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The City Council of the City of Charlotte, North Carolina, met in a televised session on Monday, November 20, 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, Ron Leeper, George K. Selden, Jr., H. Milton Short, Jr. and Minette Trosch present.

ABSENT: Councilmembers Harvey B. Gantt and Pat Locke.

The Charlotte-Mecklenburg Planning Commission sat with the City Council, and as a separate body, held its public hearings on the zoning petitions. Present were: Chairman Tate and Commissioners Broadway, Culbertson, Curry, Campbell, Ervin, McCoy and Royal.

ABSENT: Commissioners Kirk and Tye.

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#### INVOCATION.

The invocation was given by Reverend H. E. Blackmon, Blair Road Methodist Church.

#### CERTIFICATES OF APPRECIATION.

Mayor Harris recognized the following persons and presented them with framed Certificates of Appreciation:

Mr. T. Rodney Autrey and Mr. T. LaFontine Odom for their leadership in the recent successful parks bond referendum.

Ms. Marion Tigniere for her valuable contribution to the quality of arts in Charlotte. Ms. Tigniere had owned and directed a Conservatory of Dance and Music for twenty-eight years until her recent retirement.

#### RESOLUTIONS HONORING THE MEMORY OF E. PAT HALL AND FLOYD N. SHAVER.

Councilmember Chafin was recognized for the purpose of introducing the following resolutions of sympathy which were unanimously adopted:

##### RESOLUTION EXTENDING SYMPATHY AND HONORING E. PAT HALL

Whereas, it was with deep sadness and a feeling of great loss that the City Council of the City of Charlotte learned of the death of E. Pat Hall on November 9, 1978; and

Whereas, Pat Hall was a dynamic and progressive man who loved people and worked to serve their needs. As Chairman of the Charlotte Housing Authority Board from 1972 until his death, he directed a program which launched scattered-site housing over all of Charlotte for low-income families to provide them with decent housing. He created and built Carowinds to serve the entertainment needs of the people, and he developed thousands of acres of industrial parks to bring new industry to this and surrounding communities which created new job opportunities for the people; and

Whereas, he was a major civic leader and generous with his talents. We shall not soon forget this man. His devotion to his city and state and his abounding sense of pride for both will long be remembered. Pat Hall has been an important part of the development and progress of the City of Charlotte.

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Now, Therefore, Be It Resolved by the City Council of the City of Charlotte that the Mayor and Council do hereby declare its deepest regret at the passing of E. Pat Hall; and does convey its sincere sympathy and condolences to his family; and

Be It Further Resolved that a copy of this resolution be forwarded to his family and that it be spread upon the minutes of this meeting.

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RESOLUTION EXTENDING SYMPATHY AND HONORING FLOYD N. SHAVER

Whereas, it was with sadness that the City Council learned of the death of Floyd N. Shaver on Thursday, November 16, 1978, the father of Councilmember Pat Locke; and

Whereas, at the time of his death, Mr. Shaver was a retired stock-broker and resided in Winston-Salem.

Now, Therefore, Be It Resolved by the City Council of the City of Charlotte, in regular session assembled this 20th day of November, 1978, that the Mayor and City Council do, by this resolution and public record, extend their deepest sympathy to the family of Floyd N. Shaver; and

Be It Further Resolved that this resolution be spread upon the minutes of this meeting and a copy thereof be presented to his family.

APPROVAL OF MINUTES.

Upon motion of Councilmember Selden, seconded by Councilmember Short, and unanimously carried, minutes of the Council Meetings on October 30 and November 6, 1978 were approved as submitted.

HEARING ON PETITION NO. 78-56 BY LLOYD C. CAUDLE FOR A CHANGE IN ZONING FROM R-6MF TO O-6 OF A 7,500 SQUARE FOOT PARCEL FRONTING 50 FEET ON THE SOUTH SIDE OF COMMONWEALTH AVENUE, LOCATED AT THE SOUTHWEST CORNER OF THE COMMONWEALTH AVENUE AND BASCOM STREET INTERSECTION.

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, pointed out on the map the location of the subject property, which is just north of Independence Boulevard. The property has a depth of 150 feet along Bascom Street. He stated there is a 15-foot alley extending along the rear of the property, between Bascom and Westover.

The land-use map indicated that single family residential structures dominate the area, although there is some multi-family development (apartments), a park and the Air National Guard facility along Westover and McClintock. Along Independence Boulevard there is a mixture of residential, office and commercial uses. A ladies apparel shop located at the corner of Independence and Bascom is associated with this petition. The petitioner has indicated that the purpose of the rezoning is to enable them to use the subject site for parking purposes.

Mr. Landers pointed out that the greatest concentration of commercial activities and new construction of commercial activities is toward the intersection of Independence and The Plaza. The remaining business and office activities are generally within converted residential structures. That on the subject site itself there is an existing single family residential structure which is now renter occupied. Other items of interest along

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Commonwealth are the Commonwealth United Methodist Church, a Kiddie Korner Day Care facility which occupies both sides of the intersection at Commonwealth and Bascom. Other than that, until you get into the area of The Plaza there is predominately, almost exclusively, single family oriented uses.

He stated the zoning map fairly accurately reflects this pattern. To the south of Independence Boulevard there is an area that is entirely single family zoned. Along Independence, there is a pattern of B-1 until you reach The Plaza where you pick up a pattern of B-2 zoning. Along Commonwealth itself and along the south side of McClintock as well, there is an area of R-6MF zoning.

He also presented a series of slides including aerial views of the area.

Councilmember Leeper asked if the petitioner proposes to remove the single family structure from the site to provide for parking? Mr. Landers replied he has no information on that; that if it were rezoned to an office classification the property could be used for office purposes or for parking. Mr. Leeper asked if there would be enough space to provide for parking without removing the structure. Mr. Landers replied he did not know, but pointed out there are at least eight parking spaces on the business site on Independence.

Mr. Lloyd C. Caudle, Attorney, stated that this is not his property; he is merely representing the petitioner, Larry W. Harris, Inc. He stated his client owns the lot now occupied by the ladies shop, Queen Size, Inc., on the corner of Bascom and Independence Boulevard. The site is leased to Queen Size, Inc., and inasmuch as there is inadequate parking at the facility and it has evidenced a need for more parking or else it will terminate its lease at the end of the year, it was the desire of Larry W. Harris, Inc. to buy this adjacent lot, merely for the use of parking facilities. He stated a map has been prepared evidencing the need for, and location of, the parking facilities on the rear of the subject lot. He stated there is no intent to remove the house or relocate the house. Quite to the contrary, the desire would be to upgrade and improve that residence for continued rental inasmuch as the property would be a very poor investment if parking was the only thing that was to become of it. It is planned as a combination of parking on the rear, the paid parking area being separated by a buffer and the house continued in its present use as rental property.

Mr. Caudle stated it is the position of the petitioner that to allow, under these circumstances, the rezoning of this lot is not detrimental to the community. He stated the slides which have been shown are very nice ones, but if you look closely as you ride down Independence Boulevard, at this location, as well as Commonwealth and Bascom, that to continue that area for multi-family use may not necessarily be the most desirable use. That many private residences are in the area, but there are many spots in which there is commercial or multi-family according to the current zoning. Only a block away, on both sides of the street, as was pointed out by Mr. Landers, is the nursery with the fences.

He stated the further position of the petitioner is that, since Commonwealth is under discussion for part of the relocation of the traffic pattern, and not knowing what may happen to Independence Boulevard, there is not now enough parking for his facility as well as for others, and unless they can acquire this property the petitioner feels that it will be detrimental to the continued use of that property on Independence Boulevard.

Councilmember Leeper asked how many parking spaces do they expect to have on the subject property. Mr. Caudle replied it has been designed in two or three different ways, ranging from 12 to 16 spaces, depending on how they are laid out. It also depends on how far away from the house the buffer is installed.

Councilmember Trosch stated if she reads the map correctly, on Independence there are one or two single-family structures next to the shop. Mr. Landers confirmed this, stating it has been very difficult to locate and identify all of the commercial and office activities along Independence, but in terms

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of both the tax information and the windshield survey, the areas shown on his map in yellow are the areas believed to be single family structures. That diagonally from the subject property there are two properties adjoining the Queen Size apparel shop which they believe to be single family.

Mr. Caudle suggested that you get the best view if you drive up Independence and then drive up the alley which was pointed out. That he was not aware that any one of those houses along Independence was being used currently for a private residence. That his information would tend to indicate to the contrary, but he frankly does not know. They are not private residences that are likely to continue there, if they are there now.

Ms. Trosch stated she was thinking in terms of an alternative, instead of going behind it to a private residence, going nextdoor. Mr. Caudle replied that, of course, it is zoned business there next to it, but it is apparently in use and unavailable because efforts were made to acquire that.

Ms. Mickey Rohletter, 2312 Commonwealth Avenue, spoke in opposition to the rezoning and filed a protest petition which she stated was signed by over 70 of the residents on Commonwealth. She stated they feel that a parking lot installed on the property would be bad for the looks of their neighborhood. That Commonwealth is a very beautiful street - it is tree lined. They really think that the businesses should stay over on Independence. Right now, in between Westover and a few more streets down to Morningside, on Commonwealth, there are no businesses. She stated there are some residential homes located on Independence close to the Queen Size shop. They would like to see the rezoning denied because they do not want to ruin the looks of their street, as well as it would increase the traffic problems which already are very bad.

In rebuttal Mr. Caudle stated that as to the changing of appearance, they respectfully suggest that they intend to make it better by the upgrading of the house which is there now. If they will look at the house now, it hardly meets the kind of standards that it should have for good rental property. They would expect to improve the looks of that house and therefore improve the looks of Commonwealth. He stated the lot behind this house is currently being used, in some haphazard sort of way, for parking. That to the extent that they are able to do as the petitioner seeks to do, that parking lot will be improved both in looks and otherwise. They believe that it would be beneficial as far as the aesthetics to the neighborhood are concerned, rather than detrimental.

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

HEARING ON PETITION NO. 78-55 BY FRANKLIN PATTISHALL FOR A CHANGE IN ZONING FROM O-15(CD) TO R-9MF PROPERTY FRONTING 200 FEET ON THE NORTH SIDE OF FLORENCE AVENUE, LOCATED APPROXIMATELY 300 FEET WEST FROM FLORENCE AVENUE'S INTERSECTION WITH RAMA ROAD, DEFERRED FOR NINETY DAYS.

Council was advised of a request to defer this scheduled hearing for ninety days. Councilmember Short moved for deferment as requested, the motion being seconded by Councilmember Chafin.

Councilmember Cox stated there is a problem everytime Council has a request for deferment. He wonders if the signs will be replaced within the required time prior to the next hearing and/or whether all of the people who might be affected by this petition would be informed of this action?

Mr. Landers stated it is not a case on which any expressions of protest have been received, but they will re-advertise and, of course, relocate the signs.

Councilmember Selden asked if there were any persons, other than the petitioner, present who are interested in this request; and there was no indication that there were others present.

The vote was taken on the motion and carried unanimously.

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HEARING ON PETITION NO. 78-57 BY CHARLOTTE-MECKLENBURG PLANNING COMMISSION TO AMEND THE TEXT OF THE ZONING ORDINANCE TO DELETE INDOOR MOVIE THEATRES AS A PERMITTED USE IN THE B-1 NEIGHBORHOOD BUSINESS DISTRICT.

