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The City Council of the City of Charlotte, North Carolina, met in regular session on Monday, January 23, 1978, at 2:30 o'clock p. m., in the Council Chamber, City Hall, 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.

Also sitting with the City Council, as a separate body, were members of the Charlotte-Mecklenburg Planning Commission - during the hearings on zoning petitions. Present were Chairman Tate, and Commissioners Broadway, Campbell, Curry, Ervin, Jolly, Kirk, Marrash, Royal and Tye.

ABSENT: None.

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INVOCATION.

The invocation was given by Reverend Robert O. Freeman, minister of Harrisburg Presbyterian Church.

APPROVAL OF MINUTES.

Upon motion of Councilmember Selden, seconded by Councilmember Dannelly, and unanimously carried, the minutes of the last Council Meeting, on Monday, January 16, 1978, were approved as submitted.

WEEK OF JANUARY 23 - 27, 1978 PROCLAIMED BY MAYOR HARRIS AS "TEACHER APPRECIATION WEEK."

Mayor Harris recognized Ms. Mattie Caldwell and read the following proclamation:

"WHEREAS, the citizens of Charlotte-Mecklenburg are dedicated to the education of the young people of the community; and

WHEREAS, the classroom teacher provides the indispensable learning environment which helps young people to improve the quality of life in our community; and

WHEREAS, we entrust these young people to the skills and understanding patience and inspiration of the classroom teacher in a complex society; and

WHEREAS, the daily devotion and dedication of our teachers is seldom acknowledged as we pursue our busy lives;

NOW, THEREFORE, I, Kenneth R. Harris, Mayor of Charlotte, do hereby proclaim January 23-27 Teacher Appreciation Week."

Ms. Caldwell accepted the proclamation on behalf of the PTA Council with thanks. She stated too much attention cannot be given to the teachers of this fine State; that the teachers' concern is for the whole child in the whole world and they continue to strive to bring to all children a good understanding of the ideals of equality, freedom and justice for all races, sexes and creeds to improve the modes of living including the farthest and strangest from their own.

She remarked on the value of dedicated teachers, stating that one good teacher in a lifetime may sometimes change a delinquent into a solid citizen. She urged that citizens do something special for these teachers during this week, letting them know they are appreciated.

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HEARING ON PETITION NO. 78-3 BY BREVARD S. MYERS AND RALPH C. CLONTZ
FOR A CHANGE IN ZONING FROM R-9 TO R-6MFH ON PROPERTY FRONTING ON THE NORTH
SIDE OF WOODLAWN ROAD, LOCATED AT THE INTERSECTION OF WOODLAWN ROAD AND
HALSTEAD DRIVE.

The scheduled public hearing was held on subject petition on which a protest petition was filed and found sufficient to invoke the 3/4 Rule which requires nine affirmative votes of the Mayor and City Council in order to rezone the property.

Mr. Bob Landers, of the Planning Commission staff, located on the land use map the subject property, stating it is approximately 30,000 square feet. Immediately adjoining this property is Woodlawn House, an existing high-density multi-family development owned by Mr. Myers, one of the petitioners, and ostensibly, if the petition is approved this property will become a part of that project. He stated the area around the property is developed with single family homes.

He stated the zoning map reflects very much the existing land use with the predominate zoning being R-9. There is R-6MFH zoning on the northerly side of Woodlawn which this petition would extend. He pointed out the office and business zoning on Park Road. At the present time, on a portion of the property that is being petitioned, conditional parking associated with Woodlawn House has been approved by prior Council action. This parking provided a buffer on the eastern side and also there is a 40-foot buffer along Drexel Place.

Mr. Brevard Myers, petitioner, stated he is the owner of the Woodlawn House, along with a big mortgage. That it was built in 1972 and 1973 and began occupancy in 1973 and consists of 104 units. It is occupied primarily by older people. They do have some younger people who have not yet found means of buying private homes. In essence, they have those folks who have not gone into single family homes or have come out of single family homes, for one reason or another.

He stated the unit is fully fenced for security purposes. They had a struggle for a couple of years during the apartment glut, just like all the other apartments had, but they are now fully occupied and have been occupied for two years. This indicates a need for expansion of this type of facility when the financing and other things become available. He provided the Councilmembers with pictures of the Woodlawn House.

He stated he does not know when the facility will be expanded - it depends upon the availability of mortgage money, construction costs and a great many other things that will go into play. But, he stated he had the opportunity to buy this property and that is the time he feels they should take care of the zoning.

In consideration of the effect on the neighbors, he will take it one side at a time. He used a map to illustrate his remarks, and stated he would start with the west side. He pointed out the buffer zones - 4 feet across the rear and 20 feet on the east side. That the section from the 20 feet over to Mr. Clontz's property line has previously been on a conditional basis. It is to the rear of the existing R-6MFH. This was given to them by Council prior to the time the apartments were built. He stated in order to "clean the record" since conditional is now considered. . . in any event, it is legal because it comes under the grandfather, but they are proposing the rear section be changed along with the new section.

Mr. Myers stated he reached a private agreement with the two owners on the west side - Mr. Price and Mr. Shelley - and copies of these agreements are on file with the Planning Commission. In effect, these agreements said that the existing fence would remain around Mr. Clontz's property. It would be increased in height towards the front from its existing 4 feet to 6 feet to a point 100 feet from Woodlawn. He has also agreed that the height of the building shall be restricted to a point which for every foot off of the property line they can build more than one foot high. In other words, in order to build a 40-foot structure, he must be 40 feet off the sideline.

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He stated he also agreed that a 10-foot strip along that side be reserved for planting. Then the problem of drainage came up. The crest of the hill corresponds just about to the back of the current R-6MFH property. The laws say you cannot change the water from one watershed to another, so at this point they divided - with Mr. Price, he agreed to take all the drainage water off of impervious areas and carry it through the drain in Woodlawn provided such would be permitted by governmental authorities. On the rear, he agreed to put certain retaining means which are in accordance with good engineering practice so that the run-off will not exceed the existing run-off.

He stated as far as Drexel Place is concerned, they have the 40-foot buffer. He asked Mr. Underhill or someone from the Planning Commission to confirm that he cannot cross this property for access into Drexel. If he or his successor, in private would like to it would not be permitted without a change in zoning on that 40-foot strip.

He stated he did not hear of the petition being filed in protest from the back street until Friday or perhaps they could have alleviated a considerable amount of confusion. That what he hears from the back street primarily is they want an assurance that there would not be an exit off of the property into Drexel and that they would have a 40-foot strip. In addition to that, he stated he is glad to agree that the existing fence can remain - it is a 6-foot fence across Mr. Clontz's rear property line. He hopes their concern can be alleviated at this meeting and the petition may be withdrawn.

He stated there is another problem on Drexel which he does not know what he can do about. Mr. Smith, who owns the last piece of property is the one most affected. Drexel has a roll type curb on each side and with the continuous paving improvements, etc. this curb is not currently retaining water that comes down Drexel. He stated Mr. Smith has a problem whether this zoning petition is granted or not; and he does not know what can be done, as an individual property owner on that street, to help him with that situation.

As pertains to the folks across Woodlawn. Woodlawn has become quite a raceway, as Council is already aware, and it is a problem in reference to the Woodlawn House. He would not be seeking additional entrances into Woodlawn if Woodlawn were not so difficult to enter, and in essence, backs up traffic during rush hours with the occupants of the apartments getting into Woodlawn. They have a joint problem on Woodlawn; and he does not know what he can do to help their concern. He feels that the additional traffic put on Woodlawn by any addition which they would put on the property would be a "drop in the bucket" compared to what Woodlawn is going to catch when the belt road is completed. It is a concern for the entire neighborhood.

Mr. Myers stated he feels there is a growing need for this type of apartment which caters to the older folks - they need the ability to walk to shopping centers, to walk to food places and other factors. He would like to see the ability to help satisfy this need if this change could be granted.

Mr. Ralph Clontz, whose property Mr. Myers intends to purchase for the expansion, stated he is an attorney but is speaking as a homeowner; that he is speaking for his wife also as they are both vitally interested in the outcome of this hearing. He stated he does not regularly appear in real estate matters and he asked some of his friends how he should handle this and they said it is a political decision, that he should call members of the Council at home. That, as an attorney, this to him would be a little bit like talking to the jury out of the courtroom and he was reluctant to do that. He did not call any of the Councilmembers; he felt he could tell them his position in facts that he would want to consider if he were sitting in their chairs.

Furthermore, when he analyzes the thing, he does not feel they are a jury - they are sitting as judge, jury and legislator, jailer, and hopefully one who can give them executive clemency. So, he is speaking to them on that basis and this is exactly why he supported district representation. He believes the jury system is a good system because of the scattered impact you get in a jury selected from throughout the district and that district representation will give him a better chance.

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Mr. Clontz stated the first time he saw the property on Woodlawn Road was about 1967 when he spoke to a DAR group on the front lawn of the Bevis property. The property was a beautiful two-story colonial white house and he was impressed by the charm of the setting, by the surroundings. In front of it there was a two-lane, sort of country, road; down below he glanced and noticed a five-bedroom brick home. He was very impressed with the beauty of the neighborhood and of the Bevis property. In 1959 he purchased that property, but the next event that happened that would be of concern to Council was in 1971. His nextdoor neighbor's husband was killed in an automobile accident and in 1971 she petitioned Council for a change in zoning that would allow her to sell her property and construct apartments. He stated he came before Council in 1971 and pointed out that he could have blocked her change in zoning but under the golden rule, he could not do that. Council changed zoning to where apartments were nextdoor to Mrs. Bevis. After that they widened Woodlawn Road to four lanes and made it 45 miles an hour. He felt that the Council had put her in a trap and he felt that he could not ask them not to let her out of the trap. In fact, he asked Council to help her. Today, he is basically here to say that he and his wife are alone on the property, they have a five-bedroom home, his yard boy went off to college in 1969 and is now practicing law with him; his children are grown and they have more property than they need. They have an opportunity to sell their property on a reasonable basis and will appreciate Council's consideration.

