proposal is in the first three, really short, pages; the rest of it - the Five Points area proposal has to do with basically doing some replanning. He was quite disturbed in the hearings which were held, and in hearing from people in that area, that we planned to do as much demolition as we are - we are clearing large blocks of land in that area where there is absolutely no prospect at this point of being able to put anything back. They learned that there had not actually been an inspection individually of those houses to see which could be saved and which could not be saved. He knows some of them will have to go, but he thinks they should go by using the remedy we have in the code to take care of those properties which are not fit to remain and cannot be rehabilitated.

He has also suggested to Mr. Sawyer that we maybe think about, in those lots which end up getting cleared and which the City acquires, offering those to individuals in the community free, if they will build a house on those lots, thus increasing the incentives to people who actually live in the community to come in and fill up the vacant land and not just go through

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with a broad brush, clearing land, acquiring it in large blocks by the City when we, at this stage, do not have the means to put anything back there, and when we have large tracts of land already cleared that need to have something placed in them.

He stated the Five Points suggestion is really a suggestion to do a little more planning and a little more deciding what we are going to do, based on the facts that actually exist in that community.

He stated the changes in the Cherry proposal have to do basically with allowing that community, through its non-profit association, to help to determine its destiny. That we have never gotten to a Cherry plan because of concerns about that area, but if we start out, using the remedy which we have available in the code, we can begin to make the inroads that we need to on the houses that need to be rehabilitated or will have to be demolished, to bring that community up to standard housing. That it is important in the Cherry community that we have a real good neighborhood organization, a real active one with people who are really concerned about that community; that they can take the lead in seeing that it goes forward.

He stated the Cherry budget concerns him; and in his amendments he has suggested some changes. These changes relate to using money which is now in the First Ward budget and has been spent to finish, on the one hand, certain Urban Renewal projects and on the other hand, will be used to acquire a block of property across from First Ward School which will eventually come back into the First Ward budget after those projects are taken care of.

He has suggested two things - that, because of the lack of funds to maybe do all that is necessary in Cherry, that they allocate either \$900,000 or \$1,500,000 of that money to Cherry to increase its ability to deal with those problems. He also suggested that they consider using \$600,000 of that money to include the Villa Heights area as a target area - the request that has already been made to Council by a resident of that area. That it is adjacent to the North Charlotte area; that the people in North Charlotte do not want their area extended because the funds up there are already stretched as tight as they can be. That is the situation they are in, but they possibly have an extra \$600,000 that maybe cannot be used next year, but as soon as it returns to the First Ward budget, when that project is completed, should be allocated to include that area to help the residents in that area who have suggested that all they want is drainage, street improvements and housing rehabilitation. These are important goals to improving the Villa Heights area.

He stated he would like to include in the Preliminary Plan that they begin to think about those changes in funding. Third Ward, he thinks they can see, is a suggestion that they just try to again do as much as they can for rehabilitation as opposed to demolition; to use the Family Housing Service to help work with people who, if possible, can stay in Third Ward and use their budgetting and economic expertise to allow people to stay in that neighborhood. He stated he was impressed, and he hopes other Councilmembers were impressed, with the three houses which had been rehabilitated there and the fact that they had all three been now purchased by people who want to make their homes in Third Ward. That more of that is what they need to see happen and that is the direction our Community Development program should move in. He realizes to a lot of them this is all relatively new and they need some more time to think about it. He has talked with a number of people - people who got in touch with him after the meeting on Tuesday and had some concerns about the Community Development program, where they were going, and what they are going to do. He would hope, at this point, since it is a preliminary plan that they can take these ideas and include them for the next several weeks, get some more public comment on them, and think very seriously about incorporating them into the final plan at the end of February.

Mr. Vernon Sawyer, Community Development Director, stated he did have a conversation with Councilmember Carroll this morning; that he received copies of his proposal and Councilmember Carroll briefly explained them to him. That, very honestly, he has not had a chance to do more than reproduce them and distribute them to members of the staff and ask them to look at them.

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Mr. Sawyer stated he cannot comment at all on the enforcement of the housing code because that is out of his area; that he will have to regard that as a separate matter. As far as the other proposals go, just on the surface, without study, he sees no conflict with their ongoing program. In some respects, it might supplement it, improve it, especially the reference to the Family Housing Services. When it comes to allocating money that has been advanced from the First Ward program, that will come back at a time when land is sold, that Council would want to think further about that, because to allocate that now, at this time - it is a little early. But, as far as the general things that Councilmember Carroll has proposed, he can see no conflict without reserving the right to receive comments from his top staff who will be in charge of implementing these proposals and know more of the details of the ramifications and results of this than he does from a cursory study.

Mayor Harris asked if Mr. Sawyer could comment at all on what effect these recommendations will have on the present recommended preliminary plan?

Mr. Sawyer replied no - they sound fine and appear to not be in conflict with anything they had proposed.

Councilmember Cox stated he admires Councilmember Carroll's vigor and his intelligence - he is just catching up with him on his Independence Expressway article of Saturday. There are several things he wants to say. That he is exactly right about the rehabilitation - more emphasis on that. It is not really in the scope of this document. One thing of a general nature that he would like to say is that Council as a group have been talking about the need for this City of a housing strategy of more comprehensive nature. He does not think they know what he means by comprehensive housing strategy; and he does not think he knows what any of them mean by comprehensive housing strategy. But, they all understand that there needs to be one. They need to understand what the problems are.

For example, the in rem remedy sounds like a great idea. Since he talked with Councilmember Carroll, he has gone out and talked with some people who own these kinds of property and he gets the impression that in some cases it works and in some case it would not work, particularly where you have a high mortgage on a piece of property. You would be putting a mortgage on top of a mortgage and it would run a guy out of business. What the net benefit is to the city, he just does not know yet; and he does not think he can respond in the next two weeks to the suggestion. He stated we need to develop a housing strategy in this city, and a knowledge of housing, more comprehensively than we have in the past. He thinks all of the Councilmembers agree with that.

There is one point he would like to make, and he would like Mr. Sawyer's opinion on this. Instead of putting the very good ideas into the CD Plan, why can they not treat the CD Plan like they have always treated it - just a response to legislation. Everybody knows that is what it is - we set up an application, it goes to HUD and they approve it, and we get our job done, we get some money back. He would say, that this year with a brand new set of people on Council, they should go ahead and do it like that provided that they can possibly re-program or make adjustments to it afterward. He would much rather take two or three months to study it more carefully. Those things that they can handle outside of the CD application, then they should do it in the framework of this comprehensive housing strategy they have all been talking about. The net of what he is saying is he hears what Councilmember Carroll is saying; about the only thing he really has a problem with is this in rem remedy and the only reason he has a problem with that is because he is not sure about the net benefit; he is not sure it will achieve what Councilmember Carroll thinks it will achieve. He just cannot respond to it within the next month; he just cannot do it.

Councilmember Short asked what the time constraints are on the adoption of the CD Plan? Mr. Sawyer replied time is really short, it is of the essence. If they had known the time that it would take to review and approve they could have started earlier. The fact is, they did not; and they are now right on the deadline.

Mr. Sawyer stated, in response to Councilmember Cox's question, this is a preliminary plan, it is not a final plan. It is a preliminary plan for the expenditure of the Block Grant Funds for the next three-year period.

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That any of Mr. Carroll's suggestions could be incorporated into any target area plan - Cherry, Grier Heights, Third Ward - by amendment, initiated right away or by inclusion, in the Cherry case, in the plan that is nearing the final stage of preparation and presentation to Council.

Councilmember Short stated that in support of Councilmember Locke's motion, he thinks all of the Councilmembers have read their eyes red trying to go over this Preliminary Plan as presented by the Community Development Department; that because of the large amount of study that has been put on this - it is a good document - he suggests that they proceed as suggested by Councilmember Locke. He stated he would like to personally thank Councilmember Carroll for the unusual amount of work that he has done and suggest that the City Manager be instructed to put on the Council agenda for sometime within the next month, a consideration of amending the Plan along the lines recommended by Councilmember Carroll.

Councilmember Locke agreed with Councilmember Short to stay with the main motion. She thinks they are all sensitive to what Councilmember Carroll has done, to the time and consideration he has put into this. But, having just received it and not having received any input from the professional staff, she feels they should stay with the main motion now, with the hope they will have the opportunity later to amend the Plan.

Councilmember Selden stated, from what he has heard Councilmember Carroll say tonight, and from some of the things that were presented to Council in the hearing sessions, there are undoubtedly a lot of good things in what he has put together. However, it comes to him totally cold and he would not want to automatically put this package into the "green book" as a preliminary plan without a detailed study and applying judgments in terms of each of the items contained in his material. That in opposition to the substitute motion, it would certainly avail Councilmember Carroll's intention if any of the suggestions be incorporated wherever Mr. Sawyer makes a presentation, and identified as he makes the presentation. But, that they proceed with the preliminary plan as it was originally proposed, and that they have at least one week to study the amendments and to take each of the different items individually because he is sure there are some items he is opposed to.

Councilmember Gantt stated he is not willing to lull this plan to sleep, and he thinks that is what is going to happen. He disagrees with Councilmember Selden to that extent. He stated they should pass it now in its present form and come back and amend it; that these things have a way of becoming concrete and they all become somewhat lazy after the issue has died down. That the big difference in what Councilmember Carroll is proposing is that he is switching the allocation of dollars - he is de-emphasizing the acquisition of property and emphasizing the one place in the entire CD program where they have the opportunity to do something constructive in terms of building. That is, he is putting the money into rehabilitation, into loans and grants programs and relocation. It seems to him that is the fundamental difference. It is not a very small difference - it is a very fundamental change in the way we are going to approach Community Development. It limits the amount of money they are going to spend on real estate land acquisition. It talks about a substantial amount of money - almost a reverse of what they have spent before - for rehab loans and grants. It talks about very selective demolition; it would eliminate all of the situations where we show large clearances (not like we used to, but we clear anyway) and show pictures of what we are going to build back. This sometimes never gets built and so we have lots of little Greenvilles, land laying around. This talks about very selective demolition, and instead of large scale projects being put back, it talks about new housing and talks about rehabilitation.

He stated that where he disagrees with Councilmember Carroll is that he is not convinced about the in rem remedy; he agrees with Councilmember Cox on that. He is not sure that it will produce the result they want. He does think they have the opportunity there to do some creative thinking about how you get the absentee landlord to help them in providing the housing that is needed, help them with the acquisition of obvious property for the benefit of sale or rental to people who need the housing. For that reason, he would just call their attention to the budgets - forget the lingo - and see whether they can get some agreement as to the shifting of funds into one basket for the time being, while they do discuss these amendments in some detail.

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That rather than have a line item budget for rehab loans and grants, and real estate land acquisition, they simply have an allocation for public improvements; and a second category covering rehab loans and grants, and acquisitions, and all that. Then let it stay that way until such time as they can decide specifically what they want the emphasis of the program to be. They all know that as it is now, the sense of the program is to acquire property and to acquire it at grossly inflated rates. The only people who benefit are the landlords who hold the property knowing that the good ole city is going to come along some day.

He stated there are parts of the amendments Councilmembers may disagree with because none of them have had a chance to read all of it, but it seems to him they can approve a preliminary plan here today by simply looking at the budget - that is the most important thing - and put it all into one basket.