The scheduled public hearing was held on the subject petition.

Mr. Bob Landers, Principle Planner, advised that in response to an expression of concern received from Council early in the summer, the Planning Commission staff looked into the question of movie theatres in the B-1 district. He explained that this classification is a neighborhood business district and in concept is to provide for those necessary commercial uses appropriate within the neighborhood context.

He stated that over a period of time, and even from the original drafting of the zoning ordinance, the uses allowable within the neighborhood business district were relatively broad. In fact, the large scale shopping centers are zoned B-1SCD and select those uses from the B-1 category. Theatres are also permitted in B-1 districts and this causes some basis of concern, particularly in those establishments that are oriented toward adult entertainment - adult movie houses, both in the large theatre and also in the small coin-operated facilities.

The staff, after reviewing the situation, has proposed to amend the text of the zoning ordinance simply by deleting from the table of permitted uses the item of "theatres housed within an enclosed structure" from the B-1 column of uses.

At Council's request he provided some slides of this kind of situation to further illustrate the problem and issue that the ordinance amendment addresses itself to. In his commentary on the slides, he stated that it is not only within the CBD or the B-3 area that we have these establishments - they are out in the outlying suburban areas, the older inner city areas. A lot of the older theatres have been converted from regular theatres and we have ended up with them in suburban shopping centers. He stated not only the theatres are converted, but also within areas where you do have potential for marginal business, you have conversion of other structures. Again, the problem with the issue is where these uses inter-face with and blend into a neighborhood.

One of the neighborhoods depicted on the slides does not have such an adult entertainment facility now; it is an area of older office and commercial opportunities. Mr. Landers stated he thinks Council can see the character of this neighborhood - the churches and other activities, as well as shops. He pointed out a gas station that has been converted to a frame-it-yourself type of activity, stating that adaptive uses are quite frequent these days. But, in terms of this area being zoned B-1, it is under a situation of a for rent opportunity and the opportunity is present for these types of establishments to be located there.

Opportunity was given for citizens to speak to this petition but there was no response.

Councilmember Short stated he has spoken earlier about this subject; that it is not an effort to control pornography because, frankly, it is really not going to control pornography very much. The principal objective here is just to protect the value of the neighborhood, the value of our tax base; and respond to the desires of the citizens because a number of them have called him and have been by to see him about this, indicating a very strong support for it. He would judge that it is indeed a popular thing among most of the citizens of Charlotte who know about it. He stated that today he had telephone calls from two large companies who operate theatres in this area (not of the type that was just shown in the slides, but theatres that show the type of movies that most folks go to see) and they told him that they not only would not oppose this, but indicated a support for it.

There was some question about whether Council could act on this at this meeting. Mr. Landers stated the Planning Commission staff has prepared this and sponsored it but it has not been discussed by the Planning Commission for a recommendation.

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Councilmember Trosch stated she also had some phone calls today but they were from theatre owners who would like to come into Charlotte and felt that this would sort of create a monopoly of those that already exist here. It would create a very difficult situation for those who would like to come in if the city grows and expands. These are legitimate theatre operators in many states.

Ms. Trosch stated that in the original report they were given quite a few alternatives, one being that establishing new movie theatres could be conditional uses in all districts. That it struck her as interesting that a good portion of the theatres that we have right now would not have been allowed for development where they currently are if this had been deleted at that time. She stated she has a concern for the same thing that Mr. Short does in relationship to the development of establishments that are really adverse to the neighborhood. However, she is not sure where she comes down on what is the proper procedure that gets to their desired end the best. Perhaps a review procedure would do that. She realizes that a theatre could come in here and ask for a rezoning of a piece of property and go through that process of getting a B-2 rezoning to get the end result. Would it be better - and she is just throwing the question out because she is still wrestling with the question - to just have a review procedure for theatres.

Councilmember Carroll stated his initial reaction was that CD might be the best way to go. He asked if the staff in its analysis has decided this is the preferred alternative of the ones they gave Council in their prior report? Mr. Landers replied yes, at this point in time. He does not think that the staff would want to ferret out just theatres as being uniquely appropriate for some additional site plan review; that there are many development situations that call for some additional review; that in terms of the projected future, where the staff would see them going is further refining through the neighborhood and identifying and classifying the general businesses a little more appropriately so that you could perhaps see more appropriately designated B-2 areas as opposed to B-1. You could have a B-2SCD rather than a B-1SCD and simply select from that. He stated if an individual came in today and wanted a theatre, it would be certainly possible to consider B-2(CD) as a conditional development proposal and be able to select from that a list of B-2 uses.

Councilmember Frech stated she is not too happy with doing something that could be very hard on perfectly legitimate businesses in an attempt to get at those that they do not think are too legitimate. That is really a meat ax approach. But, in looking at the slides that Mr. Landers showed, of things that classified themselves as "adult entertainment centers", is this really going to cover those? Some of them are book stores and they just happen to show a film or two - are they really theatres? She is not sure that they are really going to get rid of them; what they are really concerned about is the conversion of those small shops or filling stations to something called an "adult center." Would they not be able to sneak through?

Mr. Landers replied he cannot speak to that too directly, but he understands that if the zoning does not permit the use of movies that the activity of the book store would be greatly reduced as such book stores in order to be able to offer the movies as well as the books, would have to seek a B-2 area. He understands that the coin-operated movies are that much a part of their profit to be necessary.

Ms. Frech asked if it is not possible that they could argue that they are not a theatre; that they are getting into something that does not even look like the type of movie theatre we used to know; therefore, they are not a theatre and could operate.

Councilmember Short stated the way the proposed ordinance is worded it prohibits the showing of film for money, whether they call themselves a theatre or whatever. He stated he does not believe that this will be a bit hard on the non-X theatres; those that exist certainly will not have any problem because they can go right ahead as always. That this is just a difference of degree, a small but important difference - and he is saying

this to the Planning Commission. That we have maybe 20 or 30 zones over our entire spread of zones and these theatres are already cut out of perhaps 20 of those zones and they will just be making it 21. It is a small but important difference of degree. There will still be hundreds and hundreds of locations where any kind of theatre could be built and established.

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

HEARING ON PETITION NO. 78-58 BY GRIER WALLACE, JR. FOR A CHANGE IN ZONING FROM R-9 AND R-9 CONDITIONAL PARKING TO B-2(CD) FOR PARKING OF MOTOR VEHICLES FOR A 5.7 ACRE PARCEL GENERALLY LOCATED AT THE NORTHERLYMOST CORNER OF THE INTERSECTION OF EAST INDEPENDENCE BOULEVARD AND IDLEWILD ROAD.

The scheduled public hearing was held on subject petition for a change in zoning from R-9 and R-9 Conditional Parking to B-2(CD).

Mr. Bob Landers, Principle Planner, reminded Council that just recently there was a zoning petition immediately associated with the subject petition before them; it was also by the same petitioner. He stated that at that time O-15 had been requested for the northerly side of Idlewild Road. It was reviewed, recommended for approval, and was approved by City Council. In addition, the established 400-foot depth of B-2 along Independence Boulevard was supplemented with a request for 200 feet so as to establish a common line. At that time, also, the petitioner had requested R-9MF zoning for the remaining area, including the subject site. The R-9MF was turned down with the concurrence of the petitioner when the particular situation surrounding this case arose.

Mr. Landers stated this request is for a conditional B-2 zoning and the limited use of this property would be for parking for and associated with automobile dealerships only - that would be the only use of the property. Along Independence Boulevard, through this vicinity, there are a number of automobile dealerships, including City Chevrolet, Barrier-Beck and Borough Lincoln-Mercury. In fact, Borough Lincoln-Mercury has an additional 150 feet of depth granted under a conditional off-street parking provision that had been in the zoning ordinance. He stated that subsequent amendments have removed that conditional off-street parking, but that activity has been allowed to continue as a prior-approved use.

He stated the single family area to the rear is separated from the subject parcel by the area still owned by the petitioner, of single family zoning. To the far east of the property is Cedars East Apartments, or an aggregation of about three different apartment complexes.

The zoning map reflects this pattern pretty accurately, with B-2 along Independence Boulevard, the newly established O-15 district, another office district and then single family with the multi-family associated with the existing projects.

With the conditional zoning, the petitioner is required to submit a plan. This plan does not have a specific schematic layout because it is dealing with just parking, but it does identify the 150' x about 1600' associated with this property. It also identifies that area now associated with Borough Lincoln-Mercury. The pattern would then be one of establishing a more or less common depth associated with all of the existing and the anticipated automobile dealerships along this vicinity of Independence Boulevard. The total acreage for this subject site is about 5.5 acres.

He further explained the area with the use of slides.

Mr. Bailey Patrick, Attorney, representing the petitioners, stated that Mr. Landers has more than adequately identified the area covered by this petition; and has made most of the points that he had planned to make. He will only summarize, in the interest of time.

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He stated this is roughly a 5.6 acre tract of land; it was part of an initial 22 acre tract which these petitioners originally sought to have rezoned from R-9 to R-9MF. There was considerable concern expressed by the residents along Aspendale Drive and Amity Place about encroachment of their existing single families to the rear of this property, with multi-family apartments. That he might add, he detected some concern both from members of the Planning Commission, the staff and members of this Council, with the R-9MF type zoning.

In response to those concerns, as Mr. Landers has pointed out, the petitioners joined in a request that their initial R-9MF zoning petition be denied and it was denied. Now they are only talking about a 5-acre tract of land which adjoins immediately to the rear of the B-2 property. They are also talking only about a piece of property that insofar as the B-2 use is concerned can be used for parking of automobiles in connection with an automobile dealership - no other use can be made of it because of the CD nature of the plan.

He stated that as Mr. Landers has pointed out, it is absolutely essential to accommodate two automobile dealers, to have this extra area in which to accommodate the inventory of automobiles. It is particularly important in view of the unsettled situation with respect to Independence Boulevard and the possibility that it might be widened.

He stated that one further potential benefit that could be derived from granting this petition is the elimination of a number of driveways into and out of Independence Boulevard, whereas if you have only two car dealerships as is contemplated, you will eliminate a number of strip type operations that would pour more vehicles onto a now very voluminous traffic oriented street.

Mr. Patrick stated they have met a number of times with spokesmen and residents of the neighborhood and he has talked with two spokesmen about this plan and his understanding is that they do not oppose it. Their main concern, which they asked that he identify, is with any R-9MF development or commercial development in the vicinity of their homes. As Councilmembers have seen on the plan, there will be 18 acres, approximately, of heavily wooded area as buffer between the rear of the property under question and the single family zone.

No opposition was expressed to the petition.

Councilmember Trosch asked if there is a requirement for buffering in B-2 - the trees, or whatever? Mr. Landers replied yes, that the zoning administrator in reviewing the plan has indicated that screening would be required along that zoning line which abuts the residential zoning district, so that there would be a provision in the zoning ordinance itself for along and adjoining Candlewood and along the other line as well.

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

DECISION ON PETITION NO. 78-46 BY B. B. HOWARD FOR A CHANGE IN ZONING FROM R-6MF TO R-9 APPROXIMATELY 15 ACRES OF PROPERTY GENERALLY LOCATED IN THE 2500 AND 2600 BLOCKS OF ARNOLD DRIVE, DEFERRED UNTIL NEXT MEETING.

