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The City Council of the City of Charlotte, North Carolina, met in a televised session on Monday, May 15, 1978, at 8:00 o'clock p.m., in the Board Room of the Education Center, with Mayor Kenneth R. Harris presiding, and Councilmembers Don Carroll, Betty Chafin, Tom Cox, Jr., Charlie Dannelly, Laura Frech, Harvey B. Gantt, Ron Leeper, Pat Locke, George K. Selden, H. Milton Short and Minette Trosch present.

ABSENT: None.

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

ABSENT: Commissioners Campbell, Jolly and Tye.

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INVOCATION.

The invocation was given by Mr. Jack Bullard, Director of Community Relations Department.

HEARING ON PETITION NO. 78-25 BY HOWARD COUNTS FOR A CHANGE IN ZONING FROM R-6 TO R-6MF OF PROPERTY FRONTING ON THE WEST SIDE OF WILDWOOD AVENUE, LOCATED ABOUT 250 FEET NORTH OF THE INTERSECTION OF WILDWOOD AVENUE AND HOVIS ROAD.

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 requiring nine affirmative votes of the Mayor and City Council in order to rezone the property.

Mr. Bob Landers, Principle Planner, stated this petition is to change the zoning of property from R-6, single family residential classification, to R-6MF, or multi-family. He stated the property is located on the westerly side of Wildwood Avenue, just to the north of Hovis Road.

He stated the property is in an area of predominately R-6 which runs both along Blackman and Wildwood Avenue. To the rear and to the south of the property, along Hovis Road, is an area of R-6MF, which covers this entire portion. Down towards Hovis Road, towards the intersection of Hoskins, there is an indication of the beginning of a business and office pattern which is characterized at the intersection of Hosks and Hovis.

Mr. Landers pointed ou the area on a map and stated this site is characterized by predominately single family development. There is a small neighborhood convenience shopping center at the intersection of Blackman, Hovis and Wildwood; in addition, there are churches in the area, Thomasboro Presbyterian and Thomasboro Methodist Church and then a scattering of commercial activities, such as a beauty shop, garage activities, etc., scattered throughout the area.

He stated the site has approximately 120 feet in frontage and 180 feet in depth and if rezoned to multi-family, it would permit the construction of approximately nine units. In looking down Wildwood Avenue, towards its intersection with Hovis, there are apartments or multi-family buildings located on the south side of Hovis; looking up and to the north from Wildwood, there is a pattern of single family development.

Mr. Howard Counts stated he is representing G. C. White, his partner in several ventures in this neighborhood. He stated one thing that was not mentioned was the fact that they now own apartments 200 feet from the present site. That the present lot consists of an old home which has to come down and they propose

to put apartments there and better the community. He stated he has lived in that community for 55 years and he is not out there to tear a community down, but to raise it.

Mr. Counts stated he also has four petitions from four of the property owners who border this site and they have all signed for the change in zoning. That the street as a whole is predominately single family but they feel the way to replace the old home is with apartments and that is why they are asking for this change.

Councilmember Leeper asked Mr. Counts to point out the location of the property belonging to the ones who signed his petition for a zoning change. Mr. Counts pointed out the locations.

Councilmember Gantt asked about the 3/4 Rule and Mr. Counts explained the property involved five property owners and four had signed his petition in favor of the change.

Councilmember Short asked about the number of units they propose to build and Mr. Counts replied Mr. White had proposed nine but they are figuring five or six - that this is something they have not actually sat down and figured out the amount the land will stand. That they presently own more than 25 units similar to what they plan for this site. He stated they have plenty of room for parking and room enough for the children to play in the yard and this betters the community because of the new, modern townhouse homes for them to live in. That this older home is beyond repairing.

Councilmember Short asked if he was saying that even though the proposed zoning classification would allow nine, that he was planning to build only 5 or 6 and Mr. Counts replied that is correct.

Councilmember Selden asked the size of the lot and Mr. Counts replied 120' x 180', plus an alley on both sides of it.

Councilmember Gantt stated Mr. Counts indicated the abutting property owner to the south of him agreed to the change in zoning and asked if they would also agree to a change in the zoning of their property and Mr. Counts replied he did not ask them that question.

There was no additional opposition expressed from members of the audience.

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

HEARING ON PETITION NO. 78-26 BY MCGUIRE PROPERTIES, INC. FOR A CHANGE IN ZONING FROM R-15 TO R-12MF PROPERTY FRONTING ABOUT 3,000 FEET ON THE NORTH SIDE OF FAIRVIEW ROAD, BEGINNING AT MCMULLEN CREEK AND EXTENDING WESTERLY.

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 requiring nine affirmative votes of the Mayor and City Council in order to rezone the property.

Mr. Bob Landers, Principle Planner, advised this is a request for a zoning change from R-15 single family to R-12 multi-family and the property is located along the southerly side of Fairview and extends basically from the crossing of McMullen Creek, along Fairview, for a distance of about 2700 feet, all along Fairview Road and to the south. The zoning pattern for this area is fairly consistently a single family residential, R-15, classification, with the exception being an R-20MF, which is the location of a condominium known as Sir John's Hill. That Sir John's Hill at the present time is about 50% complete and the zoning pattern does extend across McMullen and up to the property at this point.

Mr. Landers stated the subject property is about 33½ acres in size and pointed out the location on a land use map. That the area is still in very much of a developing stage. He pointed out Governor's Square location to the southeast of the property and the continuation of Foxcroft; continuing along for a few hundred more feet, is the intersection of Sharon Road and SouthPark Shopping Center. To the south of the area is the Sharonview Country Club and Mountainbrook Subdivision.

He presented slides of the area and stated looking to the east of the property, towards Providence and Carmel Roads, there are power lines which partially form the boundary of this property. He pointed out the rear portion of Governor's Square, power lines along Fairview Road, McMullen Creek and the SouthPark Shopping Center, Foxcroft East and Foxcroft Subdivision.

Mr. Bill McGuire, the petitioner, stated before he deals with the specific petition, he would like to step back for a second and look at the larger picture and take a couple of quotes out of the 1995 Comprehensive Plan. He read: "Faced by an expanding population, the quantity of housing in Charlotte-Mecklenburg is expected to more than double by 1995"; and "we may expect that multi-family construction will overtake single family construction as the predominate type, for instance, we project a housing need from 1970 through 1985 of 76,000 new units, of which 39,000 will be multi-family type and 37,000 single family type" and "in most cases, the logical location for higher density will be in the vicinity of metropolitan service centers, shopping centers and residential nodes of higher density."

He stated Council is probably aware of the economic balance with respect to construction of multi-family housing has been out of balance for the last several years because they have been graced with a period in which there have been very few, if any, petitions for the rezoning to multi-family - that this is about to get back in balance. That what this means is Council is going to see anywhere from 2,500 to 3,000 multi-family units built every year for the next decade.

He stated this translates into 150 to 250 acres per year that have to be provided for that multi-family construction. That we need to remember that developers do not make people - he is not going to create any of the people that are going to move into a housing project - the people are there - they are already there, the question that Council has to decide is where are the people going to go or where are we going to put them. That an alternative to that would be to establish a no-growth policy; Council could say we do not want any more Gold Bonds, no more Equitables, no more Frito-Lay, Home Life or Phillip Morris's. He stated he did not think this was what Charlotte wants.

That another alternative would be to say let's take them and put them out on the perimeters where there are no people to complain; build some new four lane highways to get to them and let them come in and out of the city; build a new fire station and buy some fire trucks to protect them; establish a new police route and hire some more policemen. He stated the last alternative, and he feels the one most people in Charlotte want, is to locate them in the City in areas that are most logically suited for multi-family housing - this is what most people want.

Mr. McGuire stated the Charlotte Apartment Survey just came out in April and included over 16,000 units with an average occupancy of 96%; the average occupancy in southeast Charlotte is 97½%. He stated there are no zoned sites available in southeast Charlotte for construction and that is why they are again applying for a close-in site for rezoning. That Council does not see them because they are not organized, but the people are literally standing in the streets, pleading for new multi-family. He stated they have asked themselves where the logical place for multi-family would be and that specific question is addressed in the new SouthPark Study which Council will be receiving next week. That essentially it says put it on major traffic arteries where they have immediate access to broad streets. Second, is putting them near metropolitan

service centers, near jobs and shopping. Third, we need to give special consideration to topography and geographic considerations. He stated when they looked at their site, the 33 acres south of Fairview Road, the proposed Colony Road will cut the road in half; it will be at the intersection of two of the major traffic arteries in southeast Charlotte. It is a straight shot from there to the single largest metropolitan service center in Charlotte - SouthPark Mall. It has specific topographic and geographic features that need recognition. There is approximately a 40-foot drop in elevation between Fairview and McMullen Creek - that is best suited for multi-family.

Mr. McGuire stated the site is surrounded by a high tension power line right of way. That none of the owners on the other three sides objected to this change but the single family homes along the other side had some objection. He stated that boundary is constituted by the power line right of way, the creek and the flood plain.

He presented some slides of the area and creek showing the right of way, the power lines, the large telephone poles, the flood plain and the sewer manhole cover.

He stated the SouthPark Study talks about using the proposed Colony Road as a boundary between proposed single family and multi-family. Their feeling is that north of Fairview, Colony Road is the only logical place to divide multi-family and single family - the two have to touch somewhere. You cannot create a vacuum and say lets not let them touch anywhere. That north of Fairview Road, Colony Road is literally the only logical thing he could come up with. He stated south of Fairview Road, you are looking at the alternative that you have Colony Road, a 60-foot wide right of way, with no median, or maybe a low median a foot high, maybe a traffic sign or two, as the divider between multi-family and single family or you take a natural geographic picture that is from 80 to 200 feet in width that cannot be altered, that for the most part is fully vegetated and use that as the boundary between multi-family and single-family. Their feeling was that logic dictated they use the 80 to 200 natural geographic feature. He stated he must admit that as they were told the boundary must stop somewhere, he just happened to think that somewhere is the natural feature instead of a 60-foot right of way.

Mr. McGuire stated there are always objections raised to any multi-family zoning petition; it is just as natural as the sun coming up in the morning. That most of the property owners surrounding this property do not object. He stated the real issues before Council is the establishing of growth policy - do you say no to Home Life, Equitable and Gold Bond and Frito-Lay; do you say no to the jobs they bring or the money they bring - he does not think that is what Charlotte wants. Then we are faced with the fact of where we are going to provide a 150 to 250 acres of housing - multi-family housing, and this is a tough decision. He stated he is not saying this is going to be easy but it is the price of leadership and he looks to Council to exercise that leadership. That he believes this site absolutely and flawlessly fulfills the requirement for multi-family housing and this is why they have asked that it be rezoned as such.

Mr. Bob Porter, speaking in opposition, stated they do oppose this project as to the location; they are not proposing a no-growth situation. That the petitioner has suggested this is the most logical location for multi-family. He stated they are being told by a petitioner that he plans to develop the lower 16 acres and the upper 16 acres are planned to be held for speculation for later development. First of all, he is taking this plot of 33 acres and plans to develop first nearest the homes. That the land undulates from one point very strongly and the depths from the top of the hill to the lower part of the hill are probably 40 or 50 feet; the natural drain is to McMullen Creek and if he goes in and grades, he will increase the drainage. He stated he would submit that the tremendous cost to the grading, the destruction to the property, and the water shed and the water fall into the creek make it both more economical to be single family because it will retain the character of the land and also because the drainage problem will be a severe one.

Mr. Porter stated his house lies two feet above the flood plain; if you stood on his porch and watched the water flow by at a heavy rain time, you would see it get very, very heavy. That this is not a natural boundary - it is only about six or seven feet wide when it is not raining so he does not think this is a natural boundary; it meanders beautifully in there. He stated the power line right of way crosses the property on the people on this side. That they do need more apartments in SouthPark and he pointed out some land on a map which he stated would be just as suitable if not more suitable. He asked if they were going to develop, why not start close to SouthPark where it would be more convenient to the apartment residents and work their way carefully in that direction?

He stated in his opinion they are trying to develop a piece of property a little too soon. That they should be developing closer to the shopping center for a smooth transition. He stated many of them think that a developer who wants to change the character of the land and build multi-family next to single family residential homes should be required to submit his plans, and the petitioner has not submitted any plans to let them know the character of his development.

Mr. Fred Marsh, 3700 Chevington Road, stated he spent a good bit of time studying the Census Tract data and the information he has gotten from the Chamber of Commerce and out of 74 Census Tracts in the county, this particular area has ranked 4th over the last 8 year period and is expected to be the fastest growing area over the next two years, regardless of the outcome of this petition. That they will have by 1980, 32% multi-family dwellings in the area, which is a little bit above the county average. He stated he did a lot of studying on the Comprehensive Plan, too, and it recommends the entire area covered by this petition remain single family, R-15. He stated it suggests the area bounded by Sharon, Fairview and Colony Road, or that 100 acres closest to SouthPark, get the high density development in the area.

He stated the new SouthPark Land Use Study, commissioned by the Council, essentially says the same thing but it gives a second option as well. The second option says that you can lower the density in that Sharon-Fairview-Colony triangle and thereby get some multi-family dwellings into the western half of the tract covered by this petition, essentially from Colony Road west towards Sharon Road, and it still maintains that the eastern half, or that half which Mr. McGuire intends to build upon, should remain R-15 single family.