Mr. Tom Ray, Attorney, spoke in opposition to the petition. He stated the Councilmembers each have a summary of the position of the residents who live in the homes across the street from where this new development is proposed; that attached to the summary are three exhibits, including a signed statement in opposition to this request and a map indicating approximately where these folks live. He stated it is not entirely accurate - they all live on the same side of the street, the majority live on Woodlawn. A vote "no" in their opinion, is not sufficient; they need for Council to vote "yes". That they have been asking for a vote of "yes" for a comprehensive package since 1971, at least. He has newspaper clippings and editorials in the mid 70's; they have Mr. Burkhalter's own memorandum of 1974 before them and he knows of no action that has been taken with regard to that memorandum.

He stated these people on Woodlawn are caught in a squeeze; this squeeze is outlined in his one-page memorandum and Mr. Clontz has alluded to it - it is a trap for them. The problem is, as Mr. Clontz has also said, that Woodlawn is a racetrack. It is 45 miles per hour and is to become part of the belt road. Woodlawn has been widened to four lanes; 0-6 is down to their homes; they need some sort of protection and none has been given to them; they now take the position that none can effectively be granted to them at this time. They would request that a comprehensive zoning package be developed by Council, the Planning Commission and the staff; that that comprehensive package, as far as their property is concerned - the first two blocks of Woodlawn - be rezoned 0-6; that some type of buffer arrangement be developed to protect the inner part of Madison Park; that Council not allow this rezoning request of Myers and Clontz to go through until it is put into and made a part of any overall rezoning package.

Mr. Ray stated these folks cannot live on Woodlawn successfully; they cannot they tell him, get out in their front yards without having problems with fumes from the automobiles that idle waiting on the stoplights to change at Park Road and Woodlawn. They cannot leave their windows up at any time during the year - summer or otherwise. They have serious pollution problems even during the winter. This is not because of anything they have done; it is because of the willy-nilly, piecemeal approach that has been made over the years, in an evolutionary way, and they would respectfully request that Council consider the material which they have submitted. He stated there was a very clear understanding, as indicated by one of the exhibits, concerning the Council upon inquiry, particularly by Mr. Thrower, seconded by Mr. Whittington, in 1971 when the same kind of Myers request was presented and acted upon. He stated as he understands those commitments and the Thrower motion, he talked about certain prerequisites, and those in large thrust was that there would be no more rezoning. That has not occurred; there has been additional rezoning on the Woodlawn side of the street where

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these folks live since 1971 and so there has been a breach of that approval that was granted in 1971. He stated the folks on Woodlawn that he represents are united with the Drexel Place folks in the sense that they want Council to vote "no" on this rezoning request. They go further than that and ask them to vote "yes" to come up with a comprehensive proposal to eliminate this piecemeal changing.

Mr. David Siciliano, 1301 Drexel Place, stated his home is the last house at the end of a dead-end and very secluded street; that he represents all but one resident on that street and that resident was one of two to strike a compromise with Mr. Myers; he did it in case this proposal did go through. He stated, for Council's clarification, there has been no understanding reached by the property owners on Drexel Place with Mr. Myers. A compromise was reached with at least two adjoining property owners as a matter of self-protection if this rezoning were approved. This petition, which he submitted, is signed by every property owner on Drexel Place except one. It is proof that the property owners on this street are opposed to any rezoning on land adjacent to, or on, Drexel Place at this time.

There are a number of arguments against this, and he is sure Council has heard them in other neighborhoods that have been faced with the same problem. They are in a stable residential area; they have residents, in one case, who have been there almost 20 years. They have young children playing on the street, a street without sidewalks. They have a drainage problem, yes, but they feel it will be compounded if there is new development. This project is not clearly beneficial to this neighborhood, in their opinion, as defined in the Comprehensive Plan for 1995. He asked "Do we worry about future developments?" Yes, very much so. One reason we worry about future developments is that it is interesting to note that the residents of Drexel Place struck a compromise with Mr. Myers in 1971.

He stated the minutes of 1971 have already been alluded to, but he would like to bring up a couple more points in those minutes. In 1971 the residents of Drexel Place left with the clear understanding that no further rezoning would take place, particularly if Mr. Myers had control of the situation. He referred to City Council Minutes - Book 55, Page 192-195 and Pages 256-257 - in which the owners of the property now occupied by John and Mary Shelley, an adjoining piece of property, expressed their concern for future property rezoning if this rezoning was approved and he quoted Book 1688, Page 279, of the Register of Deeds, binding until January 1, 1985, which stated that nothing shall be built on this property other than single family units, and nothing shall be done on this property that will, or may become an annoyance or nuisance to the neighborhood. This is the understanding that most people moved into their street with.

He referred to Page 193 again, to statements by Mr. John Nelson, 1315 Drexel Place, who still resides there, in which he expressed concern that rezoning at that time would lead to even further rezoning at a later date. We see this today. On Page 194, Mr. Bob Bradshaw, attorney at that time for Mr. Myers, stated "the rear 150 feet of the property involved is subject to restrictions to other than single family residents"; that they do not intend to violate these restrictions as there will be "no residences constructed there." He stated now we are looking at new rezoning that will allow some construction.

Mr. Siciliano asked Councilmembers to read the remarks of Councilman Withrow who was surprised to find that the building that was built was different than the one proposed when the property was originally rezoned by Council. He stated Mr. Clontz did not oppose the 1971 rezoning and it was mentioned in the minutes by Mr. Daniels that the 1971 rezoning might lead to the future enhancement of Mr. Clontz's property. He stated that Mr. Nelson's remarks on Page 256 reflect the concern of the residents on Drexel Place. After compromising with Mr. Myers when talking about problems they saw, he said "The biggest one they feel is that the action might be leading towards further rezoning on Drexel Place from single family residents into a situation where they would have more high-rise apartments." This they see now. He stated Councilman Thrower's remarks have already been quoted by Mr. Ray. He also quoted Mr. Myers where he said he has no control over further rezoning

of adjacent property. But he does; he is here petitioning today.

Mr. Siciliano concluded by saying that the residents of Drexel Place reject the idea that their neighborhood will slowly evolve into a concentrated high-rise area. They have compromised once, in good faith, with Mr. Myers; but now they stand firm. They have a pleasant dead-end street where children can play; it is a stable community; a mixture of young and old persons willing to fight for what they own. He hopes to leave an impression on Council and Mr. Myers that will linger and will prevent future hearings for rezoning their neighborhood. He called Council's attention to the endorsement by the Park Road Inner-City Homeowners Association which is attached to their petition. It represents over 200 voices of homeowners who endorse this proposal. He also included an interesting article on how slums are created from neighborhoods like the one now being considered for rezoning.

Mr. Terry Smith, 1300 Drexel Place, stated he resides in the last house on the lefthand-side on Drexel; that Mr. Myers referred to him as having the drainage problem. He stated he does have a drainage problem because he is significantly below Mr. Price's and Mr. Shelley's property - down at the bottom of the hill and next to the creek. Since he moved into the house in 1971 and since they built the apartments at the top of the hill, he has caught the overflow running through his property; that granted the curbs are not enough to contain the flow of water.

Mr. Smith stated he opposes the petition mainly because Drexel Place is a quiet street, a dead-end street, and they just do not need any more development in an already congested area.

Mr. Bill Sullivan, 536 Woodlawn Road, stated he is neither for or against this petition but he has some facts that need to be presented to the Council. He asked how much time he would have since the ten minutes normally allowed for each side of an issue had already been used?

Mr. Underhill, City Attorney, stated the time is up as the rules only allow ten minutes per side; it does not actually take into account that you may have more than one speaker on a side; it actually makes no provision for someone to speak in a neutral position.

Councilmembers agreed to allow Mr. Sullivan five minutes to speak.

Mr. Sullivan stated he is speaking for the people on Woodlawn Road; on the other end, far away from this. That most of the Councilmembers are familiar with Woodlawn Road - it starts off with apartments and offices, then there is a Tenneco station, churches, school, everything in the world on Woodlawn Road.

That back in July of 1976 when a petition came up to zone the other side of the street for Dr. Rockey, he spoke at that time and asked for the same thing. That the Planning Commission sent a letter out and made this statement, and if this statement is going to hold true, then Mr. Clontz is "dead" to start with: "Finally, it should be pointed out by changing these lots"(speaking of the ones on the other side of the road) "to office classification it will bring the boundary line between the office and residential zoning on the south side of Woodlawn to Drexmore, constituting a seperation between two types of zoning . . . since there has already been established such a strong boundary on the north side in the use of a relationship."

He stated when he came to Council to speak when this letter was sent out, if he wanted to respond to it he had to make twenty copies, and all this kind of stuff, which he thinks is an undue burden on citizens to have to respond to the Planning Commission - they should not have to furnish the Mayor and every Councilmember and every Planning Commissioner a copy of their reply. So, he asked to speak to the Planning Commission's statement. He was denied that right on the agenda, according to the rules, and that was fine. So, he came to speak during the public hearing, but before he spoke, Mr. Underhill advised Council to ignore him.

Mr. Underhill stated he does not think he advised Council to ignore Mr. Sullivan; he just advised them that, under their rules that they adopted

to govern the conduct of their meetings, his remarks could not be taken into consideration because they were remarks that were made after the public hearing which was the opportunity for input. That he hopes he did not use the word "ignore."

Mr. Sullivan agreed that he did not say "ignore"; he would correct that to do not listen to what he has to say, it should have no bearing. They went on with the agenda meeting. During that meeting Councilmember Gantt asked Mr. Bryant, the Assistant Planning Director, to see the zoning pattern between that and Park Road and Mr. Bryant indicated on a map the zoning in that area and that answered Mr. Gantt's question. Then Mr. Bryant continued his remarks in which he made the statement that frankly, he would personally rather see Dr. Rockey's petition denied than to have the connotation that they would even consider zoning Woodlawn Road anywhere else. He stated that Mr. Bryant made about a four-minute speech against the rules. That Council was not told not to listen to Mr. Bryant.

Consequently, the petition was denied. That he left the Council meeting and later he got a letter saying that cannot be right because there were not enough members present, so it would be coming up again. He then asked Mr. Underhill, since Mr. Bryant had gotten up and reiterated the Planning Commission's position and his personal opinion of what he wanted done, if he should not have that right? Again, he was denied.

