# Public Records Request #2395

The following materials have been gathered in response to public records request #2395. These materials include:

- City Council Business Meeting Agenda – September 26, 1994
- City Council Business Meeting Minutes – September 26, 1994
- Mayor's Office Memorandum – September 14, 1994

This information was provided as a response to a public records request on 5/22/19 and is current to that date. There is a possibility of more current information and/or documents related to the stated subject matter.

## Further Information

For further information about this request or the Citywide Records Program, please contact:

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# AGENDA

| | |
|---|---|
| Meeting Type: | BUSINESS |
| Date: | 09/26/1994 |
| | |

City of Charlotte, City Clerk's Office

CHARLOTTE

*Mayor Richard Vinroot* *Mayor Pro Tem Patrick McCrory*

*Charles Baker*
*Stan Campbell*
*Patrick D Cannon*
*Mike Jackson*
*Nasif Rashad Majeed*
*Hoyle H Martin*
*Don D Reid*
*Ella Butler Scarborough*
*Sara Spencer*
*Lynn M Wheeler*

# *Council Agenda*

## CITY COUNCIL MEETING
**Monday, September 26, 1994**

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**5:00 p.m.** — **Conference Center**

- **Kumasi, Ghana Sister City Task Force**
- **Storm Water - Impact of August Storms**

**6:30 p.m.** — **Meeting Chamber**

- **Invocation**
- **Pledge of Allegiance**
- **Citizens Hearing**

**7:00 p.m.** — **Formal Business Meeting**

# CITY COUNCIL AGENDA
## Monday, September 26, 1994
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5

then go back in put in approve

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## MINUTES

1. **Approve Minutes of:** August 22 Regular Meeting

Scarborough/Wheeler
app
unan

## CONSENT ITEMS

2 **Agenda items 13 through 21 may be considered in one motion except for those items removed from the consent agenda as a result of a Councilmember making such a request of the City Clerk prior to the meeting.**

**Staff Resource:** Julie Burch

## PUBLIC HEARING

3. **Voluntary Annexation - Public Hearing**

**Action:** **Hold a public hearing for a voluntary annexation of the IBM and YMCA properties.**

**Staff Resource:** Dick Black

**Policy:** **Voluntary Annexation Procedures**

**Explanation of Request:** The purpose of this annexation is to bring the entire IBM private street (IBM Perimeter Road) into the City and thus, make it eligible for maintenance by the City A portion of the IBM street was annexed on June 30, 1994 as part of the University Research Park Annexation

The next step in the process is the adoption of the annexation ordinance. The earliest Council date at which the ordinance could be adopted is November 14, 1994 (The Sphere of Influence Agreement requires a 60-day notice). November 14 is the recommended date for the annexation to become effective The property would generate about $3,500 yearly in property tax revenue

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Wheeler/Scarborough
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Planning

**Background:**

IBM and the YMCA are the owners of the property proposed for voluntary annexation. The property contains approximately 75 acres and is located on the south side of W T Harris Boulevard West adjacent to the recent University Research Park Annexation (June 30, 1994) The IBM property is presently undeveloped, except for an existing private street The YMCA property is developed.

**Attachment 1**
Proposed Annexation Map

## POLICY

**4. City Manager's Report**

**5. Resolution to Support USAir**

This item will be sent in the Friday, September 23rd Council-Manager Memo

**6. Mayor's Alternative Proposal to Creation of a "Housing Focus Group"**

**Action:**

**Direct Planning Commission to include within their FY96 work program the development of a mechanism for regularly and openly advising the Elected Officials of City, County and School Board on the following:**

**A) Trends and conditions in other major cities that are weakening their livability and economic strength;**

Mgr's Office/Planning

Item #5

Copy to Belinda

Res #8 Bk 33, pg 42-43

## Request for Council Action

5. **Resolution to Support USAir**

**Action:** Adopt a resolution in support of USAir as a valued corporate citizen and vital force to the economy of the Charlotte Region.

**Staff Resource:** T. J. Orr

**Explanation of Request:** Throughout the recent tragedies experienced by USAir coupled with the adverse conditions of the aviation industry, USAir has continued to provide the Charlotte Region with safe and efficient air service.

This resolution expresses Charlotte's continued support of USAir.

**Background:** At the request of Council Member Don Reid, a resolution has been prepared to recognize USAir for their dedication and service to the Charlotte community.

USAir has been operating in Charlotte since 1989 and currently operates 500 flights a day. They have 7000 employees in Charlotte and contribute over $350,000,000 annually to the region's economy

**Attachment** __
Resolution

Martin | McCrory
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B) Public decisions being considered, regarding public investments, zoning and others that may result in a more segregated community, or actions that should be considered that will reduce that prospect, and

C) Ways to sustain our older non-suburban neighborhoods by addressing patterns of neglect, deterioration or abandonment.

**Staff Resource:** Martin Cramton

**Explanation of Request:** The Planning Commission will be expected to prepare a work program description and have it approved by the elected officials The FY96 work program will include a study process and schedule as well as specific public decisions to be considered for ongoing advice and comment by the Planning Commission

The County Commission and School Board are requested to endorse this proposal

**Background** Mayor's Memorandum dated 9/14/94 is attached

This action will replace the School Board request and the Planning Liaison Committee proposal

**Attachment 2**

**7. Bond Advisory Committee's Recommendation and Resolution Concerning Bond Financing**

This item will be sent in the Friday, September 23rd Council-Manager Memo

Res #9

## BUSINESS

**8** **Grant Request for the Purchase of Electric Cars**

**Action.**

Ord # 0 ?
145-X, BK. 46, pg. 43

**A)** Approve a grant application to the State of North Carolina's Department of Environment, Health, and Natural Resources; and

**B)** Adopt a budget ordinance appropriating a $30,000 donation from Duke Power and a $52,800 grant from the NC Department of Environment, Health, and Natural Resources.

**Staff Resource.** David C Cooke

**Policy:** The "Committee of 100" Steering Committee has adopted a recommendation promoting the use of alternative fuels, particularly by government fleets in Charlotte-Mecklenburg

**Explanation of Request:**

Wheeler/Martin
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& Scarborough
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Martin/Wheeler
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unan.

- The Equipment Services Division of Business Support Services has prepared a grant proposal to the State of North Carolina for partial funding to purchase and support three electric vehicles for use in active service by selected City key businesses

- Duke Power Company and York Technical College (U.S. Department of Energy-sanctioned Research Facility) have agreed to cosponsor the project by providing financial assistance through donations of both monies and maintenance services for the vehicles. City funds will be contributed to the project from existing monies already designated to replace three vehicles in the FY95 budget ($41,900).

Business Support Services

Copy to send to MOR's office

Item #7

# REQUEST FOR COUNCIL ACTION

Res #9 Bk. 33 pg 44-46

**Action Requested**

Consider adoption of a resolution recommended by the 1994 Bond Committee which addresses financing options for proposed capital improvements of $69,110,000 in Water Projects, $59,730,000 in Sewer Projects and $25,000,000 in Storm Water Projects

**Explanation of Request.**

The 1994 Bond Committee recommends that the City Council adopt a resolution affirming the importance of the proposed infrastructure improvements, and further stating that the projects should be undertaken with either general obligation or other methods of financing, such as revenue bonds, depending upon the outcome of the upcoming November referendum on the general obligation bonds

Wheeler/Martin
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The Bond Committee recommends this approach for the following reasons

1 Based on current market conditions, the difference between using the City's AAA G O Bonds and alternative financing, such as AA Revenue bonds, would cost the City an additional $4 4 million over a 25 year period (about $175,000 per year)

2 The revenues of the water, sewer, and storm water utilities, not general tax revenues, will be used to retire the debt of any financing method for these projects

3 The planned water, sewer and storm water drainage projects to be funded by the proposed bonds are essential to the community Therefore, the real question for the voters to decide is the most economical way to finance these essential projects

The Bond Committee will focus it's campaign on the cost effectiveness of using General Obligation bonds to fund these projects

**Background**

- City Council included in the FY95 Capital Improvement Program water, sewer, and storm water drainage projects considered vital for the City to meet existing and forecast infrastructure needs

- In order to insure timely completion of these projects, bond financing was approved, with all debt to be paid from the water, sewer, and storm water rates charged to the customers of each utility

- Utility capital projects have been financed as General Obligation bonds in order to obtain the more favorable rates.