Mr. Marsh stated these recommendations are based on an assumption that the entire undeveloped area of 220 acres can handle a maximum of 2,000 units and the Use Plan Study is very specific in saying that by 1995, the transportation network will be barely adequate to handle 2,000 units. That logic dictates the heaviest development should be close to SouthPark and that would limit development in the other 120 acres essentially to a maximum of 4 units per acre. The Study again recommended Site plan approval on anything developed in the area.

He stated in looking at the implications of granting this petition, first, it eliminates any possibility of transitional zoning, from high density multi-family and the R-15 single family use. It overcrowds Sharon Elementary School and he has some figures from the Board of Education which state if this project goes through, Sharon School will require 8 mobile units by school year 79-80; that is essentially 20% of the kids in that School attending classes in trailers. It also leap frogs to a point that the easternmost edge is almost exactly one mile from Sharon Road and jumps over a whole big area that is still zoned R-15 on the western side. Essentially what this does is open up the possibility to strip zone one mile along the south side of Fairview, all the way to Sharon Road with high density, multi-family dwellings because logic just tells you,

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you are going to get heavier and heavier as you get closer to the commercial center. He stated if Council should do this and then adopt the Comprehensive Plan's recommendation of high density, multi-family housing north of Fairview Road as well, what Council is going to wind up with is 300 contiguous acres of multi-family dwellings, most of them high density, that is six miles from uptown Charlotte that is going to have 3,200 dwelling units in it, over 8,000 people, with a population density of 27 people to an acre, which is far in excess of anything found on any Census Tract anywhere in the city.

Councilmember Short asked about the 3,200 dwelling units and Mr. Marsh replied he is taking what is already in place on this acreage, adding in zoning recommended by the Comprehensive Plan in the area north of Fairview and up as far as Colony and Sharon, and taking the R-20 Multi-family down there and he is saying over a straight stretch of 300 acres, we are going to have 3,200 units - that it is just simple arithmetic. He stated he used the county standard of 2.57 people per dwelling unit in this area and came up with over 8,000 people.

In response to a question, Mr. Marsh replied 3,200 dwelling units in over 300 acres.

Mr. Marsh stated he is urging Council to deny the zoning change request and ask that the area east of SouthPark be developed by starting with the 100 acre tract between Sharon, Fairview and Colony and work eastward and southward so they can have an orderly growth in the whole area.

Mr. Neil Williams, Attorney for protestants, stated he represents the homeowners in this area and specifically there are 10 property owners to the east of this tract and all of them have filed a protest against this petition. That there are four remaining property owners around the surrounding area to the south and to the west.

He stated he represents one association, the Foxcroft East Association, which owns the parcel of property right up on the highway that abuts it. That this group has over 300 families in it. He stated the question here primarily is density - how dense are we going to develop this area?

Mr. Williams stated what is sought is a change from R-15 zoning, the highest zoning in the city, to R-12 MF, which will permit about $14\frac{1}{2}$ dwelling units per acre. That if you multiply 33 by $14\frac{1}{2}$, you get some figure in excess of 450 units on these 33 acres. He stated the Land Use Study says yes, develop in the SouthPark area multi-family, but it says that area can only support about 2,000 units and if you developed the 100 acres closest to SouthPark, to the northwest of this, on the other side of Fairview and to the west of the proposed Colony Road, then you can see just be arithmetic, how much you get out of 100 acres right there - that leaves about 30 acres on the west side of the proposed Colony Road which can be developed for single family, before you even touch this part south.

He stated Council needs to look at where the proposed Colony Road will go, study carefully the recommendations contained in the Planning Commission Staff's Land Use Study for SouthPark and after they do this, he feels that Council will see that wisdom and logic would dictate that because of density and other reasons, this petition ought to be rejected.

Mr. Williams asked everyone in the audience who opposed the zoning petition to stand. He presented a protest petition to the Clerk, containing 750 signatures.

Mr. McGuire, the petitioner, stated one of the points made was restrictive zoning versus non-restrictive zoning. That he would point out to Council that the area in red on the map is existing R-12MF, the yellow is R-15MF and there is one spot of R-20MF, at Sir John's Hill, the adjoining property, but basically the pattern in the neighborhood is R-12 and R-15MF, surrounded by R-15MF. That the area in

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yellow on the map, R-15MF, is completely surrounded by R-15; the red, R-12MF is surrounded predominately by R-15 and R-12, with a little office on one side. That is the nature of multi-family zoning; the whole point of multi-family zoning is to create density.

McGuire

Mr. Marsh stated the school argument is one that is always raised. That he is not making any of the school children - they are here - the question is what school do you want to put them in?

He stated the water run-off question was raised and he feels this is an ideal site - it goes straight to McMullen Creek; we do not have the problem of water running down through someone's backyard. That the flood plain has been established and there will be far, far more run-off created by the single family development in Foxcroft, up creek, then they will ever have by the small amount of acreage they plan to develop on this particular tract.

McGuire

Mr. Marsh stated the question was raised as to why they were developing this end instead of the other end and the answer is very simple - that is where the sewer is.

Councilmember Gantt asked how many units were planned for this project and Mr. McGuire replied the density they have requested is probably not a feasible density on the land - that the point in requesting it is to retain the flexibility. That it will depend upon how many phases are built in. He stated every time you create a different phase, if you have a different ownership, you have to start over again with zero. That part of the land will be taken out with the proposed Colony Road. He stated in response to the question, he would be difficult to say.

Councilmember Gantt asked if that was the reason he did not request conditional zoning on this particular site and Mr. McGuire replied he did not think any developer today will accept conditional zoning. That there has not been much in the way of conditional zoning given. He stated there are so many uncertainties that they face in a process that typically takes place in planning an apartment project and if a developer locks himself into a specific given plan saying they will build "these units," designed "like this", located "in this spot, on this site," and six months later the Market conditions are changed, the developer has to start all over again.

Councilmember Gantt stated he is not so sure that this ties a developer down so much as to what it looks like as much as it ties a developer down to the number of units we are talking about; this is a major concern that they all have.

Councilmember Chafin stated the type of screening along Fairview would be a real concern.

Councilmember Gantt asked about the SouthPark Land Use Study and Mr. Landers replied the Planning Commission was instructed by Council to study the SouthPark area and a report has been submitted to the Planning Commission and this report will be discussed at a later date this month. That a special meeting has been set aside for that purpose, on May 23. He stated following the County Commission review and revision of it, it will be transmitted onto Council.

Mayor Harris asked how the citizens obtained this report before Council did and Mr. Landers replied he did not believe they have received it but since it has been submitted to the Planning Commission, it is a public document and it would be considered a Staff document, having no final status whatsoever.

Councilmember Cox asked about the storm water problem in this area and Mr. McGuire replied they would pipe it to McMullen Creek. That storm water runs to the lowest point and it is going to all go into McMullen Creek as is everything else in the drainage basin.

Councilmember Cox stated later in the meeting, Council will be addressing themselves to a storm water drainage ordinance and the time frame for implementation of that is September 1. He stated if the zoning was approved, Mr. McGuire would have to get a building permit before September 1 or else come up with some sort of storm water plan. He asked if Mr. McGuire had anything in his mind about this and

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Mr. McGuire replied new regulations that affect developers are passed about every two months and plans have to be revised five or six times as they move along - that it really boils down to the point that Council is either going to establish a no-growth policy or house "x" number of people. That Council will create a great deal more run-off housing 100 families in single family homes than they would 100 apartments. He stated the run-off created by Foxcroft East and Foxcroft will far exceed the run-off it will create by building these apartments. That this is the nature of a growing city and the problem created.

Mr. Porter stated an apartment project requires anywhere from about 1½ to 2½ parking places per apartment dwelling; the normal parking space requires 300 square feet of asphalt - you have to allow 10 x 20 area, plus a back up area of one-half a parking space - and if you take that and multiply it by 240 units he would build on the first 10½ acre portion of the 16 acres (some of it is in the flood plains) so the density if going to be even greater, something like 22 units to the acre, and take that number, you come up with something between 4 and 5 acres of asphalt, not including drive-ways and recreational areas. He stated that kind of pavement in that small an area, into that McMullen Creek, would cause many of them a flood plain problem, not just immediately behind the property, but further downstream.

Councilmember Gantt stated it ought it be clarified here that if you take 400 single family houses, the amount of impervious surface required to put in single family houses, would be considerably greater than 400 multi-family units. That the point made here is that the difference in density for single family developments would not require as much impervious surface. He stated it seems to him that the question of storm drainage will have to be adequately covered by the ordinance.

Councilmember Selden stated Mr. Porter mentioned his home being two feet above the flood line and asked if he was in the flood line itself and Mr. Porter replied he is not.

Councilmember Short asked about the date Mr. McGuire would be getting a building permit if this petition were approved and Mr. McGuire replied it would probably take six to nine months from the time the zoning is approved.

Councilmember Selden asked if he had considered an R-20MF instead of the R-12MF and Mr. McGuire replied yes, his feeling is the whole purpose in what we are talking about in having multi-family is to create density and that is what his people are trying to do. That the pattern in this neighborhood is basically R-15 and R-12; there is a spot of R-20MF that is conditional for condominiums that was granted at a time when the only roadway was a two-lane very narrow winding road, but that is not what we are talking about now - we are talking about a major traffic artery and it is truly a multi-family site and R-20MF is not really multi-family.

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

HEARING ON PETITION NO. 78-27 BY JOHN K. MOORE FOR A CHANGE IN ZONING FROM R-6MF TO O-6 OF PROPERTY FRONTING ON THE SOUTH SIDE OF COLONIAL AVENUE, LOCATED ABOUT 210 FEET WEST OF THE INTERSECTION OF COLONIAL AVENUE AND PROVIDENCE ROAD.

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 requiring nine affirmative votes of the Mayor and City Council in order to rezone the property.

Mr. Landers, Principle Planner, stated this is a request for rezoning from R-6MF, multi-family, to O-6, office district, requiring minimum lot size of 6,000 square feet. He stated the subject property is located on the southerly side of Colonial Avenue as Colonial runs between Providence Road and Queens Road.

He stated at the present time the last lot was the last parcel of R-6MF district which extends for fully half of the block defined by Colonial, Dartmouth, Providence and Queens. That there is R-6MF and R-6MFH pattern is located in this area and the property along Providence Road is zoned O-6 and to a depth back beyond Providence Road of about 300 feet and then property along Dartmouth, between this point and Queens Road is zoned R-6, or single family pattern, which does pick up and continue into the Myers Park area.

Mr. Landers pointed out the O-6 pattern of zoning in much of this area, including the Presbyterian, Mercy Hospital complex area with many medical facilities, as well as the northerly side of Colonial Avenue. He stated the multi-family pattern predominates along Queens Road as it travels out from the city in a southerly direction. With respect to land use in this area, Mr. Landers pointed out the office type of use.

He stated across the street from the property there is a medical facility with parking pretty much along and opposite the property. That there are two dilapidated structures which are zoned office and are scheduled to be developed with medical office facilities; at the corner of Caswell, Queens and Colonial, there is a multi-family facility. Along the southerly side of Colonial, there is a very solid pattern of single family housing; along Providence Road, an older multi-family building, two office complexes which include beauty shop, realtors, etc., and then multi-family development down at the corner of Dartmouth and Providence. That the other feature of note is the park just opposite of Providence Road.

Mr. Landers presented slides of the subject site and the surrounding area. He stated one of the problems with the site is that it is now being used for parking and is in violation of the City's zoning ordinance and the owner has been notified of this. He pointed out office facilities along Providence Road.

Mr. John Moore, Box 4261, stated this property belongs to him, his wife and their four teenage children. That they own the property at 212-218 Providence Road and for many years their parking lot has extended to the rear of all of this property and they have been parking here for approximately 20 to 25 years so this has been used for parking under the Grandfather's clause. Even though it is not zoned office institution, it should be because it has been of that character.

He pointed out a parcel that had already been zoned O-6 and stated this lady does not oppose the zoning change because she has lived there for many years and is aware of the need for them to be able to continue to have egress and ingress on to Colonial Avenue. That the property straight across the street is Office-Institution; he pointed out another site where the zoning is R-6MF. He stated they own this property and it will remain R-6MF and they are offering it as a buffer.

Mr. Moore pointed out the location of the Little Theatre, the Providence Nursing Center and stated the character of this area is Office-Institution. That they have in their building at 212-218 Providence Road some 6 to 7 tenants and when this building was built in the 20's and 30's, no planning was made for vehicular traffic. They had a ten foot driveway coming into the building to serve two way traffic, it pours out in Providence Road, a heavily travelled road. That they have a beauty salon, realtors, the Jiffy Mart Food Store, a convenience chain, staff meetings there, they house the Women's Political Caucus, the Charlotte League of Women Voters and quite often they have staff meetings and their people are coming in to pick up material and brochures.

That last year their building was vacant for approximately six months - 50% vacant, so they proceeded to add this and now they are 30% vacant. They have improved

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their situation; provided for a safe movement of people and he would submit to Council that the character of this neighborhood is determined. That this is a type of zoning that quite often the Planning Commission and traffic planners seek out to get changed. The only opposition that he knows of to this request is from the Myers Park Homeowners Association.

Mr. Moore stated he owns other property in Myers Park and he wants to maintain and preserve the beauty of Myers Park. That they will not do anything that will take away from Myers Park but they do feel that this represents solid planning, contrary to what Council will hear later that this is incompatible, that it is not the character of the neighborhood. He stated office zoning is the character of the neighborhood and Council saw in the slides the office building and parking directly across the street and this is parking contiguous to the adjacent site. That quite often we come from R-6MF adjacent to O-6.