Councilmember Short stated to avoid any suggestion that these really very important considerations are being "lulled to sleep," he would suggest that Councilmember Locke amend her motion to request the City Manager to put this back on the agenda within the next month.

Councilmember Locke stated she would so amend her motion.

Councilmember Selden stated he too is very concerned about the allocation of funds between the rehabilitation and acquisition, and he thoroughly agrees in that area. He has not had an opportunity to go through the package and he knows he wants to study the in rem remedy proposals in quite a bit of depth before he makes a decision. He would not object at all to Councilmember Gantt's suggestion that the budgets be voted together as rehabilitation and acquisition - that would be excellent as far as he is concerned.

Councilmember Gantt stated that is what he is suggesting - that they go ahead and approve with the budget line items changed, and general discussion of rehabilitation without the specifics, so that they would be mandated to come back and make some specific suggestions.

Councilmember Cox stated he agrees with Councilmember Gantt one hundred percent that the emphasis ought to be on rehabilitation; that he can only tell them what is in his heart - that he does not intend for these things to be "lulled to sleep," and he does not think any of the Councilmembers do, but he agrees with what Councilmember Selden said in that he just got this thing a few minutes ago. That maybe they can find a way, in this session tonight, to do what Councilmember Gantt says, and he is open to doing that. Councilmember Gantt stated maybe he is cynical; that he may be reacting to his four years on Council.

Councilmember Leeper stated the basis of what Councilmember Carroll is saying is that we want to place more emphasis on rehabilitation as opposed to land acquisition and demolition; that Mr. Sawyer says that basically he does not have a problem with the plan that Councilmember Carroll has presented. If the only problem they seem to have is the in rem remedy, then he would propose that, with Mr. Carroll's permission, they amend his motion to present the plan, excluding the in rem remedy at this point, if Council would be receptive to this proposal.

Councilmember Trosch stated they have been around and about this on several occasions. She asked Mr. Sawyer what this would do to his department if they put this off another week?

Mr. Sawyer replied the next step in the whole process of submitting an application to HUD on time for our 1979 funds is the preparation of the application itself. That application is prepared from the Preliminary Plan and the policy decisions that are made there. If those decisions are put off tonight, it means they will not be able to meet their 27th date for approval of the application which means since the application is due to be submitted to the local COG and to the state clearing house for the A-95 review on March 1st, they will be late. That maybe they can negotiate with those agencies because, legally and by statute, they have 45 days for their review. If we could ask them to review it in a shorter period of time, or if we could go to HUD and

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ask them to let us encroach in their statutory 75-day period, then maybe we could still have an application that is submitted on time. Again, there is some chance that both will say no, in which case it raises grave doubts about the legality of our application if it is submitted late. That he would be derelict in his duty if he did not tell Council that; that he tells them this with apologies for not starting earlier so that they would not be in this time crunch. He assured Council they did not plan it this way.

Councilmember Chafin stated she has had an opportunity to review Councilmember Carroll's proposed amendments and she thinks they do, in many ways, reflect the concerns that members of Council have been expressing in the past week in their several meetings; and they certainly express the concerns that she and Councilmember Gantt, in particular, have expressed before. That while the goals of the Community Development plan are clearly preservation of community oriented, our methods have tended to be counter-productive to that goal. That in fact, we have found ourselves in a situation of spending far more of our budget on acquisition and demolition than rehabilitation and preservation of community.

She stated she suspects that Councilmember Carroll has gone far beyond any of their anticipations with his proposed changes and she can appreciate that it is much too much for most of the Councilmembers to absorb tonight. But, she for one, would not feel comfortable in approving the preliminary plan as presented in the "green book" unless several things were understood. One, that this Council very, very much wants to place its emphasis on rehabilitation, through the in rem remedy or whatever other mechanisms available to them or that they can devise. Secondly, that Council does want to make use of the code enforcement. She can understand Mr. Sawyer's saying that this out of his department, that this is something Council is going to have to deal with separately. Thirdly, there is a need for them to revise some of their procedures with respect to relocation. That she thinks Councilmember Carroll has come up with a very creative idea in suggesting the use of Family Housing Services. They are available and she believes eager to get these kinds of referrals. Finally, Councilmember Carroll's proposal suggests, and she thinks there is a need for this kind of language in the preliminary plan even if they approve it substantially as it is; that some of them feel the need to go back to the drawing boards on several of their specific target area plans - most notably, the Five Points Plan, where some of them have heard from residents conflicting thoughts on how Five Points should be developed. These are ideas that are not in line with some of their original thinking and with the plan they have already approved

She stated she would agree with Councilmember Gantt that while in the past they have said they will approve the preliminary plan and make amendments later that sometimes that has not occurred. That, while she does not think there was an attempt to "lull" anything, it is just very easy as they get into other issues that come before Council to forget their intentions beyond the time of approving the preliminary plan. That Councilmember Gantt's suggestion of perhaps taking this money and putting it into one pool, and language that suggests their intent to amend specific target area plans might take care of their concerns.

Councilmember Locke stated she thinks the motion was to adopt the Community Development Block Grant Funds and it was amended to ask Mr. Burkhalter within a month to come back to Council with Councilmember Carroll's paper and address the problems that have been talked about this evening. She asked, if in adopting the Community Development Block Grant Funds from their plan, this also adopts the Housing Assistance Plan?

Mr. Sawyer replied it does not adopt the Housing Assistance Plan officially, but again there are recommendations in there that will be guidelines for them to follow in preparing the final Housing Assistance Plan which will be an official part of the application. That comes up for final approval on the 27th.

Mayor Harris stated they had better address the Housing Assistance Plan this evening if there are great concerns about that. Mr. Sawyer agreed.

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Councilmember Selden asked if it would be feasible to present the "green book" as the preliminary plan to HUD as a representation - not approved in body by the Council - of the concerns of Councilmembers?

The Mayor replied no - they have to submit a preliminary plan.

Councilmember Selden asked, then would it be feasible to present the preliminary plan but with an introductory phase, first, with an incorporation of the rehabilitation and acquisition being one fund in the individual sections; and secondly, with an introduction representing the concerns that Councilmember Chafin addressed as being concerns of Council which they hope to vote into the final presentation.

Mr. Sawyer stated the Mayor was right in stating that they do have to have a preliminary plan at a given time, but you can certainly submit it with an introduction or statement of future intent - that this is it for now, but the intention is to revise it, or amend it, change it, by such and such a date in thus and so respects. He does not believe they would have any problem with that.

Councilmember Dannelly stated there is one thing that he would like Council to take into consideration, and that is the situation they saw today with Councilmember Carroll and the citizens of District One; and the fact that Mr. Carroll's plan, in his opinion, is very citizen-oriented to the extent that he is addressing some of their concerns and he is certainly addressing some of the concerns of some of the citizens in these areas. That the citizens have proved their support of him today by their participation. He would like to say to other Councilmembers that they should not forget - he, like them, has not studied the plan but he has listened to Mr. Carroll and what he was saying, and he certainly said a lot of things that he agrees with.

Councilmember Frech stated this is a difficult decision to make because she is very sympathetic to the concerns of those who have not had a chance to read Mr. Carroll's proposals. That she has heard Councilmember Gantt say before that anytime some member of Council has not studied something and wants it deferred he likes to do that. But, she also has listened and is inclined to agree with Mr. Gantt when he says he is afraid it could get dropped. She seems to get the idea that it would be easier to go ahead and put this into the plan and then amend it later if they want to than to leave it out and then try to amend it to put it in. That although she does not like to do this when some people have not had a chance to see it, that causes her to lean toward putting it in.

Councilmember Gantt stated he still thinks that there is a lot of information here that needs to be absorbed. One is that because they all seem to think that it is such a fundamental thing and is important to them and on the other hand Mr. Sawyer is working under a time constraint, it seems to him they ought to meet this halfway. They ought to submit the plan a little late, and secondly, Councilmembers ought to read through what Mr. Carroll has presented, and three, ultimately since some of them have already admitted that they are not going to be able to absorb and make a decision like that even within a week's time, ultimately come back and generalize the language with regard to physical improvements and not be as specific as they are being now with their line item budget. That way, they will have, in one sense, have a written document with the verbage stating the intent of the Council without being totally specific, and not have been so specific with the budget. That forces them to have to face the issue after they have had more time for deliberation on all of it.

Councilmember Gantt moved that the substitute motion - the physical improvement part - be tabled for a week for study by the Council. The motion was seconded by Councilmember Chafin, and carried unanimously.

Councilmember Selden moved that the original motion as it pertains to the physical aspects be tabled for one week, but that they continue to discuss the Housing Assistance Plan. The motion was seconded by Councilmember Leeper, and carried by the following vote:

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

NAYS: Councilmembers Locke and Short.

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Mr. Burkhalter stated he is sorry they tabled this item - for a number of reasons. One, the time frame they are operating in is very close; that they had planned to recommend a public hearing for the 23rd to have a plan that the people could come down and talk to, prior to the plan's adoption on the 27th.

The principal thing he wanted to talk about is that he does not think that in one week's time they are going to come up with anything in this area that is going to be a bit different perhaps from what they have tonight. That what they are talking about is getting a preliminary application prepared so that we can have an application of some kind on the 27th to approve. Then, after the 27th, they can meet every day to determine how they want to divide this money. But they are going to have to put dollars and cents figures on each little item of this plan when it goes to HUD. Mr. Sawyer agreed. Mr. Burkhalter stated Council is going to have to decide how much to put into rehabilitation, how much to put in acquisition; and they have to identify in order to do this. They have to have a budget to justify each dime of this money that they are talking about. We have that now, but we will not have it if they lump it together - that will just not work in the final application form. They have to have a dollars and cents figure.

Councilmember Cox stated surely there has to be a vehicle they could use to make sure that it gets reconsidered.

Mayor Harris stated they are continuing to discuss something that they have already voted to table. That he thinks they ought to move on, except for discussion of the HAP.

Mr. Burkhalter asked Mr. Sawyer if he understands what they are supposed to do now? Mr. Sawyer replied he is not sure. Does it mean they are going to have a series of meetings between staff and Council next week to try to work out how Council wants the money allocated.

Mayor Harris stated the motion was to table the motion for approval until next week and it would be reconsidered at that time.

Councilmember Trosch asked if the Housing Assistance Plan also applies to the Housing Authority? Mr. Sawyer replied it applies citywide, every agency. She asked if the Housing Authority had input into the HAP and Mr. Sawyer replied they have. That they met with Mr. Ray Wheeling last Friday and had submitted information to them prior to that. They had a pretty good discussion Friday and today Jerry Moore was on the phone with Mr. Wheeling.

Mr. Burkhalter called attention to the fact that these dates were set so that this could be run in the paper this Wednesday, advertising the public hearing for the 23rd, which is the only date they have available for a public hearing, so that they can vote on it on the 27th. He does not believe it is legally possible now for us to meet the public hearing announcement requirements.

Mayor Harris stated he is exactly right, but they are at a crossroads here with Council postponing something; they may have to have a special meeting between now and then. Mr. Burkhalter stated he just wanted them to know that.

Mr. Jerry Moore, of the Community Development Department staff and the administrator for the Housing Assistance Plan, used maps to explain the Plan to Council. He stated some of the information he will give them will be background information and other relates primarily to the new construction of subsidized housing units. The maps have been prepared to show them how we got where we are today.