Upon motion by Councilmember Chafin, seconded by Councilmember Trosch, and unanimously carried, consideration of the subject petition was deferred until the next Council meeting with the expectation that all members will be present.

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RESOLUTION APPROVING THE SALE OF LAND TO THE UNITED HOUSE OF PRAYER FOR ALL PEOPLE IN THE FIRST WARD URBAN RENEWAL PROJECT; MORATORIUM ON FURTHER DEVELOPMENT IN FIRST WARD AREA UNTIL COUNCIL HAS OPPORTUNITY TO STUDY THE OVERALL PLAN.

Motion was made by Councilmember Dannelly, seconded by Councilmember Selden, to adopt a resolution approving the sale of land to the United House of Prayer for All People in the First Ward Urban Renewal Project.

Mr. Vernon Sawyer, Director, Community Development, said that following the public hearing on the proposed sale of this parcel of land which was held November 6, the Council postponed action until it received a briefing on the entire plan for First Ward which would explain how the housing proposal related to the whole plan for the neighborhood. That briefing took place last Thursday evening, but there was too little time for discussion following it. Mr. Sawyer had a map with him which was used in that briefing and would like to offer further orientation and discussion if Council wished, and he would be glad to answer any questions the members might have.

Ms. Sis Kaplan, Chairman, Community Relations Committee, stated that her Committee was very encouraged by the desire of the House of Prayer to build some 200 multifamily housing units in Charlotte. They have the resources to do a good job, and certainly this housing is needed. The Committee is concerned, however, that the long delayed First Ward Redevelopment Project, now that the legal problems have been finally resolved, is being completed in what appears to be piecemeal fashion with very little detailed planning since it was originally developed more than six years ago. Since then significant developments have occurred that make a reconsideration of the plan not only desirable, but in the Committee's opinion, absolutely necessary.

First of all, it has come to realize how housing development can have a serious impact upon a delicately balanced school assignment plan. Poor placement can mean sizable transportation costs for the foreseeable future. A \$20 million parks bond has just been passed. Today there is a higher standard for parks and recreational services than at the time that this plan was drawn and approved. The potential impact of the future development of Central Piedmont Community College upon First Ward also needs to be re-evaluated. The development of the entire uptown area is closer to reality. The First and Third Wards should be considered a part of the entire package and be studied accordingly.

Last year about this time Ms. Kaplan spoke to Council about the housing assistance plan. At that time her Committee specifically requested that attention be given to developing a variety of housing and employment opportunities throughout the uptown area. Both First and Third Wards were mentioned. Here they are a year later and it appears that no attention has been given to what her Committee believes to be serious problems. She believes that most of those present are uncomfortable with the entire situation. She urged Council, regardless of the decision that is being made on this specific issue, to formally decide tonight not to consider any further disposition of the First Ward property until the development plan is thoroughly reviewed and updated.

Mr. Hugh McColl, President, NCNB, said that, as an uptown businessman and the appointed Chairman of the Uptown Development Corporation, he obviously had an interest in the City. However, he was appearing tonight only as a citizen, to give his personal opinion.

He recognized the great job done by the City in acquiring all of the land of the Urban Renewal Plan. This has given them an opportunity very few cities have in this stage of development. The City at the moment is undertaking an update on the inner city plan, for which he congratulates the City management, for it is something that clearly needs to be done.

His purpose in speaking tonight is simply to appear in support of Ms. Kaplan's position and to urge Council not to proceed further after tonight's decision to dispose of this very valuable land - valuable not in monetary terms, but in terms of what can be done to the fabric of the City. It should not be approached on a piecemeal basis, but rather in terms of a total plan for the inner city. He wanted to reinforce the idea of the City to move forward with its plan and to urge the Council to give that process time to

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take place prior to further disposition of this land. Once it is gone, they will never get it back. Whatever is done to it, they must remember that that will proscribe what can be done to land contiguous or nearby. Each decision has broad impact and is not a single decision in and of itself.

Councilmember Leeper said most Councilmembers knew that he raised some questions of concern initially about the proposed project for the First Ward area. Over the weekend he had a great deal of discussion about this and gave it a lot of consideration. During the presentation Thursday he was thoroughly disturbed about the proposed plans for the First Ward Community, particularly as he mentioned before with 408 units of public housing already located there. The plan has green spaces available, but no plans whatsoever for any recreation facilities in that community, not only for the proposed development but for those persons who are already currently living in that community. That threw him back a bit. As he has said, he has given a great deal of thought to this and he needs some things cleared up in his mind.

After a lot of discussion with members of the House of Prayer over the weekend, he understood that they were operating under the premise that this was the plan that Council totally supported. They were under the impression that this was the plan, and he thinks they legitimately negotiated the purchase of this property for development of their church and some units in that community. However, Council has to look much further than the present need for development of multifamily units in the total Charlotte community for a certain economic level of citizens. With the investment being made in the uptown area and the plans for the Fourth Ward Community, Council has just put something together for First Ward. He is totally discouraged - he can see nothing to get excited about at all with the First Ward plan. He hopes that Mr. Dannelly will accept the following amendment to his motion:

"That along with the sale of land to the House of Prayer for the development of 24 units, that Council calls a moratorium on any more development in the First Ward area until there is an opportunity to thoroughly look at the First Ward plan; possibly even have some public hearings to consider revision of that plan for the rest of the development if Council sees fit to have any development."

When asked if he would consider that amendment to his motion, Councilmember Dannelly said he wished to hear the other speakers, and then he would be glad to consider it.

Councilmember Trosch asked Mr. Sawyer if it was also a part of the negotiations that have been going on with the church that 30 additional units will be proposed. Where are those proposed units?

Mr. Sawyer, pointing to the map, stated that there was another parcel of land across Davidson Street going back to Myers Street - a parcel of land of about four acres. At a density of 10 families per acre, 40 more units could go in there, a maximum of about 40, but less could go in, depending on what the developer wanted.

Mayor Harris asked where that property was in relation to the property that was now being considered. Mr. Sawyer replied that it was across Davidson Street; it was not a part of the plot under discussion tonight. But it was a matter of discussion with the House of Prayer at the time they initially became interested in developing property in the First Ward. They have discussed the entire tract, not just the one parcel.

He wished to explain why this parcel was being considered alone at this time rather than the whole parcel. The little church wants to go in there, and it hasn't been settled with them the number of square feet they need for their church. That is the whole proposal that was discussed with the House of Prayer initially. In addition to that he pointed out the commercial site and the site already approved for the church.

He wanted to make one other point, since the matter of an open space in the First Ward has come up. They have provided some open space. Looking back now, he sees that it is not enough, in light of all the considerations brought up. They have an opportunity to create additional open space if

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Council would like it. At the request of the Mayor it was discussed that morning. He pointed to a site where single family structures are being rehabilitated on 8th Street between Alexander and McDowell. According to the plan, more multifamily housing was proposed between McDowell, 9th, Myers and 8th. There was also a site east of McDowell at the intersection of 7th and McDowell and the Expressway, a triangular site that was proposed at the time of the approval of the plan as possibly a high-rise structure for the elderly. It certainly isn't the best situation for family housing. That and the multifamily housing coupled with the green space that is already planned would form a substantial area that would further buffer this neighborhood and protect it from the expressway noise and visual impact and would be a great asset to the neighborhood. That would give half a block between 9th and 8th behind Earl Village, all the way from Caldwell to past Myers Street, plus a planned half block, or the equivalent of a block, between 5th Street and the rear of Earl Village, between Caldwell and Alexander, plus an area that would extend the Housing Authority's present playground around its administration building over past Myers Street - that is the Housing Authority's equipped playground area. So when it is looked at altogether it would create substantial open space plus they have planned very loosely for the 25 units which the City is building, and there is open space and self-contained play area there for the families who would occupy those units. It is something to consider.

Councilmember Trosch said that the last time this came up she asked the House of Prayer representatives if the commercial and the church property and the multifamily were a package that they expected to do together. In light of the fact that there are possibly 30-odd additional units that were conceived at the same time as the 24 units, she wondered if that was a part of the package. She received the answer last time that one shouldn't go without the other. Yet she feels very strongly she cannot go any further than the 24 units at this point. She likes the dialogue which Mr. Sawyer has begun but it is only just begun and she wonders what the position of the church is with regard to this.

Mr. Emil Kraft, representing the House of Prayer, said that the church has somewhat of a great history. Many of the members of the congregation lived in this area - in fact the main church sat at the other end of a lake where they were sitting tonight, as well as in this First Ward area. At the time when redevelopment came in and bought the church property, they had a mission church in this area as well. When they bought the residence property, by law they were told that they would be given priority to come back into consideration on the redevelopment of the area. There had been a dialogue with the Redevelopment Commission and when that property was taken there had been an understanding that they would come back into the area. Therefore when the plans were drawn up there were various provisions made for churches which had been in the area to remain there.

Obviously if there are no residents, there's not much purpose in having a sanctuary - it should be somewhat close to the members. Also the church felt very strongly that they should have certain basic services for its people. The Fourth Ward is now experiencing considerable difficulty in not having services available to its residents. In an effort to make a balanced and workable plan, the Council in 1973 provided for this residential use at a rather low density of 10 per acre, as opposed to Earl Village at about 20 per acre, and he believes there are 20 or so behind his house on something less than an acre. The idea was to provide for the three in somewhat of a balance.

The House of Prayer is not and does not want to become involved in planning. That is the Council's and Planning Commission's function. However, it is the church's impression that the plan as approved stands until it is changed. He said the church would like to go into the area; it has already approved the building of the sanctuary. It would like to be able to build the apartments. They will be privately financed, privately owned and managed; rent will be paid, and there are no subsidies involved. These are good, responsible people who have lived in that area and would like to continue to if they can be close in town with the amenities that are available to people who live in that part of the city. If the Council could let them have only the 24 units, the church will make do with those. It would like to be able to develop the

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property adjacent which they had talked about under whatever plan the Council would find to be reasonable and in the best interest of the citizens.

Councilmember Selden wished to clarify the request that Mr. Leeper had made - would his request allow the items, the Wilkinson apartments and the rehabilitation costs, or would it exclude those items, in his request to Mr. Dannelly?

Councilmember Leeper stated that that would exclude those two, that they would not be a part of it. He was talking about any additional sale. Council may decide that it likes the plan after it sits down and looks at it, but he thinks it needs that opportunity.

Councilmember Selden affirmed that if the plan came back for some additional housing, the House of Prayer would be considered, if the Council agreed to it.

Councilmember Carroll felt that it was a difficult situation, given the housing need and given Council's commitment to provide an inner city which has a very livable environment. They might start with correcting mistakes that were made with Piedmont Courts. They also have a commitment that has previously been made to the House of Prayer; there is some historic basis for that commitment given their situation in First Ward in previous years and in Brooklyn also. It seems to him that the answer to a lot of Council's concerns really does lie in new planning, not just from the ideas that the members will get in sitting around the table with Mr. Sawyer and looking at the map, but in getting some expert assistance. He would like to make, after this item is taken care of, a motion directed to the First Ward which deals with that point in particular.