He stated he would submit to Council that this represents solid zoning and planning.

Mr. William Yount, 2100 Queens Road, stated until the first of the year, he owned the Yount-Brown Insurance Agency which was located on Elizabeth Avenue; he shared the parking lot for several years. It is now used by occupants of the Visulite Theatre and several others businesses that are owned by the Craver Realty Company and he had no trouble getting in and out of there because they had a front and back entrance. That Elizabeth Avenue has a lot of traffic. At the first of the year, they merged with Moore Insurance Agency at 212 Providence Road and he has never been so scared in his life as trying to get in and out of that building. There is a curve coming out Providence Road and you have to go around the curve just before you get to Colonial Avenue; as you start on around and get down to that, just beyond Dartmouth, it curves again, it is a right hand curve, almost a circle, and there is very, very poor vision. He stated he is very selfish about this for himself because it so happens that his wife and daughter work in this same building and he is scared for them to get in and out of that one little drive-way. That it is very important that Mr. Moore be allowed to have that drive-way open back to Colonial Avenue; it is the only safe way you can get in and out of there.

He stated if downtown, you almost have to go out Providence Road to get home and would assure Council if they would drive at 35 miles per hour, they would be passed many, many times, with cars going 40 and 45 miles per hour, and sometimes 50. That it is just good common sense to allow this drive-way. He stated he cannot say what Mr. Moore intends to do about any other further development because they have not even discussed it.

Mr. Jim Van Pelt, 212 Providence Road, stated as a tenant in the building, they have many clients who come in off Providence Road and he would like to stress we are talking about a ten foot wide entrance. He stated if another car comes in, the other vehicle has to back up. That they have a beauty salon there and particularly on Friday afternoons, they have a problem with them getting in and out of there. They have a safety problem and they are concerned with safety; they have had a few accidents there as Providence is the main artery to connect the southeast portion of Charlotte to Independence and the downtown area. That this problem has been there for a number of years and it is because the building was there in 1920 and Charlotte had not grown and the traffic artery really cannot handle the traffic. He stated it seems to him that it would be awfully wise to have a lower entrance to relieve some of the traffic from Providence out on to Colonial so they would really reduce the danger of going out on Providence. That he does not know the traffic study on Providence but it seems like cars will continue to zoom both ways throughout the day.

Mr. Moore stated he would like to refer to the Rezoning Process that he picked up at the Planning Commission when he went by to make this application. That on Page 12, it spells it out extremely well, the situation we have here. He read from the booklet: "Institution Districts. This district is intended primarily to provide locations for concentrations of institutions and related uses as desirable can be properly controlled, and a proper environment created for them." He stated it goes on to say: "This district is designed to forestall traffic and congestion problems by giving special consideration to the relationship between individual institutional type developments and their impact on the street system."

Mr. George Hodges stated he is present on behalf of the Myers Park Homeowners Association and they oppose Mr. Moore's rezoning request for two major reasons. One is that they feel the rezoning he is asking for would be severely detrimental to their neighborhood as a whole and to the block in which it is located. Also, because the zoning he requests appears to be largely unnecessary. That as to the detrimental effect to the neighborhood, Council should bear in mind that what Mr. Moore is asking them for is to change from residential, multi-family residential, to office zoning; that this is a drastic change in itself, he is not just talking about different modes residential zoning, but change on a block of largely residential housing to office use.

He stated this is an example of the domino principle in practice. It is not simply the threat of if we do this now, this is what is going to happen later; this is what is happening later because of what was done before. That across the street, the zoning on the other side of Colonial and the use office - their property was once residential homes and its change has now prompted Mr. Moore to say he wants office use on the other side of Colonial Avenue, which would give rise to people on the top side of Dartmouth which backs up to Mr. Moore's property and then would creep on down into their neighborhood.

Mr. Hodges stated this requested change is particularly important for a couple of reasons. First, the change is one from residential to office and the second is because this is the boundary of the Myers Park Neighborhood and of their association. That they will see that the side of Colonial Avenue on which Mr. Moore's property is located is residential; there is office that creeps one lot around the corner on Providence and that is the pattern along Providence Road on both sides. He stated there is simply no reason because of that to stretch further on down the road, into Colonial Avenue, which is residential. He pointed out the outer edge of Colonial Avenue and Providence Road and the Myers Park Neighborhood. That to protect their neighborhood, they feel that office or non-residential use ought not be allowed to creep into their area. He stated the constant gnawing at the edges does nothing but further threaten the interior of the neighborhood.

He stated there appears to be no real actual reason for needing the rezoning. That if the purpose behind the rezoning is to enhance a piece of business property on Providence Road, which appears exist as business property, only as a historical accident, Mr. Moore pointed out that he needed additional parking but he has already got 30,000 square foot of parking for his 10,000 square foot office; the condition he talks about has existed since the 1930's and the drive-way that he claims is hard to get in and out is serviced by a Dempster-dumpster truck. He stated the traffic problem that he complains about is not solved by rezoning, but is a problem with Providence Road - Providence Road is dangerous to get into and out of wherever you get in and out of it and simply adding another driveway for him on Colonial is not going to make it any more safe for those who have to go up Colonial and then on to Providence Road.

Mr. Hodges stated he would point out that the safety problem they are talking about is caused by Providence Road and not by anything that has to do with Mr. Moore's zoning. He stated their neighborhood sits in a right fragile area; it is close to downtown and close to business, surrounded by thoroughfares, large

popular arteries for traffic. That they believe their neighborhood is of great value to the City and certainly to the residents of their neighborhood but they need Council's help in protecting it from challenges, great or small and protecting it from the first step as well as the second and third step and that is why they feel it is important that this piece of property be maintained as it has been since the 1930's and, as Mr. Moore's petition points out, has been used since the 1930's. He stated they did not think Council needs to be doing any favors also for someone who has admittedly been violating their own zoning ordinance.

Mr. Hodges asked that Council deny this petition and leave the zoning as it is and has been for a great number of years.

Mr. Alan Harms stated he lives on Dartmouth Place and that Mrs. Lowe who lives in the house to the east of the proposed property, which is zoned O-6 has in fact, signed the petition so the 75% Rule can be invoked. He stated on the corner of Dartmouth and Providence, there is a large apartment complex that has just recently been converted to condominiums and is presently zoned O-6 but it is obviously being used for residential property and he does not expect it to be changed to office property in the near future. That at least 15 of 18 units have been sold already at prices around \$30,000 so he does not think people are going to be moving out of there and try to change that back to office. Secondly, on Colonial, down near Queens Road, where the other apartment complex was pointed out, this is also a condo project and all the properties have been sold there, consisting of eight units. Again, this indicates the area wants to remain residential and in fact, it should.

Mr. Keith Fowler stated he is a resident of the area and, as pointed out by Mr. Harms, Mrs. Lowe has signed the protest petition against the rezoning. He stated her property is zoned O-6 but Mrs. Lowe was not aware of the zoning of the property and has instituted procedures to have her property rezoned to residential. He stated the property owners association of the condominium is currently considering and formulating a petition for rezoning of their property to residential from O-6.

He stated he lives on the Dartmouth property and another point that was not pointed out was that the Colonial property, zoned R-6MF, adjacent to the property, is that Mr. Moore and his wife are owners of record of the vast majority of all those houses and as such, he has the potential if he gets one zoned O-6 of just going down the block.

Mr. Moore stated he talked with Mrs. Lowe today and she did not indicate to him that she was anything except for this. That if she has done otherwise, then he has no knowledge of it, however, she was informed when she received a copy when he filed application that the process would be submitted.

He stated he did have other property on this street. He pointed out the properties he owned and stated he is offering this as a buffer to keep that R-6MF. That Council can see that the stroke of the pen straight down through the area would more line up the office zoning and would be compatible with their contiguous parking lot, which has been used here for some 20 or 25 years.

Mr. Moore stated Council has heard from a gentleman who lives in Myers Park and has twelve units on Queens Road. That he is as interested in the preservation of neighborhoods as anyone. He stated the character of this area is established; it is across the street; it is to the rear and the Planning Commission has already seen fit to all of this - that all he is asking is just to line up this property line. That the character of the neighborhood is already established, it is compatible; the parking is needed, it is a safety movement of vehicles and a life might be saved. He stated the constituency of this building is the Myers Park Community. That the representation here of the Myers Park is

just by one person; you do not see a room full of Myers Park people here. He stated he would submit to Council in their collective wisdom that this is a solid request.

Councilmember Gantt asked if Mr. Moore needed additional parking and Mr. Moore replied yes, he did. That at the present time they have approximately 33 to 34 parking spaces and the shape of their parking lot is triangular and at the beginning of the parking area, they lose spaces because they do not have room. They have a nine booth beauty salon which requires two parking spaces for each booth; minimum parking spaces requires their building to have approximately 40 spaces and that is just the minimum, a beginning point. Mr. Moore stated he is asking Council to alleviate a bad situation and to help them. That it is true it will increase the value of his building, but this is to the highest and best use.

Councilmember Gantt stated the other members who spoke today in favor of the zoning change spoke of the safety factor and he understands one of the reasons for the zoning petition was that he was in violation of our present zoning ordinance because he was, in fact, using the drive-way on his property as a means of egress.

Mr. Moore stated some 60 days ago, they did provide for this and they did not know at the time that they would be in violation by using the driveway and using a little bit of parking.

Councilmember Gantt stated there seems to be another remedy for handling an access to the parking lot that would keep the Council from making a decision that might create a parking lot along a very nice residential street. Mr. Moore stated that is one consideration, however, the preponderant evidence here is that the compatibility of the neighborhood is solid office-institution and that is a primary reason for this property to be rezoned.

Councilmember Short stated about four years ago, Mr. Woltz and some others were rezoning the area on the other side, the west side of Colonial Avenue, and he thought it was a good thing to put that clinic there. That he certainly made comments to Mr. Hodges' predecessors, Lyn Bond and some others, that he personally would never jump Colonial Avenue because he recognized that as a rather firm zoning boundary. He stated he wanted to say this while Mr. Moore and his family, Mr. Yount and the others were present. That this is a protested situation and every vote counts and unless there is a rather pronounced traffic safety factor, safety to human life, etc., he would feel bound personally by the comments he made at that time and are on public record. He stated he wanted them to know that it is just a kind of barnacle that you pick up sometime when you have been around awhile.

Councilmember Leeper stated in reference to the houses Mr. Moore already owns along Colonial, he asked the status of those houses and Mr. Moore replied he presently has them rented and his plans are to continue to rent those properties. Mr. Moore stated he is not asking for but one parcel to be rezoned and this will straighten up the zoning line.

Councilmember Frech asked when all the office zoning was put in there and Councilmember Short replied the frontage along Providence Road has been there for many years but the Woltz Clinic was put there about four years ago.

Councilmember Trosch asked Mr. Moore to identify the properties he owned and Mr. Moore replied he owned the property adjacent to this site, which is zoned R-6MF and he is offering to leave that as a buffer. She asked who signed the protest petition and the City Clerk read the names of some of the people who signed the petition.

Councilmember Selden stated he lived in the building where Mr. Moore is located in 1942 and he knows what it is like to get out of the driveway. He stated he gathered there is about 30,000 square feet of space and outside dimension for the parking lot space is 300 feet which will park 100 cars and yet he said a few minutes ago they did not having enough parking spaces. Mr. Moore stated this was because of the shape of the parking lot.

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Councilmember Selden asked if the parking lot was 30,000 square feet and Mr. Moore replied he did not believe it was quite that large; that it is in the shape of a triangle and some of it cannot be used for parking.

Councilmember Dannelly asked about the grandfather clause situation and Mr. Moore replied the grandfather clause, as he understands it, for that parking lot which has been used for 25 or 30 years back there really does not have anything to do with the zoning at this time. Councilmember Dannelly stated he thought someone said he was in violation by going across some properties to get to his parking lot and Councilmember Gantt replied according to the slides, it showed a parking lot in the back and the occupants of the parking lot had been using Colonial Avenue as a driveway for a means of egress from the parking lot.

Mr. Moore replied he was not under violation on the grandfather clause; it is just on the piece of property before Council to be rezoned.

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

HEARING ON PETITION NO. 78-30 BY DORA MILLS, IRENE BEATY AND M. F. CROUCH TO CHANGE ZONING FROM R-6MF TO B-1 OF PROPERTY FRONTING ON THE NORTH SIDE OF BROOKSHIRE BOULEVARD (HIGHWAY 16), LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF BROOKSHIRE BOULEVARD AND LINWOOD AVENUE.

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

Mr. Bob Lander, Principle Planner, stated this property is located on the northeasterly side of Brookshire Boulevard, which extends in a northerly direction out of the city. He pointed out Interstate 85 and stated the property is located at the intersection of Linwood and Brookshire Boulevard. The subject property is bounded on the south by B-1 zoning and to the north by B-1 zoning; on the opposite side of Brookshire Boulevard, it is predominately multi-family, R-6MF, with B-1 zoning diagonally to the immediate south. That adjacent and to the rear is an area of multi-family, the multi-family changes over at Rozzelles Ferry Road to become single family.

He stated the land use map of the area shows that we have pretty much of a residential neighborhood, or several neighborhoods defined, with commercial development characteristically along Brookshire Boulevard in this area. At this point there is a service station immediately to the north, immediately to the south is a Hardee's fast food restaurant, which is invoking the 3/4 petition in this case. He stated there is a gas station diagonally across the street. There is a pattern of single family development on both sides as you go into Brookshire. He stated Linwood is a circulation route off Brookshire Boulevard off Interstate 85 and this area does receive some traffic in this route as well as activities along Brookshire.