- The City has used other methods of capital program financing since 1985 For example, we have issued approximately $183 million in Airport Revenue Bonds

**List Attachments** Resolution Affirming the Essentiality of Water, Sewer, and Storm Water Drainage Projects on the November Ballot

- In return for their support, the City has agreed to provide Duke Power and York Tech with technical information regarding vehicle performance as well as access to them for demonstration projects. The same will also be available to the State, Mecklenburg County Department of Environmental Protection, Charlotte-Mecklenburg Schools, and any other interested organizations

- Because of the multi-party partnership and the practical use of the vehicles, the chances for approval of this grant are very good However, if the grant is not awarded, the City plans to continue with the project but limit the purchase to only two vehicles, for which adequate funds have already been donated and/or identified The participation of Duke Power and York Tech is not subject to receipt of the grant

Funding:

| | |
|---|---|
| Grant Request | $ 52,800 |
| City "In-Kind" | 41,900 |
| Duke Power Donation | 30,000 |
| York Tech "In-Kind" | 3,900 |
| Wells Fargo "In-Kind" | 1,000 |
| Total Project Cost | $129,600 |

**Background:** In the fall of 1991, the Equipment Services Division, Duke Power Company, and York Technical College formed an informal partnership to pursue the feasibility of placing one or more electric vehicles into "real life" service by City key businesses. The vehicle assignments, based upon opportunities for actual daily use and public exposure, were planned for Fire Prevention, Storm Water Services, and the Equipment Services' Pool Fleet. The Pool vehicle will be used on a rotating basis by many different key businesses in order to obtain feedback on the concept's potential use and

to offer greater visibility of the project to the public The Pool vehicle will also be available for demonstration projects such as Earth Day, alternate fuel conferences, school programs, etc

**9. Modification to Economic Development Loan - H. J. Properties, Inc.**

**Action:**

**Approve modification of an existing loan agreement with H. J. Properties, Inc. to:**

**A) Refinance a $184,263 loan balance and restructure the terms of the existing loan; and**

**B) Approve an additional $21,000 for upfitting leased office space.**

Scarborough | Martin
aff.
no Reid

**Staff Resource.** Steve Washington

**Policy:** On October 2, 1978 City Council adopted an ordinance establishing the Economic Development Revolving Loan Fund The fund provides loans to minority individuals and businesses located primarily in designated Community Development target areas There have been three subsequent amendments to the loan program.

**Explanation of Request:**

- On August 23, 1994 the Economic Development Revolving Loan Fund Committee unanimously approved the modification to an existing Economic Development loan with H J Properties, Inc

CP

- The modification includes·
  - refinancing an existing loan balance of $184,263 and
  - providing $21,000 in new loan funds to assist in financing the upfitting of office space being leased to Central Piedmont Community College (CPCC) for its Adult Basic Literacy Education Program

- The original loan to H J Properties, Inc for $197,000 was approved by City Council on March 27, 1989 The loan was for the construction of a medical/office building at 3607 Beatties Ford Road to provide needed medical services to Westside residents

- H. J Properties, Inc consisted of William H Hart, who was President, Glenda Jenkins and Dr Jerry Jones

  - Each of the three shareholders had 1/3 equity interest in the corporation
  - Each contributed a 1/3 share of the amount needed for corporation expenses
  - Mr William Hart was responsible for making all payments, including the City loan payment.

- The original $197,000 City loan was for 5 years with monthly payments of $1,662 42 and a balloon pay-off due December 1994 Monthly payments on the loan became delinquent in April 1992 because Mr Hart failed to make the payments Also, the first mortgage loan with United Carolina Bank became delinquent

- When Dr Jones realized that the funds he was contributing to the corporation account were not being used for their intended purpose, he took over responsibility for the City and bank loan payments.

- Dr Jones has been a responsible shareholder of the corporation and has now taken over full responsibility of the corporation

  - He has bought out Mr Hart's interest in the corporation and is working to acquire Ms. Jenkins' interest
  - He used his personal funds to bring the bank loan current
  - He resumed making payments on the City loan in January 1993 and has continued making regular monthly payments.
  - The former vacant space in the building has been upfitted and leased to CPCC for its Adult Basic Literacy Education Program
  - The building is now fully leased and occupied
  - The income from the CPCC lease and earnings from Dr Jones' practice is sufficient to cover the debt service on the bank and City loans

- Dr. Jones wants to modify the existing City loan to refinance the $184,263 loan balance and to add $21,000 to assist in the upfitting costs.

  - The $184,263 loan balance includes the City loan delinquency of $27,705 (Delinquency amount includes principal, interest and late charges )
  - The $21,000 in new loan funds is for part of the upfitting costs H J Properties, Inc incurred to modify the building to meet specifications required by CPCC (Total upfitting cost was $62,000 )

- The medical and educational services provided in this development are needed services that benefit Westside residents

Item No

**Funding:** Economic Development Revolving Loan Fund

**Attachment 3**
Pictures
Background

## 10. November Calendar Changes

**Action:** **Consider options for the November 7 Workshop and change the November Zoning Meeting from November 21 to November 22, 1994.**

**Explanation of Request:** The November 7 Workshop is four days before the City Council Retreat on November 11 and 12, and the day before Election Day Staff had planned to present, at the workshop, financial information in preparation for the upcoming retreat It would not be a long workshop, but because it is scheduled the evening before the election, Council needs to discuss whether or not they wish to hold the workshop.

Scarborough/Martin
Cancel Nov 7
Workshop + move
Zoning to 11/22/94
unan.

If it is cancelled, the financial information will be presented at the retreat as part of the resources discussion

The Criminal Justice Commission has invited Council and other elected officials to Pinehurst, N.C for their summit on November 20 and 21 This conflicts with Council's regularly scheduled Zoning Meeting on November 21 In order to allow Council to attend this Summit, staff suggests moving the Zoning Meeting to Tuesday, November 22

Manager's Office

Item No.

**11. October 3 Workshop Agenda**

**Action:** Approve the following topics for the October 3 Workshop agenda:

Scarborough/Wheeler app. unan

A) Re-use of Old Convention Center; – Jon O'Brien Fred Klein out of town

B) Term Limits for City Council;

C) Apartment and Small Business Garbage Collection; and

D) 2010 Vision Report

Managers Office

**12 Executive Session**

**Action:** Adopt a motion to hold an executive session at the conclusion of the meeting for the purpose of conferring with the City's Attorneys concerning potential litigation against the City, as permitted by the State's Open Meeting Law.

Martin/Scarborough app. Exec. Sess. unan

Recess for Exec. Session 8:35
Reconvene at 9:45
Martin/Wheeler adjourn unan. 9:45

Item No Pull 14F & 21F Speakers 14D & 18 questions Scarborough/Wheeler app Rect. unan.