Councilmember Short wanted to commend Sis Kaplan for recognizing the realities of the situation and pointing out and alerting Council to some things, and Hugh McColl of course. The scattered site type of approach has to be and should indeed be the City's main effort in its approach to housing. It is imperative for the City, but at the same time he does not feel that this type of approach should block out good, well planned moderate or middle priced housing by the private sector, and that's what this would be. He's a little bit more concerned about the units that the City is building than he is about what Bishop McCullough would be. He is glad that Mr. Sawyer pointed out that there would be some ways to thin out that area and provide green space and so forth.

He wanted to mention also what Mr. Carroll said about the history of this situation, because he thought he had a little bit to do with initially chasing the House of Prayer out of this area and somehow he feels that at least for the 24 units, they have a moral right to go back into the area.

Councilmember Cox stated that he is certainly not turning away the House of Prayer's initiative to build badly needed housing. That's clearly not the point here. He would like to see them build more than the 24 units, but he wanted to take a look at areas that might be in other parts of the neighborhood, not the blocks specifically under consideration by the House of Prayer. There were two issues here, and he didn't want the public or the audience to get the idea that Council would turn away badly needed housing subsidized by no federal or state or local dollars, while Council plans some more. That's not true. What they are doing is just taking a breather, checking on the plan and then they will go ahead if the plan makes sense, which he personally feels it does and he is very excited about it.

Councilmember Dannelly stated that he could accept Mr. Leeper's amendment. He did share the very deep concerns that he has. He also shares the deep concerns and the desires of the House of Prayer. He added that they keep talking about the little church, and in the back of his mind he feels that the little church could decide to buy more property than Council may be anticipating, and he would hope so. He feels that church development is fine for a neighborhood. But, while Council is deciding how to further develop the First Ward, maybe in the background they will still consider redirecting growth and development in the north and into Mecklenburg County.

He stated that Ms. Kaplan mentioned the problem that the school system has keeping a balance; certainly they want to be concerned about that.

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Another thing is that whatever they can do to bring about increased efforts to provide scattered site housing as early as possible they ought to do. That would help eliminate this kind of situation and include private and non-profit developers like the House of Prayer. Whatever Council studies about First Ward, he wants the record to say that priority should go to considerations to other kinds of things for the House of Prayer as much as possible.

Mayor Harris announced that Mr. Leeper's motion had been amended to include a moratorium on any further development until a further study had been made. It was brought out that it does not include items later on in the present agenda, nor the four additional single family houses which would be moved; it concerns only the sale of land.

Councilmember Selden stated as the one who seconded the motion he concurs in the amendment; he urged that they not wait many months before the plan comes back.

Councilmember Leeper hoped Mr. Sawyer would set up with Mr. Burkhalter some kind of meeting for Council to review this as soon as possible. That these target areas, particularly Five Points and Third Ward, have been urging Council to make the necessary improvements in their communities. If Council does consider revising this plan, he would certainly want many of those residents to have an opportunity to have some input. He stated he does not want to get caught in this position again. Hopefully, at some point he would get a chance to look at the Third Ward plan too, because there are some good opportunities to make some developments in the Third Ward. He was very impressed with the opportunities there and would like to look at that plan.

The vote was taken on the motion and carried unanimously.

Mr. Burkhalter stated that the Planning Commission and its staff, particularly with the special planner that was provided almost for this purpose, did an excellent job in planning the Fourth Ward Area. It was an urban renewal area and it was the first one in the city that was done with our own staff. Before that time, this First Ward plan and others were developed with the use of outside consultants. He stated he would like to take this back to the Planning Commission, with the help of the Community Development Department and their guidance following the laws and requirements resulting from the lawsuit, etc., and have them come back with some suggestions for a new look at this. If Council has some suggestions they should give them to the staff; let the Planning Commission get to work right away on a new plan which would be Council's plan for this area.

Councilmember Carroll stated that with all due respect, he disagrees with Mr. Burkhalter on this; that considering the Planning Commission's deciding their own priorities - they have already seen that they started in area planning without even Council having a chance to decide which area of the city they thought would be appropriate - he thinks this is a matter of real grave importance and that Mr. Leeper has done them all a real service in focusing on it.

(AT THIS POINT, COUNCIL RULES WERE SUSPENDED BY UNANIMOUS VOTE, ON MOTION BY MR. COX, IN ORDER TO CONSIDER THE FOLLOWING MOTION.)

Councilmember Carroll moved that staff be instructed to hire a planning consultant to move immediately to study the First Ward Urban Renewal Area and the Community Development Target Area in First Ward, and the area immediately surrounding it; with a goal of coming up with planning suggestions to make that a more livable environment, and to specifically address the questions of how the existing housing areas interface with the rest of First Ward, and the economic feasibility of the type of development that might be desirable around the present residential area.

The motion was seconded by Councilmember Leeper for purposes of discussion. Mr. Leeper stated he is not so sure that is the way he wants to go with this. That as badly as they need housing and as badly as that plan needs

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some revision, he has some real problems with the studies that we do in this city. First of all, he would like for Council to get an opportunity to really sit down and do some soul searching about that plan; see what kinds of things they really feel need to be done in that area and then move to where they need to go to get the ball rolling. Right now, he has a real problem with hiring a consultant before they have an opportunity to really soul search themselves about the area.

Councilmember Dannelly stated he can understand what Mr. Carroll is saying because of what has happened recently, but we do have a staff who can go out and study and bring in the things he is requesting; if they are not satisfactory to this body, Council can send them back until they bring something satisfactory. They are already on salary; he does not see why they should go ahead and spend more money to hire consultants to do something that we possibly have someone here capable of doing.

Councilmember Frech stated she would second what Councilmembers Leeper and Dannelly have said; they are her concerns too. That she might later support doing what Councilmember Carroll is suggesting; she is just not ready to vote right now that they go out and hire a consultant. We have many consultants already hired to do these things; she would like to see what the Planning Commission staff can do. She can understand Mr. Carroll's concern to get something done quickly.

Councilmember Chafin stated she agrees with what has already been said; she appreciates Mr. Carroll's concerns and she knows this is a very high priority with him, but that in this particular case they can move much more quickly utilizing our in-house staff and some of the good thinking of this Council, and some of the other Charlotte resource people who are vitally interested in First Ward, as Mr. McColl had indicated.

Councilmember Cox stated a good thing he heard Mr. Leeper say was that the eleven Councilmembers get together and decide among themselves what they would like and the direction they would like to go before they give it to anybody else. That is an outstanding suggestion and they should do more of that, on other subjects before they let someone else presume what Council wants to do.

Mr. Carroll stated they should do what everyone thinks is the best way to attack this; he is glad that everyone is concerned. That maybe he has spent too long just looking at the First Ward Plan and feels the need for some input from people who have not been looking at it for the past six to eight years. That he thinks Council knows its goals; that they want to create a more livable First Ward, but perhaps they can give the staff a "run through" first.

The vote was taken on Mr. Carroll's motion with it failing to pass as follows:

YEAS: Councilmember Carroll.

NAYS: Councilmembers Chafin, Cox, Dannelly, Frech, Leeper, Selden, Short and Trosch.

Mayor Harris stated to the House of Prayer representatives that Charlotte needs all the housing we can get; that the City has other land in the community as well and he is sure they can talk with them about some other areas. If they want to build houses, Council is behind them.

The resolution approving the sale of land to the House of Prayer is recorded in full in Resolutions Book 13, at Page 491.

**CONTRACT WITH THE CHARLOTTE HOUSING AUTHORITY TO FURNISH RANGES AND REFRIGERATORS FOR THE FIRST WARD HOUSING PROJECT.**

On motion of Councilmember Selden, seconded by Councilmember Trosch, and carried unanimously, the subject contract to furnish appliances for the First Ward Housing Project, at a total cost of \$10,500, was approved.

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RESOLUTION TO SUBMIT AN APPLICATION TO THE GOVERNOR'S HIGHWAY SAFETY PROGRAM FOR A GRANT TO ESTABLISH A PHOTOLGGING TRAFFIC CONTROL INVENTORY SYSTEM.

Motion was made by Councilmember Dannelly, seconded by Councilmember Frech, to adopt the subject resolution for the submission of an application for a State grant in the amount of \$156,200, to establish a photologging traffic control inventory system.

At Councilmember Selden's request, Mr. B. A. Corbett, Traffic Engineering Director, explained that the pictures would consist of a vehicle traveling down the road, with a device to measure distance; it would record pictures of the traffic control devices on both sides of the road; it will give them the location, longitudinally; and the type of mounting. The information will then be taken off of that and used as a data base for computer programming.

Councilmember Carroll asked if he anticipates any additional costs in doing this after the initial grant? Mr. Corbett replied they do not; they feel that after the initial grant is applied they can maintain the system with their present staff and within their present budget.

The vote was taken on the motion and carried unanimously.

The resolution is recorded in full in Resolutions Book 13, at Page 492.

LEASE AGREEMENT WITH J. A. JONES CONSTRUCTION COMPANY FOR A PARCEL OF LAND AT DOUGLAS MUNICIPAL AIRPORT TO BE USED TO CONSTRUCT HANGAR FACILITIES.

Motion was made by Councilmember Selden, seconded by Councilmember Cox, to approve a lease agreement with J. A. Jones Construction Company for a parcel of land at Douglas Municipal Airport to be used to construct hangar facilities, at an estimated annual rental fee of \$15,689.

Mr. Paul S. Ferguson of the J. A. Jones Construction Company expressed appreciation to the City Attorney and his staff for working with them on this; also to the Airport Manager and his staff. He stated they have been most helpful.

Councilmember Trosch stated this is another situation involving a plan which Council has not seen - the master plan of development at the Airport. She asked how this fits into the plan? That the basis for her concern is this. There is the large fixed base operation, and the individual corporate leases. She does not know how many corporate spaces they have in that plan, but everytime a corporate facility builds a large hangar, then it precludes some of the business for a large FBO.

Mr. Kent Winslow, Airport Properties Manager, replied that is correct; that at present they have one corporate operation which is Celanese and it is located on a three-acre tract. The total acres that is available now is about 10 acres and is all in the same area as Celanese. It would require approximately another three or four acres to be filled before it could be usable though. So, at this point there will only be another acre to an acre and a quarter just north of the present Celanese area that could be used without any fill. This is the only area that they have plans right now for corporate development. The rest of it they would like to go into the FBO. They are now doing a study to try to complete that and come up with some recommendations to completely re-do the FBO area.

Ms. Trosch asked if he feels that the amount of land they have set aside for the private corporate facility would preclude the development of substantial FBO out there. Mr. Winslow replied they do not feel that it would jeopardize the FBO situation there at all.

Ms. Trosch stated as a Councilmember she would appreciate being more familiar with that Airport plan. That they are laying bricks each time they make a decision and she would not want to lay too many bricks until they know where they are going.

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Mayor Harris stated he does not think that right now they have a master plan - that is what they are doing right now - but he thinks Ms. Trosch is exactly right that Council needs a briefing about that in the near future.

The airport spokesman stated this problem came up primarily because Gold Bond did not have a hangar big enough for its aircraft. They are trying to get this plan completed so that they do not have a lot of requests from corporate people to locate little areas all over the field - they do not want that type of development.

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

APPROVAL OF GRANT AWARD FROM LEAA FOR A CRIME ANALYSIS UNIT; ORDINANCE NO. 424-X TO FUND PROJECT COST.

The following actions were taken to accept the subject LEAA grant:

1. Motion was made by Councilmember Cox, seconded by Councilmember Selden, to approve a grant award from LEAA for a Crime Analysis Unit, for a total of \$54,997.