Councilmember Short asked the location of the other petition which is pending and Mr. Landers replied it is along Rozzelles Ferry Road.

Mr. Landers presented slides of the area and stated the site is 215 feet deep along Linwood by about 160 feet frontage on Brookshire Boulevard. He pointed out a service station to the immediate north of the property, Hardee's to the immediate south and just beyond that you have I-85.

Councilmember Locke asked Mr. Landers to advise members of Council information about who filed the protest petition and where they lived and Mr. Landers agreed to include this information in the agenda material.

Mr. Landers stated the owner of one property, is the John Crosland Company and they are the ones who invoked the 3/4 Rule. Councilmember Locke asked which property and Mr. Landers replied the Hardee's property; that the property was leased to them.

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Mr. Faison Barnes, Attorney for the Petitioners, stated this petition was filed by Mrs. Dora Mills, Mrs. Irene Beaty and Mr. M. F. Crouch. He stated Mrs. Mills is 91 years old and Mrs. Beaty is 92 years old. That this is not a fit place for these ladies to live; it is between a Hardee's Restaurant, a service station and another restaurant. He stated the noise and congestion is already there and Interstate 85 is almost adjacent to this property; across the street is a service station and immediately across the street you have to other pieces of property zoned R-6MF and one of those is owned by a corporation. That he does not know what they have in mind for it but he would suspect they have in mind a business use.

He stated essentially the residential character of this neighborhood has been destroyed by the noise and congestion. That the protestants include the John Crosland Company and he finds that interesting. He stated first Spartan Foods bought some property and sold it to John Crosland and then John Crosland Company leased it back to Spartan Foods and there is a Hardee's Restaurant located there now. That the present owner of the property has signed a contract with Wendy's of Charlotte and the intended use is to put a Wendy's Hamburger Restaurant on the property.

Mr. Barnes stated they feel this is a reasonable and appropriate petition and compatible with the uses already in the neighborhood. That they think this is the only use to which this property can be put - it is certainly not fit for these two ladies to live on.

He stated he noticed that the reason for the protest was the increased traffic congestion and confusion. That he was unsure if this confusion would be between Wendy's and Hardee's or that Wendy's would create more traffic than Hardee's.

Mr. Barnes read a poem about restaurants and stated he would like for Council to give serious consideration to the petition for a zoning change.

There was no opposition expressed from members of the audience.

Councilmember Frech stated she is not exactly happy about the prospects of Brookshire Boulevard becoming a strip commercial development, which is what this looks like. She asked about the medians and Mr. Landers replied there are medians along Brookshire Boulevard but they are relatively small raised concrete medians which extends up along Brookshire Boulevard to this area. That there is a median break at one point on Cregler Street. Mr. Landers pointed out the median breaks on a map of the area.

Councilmember Gantt asked about the new Highway 16 and Mr. Landers replied the new 16 actually extends out and picks up towards Plank Road and by-passes the Coulwood area.

Councilmember Gantt asked if we are not talking about a major change in that intersection of Brookshire Boulevard and I-85 and Mr. Landers replied there is in the thoroughfare a by-pass facility but he is not sure of the funding or the priority given to that particular alternative.

Councilmember Short stated it would be good if the Planning Commission Staff would pin down the type of point that Councilmember Gantt is talking about there; at least three things, the extension of Highway 16 and the widening of it, beginning at the city limits and running on over to Gaston County, and the other is the scheduled widening of I-85, which is going to be on that side of the street and the re-building of all of those interchanges. He stated there is another State plan to extend Brookshire Boulevard on up to Denver and Hickory, etc., as a freeway. That if something could be pinned down on this, since we have two petitions in this area, it probably would be wise.

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

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HEARING ON PETITION NO. 78-23 BY LESTER E. KELLOUGH FOR A CHANGE IN ZONING FROM R-6 TO O-6 OF PROPERTY FRONTING 40 FEET ON THE SOUTH SIDE OF ACADEMY STREET, LOCATED ABOUT 150 FEET WEST OF THE INTERSECTION OF ACADEMY STREET AND THE PLAZA.

The scheduled public hearing was held on subject petition.

Mr. Bob Landers, Principle Planner, stated this property is located on the southwesterly side of Academy Street, just off the Plaza. He pointed out the property on a map and stated such property and all property up to the Plaza is within the North Charlotte Community Development Target Area. The property itself is presently zoned R-6, single family residential, as is all of the area along Holt Street, Oakwood, Herrin, etc. down to the Plaza. That B-1 zoning extends from Academy Street back down the Plaza beyond 36th Street; on the southerly side of the property is O-6, office zoning, B-1, a little area of light industrial, and then it picks up again with the B-1 pattern. Out beyond Anderson, which is the first block up above Academy, there is R-6MF multi-family pattern.

He stated the land use in this area includes significant residential area in our community; the school is located just opposite the site, Plaza Elementary School; there is a convenience store, a Jiffy Mart, a bank which occupies the remaining portion of that block along the Plaza, with additional parking provided for the bank and for the church opposite. That as you go back into the area, it is all single family residential.

Mr. Landers stated this is an exceptionally small lot, actually 40 feet by 120 feet and is presently in the process of being renovated; it has been used as a four family unit. The total lot area of this is in the neighborhood of 4,800 square feet, so it is an extremely tight, or small, site. In addition, it is the only lot in this whole block that fronts on Academy Street.

He stated since this is within the North Charlotte Community Development Target Area, the Community Development Department has responded and has expressed some concern, in fact, opposition, to this petition.

Mr. Landers presented slides of the existing structure on the site and stated it is built exceptionally close to the street. He pointed out The Plaza, The Plaza Elementary School, The Caper House and Polk Street.

Reverend Paul Horne, 719 East 36th Street, stated he is the Pastor of Johnson Memorial Presbyterian Church in North Charlotte and is speaking on behalf of the North Charlotte Action Association. He stated for ten years, the residents of North Charlotte have been working hard together to upgrade the community and make it a better place in which to live. That this has taken a lot of working together and they are proud of their progress thus far.

He stated part of this program that they have worked hard for has been to maintain as much of the residential area as possible. That in 1973 or 1974, they asked that the area from 37th Street on up to Holt, along The Plaza, on back to Sweetbriar, be rezoned R-6 single family. He stated this was done. Since that time, they have been working with Community Development to continue to upgrade the North Charlotte area. He stated to remain in keeping with the Community Development Program and improvements, any zoning change at this time will start a trend toward gradual encroachment of business in a residential area, thus eroding what improvements have been made through Community Development in cooperation with the people in the area. That North Charlotte Action Association voted against any change in the zoning of property on Academy Street because this could be the stepping stone of deterioration of the residential nature of this particular area. They strongly request that the proposed zoning request be denied and that the property remain R-6 single family residential.

There was no further opposition expressed from members of the audience.

Council decision was deferred pending recommendation from the Planning Commission.

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HEARING ON PETITION NO. 78-24 BY BUILDING INSPECTION DEPARTMENT TO AMEND THE TEXT OF THE ZONING ORDINANCE AS IT RELATES TO ADJUSTMENTS IN PERMIT FEES FOR SIGNS.

The scheduled public hearing was held on subject petition.

Mr. Bob Landers, Principle Planner, stated this is an amendment to the text of the Charlotte Zoning Ordinance, Section 23-88.1; the Zoning Ordinance does specify sign permit regulations. He stated the petition has been initiated by the Building Inspection Department.

Mr. Bill Jamison, Superintendent of Building Inspection, stated this schedule, if adopted, will increase the fees by about 50%. He stated this sounds high, but they only collect about \$8600 annually for some 1400 permits. That if this proposed increase is approved by Council, they plan to put it into effect about the same time as their other permits which they propose to put before Council in the near future, an increased which would include building, electrical, plumbing and mechanical.

He stated those changes in the ordinance will not require a public hearing such as the one today; that zoning amendments do require a public hearing. That he will be back before Council in the near future with a proposal to increase all of their fees, or adjustments.

There was no opposition to the petition expressed by members of the audience.

Councilmember Selden asked about the proposed schedule of fees and Mr. Jamison replied this schedule would give them about about 50% increase which they would need to offset the cost of making the inspections.

Councilmember Short asked if it did not require the same amount of work to inspect a small sign as it did for a large sign and Mr. Jamison replied it takes more time with the larger sign because generally they are in the air and they have to get some sort of measurement and some sort of determination that they are secure and properly constructed.

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

HEARING ON PETITION NO. 78-28 BY MARY D. DIXON FOR A CHANGE IN ZONING FROM B-2 TO I-1 OF PROPERTY FRONTING ON THE NORTHEAST SIDE OF ROZZELLES FERRY ROAD, LOCATED ABOUT 150 FEET NORTH OF THE INTERSECTION OF ROZZELLES FERRY ROAD AND ZEBULON AVENUE.

The scheduled public hearing was held on subject petition.

Mr. Bob Landers, Principle Planner, stated this is a request from B-2, general business zoning, to an I-1 classification, which is light industrial; the property is located on the easterly side of Rozzelles Ferry Road. He pointed out the location on a map. He stated along this area, there is a pattern, on the easterly side of Rozzelles Ferry, a pattern of multi-family zoning predominating the area up to Stewart's Creek and then along Rozzelles Ferry Road, there is a pattern of single family zoning, R-6, to the interior and each side of Rozzelles Ferry. Along the westerly side of Rozzelles Ferry Road, there is a pattern mixed between B-2, general business zoning and the

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light industrial, all immediately opposite the subject site. Beyond that, there is a pattern of R-6MF, or multi-family, along Coronet Way, Yellowstone, etc. He stated the development in this area is predominately residential, pointing out the area up to Stewart Creek, along both Rozzelles Ferry and West Trade Street.

Mr. Landers stated all of the area to the rear and east of the subject site is presently zoned multi-family. He pointed out the Belvedere Homes Project of the Charlotte Housing Authority. That the subject site itself is characterized as a warehouse type of building; to the immediate north of the site, presently there is a jewelry wholesaler and printing activity. To the north, there is the vacant Belvedere Theatre; opposite subject site is Mackie Company, manufacturing and vending machines and an automobile junk yard, a restaurant, etc. scattered in small lots along Rozzelles Ferry Road.

He presented slides of the area and stated this is basically a warehouse type building, with a loading dock in the rear. That the industrial development opposite the site has very good screening, fencing and landscaping. He stated this gives an idea of the character of the area along Rozzelles Ferry Road.

Mr. Bill Underwood, Attorney for the petitioner, stated Mr. Lander's photographs do not show there is a natural, topographical difference between the site and the Belvedere Homes property behind. Secondly, this is not a warehouse building - this is a building which was built for light manufacturing in about 1948 and was so used between 1948 through 1968 because it is the former site of the J & J Candy Company, where they did, in fact, make candy.

He stated he represented Mrs. Mary Dixon, who is the former Mrs. Hugh Pettus. That her first husband is now deceased and she has remarried. He stated she wants to sell this property to someone who has already contracted to buy it and will continue to be used; it is not intended to be developed in any other way other than consistent with the improvement which is on the property.

Mr. Underwood stated the reason for making the request is that the type of property, as improved, requires some facility for light industrial in order to get the highest and best use out of the improvement and therefore a fair price for the property, as improved. He stated the property would be used by Fireside Builders and Manufacturers, Inc. to, in effect, assemble partitions. He presented a sample made of sheetrock and asbestos.

He stated the asbestos is cut, shipped to the site and then the wood and the sheetrock are cut to specifications and glued, with a non-toxic glue, onto that and are taken from that particular site, which would also service as an office for this company, and assembled on the particular improvement where it is going to be utilized. That he has spoken to Mr. Robert Sink, Attorney for the Charlotte Housing Authority, and asked him to converse with the Staff and he did so and he advised him today that they did not oppose this petition.

Councilmember Gantt asked if this was going to be a new plant that is going to be occupying the building and Mr. Underwood replied they are not going to do anything at all to change the existing situation, other than make a few general improvements that are badly needed on that particular project because the property is run down. Councilmember Gantt asked if this was a new operation in the building itself and Mr. Underwood replied this building has been used as a candy manufacturing site, and other uses of that kind. Councilmember Gantt asked how many people are likely to be employed and Mr. Underwood stated he would have to find out - that he represents the seller, not the buyer.

Mr. Underwood stated he satisfied himself that there would be no heavy equipment of any kind used. That the Print Shop next door is much more of a manufacturing type operation than this would be, if he understands it correctly.

Councilmember Dannelly asked if there would be any outside storage and Mr. Underwood replied they do not anticipate any outside storage and have no need for it whatsoever.

There was no opposition expressed from members of the audience.

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

HEARING ON PETITION NO. 78-22, PETITION NO. 78-29 AND PETITION NO. 78-31.

The scheduled hearing was held on the subject petitions.