He stated he points all this out just to say one thing - the people on Woodlawn Road, from Park Road to South Boulevard, have been denied the right to live in peace, to be able to sell their property - to be able to do anything, while we pick and piecemeal this road to death. He wants to ask the Council one thing today - to refer this petition back to the Planning Commission, to ask them to come up with a comprehensive plan for zoning Woodlawn Road from Park Road to South Boulevard, to multi-family where possible (that is their best use), O-6 and whatever zoning they think necessary. This would put this thing to rest once and for all and give the people who live on this road a little justice sometime instead of showing favoritism to the few on the ends and keep squeezing the others to death.

Responding to questions from Councilmember Frech, Mr. Myers stated there is frontage of 130 feet on Woodlawn Road; that there have been no plans submitted, or no discussion of plans, to indicate the number of units to be built. The total area is approximately 29,800 square feet, which would provide a density for as many as 30 units. It includes Mr. Clontz's property - the house and all its land.

Councilmember Short stated that Council has been trying for many years to see its way clear on something to do on Woodlawn Road between Park Road and South Boulevard and for a long distance beyond. He would suggest that the Planning Commission do address itself to whether there can be some little bit more comprehensive zoning package as suggested by Mr. Ray. This, he assumes, would be in multi-family and maybe office, as Mr. Sullivan mentioned, although they might not need to go that many blocks. He does not mean to say that he has made a decision about anything on this matter. That basically, this seems to him, would be a little bit like attempting what was attempted over a period of some fifteen years on Queens Road. There were existing houses there that were very expensive and yet the zoning was changed to multi-family. For many years no one did anything with this because they just could not afford to buy those expensive homes, tear them down and build apartments. That finally some did try it, and about all of them went bankrupt because of the extreme expense of it and the nature of the market.

Councilmember Short stated he thinks the Planning Commission might make a comment to Council about the possibilities here and whether they would want to expand the area they are talking about, the idea being that perhaps they should just simply give these people a chance to try. He realizes that there was also, in the Queens Road situation, the added difficulty of those on parallel streets which was similar to Drexel and Drexmore.

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Councilmember Selden stated, in support of what Councilmember Short has said, he would like to urge that the Woodlawn Road review be done in segments that would be appropriately treated as units; there may be some areas that deserve one form of treatment and other areas that deserve another form. He asked Mr. Ray and the people he represents what are the areas that they find unsatisfactory today on the existing arrangement; and are there any alternatives to the existing arrangement except an extension, as they see it.

Mr. Siciliano stated to detail the problems he has he would have to sit down with people on the block and actually draw something. What they are most vehemently opposed to is that they compromised once and now here they are again, and where will it lead to next. He would have to outline that before he could speak to it.

Councilmember Selden stated he would appreciate it if he would take into account the fact that they cannot undo or tear down the apartment. He would like to find out what areas there are that they are opposed to.

Councilmember Cox stated to Mr. Siciliano that provided the Planning Commission did take up the whole matter of Woodlawn and put together a package deal so that they knew the fate of at least a large section of Woodlawn, would he be opposed to the development of the Clontz property taken in that total concept; or is he opposed to it, period?

Mr. Siciliano replied that as it stands right now - he cannot speculate about what the Planning Commission is going to come up with - they have given Mr. Myers some land, now it is going over into adjacent land. This leaves one little corner, next to the creek, which is Keith Price's and he will not have much choice but to sell if that happens. This leaves Terry Smith with no backyard - half of their block goes. Until he could see the Planning Commission's proposal, he really cannot say how the neighborhood will speak. He would love to see a proposal so they would know what their destiny will be.

Councilmember Gantt stated there are a couple of procedural kinds of things that are bothering him a little bit. That what he thinks Councilmember Short is asking them to do is to instruct the Planning Commission that ultimately Council would like to initiate some zoning changes along Woodlawn. That he thinks it is high time they took a look at the whole area. That he would probably add four or five other streets into that. The question he has in mind is a procedural one and that is if Council instructed the Planning Commission staff to study that area so that Council might institute a comprehensive change in zoning there, do they put the petitioner under some undue burden by not making a decision on his case. Do they ask him to withdraw his petition; or do they dispose of that petition. He would like to hear a legal opinion on what might be done. His question would be if Council decides to instruct the Commission to study the entire Woodlawn section, keeping in mind that they might ultimately want to initiate a petition on their own much as they have done with other neighborhoods, then what is the disposition of the petition for Mr. Myers' apartment? Do they ask him to withdraw the petition? They would not know what decision Council might ultimately make on that piece of property, but they would be putting them in jeopardy if they decide against them and require another two years.

Mr. Underhill replied that first of all, withdrawal is not possible because there is a 3/4 protest petition in the file on this petition, and under the City Code, Council could not permit withdrawal even if it wanted to. The other part of his question which dealt with how quickly does the Council have to decide a zoning matter once they have had a public hearing on it - the law is actually silent on that; there is no provision in either the State statute or the City Code that places any time requirements or restrictions on the Council.

Mayor Harris stated he believes they need a motion probably directing the Planning Commission to make a study or something and come back in a week or two and tell Council what would be involved in this process.

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Mr. Tate, Chairman of the Planning Commission, stated he would suggest that; a simple motion referring it to the Planning staff and have them come back to Council as they would any neighborhood petition and try to set some meets and bounds and suggest whether it might be taken up in portions or segments; and maybe some basic recommendations or feelings about the matter.

Mayor Harris stated they would do that after the public hearing.

Councilmember Cox asked if that meant that they are, in effect, whenever the Planning Commission comes back with their recommendation on this petition, delaying their recommendation?

Mayor Harris replied there are two things - they are having a public hearing now regarding this petition; the other item would be a separate study that the Planning Commission would be asked to do.

Councilmember Cox asked how that would relate to the petition and Mayor Harris replied the way Council wanted to relate to it; it would be two separate items. Councilmember Cox stated it seems to him that this petition could, or could not, wait for the full process to go through. That most of the property on Woodlawn right now is single family; that what he hears today, at least from half of the folks, is that they want something to be done with the property itself, instead of the piecemeal approach that Mr. Sullivan talks about. He stated if the Planning Commission could come back to Council and say regardless of what the ultimate rezoning package looks like, this property would fit into this kind of zoning, he thinks they could go ahead with this piece of property and not keep the petitioners in the dark.

Council decision on Petition No. 78-3 was deferred pending a recommendation from the Planning Commission.

HEARING ON PETITION NO. 78-1 BY COMMUNITY DEVELOPMENT DEPARTMENT TO CHANGE ZONING FROM R-6MF, B-1, B-2 AND I-2 TO R-6, R-9MF AND B-1 ON PROPERTIES IN THE GREENVILLE REDEVELOPMENT AREA, GENERALLY LOCATED BETWEEN OAKLAWN AVENUE ON THE NORTH, AND THE NORTHWEST EXPRESSWAY ON THE SOUTH, STATESVILLE AVENUE ON THE EAST AND IRWIN CREEK ON THE WEST.

The scheduled public hearing was held on the subject petition.

Mr. Bob Landers, of the Planning Commission staff, explained the petition and located the area on the map. He pointed out the land uses in the area, as well as the zoning patterns.

Mr. Sawyer, Director of Community Development, stated this is an urban renewal project; they are creating a residential community with a full range of residential uses from single family to multi-family. That these zoning changes are all in accordance with the approved Redevelopment Plan. The land is all owned by the City; in the urban renewal projects, the City generally acquires all of the land and then petitions as the property owner.

Councilmember Carroll stated he was in this area during the week-end and there were some people cutting down trees that looked like they might be good for the residents once the houses are built. He wondered if they were supposed to be doing that? Mr. Sawyer replied he was unaware of that; there were a few trees removed in order to install the site improvements - the streets and so on, but that has all been done.

Councilmember Gantt stated he is very familiar with the Greenville area. He notes that one of the sites that Community Development is proposing a change in zoning on is the corner of Burton Street and Fontana. That single family houses now exist along this street and across the street from that they are proposing R-6 zoning and they will then have a situation of R-6 abutting B-1; they have business zoning at the corner of Oaklawn and Statesville, and another business settlement in the middle of the property. His reaction is that they have too much business in the entire area.

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That, for example, the frontage on Oaklawn Avenue is already zoned B-1 and they are proposing that the entire block now be zoned B-1, which in effect would be the size of a city block. That the property down at Oaklawn and Statesville would be the size of almost two city blocks, that they are all shopping center sites. He just wonders if for the 500 or 700 units of housing that they are putting in there they are not putting in too much business.

Mr. Sawyer replied that the purpose in designating the first one he referred to - Burton Street and Oaklawn - and the one at Johnson Street and the expressway was to permit the opportunity for some small convenience shopping to go in, as well as convenience services. The big site at Oaklawn and Statesville was for a shopping center to serve a much larger area than just the Greenville area. This planning was done, he will admit, seven years ago and has not been updated. In the meantime, a minor economic recession has affected real estate, but we are nearing the time when they are closing this project out as far as HUD is concerned - it is supposed to be closed out before the end of this year. They are trying to complete all of the actions necessary to implement the plan as approved.

He stated that once HUD is out of the picture, the city will own this land free and clear, without any federal involvement. At that time it will be easier to amend the plan to study what should properly go there after more residential development takes place.

No opposition was expressed to this petition.

Decision was deferred pending a recommendation from the Planning Commission.

HEARING ON PETITION NO. 78-2 BY COMMUNITY DEVELOPMENT DEPARTMENT TO CHANGE ZONING ON PROPERTIES IN THE GRIER HEIGHTS TARGET AREA.

The scheduled public hearing was held on the subject petition by the Community Development Department to change zoning from R-6MF to R-6, B-1 to R-6 and B-2 to R-6 on properties in the Grier Heights Target Area, located generally between Briar Creek on the west and Orange Street on the east, Dunn Avenue and Old Monroe Road on the north and south of Fannie Circle on the south; and change from B-1 to R-6MF property fronting the east side of Alpha Street, located on the southeast corner of the intersection of Alpha Street and Jewel Street; and change from R-6MF to O-15 property generally located along the west side of Ellington Street, beginning at the intersection of Ellington Street and Billingsley Road and running north, and property fronting about 800 feet on the north side of Billingsley Road, located about 800 feet west of the north side of Billingsley Road, located about 800 feet west of the intersection of Ellington Street and Billingsley Road; and change from O-15 to R-6MF property located on the east side of Ellington Street, located on the southeast corner of the intersection of Ellington Street and Wheatley Avenue.