Councilmember Carroll referred to the discussion Council had on June 19th about this grant. He stated he wants to vote for it; he thinks it is important, but it strikes him as not the sort of expansion of the office police force that he believes they should be doing. He just wants to serve notice that when the grant runs out, he does not know that he is going to necessarily want to continue these folks on. That it is the ideal thing where you get a consultant to come in and provide this study, and maybe you want to do it every five years, or something like that; but he is a little concerned that with the priorities that we have in the Police Department, if they were to increase the manpower without the grant, that they might want to do it somewhere else. They will need to face that question when they get to the end of the grant period.

He called Chief Goodman's attention to the fact that Councilmember Selden, in the original discussion, asked for a report three months after this is in operation.

The vote was taken to approve the grant and carried unanimously.

2. Subject ordinance to fund the Crime Analysis Unit for a total of \$61,107; and amend the Table of Organization of the Police Department to add one Crime Analysis Supervisor, one Administrative Assistant I, one Computer Programmer Analyst I, one Computer Programmer and one Office Assistant III.- adopted on motion of Councilmember Cox, seconded by Councilmember Chafin, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 26, at Page 374.

APPROVAL OF GRANT AWARD FROM LEAA FOR AN AUTOMATED PROPERTY SYSTEM; ORDINANCE NO. 425-X TO FUND PROJECT COST.

The following actions were taken to accept the subject LEAA grant:

1. On motion of Councilmember Short, seconded by Councilmember Chafin, and carried unanimously, approval was given to a grant award contract from LEAA for an automated property system, for a total of \$76,500.
2. Subject ordinance to finance program costs for a total of \$85,000, with the State to reimburse \$4,250; and the City to fund \$4,250 in addition to the federal grant award - adopted on motion of Councilmember Chafin, seconded by Councilmember Short, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 26, at Page 375.

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APPROVAL OF GRANT AWARD FROM LEAA FOR THE 911 PUBLICITY CAMPAIGN AND ORDINANCE NO. 426-X FOR PROJECT COST.

The following actions were taken to accept the subject LEAA grant:

1. On motion of Councilmember Short, seconded by Councilmember Cox, and carried unanimously, approval was given of a grant award from LEAA for the 911 Publicity Campaign for a total of \$16,000.
2. Motion was made by Councilmember Chafin, seconded by Councilmember Frech and carried unanimously, adopting the subject ordinance for the total project cost of \$17,778.

The ordinance is recorded in full in Ordinance Book 26, at Page 376.

ORDINANCE NO. 427 AMENDING THE CITY CODE TO ALLOW THE CITY MANAGER TO AUTHORIZE THE TEMPORARY SHOOTING OF BLANKS IN FIREARMS WITHIN THE CITY LIMITS; CITY MANAGER TO ADVISE COUNCIL OF PROCEDURE FOR IMPLEMENTATION.

Motion was made by Councilmember Cox, seconded by Councilmember Short, for adoption of the subject ordinance to amend the City Code to allow the City Manager to authorize the shooting of blanks in firearms within the city limits.

Councilmember Selden stated there are two things in the ordinance he would like to address which give him some concern. One is that in the granting of the approval the ordinance does not indicate in any way that it would be of a temporary nature; that it should read "to temporary approval of persons." Mr. Cox indicated he would accept this amendment to his motion.

Mr. Selden continued, stating that on previous occasions, two in particular in his district, there were complaints of neighbors with respect to noise when the shooting occurred at a late hour in the evening in an attempt to frighten the birds. That there should be some reference given in the ordinance, or some safety factor, to avoid an excessive amount of noise.

Mr. Cox suggested that the words "upon finding that the shooting would be conducted in a safe manner, and in a manner consistent with the existing noise ordinance" be added to the second sentence of the proposed amendment.

Mr. Burkhalter stated the letter which he sent to accompany the ordinance change answers both of those questions. Mr. Selden replied that is true but it is not in the ordinance. Mr. Short stated that it is obvious the City Manager is not going to grant permission to let somebody just shoot forever; that the terms of the permit would control that.

Councilmember Trosch stated it seems they have set up a procedure just related to birds; but the ordinance deals with sort of a blanket.

The City Attorney was requested to address these concerns. Mr. Underhill stated he drafted the ordinance with the intention that the Manager, if the request was to shoot blanks, or the Council where the request was to shoot live ammunition, would make certain findings. Among those findings could be the type of limitations that have been raised by Councilmembers - the day and hour, the period for which the approval is granted, and things of that nature. They can put them in the ordinance or they can ask that the Manager develop regulations or guidelines, policies, for dealing with the permit applications.

Mayor Harris stated that is a very good point; that the ordinance just gives the authority and the regulations or policy should be put out by Mr. Burkhalter.

Councilmember Cox restated his motion to approve the ordinance as proposed and that the Manager be instructed to return to Council a procedure for the implementation of same. Councilmember Carroll suggested that it also include a statement that it had been amended so that they would not be required to print up new copies to hand out until the old ones are used up. Mr. Cox agreed that was a great idea; that the ordinance should also include the word "temporary" as requested by Mr. Selden.

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The vote was taken on the motion to adopt the amendment to the ordinance concerning the shooting of firearms and carried unanimously.

The ordinance is recorded in full in Ordinance Book 26, at Page 377.

RESOLUTION DECLARING THE RESULTS OF THE SPECIAL BOND REFERENDUM AND AUTHORIZING THE CITY CLERK TO PUBLISH A STATEMENT OF THE RESULTS.

The City Clerk advised that an election had been held on Tuesday, November 7, 1978, on the question of approving \$20,000,000 Bonds. That 145,229 voters were registered and qualified to vote. That the following votes were cast for Orders authorizing the City of Charlotte to issue said bonds:

	<u>For</u>	<u>Against</u>
\$9,700,000 Parks & Recreational Facilities Bonds	27,982	18,461
\$5,600,000 Water Bonds	31,852	14,818
\$3,200,000 Sanitary Sewer Bonds	32,521	14,314
\$1,500,000 Storm Sewer Bonds	31,270	14,805

That the majority of the qualified voters have voted in favor of the approval of said Bonds; the Orders are thereby approved and are in force and effect. That the resolution today is declaring the results of the Special Bond Referendum held on November 7, 1978, and authorizing the City Clerk to publish a statement of the results.

Councilmember Selden introduced a resolution entitled: "RESOLUTION DECLARING THE RESULTS OF THE SPECIAL BOND REFERENDUM HELD IN THE CITY OF CHARLOTTE ON NOVEMBER 7, 1978 UPON THE QUESTION OF APPROVING \$20,000,000 BONDS.

Upon motion of Councilmember Selden, seconded by Councilmember Cox, the foregoing resolution was passed by the following vote:

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

NAYS: None

The resolution is recorded in full in Resolutions Book 13 at Pages 493-498.

RESOLUTION AMENDING THE PERSONNEL RULES AND REGULATIONS TO ALLOW THE CITY MANAGER OR HIS DESIGNEE TO PARTICIPATE IN THE GRIEVANCE HEARING PROCESS.

Councilmember Short moved the adoption of the subject resolution amending the Personnel Rules and Regulations to allow the City Manager or his designee to participate in the grievance hearing process. The motion was seconded by Councilmember Chafin.

Replying to an inquiry of Councilmember Carroll, Mr. Burkhalter stated there are about four or five of these grievance hearings a month; that they usually last about one and a half to two hours. That his designees would be his staff people. He stated this is a problem that is increasing as most Councilmembers are aware. That he does not mind spending the time doing this; but it does take time, and it is almost an automatic process now. If it were just a case that needed particular attention, they would get very few, but in order to get to court and in order to go through the process they have to run through this whole procedure. A very elaborate hearing is given to all of these people prior to this time - the department conducts a full and complete hearing with witnesses and all of the people who are involved. Then the same procedure is just repeated again. Some times they call back with additional information and there are additional hearings. It is an administrative process that is getting to the point where scheduling is becoming a problem. They are required in a certain number of days to schedule and bring it to their attention; it meets the convenience of the lawyer who is representing the people; that his time is beginning to be scheduled for the lawyers' benefit. He thinks in the proposed procedure a person's rights will be fully protected.

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Councilmember Selden stated he feels this is very needed; but he has one comment and one suggestion. That when the employee appeals first, up the line and to the department head, and then he wants to go one step beyond the department head - to the top echelon - he would like to see either the ordinance amended or the policy established (he thinks it would be worthy of amending the ordinance) to say "or his designee at the assistant manager level," because this would indicate that the top echelon is involved as far as the employee is concerned.

Mayor Harris asked if he would have any problem with that and Mr. Burkhalter replied he did not think so - the only difficulty is that there are certain times when the Personnel Director would be as appropriate for hearing this type of thing, if he has not heard it in another area.

Councilmember Leeper stated the only way he could support this would be with the inclusion of the designee at the assistant manager level; that if a person is appealing, they want to talk with someone who might be able to resolve their grievances. Mr. Burkhalter stated that any way they go, he will be making the decision; that there is always an employee relations man from Personnel present and at least one attorney for the employee - it is purely administrative in an effort to get to the truth of the matter.

Councilmember Short having agreed to the amendment to his motion, the vote was taken and carried unanimously.

The resolution is recorded in full in Resolutions Book 13, at Page 499.

RESOLUTION AMENDING THE PAY PLAN ESTABLISHING THE CLASSIFICATION OF DEPUTY PERSONNEL DIRECTOR; AND THE CLASSIFICATION OF CRIME ANALYSIS SUPERVISOR FOR THE CRIME ANALYSIS UNIT IN THE POLICE DEPARTMENT.

Motion was made by Councilmember Cox, seconded by Councilmember Selden, for adoption of the subject resolution amending the Pay Plan establishing the classification of Deputy Personnel Director, deleting the classification of Assistant Personnel Director; and establishing the classification of Crime Analysis Supervisor for the Crime Analysis Unit in the Police Department.

Councilmember Chafin stated she supports this motion, that the City needs to move ahead to recruit and employ a Deputy Personnel Director; that she would hope Mr. Wilder will make every effort to recruit a female for this position. Councilmember Cox thought that was a great idea.

The vote was taken on the motion and carried unanimously.

The resolution is recorded in full in Resolutions Book 13, at Page 500.

MARY G. CONRAD AND TOBY BEAVER NOMINATED TO FILL VACANCY ON COUNCIL ON AGING.

The following nominations were made to fill a vacancy on the Council on Aging, the term to expire June 30, 1980:

1. Mrs. Mary G. Conrad nominated by Councilmember Chafin.
2. Mrs. Toby Beaver nominated by Councilmember Short.

CONTRACT AWARDED AMERICAN LASER, INC. FOR LASER BEAM SYSTEM.

Upon motion of Councilmember Leeper, seconded by Councilmember Chafin, and unanimously carried, subject contract was awarded the low bidder, American Laser, Inc., in the amount of \$6,849.00, on a unit price basis, for Laser Beam System.

The following bids were received:

American Laser, Inc.	\$6,849.00
Grade Control Systems, Inc.	6,909.00

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CONTRACT AWARDED BEN B. PROPST CONTRACTOR, INC. FOR SANITARY SEWERAGE SYSTEM IMPROVEMENTS, 1977 ANNEXATION AREA II.