The first map identified the census tracts as of 1976 that were compacted either due to a high concentration of minority groups or a high concentration of low income families. This situation has changed even in the last year or two and it continues to change as people move around. He pointed out the location of subsidized housing that was constructed in the city basically between the years of 1938 and 1974. These totalled around 3,355 units built under the conventional public housing program; another 1,700 units were built under other kinds of rent subsidy programs, such as the FHA-236 program and some below-market interest rate programs. This resulted in projects

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being located primarily in areas that were already subject to concentration of either black population or low-income population.

Another map overlay showed the subsidized housing activity since 1974. That was the beginning of the scattered site housing concept. With that came the four scattered site projects of family units that the Charlotte Housing Authority now has under construction. Those projects are located on Milton Road, Florence Avenue, Archdale Drive and Nations Ford Road. Two hi-rise projects - Charlottetown Terrace which opened a few months ago; and Parktown Terrace out near SouthPark is now nearing completion - both for the elderly.

Another overlay located the projects that have come about as a result of the Section 8 program. There have been two years of allocations. During our FY-77 there were five fifty-unit projects approved under Section 8 which included the Hovis Road project now under construction down off South Boulevard; the Woodstone Drive project, a site on Reddman Road and one on Idlewild Road North, and a site on Glory Street. The Glory Street project has been proposed to be switched from family units to elderly units but action on that is pending. The net result of this first year of Section 8 construction was five projects - one of which is under construction and the others in various stages of processing.

During our FY-78 we received allocations of three additional projects approved. These were all for the elderly and included a site for 120 units on Farm Pond Road, a site for 120 units at Plaza and Fairmarket, and a site for 60 units on Midland Avenue.

The next map he showed related directly to the recommendations which are in the preliminary plan - the "green book." What they are really dealing with is assessing the neighborhood conditions. The Planning Commission assisted them in understanding the current conditions in all of our census tracts and they compiled a study that was completed in December of 1977, ranking each census tract within the City by using a comparative ranking method. The criteria they used included the following: the income index, the percent jobless, the percent female head of household, the number of two canvass vacancies, one-person households, the percent of renter-occupied structures, business vacancies, and crime statistics. The Planning Commission ranked these, ranging from best, good, average, marginal, deteriorating and depressed.

Another map showed what would happen if the census tracts which have family units approved or under construction were eliminated from the list of the areas where assisted family housing units might be located.

Another map showed the effect of adding those project areas that he had identified to the areas where family housing units might be located.

Councilmember Trosch asked what the date of the information basing the status of neighborhoods was - is it current information? Mr. Moore replied it is definitely not the 1970 figures. There is a combination of data. The racial mix of the neighborhoods is based on 1977 school board data; the income index and the other things are the result of the Profiles of Change published by R. L. Polk and Company which is as of 1976. The crime statistics are the latest that are available.

Councilmember Trosch stated as she reads the plan, there is no proximity limitation included at this point in the guidelines and asked if that is correct? Mr. Moore replied that at this point there is no reference to a distance requirement or proximity requirement. He exhibited another map overlay which showed the one-mile radius of the family housing units which are either approved or under construction.

Councilmember Selden asked if he drew a one-mile circle around each of the older housing units, you would in effect obliterate all of that section of town as being out of bounds for another public housing unit. Mr. Moore replied unless you had already disqualified those areas due to some other criteria. If that was the only criteria it would eliminate a good portion of it.

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Councilmember Frech asked about the exact locations of the Milton Road and Barrington Oaks projects. Mr. Moore explained that the map shows the approximate location, they try to get them as close as they can. Councilmember Frech stated she had thought they were closer to the line that divides that census tract from No. 1501. Ms. Frech stated this is a good way to try to deal with the problem - by census tracts - but she would like to point out something about No. 1502; that it already has two projects which are about a quarter of a mile apart. That the effect of those two is spilling over and affecting 1501, even though according to this plan 1501 would still be eligible to receive some form of assisted housing. The two projects that are already there violate the half-mile distance requirement; are having quite a serious effect on 1501. She is very, very concerned about that.

Councilmember Leeper stated he would like to clear up something Councilmember Selden alluded to. Even if we did not have any mile radius at all, is it not a fact that we are not supposed to put low-income housing in impacted areas anyway? Mr. Moore replied the law says to avoid furthering undue concentration. Mr. Leeper stated then whether you had a mile limitation or not, or half a mile, because those areas are already impacted that would pretty much exclude continuation of concentration of public housing in some of those areas.

Mr. Moore replied not entirely. As they understand and interpret the wording of the law in the range that has been published, it goes on to say to avoid further undue concentration until comparable affordable opportunities are made available outside those areas. They interpret that to mean that the rebuilding of new housing in areas that are already subject to concentration must be coupled with activities outside those areas. So, he does not believe that the intent of the law is to totally exclude those areas.

Councilmember Chafin stated there has been a great deal of discussion and some contradictions about the number of housing units that Charlotte can expect allocated to us in the next year. Can Mr. Moore comment on that? Both in terms of Section 8 and units allocated to the Housing Authority.

Mr. Moore replied that based on the latest information they have, as of two or three days ago, we will not receive any allocations for private developers to build under the Section 8 new construction program this year - our fiscal year is different from HUD's; HUD receives its money on a regional level at the beginning of their fiscal year which is October 1; it filters down then to the area office, the area office since last November has done its arithmetic and the allocations we will get have come to us since December.

Mayor Harris stated in other words, we have no more Section 8 housing between now and October 1, 1978? Mr. Moore replied affirmatively, stating the area office has already received its block of money and decided how the allocations will be distributed. They have what they call, and this is something new, PHA-Owned Section 8. All included have received 50 units which must be built and owned by a housing authority. He stated our Housing Authority also received some money which originally was thought would be used to construct new conventional public housing - the first that was mentioned was 91 units back in December. That was changed; they now plan to use the money to go out and purchase some existing units - it is being called "acquisition without substantial rehabilitation." The Housing Authority believes that they may be able to purchase a total of 120 units with the dollars that they were allocated. So - they have 50 units of Section 8, PHA-Owned, the possibility of 120 units of acquisition without substantial rehabilitation, and the Housing Authority, just in the last week or two, received 165 units of conventional public housing.

Mr. Pat Hall, Chairman of the Housing Authority, stated they are not familiar with this plan as they only received a copy of it late Saturday and has not had an opportunity to study it. That there are certainly some things there that he does not think are right; that the Housing Authority started scattered sites and they have over the years tried to control these into units of 30, 40 or 50 units. It concerns him that they have 91 units; they have just signed the papers for others, making a total of 265 units, of which they would certainly not like to think they have to follow the guidelines of the book; because they have been looking for sites, and they have sites, that they are considering at this time. It disturbs them very much because their plans are already submitted to HUD.

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Mayor Harris asked if he already has plans in conflict with the Housing Assistance Plan they are considering? Mr. Hall replied they have these 265 units and certainly in looking over the different areas of the community to locate these facilities, they were not familiar with this book.

Councilmember Gantt asked how does it conflict? Mr. Hall stated if Council has to approve the location each time they go out and find one, it could be . . . Mr. Gantt asked if he is saying that some of these units might be within the one-mile limitation? Mr. Hall replied they could very well be.

Councilmember Cox asked who does the approving and the answer was the Council. He asked if in the past had it been the Mayor. The answer was no. Mr. Hall stated the Mayor appoints the Charlotte Housing Authority and the Authority selects the sites and the Council approves. Mr. Cox asked if the Council approved the site on Archdale? Mayor Harris replied yes, in 1974; Mr. Hall stated they had to rezone it.

Councilmember Trosch stated the one-mile proximity limit, which actually is not included at this point in this Plan, does violate the sites the Authority has. She asked Mr. Hall if it also violates the census tract layout of areas that are eligible, with the sites they have. Mr. Hall stated he has not studied that close, but he does not think it does. Ms. Trosch stated he then is speaking more to the one-mile proximity limit than he is to the census tract limitation. Mr. Hall replied he thinks that is correct.

Councilmember Cox stated there are no allocations this year that we know of that would be subject to locational statements in the HAP, if the Charlotte Housing Authority were included. In other words, all of the allocations we have this year are Housing Authority allocations, that are identified as possible sites. In addition to that there are the several target areas. He stated if the Housing Authority develops its 335 units in (presumably) 40 to 50 unit increments, that would mean about seven or eight site locations. For discussion he will use the figure eight, and will also say that 1501 was eliminated, leaving 13 census tracts, plus Community Development, for eight locations.

He stated if they adopted tonight the proximity statement of one-mile, and if they kept to the rule that said that only one project per census tract as HAP says, and if they kept prudent zoning practices - did not re-zone land for a family unit that they would not do for other multi-family - would it be difficult for the Housing Authority to find four to eight sites in those 13 remaining census tracts?

Mr. Hall replied those type sites are always difficult, but he thinks that they could find them. Councilmember Cox asked, short of condemnation and subsidies? Mr. Hall stated the Charlotte Housing Authority has been in business for 38 years and has never condemned anything for the purpose of building low-income housing.

Councilmember Cox used the census tract map and stated supposed the census tract 1501 goes away, that leaves 13 others, excluding the CD areas. What they are saying is that we can find 8 sites in these areas that meet the following criteria: One mile apart, one site per census tract, and they do not do anything unnatural as far as zoning is concerned. He stated that would appear to him to be a very difficult thing to do. That he would suggest that to find 8 eight sites in 13 census tracts to fit that criteria would be a very restrictive kind of policy. Mr. Hall stated he agrees.

Councilmember Gantt asked Mr. Underhill if the America-McKnight memorandum that Council made an agreement to require that of the 335 sites to be allocated to the Housing Authority that all of them be located outside of the impacted areas? Mr. Underhill replied no, there are some exceptions which they could propose to the court. He stated this is strictly from memory, that he does not have the material with him. As he recalls, the City proposed some exceptions to the prohibition against using impacted areas for housing. Those exceptions basically follow the lines of being allowed to use them when it would preserve an otherwise deteriorating neighborhood and put housing back into an area where housing had been eliminated. Such as an Urban Renewal project - the Greenville situation. There is not an outright, flat prohibition against using those areas, but the overriding policy, the intent, behind

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McKnight was to avoid them unless some sort of overriding type of consideration like trying to preserve a neighborhood was evident.

Mr. Moore he would like to say something that might be helpful. That during the past two years of trying to go through the preparation of the Housing Assistance Plan, it has been their understanding that the HAP should be the all-encompassing document which would not necessarily dictate or change somebody else's policy but that would incorporate all of the concerns, all of the policies, that anyone involved in providing assisted housing would have.

They have certainly solicited the help of the Housing Authority. Our City Attorney, and certainly Mr. Wheeling and their attorney, and several of the staff in CD got together prior to this current year's application. That the Housing Authority's concern and their policies, he thought, were a part of the plan. That he perceives one thing that they are coming up on now is that they obviously have two different kinds of programs, or certainly the process by which these two programs operate are different - conventional public housing and Section 8.

Mr. Moore stated that for the past two years most of their discussion has related to Section 8. The approval process, Council's involvement which is required by law, the procedures for announcing proposals - all were related to Section 8 housing. Now it looks like this year they are coming into a time when the ballgame is going to be conventional public housing instead of Section 8 which is essentially units.