Mr. Bob Landers, of the Planning Commission staff, located the area on the map, explaining the present zoning pattern and the land use; and the proposed zoning changes. Included in the zoning changes is the property on which the Mecklenburg Mental Health facility is located. He stated the County does not own this property at the present time; the Planning Commission has reviewed, on behalf of the County, a referral item considering the possibility of acquiring the land. He was asked if the zoning change would mean a change in the purchase price and Mr. Landers replied he does not know, from the appraiser's standpoint, whether this would change the price; that obviously if the County obtained it, it would be for either office use and in conjunction with its medical center facilities. Councilmember Gantt asked if there are residences on those properties? Mr. Landers replied in the one area which is proposed being changed from O-15 to R-6MF there are no residences. Along the medical center side of Ellington, there are about four homes. The Community Development Department has discussed the condition and the upgrading of these properties with the property owners. There are two residences on another interior portion.

Councilmember Gantt asked if this proposed change in zoning bring this area into conformance with the Community Development Plan. Mr. Landers replied yes it does.

Councilmember Trosch asked if the O-15 and R-6MF on Ellington is next to single family? Mr. Landers replied there are a scattering of houses on both sides of Ellington, about four on the easterly side and four on the westerly side. Councilmember Trosch stated this whole area is of great concern to her - she will address it later. She stated we have had some piecemeal changes that have come since she has been on Council - one was to add some business down the street on Goldwyn; now they are taking off the business zoning up the street where there is already an existing business structure. Would that just be a non-conforming use?

Mr. Sawyer replied no - it was really re-orienting the proposed business site there; it did front primarily, when it was proposed, on Dunn Avenue. Right now it is just proposed - they intend to build it but it may be some time. They have some developers who are interested in it and are interested in its being primarily oriented to Goldwyn. They merely exchanged some business zoning on the north end to business on the west end. In the total package there is very little increase.

Councilmember Trosch stated they are taking away the B-1 up the street, changing to R-6MF where Mr. Landers stated a buffer was Alpha. Mr. Landers stated the site in question is on Alpha Avenue. There is an existing structure; that the condition of the structure is one of the principal considerations here. Councilmember Trosch asked about the old green building on Alpha; that there is one business remaining in there, would it stay until they tear the whole thing down?

Mr. Sawyer used a map showing the present land use in the area, and pointed out that this site was, and still is, used for business; but adjacent to it was a group of apartments called The Rock Apartments - it was probably the worst housing in the whole area. He stated that one of the top priority items in the plan from the residents was to buy and remove that. That was one of the first things CD did and it is all gone now. In the process of re-planning the business site was relocated from one point to another. The first location fronted on the proposed Dunn Avenue. Dunn Avenue right now goes right through the middle of that site; it is proposed that the whole site be consolidated into a more developable one and Dunn Avenue be re-routed. The new commercial site then would be oriented to Goldwyn, and that has already been approved by Council.

Councilmember Trosch asked if there is any particular reason the area at the corner of Marvin and where the beltroad will go, across from the park, was not dealt with? Mr. Sawyer replied there are a number of other zoning changes that they will bring to Council at a later time; they are doing it in stages and this is merely the second stage.

Councilmember Gantt stated when he asked Mr. Landers if these zoning changes would bring this particular plan into conformity with the Redevelopment Plan as approved by Council two years ago and he indicated it would. Is Mr. Sawyer saying there are some additional zoning changes that will have to be done to bring this plan into conformance.

Mr. Sawyer replied yes; these, to the extent that they are asking for re-zoning are all in accordance with the Plan, but it will not implement the entire plan. That the difference between a Community Development project and an Urban Renewal project is mainly who owns the land and the extent to which the City becomes involved in acquiring the land. In the Community Development Department area, the City does not acquire the property to any great extent - the major purpose is to preserve the property and only engage in the limited acquisition to the extent that it is necessary to remove blight and stabilize the area. Therefore, they petition, but in the process of planning it is necessary to plan sometimes major landuse changes and zoning changes to protect and to conform the zoning to the planned uses. Therefore, they are not petitioning as the owner, but as the major advocate for these changes, all in concert with the citizens of the area who must approve all of these changes - and the property owners. So, they have a concensus on these particular zoning changes, but there are others on which they have not reached a

consensus yet and therefore they are not bringing them to Council yet.

Mr. Sawyer stated he would like to make another comment while he is here - it involves two properties which he located on the map. That these two proposed land use and zoning changes have been a part of the plan for most of the two years - they are the properties about which questions have been asked, the single family residential uses on Billingsley and on Ellington. He stated the full impact of the change in the proposal did not really register on the residents there until after the petition had been filed and the zoning signs went up in the area. Then they learned, in a recent meeting out in the project area, that the owners of those properties, several of whom are senior citizens, objected to this zoning change. They did not know this at the time they filed this zoning petition, and once it is filed it runs on. So, today he is requesting that these two changes either be deleted from this petition, if that is possible, or they would ask that the Planning Commission recommend back to the Council that no change occur in these cases because they agree with the citizens that it is not a life and death matter as far as the plan is concerned. The County has stated that it might acquire the property in the future; they have no assurance of that. They do know that part of their plan will be to improve those properties and make loans and grants available. He stated as far as Community Development knows, with those two changes, there is no opposition to any of these zoning changes that are being proposed.

Councilmember Carroll stated that sounds good and he is glad the City is taking that into consideration since they are single family areas which are viable presently and going forward.

Mayor Harris asked about signs in the area to notify property owners of these kinds of proposed changes; that he drives down those streets a lot and he has not seen a sign yet. Mr. Sawyer stated the Community Development Department notifies the owners by meetings in the area; the Planning Commission puts up the signs. Mr. Landers confirmed there are signs up in this area.

Councilmember Selden stated he thinks he is right in his thinking that residential can exist in areas zoned O-15. Mr. Sawyer agreed that this is right, that these residences could continue even though the change is made. He stated there is a spokesman from the Grier Heights Neighborhood Organization as well as two of the residents, and he would rather they express their own concerns, but he thinks those concerns involve the taxes, etc.

Mr. Quentin F. Bouleware, 3723 Marvin Road, representing the Grier Heights Steering Committee, stated he had planned to speak in opposition to some of the proposed changes, but that what Mr. Sawyer has said to the Council was what they were trying to get straight, but there are two of the senior citizens present who may like to speak. They would be directly affected by this rezoning.

Mr. C. M. Watson, 3612 Ellington Street, stated he was born and raised in this community and has lived at his present address for forty years. That he has already given the City about 7 feet off of the front of his lot to widen the street. Now he wants to know what the City is going to do; he asked them if they want to buy it but they say no; that he is too old to go into any extensive buying. That as a citizen of this town, everything that has come up he has agreed with until they come to rezoning his place for offices; he is too old to buy another place. He would like for Council to consider the old citizens and give them a little understanding and not put up the zoning signs before they talked with them about it. That is the thing that shook them up; they came right to his house and tacked up a zoning sign and he did not know what was happening. He stated he has always cooperated with the Community Development plans as a citizen of the community.

Mr. Bouleware stated the Steering Committee's concern is about the value of the property rising. He is sure the homeowners out there are not too concerned about the value of the property - their concern is the home whether the property is valuable or not. He is deeply concerned with how

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the senior citizens are affected. Suppose they are routed out, suppose the value goes up; what type of assistance is available to help them in paying higher taxes.

Mr. W. J. Coffey, 539 Billingsley Road, stated he has lived at this address since 1935 and is too old to move, and hopes that Council will give him some consideration.

Mayor Harris thanked these citizens for their interest and involvement and explained to them that the Planning Commission sits with Council in these hearings and then they go back and have their deliberations and then come back to Council with recommendations. They are an independent body, in effect. Then Council can do anything they wish to do with those recommendations - they can approve, deny, send them back, ask for clarification, etc. But that once the process starts, they have to proceed with the hearings although they can take action as they see fit.

Council decision was deferred pending recommendation from the Planning Commission.

HEARING ON PETITION NO. 78-4 BY NATIONAL PRECISION CORPORATION FOR A CHANGE IN ZONING FROM R-6 TO I-2 ON PROPERTY FRONTING THE SOUTH SIDE OF DWELLE STREET, LOCATED ABOUT 285 FEET WEST FROM THE INTERSECTION OF DWELLE STREET AND ROZZELLES FERRY ROAD.

The scheduled public hearing was held on the subject petition.

Mr. Bob Landers, of the Planning Commission staff, located the area on the map and explained the request for rezoning. He stated the homes involved, although modest, are in very nice condition with the exception of two that have been damaged; it is a very stable residential area. The end of South Dwelle Street presently has a large, old manufacturing building occupied by Bonded Merchants Warehouse and serves as a warehouse facility for a number of the people in the area, particularly the Merita Bakery. He stated the National Precision Corporation is located adjoining the petitioned property and would like to expand into the petitioned property. He also noted the other land uses in the area.

Mr. Richard Medlin, president of National Precision Corporation, stated the reason they requested the rezoning is so that they can increase their facilities. They have property on both sides so there will be one lot that is a buffer zone.

Councilmember Gantt asked if they own any of the property across the street and Mr. Medlin replied no.

Councilmember Carroll asked the nature of their expansion? Mr. Medlin replied they plan to do plastic injection molding. They do it on a small basis now and since so much room is needed for storage and plastic machines, that is their intent when the money becomes available. Councilmember Carroll asked if the entrance to their business property is from Dwelle Street now and Mr. Medlin replied yes.

Councilmember Frech asked if the plastic injection molding is something that would have fumes that would be offensive to the people living in the area. Mr. Medlin replied no, there is nothing involved that would be detrimental to the neighborhood; they weighed that before they petitioned for the rezoning.