Motion was made by Councilmember Cox, seconded by Councilmember Chafin, and unanimously carried, awarding subject contract to the lowest bidder, Ben B. Propst Contractor, Inc., in the amount of \$1,208,586.53, on a unit price basis, for Sanitary Sewerage System Improvements, 1977 Annexation Area II.

The following bids were received:

Ben B. Propst Contractor, Inc.	\$1,208,586.53
Rand Construction Company	1,223,556.00
Propst Construction Company	1,241,018.00
Sanders Brothers, Inc.	1,260,910.00
L. A. Reynolds Company	1,261,579.73
Blythe Industries, Inc.	1,281,358.50

CONTRACT AWARDED BLYTHE INDUSTRIES, INC. FOR SANITARY SEWERAGE SYSTEM IMPROVEMENTS, 1977 ANNEXATION AREA 4, 5, AND 10.

Councilmember Dannelly moved award of contract to the low bidder, Blythe Industries, Inc., in the amount of \$799,859.25, on a unit price basis, for Sanitary Sewerage System Improvements, 1977 Annexation Areas 4, 5 and 10. The motion was seconded by Councilmember Short, and carried unanimously.

The following bids were received:

Blythe Industries, Inc.	\$799,859.25
Propst Construction Company	831,604.50
Sanders Brothers, Inc.	834,457.60
Rand Construction Company	835,285.00
L. A. Reynolds Company	876,669.70
Dickerson, Incorporated	968,377.00

CONTRACT AWARDED LEE SKIDMORE, INC. FOR PROVIDENCE ROAD SIDEWALKS.

Upon motion of Councilmember Chafin, seconded by Councilmember Short, and unanimously carried, subject contract was awarded the lowest bidder, Lee Skidmore, Inc., in the amount of \$107,468.00, on a unit price basis, for Providence Road sidewalks.

The following bids were received:

Lee Skidmore, Inc.	\$107,468.00
T. L. Harrell Construction Co.	124,510.00
Crowder Construction Company	126,186.00
T. A. Sherrill Construction Co.	127,365.00
Blythe Industries, Inc.	135,308.00

TECHNICALITY WAIVED AND CONTRACT AWARDED RICHMOND & SON CONSTRUCTION COMPANY FOR REHABILITATION OF RESIDENTIAL STRUCTURE IN FIRST WARD URBAN RENEWAL PROJECT.

Consideration was given to a low bid by Richmond & Son Construction Company, in the amount of \$36,209.25, for award of contract on a lump sum low bid basis, for rehabilitation of residential structure to be moved from 628 East 9th Street to a new location, 717 East 8th Street, on which the staff recommendation was for rejection, due to the bidder not having signed the bid bond.

Councilmember Leeper moved approval of the award of the contract to Richmond & Son Construction. The motion was seconded by Councilmember Dannelly.

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Mr. Bobby L. Richmond, 1132 Rosada Drive, stated when he was trying to bid on this job - it was their first time - they were unaware they were suppose to sign it. That he was told that because of this technicality City Council would have to approve or reject the bid.

The Mayor commented that this problem seems to keep coming up; and Councilmember Cox asked Mr. Underhill if there was some way they could avoid this kind of problem by changing the procedure so that they make sure that all of the technicalities are handled, so that they do not avoid awarding a bid to the low bidder on the basis of this kind of example. It seems to come up too often for the City to continue doing it that way. Can the procedures be changed so that they can insure that every bid is correct from a technical point of view prior to the opening of those bids?

Mr. Underhill, City Attorney, replied he does not know of any way to insure that can be done, but he would suggest that from what he knows and he thinks Mr. Hopson, Mr. Sawyer and Mr. Brown who are familiar with the bidding procedure, will concur, that they have engaged in some rather extensive pre-bid counselling, pre-bidders conferences, in which the ground rules are explained, the specs are explained, the things they would expect to put out in the bid, etc.

Councilmember Cox replied the record must have been atrocious before they had the pre-bid conferences because they have an awful lot of things like this to fall through the cracks after the pre-bid conferences. That to him it is not in the taxpayers' interest, or the city's interest, for bids to be rejected on the basis of a technicality - the guy did not sign the bid bond.

Mayor Harris suggested they could approve it subject to the bidder signing the bond.

Mr. Underhill stated, if Council will recall, early in the summer this same issue was before them and at that time he advised Council that there is a standard provision (he can only assume it was in this bid) in the standard specifications that Council reserves the right to waive technicalities and to take such action as is in the best interest of the City - that is a paraphrasing of the language, but it is reasonably accurate of what it states.

He stated at the time Council considered a bid for some fencing and sidewalk work that he advised them first, that they have construed this very technically, and that is because the bid laws, frankly, are written very technically; and the court has said time and time again that if you award a contract improperly the action is ultra vires and void. That he has always felt it was his professional responsibility to keep the Council from getting into a situation where they have awarded a contract and maybe subsequently attacked and found they have problems.

Councilmember Cox stated then his response to his question is that we have a way out to handle these things and the way out is to handle it just as Mr. Leeper suggested? Mr. Underhill replied he would like Mr. Leeper to word his motion that the Council treats the failure to sign the bid bond by the bidder as a technicality and they waive that technicality in this instance and award the contract. He stated further that perhaps they are already aware of this but they will find the exact same situation on a later item on the agenda.

Councilmember Leeper agreed to this rewording of his motion. He stated that when they had to go through this before, it seemed to him that Mr. Underhill got an opinion from the Attorney General's Office and it indicated that this bond was still valid whether he signed it or not.

Mr. Underhill stated in that case there were two grounds. One was the name of the bidder and whether it was a corporate entity or an individual which held the state contractors license; the other question was failure to sign the bid bond - the same issue which they have here.

That the Attorney General's Office did give them an opinion, which was kind of after the fact in that situation, that in their view (and they should keep in mind that the Attorney General's opinions are only advisory, they are not

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binding on anyone) the failure to sign a bid bond could be treated as a technicality and therefore waivable at the discretion of the governing body. That Council has to make that decision; that staff did the right thing in writing this up the way they did; they have no authority to recommend it.

Councilmember Leeper stated that is what he wanted him to tell them - that staff did what they are supposed to do and Council is doing what it is supposed to do. He would just like to ask staff when this kind of technicality comes up that they make some kind of way of pointing out this to Council; that it is fairly easy to overlook if they are not looking for it. Secondly, these bids on these houses seem to be extremely high; that this particular bid they are talking about from Mr. Richmond is the only bid. This bid went out twice. He is concerned how they have to give out bids on this kind of situation, even though he has moved they approve it. It seems they are not getting enough competition in this issue in trying to provide adequate housing for people. There ought to be another way that they can advertise to let people know that we are letting out bids. That in some of the bids that are let out on other items, they actually send to businesses that are interested in doing certain things notification to let them know that the City is going to be bidding on items. Do they not have a list or something of contractors that are doing this kind of business that they might not only advertise in the newspaper, but send notices to a number of them to let them know we are accepting bids.

Councilmember Dannelly stated he certainly understands and agrees with the way Mr. Leeper feels, but he has had some experience in this and one of the problems is that most contractors have too much work now to get to. Some of the ones he knows are two and three months behind and they would bid if they can wait until they can get to it. He is sure that is one of the problems. That they read the papers and they know about it; but he will agree that if they have a list of contractors that would be better. Another thing is that the contractor who has jobs, even if he is not "up to here", he does not have to go through the red tape in private building that he has to go through with the City, and rather than have the hassle he just goes ahead with the other jobs.

Councilmember Frech stated she has the same concerns that Mr. Leeper expressed; she has no objection to approving this bid, she would not vote against it on a technicality, but she is concerned about the high price. She asked Mr. Sawyer if there is not some way they can get this done at a more reasonable price?

Before Mr. Sawyer answered, Councilmember Cox advised that the Finance Committee would be taking a look at this very question in earnest beginning the first week in December.

Mr. Sawyer stated they have a shortage of contractors who are interested in this type work and, as Mr. Dannelly has said, there is so much cleaner work in private development that they do not flock in to bid on the work they advertise. And, they not only advertise, they solicit; they go out and almost beg people to submit a bid. That Mr. Hoyle Martin's staff is involved in this and he is real pleased that all of these bids were submitted by minority contractors. They may not be what they would like, but it is a real step forward.

Councilmember Carroll stated it goes back to Council's discussion with Mr. Burkhalter about the CETA type of approach. That this should be considered very carefully by the Finance Committee; that they have to move in some other kind of direction. That he will reluctantly vote for these contracts, primarily because they are "under the gun" in the court settlement as they are supposed to be finished by early December.

The vote was taken on the motion to waive the technicality in this instance and award the contract to Richmond & Son Construction Company and carried unanimously

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CONTRACT AWARDED BLACK'S REMODELING AND PAINTING SERVICE FOR REHABILITATION OF RESIDENTIAL STRUCTURE TO BE MOVED FROM 202 NORTH MYERS STREET (FIRST WARD URBAN RENEWAL PROJECT) TO NEW LOCATION AT 709 EAST 8TH STREET.

Councilmember Leeper moved award of contract to the low bidder, Black's Remodeling and Painting Service, in the amount of \$29,468.00, on a lump sum bid basis, for rehabilitation of residential structure to be moved from 202 North Myers Street (First Ward Urban Renewal Project) to new location at 709 East 8th Street. The motion was seconded by Councilmember Chafin, and carried unanimously.

The following bids were received:

Black's Remodeling & Painting Service	\$29,468.00
Richmond & Son Construction Co.	38,709.00

(Note: Contractor did not sign bid bond)

CONTRACT AWARDED BLACK'S REMODELING & PAINTING SERVICE FOR REHABILITATION OF RESIDENTIAL STRUCTURE TO BE MOVED FROM 226 NORTH MYERS STREET (FIRST WARD URBAN RENEWAL PROJECT) TO NEW LOCATION AT 729 EAST 8TH STREET.

Upon motion of Councilmember Chafin, seconded by Councilmember Carroll, and unanimously carried, subject contract was awarded the low bidder, Black's Remodeling & Painting Service, in the amount of \$29,675.00, on a lump sum low bid basis, for rehabilitation of residential structure to be moved from 226 North Myers Street (First Ward Urban Renewal Project) to new location at 729 East 8th Street.

The following bids were received:

Black's Remodeling & Painting Service	\$29,675.00
Harold E. Casperson	46,200.00

(Note: Contractor not licensed General Contractor)

TECHNICALITY WAIVED AND CONTRACT AWARDED RICHMOND & SON CONSTRUCTION COMPANY FOR REHABILITATION OF RESIDENTIAL STRUCTURE IN FIRST WARD URBAN RENEWAL PROJECT.

On motion of Councilmember Leeper, seconded by Councilmember Cox, and unanimously carried, a technicality of failure to sign bid bond was waived and contract was awarded the low bidder, Richmond & Son Construction Company, in the amount of \$44,190.00, on a lump sum bid basis, for rehabilitation of residential structure to be moved from 620 East 9th Street to new location at 801 East 8th Street.

The following bids were received:

Richmond & Son Construction Co.	\$44,190.00
Jack D. London	47,300.00

Councilmember Cox stated he has something he would like to call Council's attention to and see if it strikes any kind of response. That the difference in the two bids on this work is \$3,000. Does Council feel that it is in the public interest to have the other firm, who is not represented in any of the other bids, be given a shot. In other words, they have four companies that have basically bid on all of this work; they are going to award contracts to two of them; they have an opportunity to award to three of them.