Councilmember Carroll, in response to Councilmember Cox's remarks, stated that during the election campaigning, etc. during this past year, if there was one loud, clear message in the concerns of citizens throughout the City of Charlotte he thinks it was that they scatter the housing throughout the city. They heard it also from the Community Relations Commission which did extensive studies and had hearings from every segment of the City; they, in fact, have given Council their recommendations which are very similar to those they are looking at in the Housing Assistance Plan. They heard it also from the School Board, from the Liaison Committee, that it is an important factor to bear in mind in the school plan and it is important in regard to that plan that we really scatter our sites.

He stated he can appreciate Mr. Cox's concern that maybe we are going to run out of sites in Southeast Charlotte, but he does not see it happening quite yet, or he does not see us to that point.

Councilmember Carroll moved that Council accept the Housing Assistance Plan as written with the exceptions that we exclude Census Tract 1501 as an ineligible area, that they include a one-mile limitation subject to individually reviewing the Housing Authority's areas which might be in conflict with that policy and making an independent determination of those, but otherwise the Housing Assistance Plan applying to the Housing Authority as well as private Section 8 builders. The motion was seconded by Councilmember Gantt.

Councilmember Cox stated Mr. Carroll read into his statements a presumption that was not there. Maybe it is because he is from Southeast Charlotte that Mr. Carroll presumes that he nor the people from these 13 census tracts do not ascribe to fairness in scattered housing. That the people he has talked to - in the last three or four weeks - have all said to him almost without exception, "If it takes scattering the sites to be fair, then we are ready to do it." He asked Mr. Carroll to please not read into something he said something that is not there. He asked him to please listen carefully; that what he is saying is that if they take these rules as they are laid down right now, it is his personal opinion it will be very difficult for the Charlotte Housing Authority to meet all those criteria, short of condemnation or short of some kind of subsidy from the city to acquire land that is of a higher price than HUD's formulas will allow. That is all he is saying. Personally, he is for scattering the sites in a fair and equitable way and he knows that a lot of the people in the 13 census tracts are. What he is saying, again, is that if you subscribe to the rules that are laid down in the current HAP they are going to find themselves in August, or this summer, when it is real hot outside, confronted with a condemnation. That if they vote for this motion you have to be prepared to say "I will condemn property in order to scatter sites," or that "I will subsidize expensive land in order to scatter sites." That is all he is saying. He is not passing judgment.

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Councilmember Short asked Councilmember Carroll to explain the latter clause of his motion which relates to the review of sites selected by the Housing Authority, where these sites do not meet the criteria stated in his motion. How would the mechanics of that work?

Councilmember Carroll replied that as he understands what Mr. Hall said, the Council approves each of those locations anyway, that he would think . . .

Mayor Harris stated he would like to clarify that - the Council does not approve the public housing site locations; that Council has to rezone the land. Councilmember Carroll stated then he misunderstood that and his motion would simply be a request that they confer with Council about the site selections. Mayor Harris stated the Housing Authority would do that anyway; they always keep Council informed.

Councilmember Selden stated he would like to point out - not that he is recommending any one location as against another location - that the use of census tracts is very discriminatory as a means of allocation of housing sites. For instance, Census Tract 33 would be blanketed by a one-mile radius; on the other hand, Census Tract 1501 would have a substantial portion not blanketed. There are different size census tracts all the way from Census Tract 2, which is a very small one; and the location of a housing development in the corner of No. 18 could blanket all of No. 11. There are ten census tracts that are actually split, and will be split, before any families are moved into any public housing that goes under what they are talking about. So that, fundamentally, census tracts are not the practical way to distribute public housing. A distance would be an appropriate way.

Councilmember Gantt asked then why not drop the census tract idea altogether? Councilmember Selden stated he proposes this as an amendment to Councilmember Carroll's motion.

Councilmember Carroll stated he cannot accept the amendment; that what Councilmember Selden is saying is true, that in certain areas it is artificial, but in a number of areas that are impacted under the guidelines that were explained, that the census tracts have some validity and that if they get into to the one-mile limitation, or whatever limitation is suggested, it can end up being just as artificial, because it can get you away from an existing housing area, but into an even more impacted area. That they have to go with that as a starting place.

Councilmember Short stated it seems to him that the very essence of this plan is the evaluating of the census tracts. Without that they virtually have no plan at all. These tracts are rated, in the Plan, as best, good, average, marginal, etc. and if that were not followed they would just about have no plan.

Councilmember Gantt stated the differences they are talking about are impacted and non-impacted. That is all they are talking about. They have defined the impacted area very clearly on maps. That once they get outside of the impacted area, all they are talking about is folks not wanting too many poor people close to them. So, what they are really dealing with is trying to keep these communities from tipping one way or the other by distances, and how people perceive neighborhoods. We do not perceive neighborhoods by census tracts; that is why he feels Councilmember Selden has a good point.

He stated that outside of the well-defined impacted areas, what they are dealing with is how close they are going to put these projects together.

Councilmember Carroll stated there is no problem then; he will accept the amendment as long as he understands that it is not applying in the areas which have been designated as impacted.

Councilmember Frech stated there is another category that Councilmember Short was talking about that are not necessarily impacted but they are classified as marginal or deteriorated that were excluded. Mayor Harris stated they are talking about the best sites. That the Housing Assistance Plan says, in effect, we will build in the best areas first, and he asked

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Mr. Moore to confirm this. Mr. Moore stated those areas that were described as best and good.

After further discussion of what areas are being excluded, Councilmember Selden proposed they abide by excluding the areas of impaction, and the areas within the one-mile circle. He stated that statistically, while some of the data on which the map on Page 83 of the Plan is structured has been represented as a matter of fact, it is an approximation and a rather wide approximation. He stated he thinks the blue areas should be included as well. Mr. Moore stated that would be adding 26 additional census tracts. Councilmember Selden stated, but you would still hold by the one-mile circle.

Councilmember Carroll stated he does not agree with that; that he would agree to looking at the map on Page 101 and not considering census tracts, but just the one-mile radius, within the shaded areas of what he takes are the best areas, and excluding Census Tract 1501. Other Councilmembers agreed.

The Clerk read the motion: To accept the HAP as written, but excluding Census Tract 1501, include the one-mile limit subject to individually reviewing the Housing Authority area - make an independent judgment on that - but otherwise it applies to the Housing Authority.

Councilmember Gantt stated the census tract distinction was to be eliminated.

Councilmember Carroll stated he thinks that is all they have to say, to eliminate the census tract distinction in the eligible areas. Councilmember Short asked what is his definition of "eligible areas." The answer was the shaded areas of Map G.

Councilmember Trosch asked if what they are saying is that in the census tract, two could occur if they were more than one mile apart and eligible in the good or best census tract?

Councilmember Cox stated he was under the impression that these units were 50-units or less. Is there language in the HAP that says that? That Mr. Hall says it does not state that.

Mr. Moore stated that does not appear in this book; that it really would be a carry-over from the plan they are currently operating under. Councilmember Carroll stated he would be glad to include that.

Councilmember Cox stated that what they are saying is that we are going to have big units in those 13 census tracts. Is that what they are voting on?

Mayor Harris stated they are not saying anything about the number of units in anything. They are talking about there being one unit at no lesser distance than a mile in the preferred area. They do not know how many units will be built; they have no idea at this time. It will depend on the funds we get and the allocations.

Councilmember Cox asked if they did or did not hear the Charlotte Housing Authority is going to align itself with this plan? Mayor Harris stated the Housing Authority has its own rules. Councilmember Cox stated it can do what it has to with its own money? Mayor Harris replied yes.

Councilmember Short stated part of the motion amounts to a request to the Housing Authority to proceed thus and so.

Mr. Underhill stated as he understands what the HAP is all about is a devise or mechanism for dealing with the question of location of housing, among other things, within the community by any developer, be it public or private. That HUD is suppose to use the HAP and the locational policy contained in that plan for review purposes of proposals to construct housing in the various programs it administers. That he might be incorrect, but he thought the Housing Authority was already under the provisions of the HAP and that HUD would review any requests or proposals from the Housing Authority.

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Mayor Harris stated he was trying to clarify that the City Council is not trying to dictate to the Housing Authority; that the Housing Authority would have to have approval of HUD on the projects within the plan that we would be submitting.

Mr. Underhill stated he may be assuming incorrectly, but one opportunity that the Council would have to learn of specific locations would be through the A-95 review process which, as he understands, particularly as it relates to housing, are now shared with the Council and discussed by the Council before an answer is given. Councilmember Locke, COG representative, agreed. Mr. Underhill stated whether that constitutes approval per se, he does not know. But Council certainly becomes aware of it during that process and has some input.

The question was called for and Councilmember Carroll was requested to re-state his motion, which he did as follows:

Approve the Housing Assistance Plan as presented except to exclude Census Tract 1501 as an eligible area; that they include a one-mile distance consideration between projects; that they exclude consideration of census tract lines in the eligible areas, looking at Map G, on Page 101, as to what is eligible; that there not be more than 50 units in each project; and they request that the Housing Authority follow these suggested guidelines, and that for those projects which are already in the works which are not in compliance, they allow Council to review those with them.

Councilmember Selden asked if it includes housing for the elderly; and the reply was no, that it includes family housing.

Councilmember Cox stated it is important that the representative from this area state what he is in favor of, and what he is not in favor of, and not let his vote on this particular motion be construed that he is against scattered site housing. That he still has a problem, and if they do what they say here, it is going to be terribly difficult for the Charlotte Housing Authority to implement what they are saying. So, he has to vote against the motion although he favors the scattered housing site principle.

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

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

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MEETING RECESSED AND RECONVENED.

Mayor Harris called a recess at 10:03 p.m., and reconvened the meeting at 10:08 p.m.

CONTRACT TO PROVIDE HOUSING SERVICES AUTHORIZED OFFERED TO MOTION, INC., AT A COST OF NO MORE THAN \$100,000.

The contract with Motion, Inc., to provide housing services to include rehabilitation and new construction of housing units and multi-family housing proposals for a total of \$135,000 was presented for consideration.

Councilmember Locke stated the Planning and Public Works Committee met on January 16 to consider the contract; that each member of Council has been sent a copy of those minutes. The Committee discussed this for two and half hours, and the vote was four to one to approve the contract to come back to Council with that recommendation.

Mr. Robert L. Davis, Jr., Black Political Caucus, stated he was disturbed to see in the Sunday edition of the Charlotte Observer that Motion, Inc. may not be refunded. As he read through the innuendos he tried to find the real reason why Motion, Inc., should not be funded. He found none. He asked himself if there is a need for a non-profit organization like Motion, Inc. that would provide technical and professional services for our city for the execution of a comprehensive community development program in the area of housing. His answer as a resounding yes. He further asked himself if Motion had been effective in the deliverance of certain specific goods and services in the are for finding sites for multi-family housing. Again he received a resounding yes. He then asked himself if this is another attempt to dismantle another program that can provide goods and services for the poor and the unrepresented? Last week it was the Area Fund that may go out of existence - this week it is Motion! He asked himself if this attempt to dismantle Motion be another way of attempting to avoid scattered site housing in the more affluent areas; especially southeast Charlotte? If his understanding is correct, Motion, Inc., can find scattered sites outside the urban removal areas, or Community Development Project Areas.