No opposition was expressed to the petition.

Council decision was deferred pending recommendation from the Planning Commission.

COUNCIL RULES SUSPENDED IN ORDER TO CONSIDER NON-AGENDA ITEM.

Councilmember Locke moved, seconded by Councilmember Chafin, that the rules be suspended in order to consider an item not included in today's agenda. The motion carried unanimously.

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PLANNING COMMISSION TO TAKE A COMPREHENSIVE LOOK AT WOODLAWN ROAD BETWEEN PARK ROAD AND SOUTH BOULEVARD AND COME BACK TO COUNCIL WITH SOME SORT OF GAME PLAN WITHIN THE NEXT TWO WEEKS.

Councilmember Gantt referred to Councilmember Short's earlier comments on the need for a study of the entire Woodlawn Road area, comprehensively. He stated it sounds very much like the request he made of the Commission on the Hicks property; that he has a feeling they are going to be looking at this type of situation probably even more so than many of the neighborhood type of zonings they have done before. That is, what do you do with a widened road situation where you have certain kinds of uses that might become incompatible. He is wondering out loud about the disposition of the Clontz-Myers petition; that is the real concern he has. As to what can be done - some of the Councilmembers have suggested that it might be possible for the Planning Commission to simply defer a decision on this until such time as the staff has had a chance to look at the area comprehensively. It would seem to him that might be a fair way to do it unless it got to the point where the petitioner can prove that Council is unduly burdening him. But, according to what the City Attorney says, Council has a right to delay it as long as they want to.

Mr. Underhill stated in general he thinks that is correct - legally.

Councilmember Gantt stated, in that case, his position would be that Council should instruct the Planning Commission to look at the Woodlawn area with the idea that they may come back with a series of petitions segmented along the entire route. He stated the previous Council spent some dollars looking at Woodlawn Road from the standpoint of landscaping and certain kinds of initiatives that might be taken jointly by the City and the residents. He wants that study to come into play when they examine what ought to be done on the road.

Councilmember Gantt moved that Council instruct the Planning Commission to take a comprehensive look at the land use patterns on Woodlawn Road, between Park Road and South Boulevard. The motion was seconded by Councilmember Cox. Councilmember Selden asked if Councilmember Gantt would include in his motion that the first section be the one down to Little Hope Creek which would include the area involved in the Myers-Clontz petition - No. 78-3.

Mayor Harris suggested they give this charge to the Planning Commission and let them come back and tell Council if there is going to be a delay. That right now they are asking for a review in a short period of time, like in the next week or two, to give them a feel of how long it is going to take, and this kind of thing. If they need to, then they can come back and consider Councilmember Selden's suggestion. Mr. Selden agreed.

Councilmember Short stated the Planning Commission may prefer a motion worded to the effect that they would come back to Council in two weeks with some sort of suggested game plan, rather than just simply dump the problem on them and let them go. This matter has been studied so many times and they have fired off in so many directions already on this, that he really thinks they would probably prefer that Council would get back into this in a couple of weeks and sort of initiate it along with them and set up a game plan for the hearings and geography involved.

Councilmembers Gantt and Cox agreed to the amendment to the motion.

The vote was taken on the motion and carried unanimously.

PETITION TO CONSIDER REZONING OF HALL STREET IN PLAZA-MIDWOOD AREA TO BE PLACED ON FUTURE AGENDA.

At the request of Councilmember Carroll, the City Manager was instructed to have the area in Plaza-Midwood which was omitted in a previous rezoning petition, placed on a future agenda.

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AGREEMENT WITH SOUTHERN BELL TELEPHONE COMPANY FOR REMOVAL OF AERIAL FACILITIES AND TO PROVIDE FOR PLACEMENT OF UNDERGROUND FACILITIES IN THE GREENVILLE URBAN RENEWAL PROJECT AREA.

Motion was made by Councilmember Gantt, seconded by Councilmember Locke, and carried unanimously, approving an agreement with Southern Bell Telephone Company to allow for the payment of \$16,419.70 for the removal of aerial facilities, and to provide for the future placement of underground facilities in the Greenville Urban Renewal Project Area.

AGREEMENT WITH NORTH CAROLINA AIR NATIONAL GUARD TO PROVIDE FIRE AND CRASH PROTECTION AT DOUGLAS MUNICIPAL AIRPORT.

Motion was made by Councilmember Gantt, seconded by Councilmember Selden, and unanimously carried, approving a joint fire protection agreement with the North Carolina Air National Guard to provide fire and crash protection at Douglas Municipal Airport.

APPOINTMENTS TO PUBLIC MONUMENTS COMMITTEE.

Motion was made by Councilmember Selden to appoint Ms. Helen A. Alford to the Public Monuments Committee for a three year term. The motion was seconded by Councilmember Locke.

Councilmember Selden stated he feels the Monuments Committee membership should be made up of concerned citizens who have a deep interest in representing historical preservation and identify in the area. To his personal knowledge Ms. Alford has a deep concern, and he feels she would add a great deal to this Committee.

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

YEAS: Councilmembers Selden, Locke, Carroll, Cox, Gantt, Short and Trosch.

NAYS: Councilmembers Chafin, Dannelly, Frech and Leeper.

Councilmember Leeper stated he would like to hear comments on each of the nominees before voting.

Councilmember Chafin stated Ms. Jeannine Clark was one of the pioneers of the Fourth Ward effort; she is very well qualified to serve on this committee and has indicated to her a very keen interest in historic preservation and would serve in any capacity Council sees fit.

Councilmember Chafin stated she feels there are four very fine candidates for the three appointments. That she knows all of the candidates with the exception of Ms. Alford.

Councilmember Short stated Ms. Dorothy Tobias has had a very long and active history in historic preservation, and in the writing of the histories of historical buildings. While living in the Columbia area she participated and made trips to Charleston for the purpose of assisting the Commission in the preservation of Old Charleston. She did a similar thing with reference to Salem. She is a graduate of Winthrop College in music; she also has a degree from Davidson, and also attended Appalachian. She has been active in many other endeavors, and was one of the principal political activists in Ray Tobias' recent City Council campaign.

Councilmember Dannelly stated Reverend Barnett has been a citizen of Charlotte-Mecklenburg for the past 14 years. His awareness of historical site monuments is evident in the work he is doing with the Martin Luther King Memorial Monument; he has indicated through that his desire to participate in these kinds of things. He urged Council's support of him.

Mayor Harris stated it is good to have four people like this who are qualified for the very new body of the Public Monument Committee.

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Councilmember Chafin moved the appointment of Ms. Jeannine Clark to the Public Monuments Committee for a term of three years. The motion was seconded by Councilmember Carroll, and carried on the following vote:

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

NAYS: Councilmembers Locke, Short and Gantt.

Motion was made by Councilmember Short to appoint Ms. Dorothy Tobias to the Public Monuments Committee for a three year term. The motion was seconded by Councilmember Locke, and lost by the following vote:

YEAS: Councilmembers Short, Locke, Chafin, Gantt, and Leeper.

NAYS: Councilmembers Carroll, Cox, Dannelly, Frech, Selden and Trosch.

Motion was made by Councilmember Dannelly, seconded by Councilmember Leeper, and carried unanimously appointing Reverend James Barnett to the Public Monuments Committee for a term of three years.

APPOINTMENT OF MARY HOPPER TO MUNICIPAL INFORMATION ADVISORY BOARD.

Councilmember Locke moved the appointment of Ms. Mary Hopper to the Municipal Information Advisory Board to fill the unexpired term of Melvin Watt to expire April 30, 1980. The motion was seconded by Councilmember Selden, and carried unanimously.

APPOINTMENT OF ED HARRIS TO THE HOUSING APPEALS BOARD.

Councilmember Carroll moved the appointment of Ed Harris, Real Estate Agent, to the Housing Appeals Board for a term to expire April 4, 1980. The motion was seconded by Councilmember Gantt and carried unanimously.

MOTION TO EXECUSE COUNCILMEMBER COX FROM VOTE ON BID ITEM FAILS.

Councilmember Cox asked to be excused from Council's consideration of the bid item to extend contract with Moore Business Forms, Inc.

Motion was made by Councilmember Locke, and seconded by Councilmember Short to excuse Councilmember Cox from consideration.

Councilmember Gantt asked if he has a financial interest? Councilmember Cox replied he does not; that he has requested to be excused and it is Council's decision. That he brings up a potential conflict of interest; that he does not want the people from Moore Business Form, or from IBM or any other place to say that "Tom Cox acted against us." He stated he did the same thing three or four weeks ago, in a matter regarding the Burroughs Corporation. All he is asking is that Council rule on his request.

Mr. Underhill, City Attorney, stated under the City Charter a council member may be excused from voting in only two instances. One involves his own personal conduct; and second involves financial interest of the Council Member. The Council has to find by vote in order for a member to be excused from voting. In the case of Mr. Cox he understands him to say the Company under consideration for this contract is a competitor of the company he works for, and he is making a disclosure of that. It would seem to him having gone through some of this with Mr. Cox in the past as to what his actual business relationship is with the company he works for, that he would not construe this to be a conflict of interest in order for him to vote in the award of this contract. It is a matter he has disclosed, and under the Charter the Council has to final say so. Council does not have to take any vote if the members feels he does not have a conflict. That Councilmember Cox feels he is under an obligation to make this disclosure. If Council does not feel that is a conflict of interest, it does not have to take any action in response to his disclosure.

Councilmember Dannelly asked if the Company he works for bid on this item? Councilmember Cox replied he does not know; but everytime this comes up he is going to make the same statement; he is never going to participate even though they say he can.

The City Manager advised this is an extension of an existing contract.

The vote was taken on the motion to excuse Councilmember Cox and failed, with no one voting to excuse him.

CONTRACTS APPROVED.

(a) Motion was made by Councilmember Gantt, seconded by Councilmember Short, and carried unanimously extending the contract with Moore Business Forms, Inc., for an additional year in accordance with the present specifications and prices submitted by Moore Business Forms, Inc.