Mr. Bob Landers, Principle Planner, stated if it meets with Council approval, he would like to present three zoning petitions that are in the same immediate vicinity and are all inter-related. He identified them as follows:

- (a) Petition No. 78-22 by Robert K. Carlin for a change in zoning from I-2 and R-6MF to B-1 of property fronting on the northerly margin of Brookhurst Boulevard (Wendover Extension), located at the intersection of Brookhurst Boulevard and Beal Street;
- (b) Petition No. 78-29 by Community Development Department for a change in zoning from I-2 to I-1 of an irregularly shaped tract of land fronting on the northwest side of Brookhurst Drive (Wendover Road), located about 2,000 feet south of the intersection of Brookhurst Drive and Old Monroe Road;
- (c) Petition No. 78-31 by Robert K. Carlin for a change in zoning from R-6MF to B-1 of property fronting on the north side of Brookhurst Drive (Wendover Road) located about 2,300 feet south of the intersection of Brookhurst Drive and Old Monroe Road.

Mr. Landers stated Petition No. 78-22 is a triangular tract located along the northwesterly side of Brookhurst, which is a part of the Eastway-Wendover Belt Road. That it a request for change from I-2 and R-6MF to B-1 classification.

He stated Petition No. 78-31 is a request from the same petitioner, and pointed out the properties on a map.

Mr. Landers stated Petition No. 78-29 is a request by the Community Development Department to rezone from I-2 to I-1 of a tract of land along Brookhurst.

He stated this area is in the Grier Heights Target Area and he pointed out Monroe Road, Eastway, Brookhurst and Wendover Road, McAlway, Billingsley, etc. That there is multi-family zoning pattern around this area, R-6MF; beyond that is single family, both R-9 and R-12, going to the southwest and to the southeast. The O-15 zoning pattern relates to the Randolph Medical Center and the Mental Health area; the I-2 Industrial zoning really orients towards the railroad track and is characterized on both sides of the railroad track as industrial.

Mr. Landers presented a land use map, pointing out the Seaboard Airline Railroad, Monroe Road and the new alignment of the thoroughfare. That it shows a scattering of both single family and multi-family zoning. He pointed out Grayson Park, etc.

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Mr. Landers stated the Community Development Department was contacted concerning the Carlin petition, or the business request, and they have indicated no opposition to the petition.

Mr. Al Murchison, Attorney, stated he is appearing today jointly with Mr. Neil Williams as counsel for Mr. Carlin and the Palmer interest, who owns a substantial portion of this overall tract.

He stated they believe they have developed a land use plan that complies with the goals and objectives of the Community Development Department, complies with good zoning practices and complies with the 1995 Comprehensive Plan.

Mr. Murchison stated the tract of land has been zoned industrial for a considerable period of time. That the tract was some 65 acres of land originally; that the North Carolina National Bank had acquired that under some foreclosure proceedings and about 58 acres of that property was zoned I-1, industrial, a portion of the property was zoned R-6MF. It had been planned to develop it as an industrial park without great success until Carter & Associates, who developed NCNB Plaza and the Raddison Hotel and Shops Complex, decided the best way to market that would be to use it as an office and industrial park combination together with a small shopping center at the front.

He stated they then put the land under contract and marketed as such and enjoyed some success. That they looked to Mr. Carlin, of Dallas, Texas, to develop the shopping center and later sold a substantial portion of the land to the Arnold Palmer Interest who intends to put a dealership on the land, along with a first rate office park, with some warehouse facility in the area. That if this is successful, as they hope it will be, they think this represents the rare opportunity to take a large tract of land and develop it in one cohesive plan that represents a preferred development within the area.

He stated they have talked with the Community Development Department, with the Planning Commission Staff and with some individual members of Council who inquired as to their intentions. That they do not believe there is any opposition to this request. He stated they have been involved in a lot of hard work to make sure that everybody understands the specifics of their intentions and hopefully work within a community of interest without any opposition. That they think this will provide convenient access to extensive goods and services within the shopping center area of the land to be rezoned to the Grier Heights Community. He stated they have discussed some access to the side streets of Marvin to keep traffic from having to come out into Wendover Road - they have a preliminary agreement on that at this point, and they are in the process now of discussing a plan for a common planter strip all the way down the front of the property from the railroad southward all the way to the intersection of Marvin Road.

Mr. Murchison stated they believe the request they made today merely forms the land use plan to the best provisions since it lies between property currently zoned I-2 and property currently zoned I-1. That they think what they will end up with is a very attractive development for Charlotte that is compatible with the interests of people in the community and area.

Mr. Neil Williams, Attorney, stated there is some consistency about this plan, and it mainly evolves from the Comprehensive Plan. He presented a copy of the Land Use Map and asked Council to carefully examine it and see that the plan contemplates a neighborhood shopping center at this particular point. That some will say this is a general guide and not specific but even as a general guide, it shows it in that vicinity if not specifically and to that extent, people ought to be able to rely on it. He stated it does represent good planning, too, from the standpoint of what do you do with the railroad and the industrial

property that surrounds it. That Council is very much aware of the kinds of permitted uses that can go in industrial zoning and he would call their attention to the fact that there will still be some industrial to the north of this property, although if the Community Development petition is allowed, it will be a little bit more restrictive.

Mr. Williams stated a portion of the tract in this petition will be up-zoned from industrial to business, B-1. The remaining portion of it is now R-6MF or multi-family, and then immediately south of that is a very small portion of B-1, on the corner of Marvin Road and Wendover Road. That if the zoning were allowed to stay the way it is now, is a portion of R-6MF, multi-family, land sandwiched between a small parcel of business to the south and some industrial property to the north; and even north of that is some more industrial property leading to the railroad.

He stated already we can see an abundance of property zoned for multi-family purposes in the area to the rear and across Wendover Road and this would be a good kind of transitional zoning away from the railroad, through the industrial property, back in to multi-family property.

He stated with regard to the traffic problems from shopping centers or grocery stores, he would suggest that the best place to have a grocery store and a shopping center would be on an arterial road so that traffic would not have to go through the neighborhoods to get there. That he has another theory about grocery stores - that is an involuntary kind of trip a person makes - it is not optional - you have to go to the grocery store someplace. It is not like a boutique or some other shop that might attract when you are on the fence about whether to go spend some money or not; you do not really have that choice about buying groceries - you have to buy your groceries somewhere. That it would seem to him to be more reasonable to go on a arterial road and stay out of the neighborhoods and maybe not go as far to buy your groceries.

Mr. Williams stated they think this is a reasonable use for this property.

Mr. Carl Brodhum, 4019 Ridgecrest Avenue, stated he lives in the area, just south of the proposed development area. That when they first heard there was a shopping center being proposed to go in here, their first reaction was that they were going to have a problem; first they want to put in a big highway and now they want to pave this all over. He stated after looking at it again and after talking with Mr. Murchison and his group and looking at the plans, they have come to the conclusion that the majority of the neighborhood is not in opposition to it and a very significant percentage is in favor of it.

He stated under the current zoning, I-2, there is no telling what could go in there and it certainly could be a lot worse than a small shopping center and office park. That the shopping center and office park do represent, as far as they can see, a favorable thing to put in there and it is the fairer of the alternatives. He stated they would all rather it be left woods, but that is not an economic reality and, as time goes by, it is going to be developed into something and this appears to be a pretty decent something to have in there. That it would enhance that area and hopefully it would not detract from their area.

He stated the biggest concern that they had was that noise and the possibility of certain dedicated streets which are not in existence now, would be cut through their neighborhood but in looking at the size of the shopping center, it does not seem it would warrant this happening.

Mr. Brodhum stated another of the primary concerns was that this would detract from Cotswold Shopping Center, leaving that a skeleton, and would have a negative effect, but judging from the size of the shopping center they plan to put in, they do not think this would have any bearing on it. He stated all in all, this would probably be a favorable change to it.

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Councilmember Locke asked the size of the shopping center and Mr. Murchison replied 50,000 square feet; that it will have a grocery store, drug store, some smaller specialty shops, etc.

Councilmember Leeper asked about the car dealership and Mr. Murchison replied the plans are to place the car dealership adjacent to the railroad. That it is not a part of this petition.

Councilmember Trosch stated Mr. Williams noted the traffic problem and altho she agrees as far as going off of the major thoroughfares, there is already a projected problem with Wendover Road to break down - actually, before it opens as far as traffic carrying. That she also would like the Commission to take into account the fact that Walker-McAlway would be the only vertical route leading into the shopping center. She pointed out McAlway ^{Walker} Road on the map and stated they have been looking forward to the day that the belt would open up so they would not have to carry this load. That she did not know what the traffic impact would be for the area but it a matter that should be looked into.

She stated as noted by Mr. Landers, a change has occurred in the Community Development plan as proposed. She asked if the neighborhood association was ~~petitioning~~ this change and Mr. Murchison replied that is correct. in agreement with

Councilmember Trosch stated this complies with part of the Comprehensive Plan and is a situation where you have three things going; the existing what is, the proposed Comprehensive Plan that actually puts residential usage into this area and then a Community Development Plan that is also different from the proposed Comprehensive Plan, different from the current usage and is in itself different.

Councilmember Carroll asked if the success of this petition would limit any of the use of the property and Mr. Murchison replied it change some of the I-2 property to B-1 zoning classification; the petition of Community Development would obviously change some existing I-2 to I-1. Councilmember Carroll stated he was thinking more in terms of restrictions in the conveyance of the proposed way that the land is to be sold if, in fact, this petition is successful. That he takes it that the sale depends on the success of the petition. Mr. Murchison replied that is correct. Councilmember Carroll asked if in the terms of that sale, if they limit any of the use of the adjoining property and Mr. Murchison replied no.

Councilmember Selden asked what would be their clients response to the possibility of submitting plans similar to the CD consideration and Mr. Murchison replied they have discussed this at great length and this is a possibility. That in speaking with the architect, it is their opinion that the CD plan for a center of this size, over 50,000 square feet, might be counter productive to the flexibility they might need in all the day to day changes. He stated since the topography of that land is not going to allow a different utilization, the shopping center has to sit against the back line for it to be used properly so a site plan, or a CD use in this particular case, would not be highly beneficial and would be extremely burdensome to the developer. That they have discussed this at some length.

Councilmember Selden stated he is concerned about four things. He is concerned about the traffic flow problems, that is, the driveways into the area; about the screening; about the water runoff as relates to their storm water management program and he is concerned to a degree about the total size of the shopping center as it might affect total volume on Wendover Road. Mr. Murchison stated the total size of the center is restricted by the fact they have only eight acres of land; that they could go to about 60,000 or 65,000 feet if they get a particular tenant who wants that size grocery store, or a 30,000 foot grocery store. He stated as to the water runoff problem, he has not addressed this and they have not gone into detail about it. He stated with respect to the traffic situation, they are in the process of acquiring an outlet to Marvin Road side if Mr. Landers and the Traffic Engineering Department believe that to be advantageous to keep traffic from moving out and along the road and then back into the property. He stated regarding the screening, this has also be discussed and there is a plan for screening between the folks at the

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corner, the existing B-1 lot, the Carlin Shopping Center tract, and the Palmer people to have a common development of grass strips along the front of the road. That Palmer does reserve the right of architectural review and this is one of the things they have discussed. He stated on the back side of the property, it is heavily wooded; the shopping center site will have to be built up slightly so there will be a natural screening if the shopping center as proposed.

Councilmember Selden asked about seeing a copy of the plans at a later date and Mr. Murchison replied yes; that the architectural plans are not final at this point.

Councilmember Trosch stated in light of the fact that several people have said this is a smaller size shopping center, however, if the people who own the next door property wanted to expand the size of that shopping center, would that be possible and Mr. Murchison replied yes.

Mr. Walter Phillips of the Community Development Department stated with respect to the petition of zoning property from I-2 to I-1 (Petition No. 78-29), it is the position of the Community Development Department that this is in conformance with the present redevelopment plan and they proceeded with the petition in order to have it heard in conjunction with the shopping center petition. He pointed out the location of the property on a map and stated there is a small portion on the southerly tip that goes into the proposed shopping rezoning petition. That this petition is consistent with the redevelopment plan.

Councilmember Trosch asked about the owner of the property and Mr. Landers replied Arnold Palmer. She asked if Dunn Street was proposed to continue through this area and Mr. Landers replied the easterly boundary of the petition is defined by a mutual agreement as to what would be the center line of Dunn Street. That on the Community Development plan, Dunn Street would continue on back to its present area and on a long term basis, would be terminated so they would not have the circulation back into the road, but would have the main circulation for the industrial traffic via Dunn, through this area, ceasing at this point.

Mr. Phillips stated the Redevelopment Plan showed a continuation or extension of Dunn into the new Wendover or Brookhurst, but due to the present inadequacy of funds for this project, they have no plans or design to build this street.

Councilmember Trosch asked about the plans for this property and Mr. Murchison replied a portion of the property which lies between Dunn Avenue Extension and the shopping center site is to be an office park and the portion between this street and the railroad would have on the front portion of the property the Cadillac dealership. He stated this is not final yet but this is in the plans; behind that would be the office park, with some attendant warehousing. She asked if any more shopping area was anticipated and Mr. Murchison replied no, there is none planned; that the market place would dictate that no one could build a center adjacent to this because they would have to have something like a food store to be the anchor and he does not think they will get another food store to settle in that area.

Councilmember Trosch asked if the petition by Mr. Carlin fails, could a shopping center possibly be put in that area as it is presently zoned and Mr. Murchison replied yes. She asked if the development along Dunn Street is to orient to Dunn Street, like a clustering, and Mr. Murchison replied he understands this is their intention.

(MAYOR HARRIS LEFT THE MEETING AT THIS TIME AND MAYOR PRO TEM CHAFIN PRESIDED UNTIL THE RECESS.)

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Councilmember Carroll asked about the proposed office park and Mr. Murchison pointed out the area.