Mr. Davis stated he raised these questions to himself seeking answers from the Mayor and this City Council. He urged them to allocate the necessary funding for Motion, Inc to continue on a high level of efficiency. He is sure they will insist on a good accountability from Motion's administrators. He urged they also not put investment strangle-holds on young men who happen to be of a different ethnic group from the majority of Council, that many of them do not place upon themselves as private investors, and sometimes public servants. So long as they do not operate their private businesses on public time, for God's sake and for the sake of the citizens of this Community keep Motion alive. On behalf of the Black Political Caucus and himself he thanked the Mayor and City Council for the opportunity to share their feelings.

Councilmember Leeper moved that Council approve a contract with Motion, Inc to provide housing services to include rehabilitation and new construction of housing units and multi-family housing proposals for a total of \$135,000. The motion was seconded by Councilmember Gantt.

Councilmember Trosch made a substitute mtion for the City to offer Motion a contract to perform the proposed services at a re-negotiated price of no more than \$100,000, and that the City Manager monitor their performance and if it becomes apparent that the terms of this contract are not being met that he report to Council, and begin to seek alternative means of performing these contracted services. The motion was seconded by Councilmember Selden.

Councilmember Trosch stated she has several reasons why she is proposing to continue this contract at a reduced price. First, even if you take into

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full consideration the high risk investment Motion undertakes, and the difficulty of its task to get housing in the areas where many private developers do not normally want to invest, she still questions the quality of Motion's past performance, and the return the city has gotten for its investment of over \$1.0 million. However, the city has not had a contract with specific accomplishment goals and objectives set forth for this corporation in the past; therefore concrete measurement of contract achievement has been very difficult. She feels the present proposed contract provides guidelines so the city can closely monitor Motion's progress in meeting these contractual requirements and provide a mechanism to terminate this contract if these guidelines are not being met.

Under the original contract offer the city was only receiving an estimated \$55 to \$65 thousand worth of services at a cost of \$135,000. Under the new contract we have added new responsibilities for Motion. This reduced figure according to people knowledgeable in the field of housing, will also permit Motion to operate with sufficient funds so as not to leave a vacuum for development of low income housing in our City. She believes Charlotte needs a non-profit corporation to act as a dynamic vehicle for what she hopes will be forthcoming - a comprehensive housing strategy evolving from a new housing task force. Charlotte definitely needs to stimulate new possibilities in low and moderate income housing. However, in her opinion the jury is still out on Motion's ability to tackle this task with vision, ingenuity and hardwork.

Councilmember Leeper stated based on the itemized budget of Motion what does Mrs. Trosch proposed to cut out for \$35,000? Councilmember Trosch replied she has looked at this budget rather closely, but she would rather have Mr. Sawyer speak to the budget and what is included; that she thinks several people can be cut out of this budget.

Mr. Sawyer, Community Development Director, stated they have looked at this budget from the standpoint of a higher figure in the beginning, down to the \$135,000; they have gone from a low of \$45,000 to a high of \$135,000. Considering the services now in the contract as proposed, he thinks those services could be performed if we combined two more positions. He would suggest the Executive Director also be the Development Packager because there are two in the budget as proposed here. There is an Executive Director whose main job, he supposes, is to direct the organization. If the Executive Director could be a working executive director who would also work on packaging the Section 8 proposals - there are five of them - it might eliminate that position. They have a bookkeeping, and he believes the scope of services they have in this contract, as far as he understands it, and the type of work, that is to be performed, he does not believe it would require a full time well-qualified bookkeeper; he thinks the bookkeeping operation is something that can be done with a bookkeeping receptionist, or the bookkeeping function could be divided between the executive secretary and the bookkeeper-receptionist. Those two positions alone would bring the staff salaries from \$95 to \$66 to \$50 thousand, so you have almost eliminated the total amount there; then some adjustments in some of the other line items in the budget that represents normal overhead, might reduce it to approximately \$100,000.

Councilmember Leeper asked if he sat down with Mr. Alford, the Assistant City Manager, and several other people and came up with the \$135,000? Mr. Sawyer replied yes they did. Councilmember Leeper asked why he thinks the \$135,000 is too much now? Mr. Sawyer replied they started at \$45,000, which he admits was low for the original scope of services; that was their bottom figure for negotiating, and they negotiated up from there. That after they made that proposal he recognized they could not approach it on that basis. If they went at all they would have to go with the full staff that Motion felt was necessary to perform those services, and they had negotiated that from \$154,000 which was Motion's original proposal to \$135,000.

Councilmember Gantt stated he is a little confused; that we started at \$45,000 then \$135,000 and now we are at \$100,000. He asked if there is something magic about the \$100,000? Could we go to \$95,000? Mr. Sawyer replied if Council makes a decision on a figure, they will try to negotiate a budget. Councilmember Gantt asked if he has discussed this with the Motion staff since he is apparently recommending to Council on the one hand a document with \$135,000, and Mr. Leeper is asking if he, the Motion Board, the Executive Director of Motion, the city

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staff agreed this was a reasonable figure; that he is saying yes he agrees with that, but he is saying \$100,000 is reasonable also for the amount of work involved. That he is wondering where the \$100,000 came from...

Mayor Harris stated he would like to make a clarification. That judging from the questions asked, he thinks Mr. Sawyer was asked to respond if he could work with a \$100,000 budget. That he believes Mr. Sawyer was just giving alternatives as to how the budget could be trimmed down. Mr. Sawyer responded that is right. Mayor Harris stated Mr. Sawyer was responding to Mrs. Trosch. Councilmember Gantt asked if he is hearing this for the first time? Mr. Sawyer replied that he heard this earlier today. Councilmember Gantt stated what he is trying to find out is since he made an agreement between Motion, the CD Department and the City Manager's office on this particular contract that Council has been evaluating and is about to vote on is \$135,000; that he heard only today that \$100,000 is the figure we want to go with. Mr. Sawyer stated he did not hear that was the figure they wanted to go with; he heard the question if the \$100,000 is the figure, in his opinion where would we go? And he is responding to that. Councilmember Gantt stated he is making a judgment then that what we can do is to combine some salaries. The truth of the matter is we can combine four positions if we need it, and simply say we are going to have \$30,000 in salaries, and set the contract at \$45,000. What he is trying to find out is whether in his knowledge of the fact that we were going it to \$100,000 or what would happen, if he bothered to consult with Mr. Alford, and if Mr. Alford agreed that what we can do is combine a couple of these positions? Mr. Sawyer replied he did not consult with Mr. Alford, and he has not agreed. Councilmember Gantt stated what we have is Mr. Sawyer's impression is that we can combine the positions? Mr. Sawyer replied that is his opinion..

Councilmember Gantt stated Council has spent about three and half months going through this Motion contract, and he thinks everybody is sorta tired of it now, and would like to get it over with. That he hopes Council disposes of it one way or the other. A number of people have some serious difficulty with this contract, and a number of people of expressed some lack of confidence in Motion; that he thinks the taxpayer, the public has understood it, and there have been a number of newspaper articles to suggest that. Yet, we went through a Committee hearing in which much of this Company's operation was discussed; we have looked at the track record; we have looked at the Budget and Evaluation report - which precipitated and started this entire discussion; we have looked at the track record of Motion, which in the last couple of years in terms of their production of housing; we have looked at what in effect has been an agency which has had four executive directors - the last of whom is Mr. Alford, and the only one who has produced any substantial amount of housing.

Councilmember Gantt stated his point is if the Council is saying now that we cannot have a decent housing development company for a \$100,000, when it agreed among itself to present \$135,000, then he thinks we may be playing a game. And the game is this. Because the staff suggested they only needed \$45,000 of services from Motion that to go to \$135,000 would appear to the public to be officially irresponsible on the part of the Council. So what we are doing is suggesting symbolically that of course we are not going to vote \$135,000. What we are going to do is to give you something less than that. Councilmember Gantt stated he suggests if you need \$100, and you are given only \$99 you still kill the agency. That Mr. Sawyer is testifying that all you have to do is to combine a few positions. Saying that, and he realizes it is off the top of his head, but saying that with absolutely no consultation with the Agency we are asking to perform the services. If Council wants Motion as the agency, then it should vote the budget as recommended. If it does not want Motion as an agency, it seems we should say that too, and simply vote the entire thing down, and come with another alternative. It is half-baked, and he thinks a kind of subtilecruelty to the agency to half-fund it, and then a year from now hear us all talk about why didn't you do (a) (b) and (c). We have built controls into this contract that has never been built in another CD contract; we are requiring Mr. Alford to divest himself of all other interest in real estate, even when we have not even been able to prove that he has been doing that on city time. We have suggested incompetency; we have suggested a number of kinds of things which he thinks really does not express the city's competence in this agency.

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Why go through the motions of pretending to save the agency by eliminating at least two professional positions from the staff? Why not say to Motion that we have heard your case, and then vote it up or down. Staff has agreed on a figure and has presented it to Council, and he thinks it should be voted up or down, and not arbitrarily suggest \$100,000 or \$90,000, or \$80,000.

Councilmember Gantt stated there has been some suggestion in the newspapers and press that maybe he should not be speaking to this issue, and he would like to clarify that. One of Motion's contracts for management deals with Parker Heights Associates of which he is a limited partner, and has been since 1968. His interest is less than one half of one percent. He has never collected "one red dime" for the project; he has not taken a tax shelter since 1974, and he believes Motion took the project over in 1976. He has asked Mr. Underhill, City Attorney, to comment on whether this is a conflict of interest.

Mr. Underhill stated he has looked into the possibility of a legal conflict of interest existing because Mr. Gantt has a limited partnership named Parker Heights Limited which was formed in 1968 to construct the Parker Heights Apartment Complex. That he has looked at the court records; he has talked with Mr. Gantt and with Mr. Alford, and with others who have some knowledge about this. Apparently the facts are basically as follows: Mr. Gantt's interest is that of a limited partner of 41 limited partners in the partnership. His interest in the partnership works out to be .0095 percent. Under the partnership agreement, total authority and control of the partnership is vested in the general partners, including the power to contract on the part of the partnership. The limited partners have no sayso concerning the management of the partnership.

Mr. Underhill stated under sub-paragraph (m) of the proposed contract, Motion has agreed to terminate as quickly as possible all of its apartment management responsibilities, including the management arrangements of the Parker Heights project. He stated the Charter and the State Law provisions on conflict of interest are basically designed to prohibit contracts between an individual Councilmember and the City. He does not think that is present in this case; what the Council has before them is a contract between the City and Motion. Motion does have a contract with Parker Heights, to provide management for the project. He stated in order for a conflict of interest to exist the case law in North Carolina, and in other jurisdictions, basically say two situations have to be present - one, that the interest in question is personal and private to the Councilmember and not one shared in common with all citizens; two, if it is a pecuniary interest that they are talking about, that pecuniary interest or how it might be affected must be direct, immediate and not remote, or incidental, or result in a remote or incidental benefit that might ultimately accrue to the Councilmember.

He stated, based on the facts in this situation, it is his opinion that Councilmember Gantt, or any financial benefit that might ultimately accrue to him as a limited partner in Parker Heights, Ltd., is too incidental and too remote to constitute a legal conflict of interest, that would prohibit him from considering and voting upon the question of awarding a contract to MOTION.