(b) Councilmember Locke moved award of contract to the low bidder, Ben B. Prost, Contractor, Inc., in the amount of \$272,790.92, on a unit price basis, for sanitary sewer construction for Torrence Creek Outfall, Phase II, with the award conditional upon EPA approval. The motion was seconded by Councilmember Selden, and carried unanimously.

The following bids were received:

Ben B. Propst, Contractor, Inc.	\$272,790.92
Blythe Industries, Inc.	296,317.01
Dickerson, Inc.	300,026.25
Rand Construction Co.	302,150.59
Rea Brothers, Inc.	302,921.50
Sanders Brothers, Inc.	313,628.25
Gilbert Engineering Company	324,671.01
C.F.W. Construction Company	334,418.75
L. A. Reynolds Company	420,689.00

RESOLUTIONS OF CONDEMNATIONS, AUTHORIZED.

(a) Councilmember Gantt moved adoption of a resolution authorizing condemnation proceedings for the acquisition of land owned by Nathaniel Mangum, 1309 S. Church Street, for the West Morehead Community Development Target Area. The motion was seconded by Councilmember Locke, and carried unanimously.

The resolution is recorded in full in Resolutions Book 13, at Page 165.

(b) Councilmember Locke moved adoption of a resolution authorizing condemnation proceedings for the acquisition of property owned by Mrs. Ollie Brown, 515 Carmel Street, for the Five Points Community Development Target Area. The motion was seconded by Councilmember Selden, and carried unanimously.

The resolution is recorded in full in Resolutions Book 13, at Page 166.

ITEM REMOVED FROM CONSENT AGENDA FOR DISCUSSION.

Councilmember Selden requested that Agenda Item No. 12 be removed from the Consent Agenda as he would like to hear some discussion on this particular item which relates to Avigation easements at the Airport.

CONSENT AGENDA APPROVED WITH DELETION OF AGENDA ITEM 12.

Motion was made by Councilmember Selden, seconded by Councilmember Locke, and unanimously carried, to approved the Consent Agenda with the exception of Agenda Item No. 12.

The following items were approved:

- (1) Streets taken over for continuous maintenance by the City:
 - (a) Blue Ridge Circle, from Old Bell Road to Mountain View Drive.
 - (b) Citadel Place, from Churchill Drive to 450 feet south of Churchill Drive.
 - (c) Cross Street, from Durham Lane to Lake Road.
 - (d) Delta Lane, from 300 feet south of Delta Lake Road to 680 feet south of Delta Lake Road.
 - (e) Division Street, from Simpson Street to 140 feet west of Simpson Street.
 - (f) Honduras Drive, from Sugar Creek Road to 250 feet west of Sugar Creek Road.
 - (g) Mason Circle, from The Plaza to The Plaza.
 - (h) Millbrook Road, from Walker Road to 330 feet north of Walker Road.
 - (i) Old Bell Road, from 1050 feet west of Sardis Road to Blue Ridge Circle.
 - (j) Penny Way, from Sugar Creek Road to 475 feet east of Sugar Creek Road.
 - (k) Santee Street, from Cheshire Avenue to 270 feet west of Cheshire Avenue.
 - (l) Simpson Drive, from Matheson Avenue to Division Street.
 - (m) Small Avenue, from Nivens Road to 445 feet SE of Nivens Road.
 - (n) Wrenwood Lane, from Vernon Drive to 400 feet north of Vernon Drive.
 - (o) Unnamed Street "D", from Key Street to 260 feet south of Key Street to dead end.
 - (p) City View Drive, from Dorn Circle to 435 feet east of Dorn Circle.
 - (q) Honduras Drive, from 250 feet west of Sugar Creek Road to 700 feet west of Sugar Creek Road.
- (2) Resolution abandoning for maintenance the Margaret Wallace Road Bridge over McAlpine Creek, and approving a petition to the North Carolina Department of Transportation to assume the maintenance.

The resolution is recorded in full in Resolutions Book 13, at Page 167.
- (3) Ordinances ordering the removal of weeds, grass, trash, rubbish, junk and an abandoned motor vehicle:
 - (a) Ordinance No. 882-X ordering removal of weeds, grass, trash and junk from 2004-06 Gibbs Street.
 - (b) Ordinance No. 883-X ordering removal of abandoned motor vehicle from 2004-06 Gibbs Street.
 - (c) Ordinance No. 884-X ordering the removal of trash and junk from 1418 Seigle Avenue.
 - (d) Ordinance No. 885-X ordering the removal of trash and rubbish from rear of 401 and 403 Lambeth Drive.
 - (e) Ordinance No. 886-X ordering the removal of trash and junk from 2430 Lydia Avenue.

The ordinances are recorded in full in Ordinance Book 25, beginning at Page 171 and ending at Page 175.

- (4) Contracts for water and sanitary sewer main installations:
- (a) Contract with Annandale Corporation for the construction of 190 feet of 8-inch water mains to serve Fruehauf Drive, outside the City, at an estimated cost of \$2400.
 - (b) Contract with The Mathisen Company for the construction of 3330 feet of 8-inch, 6-inch and 2-inch water mains to serve Rolling Oak Subdivision, outside the city, at an estimated cost of \$27,400.
 - (c) Contract with First Colony Corporation for the construction of 1400 feet of 18-inch sewer trunk for Steele Creek Sanitary Sewer Trunk Extension, outside the city, at an estimated cost of \$49,000.
- (5) Property transactions:
- (a) Acquisition of 15' x 161.16' of easement, plus construction easement, from Ronald D. Bergoon and wife, Donna D., 5927 Lakeview Drive, at \$3,000, for sanitary sewer to serve 5912 Creola Road.
 - (b) Acquisition of 15' x 37.10' of easement, plus construction easement, from Rev. T. Nicholas King and wife, Delores M., 5912 Creola Road, at \$1.00, for sanitary sewer to serve 5912 Creola Road.
 - (c) Acquisition of 15' x 7.5' of easement, plus construction easement, from John D. Graham, Jr. and wife, Marilyn W., 5900 Creola Road,, at \$1.00, for sanitary sewer to serve 5912 Creola Road.
 - (d) Acquisition of 15' x 202.90' of easement, from Mecklenburg County, back of Valley Haven Drive, at \$1.00, for sanitary sewer to serve Stonehaven Section 30.
 - (e) Acquisition of 15' x 515.01' of easement, plus temporary construction easement, from Viola E. Berryhill, 5203 Tuckaseegee Road, at \$685, for trunk from Forestbrook Drive to Tuckaseegee Road-Annexation Area 8.
 - (f) Acquisition of 15' x 443.97', plus temporary construction easement, from John L. Griffin and wife, Pearl R., 5327 Tuckaseegee Road, at \$593, for trunk from Forestbrook Drive to Tuckaseegee Road - Annexation Area 8.
 - (g) Acquisition of 15' x 455.36' of easement plus construction easement, from H & I Equipment Corporation, at \$910, for sanitary sewer to serve Peachtree Road Area.
 - (h) Option on property at 301-307 North Tryon Street, owned by Mary G. Shaw Garrison and M. Lee Garrison, Jr.; Curtis W. Beal, NCNB Trustee, Friendly Parking, Lessee, at \$91,000 for Discovery Place Acquisition.
 - (i) Acquisition of 22.89' x 71' x 151'21' x 31' x 32.56' x 221.52' of property from Central Piedmont Community College, East 7th Street and Insurance Lane, at \$1.00, for Insurance Lane Widening.
 - (j) Acquisition of 207,851 sq. ft., from Seaboard Coast Line Railroad Company, Dunn Avenue, at \$61,000 for Grier Heights Target Area.
 - (k) Acquisition of 9,148 sq. ft., from Tom S. Irwin, 429 Campus Street, at \$9,000 for Five Points Target Area.
 - (l) Acquisition of four parcels for the West Morehead Target Area:
 - 1.) 32 sq. ft., from Tom P. Phillips, 308 W. Palmer Street, \$650.
 - 2.) 7500 sq. ft., from Doris V. Dillon, 301 W. Palmer & 1210 Jefferson Street, at \$16,500.
 - 3.) 45 sq. ft., from Katherine W. Spoon, 307 Lincoln Sreet, \$150.
 - 4.) 27 sq. ft., from Poffenbarger & Associates, Inc., 300 W. Bland Street, \$150.
- (6) Renewal of special officer permit to Harold Keith Gebhardt, for a period of one year for use on the premises of the Charlotte Park and Recreation Commission.

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SETTLEMENT OF LAWSUITS AND ACQUISITION OF RELATED AVIGATION EASEMENTS
AT DOUGLAS MUNICIPAL AIRPORT.

Councilmember Selden stated he would like to have more information about the circumstances of these lawsuits.

Mr. Underhill, City Attorney, stated the two lawsuits which were filed in 1975 and 1976 by property owners who claim their property has been, in effect, taken by the frequent overflight of aircraft over their property. At one time there were as many as 40 lawsuits; there are not that many now. There are eight or nine similar to this. As Mr. Underwood explained today at the Council briefing, a case was taken to the North Carolina Supreme Court to establish in the State of North Carolina whose legal responsibility it would be to compensate a property owner who claimed a taking of their property because of continuous overflights. The City argued in that case if the City was responsible, that responsibility should be shared with the Federal Government because it directed through its control tower how planes land and take off; and with the Airlines because they chose the type of airplanes they fly, and the frequency and number of flights they care to bring into a particular area.

Unfortunately the Supreme Court did not agree with that argument. But he would say the position that was taken by the North Carolina Supreme Court is the position that was taken by a majority of Courts in this country that dealt with this question. What the North Carolina Supreme Court said in the Hoyle case was that it is the airport operators responsibility and legal liability for compensating property owners whose property has been taken by continuous low flying aircraft over property owners property. The Hoyle suit was the first case tried. After receiving a clear cut decision from the North Carolina Supreme Court as to what the law was going to be in this State regarding that situation, he along with Mr. Underwood and the FAA undertook to develop a policy for Council's consideration. Results of that policy is discussed in the background material with the agenda item. That is the City will purchase easements for properties that meet the criteria enumerated there.