**Introduction to CONSENT I and II**

**The consent portion of the agenda is divided into two sections· Consent I and Consent II.**

**Consent I consists of routine items that have been approved in the budget, are low bid, and have met MWBE criteria.**

**Consent II consists of routine items that have also been approved in the budget, but which may require additional explanation.**

## CONSENT I

**13 Various Bids**

**A South Boulevard Business Corridor, Phase II** — **Engineering and Property Management**

**Recommendation·** The City Engineer recommends award to the low bidder, Sherrill & Associates, of Charlotte, North Carolina, for $220,175 55

CHANGES MADE PER CANDY LEYVAS 11/2/94 BRJ

| MWBE Status· | Amount | % of Project | Proj Goals |
|---|---|---|---|
| MBE | $6,819 | ~~3%~~ 3 3% | ~~3 3%~~ 3% |
| WBE | $4,740 30 | ~~2%~~ 2.3% | ~~2.3%~~ 2% |

**Compliance·** Yes The Contractor has complied with the requirements and intent of the MWBE Program by **exceeding** the established contract goals

**B. Charlotte-Mecklenburg Police Department Project Site Excavation** — **Engineering and Property Management**

**Recommendation:** The City Engineer recommends award to the low bidder, Hall Contracting Corporation of Charlotte, North Carolina for $674,583

Item No

| MWBE Status: | Amount | % of Project | Proj Goals |
|---|---|---|---|
| MBE | $130,000 | 20 1% | 9% |
| WBE | $0 | 0% | 7% |

**Compliance:** Yes Contractor has complied with the requirements and intent of the MWBE Program by exceeding the overall contract goal

**14** In Rem Remedy Action

A. 3340 Amay James Avenue

Ord # 1
135-X, BK. 46, Pg. 33

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 3340 Amay James Avenue (Reid Park Neighborhood) which is located in the City Within a City boundaries.

Attachment 4

CP

B. 2302 & 2303½ Tate Street

Ord # 2
136-X, BK. 46, Pg. 34

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 2303 & 2303½ Tate Street (Biddleville Neighborhood) which is located in the City Within a City boundaries.

Attachment 5

CP

C. 131 Goff Street

Ord # 3
137-X, BK. 46, Pg. 35

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 131 Goff Street (Hoskins/Thomasboro Neighborhood) which is located in the City Within a City boundaries

Attachment 6

CP

D. 328 Tuckaseegee Road

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 328 Tuckaseegee Road (Seversville Neighborhood) which is located in the City Within a City boundaries

Ord #4 138-X, BK. 46, Pg. 36

Searborough/McCrory aff. No-Spencer & Campbell

Attachment 7

E. 402 A & B Jones Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 402 A & B Jones Street (Lakewood Neighborhood) which is located in the City Within a City boundaries.

Ord #5 139-X, BK. 46, Pg. 37

Attachment 8

F. 4021 Grove Avenue

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 4021 Grove Avenue (Derita Neighborhood) which is located in the City Within a City boundaries.

Ord #6 140-X, BK 46, Pg. 38

Attachment 9

G. 2119 Haines Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 2119 Haines Street (Lincoln Heights Neighborhood) which is located in the City Within a City boundaries.

Ord #7 141-X, BK. 46, Pg 39

Attachment 10

H. 2351 Olando Street

ORD #8
142-X, BK. 46, pg 40

**Action:** Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 2351 Olando Street (Druid Hills Neighborhood) which is located in the City Within a City boundaries.

Attachment 11

CP

I. 2624 Milton Road

Scarborough/McCrory
Aff.
Subst. Reid/Martin
Defer for 90 days to see if we can work out to buy
Mary Odom for Day Care
No Scarborough, Wheeler & McCrory

**Action:** Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 2624 Milton Road (Oak Forest Neighborhood) which is not located in the City Within a City boundaries

Attachment 12

CP

15. Refund of Certain Taxes

**Action:** Recommend adoption of a resolution authorizing the refund of certain taxes assessed through clerical or assessor error in the amount of $40,635 86

Res #1
Bk. 33, pg 28-29

Attachment 13

Finance

16 Street Maintenance Resolution

**Action:** Adopt a resolution to transfer maintenance responsibility for 31 streets from the North Carolina Department of Transportation (NCDOT) to the City of Charlotte.

Res #2
BK 33, pg. 30-32

**Staff Resource:** R N Pressley

DOT

**Policy:** The City accepts State maintained streets upon request and mutual agreement and/or when the streets are within an annexed area and not part of the NCDOT primary road system

**Explanation of Request:**

- On June 30, 1994, the City annexed areas in south and northwest Mecklenburg County which includes 31 streets previously maintained by NCDOT
- These streets are not on NCDOT's primary road system and qualify for maintenance under the City's Street Maintenance Policy
- The attached resolution requests NCDOT transfer of maintenance responsibility for these streets to the City.

**17 Municipal Agreement - Railroad Grade Crossing - Tipperary Street**

**Action:**

**A) Approve the Municipal Agreement between the City of Charlotte and the North Carolina Department of Transportation (NCDOT) for improvements to the Aberdeen, Carolina, and Western Railroad grade crossing with Tipperary Street; and**

**B) Adopt the Resolution to authorize the Director of the Department of Transportation to execute the Municipal Agreement**

Res #3
Bk. 33, Pg. 33

**Staff Resource:** R N Pressley

**Explanation of Request** The Aberdeen, Carolina, and Western Railroad grade crossing with Tipperary Street requires certain crossing protection improvements, and a Municipal Agreement between the City and NCDOT is required before all crossing related improvements can proceed

DOT

## CONSENT II

**18** **Landlord-Tenant Mediation and Reimbursement Program Budget Ordinance**

ORD #9
143-X, BK 46, PG 41

Cannon/Martin
app. a - unan
Scarborough/Cannon
app B and Budget Ord.
No - McCrory & Reid

**Action:** **Adopt an ordinance appropriating the following funds as previously authorized by City Council on April 11, 1994:**

**A) $40,000 for the Landlord-Tenant Mediation Program (as modified with mandatory referral from Small Claims Court); and**

**B) $110,000 to provide rental property owners with access to a one-time per tenant loan of up to $1,500 for reimbursement of repairs where:**

- **the mediator finds that violations were due to tenant abuse rather than owner neglect,**
- **the landlord agrees not to evict the tenant for six months provided no other lease provisions are violated, and**
- **the loan is forgivable if the tenant completes a counseling course at Family Housing Services designed to alter destructive behavior patterns.**

**Staff Resource:** J W Walton

**Policy:** Charlotte's Comprehensive Housing Affordability Strategy (CHAS) approved by City Council on October 25, 1993 states that the City of Charlotte and local housing providers will pursue programs and activities which address the following priorities

- Preservation of existing housing
- Strengthening neighborhoods and community-based organizations
- Promoting self-sufficiency
- Promoting housing affordability
- Expanding affordable housing

Item No

**Explanation of Request:**

- On April 11, 1994 City Council authorized the Landlord-Tenant Mediation and Reimbursement Program as recommended by the Community Development and Housing Committee

- Appropriation of the funds was inadvertently omitted from the year-end wind-up budget ordinance, making this action necessary to implement the program

- Funds are available in the City Housing Fund

- The Landlord-Tenant Mediation and Reimbursement Program is designed to

  - Preserve the housing stock by minimizing and correcting tenant-caused property damage,
  - Distinguish tenant-caused damage from cases of owner neglect and encourage destructive tenants to alter their behavior patterns;
  - Prevent evictions and the imposition of judgments against tenants who sincerely wish to make restitution for damage they have caused,
  - Lower landlords' perceptions of risk in operating affordable rental housing, and
  - Encourage landlords and tenants to settle their disputes outside the Court system

- A staff person has been hired for one year to implement the program The staff person will work in the Office of the Clerk of Courts However, Community Development supervises the position

Item No.