Councilmember Frech stated almost everybody on Council is agreed that the City does need a non-profit corporation to carry out the type of functions MOTION has been doing; that they have the flexibility to do things that the Community Development Department and the Housing Authority cannot. She does not think there is any desire to kill this organization by cutting the funding; that there is a sincere belief on her part, and she supposes on the part of some other people, that they can do the job for less. She has talked to other people in the housing construction field who seem to think that it should be done. That an awful lot of decisions end up being compromises. She can understand why Councilmember Gantt would say that in this case a compromise is not quite the solution; but she would like to point out that there is a lot of pressure to de-fund MOTION entirely. There is a considerable amount of pressure to cut down to what seems to be the magic figure that somehow got started, \$45,000 which she thinks is entirely too low.

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Councilmember Frech stated a contract for a figure not to exceed \$100,000 is possible, will not cripple the organization and is reasonable and represents something that perhaps most members of Council can agree upon. Otherwise, they are asking either they do the \$135,000 or they vote the contract down entirely. That most of them feel they would not be killing MOTION by doing \$100,000 and that this is something that would be reasonable.

Councilmember Selden stated this contract is one negotiated rather than one bid; that he brought this matter up when Council first started talking about the contract with MOTION. If it were a bid contract then the competition for bids would, in effect, represent a control over the level of pricing related to the costs and the operation expenditures. In the absence of a bid contract, a negotiated contract which sets a reasonable pricing in the minds of certain Councilmembers, is not feasible then MOTION certainly has the opportunity to come back and say that it is not feasible, and in which ways it is not feasible.

Councilmember Short stated the budget for MOTION over the last several years has been in the range of \$120,000 to \$130,000 area; that last year it was \$132,000, up to \$135,000 this time. Obviously, this is because of the inflation factor. This is a period when they are seeking to emphasize housing and particularly need the type of flexibility that MOTION can bring. It is a little hard for him to see how they would curtail down to the suggested amount of \$100,000 at this time when they have been funding them all along at approximately this level.

Councilmember Carroll stated he has not been one of those persons on the committee which dealt with this, and he comes to it a little late, but very concerned. He is concerned because Council voted very recently to build a housing project in First Ward for a price that is clearly excessive. He is concerned because this Council is committed, he thinks, to building more housing; it is committed to the idea of having a non-profit housing development corporation - or maybe more than one.

He stated his first concern came when he read in the paper that we were getting ready to spend a \$135,000 for \$45,000 worth of value. He agrees entirely that we need to carry forward with MOTION; not at the expense of the overall housing commitment in a way that is not clearly dollarwise responsive to the taxpayer. As he understands what has been told about the budget, it is possible to do this job by combining some positions or whatever. It is something that MOTION itself will have to come to grips with. It would have been possible perhaps to fund it for \$45,000 if it were something which had other businesses that were going on that were helping to carry it. In a sense, they are trying to contract for a service that is not otherwise available in the market, and they are paying more for it. The motion that is before Council right now is one which represents, as has already been stated, an interest to keep MOTION, but one that is going to be responsive to making sure that we get on with housing. He has friends in the audience who are telling him that they need to go with the \$135,000 figure. Councilmember Gantt is saying that they need to go all the way or nothing. He really disagrees; he really feels like there is room for compromise; that it is wrong to say Mr. Sawyer has not been responsive in talking with Mr. Alford about this - there was once when Mr. Alford did not come to talk with Mr. Sawyer about the whole contract. That is not something that he sees has added to the favorable things that have happened here. It is a mixed "ball of wax"; there are things that come down on both sides of things; that the figure which is suggested is one that will go farthest toward getting them down the road to where they want to be.

He knows a lot of the Councilmembers disagree with him; that they think perhaps this is not a wise thing to do. He wants to tell them that he sincerely believes that this is a compromise - he knows it is a compromise - it is one he has worked for to promote continuing MOTION and continuing to do the kind of things that he thinks this City Council is interested in.

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Councilmember Dannelly stated he does not need to say anything about what MOTION is capable of doing - that has been expounded. That he certainly would not want to be a part of helping assure that MOTION becomes a failure by funding them at a level that is less than what the original contract that they are discussing was drawn up with our Community Development Director. This is the contract that was given them several weeks ago. He believes that he and the director of MOTION were in agreement that they could work with that contract and that contract listed \$135,000 as the contract figure. He is afraid if they look at administrative costs of other departments that they might find that MOTION is not that far out of line with the service they are giving, as far as the contract price is concerned.

He heard one of the Councilmembers say that there is a lot of pressure to de-fund MOTION. That there is also a lot of pressure to fund it fully.

Councilmember Chafin stated she would like to assure those who have come before Council tonight requesting that MOTION be fully funded at the \$135,000 level that Councilmember Trosch's motion does not represent an arbitrary judgment. She knows that after the meeting of the Planning & Public Works Committee to which this contract was referred, several Councilmembers left very dissatisfied with some of the answers that they received during that session from both staff and representatives of MOTION. Since that time, on their own, they have investigated the past performance of MOTION and its potential for future accomplishments, and in a great deal of detail. They have spent untold hours talking with people knowledgeable in the housing field throughout the community - people in lending institutions. That those they have talked to have assured them that MOTION, in fact, should be continued, that it is a viable agency, that it is a valuable component in the City's attempt to develop, as Mr. Cox likes to say, a comprehensive housing strategy. She agrees with him that we need one.

She stated that Councilmember Short has suggested that they are reducing the budget from previous years. In fact, she thinks they need to remember that the contract also calls for substantial reduction in services requested. That was probably the first thing that started bothering a number of Councilmembers - that they were increasing the budget and yet at the same time reducing the service level called for, as a result of an evaluation completed by our own Budget and Evaluation staff.

That Councilmember Carroll is quite right that what they are attempting to do is continue MOTION and continue it at a level that experts have assured them will enable them to perform the services that they are asking them to perform, and at the same time be responsible. It really pains her to hear the suggestion that perhaps a reduction in the MOTION budget would in any way represent what was almost suggested as a racist act on the part of this Council. She thinks that is very, very far from the truth. It hurts her that this would even be suggested. She thinks it does represent a compromise and it does represent a responsible compromise, and one that has been arrived at very, very painfully and with a great deal of struggle on the part of many members of Council.

Councilmember Gantt stated he can appreciate the position taken by all of the other members of Council since they obviously see these things from a different perspective. But, he really cannot accept the explanation that a compromise is always a good thing, particularly when the compromise, as he understands it, has not really specifically been addressed in terms of why this particular figure is better than any other. He thinks he heard one Councilmember say that "Well, we will just let MOTION work that out for themselves." He stated he disagrees with Councilmember Chafin that in a sense they are reducing the level of services; the truth of the matter is they never offered in the previous contracts what proportion of services would be provided for counselling, management and a couple of other descriptions that were given in the contract. That when anybody thought of MOTION they thought of packaging in building housing. It could well have been that 95 percent of the contract could have been construed to do that and the 5 percent might have been given over to the other. That the Budget and Evaluation process itself pointed up the fact that the contracts themselves certainly did not define the range of services that they were getting.

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Councilmember Gantt stated that before they decide to merrily go along and say they have reached this compromise he would like to hear from the Board Chairman of MOTION, or someone who can tell them, whether or not being handed this very generous contract by Council they can perform these services and what adjustments they would make, and whether or not they agree with Mr. Sawyer's projection that they simply combine two or three of these positions.

Mr. Kelly Alexander, Board Chairman of MOTION, stated he is somewhat appalled because he has sat in conferences with Mr. Sawyer, the attorney and other representatives of Community Development, and when they sat down first it was clearly analyzed item by item - there was no ambiguous generality consistent with a decision that \$40,000 was out of the question. That in the next session they talked about the immediate staff and he could not see how any corporate structure could be operated without a qualified bookkeeper or accountant - and that was agreed upon. So, he is out in left field after sitting down with honorable men and then they come up with some type of compromise of \$100,000. He just does not understand it, unless there is some political chicanery involved in this. Of course, originally they were volunteers, and MOTION came into existence because the people in these neighborhoods wanted better housing. It is just unfortunate that all of the bad houses are in black communities; and unfortunately, no one wanted to deal with this but black folks. So, there might be some degree of racial prejudice involved in the decision making - he does not know. But, he thinks they are losing a very good project if Council does not fund it on the basis that was recommended for the \$135,000. So far as he is concerned, he has mixed emotions about this, because he has noticed that a segment of this community does not want any public housing and does not want any kind of housing for poor folks. The only thing they want is middle-class housing and affluent housing. There are people that do not want integrated housing; there are people who did not want desegregation in the public schools. What he is saying is that MOTION can do the job, if Council will allow them to do so, but do not condemn them before they give them an opportunity.

He stated most of the Councilmembers are new and are coming at this for the first time. They say they have talked with professionals. Well, they have talked with professionals too; and he could get them tomorrow morning housing experts in here who could evaluate this on the same basis. What he is saying to them is that he does not think they should not fund this fully with the \$135,000.

Mayor Harris stated that any funds that would be expended, whether they be \$100,000 or \$135,000, or any figure, would have to be fully validated. In other words, it is a matter of service; that Council will pay on the basis of service.

Mr. Alexander stated in the final analysis everything that the people on the committee said that they wanted changed is in this contract. That Council will have five representatives on the Board of Directors, and if they, as politicians, cannot put five competent people on the Board of Directors to protect the interest that they are talking about, then there is something wrong. The Mayor stated he ought to say five directors out of nine so that it is clear it is the majority.

The vote was taken on the substitute motion to fund MOTION for \$100,000 and carried as follows:

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

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CONTRACT WITH CHARLOTTE-MECKLENBURG BOARD OF EDUCATION TO PROVIDE PROGRAM OF WORK EXPERIENCE, JOB INFORMATION, VOCATIONAL GUIDANCE, COUNSELING AND PLACEMENT SERVICES FOR 160 YOUTHS.

Motion was made by Councilmember Locke, seconded by Councilmember Chafin, and carried unanimously to approve the subject contract at a price of \$101,296.

AMENDED CONTRACT WITH REA CONSTRUCTION COMPANY FOR NEW RUNWAY AT DOUGLAS MUNICIPAL AIRPORT, APPROVED.

Councilmember Short moved approval of the amended contract with Rea Construction Company for the new runway at Douglas Municipal Airport for a total of \$1,647,382.34. The motion was seconded by Councilmember Selden, and carried unanimously.

ORDINANCE APPROPRIATING FUNDS, AND CONTRACT AWARDED TO LOW BIDDER FOR THE CONSTRUCTION OF A 30-INCH DIAMETER WATER MAIN IN WEST FIFTH STREET, FROM NORTH GRAHAM STREET TO NORTH TRYON STREET.

Councilmember Gantt moved adoption of Ordinance No. 897-X appropriating funds in the amount of \$188,000 for the construction of a 30-inch diameter water main in West Fifth Street, from North Graham Street to North Tryon Street. The motion was seconded by Councilmember Locke.

Councilmember Selden asked at what point the closing of the street comes about? Mr. Dukes, Director of Utilities, replied under this motion the street will be closed to all but local traffic.

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

The ordinance is recorded in full in Ordinance Book 25, at Page 192.

Motion was made by Councilmember Locke, seconded by Councilmember Gantt, and carried unanimously to award contract to the low bidder, Blythe Industries, Inc., in the amount of \$279,855, for the construction of a 30-inch water main along West Fifth Street.

The following bids were received:

Blythe Industries, Inc.	\$279,855
Sanders Brothers, Inc.	304,416
Gilbert Engineer Company	334,778

ORDINANCE NO. 898 AMENDING CHAPTER 20 OF THE CITY CODE TO INCREASE THE PENALTY FOR NOT HAVING A CITY TAG.