Councilmember Gantt stated he has asked the City Attorney to rule on the possibility of a potential conflict of interest on this particular zoning petition due to the fact that there is a shopping center located not too distant from another shopping center that his firm has an involvement in; that the City Attorney has not determined yet where there is an actual conflict and he would like Council to be aware of this fact.

There was no opposition expressed from the audience.

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

MEETING RECESSED AND RECONVENED.

Mayor pro tem Chafin called a recess at 10:35 p.m., and Mayor Harris reconvened the meeting at 10:45 p.m.

RESOLUTION RESCINDING RESOLUTIONS ADOPTED NOVEMBER 3, 1975 AND JUNE 27, 1977, AND APPROVING A REVISED COMMUNITY DEVELOPMENT LOAN AND GRANT POLICY TO INCREASE INCOME ELIGIBILITY, INCREASE MAXIMUM REHABILITATION GRANT, INCREASE MAXIMUM REHABILITATION LOAN AMOUNT AND ESTABLISH AN EMERGENCY REPAIR GRANT FUND.

Councilmember Carroll moved that Council adopt the subject resolution rescinding the old resolutions and adopt the new proposed one with the changes proposed at the last meeting on remedial repair grants, and include Paragraph 3 as proposed at the last meeting, which reads as follows:

"3. The applicant shall request that the previous contractor reimburse the City in the amount of the Remedial Repair Grant. If the contractor refuses to do so, the City should make efforts to collect the funds expended for the Remedial Repair Grant. The applicant shall cooperate with the City in the City's effort to collect the funds and shall, if necessary, assign his rights under the contract to the City."

The motion was seconded by Councilmember Leeper.

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Mr. Carroll stated he tried to reach Mr. Sawyer to discuss this but he was out of town. He called Mr. Underhill and asked him if there was any problems with enforcement and he told him it was like any other thing which brings more work - it is just more work to do. That it is a question really of where there is a defaulting contractor, are we going to insure that the taxpayers' money - in this case, the federal taxpayers' money - is returned into the fund to be used again in our Community Development program.

If the landowner has a problem with his first loan, then he will qualify under the first two paragraphs to get a remedial repair loan. Once he gets his repair loan, he is not going to be all that excited about pursuing the contract on which he did not do the job right in the first place. The city has provided the money, the federal regulations provide that we have to monitor and make sure the job is done properly. That if the landowner does not pursue the defaulting contractor, it should be the City's responsibility to go out to that defaulting contractor and try to return to the program the money which is due because of the breach of contract.

Councilmember Dannelly stated that Community Development did make a recommendation on Item 3 and they indicated that the City should and will assist the property owner in every reasonable way to recover damages, and the fact that they intend to do so. He is wondering if because of the legal aspects, when they have done all they can and it is left up to the property owner to make selections, if the City should go further than that.

Councilmember Gantt stated one of the points raised here is that the property owner will be assigning his rights under the contract to the City since the original agreement is made between the contractor and the property owner. Does that leave the City open once they have taken over those rights to have civil suits filed against the City, in the event that the City is unsuccessful in getting the contractor to pay off?

Mr. Underhill replied he cannot think of a kind of suit that could be brought against the City in that situation. If the City pursued whatever remedies it might have against the contractor because the contract had been assigned to it, he cannot think of any situation where the City could in turn be sued by anyone, unless perhaps the property owner might sue us. He is trying to be responsive but just cannot imagine a situation where the City would be open for legal action.

Councilmember Gantt stated the only objection Mr. Underhill is having then, is that the workload would be increased a little bit because he would have to be in civil court more, trying to recover damages from a contractor?
Mr. Underhill replied yes.

Mayor Harris stated what they would be doing, in effect, would be making the City Attorney's Office a legal aid society; that is the concern he would have about this.

Councilmember Cox stated the issue here is really whether they grant the remedial relief or not. Once you do that, then the City is the only person who has any incentive at all to recover the taxpayers' money. That once the property owner has his dwelling fixed up he can not think of a situation where he would be enthusiastic and vigorous in his pursuit of the man who wronged him. It is for that reason - provided that the remedial grant is passed - that he sees no alternative for the City but to engage itself in this practice as uncomfortable as it makes him feel.

Mayor Harris asked Mr. Joe Michie, Assistant Director of Community Development, to give the department's position on this. Mr. Michie stated that they attempted in their cover memorandum to list four major points that would correctly identify the Community Development's position. Although

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he is not an attorney, there is a technical and legal point that does give them some concern. The City is not a party to the contract, it did not select the contractor in the beginning - that has to be totally on the approval of the homeowner - and it appears that the City then would be coming in and assigned certain responsibilities of recovering under a contract to which they were not a party to begin with. That certainly it was their intent to exhaust all administrative remedies - arbitration, all good attempts to contact these contractors when they leave the City or the State. Certainly their interest is pursuing on behalf of the City and the landowner to get our money back. The point is shall they assume the legal responsibility and put the burden on the City Attorney's Office to collect the contract?

Councilmember Cox stated that through all of this administrative procedure if you do not have the money back, the property owner is not going to be the one to pursue it, even with Legal Aid; that the City is the only one who is going to have the interest to get the money back.

Councilmember Carroll stated he has to agree with Mr. Cox; it is our money, the taxpayers' money, we are the ones charged with the responsibility to monitor the quality of the contractors. They made revisions in the Community Development plan this year to make sure that we do not have problems, to try to eliminate the problems in the future. He hopes we will not have many problems, but there might be one or two; that the grant is going to be made by the time you get to Paragraph 3, there is going to be no incentive for the landowner to go out and hire a lawyer and bring a suit. But, it will be the City's money that never gets collected again because of the defaulting contractor.

Mayor Harris asked why we do not do it direct? Why do we go through the process of all the paper work, if the City is really responsible for collecting the funds? Why is the City not contracting with the contractor to do this work? Councilmember Carroll replied that Community Development would prefer not to do that; and he is not suggesting that they do it because we are only, hopefully, talking about some rare cases where you have defaulting contractors, where this would actually become a problem.

Councilmember Leeper stated one of the biggest points is that most of these people who receive the grants really cannot afford, nor have the resources available, to pursue defaulting contractors to start with.

Councilmember Selden asked about the five or six situations which he has heard are way behind now. Mr. Michie stated they have about five or six which they feel would be situations where they would have to get into legal recovery; there are about fifteen cases where the remedial grant is needed. Of those fifteen cases, some are the same contractor. Mr. Selden asked what share of that, in the opinion of the City Attorney, would we likely be able to recover?

Mr. Underhill replied he has no knowledge of any of the details of these particular situations. But, if you have a contractor who is in bankruptcy or has left the jurisdiction so that we would be unable to obtain service on him if a lawsuit was necessary, then you would have some problems collecting. If you have a contractor who has no assets, you may have a piece of paper but you have no way of collecting it. But, he does not know the financial condition of any of these contractors, whether they are still around or not, or whether they are amenable to resolving the matter short of litigation - he just has no details on what is involved in these particular cases.

Councilmember Selden stated what he is saying is that if we have a chance of collecting a fair share he would want to, because he can see the problem with respect to the property owner. But, if we are just going to spin our wheels and a lot of time and extra manpower and get very little out of it, then he thinks we should pass it up.

Councilmember Dannelly asked whether or not, in those cases which Mr. Michie has indicated, the services of Legal Aid has been utilized, or whether they are waiting to see whether or not the City is going to take on that additional responsibility? Has anybody approached Legal Aid about them?

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Ms. Leslie Winner of the Legal Aid Society, stated she has about five to eight clients who have Community Development rehabilitation defaults and she has represented them in trying to get the problem solved. For some of them it is clear that remedial grants are necessary if their houses are ever going to get back in livable condition. She wholeheartedly supports the remedial grant.

When it comes to whether or not a collection effort should be made from the contractor, if the contractor is around and solvent somebody has to make an effort to collect or else contractors will know that if they do a sloppy job the City will come "take the bag" and the homeowner will not be hurt and they do not have to have a guilty conscience.

As to who is going to help, Legal Aid's mandate is to do the things that will most affect and help the poverty community. Their time is somewhat limited and they do not have any more interest in collecting money for the City than the homeowner himself does. That the homeowner has a moral responsibility to cooperate and assist in any efforts that are going to be made to collect the money, but it is an unfair burden to place on the homeowners, many of whom do not qualify for Legal Aid services, and an unrealistic expectation to think that Legal Aid is going to vigorously pursue cases to collect money for the City.

She stated the City has within its power the ability and a duty to use care in collection from the contractors and to monitor the jobs as they go along. Therefore, in most cases it is much more within the City's ability than within the homeowner's ability to stop those shoddy repairs from having occurred to begin with. And, certainly it is in the City's interest in setting a precedent of not allowing shoddy repairs to remain shoddy.

Mr. Burkhalter stated he would like to inject a sort of compromise which Council might want to think about. It is a concern he has about the City Attorney's Office being involved and stretched out into all of these contracts, if they are not careful. That what they are talking about here is only in those cases where we make remedial grants, so that they are not involved in everybody's contract if they do not like the color of the paint and things like that they go to the City Attorney. This would be a real problem.

The second thing is that there are fifteen or sixteen of these cases existing right now, and in the judgment of the Community Development staff there are only about six that deserve some attention. But they have made that judgment. If they could have the understanding that the City Attorney may proceed to bring charges to collect in those cases where he thinks the collection may be worth as much as the time and effort put into it, and they could make that judgment together, then we might iron this thing out very easily.

Councilmember Carroll stated the proposal says that already; there is no more effort to make the City go to court on this than any other thing they would. It simply is a way of showing that the City is serious about making sure that the contractors do the job right.

Rev. Paul Horne, pastor of Johnston Memorial Presbyterian Church, stated some of the discussion here tonight puzzles him for the simple reason that if they had been involved with some of these people who have been left "holding the bag" then they would understand what the City's responsibility should be with regard to seeing that the contracts are done completely according to the contract and that the contractors are made responsible for seeing that the work is done correctly. He related a situation from his experience where a contractor did not replace a roof in the manner called for in the contract, and stated these people are afraid to make a complaint. Most of them do not want to take a stand and say to City Council or say through a lawyer that this is being done. Yet they have these repair problems.

He stated if the City is responsible for handling this money, certainly the City should be responsible for seeing that it is spent wisely, that the contractors uphold their end of the contract, as well as the homeowners, and

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that the homeowners will not be able to get a lawyer to pursue any contract which has been violated, the same as for Legal Aid. He could name several contractors who are still getting contracts who are not doing quality work. If the City pursues this and sees that these contractors are held to their contract and do quality work, there will be no need for the City Attorney to take anyone to court. There is a lack of truthfulness in some of this and the thing the City wants to be certain about is that the money that the taxpayers put out on this is spent wisely, frugally and that the work which is done will be work of quality. He stated they will have another Belmont area if they are not careful. We have some good contractors who are doing good work, but there are some that are just downright trifling and sorry and it behooves the City to be aware of this, take the initiative and eliminate this if it stops the whole program. If these people are not doing quality work, then stop the program until they can get somebody who will do quality work.

Councilmember Gantt stated at first he was not sure he wanted to go along with what Councilmember Carroll was suggesting, although the spirit of what he is suggesting he certainly goes along with. There were a number of things that bothered him related to the area of the initial steps taken to repair the unit and what the City's relationship is legally. Apparently, from the information given them in the attachment, the City does not select the contractor. That bothers him to some extent. We provide the money, we provide the inspection services. In effect, the City is like the architect who certifies that the work is done in accordance with the plans and specifications, except that the architects have some say-so about the contractor in the beginning.

He stated the comments he made last week relating to the pre-qualification of people who would work in the program have to do with insuring that we have a good set of contractors in the beginning, because no one wants to go through the remedial situation. Now, what they are suggesting is that they keep the first part the way it is--that the City is not a party to the contract, the City will still not select or pre-qualify the contractors, but the City will be assigned the right in the event that something goes wrong; the theory being that we will be inspecting the work and we should not have certified the payment anyway for shoddy work. But, sometimes shoddy work looks like good work, and a year later you find out that is not the case.

Councilmember Gantt stated he assumes there is a standard contract they now use and that there is a form of work specification that differs from house to house, but that the basic general conditions of those contracts are the same, and he would imagine that if Mr. Carroll's amendment is successful that general condition will include in it that the City may in fact take over this contract during the warranty period if it finds that the contractor is defaulting on his warranty work. If they do that, then at the front end of this, they ought to take a firmer stand on the initial part of it - that would be to either do what the Mayor is suggesting, to take over the entire program and simply consult with an owner as to a list of potential contractors they might want to work with; or at least that the City develop a pre-qualification of contractors by which the owner might consent to selecting someone from that list. He stated that is done in certain areas and what he is trying to do is to avoid a situation where the City does not have anything to do with an owner going out and getting just any contractor and the City ending up having to work out his problems.

Councilmember Short stated it would be his preference that Council include in this both the feature that Mr. Burkhalter has mentioned and something similar to what Councilmember Gantt mentioned. That this certainly should be a matter where the City Attorney uses his judgment in each case as to whether he really wants to pursue it or thinks it is profitable to pursue. He asked if there is anything wrong with just simply providing in the policy that after the contractor is chosen by the homeowner that the City simply comes along and approves this contractor, leaving the homeowner at least the option to go anywhere he wants to go - it would be a good experience for him - but afterwards, if the City in effect is going to involved itself in the after-handling when things go sour, it would at least at the outset have the right to approve the selected contractor.