He stated the two lawsuits which are recommended settled fall within the parameters of that criteria; they are within 7,000 feet from the end of the runway; they are zoned for residential use; and are actually used as residences; and we have been able to negotiate a settlement that fits within the percentages that we would agree to pay for property. That being the case, we have consistently recommended to Council, and Council has approved settlements of other lawsuits that meet this criteria. That the Maurice law suits and the Smith law suit and the Maurice, Jr. claim fall within these parameters and therefore, he is recommending to Council they also be settled on the same basis as previous litigations have been settled.

Councilmember Selden asked if there are any other properties that fall in this category that there appears to be a risk on. If so, is there any way we might protect that risk? Mr. Underhill replied yes there are other properties similarly situated; there are other lawsuits which are in different stages, and we have not been able to arrive at settlements. When there is a lawsuit the first thing they try to do is to sit down and determine whether the plaintiffs are interested in settling it on this basis. If not, then our posture has been one of litigation. We go to court; litigate it and let the jury decide what the value of the property is. First, whether there has been a taking; second, the value of the property affected. The initial posture has been to attempt to negotiate a settlement within these criteria. At one time, we had a map which showed properties that had this sort of information on it. He stated about 40 avigation easements have been acquired under these policy guidelines over the last six or seven years; there will be others; some will be tried; there will be new ones when the new runway is opened because there will be areas previously unaffected that would fall within these criteria.

He stated there is nothing unique about these settlements; they are consistent with the policy the previous council adopted for dealing with the noise overflight situation at Douglas Airport.

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Councilmember Selden moved approval of settlements and purchase of avigation easements, as follows; which motion was seconded by Councilmember Trosch, and carried unanimously:

- (1) Settlement of suit of Mr. & Mrs. James E. Smith, Beam Road, and purchase of standard avigation easement, for \$7800.
- (2) Settlement of suit of Mr. & Mrs. W. D. Maurice, Whippoorwill Hills Subdivision, and purchase of standard avigation easement, for \$6000.
- (3) Purchase of avigation easement from W. D. Maurice, Jr., property immediately adjacent to property of Mr. & Mrs. W. D. Maurice, for \$2000.

CONCERNS EXPRESSED CONCERNING LETTER RECEIVED FROM RESIDENTS OF PARK ROAD ON A REZONING PETITION.

Councilmember Frech stated she is concerned about the letter Councilmembers received from the Jones' about the proposed rezoning of the Hicks property on Park Road. That she would like to say she does not think that anyone on Council, those she has talked with, has made up their minds about the rezoning. She thought it was indicated to the people there that Council was waiting for the recommendation of the Planning Commission. She is concerned that these people thought we had made up our minds. In large letters, it stated that Council had expressed no concern whatsoever for the neighborhood. That she has expressed concern for the neighborhood in talking with people; and she thinks others on Council have also. That she felt concerned they have gotten this impression.

OPEN HOUSING RESOLUTION AS SUGGESTED BY COMMUNITY RELATIONS COMMITTEE REQUESTED PLACED ON AGENDA FOR NEXT MEETING.

Councilmember Frech stated she would like to commend the Mayor for the excellent agenda he presented; that he pulled together a lot of very, very good ideas. Along that line she asked if we could have placed on the agenda for next week to consider the open housing resolution the Community Relations Committee has requested Council pass. That it might be important for Council to take a stand as the Mayor has confirmed his commitment.

Mayor Harris asked the City Manager if he has the resolution which was given to Council in the package from CRC.

COMMENTS ON RECEIVING AGENDA ITEMS EARLIER IN WEEK.

Councilmember Frech asked if it is possible for Council to get a preliminary listing of agenda items earlier in the week that the City Manager knows will be on the agenda; they would not have to have the supporting documents.

Mayor Harris stated Council has been talking about this for about eight years, and it is a very difficult problem.

Mr. Burkhalter, City Manager, stated those he can give advanced notice on, he gives to Council. That he thinks there would be some problems with it; items are sometimes scheduled for the agenda earlier in the week, and then pulled at the last minute. Those things that might have some controversy, he does give to Council as soon as possible. If Councilmembers have a question about something they think might be on, they can call his office.

REQUEST THAT LIAISON COMMITTEE MATTER BE PLACED ON AGENDA, AND NEIGHBORHOOD LEADERS RECEIVE COPY OF COMMUNITY DEVELOPMENT PRELIMINARY PLAN.

Councilmember Trosch asked that the Liaison Committee request be placed on the agenda for next week.

Councilmember Trosch stated in making calls over the weekend, Neighborhood leaders said they had not received copies of the CD preliminary plan, and the cover letter indicated they would. Mr. Williams, Assistant City Manager, replied they were sent to the persons in the CD Neighborhoods.

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Councilmember Trosch stated these Neighborhood Leaders are concerned with the HAP Plan; that is in District 5. She asked if they would not automatically receive a copy? Mr. Williams replied they could if she would like for them to have it. Councilmember Trosch stated she will identify those for him.

COMMENTS ON AREA OF GRIER HEIGHTS COMMUNITY THAT NEEDS ASSISTANCE.

Councilmember Trosch stated she has concerns regarding the Grier Heights Community. It is her understanding that the Grier Heights Community CD plans begin in one part of that community where the most help is needed, because the other part was newly constructed, less than seven years old, and an apartment, multi-family area, in good shape. Within the last three or four years, these multi-family housing units are being boarded up; there are close to 100 vacancies because of many problems - federal guidelines, local guidelines. There is a rapid deterioration of this area.

She requested staff to gather information for Council on this area; part of it is in the plans. Something must be done to turn this around besides planning. It appears to her to need immediate action.

Second, in seeing this area it made many things that have been said to her and this Council very clear as to the problem in having a total housing comprehensive look at our housing problems, our placement problems; there are people who cannot afford to go into public housing and this is where they live. Because these are half vacant, they cannot enforce the leases, and the people throw garbage out, and many other things. This is what has caused this. You could have garbage collection every day of the week but it would not solve the problem.

She was going to plan a tour for Council; but it is so far from now for her district meeting to have a tour of this area, at the pace this is deteriorating, she is not sure it will stay five months. She is talking about Grier Heights in the Marvin Road area - this is an area off Beal Street. That one member of Council suggested she have the City Manager rent a bus and take a tour of this area. It is a specific part of this area. What concerns her is that we are promoting the building of more houses in impacted areas, and when you see what is happening to this, it is a multi-problem.

Mayor Harris stated she can suggest that members of Council go by their.

Councilmember Trosch stated Council is going to discuss this at the retreat; but she would encourage members of Council to go by there and see this before the retreat. She stated she would like to request the Mayor to put this housing problem into a committee for a total look at housing. That Council has talked a lot about it; and will talk about it at the retreat; but she feels it needs comprehensive study.

Mayor Harris stated he agrees; if it is all right with her and Council he would like to wait until the retreat, and after that discussion if she still would like it can be referred to a committee for some specific action. That he does not think the Committee could do much between now and the time of the retreat.

Councilmember Trosch stated she would encourage every member of Council to go out; that visuals can say much more than words. Mayor Harris stated Orange Street and Fannie Circle are very difficult to drive on; they are torn to pieces.

Councilmember Frech stated she went out there with Ms. Trosch. What concerns her is that we say we need low income housing, and say we do not have it. There must be 100 units sitting out there empty. These are relatively new buildings. They need some work. This is probably true in other places also. She does not understand why something cannot be done. Mayor Harris stated it has something to do with our housing patterns, and the ruling of the Court

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CITY ATTORNEY REQUESTED TO WRITE COUNCIL A MEMO ON POLICY OF SHOWING THREE LOCATIONS OUTSIDE OF TARGET AREAS IN RELOCATION SITUATIONS.

Councilmember Selden requested that an item be placed on the agenda for an opportunity to discuss the current policy of showing relocation candidates three spots outside the target area, and resolve whether it should be continued as a policy or not, and the legal ramifications etc.

Mayor Harris stated this is again speaking on housing; and he thinks it should be considered all at one time unless he wants to take it up in the next week or so. Councilmember Selden stated he would like to see it taken up before Council gets into the Housing Assistance Plan.

Mayor Harris asked if this is a part of the court settlement? Mr. Underhill, City Attorney, replied it is a self imposed requirement in response to the America-McKnight v. City and HUD suit. The policy was included in a memorandum of understanding which was executed between two of the defendants - the Planning Commission and City Council of City of Charlotte, Housing Authority and the old Urban Redevelopment Commission. It is in the memorandum of understanding; we adopted it as our policy. The McKnight suit has now been dismissed; we have continued the policy. It is not real clear in his mind as to whether we can discontinue the policy without some legal risk. He would have to look at it.

Mayor Harris requested Mr. Underhill to review this, and write the Council.

Mr. Underhill stated it was probably lifted and placed in the relocation plan which was revised, and probably in the HAP. It is probably a part of the revised relocation plan which was adopted as part of the Kannon settlement, which is another federal lawsuit.

Mayor Harris asked that he write a note to Council just to make sure of this.

Councilmember Selden stated if it is a part of the settlement he will recognize it. If it is we have a whole series of items that we should consider with respect to Cherry, Grier Heights and a lot of other places where there are standard quality units for rent which are not being treated until after we have gone through the procedure. It would have a major bearing on the decision making process with respect to HAP.

DISCUSSION OF HEARING PROCESS ON ZONING PETITIONS: AND COMMENTS THAT COUNCIL DOES NOT HAVE SUFFICIENT DIALOGUE WITH THE PLANNING COMMISSION ON RECOMMENDATIONS.

Councilmember Selden asked if it is possible for Council to receive a memo from the Planning Commission after they take action on a zoning matter; that Council receive this immediately after they take action.

Mayor Harris stated Council needs an orientation session with the Planning Commission. That the Planning Commission does give a written recommendation immediately upon making their decision.

Councilmember Cox stated this does not answer the question for him. That he sees these people sitting behind Council, and he wants to talk to them, and he cannot express himself because of the public hearing. Mayor Harris stated he can express himself to them afterwards. What he is saying is they are a Body; and sometimes it is better to wait until they take an action, rather than to instruct them on how to come back to Council. That a Council Member can say anything they wish to when it comes back as far as the final decision making of this Body.