Motion was made by Councilmember Chafin, and seconded by Councilmember Selden to adopt an ordinance increasing the penalty for not having a city tag from \$3.00 to \$5.00.

After discussion, Councilmember Gantt made a substitute motion to increase the penalty from \$3.00 to \$15.00. The motion was seconded by Councilmember Cox, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 25, at Page 193.

ACTION TO SET A PUBLIC HEARING ON COMMUNITY DEVELOPMENT BLOCK GRANT FUND DEFERRED.

The City Manager stated after the comments on the Community Development preliminary plan, he would suggest to Council that a hearing not be set at this time, and staff will try to come up with further recommendations to suggest to them.

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Motion was made by Councilmember Chafin, seconded by Councilmember Selden, and carried unanimously to defer action on setting a public hearing.

APPOINTMENTS TO BOARDS AND COMMISSION.

- (a) Councilmember Selden moved the reappointment of Robert Satterfield for a three year term to the Insurance Advisory Committee. The motion was seconded by Councilmember Locke, and carried unanimously.
- (b) Councilmember Short moved the appointment of Judy Leonard to the Housing Appeals Board, serving in the Public Health Category, for a term to expire April 4, 1980. The motion was seconded by Councilmember Chafin, and carried unanimously.
- (c) Councilmember Leeper moved the appointment of George Free to the Board of Directors of Motion for a three year term. The motion was seconded by Councilmember Dannelly, and carried unanimously.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR ACQUISITION OF PROPERTY FOR DISCOVERY PLACE PROJECT.

Upon motion of Councilmember Chafin, seconded by Councilmember Gantt, and carried unanimously, a resolution authorizing condemnation proceedings for the acquisition of property belonging to the Salvation Army, located at 315-325 North Church Street and 213 West 7th Street, for the Discovery Place Project, was adopted.

The resolution is recorded in full in Resolutions Book 13, at Page 174.

LOAN AGREEMENT WITH BLENNIE A RODGERS, CHERRY TARGET AREA, APPROVED.

Councilmember Locke moved approval of a loan agreement with Blennie A. Rodgers, 212 Baldwin Avenue, in the Cherry Community Target Area, in the amount of \$7,100. The motion was seconded by Councilmember Chafin, and carried unanimously.

ORDINANCES AFFECTING HOUSING DECLARED UNFIT, ADOPTED.

Councilmember Leeper questioned the advisability of taking the proposed action on the Purser Drive dwelling - it will cost \$250 to board it up and only \$300 to repair it; they should use code enforcement since it is already occupied.

Mr. Bill Jamison, Building Inspection Superintendent, replied Mr. Leeper is right - there are only relatively minor repairs to be made on this house; but this dwelling and the one on Monroe Road are under the same ownership and their experience over the years is that the owner will not do anything on his houses until this type of action is taken.

Councilmember Leeper stated we do have a code - if they are not up to code we should enforce it. Mr. Jamison replied this is a means of enforcement; as soon as they do this he will come in and repair the houses; they have yet to board up one of this owner's houses.

Motion was made by Councilmember Selden and seconded by Councilmember Trosch to adopt the following ordinances:

- (a) Ordinance No. 899-X ordering the occupied dwelling at 1717 Purser Drive to be vacated and closed.
- (b) Ordinance No. 900-X ordering the demolition and removal of an unoccupied dwelling at 1821-23 Rozzells Ferry Road.
- (c) Ordinance No. 901-X ordering the demolition and removal of an unoccupied dwelling at 330 Harrison Street.
- (d) Ordinance No. 902-X ordering the occupied dwelling at 3419 Monroe Road to be vacated and closed.
- (e) Ordinance No. 903-X ordering the demoltion and removal of an unoccupied dwelling located at 903 Jackson Avenue.

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

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

The ordinances are recorded in full in Ordinance Book 25, beginning at Page 194.

ENCROACHMENT AGREEMENTS AUTHORIZED.

- (a) Councilmember Chafin moved approval of an encroachment agreement with North Carolina Department of Transportation for existing water and sewer lines in Candlewyck 5-2 Subdivision. The motion was seconded by Councilmember Locke, and carried unanimously.
- (b) Councilmember Short moved approval of an encroachment agreement with the North Carolina Department of Transportation for construction of a proposed 6-inch water main at the intersection of N.C. Highway 49 and Carolyn Lane (SR 2968). The motion was seconded by Councilmember Chafin, and carried unanimously.

CONTRACT WITH SHARON VOLUNTEER FIRE DEPARTMENT FOR CONSTRUCTION OF SANITARY SEWER MAIN.

Councilmember Locke moved approval of a contract with Sharon Volunteer Fire Department, DBA Carmel Volunteer Fire Department, for the construction of 725 feet of 8-inch sanitary sewer main to serve 6325 Carmel Road, outside the City, at an estimated cost of \$10,875, all at no cost to the city, and not funds needed. The motion was seconded by Councilmember Dannelly, and carried unanimously.

PROPERTY TRANSACTIONS AUTHORIZED.

Councilmember Selden asked how does the acquisition cost on Discovery Place compare to the estimated acquisition cost in the original plan?

Mr. Hopson, Public Works Director, replied \$1,750,000 was appropriated; that Council's actions tonight will complete all of the land acquisition necessary for Discovery Place. They are well within the budget, however they do have four parcels under condemnation. It appears now they will have a balance somewhere in the neighborhood of \$100,000 to \$150,000 left which could be applied to construction.

Motion was made by Councilmember Selden, seconded by Councilmember Short, and unanimously carried, approving property transactions, as follows:

- (a) Acquisition of 15' x 168.71' of easement, plus temporary construction easement, from The Mathisen Company, off 7800 block Lawyers Road, at \$1.00, for sanitary sewer right of way to serve Rolling Oaks Subdivision.
- (b) Option on 19,435 sq. ft. of property at 323-333 North Tryon Street, owned by 327 North Tryon Group, Queen Arms Limited by C. E. Hemingway, at \$475,000, for Discovery Place Acquisition.

DISCUSSION OF ROCK CONCERTS AT MEMORIAL STADIUM TO BE PLACED ON AGENDA FOR NEXT WEEK.

Mr. Burkhalter, City Manager, stated in connection with a previous request to use the Memorial Stadium for out-door concerts, Wylie Williams, has reviewed the request, and has some comments to make.

Mr. Williams stated he will give Council some things they considered in the re-institution of out-door concerts in Memorial Stadium; that he does not have a proposed policy.

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At the last meeting Council requested some staff assistance in determining the feasibility of re-instituting this policy. As a result of that, they met with the Police Chief, the Director of Park & Recreation, the City Attorney, and in conversations with the promotor have come up with three areas that should be considered in making a determination. First, the law enforcement; second, the projected clientele that are going to be attending these events; third, revenue considerations.

He stated crime control is the main concern of the Police Department. That is, orderly seating arrangements. He stated the Police Chief could talk to this a lot more effectively than he can. Another part of the concern for law enforcement is the extended hours that the large groups of people will be together. Many times there are delays in starting, there are delays between acts; this gives people idle time and time to become engaged in disruptive activities. Another thing is starting and ending times.

The second consideration deals with the kind of clientele that usually attends these things - the type of crowd that usually attends this kind of activity seems to be changing. Other cities have some experiences that might be of interest to Council.

Mayor Harris requested that Police Chief Goodman speak to this. Chief Goodman stated this is Council's decision to make; he can only advise them as to some past experiences they have had, and they still fear. They do not want to be censors for entertainment for the City of Charlotte, but out-door attractions of this nature do attract large crowds of people - there are all types, including lawbreakers and those that have little or no respect for the law at all, they have no respect for law enforcement officers. They are always scheduled on week-ends, Saturdays, which is the busiest day for police. That they schedule all of their people that they possibly can to work on Saturdays now just to take care of the ordinary events that go on. This calls for a tremendous work load for the police - they would be talking about 25,000 or 30,000 people at Memorial Stadium. They already have their work load cut out for them on week-ends; they could not assign the police a more difficult task no matter how hard they try - police hate these things. They do not like them; they lose their "cool" very easily. They tried to get fifty policemen to work the last one and did not get but thirty. Those that did work them, said they would not work another one. The money does not make any difference to them.

Chief Goodman stated you have to consider the fact that the areas around the stadium itself are affected. They had complaint after complaint in the community - the business community, the people who live in the area and Central Piedmont Community College. They suffered tremendous damage down there - windows broken out - at the last one they had. He does not want to belabor the point, but he had a couple pictures that will tell the story a whole lot better than he can (he passed the pictures around).

Councilmember Gantt asked if the Chief would suggest that this kind of concert is best handled way out in the middle of the country? The Chief replied in some other county. He stated should they decide to have them, he would suggest they require a bond sufficient to cover personal injuries and damage to property in the area. This has never been done before and there have always been lawsuits.

Chief Goodman read from the City Code some of the requirements that must be met when such activities are held:

"That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation." He stated they never have enough restrooms for these things.

"That the proposed activity or use is not reasonably anticipated to incite violence, crime or disorderly conduct.

That the proposed activity will not entail unusual, extraordinary or burdensome expense or police operation by the City."

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Mr. Burkhalter read the following letter from Dr. Richard H. Hagemeyer, President of Central Piedmont Community College:

"Dear Mr. Burkhalter:

We understand the Charlotte City Council is being asked to consider using the Memorial Stadium as a site for summer rock concerts. We urge the Charlotte City Council to continue its prohibition on the use of the stadium as a site for such activities. We urge this on the basis of past experience with such activities in the stadium. Factors to be considered are: the location of the stadium in close proximity to the large concentration of buildings on the campus of CPCC; the lack of adequate parking to accommodate crowds of this magnitude without imposing upon the businesses, citizens living in the area and the College; conflicts with ongoing week-end college programs thus preventing citizens from pursuing their education in fear of coming on campus at the same time a rock concert is being held.

Past experiences with rock concerts held in the stadium have resulted in (1) glass being broken out of college facilities and doors broken down in order to secure entry into these buildings; (2) a campus littered with debris and people sleeping it off on the Sunday following the concert; (3) the outside corridors on the upper floor of Kratt Hall being used by individuals to hear and watch activities within the stadium; (4) patrons using their automobiles to tear up lawns, fences; driving on sidewalks and other surfaces in order to secure parking and to leave when they are ready to go.

The College has conducted a summer theater program for the last four years and has plans to continue in the summer of 1978. Patrons park on college owned property with performances being held in the Pease Auditorium immediately adjacent to the stadium. The scheduling of a rock concert which conflicts with any of the summer theater performances will completely destroy summer theater attendance for that evening.

We recognize that Memorial Stadium is City property with the right to use as the City sees fit. We also recognize that the taxpayers have built College facilities to serve the citizens of the Charlotte area. The protection of those facilities and the citizens who use them must be considered when the City Council considers plans for the use of adjacent City facilities.

We hope the decision-makers will keep in mind that the City only owns 251 parking spaces surrounding Memorial Stadium. All the remaining parking is the property of CPCC. An agreement was reached stipulating conditions under which City owned parking spaces could be used by CPCC when not required by the renters of City owned facilities. In return, a number of College owned spaces are available for City use when not required by CPCC. This agreement allowed for dual use of spaces provided by the taxpayers. It has made it unnecessary for each of us to construct a duplicate number of spaces. Cooperation is the keynote to the success of this agreement.