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Councilmember Carroll stated he has not problems with that; that both Councilmembers Short and Gantt are focusing on the problem which comes at the beginning. That he does think it is appropriate to try to establish a little deterrent at the end. If his wording does not already give the City Attorney that discretion, he will be glad to change it.

Mr. Michie stated they do qualify the contractor. Once he is the successful bidder, he has to show, and the Community Development Department has to be assured, that he can do the job. They do not maintain, for good reason, an exclusive list on the front end. They want to give everyone an opportunity to bid on these contracts. In fact, they are in the business of developing some minority contractors who have no track record. If they get into the exclusive list on the front end, they feel that they are working against part of the CD program which is to bring in contractors for the first time. Once he is successful on the job, then he must meet their qualifications and prove that he can do the work, have enough working capital, etc.

Mayor Harris asked if they have any inspection requirements before remitting the funds? Mr. Michie replied yes, and during the process. There are checks and balances throughout the work. They are human and have made errors and there has been some shoddy workmanship, but their program is very elaborate in those ways. That what they are addressing now is the end of the process; that the front end of the process in the selection of the contractors, etc. has so far been working pretty well. Mayor Harris asked if they have enough staff to adequately supervise and know how to make sure the work is done properly before the funds are remitted? Mr. Michie replied they feel like they do; that their construction advisors in the North Charlotte area are working about 12 or 14 cases a month which is about all they can handle. They could not take on anymore. He is not asking for more people, they think they can do it with the staff they have. They will try to be more careful if they possibly can.

Councilmember Dannelly asked about the contractor who qualifies and is accepted, yet he does shoddy work. What does the City do with him, do they disqualify him before he starts a new job, or do they let him go ahead and do some more shoddy work, with it resulting in what Councilmember Carroll is talking about? That Councilmember Gantt is saying "let's stop it at the beginning." He thinks this is what Rev. Horne is saying.

Mr. Michie stated when they get a situation like this he is taken off of the list; that the six or eight contractors involved in the 15 cases they have now, whose work has gone sour, have already been taken off their list of those interested in bidding. They will not recommend any more rehabilitation jobs for them, or approve contracts for them.

Councilmember Short asked for a clarification of the motion and the Mayor requested Councilmember Carroll to restate his motion.

Mr. Carroll stated his motion is to adopt the resolution as it is presented in the agenda attachment, except for Paragraph 3 regarding leaving the ultimate responsibility for collecting with the City. That Councilmembers Short and Gantt's suggestions about doing more at the front end to eliminate getting to the bottom end remedy are things that Community Development is going to take into account. They do not have to be a part of this motion.

Councilmember Short asked to hear the exact word that says that this is discretionary with the City Attorney. Councilmember Carroll quoted "if the contractor refuses to do so, the City should make efforts to collect the funds. . ."; it does not say it has to go to court or anything like that.

Mr. Short asked if it could read "may"? After further discussion of the exact wording, Mr. Carroll agreed that to change the word "should" to "may" would accomplish what they want to do - to tell the City staff that they should but the manner in which they do it is completely at their discretion. In other words, if it is someone they cannot collect from, they do not want the City Attorney to waste his time. Mr. Underhill stated he understands these directions and has no problems with it.

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Councilmember Short made a substitute motion to change the word "should" in the amendment to "may". The motion was seconded by Councilmember Cox and carried unanimously.

The vote was taken on the main motion by Councilmember Carroll and carried unanimously.

The resolution is recorded in full in Resolutions Book 13, at Pages 290-304.

CONTRACT WITH GOODWILL INDUSTRIES, INC. TO PROVIDE VOCATIONAL EVALUATION FOR FORTY CETA PARTICIPANTS TO ASSIST THEM IN PURSUING REALISTIC SKILL TRAINING AND CAREER OBJECTIVES.

On motion of Councilmember Chafin, seconded by Councilmember Dannelly, and unanimously carried, the subject contract in the total amount of \$9,339 and terminating September 15, 1978, was approved.

Councilmember Cox stated he is interested in how well our Employment and Training programs work and asked if sometime in the future this information could be provided. Mayor Harris made the suggestion that he set up a luncheon appointment perhaps with Mr. Charles Cooley, Chairman of the Employment and Training Advisory Council, and/or Mr. Bob Person, the Director, when they could review the program with him.

ACTIONS NECESSARY TO AUTHORIZE THE CONSTRUCTION OF A SUSPENSION BRIDGE AT FREEDOM PARK.

1. Ordinance No.28-X transferring \$48,000 to the Sugar Creek Erosion Control Project to finance the construction of a suspension bridge from Freedom Park to the Nature Museum, and an electrical conduit system along the walkways.

Motion for adoption of the ordinance was made by Councilmember Gantt, seconded by Councilmember Locke.

Councilmember Trosch quoted figures from last week's agenda attachment and asked if the expenditures for lights and landscaping and this bridge would put us \$145,702 over budget.

Mr. Bob Hopson, Public Works Director, stated we have no money left in this account - only a very small amount for contingencies to finish through September - so that when they come back to Council for this \$48,000, and ultimately for the additional \$190,000, it will have to be an ordinance transfer of funds from other Revenue Sharing accounts.

Ms. Trosch stated then basically we are at what we predicted to spend at this point? Mr. Hopson replied at this point, without this bridge and without the electrical conduit system, we are. That the \$190,000 for lights and landscaping would have to come out of former Revenue Sharing money, plus the \$48,000 here.

Ms. Trosch asked if the present bridge is in good condition, and Mr. Hopson replied it is in very poor condition, and should be replaced.

Ms. Trosch stated she feels it is necessary for her to ask these questions before she votes on this matter. She asked Mr. Burkhalter where will they get the money; that obviously they are taking it out of another allocation. Mr. Burkhalter replied that Council had appropriated money for the Sugar Creek Erosion Project; they did not appropriate it all for this contract. The staff asked for something like \$1.4 million and Council appropriated \$1.0 million out of this account for this purpose. What they are doing now is going back to that original account for the money to make up for this part. They will still have money left in this account. That Council said last week they wanted to do this bridge so that is the reason they came back with it.

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Ms. Trosch asked if it was the intent of Council for the \$1.0 million appropriation to be the maximum for this project? Mr. Burkhalter and other Councilmembers agreed that is correct. Ms. Trosch stated then in essence they are dipping into an account that was not really meant for this? Mr. Burkhalter explained that the \$92,000, somewhere in that area, that Council was told last week was left is the money that is necessary to complete the project that is underway now.

Responding to a question from Councilmember Carroll, Mr. Hopson stated this additional money will come from money that was originally appropriated several years ago for what they called Project 70, and these are the residual funds from that old account. That as of today, there is a balance of \$299,000 left in the account. Mr. Carroll asked if there has been any other thought to doing anything else with that money? Mr. Hopson replied no, not at this point in history but it could be applied if they wish to come further on up Sugar Creek, which is something Council would have to decide. It is there for erosion control and can be used for this purpose; it was originally Revenue Sharing money.

Mr. Carroll asked if the purposes to which this money can be used are limited by the nature of the revenue sharing decision at that time? The answer was no, they can do anything with it.

The vote was taken on the motion to adopt the ordinance and it carried as follows:

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

The ordinance is recorded in full in Ordinance Book 25, at Page 413.

2. Change order in contract with Crowder Construction Company, approved on May 8, 1978, increasing the contract price by \$38,000 to construct one pedestrian steel cable and wood deck suspension bridge.

Motion for approval of the change order was made by Councilmember Locke, seconded by Councilmember Short, and carried unanimously.

THREE ORDINANCES AMENDING THE CITY CODE AS IT RELATES TO STORMWATER RUN-OFF -- TO REQUIRE (EFFECTIVE OCTOBER 1, 1978) APPROVAL OF DRAINAGE PLAN FOR LAND USE WHERE TOTAL IMPERVIOUS GROUND COVER EXCEEDS 20,000 SQUARE FEET; TWO NEW ENGINEERING STAFF POSITIONS AUTHORIZED.

Councilmember Selden moved adoption of Ordinance No. 29 to amend Chapter 18, Section 21, of the City Code with respect to the subdivision ordinance to provide for drainage improvements and for maintenance of drainage systems, at 20,000 square feet. The motion was seconded by Councilmember Locke.

Councilmember Carroll made a substitute motion, seconded by Councilmember Leeper, to adopt the proposed ordinance but setting the square footage at 7,000.

Procedure for adopting the three ordinances was discussed, with Councilmember Short requesting that October 1, 1978 be set as the effective date, and the employment of two individuals needed for writing the manual be included.

Mr. Underhill, City Attorney, advised that this ordinance amends the subdivision ordinance and does not have threshold requirements. Subsequently, Councilmember Selden amended his motion to omit the reference to 20,000 square feet; and Councilmember Carroll withdrew his substitute motion.

The vote was taken on the motion to adopt Ordinance No. 29 and carried unanimously.

Councilmember Selden moved adoption of Ordinance No. 30 to amend Chapter 23, Section 30, of the City Code with respect to the zoning ordinance requiring building permits for construction of parking or paved areas of 20,000 square feet or more. The motion was seconded by Councilmember Locke.

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Councilmember Carroll made a substitute motion to adopt the proposed ordinance, setting the square footage at 7,000. The motion was seconded by Councilmember Leeper.

Councilmember Carroll stated he hopes all of the Council members have read the minutes of the Operations Committee meetings and the majority and minority reports which very well set out the differences in 13,000 feet. That the committee did a lot of thoughtful work. That it is important to remember several things. That when they adopted the previous ordinance they decided to spend a good bit of the taxpayers' money - it provides for the City to take over drainage improvements, maintenance (a very labor-intensive sort of thing) and something^{that} with the problems we have in Charlotte, is going to cost a little bit.

He stated his feeling about going with 7,000 square feet was arrived at from an example that was related to them by Councilmember Short, of a paved area and office area of about that acreage which caused the adjacent land-owners some real problems because of the stormwater run-off - it was in the Elizabeth area. The virtue he sees with going with the lower threshold basically is we begin to have a cut-off to hold the status quo on creating problems at a stronger level. That this is important when they consider the magnitude of some of our drainage problems and the expense that it will probably take to really deal with them; they are talking about a long period of time.

That they all recognize that neither one of these approaches deals as precisely with the problem as they would like to; it is not dealing with the problem on a drainage-basin-by-drainage-basin type of approach. But, what they can do here is to provide that they are not going to create any more problems - minor problems around 7,000 feet as well as the larger problems of over 20,000 feet. It is because of the fact that, as he sees it, it is going to minimize future expenses to the taxpayer; that it is going to stop the problem from beginning to continue to exist; that is a vital reason to go ahead with the 7,000.

He stated it is like the ordinance which Council adopted regarding the floodplains, in getting building to stop in those areas. They saved a lot of money by doing that, by preventing future problems from being created. The problem is significant enough here that they need to try to prevent as many future problems from being created as possible. For that reason he urged Council to vote for the 7,000 threshold.

Councilmember Chafin stated she started out as an advocate of the 7,000 threshold, as a member of the old Council, when the Operations Committee first recommended it. It was then reviewed by the Planning Commission which upped the threshold to 20,000. Having reviewed the various documents, including minutes of the several Operations Committee meetings that have been held, the majority and minority reports, and the recommendations of the Planning Commission, she has now become an advocate of the 20,000 figure because she believes that what they are dealing with here is a preventive thing. She does not think it is going to impact on most of the drainage problems that we have in the City. We are going to have to use a number of other measures to address those issues. According to the figures that were presented to the committee, the City is now 85 percent developed. Most of the undeveloped area does not lie upstream from where flooding is occurring. It seems to her that the 20,000 threshold is a beginning; it will deal with the larger developments which create the greatest problems of run-off for downstream residents. They are talking about shopping centers, substantial office, industrial and apartment facilities.

She stated she suspects that this ordinance is going to be difficult to enforce at either figure, but more so at the 7,000 figure. That this whole area of detention is somewhat controversial. She has attended a number of the seminars that have been sponsored out at the university on stormwater management, and the experts differ as to the effect of detention; whether in fact this kind of approach really relieves flooding problems. This is one of many measures that have been suggested; that it is somewhat experimental. If we find that the 20,000 figure ordinance is a workable approach,

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that it can be enforced, that it does not appear to be unmanageable, perhaps then at some point in the future they may want to lower the threshold. But, they should start out with something that appears to be a more moderate approach, that will deal with the larger problems, that will not place an undue burden of enforcement on our staff. For this reason, she will vote against the substitute motion.

Councilmember Trosch stated she has a question related to the staff enforcement of this. When they originally discussed this, the information Council was given was that whether it was 7,000 or 20,000 it would take two additional staff members. Would the administration be different or cause problems whether it is 7,000 or 20,000?

Mr. Hopson replied they are recommending on either basis, the addition of a Civil Engineer I and an Engineering Aid III. They, of course, feel easier with the 20,000 than they do with the 7,000, but the best they can figure at this time would be about a 20 percent differential between the two. They would like to try it with the two people at the 20,000 threshold if that is what Council comes up with.

Councilmember Gantt stated he will support the 20,000 square feet but it was hard to come by. To him, it boiled down to be a question of the practicality of what 7,000 square feet of impervious surface really meant, and in the day-to-day development of projects and looking at what would be required and whether or not visually they understand clearly what it is they might be creating in the area of commercial and institutional areas. A 4,000 square foot building with the required parking lot is a fairly small development and he is not sure what the size of the retention basin would have to be, but when it gets down to that level it appears to him that maybe they ought to start with the bigger requirement and see what happens there and then come down.