19 **Street Main Extensions - Professional Services Contracts**

**Action:** Contract

Approve three Professional Services Contracts not to exceed the amount of $150,000 each with various consultants as shown below. These contracts will provide surveying and design services for water and sanitary sewer main extensions.

Summary of Recommendation:

**East Area:**

Ogden Environmental & Engineering Services Co , Inc

**West Area:**

Woolpert Consultants

**South Area·**

W K Dickson & Company, Inc

**Staff Resource:** Doug Bean

**Policy:** The Street Main Extension policy was adopted May 1992, and revised March 1993. The revision made water and sewer service more affordable to applicants.

**Explanation of Request:**

- The demand for water and sewer service increased dramatically due to adoption of the Street Main Extension Policy
- CMUD's goal is to provide service to an applicant within six months after application With three in-house teams, CMUD cannot meet this goal on a consistent basis
- In order to meet the six month service objective, several consultants have been selected to assist in providing design/survey services

CMUD

- Award of these contracts will allow CMUD to assign the surveying and design of some water and sewer street main extensions to the applicable consultant

- All three consultants were selected by a competitive process based on qualifications and experience, according to the City's approved consultant selection process

**Background:** On June 14, 1993, City Council approved a professional services contract with Concord Engineering and Surveying to provide surveying and design services for water and sanitary sewer street main extensions

The professional services contract with Concord was successful in helping to achieve the six month goal However, it would be beneficial to have several consultants working in designated areas

To maximize efficiency and productivity, staff divided Mecklenburg County into three sections East, West, and South This division is used not only for design and surveying services but is used to prepare construction contracts, also. This enables a contractor to work consistently in one area, less travel time for inspection and management staff, etc

**20. Resolution Accepting FAA Grant, Budget Ordinance and Contracts**

**Action:** A) Adopt a resolution accepting a Federal Aviation Administration (FAA) Grant in the amount of $10,023,116.

Res # 4
BK. 33 Pg 34-35

ORD #10
144-X, BK. 46, PG. 42

B) Adopt an ordinance appropriating $11,593,034 to provide funding for the second phase of the FY94 Airport Improvements Projects, including Air Cargo Center - Phase 2; Site Preparation and Paving, FBO Expansion - Paving Taxilane and High Speed Taxiway Exits, Part 150 Noise Program, and Master Plan Land Acquisition;

C) Award a contract in the amount of $3,067,923.42 to the low bidder APAC-Georgia, Inc. of Augusta, Georgia for the Air Cargo Center - Phase 2 - Site Preparation and Paving and FBO Expansion - Taxilane Paving, and

D) Award a contract in the amount of $2,736,746.43 to the low bidder APAC-Georgia, Inc. of Augusta, Georgia for the High Speed Taxiways.

**Staff Resource:** T J Orr

**Policy:** Airport Master Plan

**Explanation of Request**

The FAA has offered a grant for $10,023,116 to provide the Federal share of FY94 Airport Improvements Projects and on-going Part 150 Noise Program and Master Plan Land Acquisition This grant includes the remainder of the Airport's FY94 entitlements monies and $6,274,426 in discretionary funds for noise programs and airfield capacity

Additionally this ordinance appropriates $816, 931 of Airport discretionary and $752,987 of excluded centers undesignated monies (i.e Airport Fund Balances) to fund the City's share of these FY94 Airport Construction Projects. Council has previously appropriated the City's share of funding for Part 150 Noise Program and Master Plan Land Acquisition

AVIATION

**Funding:** The ordinance appropriates funds as follows.

| | Federal | Airport |
|---|---|---|
| Construction Control | $ 4,709,752 | $1,569,918 |
| Part 150 Land | $ 3,034,038 | |
| Church of God | $ 1,933,388 | |
| Master Plan Land | $ 345,938 | |
| TOTAL | $10,023,116 | $1,569,918 |

**Background:** On June 27, 1994, Council accepted a FAA Grant, in the amount of $7,764,439, the initial funding that Congress appropriated, for high priority airport improvement projects The June grant represented a portion of the FY94 funding. Congress has now authorized the remainder of this year's funding This current action accepts the first grant for FY95 (City's fiscal year)

In order to be eligible for the available FAA funding, the remainder of the Airport's entitlements must be committed by September 30, 1994 (end of federal fiscal year)

The Airport Advisory Committee has approved the adoption of this resolution, the appropriation of funds, and the award of construction contracts to the low bidders

**APAC-Georgia, Inc. - Air Cargo Center and Taxilane**
**MWBE Status**

| | Amount | % of Project | Project Goals |
|---|---|---|---|
| MBE | $386,200 | 12 6% | NA |
| WBE | $227,384 | 7 4% | NA |
| DBE Total | $613,584 | 20% | 20% |

Compliance Yes

**APAC-Georgia, Inc. - High Speed Taxiways**
**MWBE Status.**

| | Amount | % of Project | Project Goals |
|---|---|---|---|
| MBE | $ | | NA |
| WBE | $562,000 | 20% | NA |
| DBE Total | $562,000 | 20% | 18% |

Compliance Yes

**21. Approve property acquisitions #A-C and adopt condemnation resolutions #D-F.**

For Aviation property transactions A-C, the purchase was determined by an independent appraiser and was reviewed by a second appraiser. Each appraisal considers the specific quality and quantity of the house The tax value is determined on a more generic basis and will be higher or lower for houses with certain attributes Residential property is acquired per Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970 The owners are eligible for relocation benefits. Acquisition and relocation costs are eligible for Federal Aviation Administration reimbursement.

**Acquisitions:**

A. Project: F A.R. Part 150 Land Acquisition
Owner(s) Mr and Mrs Collin Robinson
Property Address· 3332 East Willow Lane
Property to be acquired 25 acres
Improvements 3 bedroom, 2 bath, 1½ story
Tax Value n/a
Purchase Price: $34,000

Aviation

B. Project: F A R Part 150 Land Acquisition
Owner(s) Mr. and Mrs Earl Lee
Property Address 4408 Pebblebrook Drive
Property to be acquired 241 acres
Improvements 3 bedroom, 1 bath, ranch
Tax Value. $45,180
Purchase Price $51,000

AVIATION

C. Project Annexation FY93 Trunk to Old Plank Road Area 7, Parcel No 68
Owner(s) Pine Island Country Club, Inc.
Property Address 1701 Stoneyridge Drive
Property to be acquired. 58,848 sq ft of Permanent Easement plus 116,041 sq.ft (2 663 AC ) of Temporary Construction Easement
Improvements Large trees, three sodded fairway crossings
Tax Value· $2,054,860
Purchase Price $65,000

Eng | Real Estate

**Remarks**. This sanitary sewer line follows the natural drainage path throughout the golf course causing considerable damage to three sodded fairways, numerous trees and landscaping as well as disruption to the golf course operation for 22 working days The settlement was based upon two appraisal reports and reviewed by a third appraisal

Zoned. R-3 Use Golf Course
Tax Code Part of 031-103-63,031-093-10

**Condemnations**

Res # 5
BK. 33, Pg 36-37

D. **Project:** Carmel Road Widening, Parcel No 100
**Owners.** Edward R McHenry, Jr & wf , Jane L McHenry & any other parties of interest
**Property Address** 4443 Carmel Road
**Property to be acquired** 3,857 30 sq ft (0 08855 AC.)
**Improvements** Trees and landscaping
**Tax Value** $227,770
**Purchase Price** $4,200
**Remarks** This property fronts on Carmel Road The road widening project will cause a loss of approximately eight feet in depth plus a temporary construction easement causing the loss of trees and landscaping The owners have countered our offer in the $50,000 range The counter offer was not substantiated by an appraisal Total Area 40,000 sq ft (0 9183 AC ), Area to be Acquired 1,254 70 sq ft (0 0288 AC ), Temporary Construction Easement 2,602 60 sq ft. ( 0.0597 AC.); Area Remaining 38,745 30 sq ft (0 8895 AC )