If additional information is necessary for the Council's deliberation, we stand ready to provide such information."

Councilmember Locke stated she hopes that this Council will continue the policy that we have now on the stadium and rock concerts.

Mr. John Hasty, attorney for Kaleidoscope Productions stated he will speak positively on the points that Mr. Williams brought out and asked Council to consider with regard to the rock concerts, as they are called. Actually they are concerts just like are held in Ovens Auditorium or held in the Coliseum. There is no difference, as they propose them at this time.

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As to the revenue, they can expect the Park & Recreation Department of the City to net in excess of \$20,000 per concert, not counting the concessions or the parking fees, which they would also control.

As to the time problems - that is, as to how long the concert doors should be open, and the length of the performances; they have suggested that it would take about three hours to get 25,000 people into Memorial Stadium. However, they can bow to Mr. Diehl's and Mr. Jordan's experience in that - however long it takes to get that many people in there is how ever long it takes. They do not have any set rule as to when it should be. They simply want it to be held as quickly as possible and over as quickly as possible. The concerts typically take from four to five hours; they are continuous as far as entertainment is concerned; and of course there are all types of back-up systems to prevent lapses in the performance itself.

He stated they ask for rain dates on the very next day so there will not be any problems insofar as having people held over or any problems with refunds, etc.

He stated the biggest thing that has happened in the four years since there was a concert held in Memorial Stadium is that the young people of our community and indeed of the entire southeastern part of the United States have undergone what they consider to be a very drastic change insofar as their activities are concerned. They must remember that in 1970, 1971 and 1972 this nation was in the depths of the Viet Nam war, we had a great number of protesting young people involved in this movement. The music itself was of a very hard nature and in itself promoted sometimes violence.

He stated the acts which they propose to bring to Memorial Stadium at this time will be the same as that on WBT in the morning - the Eagles, Fleetwood Mac, Boston, Peter Frampton. People of this sort are Top-40 entertainers. He named others as Dolly Parton, Ronnie Millsap, Crystal Gayle - modern country singers, who are equally accepted by the young people. He stated the type of music has changed and so have the people. To bear this out, he has information that over the past year, in 1977, out-door concerts have drawn crowds up to over 100,000 people in places like Oakland, California, with no incidences whatsoever. The Tangerine Bowl in Orlando, Florida is a situation that they are intimately familiar with, being involved in the promotion of those. They drew, for Pink Floyd, 30,000 people; Fleetwood Mac, 30,000; the Eagles, 46,900; for Peter Frampton, 38,300 - all without incident, last year. This year, the Rolling Stones, Steve Miller and the Eagles will appear in that same arena.

He stated in 1976 they promoted 26,000 people to see Arrow Smith in the Baptist sanctuary in Winston-Salem without incident. They have scheduled concerts at Carter Stadium at State College this year and at present are in negotiation for the use of the stadium at the Provincial College in Orange County. This, without a doubt, tells them that you can have a concert without incident in Memorial Stadium this year. He stated there were 15,000 people, once a week, for more than 15 concerts in Mecklenburg County, last year, at Carrowinds, without incident. Marshall Park saw, over a period of two or three years, sponsored by the City Council, a gathering of over 20,000 young people. That indeed at one of those instances, as shown in one of the newspaper articles that Chief Goodman passed around, there was an assault and there was someone gravely injured, but the City Council continues to promote that concert.

He stated the Festival in the Park has a rock concert night at which over 30,000 people attend every year - in Freedom Park, in the open air. That continues. He does not want to delve into, unless Council wants him to, the qualifications of the clients that he represents. They are professionals at this, they promote concerts all over the country, and they are very qualified to do so. He stated he takes great issue with Chief Goodman in his position in this matter. He realizes, of course, that they have a great deal of forces against them in that the Police Department, Dr. Hagemeyer and Paul Buck are all against them. He can understand Paul Buck - it will take money away from his pet project; but the truth of the matter is that his facilities are just not big enough to attract top-name acts to the City of Charlotte.

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He stated that Peter Frampton has just plain refused to even play Charlotte. The Eagles are passing Charlotte over this year unless they can get the people here. That the people of this community are entitled to the opportunity to see these great Top-40 acts in concert.

He stated that Dr. Hagemeyer has written the same letter before - he has a copy of one written in 1974 that reads identical to that one. He just generally does not like to see the stadium used next to his college; he can understand that. But he does say this, that they have in the past, and they will in the future, repair any damage done to the Central Piedmont Community campus. That they have done this promptly in the past - the college has never lost one penny by reason of this.

As far as Chief Goodman saying there are not health facilities to take care of it, then he supposes there are not health facilities for the Shrine Bowl either. There are the same number of people who go to the Shrine Bowl. He realizes that the Shrine Bowl and the Festival in the Park may be judged by different yardsticks, but they should not be. An open air concert for young people in this area is legitimate and proper use of this public facility and is not subject to the administration of the Police Department's approval. He takes issue with the statement that they are impossible to police; in fact, the Charlotte City Police Department successfully policed six concerts in the early '70s, in the period of unrest with the young people here, and one of them there was only one arrest and that was a gate crasher. He does not see why it is that Charlotte is so peculiar that a concert cannot be held here when they are being held all over the country without incident. There is no difference. Memorial Stadium can handle 25,000 people at the Shrine Bowl with the fights and the booze and whatever goes on; they can handle it at this concert.

He believes he can tell Council that the management of the Park & Recreation Commission is in favor of this; the City Manager, he is told, does not object to it; the experience in the Southeast and in the neighboring cities and indeed in the City of Charlotte in the open air concerts that he has outlined to them, all show that this could be done without problems. In addition to that it could put about \$100,000 into the park funds for this city.

Councilmember Locke stated she would like to correct one thing Mr. Hasty said. That the Charlotte City Council did, in fact, fund some concerts in Marshall Park; those concerts only lasted about 45 minutes, compared to the six or seven hours.

Councilmember Short asked Mr. Hasty where the Tangerine Bowl is located in relation to the central business district of Orlando? Mr. Hasty stated he has only been to Orlando twice, but he believes it is southwest of Orlando, but it is right in the middle of the city - it is downtown.

Councilmember Cox stated Mr. Hasty asked why we should not have rock concerts in Charlotte? He thinks it is because of the bad experience we had in 1974 when Barry Worley was shot and that a lot of people in Charlotte are going to take a long time to forget that.

That all of these acts he has mentioned are top-name people. But if they relax the policy for them, they will have the rest of the crowd in here. They are talking about fairness, and a policy, and he thinks it will take a while for this to blow over.

Councilmember Frech asked Mr. Diehl to express his views on this. Mr. Diehl stated that Mr. Hasty has said about everything. That he and Mr. Jordan will do whatever Council wishes them to do. That he knows they are not opposed to them making the money. Referring to Dr. Hagemeyer's letter he stated the City has more than 251 parking spaces - they have 351 spaces in one lot besides the two large ball fields across Independence Boulevard, so they can easily park 1500 automobiles. On the weekends, they have access to all of CPCC's parking spaces.

Councilmember Carroll stated he would strenuously object to parking in Independence Park. That it is bad enough in the winter, but when people are trying to use it. . . He is open minded about whether or not it is something that they should consider trying again. If it does not work,

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it does not work. But, if they have the kind of procedures that are sure to police it, if they have particularly the bond procedure, and if they make sure that the folks know it is a conditional approach, that perhaps it would be worth looking into. He does not have any strong feelings either way.

Councilmember Frech stated she is inclined to be open on this also, because she is suddenly remembering young people in her district who have made the same old complaint lately that there is nothing around here for young people to do. That this sounds like the type of performance that they would like to see. She wonders if they are going to be accused of denying them something they would like to have.

Mr. Burkhalter was instructed to place this matter on the Council agenda for next week.

ANNOUNCEMENTS.

Mr. Burkhalter, City Manager, stated that Ms. Frech has scheduled a meeting on Tuesday, February 14, 1978, at 7:30 P.M., at Garinger High School, Building 300, for discussion of the Sidewalks on Shamrock Drive.

He also reminded Council that a Transit Administration Hearing will be held tomorrow night, Tuesday, February 7, at 7:00 P.M. in the Council Chamber.

Also Council has a hearing scheduled for Wednesday night, February 8, at 7:00 P.M., Council Chamber on CATV.

MOTION TO ADD ITEM TO AGENDA FOR COUNCIL CONSIDERATION.

Councilmember Short moved that an item be placed on the Council agenda for consideration dealing with the Woodlawn Road Study. The motion was seconded by Councilmember Selden, and carried unanimously.

PLANNING COMMISSION AUTHORIZED TO PROCEED WITH WOODLAWN ROAD STUDY.

Motion was made by Councilmember Short, seconded by Councilmember Selden, and unanimously carried, authorizing the Planning Commission to proceed with the Woodlawn Road study, as follows:

I. Assessment of Existing Conditions - This element would consist of the collection and aggregation of data and the preparation of base maps. Three base maps would be prepared: (1) a broad area base; (2) a study area property base; and a study area topographic base. Data and information to be collected would include the following:

1. Land Use Analysis - (a) Use; (b) Age; (c) Value; (d) Condition; (e) Occupancy; (f) Ownership and (g) Drainage.
2. Thoroughfare Analysis - (a) Existing right of way; (b) Thoroughfare function; (c) Land width and number of lanes; (d) Existing and forecasted volumes; (e) Noise Assessment; (f) Traffic accidents; and (g) Designed and/or desired improvements.
3. Existing Zoning Patterns.
4. Comparative Analysis of Residential Values with non-arterial residences.
5. Comparative Analysis of Woodlawn Road with other arterials.
6. Determination of Neighborhood Views and Goals.
7. Review and consolidation of Comprehensive Plan 1995 policies and other studies and reports.

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II. Identification of Objectives and Land Use Alternatives.

This element would focus on the formulation of concise objective statements and the identification of various land use alternatives available for study area to address the objectives.

III. Evaluation of Alternatives.

Each alternative would be developed and evaluated. Consideration would be given to cost, predictability, probable degree of achievement of specific objectives, and secondary impacts. Development of each alternative would include graphic illustrations utilizing existing and possible future ownership patterns.

IV. Conclusion and Recommendations.

Based upon the data collected and the evaluation of alternatives, conclusions concerning potential land uses within the study area would be reached and a recommended course of action offered.

Approximately four months would be required to complete the study without significantly disrupting the Planning Staff's work program.

MOTION CONTRACT EXTENDED TO FEBRUARY 27, 1978.

The City Manager requested Council to extend the present contract with MOTION to February 27, 1978.

Upon motion of Councilmember Short, seconded by Councilmember Selden, and unanimously carried, the present contract with MOTION, Inc., was extended to February 27, 1978.

NOMINATIONS TO VARIOUS BOARDS.

Councilmember Frech placed in nomination the name of Lewis Bacot to fill the vacancy on the Municipal Information Advisory Board.

Councilmember Selden placed in nomination the following names for three year terms each on Motion, Board of Directors:

- (1) Mr. R. V. Connerat
- (2) Mr. Morris Williams, Jr.

Councilmember Short placed in nomination the name of Willie (Bill) Johnson for a three year term on Motion, Board of Directors.

ADJOURNMENT.

Upon motion of Councilmember Short, seconded by Councilmember Locke, and unanimously carried, the meeting adjourned.



Ruth Armstrong, City Clerk