Councilmember Cox stated it seems like at the public hearing there is not a lot of discussion going on; that we just listen to speakers. Mayor Harris replied it is really a hearing to hear the pros and cons, and to have Council ask questions of them, and the Planning Commission to ask questions of them. That what he is saying the dialogue between the Council and the Commission should be carried on at another time.

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PRIORITY LIST ON SIDEWALK CONSTRUCTIONS REQUESTED.

Councilmember Selden stated two or three weeks ago Mr. Hopson, Director of Public Works, stated he would furnish Council with a priority list on sidewalk construction. The list of those requested but not yet set up.

Mayor Harris stated that is a good reminder, and Council should receive that list.

SUGGESTION THAT PORTION OF CITY PROPERTY ON TYVOLA ROAD BE USED FOR SPECIALTY GYM AND SWIMMING POOL AREA.

Councilmember Selden asked if it is possible to use the city property on the north side of Tyvola Road, which is a part of the city disposal plant, as the location of the much debated speciality gym and swimming pool area that was considered to go into Latta Park and Pearl Park. Is it feasible?

Mr. Burkhalter, City Manager, stated it is being looked at.

Councilmember Gantt asked the status of the report Council had asked for several weeks ago on city real estate to help them in relocating this gym. He asked the status of that report? Mr. Burkhalter stated he will get the report to them. He thought they had it.

REQUEST THAT CERTAIN STREETS CONTEMPLATED TO BE CLOSED IN FOURTH WARD BE CONSIDERED FOR CLOSING NOW.

Councilmember Selden stated he has heard from some people in the Fourth Ward area about advanced closing of streets which the original plan contemplated. It was contemplated that certain streets would be closed. Some of the people now located in the area have asked if it would be possible to go ahead with these closings. Mayor Harris stated they are asking that Fourth Ward be expedited. This is being worked on now.

NOMINATION OF ROBERT P. CUMMINGHAM FOR APPOINTMENT TO MUNICIPAL INFORMATION ADVISORY BOARD.

Councilmember Selden placed in nomination the name of Robert P. Cunningham to fill the vacancy on the Municipal Information Advisory Board created by the resignation of Homer B. Lovvorn.

COMMENTS ON APPOINTMENT OF AD HOC COMMITTEE TO CONSIDER HOUSING STRATEGY.

Councilmember Cox stated we have been hearing a lot about housing, and he would like to bring it up one more time. He believes that the retreat agenda is going to be action packed. That he would like to propose and hear some discussion about the following paragraph: "Recognizing that the housing opportunities in Charlotte are demanding, both in terms of their complexity and in terms of their rapidity with which we address them, I propose that the Mayor appoint a seven member ad hoc committee composed of staff and council people to study and to recommend to the full Council, as soon as possible, how we should organize to develop a comprehensive housing strategy, including in their scope particularly any actions which will increase the quality and quantity of housing for low and moderate income families."

He stated he thinks this is important because he would like to see the Council, regardless of whether it is a seven member ad hoc he is talking about, or the standing council, be appointed prior to the retreat. That the scope of this first effort be confined to a work of short duration; crisp type nature that just says how we are going to go about organizing ourselves to do the work. The comprehensive housing plan and strategy is a huge job. He believes if we do not organize it probably from the very beginning, we may find ourselves off to a false start.

In summary his proposal is that the Mayor appoint a committee or assign this task to a committee, with the task to be just to decide how we should organize ourselves to begin work, and that the committee know they are on a committee, and know what the disposition will be at the retreat. Further

that we confine our discussion about housing issues at the retreat to how we are going to get organized.

Mayor Harris stated he has heard four Council Members speak about housing directly or indirectly. That we cannot in an hour or two hours resolve the matter of housing concerns and problems and the strategy to solve the outcome that this city needs, and perhaps we should do some work on this before the retreat, and have some type of orientation or some type of feed-in. That he thinks there is enough broad interest in this area by this Council to have some time spent as a Body together on the subject for three or four hours. He asked if Council is willing to have a special meeting for that purpose? Councilmember Cox replied he is willing to do anything; that we have been talking about it for two months. Members of Council indicated they would be willing to do this.

The City Manager stated he hopes Council will talk about this on its retreat? Mayor Harris stated they will talk about it; but he does not want the members to go with any illusions that they will resolve all these questions. Mr. Burkhalter stated he is hoping they will make some philosophical ideas known so we can better understand where everybody is coming from individually. Then they can come back and start. One of the biggest problems they will have at the staff level is whether they are going to start putting money into housing today; if they are going to dedicate money to housing then there is a whole new avenue opening; if not, they have to go another way. These are philosophical things.

Councilmember Cox stated he does not think he can answer that question without some knowledge about how we will do it. That when they talk about some - how much does that mean? Mr. Burkhalter replied first if they are dedicated to the idea of doing it, regardless of the amount. That Tom Ray just told him about some new housing units they have now. What he thought Mr. Cox was driving at was after the discussion at the retreat then someone would get together and put together a way to go about what you are talking about. Councilmember Cox stated all he is looking for is that we have a committee composed of people who know they are on the committee are at the retreat with an additional charge. Then when they come back from the retreat they would come back in two, three or four weeks time period and recommend to Council how it should proceed.

Councilmember Gantt stated he is worried about organizing to organize. That he thinks he sees what he is saying - that he is talking about a facilitator to get things rolling when Council returns from the retreat. That may come out; we may end up with three or four assignments put through our existing committees.

Councilmember Chafin stated in connection with the retreat, the policy discussion issues reflect the priorities that each member of Council has listed. Obviously, and particularly when you get down to housing strategy, transportation policy, transit development, she thinks different members of Council have very different ideas as to what the issue means and what this policy area means to them. For the discussion in Boone to be most meaningful, she thinks there will have to be some hard questions posed that each one can address.

She stated she would like to contact each member of Council during the next week and get an idea of the questions within these policy areas which they want to see addressed. She stated she and Ms. Loveless have discussed the need to sensitize the facilitator, Dr. Roy, Assistant Dean of the Business School at Boone, to the fact that they want to come out of this retreat with some very specific goals and objectives, and some idea of how they will reach these goals and objectives after getting back to Charlotte. That she is not sure what a Committee could do between now and the time they are together in Boone to really facilitate a full discussion.

Councilmember Selden stated with respect to public housing there is expected from HUD in late January, according to the Bureau of National Affairs Publication, a revision of the housing concept that will redirect program toward public developers and additional financing mechanism. That he thinks what we do or what we decide may very well hinge on the new program that come out of Washington. If we jump the gun and move too fast in nailing

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it down in stone and mortar in the direction of philosophy before we have that, we will be hurt. Councilmember Cox replied he does not think we can go fast enough because there are houses we have seen deteriorating for lack of any kind of cohesive action.

What could this committee do? Two purposes. One they could meet ahead of time to sensitize themselves to the kinds of questions that will have to be answered from an organizational point. The big question is how you organize this effort for a comprehensive housing plan. That is a very large question. He would think the committee should be able to meet prior to the retreat to at least go over the issues involved so that we can have the kind of directive sessions we are talking about.

Councilmember Carroll stated he can appreciate what Mr. Cox is saying about the need to move ahead to keep this from languishing. He feels like he is right that with a little preparatory work we could make a lot more progress at the retreat.

Mayor Harris stated whatever they come up with, it will revolve around Finance and Mr. Cox is Chairman of the Finance Committee, so he will assign it to that Committee. Councilmember Cox asked the charge to the committee? Mayor Harris replied just what he has been saying to be sensitive to what will be talked about in Boone concerning housing. Councilmember Cox stated that is not what he was saying. He says before we get involved in what he sees as a very, very large task, we should decide how we are going to organize it; what the questions will be. Mayor Harris stated that is the charge to his Committee.

Councilmember Trosch stated this task is so large, and with the budget coming up, she thinks it really needs a separate committee to get the job done like it should be done.

Councilmember Cox stated he would remove his proposal and ask Council to think about it, and if anyone thinks the suggestion is worthwhile, then it can be brought up the next meeting.

NOMINATIONS TO BOARDS AND COMMITTEES.

Councilmember Leeper placed in nomination the name of George Free to serve on the Motion Board of Directors.

Councilmember Leeper placed in nomination the name of Barbara Watson to fill the unexpired term of Fran Wells on the Municipal Information Advisory Board.

CITY MANAGER REQUESTED TO BRING INFORMATION TO COUNCIL REGARDING USE OF BUILDINGS.

Councilmember Leeper requested the City Manager to look into the possibility of seeing whether citizens, particularly for the police department employees who work with boxing teams, and other areas to see if it is possible, or what needs to be done to provide facilities for them, particularly in disadvantaged areas where young people are trying to learn boxing skills. They run into problems in the use of city buildings. He would like him to bring back to Council information on what needs to be done to provide these people with facilities.

ANNOUNCEMENT OF APPOINTMENTS TO BOXING AND WRESTLING COMMISSION.

Mayor Harris announced that he has appointed three new members to the Boxing and Wrestling Commission. Mr. Joe Warren, III as Chairman, Mr. Peter Gilchrist who is the District Attorney - both have wrestled and referee at wrestling - and Dr. Joseph Porter, who is involved with youth programs in the City of Charlotte. These are three excellent members. That Mr. Leeper may want to call Mr. Warren with any ideas he has concerning his request.

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ANNOUNCEMENT BY CITY MANAGER.

Mr. Burkhalter, City Manager, stated the City has loaned the City of Greensboro the use of three of our brush chippers for emergency work in their city. They have a real serious problem.

He reminded Council of the Public Works meeting at 11:00 a.m., Wednesday morning, at the Sanitation Ready Room. Lunch will be served.

The consultants for Discovery Place, Exhibition Areas, are being interviewed at 2:00 p.m. on Wednesday or Thursday. They can look at the reminder which was sent to them.

He stated there is a letter asking for the use of the Stadium for a Rock Concert. That this will be brought back to Council at a later time.

Mayor Harris asked if there is someone on the City Manager's staff working with the Parks and Recreation? Mr. Burkhalter replied there are several working with them; the major portion is being done in the budget office; also Wylie Williams is working with them.

ADJOURNMENT.

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


Ruth Armstrong, City Clerk