Zoned R-3 Use Residential
Tax Code 211-173-02

Eng | Real Estate

Item No

Res #6
BK 33, Pg. 38-39

E. **Project**: Mallard Creek Tributary Outfall, Parcel No 1
**Owner(s)** Susan Burr Alexander Boone, James F Alexander, John William Alexander, Stella Alexander Harman & other parties of interest.
**Property Address**: 52 68 acres off I-85 at Mallard Creek Road
**Property to be acquired**: 28,907 6 sq.ft. (0.66 AC )
**Improvements** None
Tax Value. $228,260
**Purchase Price** $3,100
**Remarks**· The proposed sewer line will be installed as part of the Capital Improvement Program The line is to meet the forecasted needs of the Mallard Creek area There are four owners involved in the settlement, and we are not able to reach an agreement. Condemnation is therefore being requested Acquisition price as determined by an independent appraiser is $3,100. Total Area 2,294,740 80 sq ft , Permanent Easement 13,673 60 sq ft , Temporary Construction Easement: 14,493.80 sq ft ; Area Remaining 229,360.60 sq.ft.

Eng/RE

Zoned: R-3 Use Vacant
Tax Code 047-181-14

Res #7
BK 33, Pg. 40-41
McCrory/Martin
App. Recommendation
Unan

F. **Project**: Dedham Place Sanitary Sewer Right of Way, Parcel No 2
**Owner(s)** Michael J Zupon & wf , Lorraine S Zupon, and any other parties of interest
**Property Address** 1805 Clematis Drive
**Property to be acquired** 3,717 sq ft (0 08 AC ) of Permanent Easement and Temporary Construction Easement
**Improvements**· Trees, shrubbery, and plants
**Tax Value** $344,600
**Purchase Price**. $6,350

Item No.

**Remarks** The subject parcel is located on Clematis Drive The project requires the acquisition of a 15' wide Sanitary Sewer Permanent Easement and 15' Temporary Construction Easement along the rear portion of the parcel causing the removal of trees, shrubbery, and plants. After numerous meetings and phone conversations, the property owners refused the City's appraised offer for the needed areas Total Area ~~21,039~~ sq.ft (0 ~~483~~ AC.), Permanent Easement to be Acquired ~~1,845~~ sq ft (0 042 AC.), Temporary Construction Easement ~~1,872~~ sq.ft. (0 042 AC.), Remaining Area ~~19,194~~ sq ft (0 441 AC.)

TOTAL 24,000 SF

Zoned: R-3 Use Residential
Tax Code· Part of. 183-111-48

Eng/R.E.

DO NOT CHANGE PFR
TIM O'BRIEN + CRAIG
LAWING 9/26/94
2:00 PM

The City Council of the City of Charlotte, North Carolina, convened for a briefing on Monday, September 26, 1994, at 5:16 p.m. in Room 267 of the Charlotte-Mecklenburg Government Center with Mayor Richard Vinroot presiding. Councilmembers present were Charles Baker, Stan Campbell, Nasif Majeed, Hoyle Martin, Don Reid, Ella Scarborough, Sara Spencer, and Lynn Wheeler.

**ABSENT UNTIL NOTED:** Councilmembers Patrick Cannon, Michael Jackson and Pat McCrory

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**SISTER CITIES COMMITTEE**

**Jim Kasputis, Chairman, Sister Cities Committee** presented a resolution for the adoption of an African Sister City, Kumasi, Ghana. For the last several months a delegation of local citizens have been seeking a Sister City in Africa. They have done extensive research on the 52 countries in Africa. The research project basically looked at countries with cities that would be a good fit for Charlotte. They initially cut out most of the countries that were either in a state of turmoil or not English speaking and that limited them to about a dozen countries. The country that seemed to perk to the top rather quickly was Ghana. Ghana has a very vibrant economy, a new democratic government, and has been following some very strict guidelines set forth by the World Bank in the IMF. Its economy is moving along quite nicely and they thought a city in Ghana would be a good addition to their Sister Cities Program. The only city that was currently available that they thought would be adaptable to a good program with Charlotte was the city of Kumasi in Ghana. Kumasi is the second largest city in Ghana with a population of about one million people. It is inland from the coast about 100 miles, and has a rather large industrialized base because it has a good timber industry and a very famous textile industry. These are two industries that are closely aligned with what is going on in the Charlotte area now. They opened this up not just to Charlotte but really to the metropolitan area. The research committee proceeded to make several overtures to Kumasi, Ghana, and through the Sister Cities International Office they let them know they would be pursuing this and they asked that the City of New Brunswick, New Jersey, discontinue their efforts in pursuing a Sister Cities relationship with Kumasi. Working through the Embassy in Washington, D.C., and directly with the Ghana government they were successful in interesting Kumasi in becoming a Sister City with the City of Charlotte. They got some rather quick responses both from the City Council, the National government and the Ashanti King. They think Kumasi is an excellent choice, it would be a real star in their Sister City crown here. Several of the universities here have already started relationships with universities in the Kumasi area.

**Councilmember Michael Jackson arrived at 5:20 p.m.**

Mayor Vinroot said their inclination is to support their decision along those lines, but they want to know what the implications are for them as a Council, and as a city. Personally he believes they ought to do it. We are in Europe in three or four places, Asia, and South America and they ought to be in Africa. What are the implications for us as a City Council or as a city government?

**Councilmember Patrick Cannon arrived at 5:25 p.m.**

Mr. Kasputis answered the implications would be primarily moral support. They don't anticipate any great increase in their operating budget and the task force that did the research on this has been very active in lining up their own financial support both in monetary contributions and in-kind contributions. They are fortunate that they have had some very influential citizens involved in this committee. There are a number of different programs they can apply to through various USIA, USA ID Offices that would help them with some of their programs in the future, primarily focused in Africa particularly. The commitment from City Council would be moral support and perhaps at times becoming involved in some of the programs.

**Councilmember Pat McCrory arrived at 5:27 p.m.**

bbm

Councilmember Martin asked do they have a free market economy there?

Mr. Kasputis answered yes, very much so.

Mr. Martin said tell us a couple of things about some of the main industries or businesses they have in Kumasi.

Mr. Kasputis said Ghana itself is pretty much a wide open country right now. They are one of the largest producers of chocolate or cocoa in the area. They produce $5.3 million worth of cocoa, they also produce a number of raw materials such as aluminum, gold, and timber. It is typical of this area of Africa that was colonized early on, simply because of the wealth it did continue both in the land and what grows on the land.

Mr. Martin asked do they have a City Council in Kumasi?

Mr. Kasputis answered they do, it has been referred to as a Municipal Council. Although Ghana is a nation, it is a nation formed out of colonial territory and within the nation there are several different tribes. Kumasi sits in the center of the Ashanti Kingdom and as well as having the Municipal Council they have the Ashanti Royal Family. It is more of a ceremonial type figure but he also has a lot of influence. His Highness wrote the letter saying he thought Kumasi should have a relationship with Charlotte.

Councilmember Baker said from the rapid response Mr. Kasputis got from the King, one would have to assume they have a strong interest in establishing this tie. They must perceive there is some advantage to them for doing this. What advantage is it to Kumasi to do this? Is there anything Charlotte can do to make it advantageous for them to be our Sister City? If we can't do anything for them, it is really sort of pointless.