Councilmember Leeper stated that does strike a nerve with him, because what they are dealing with here is trying to approve bids; he would love to spread this out as much as possible, but what they are dealing with is providing contracts to people who bid on them competitively; and if they do other than award the contract to the low bidder they are going to have real problems.

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Councilmember Dannelly commenting on the high cost in this instance, stated this house must be in terrible shape; and the Mayor asked Mr. Richmond to speak to that.

Mr. Richmond stated it is a large house, the largest one in the area, about 1,800 square feet. That when you go in and take out all of the plastering you have to re-wire it just as if you were wiring a brand new house. The Mayor asked how much he would charge to build a new house of the same size? Mr. Richmond replied that for the work involved you could build a new house just as cheaply.

Mr. Cox reminded Council again that the Finance Committee would be looking at this in earnest in December, which is just one month away.

Councilmember Selden pointed out that when you take the cost of acquiring, the cost of moving, and the cost of rehabilitating on this particular house it comes to over \$80,000; and at 1,800 square feet they are talking about \$40.00 a square foot.

CONTRACT AWARDED BLACK'S REMODELING & PAINTING SERVICE FOR REHABILITATION OF RESIDENTIAL STRUCTURE TO BE MOVED FROM 721 EAST 8TH STREET (FIRST WARD URBAN RENEWAL PROJECT) TO NEW LOCATION AT 721 EAST 8TH STREET.

Councilmember Chafin moved award of contract to the lowest bidder, Black's Remodeling & Painting Service, in the amount of \$28,307.00, on a lump sum basis, for rehabilitation of residential structure to be moved from 721 East 8th Street (First Ward Urban Renewal Project) to new location at 721 East 8th Street. The motion was seconded by Councilmember Trosch, and carried unanimously.

The following bids were received:

Black's Remodeling & Painting Service	\$28,307.00
Jack D. London	37,400.00

CONTRACT AWARDED R. H. WHEATLEY COMPANY FOR THE GENERAL CONSTRUCTION CONTRACT FOR WILKINSON APARTMENTS RENOVATIONS (FIRST WARD URBAN RENEWAL PROJECT).

Upon motion of Councilmember Chafin, seconded by Councilmember Trosch, and unanimously carried, subject contract was awarded to the lowest bidder, R. H. Wheatley Company, in the amount of \$221,500.00, on a lump sum price basis, for the General Construction Contract for Wilkinson Apartments Renovations (First Ward Urban Renewal Project).

The following bids were received:

R. H. Wheatley Co.	\$221,500.00
Jerry W. Neal Construction Co.	323,418.00
Holland-Linder Const. Co.	332,600.00
Donald C. Neal Construction Co. Inc.	344,455.00

CONTRACT AWARDED THOMPSONS-JOHNSTON COMPANY FOR THE PLUMBING CONTRACT FOR WILKINSON APARTMENTS RENOVATIONS (FIRST WARD URBAN RENEWAL PROJECT).

Motion was made by Councilmember Chafin, seconded by Councilmember Selden, and unanimously carried, awarding subject contract to the low bidder, Thompkins-Johnston Co., in the amount of \$54,740.00, on a lump sum price basis, for the Plumbing Contract for Wilkinson Apartment Renovations (First Ward Urban Renewal Project).

The following bids were received:

Thompkins-Johnston Co.	\$54,740.00
Gastonia Plumbing & Heating Co.	68,500.00
City Plumbing & Heating Co.	72,360.00

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CONTRACT AWARDED ROSS & WITMER, INC. FOR THE MECHANICAL CONTRACT FOR WILKINSON APARTMENTS RENOVATIONS (FIRST WARD URBAN RENEWAL PROJECT).

Councilmember Selden moved award of contract to the low bidder, Ross & Witmer, Inc., in the amount of \$39,000.00, on a lump sum price basis, for the Mechanical Contract for Wilkinson Apartments Renovations (First Ward Urban Renewal Project). The motion was seconded by Councilmember Trosch, and carried unanimously.

The following bids were received:

Ross & Witmer, Inc.	\$39,000.00
C & M Heating & Air Cond. Co.	41,019.00
Thompkins-Johnston Co.	45,625.00

CONTRACT AWARDED REID ELECTRIC COMPANY FOR ELECTRICAL CONTRACT FOR WILKINSON APARTMENTS RENOVATIONS (FIRST WARD URBAN RENEWAL PROJECT).

Upon motion of Councilmember Selden, seconded by Councilmember Trosch, and unanimously carried, subject contract was awarded the low bidder, Reid Electric Company, in the amount of \$36,448.00, on a lump sum price basis, for Electrical Contract for Wilkinson Apartments Renovations (First Ward Urban Renewal Project).

The following bids were received:

Reid Electric Co.	\$36,448.00
Master Electric Co. of Charlotte, Inc.	37,454.15
Ross Electric Co.	52,000.00

CONTRACT WITH SCOTT GARNER ARCHITECTS FOR ARCHITECTURAL SERVICES FOR THE REHABILITATION OF THE WILKINSON APARTMENTS IN FIRST WARD.

Motion was made by Councilmember Trosch, seconded by Councilmember Leeper, to approve the subject contract for architectural services for the rehabilitation of the Wilkinson Apartments in First Ward, in an amount not to exceed \$17,500.00.

Councilmember Carroll stated he has talked with Mr. Garner about this and he essentially agreed to go along with this when he voted for the contract which Council just approved to rehabilitate these apartments, but he really must say that this is the second or third time, through no fault of Mr. Garner's, that Council finds themselves in the very embarrassing situation of our staff more or less encouraging a contractor to proceed with a contract and Council is asked to approve it after the work has been done. He asked Mr. Garner to confirm that his fees are up to about \$11,000 now; stating that staff cannot approve a contract beyond \$5,000 which was the original amount that Mr. Garner was given. There were a lot of other things involved and basically in that process, they went from a \$100,000 repair job to a \$350,000 repair job. That the reason was the Housing Authority looked at the plans and said "Well, if you do the \$100,000 job, we are going to have more repair problems in the next few years, so why don't you just make essentially a completely new building inside and we will have less maintenance problems." Mr. Carroll stated that is a very understandable position from the Housing Authority's point of view, but that is a decidedly policy decision which Council should have had the chance to make when you look at the terms of Mr. Garner's contract and what kind of job he was going to do. That Council might have, when he came forward and told them the architectural alternatives, decided they only wanted a \$100,000 job. But, he has done the work for the first class job, and he is willing to stick with it. He believes, however, that this is something that the City Manager should make all efforts to see does not happen in the future.

Councilmember Leeper stated he has to agree with Councilmember Carroll on this; that probably in the near future some person who gets a contract with the City is going to end up finding themselves coming up on the short end of the stick

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because Council is going to decide they are not going to approve a contract. He does not know whether Mr. Burkhalter is going to get the message out to them, or whether Council is going to get it out to them. He would hate for that to happen, but he does not think it is fair for Council to have to continue approving a contract that they did not initially approve to start with.

He stated he talked with Councilmember Gantt about this and he felt that for the amount of work that was being done, this was a justifiable cause for that. Mr. Leeper stated he agrees it is not the architect's fault, and he will support the motion, but he is constantly being disturbed by having to approve contract extensions that Council did not approve initially.

Mr. Burkhalter pointed out that Mr. Garner did accept this contract understanding fully that the limit was \$5,000. That he did some work that he probably should not have done. That he thinks it fair that the City pay him, but if they do not they are not legally bound; that he recommended it because he thinks it is fair.

Councilmember Cox stated the point Council made the last time this happened was that it is his responsibility - agreed. But, if Council has set a practice that they just go ahead and do the work, Council will approve it. He is sure it is going to be clearly understood to these folks one of these days when Council does not approve one. Then the people who have the responsibility are going to want to come back to Council before they do another nickle's worth over the limit.

Mr. Burkhalter stated this is a situation staff does not like to put Council in but sometimes these circumstances occur and they have to face it. He agrees that it should not be done this way.

Councilmember Carroll stated that without putting anyone on the spot, he understood from talking with Mr. Garner on the phone that he was encouraged to proceed and asked Mr. Garner if this is correct.

Mr. Garner stated the situation was that they were operating under a real tight deadline, and it seems they discussed the possibilities and the original concept was to repair the building and see what they could do to make it operational. That they reviewed with the Housing Authority as to what their requirements would be, and also with the Building Inspection Department. Due to those two reviews, the requirements for the project increased substantially and it seemed that time was of the essence. They were under the judge's orders to get the project underway and the instructions were to do what they had to do to get the project under construction as quickly as possible. Not to add to the project but to do what was necessary, and think about the long term implications of the money they were spending. That he believes the Housing Authority's point was if they patched it up and moved people in there, that in two or three years they would be moving people out to go back in and make the same repairs within the building. This would not be a good use of tax money. He can agree with that; and appreciate that, but he can also appreciate the points Councilmembers are making here tonight. But, at that time, the essential thing was to get ready to go to construction as quickly as possible.

Councilmember Carroll stated all he wanted to suggest was that the City Manager be sure people are not being encouraged to go beyond the contract limits and that they try to avoid this happening in the future.

The vote was taken on the motion and carried unanimously.

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RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO A. D. WHISENANT, JR. AND WIFE; CAROLYN Y. WHISENANT; M. T. LEATHERMAN, TRUSTEE AND E. P. YOUNT, LOCATED AT 1200 LUNDY LANE, IN THE CITY OF CHARLOTTE, FOR THE ANNEXATION AREA 8 SANITARY SEWER PROJECT.

Councilmember Chafin moved adoption of subject resolution authorizing condemnation proceedings for the acquisition of property belonging to A. D. Whisenant, Jr. and wife, Carolyn Y. Whisenant; M. T. Leatherman, Trustee and E. P. Yount, located at 1200 Lundy Lane, in the City of Charlotte, for the Annexation Area 8 Sanitary Sewer Project. The motion was seconded by Councilmember Short, and carried unanimously.

The resolution is recorded in full in Resolutions Book 14, at Page 1.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO ANNETTA R. DILLARD, LOCATED AT 301 CEMETARY AVENUE, AND PROPERTY BELONGING TO NORTH CAROLINA NATIONAL BANK, 215 MILL ROAD FOR THE FIVE POINTS COMMUNITY DEVELOPMENT TARGET AREA.

Motion was made by Councilmember Chafin, seconded by Councilmember Short, for adoption of the subject resolution authorizing condemnation proceedings for the acquisition of property belonging to Annetta R. Dillard, located at 301 Cemetery Avenue, and property belonging to North Carolina National Bank, 215 Mill Road, for the Five Points Community Development Target Area.

Councilmember Selden inquired as to the purpose within the plan for this vacant property? Mr. Sawyer replied it is for right-of-way for the smaller one and a park for the other.

The vote was taken on the motion and carried unanimously.

The resolution is recorded in full in Resolutions Book 14, at Page 2.

CONSENT AGENDA, APPROVED.