He stated the other part is the point Councilmember Chafin made which is there is still a lot of disagreement on whether this remedy will work, but he is certainly willing to take the first step; they have dilly-dallied with it long enough.

Councilmember Carroll stated one thing that impressed him and made him feel that the 7,000 level was a good place to start was that in your smaller areas the parking lot can actually be the retention basin itself. There are very economical ways to do the smaller one that do not exist for the larger ones. It depends on the terrain too.

Councilmember Short requested that the effective date be changed to October 1, 1978.

The vote was taken on the substitute motion setting the threshold at 7,000 square feet, and was defeated as follows:

YEAS: Councilmembers Carroll, Leeper, Dannelly, Frech and Trosch.

NAYS: Councilmembers Cox, Selden, Locke, Gantt, Chafin and Short.

Councilmember Dannelly made another substitute motion to adopt the proposed ordinance, setting the square footage at 10,000. The motion was seconded by Councilmember Carroll.

Councilmember Short stated at the 20,000 square foot threshold, he believes Charlotte would have the most stringent ordinance in America; that the threshold in Raleigh is 86,000 square feet. That we will move into a situation with this low threshold where we will have such a tremendous contrast between the 85 percent of the City and the 15 percent of the City. If you are in the 85 percent of the City, what is ahead is going to give you virtually a welfare system, but if you are in the 15 percent, then you had better straighten up and fly right because it is on you a hundred percent. He does not think we should have that much contrast between property owners in the City of Charlotte.

Councilmember Dannelly stated he recognizes what Mr. Short and others have said, but he still cannot help but think about the undeveloped land we do have along some areas, particularly along Freedom Drive and in the Enderly Park area, and some problems on Independence Way and the fact that even though we have made some mistakes in the past, he certainly does not feel that we should continue to make those mistakes; that we should utilize a square footage small enough to bring about better control.

Councilmember Selden stated there is nothing to prevent people with a small impervious area from applying their own techniques and their own controls through stormwater drainage detention, with a 10,000 square foot area, on a voluntary basis. Another thing is that they found in the study that of the people who had stormwater drainage problems, none of them would be helped at all - those on Freedom Drive, in Enderly Park, Mr. Finley and the others. In the committee, they are trying to address these problems with a different solution.

Councilmember Dannelly stated they may not prevent the problem that is there but you can certainly increase them.

The vote was taken on the substitute motion setting the threshold at 10,000 square feet, and it was defeated as follows:

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

The vote was taken on the original motion setting the threshold at 20,000 square feet and the effective date as October 1, 1978, and it carried as follows:

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

(On motion of Councilmember Cox, seconded by Councilmember Locke, and carried unanimously, Council rules were suspended at this point to allow consideration of the following item which had not been presented on the formal agenda.)

Councilmember Short moved that Council authorize the employment of two additional Engineering personnel to implement this policy. The motion was seconded by Councilmember Cox.

Mayor Harris asked Mr. Hopson to explain this need for additional staff. Mr. Hopson stated the best they can recommend would be a Civil Engineer I and an Engineering Aid III who would proceed at once to prepare a manual before implementation of the policy. He stated they will be able to absorb this expense for the rest of this year, but it will be in their new budget. They need authorization for the two positions; no authorization of funds.

Councilmember Short added to his motion that the City Manager be instructed to comment to Council at budget time about the implementation and about the funds necessary to implement this ordinance.

The vote was taken on the motion and carried unanimously.

Councilmember Carroll moved adoption of Ordinance No. 31 to amend Chapter 23, Section 87, of the City Code with respect to the zoning ordinance to provide for the establishment of a drainage section requiring approval by the City of drainage plans for construction on a surface of 20,000 square feet or more, to become effective October 1, 1978. The motion was seconded by Councilmember Chafin, and carried unanimously.

The ordinances are recorded in full in Ordinance Book 25, beginning at Page 414.

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REPORT ON THE REVISED AFFIRMATIVE ACTION PLAN, AND AFFIRMATIVE ACTION PLAN ANNUAL REPORT FOR THE 1977 CALENDAR YEAR, DEFERRED.

Motion was made by Councilmember Locke, and seconded by Councilmember Chafin to defer the subject report.

Councilmember Trosch stated when this is brought back on the agenda for discussion, there are some things, interpretive data, which will be necessary for Council to make any kind of judgement as to where we have moved towards the affirmative action goals. After reading the huge volume, and she knows a lot of work has gone into it, and wading through the 200 plus pages, she still does not have a clear picture of what progress, or lack of it, has been made toward equal opportunity in our total employment picture. It seems to her the critical question that needs to be answered, and the information brought back to Council, is the percentage of women and minorities in the total work force, and if it has increased during the past year. From all this information, she cannot calculate this from the report. The net gain is what is the meaningful data to the Council. From the information given to Council, she cannot tell if any progress has been made. As a matter of fact, she understands we may have lost ground in hiring women rather than gaining. Yet, this fact was not apparent in this report. She understands last year 345 women were in the total work force - that is from looking at the last affirmative action figures, not what is included in here. This year there are 323 - a loss of 22. Yet this report only notes we have met 14 goals for hiring women with no comparative data.

Mayor Harris asked if she would like a simple one page statement from the City Manager of the gains and losses? Councilmember Trosch replied the key problem is that the data given focuses on hiring procedure, not on the total employment picture, and not on a comparison. She would like that included in what is given to Council.

She stated she would also like to have, which is not included in here, what actual steps have been taken towards achievement of the affirmative goals; what procedure has been undertaken in positive steps; and when this comes on the agenda again, as requested in the original affirmative action plan, the Community Relations Committee be present for input into the discussion.

Councilmember Gantt stated he would like to go further than that. He thinks the Community Relations Committee, and one of the things Council suggested last year when the plan was adopted, was to make an actual report. That would be a written report of some type that would be given to Council. He understands from them, they are not ready to make that kind of report, and he thinks the deferral would be in order.

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

RESOLUTION ESTABLISHING A PROCEDURE FOR CITY COUNCIL NOMINATIONS AND APPOINTMENTS, DEFERRED.

Councilmember Dannelly stated he has received another new proposal tonight, and he would move that the subject item be deferred. The motion was seconded by Councilmember Locke.

Councilmember Leeper stated if we continue to bring up proposals we will run into the time to make nominations. He would like to make a nomination. He asked if anyone else has a proposal to present that it be presented tonight, and then Council not accept any more. This is the third time the item has been deferred.

Councilmember Carroll stated he understands everybody feels the need to get on with it; that based on what he heard Mr. Short and Mr. Dannelly talking about when they received these new proposals, they came up with a better idea. This is something important to everyone obviously by the number of proposals, and it is worth delaying it another two weeks. He would ask everyone that has a new proposal to please try to get it to Council at least two or three days before the next meeting.

Councilmember Gantt stated he would like for someone to send all the proposals to him as he has misplaced half of them.

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

APPOINTMENTS TO SPIRIT SQUARE BOARD OF DIRECTORS.

(a) Councilmember Leeper moved the reappointment of Ms. Pat Locke to the Spirit Square Board of Directors for a three year term. The motion was seconded by Councilmember Gantt, and carried unanimously.

(b) Councilmember Frech moved the reappointment of Mr. Edgar Love to the Spirit Square Board of Directors for a three year term. The motion was seconded by Councilmember Gantt.

Councilmember Locke stated in behalf of Mr. Love, he has attended every meeting of the Board as she has. He is vice Chair of Spirit Square and he was in charge of an ad hoc committee that reworked the policy of Spirit Square. They have depended on him greatly. She urged Council to re-appoint him.

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

CONTRACTS AWARDED.

(a) Motion was made by Councilmember Locke, seconded by Councilmember Trosch, and carried unanimously, awarding contract to the low bidder, Southern Pump and Tank Company, in the amount of \$16,920, on a unit price basis for one and half inch fire hose.

The following bids were received:

Southern Pump & Tank Co.	\$16,920.00
Bi-Lateral Fire Hose Co.	17,199.00
Southern Rubber Company	17,775.00
Burgess Fire Eqpt. Inc.	17,856.00
Zimmerman-Evans, Inc.	18,310.32
Action Fire & Safety, Inc.	19,620.00

(b) Councilmember Locke moved award of contract to the low bidder, Action Fire & Safety, Inc., in the amount of \$28,500, on a unit price basis, for four inch fire hose. The motion was seconded by Councilmember Chafin, and carried unanimously.

The following bids were received:

Action Fire & Safety, Inc.	\$28,500.00
Southern Pump & Tank Co.	33,400.00
Zimmerman-Evans, Inc.	33,450.00
Trias Fire & Safety Eqpt. Co.	36,800.00

(c) Councilmember Chafin moved award of contract to the low bidder, Sewer Rodding Equipment Company, in the amount of \$5,640, on a unit price basis for one sewer rodding machine. The motion was seconded by Councilmember Trosch, and carried unanimously.

The following bids were received:

Sewer Rodding Equipment Co.	\$ 5,640.00
Cities Supply Co., Inc.	6,495.00

CONTRACT WITH D.L. WILSON PLUMBING COMPANY FOR PLUMBING CONTRACT FOR FIRE STATION NO. 22, RESCINDED, AND CONTRACT AWARDED MECKLENBURG PLUMBING COMPANY.

(a) Councilmember Locke moved that contract with D. L. Wilson Plumbing Company in the amount of \$16,245 for Fire Station No. 22 be rescinded, and authorize the forfeiture of the bid bond. The motion was seconded by Councilmember Trosch, and carried unanimously.

(b) Councilmember Locke moved award of plumbing contract for Fire Station No. 22 to the next low bidder, Mecklenburg Plumbing Company, in the amount of \$19,094. The motion was seconded by Councilmember Short, and carried unanimously.

CONSENT AGENDA APPROVED.

Motion was made by Councilmember Selden, seconded by Councilmember Dannelly, and carried unanimously, approving the consent agenda, as follows:

- (1) Authorize public hearing on Monday, May 29, 1978, at 3:00 P.M., on the proposed code of ethics for city officials.
- (2) Resolution approving the exchange of property in the Southside Park Community Development Target Area between the City of Charlotte, and Rea Construction Company.

The resolution is recorded in full in Resolutions Book 13, at Page 305.

(3) Contracts for Water and Sewer Installations:

- (a) Contract with Carolina Fincorp Incorporated for the construction of 3,181 linear feet of 8-inch, 6-inch, and 2-inch water mains to serve a portion of Shadowlake Phase II, outside the city, at an estimated cost of \$26,000, all at no cost to the city.
- (b) Contract with S & M. Development Company for the construction of 6,200 linear feet of 8-inch, 6-inch and 2-inch water mains to serve Meadearis Subdivision II, III and IV, inside the city, at an estimated cost of \$52,000, all at no cost to the city.
- (c) Contract with Gettys Construction Company, Inc., for the construction of 2,425 linear feet of 8-inch sewer line to serve Coathridge, Phase II, inside the city, at an estimated cost of \$36,375, all at no cost to the city.

(4) Property transactions:

- (a) Acquisition of 30' x 330.30' of easement at 920 Peaceful Glen Road, from Carlton H. Bost (Widower), at \$330, for Big Sugar Creek Interceptor.
- (b) Acquisition of 7.5' x 98.10' of easement, plus a temporary construction easement, at 301 Gloryland Avenue, from Gloryland Baptist Church, at \$100, for Annexation Area I sanitary sewer.
- (c) Acquisition of 15' x 82.66' of easement, plus temporary construction easement, at 9110 Newell Hickory Grove Road, from John W. Hardin and wife, at \$80, for Annexation Area I sanitary sewer.
- (d) Acquisition of 4.04' x 16.16' of easement, plus construction easement, at 2238 St. John's Church Road, from Ella I. Bradshaw (widow), at \$1.00, for Annexation Area I sanitary sewer.
- (e) Acquisition of 20' x 608.90' of easement, plus temporary construction easement, at southside of 8300 block of N.C. Highway 49N, from Samuel S. Williams, at \$1,000 for Toby Creek Outfall.
- (f) Acquisition of 15' x 293.71' of easement at 7844 Winterset Drive, at \$1.00, from John Crosland Company, for sanitary sewer to serve Sardis Woods Subdivision.
- (g) Acquisition of 15' x 38.30' of easement, at 7839 Winterset Drive, at \$1.00, from John Crosland Company, for sanitary sewer to serve Sardis Woods Subdivision.
- (h) Acquisition of 574 square feet at 1201-07 S. Mint Street, from C & F Realty Company, at \$6,000, for West Morehead Target Area.
- (i) Acquisition of 9,860 sq. ft., at 521 W. 10th Street, from Lavinia H. Dabbs, at \$15,000, and acquisition of 14,000 sq. ft., at 621 N. Graham Street, from Kayo Oil Company, at \$21,500 for Fourth Ward Renewal Area.

CITY ATTORNEY ADVISES PORTION OF MATERIALS RECEIVED FROM JUSTICE DEPARTMENT
WILL BE DISTRIBUTED TO MAYOR AND COUNCIL.

Mr. Underhill, City Attorney, stated he received a portion of the material that was requested from the Justice Department in the mail this afternoon, around 4:00 p.m.; that he has not had a chance to read it; but he intends to do so, and will distribute the materials to Mayor and Council tomorrow.

ADJOURNMENT.

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

Ruth Armstrong
Ruth Armstrong, City Clerk