Mr. Kasputis answered to answer a question like that you would have to be pretty nebulous. They intervened with New Brunswick, New Jersey, which has been pursing this relationship with Kumasi for about 18 months and were making no progress whatsoever. When they sent their package to Kumasi they were very interested in the size of the city. New Brunswick has about 40,000 people and it is really a one industry town, Johnson & Johnson is headquartered in the area. When they sent information about Charlotte to show we had a much bigger population in our metro area and a more diversified economy they became interested. He does not think they can say they are going to give them anything right away, nor are they really looking for us to give them something. They are looking perhaps for access for friends in America.

Mayor Vinroot said he spent time with facility members from the University of Limoges. He spent time with seven members of the Congo Parliament who are in Charlotte. He received a letter from a country saying they want to be our Sister City. They are not looking for anything, they are looking for a relationship with a prominent American city. We are the world leader in terms of so many things including freedom. Sister City relationships are a matter of sharing culture with people in the world who realize a lot of success in the world will be tied to America, American economic success and perhaps political success. Council would be surprised at how interested they are with just having a relationship with a prominent American city which we are, because of the fact that they realize as we realize that we are into a world market place and it is becoming very small. There were 700 people at Spirit Square last week to listen to three State Department people talk about the Far East, the Near East and the world generally in terms of economic development. This is a very, very hot subject here, we have 2,000 people here from all over the southeast as well as half of them from Japan for a major conference where there are eight Governors talking about the relationship between the southeast United States and Japan. That is really the broad answer to Mr. Baker's question. What can we learn from them might be a better question. Africa is a booming new market and the big banks and most companies realize if you are going to be a player in the world you need to be able to trade with all the markets that are available. This is a niche for us, it is a new relationship with a part of the world we ought to be connected to.

**Peggy Wesp, Sister Cities** said it is scheduled to be on the agenda October 10, 1994.

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**STORMWATER**

**Wendell White, City Manager** said they wanted to move forward with the borrowing of money so they could get this job done in less time than strictly pay as you go. Mr. Schumacher pointed out during August they generated enough legitimate complaints for one full year of work and that is in addition to all the others that they had.

**Jim Schumacher, Engineering** gave an update on stormwater and said perhaps they all had calls from constituents in August. We had some very unusual storms with four in one week which generated a lot of calls. Mr. Schumacher gave a slide presentation. He said each red dot represented one of the qualifying problems or complaints from citizens and there are well over 3,000 of them. These problems basically fall into two categories. In some cases they can make a repair to the existing infrastructure, pipe or ditch, and make it function as well as it did originally. Those kinds of projects are small in scope, they involve just one or a few property owners and they handle those with work order contractors. They do not do a formal design or bid, basically they just take a contractor to the job, instruct them on what to do and he spends a week or two doing that. They currently have ten contractor crews working at any given time so those kind of repairs are being made at ten different locations at any given time. The other kind of project is a large capital improvement project, a construction of new or upgraded facilities such as new culverts, or new drainage systems and there are approximately 300 of those type of projects. They are large in scope, involve many property owners, they have to go through the traditional design construction process and those are the type of projects they will see the bonds applied to should they pass in November.

Mr. Martin asked there are 3,000 on there?

Mr. Schumacher answered there are over 3,000.

Mr. Martin asked how long would it take to do all of that?

Mr. Schumacher answered the repair projects, and small scale projects, would probably take eight to ten years. The large capital projects would take, based on the current level of pay as you go revenue, probably a 20 to 30 year time frame. Twenty months ago they started working on a system they hadn't done anything to in the last hundred years, and a lot of problems accumulated during those hundred years and now they are trying to work through them. He said the map indicates the locations where in FY94 they made either a repair or improvement and there are roughly 400 of those. One of the things they are doing is to identify the most severe problems. One of Council's direction to them quite logically is they should work on the worse problems first. If they work purely from a reactionary mode, based solely on problems that are reported by citizen's complaints, that may not be the worse problem they have out there. The purpose of the computer models is to simulate what would happen during a storm, how the infrastructure performs, where flooding would occur and so forth. The modeling also allows them to find the optimum solution. A problem they have in the City is development has generally occurred right up to the drainage system they used among homes, businesses and other development. So just going in and building a big new storm drain is not as easy as it might seem because there's simply not room between the existing homes or whatever. In some cases the solutions will be building some kind of lake or detention basins that slow down the water rather than trying to build bigger pipes and culverts. The complication with that is finding a place to build the lake with a detention basin. The map also indicates the rainfall that fell during the week of August 15th, and the different colors represent the different amount of rainfall ranging up to eight inches or greater. He is sure they have all experienced a frog strangler at their home, yet the news reported that at the Airport they had a tenth of an inch or something. This graphically illustrates the amount of rainfall around the City can be quite variable. For the three storms that occurred during that Monday through Friday time period, the storms varied greatly across the county. The north end of the county was very low and in the south, southeast part of the City was the peak with greater than eight inches. The white circles on the map represent the 60 homes that had reports of flooding during that week, as they would expect there is some correlation to the amount of rainfall and where those problems occurred. The rain gauge network they have to produce these maps had as little as 1.6 inches and in one of the

gauges up to 8.8 inches at another gauge and the Airport for that week reported 4.3 inches so they can see the variability around the City.

Councilmember Majeed asked are the gauges electronically monitored?

Mr. Schumacher answered yes. These gauges are something new they installed over the last year to get this kind of information to use in calibrating the computer models he talked about and some of them are connected electronically. They are all an electronic gauge and they record how much rainfall there is per minute, per five minutes and so forth.

Mr. Martin asked what factors other than wind influence where the average rainfall hits?

Mr. Schumacher said he heard a theory that there was more rain on the east side of the city particularly in the summer time. The summer thunderstorms occur more in the east because the weather moves from west to east and in the summer you have a lot of heat is rising from the center of the city. As that weather moves to the east and the heat gets up and creates thunderstorms, then the eastern half of the city experiences more rainfall from those summer thunderstorms, but that is only a theory. After collecting this kind of information for a few years they will begin to learn if that theory or some other theory is true. Up until now the only official information we had was the Airport rain gauge and it is often much different from what they see elsewhere in the City. It can be influenced by the direction the weather comes toward the county, whether or not it comes over the lake, the intensity of the storm itself and many variables. Approximately half of the 60 homes flooded during August are at locations they are addressing or will be addressing in the next five years. Most of the other are projects that based on the level of funding and the anticipated bonds. That will take care of about half the cases, the other half of course will have to wait. This flooding occurred because of the way the rainfall fell this time. If the peak rainfall was in the northeast instead of the southeast then you would have a different set of locations where you would have houses flooded. It is not correct to assume those 60 houses are the only houses that will flood. He said the map that got Mr. White's attention showed the citizen requests they receive by month during 1994. In March and April there was a bit of a peak, that's normal for the spring time. That kind of a peak in August is extremely abnormal. July and August are normally dry so the amount of rainfall they had in August was very unusual and it generated 300 requests for them to deal with added on to the over 3,000 that they already had. Projects that have been identified to be funded through the bonds that are on the ballots for November are large scale projects, so one of these projects may deal with four, eight or a dozen individual citizen requests. The project would be large in scope and in dollar value, a half million, $1 million or $2 million apiece. Each one would address many complaints and many flooding problems.