Motion was made by Councilmember Dannelly, seconded by Councilmember Selden, and unanimously carried, approving the following Consent Agenda items:

- (1) Public Hearing for Monday, December 4, 1978, at 3:00 o'clock p.m., in the Council Chamber, on a proposal to place a public monument at Hornet's Nest Park.
- (2) Resolution calling for a Public Hearing on Monday, December 11, 1978, at 3:00 o'clock p.m., on Amendment No. 1 to Redevelopment Plan for Third Ward Redevelopment Area.
- (3) Resolution calling for a Public Hearing on Monday, December 11, 1978, at 3:00 o'clock p.m., on proposal by Family Housing Services, Inc. for purchase of one house and lot located in the Grier Heights Community
- (4) Resolution calling for a Public Hearing on Monday, December 11, 1978, at 3:00 o'clock p.m., on proposal by MOTION, Inc. for the purchase of five houses and lots located in the Third Ward Community Development Target Area.

Resolutions recorded in full in Resolutions Book 14, beginning on Page 3.

- (5) Resolution authorizing an Agreement for the placement of protective devices at five railroad highway grade crossings, at a total project cost of \$223,000 with the City to pay \$22,300 from funds approved in FY79 budget.

Resolution recorded in full in Resolutions Book 14, at Page 7.

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- (6) Resolution authorizing a Supplement Agreement for the I-85/Mulberry Church Road Interchange to provide for the reimbursement by the City for a portion of the cost of water and sewer improvements.

Resolution recorded in full in Resolutions Book 14, at Page 8.

- (7) Conveyance of Deed to the North Tryon Street Crosswalk from Belk Brothers Company and J. B. Ivey and Company to the City.
- (8) Settlement in the case of City of Charlotte v. Catherine Robbins Morrow, et al, for McDowell Creek Outfall, Phase II, Parcel 27, in the amount of \$2,363.44.
- (9) Settlement in the case of City of Charlotte v. Thomas C. Fite, et al, in the amount of \$2,400.00, for Long Creek Sanitary Sewer Outfall, Parcel 3.
- (10) Loan Agreement between the City of Charlotte and Wallace Lee Paysour and Barbara Wilson Paysour, doing business as Greenville Shopping Center, in the amount of \$60,000.00.
- (11) Resolution authorizing the refund of certain taxes, in the total amount of \$2,046.07, which were collected through clerical error and illegal levy against 12 accounts.

Resolution recorded in full in Resolutions Book 14, at Page 9.

- (12) Ordinances affecting housing declared "unfit" for human habitation:
- (a) Ordinance No. 428-X ordering the unoccupied dwelling at 1611 Newcastle Street to be closed.
  - (b) Ordinance No. 429-X ordering the demolition and removal of the unoccupied dwelling at 129 South Clarkson Street, located in a CDRS area.
  - (c) Ordinance No. 430-X ordering the demolition and removal of an unoccupied dwelling at 625-27 Jackson Avenue.
  - (d) Ordinance No. 431-X ordering the demolition and removal of an unoccupied dwelling at 1107-09 North College Street.
  - (e) Ordinance No. 432-X ordering the demolition and removal of an unoccupied dwelling at 1609 Newcastle Street.

Ordinances are recorded in full in Ordinance Book 26, beginning on Page 378.

- (13) Contracts for water and sewer construction, as follows:
- (a) Contract with Queens Grant, Incorporated for the construction of 3,300 linear feet of 8-inch sewer main to serve Stonehaven Subdivision, Section 20, Phase E, inside the City, at an estimated cost of \$66,000.00. The applicants are to construct the entire system at their own proper cost and expense and the City is to own, maintain and operate said system at no cost to the City.  
  
South of Rocky Falls Road, between Rama Road and Thermal Road, inside the city limits.
  - (b) Contract with Providence Properties, Incorporated for the construction of 5,105 linear feet of 8-inch sewer main to serve Park Ridge, Section 3, outside the city limits, at an estimated cost of \$102,100.00. The applicants are to construct the entire system at their own proper cost and expense and the City is to own, maintain and operate said system at no cost to the City.  
  
South of Highway 51, between Carmel Road and Pineville Road, outside the city limits.

- (c) Contract with Charles A. Stevens for the construction of 3,699 linear feet of 8-inch sewer main to serve Wyndmere Crossings Subdivision, outside the city, at an estimated cost of \$73,980.00. The applicants are to construct the entire system at their own proper cost and expense and the City is to own, maintain and operate said system at no cost to the City.

South of Wilson Grove Road, between Kurk Road and Heathergate Lane, outside the city limits.

- (d) Contract with William Trotter Development Company for the construction of 4,130 linear feet of 8-inch, 6-inch and 2-inch water main and four (4) fire hydrants to serve Sardis Forest Subdivision, Section IV, outside the City, at an estimated cost of \$33,450.00. The applicants are to construct the entire system at their own proper cost and expense and the City is to own, maintain and operate said system at no cost to the City.

South of Sardis Road North, north of Stratfordshire Drive and west of Monroe Road, outside the city limits.

- (14) Ordinances ordering the removal of trash, rubbish, junk, weeds and abandoned motor vehicles from properties in the city:
- (a) Ordinance No. 433-X ordering the removal of weeds, grass, trash and rubbish from vacant lot left of 1208 North Brevard Street.
  - (b) Ordinance No. 434-X ordering the removal of miscellaneous junk from 1901 Parson Street.
  - (c) Ordinance No. 435-X ordering the removal of weeds and grass from vacant lot adjacent to 4022 Northhaven Drive.
  - (d) Ordinance No. 436-X ordering the removal of trash, rubbish and junk from vacant lot at 2901 Bancroft Street.
  - (e) Ordinance No. 437-X ordering the removal of weeds and grass from vacant lot adjacent to 639 Pennsylvania Avenue.
  - (f) Ordinance No. 438-X ordering the removal of weeds, grass, trash, junk and rubbish from 23913 Manor Road.
  - (g) Ordinance No. 439-X ordering the removal of trash from premises at 3924 Dunwoody.
  - (h) Ordinance No. 440-X ordering the removal of an abandoned motor vehicle at 308 Marsh Road.
  - (i) Ordinance No. 441-X ordering the removal of an abandoned motor vehicle at 3924 Dunwoody.
  - (j) Ordinance No. 442-X ordering the removal of an abandoned motor vehicle at 2913 Manor Road.

The ordinances are recorded in full in Ordinance Book 26, beginning on Page 383.

- (15) Approval of the following property transactions at Douglas Municipal Airport:
- (a) Acquisition of 99' x 223' x 100' x 229' of property, with a one-story brick residence, at 7240 Old Dowd Road, from Mattie L. Perkins (widow), at \$29,000.00, for Besser Drive and Wallace Neal Road.
  - (b) Acquisition of 125' x 297' x 125' x 297' of property, with a one-story frame residence, at RFD 4, Box 517, Wallace Neal Road, from G. L. Presley and wife, Carrie T., at \$21,450.00, for Besser Drive and Wallace Neal Road.
  - (c) Acquisition of 125' x 297' x 125' x 297' of property, with a one-story frame residence, at RFD 4, Box 518, Wallace Neal Road, from Arthur V. Cash and wife, Cora Hembree Cash, at \$21,450, for Besser Drive and Wallace Neal Road.
  - (d) Acquisition of 41' x 204' x 41' x 204' of property, with a one-story frame residence, at RFD 4, Box 512-B, from Maxine J. Sanderson, at \$18,950, for Besser Drive and Wallace Neal Road.

## (16) Approval of the following property transactions:

- (a) Acquisition of 40' x 1,850.86', plus temporary construction easement, at 85.7 acres off S.R. 1131, from Sharon Corporation, for Big Sugar Creek Interceptor, at \$4,950.
- (b) Acquisition of 30' x 715.64' at end of Gibson Park Road (18.33 acres), from Sixth Development Corporation, for Huntersville Pressure Line, at \$1,000.
- (c) Acquisition of 13' x 40.45' of easement, plus temporary construction easement, at 700 block of Ashley Circle, from H. Arthur Sandman and wife, Elaine E. and T. Ed Bailey and wife, Corina S., for Inner Belt Loop Sewer Relocation, at \$1.00.
- (d) Acquisition of 15' x 178.32' of easement, plus temporary construction easement, at 6109 Delta Road, from Murray Ernest Russell and wife, Margaret L., for Annexation Area 2 Sanitary Sewer, at \$700.
- (e) Acquisition of 15.20' x 191.05' x 15.14' x 191.29' of easement, plus temporary construction easement, at vacant lot at end of Valleyview Drive, for Annexation Area 2 Sanitary Sewer, at \$500., from Harry D. and Lena F. Watson.
- (f) Acquisition of 15' x 195.56' of easement, plus temporary construction easement, at 7501 Windyrush Road, from William L. Anderson, Jr. and wife, Margaret, for Annexation Area 5 Sanitary Sewer, at \$1000.
- (g) Acquisition of 20' x 43.40' of easement, plus temporary construction easement, at 2716 Rea Road, from Waller Construction Company, for Annexation Area 5 Sanitary Sewer, at \$43.
- (h) Acquisition of 15' x 208.12' of easement, plus temporary construction easement, at 5829 Freedom Drive, from Mary B. Howard, for Annexation Area 8 Sanitary Sewer, at \$1,500.
- (i) Acquisition of 4,843.872 square feet of easement, plus temporary construction easement, at 2301 Rayecliff Drive, from D. Reginald Robinson and wife, Eve M., for Annexation Area 8 sanitary sewer, at \$6,520.
- (j) Acquisition of 15' x 196.48' of easement, plus temporary construction easement, at 2328 Toddville Road, from Inge Realty & Management Corp. for Annexation Area 8 Sanitary Sewer, at \$1,000.
- (k) Acquisition of 15' x 206.51' of easement plus temporary construction easement, at northeast corner Laurelwood Circle and Mary Ann Drive, from Phil Archibald Haywood, for Annexation Area 8 Sanitary Sewer, at \$1,500.
- (l) Acquisition of 15' x 403.79' of easement, plus construction easement, at 2518 Toddville Road, from John Daniel Benfield and wife, Ronda S., for Annexation Area 8 Sanitary Sewer, at \$700.
- (m) Acquisition of 15' x 43.39' of easement at 1764 Myrtle Avenue, from Sara Page (widow), for Annexation Area 10 Sanitary Sewer, at \$40.
- (n) Acquisition of 6.5 feet x 15.5 feet of construction easement, at 101 Beatties Ford Road, from Realty Services, Inc., for Bus Passenger Shelter, at \$1.00.

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COUNCIL RULES SUSPENDED TO INCLUDE NON-AGENDA ITEM.

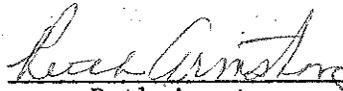
On motion of Councilmember Cox, seconded by Councilmember Carroll, and unanimously carried, Council rules were suspended in order to consider the following item of business.

RESOLUTION TO SUPPORT RECOMMENDATION OF INTERGOVERNMENTAL LIAISON COMMITTEE THAT SIX AREA TOWNS BE REPRESENTED ON SAID COMMITTEE.

Councilmember Trosch introduced a resolution that the Charlotte City Council support the recommendation of the Intergovernmental Liaison Committee that one member from each Town Board of Matthews, Mint Hill, Huntersville, Cornelius, Davidson and Pineville, be invited to participate in said committee; and moved its adoption. The motion was seconded by Councilmember Cox and carried unanimously.

ADJOURNMENT.

There being no further business, the Council meeting adjourned on motion of Councilmember Cox, seconded by Councilmember Selden, and carried unanimously.



Ruth Armstrong, City Clerk