Mayor Vinroot said he asked Council for nominees to the Bond Campaign Committee, they gave him some names and that committee has been put together. Its Executive Committee is chaired by John Boatwright, co-chaired by Ray Farris and the other members are Ralph McMillian, Wayne Brown, Allen Tate, Cyndee Patterson and a couple of others. They have been meeting and the whole committee will be meeting for the first time this week with about 40 people all together. They have been talking about these facts and Council is going to have this as a resolution. They have in water/sewer and will in stormwater paid for those utilities through the fees charged. The rate payer pays the fees, but they have traditionally put those issues on a GO bond even though they are being paid by those revenue streams because it has an advantage to the rate payer of getting more for less costs. By putting the taxpayers on the hook you get a lesser rate and historically the utility fees themselves would only buy bonds that would fit within those utility rates that are being paid. This is an area where we will either pay as you go as these fees come in or we can up front a lot of these projects by going ahead and issuing bonds. If they don't pass a GO rate bond they can do it on the revenue stream, but it is going to make about $4.5 million difference in the amount of money that will be available or the money that will be paid conversely in interest costs if they do it out of the revenue stream situation. The campaign is about explaining to the public that it is a method of getting this stuff done and a better method as opposed to a do it or don't do it. They are going to do these things, they are going to do as much as they can as early as they can, and the way they prefer to do it is with bonds as cheap as possible. All of this discussion relates to that issue on their agenda tonight and the primary issue before the Bond Campaign Committee and it is explaining to the public who may right now say they don't like stormwater fees, well fine, both City and County passed a

stormwater system and now the question is, will you like it better if it goes slow and gets your work done slower, which means don't use any bonds. Would they like it better if we charged them more interest for the bonds themselves or would they like it better if we can do as much for them given the fact they are going to pay those fees as soon as possible. The argument to the public is to explain to them because he gets calls from the public asking why is my property not higher on the list, why are they told it's five years from now when I'm paying these fees. There will be a whole lot more understanding of its value after this campaign is over and it will be up to each of them to be able to explain to these folks why it is a good idea to vote for those bonds.

Councilmember Spencer said the most recent one that has come before Council was Sharon Amity and Walker Road. How did that one stack up?

Mr. Schumacher asked are you referring to the proposed rezoning at Sharon Amity and Walker Road?

Ms. Spencer answered yes. The issue they brought up was the stormwater runoff and they have a lot of flooding there. How does the creek in that drainage area fit into the seriousness of the problem?

Mr. Schumacher answered there is a tributary of McMullen Creek that flows parallel to Emory Lane in that neighborhood and they have a problem if it rains hard enough the creek overflows and floods their backyard. That is a project they would ultimately undertake, to improve that channel and install a larger channel to contain the flooding. However, that is not a high ranking problem right now because there are not homes being flooded. In virtually all of these cases, these projects involve flooding of homes and/or streets so one of the main criteria in prioritizing the projects is whether they are talking about somebody's yard or home flooding. Naturally the home flooding is the higher priority. A project such as Emory Lane is going to be further down the list. It is beyond the five year time frame of response. The bonds on the ballot this fall are intended to finance capital spending for five years. Beyond that they either need to do more bonds or go to pay as you go. With the purposed rezoning the issue is, is it going to add to the stormwater problem and generally the answer is yes. Just as the question does any new development add to the stormwater problem and the answer is yes because it generates more runoff. All development adds to the problem and it is often times difficult to look at one development in the watershed and say that has a major role in the problems of watershed. All development collectively is what is going to affect the magnitude of the problem.

Councilmember Reid said we are going to finance something with GO bonds that they can and will fiance with revenue bonds if the Go bonds don't pass. How does this particular bond issue affect our overall bond capacity?

**Richard Martin, Finance Director** answered on the basis that the financial plan is for these stormwater bonds to be paid with stormwater fees, they will not actually affect the balance of their general government debt or financing program.

Mayor Vinroot said the agencies that determine your bond capacity are very practical decision makers and they look at whether or not you are doing something that is a practical matter that really does threaten the GO property taxpayer or in fact if it isn't something while technically it is dependent on those property taxpayers because there is a stream up front that will absorb that cost. As a practical matter they don't let it affect the capacity of a city.

Mr. Reid said he understands what they are saying, he was not aware if you had a GO bond that anything affected that other than the ability of the taxpayer to pay. He did not know that you could almost make a revenue bond out of it. From a practical standpoint they are looking at it just as a revenue bond, is that right?

Mayor Vinroot answered yes. They are probably looking at it as if you were going to the bank to borrow money, and you say you are going to put your house up as collateral, but you are going to put in front of the house a $1 million piece of stock. They are probably not going to worry about your house, it may get into disrepair but they are not going to be terribly concerned about it because they have this $1 million piece of stock as security up front.

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Mr. Richard Martin said there are really two issues, one is financial and one is legal. All cities in North Carolina can issue up to a certain percent of their total assessed property tax. We are close to that, we have substantial excess to pay, that is the legal side. The financial or economic side is based on the stream of revenues we are going to use in our plan to pay the debt service. That is why the financial plan set forth in the current budget is that they will use the revenue that is being generated from stormwater fees because they will pledge from a financial planning perspective to use those funds to pay the debt service on stormwater bonds versus property taxes or any other revenue sources.

Mr. Baker said that percentage of limited debt is eight percent of assessed evaluation.

Mr. Richard Martin said that puts it at about $1.8 billion.

Mr. Baker asked we have a water/sewer system that pays for itself. When we sell GO bonds for water or sewer facilities that does not count against that eight percent limit?

Mr. Richard Martin answered some of it does, not all of it. The excess capacity is so huge it will not move them anywhere close to that.

Mr. Baker said so it isn't going to jeopardize the terms greatly.

Mr. Richard Martin said right. The real reason for going to the voters with GO bonds is they pay a lower interest rate then they would if they issued revenue debt or certificates of participation such as the Convention Center or any other kind of financing. The reason is the full faith credit of the City is pledged behind the bonds, therefore, they can demand a lower interest rate.

Mr Majeed said speaking of the five year program with this bond issue, as far as time tables, would the inner core and infrastructure speed that up?

Mr. Schumacher answered many of the projects are toward the center of the City. The closer to the center of the City, typically the older infrastructure the more problems with flooding. Druid Hills, for example, has a weak infrastructure problem of drainage. That is one of the projects that is included, to go in and install the infrastructure which that neighborhood needs.

Mr. Majeed said some of these things are not articulated and a lot of people don't realize that would benefit that urban core.

Mayor Vinroot said that is the Bond Committee's role, to tell the story.

Councilmember Scarborough asked if South Boulevard, Kent and Shamrock Roads are state roads?

Mr. Schumacher answered South Boulevard is maintained by the State of North Carolina. The City's project is downstream of South Boulevard. To fit South Boulevard you have to make some improvements down in the neighborhood where the water goes. What they will do is go in to that neighborhood and make the appropriate improvements that will allow the state to do what they need to do actually at South Boulevard.

Ms. Scarborough asked is the state going to do a project with the City when they do that?

Mr. Schumacher answered that is their contention.

Ms. Scarborough asked will they do the same thing at Shamrock Road?

Mr. Schumacher answered he is not sure if Shamrock Road is state maintained.

Mr. Martin asked is that the area parallel to I-77 named Russell Creek?

Mr. Schumacher answered yes.

bbm

Councilmember Jackson said he had a call from a constituent in his district where the City came out and eventually did a pretty good size repair. The City put rip rap along his bank and water from the rain washed it all out, it sort of damned up the creek and made the situation worse. In that kind of a situation where the City has for whatever reason made the problem worse, how do we address that?

Mr. Schumacher answered once they make a repair or improvement to a drainage system they have assumed responsibility for maintaining it in the future. For example, he can think of a case where the City made a repair to the channel and a corner of the house was threatened. The erosion of the channel would eventually undermine the corner of the house so they made a repair there to reinforce the channel and stop that and by doing that they have become responsible for it. Should that area develop a problem again, then they will go back, not putting them at the end of the list, but go back as the work is needed to make the repair. They might talk about that specific location later but he does not know of any where they have made it worse.

Mr. Jackson said it was at least the owner's opinion.

Mr. Schumacher said part of the explanation of that is the storms we had in August that might have been above the design standards. They design the systems for a certain amount of rain and if you get more rain than that then the logical conclusion sometimes of the property owner is you made it worse.

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**GROUP HOMES EXECUTIVE SESSION**

Mayor Vinroot said the last item on the agenda tonight is a motion for an Executive Session to talk about group homes. He will tell the people at the end of their comments to Council that we are going to have an Executive Session, and would urge Council instead of getting into a discussion with them about things that are already the subject of existing litigation, to save their comments until after they have had the Executive Session. He doesn't think they want to be witnesses in a lawsuit at this point, but it would be better for them to listen carefully and he will explain that at the end of the presentation.

Mr. Reid said he would like Mike Boyd to tell Council why they need an Executive Session on the group homes.

**Mike Boyd, Deputy City Attorney** said as the Mayor indicated, there is some existing litigation over it. They have received a copy today of the Taylor Home petition to further review their potential litigation in the Supreme Court and with the United States Department of Justice. He said our perspective is the discussion can best be conducted in an Executive Session where they will have the opportunity to discuss it and for us to provide Council with advice for them to consider, without necessarily tipping their hand either on the defense strategy or anything else.

Mayor Vinroot said he strongly urges them when they have the threat of litigation since they are talking about public resources ultimately to use that opportunity to have an Executive Session and then if they want to make it public they can make that decision. He strongly suggests they use that opportunity.

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**CITIZENS LAW ENFORCEMENT REVIEW BOARD**

Mayor Vinroot said there are six people who want to talk about the Citizens Law Enforcement Review Board which is the issue that came up the week before. It is coming up on the agenda at some future point before we have to go to the legislature. He will tell these folks if they want to use their ten minutes fine, but he urges Council not to get in to a lengthy debate about something they have heard once and perhaps will hear a lot more about.

Councilmember Campbell said he does not think all those people are here about that one issue.

Mayor Vinroot said you don't.

Mr. Campbell said no, it reads differently.

Mayor Vinroot said he is right, it does read differently. Two of them say Law Enforcement Review Board, one says Police and Citizens Review Board.

Mr. Cannon said they are referring to the same thing.

Ms. Scarborough said she thinks so too.

Mr. Campbell said he ran into Darrell Alleyne and he thinks he is there for something else.

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**FAST FOOD ROBBERIES**

Councilmember McCrory said he got a couple of calls based upon news reports of the fast food restaurant robberies. There were some concerns from Burger King and other fast food restaurants about the tree ordinance. Is this something Council should review. Ms. Wheeler's committee is reviewing the tree ordinance, he does not know if it is from a public safety perspective, but could they add that or are they going to get some direction. He understands that issue came up from the owners during the police meetings.

**Dennis Nowicki, Chief of Police** said he is not aware of what the issues are, and he has had no feedback from that meeting.

Mr. McCrory said he has gotten several calls from people who are saying the current tree ordinance is blocking the view of people who work in the restaurants and maybe is endangering their safety during these robberies. They have asked Council to review the current ordinance requiring bushes and trees so that there might be some exceptions for public safety purposes.

Councilmember Wheeler asked can it be added to the advisory group that is working on the ordinance to consider that?

**Pam Syfert, Deputy City Manager**, answered there is an issue right now that is being looked at as part of that process and that is the issue of whether you require planting in front of businesses or leaving it open. That is one of the issues City staff agreed to look at with the advisory committee as part of some of the suggestions for reviewing the ordinance and that would eventually come back to Council.

Ms. Wheeler said that is supposed to come back the end of October.

Mr. McCrory said he was wondering if they could get a report from Public Safety and the Police on that and even speed it up. They can put that on the front burner of the tree ordinance question. He does not think they have really discussed it, they have hit it peripherally from a public safety initiative but now they have some specific cases where people are raising that as an issue and he does not know about the legitimacies.

Ms. Syfert said if they can get the results of that tied in to Chief Nowicki and have him work with the folks on the tree ordinance to give that public safety perspective that will do it.

Mr. McCrory said they should put some speed on this issue in case they want to make some immediate changes. Then Council can make some immediate changes to our ordinance and thus allow them to do that if there is justification to do that.

Chief Nowicki said the meeting was held by the crime prevention officers and a couple of those officers have been trained in crime prevention through environmental design. They can certainly have some recommendations based upon their skill or knowledge about crime prevention.

Mr. McCrory said some of these owners wanted to do that so if they could transfer that to Ms. Wheeler's committee as soon as they can.

bbm

Mr. Martin asked shouldn't they ask Chief Nowicki to expand that to other things relative on how to address that problem? He said one of the owners told him they were concerned about the relatively young employees in the store late in the evening. He hopes other things beyond just the bushes are as important and they have looked at whatever groups they need to.

Chief Nowicki said the purpose of the meeting they called Friday was to give some advice on preventive steps the businesses can take. That is why they gathered them together and they had a good turnout. He isn't aware of the issues that were raised during the meeting by the business owners and that is why he is unable to respond. What they did was invite the people and they had a good turnout, and his understanding is the businesses felt well served by the meeting.

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**HANDICAPPED PARKING**

Mr. McCrory asked when are they going to get the update on the progress of the handicapped parking? He gets a lot of calls about the progress of the self enforcement.

Ms. Syfert answered they will check on that.

Mr. McCrory said they are behind their schedule. The Public Safety Committee voted on that about six or seven months ago and they said they would be implementing the training in August and he wrote a memo on it about a week ago.

Chief Nowicki said he would get a response to him in a couple of days about some of the things caused by the police department.

Mr. McCrory said he explained some reasons for that to the citizens.

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**CRIME IN PUBLIC HOUSING**

Mr. Reid said he believes Chief Nowicki and Harrison Shannon were conducting a study or survey and would give Council a report on crime in public housing. When can Council expect to get that report?

Chief Nowicki answered he thought the report on crime in public housing had been forwarded to Council already.

Mayor Vinroot said last week Mr. Reid raised the point of the difference between the crime experience, specifically in Earle Village, and in public housing generally versus Charleston. After they came back from Charleston, Chief Nowicki and Mr. Shannon were going to sit down and talk about what they heard and saw in Charleston versus what we are doing here and come back to Council with a reaction to what they can be doing different here than they are doing and what we can and need, maybe legislation to help us do it. He can remember coming back the following day and sending a memo to Mr. Shannon and Chief Nowicki, which they may not have received yet saying they needed them to come back to Council on that.

Chief Nowicki said he, Mr. Shannon and their staffs have met and followed up on that. What they want to do initially is to inform Council on what is going on and what the conditions are in our public housing. One of the things that became evident to him and Mr. Shannon was there are a lot of initiatives already undertaken between their two agencies that are similar, not identical to the things that are going on in Charleston. There are a lot of differences, but there are a lot of similarities the members of our contingent in Charleston didn't seem to be aware of so the first thing they wanted to do was to fully inform Council as to what is going on. They are putting that briefing together and as yet a date has not been set, but in the very near future they will be arranging to have Council briefed, including offering site visits to Council as well if they want to do that.

Mr. McCrory said at the Earle Village function today a member of the Housing Authority staff

approached him and said they do have some reports with some specific recommendations. They asked him if he was going to come to something and he did not have it on his calendar, but apparently someone from the Housing Authority has some specific recommendations and action items.

Chief Nowicki said Deputy Chief Schurmeier, John Hayes, and Major Anderson are working to put this together in reference to their visit.

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**SIGN ORDINANCE**

Mr. Reid said he wrote Mr. White a letter sometime ago about the ordinance for signs on the roof of buildings and he turned it over to the County Manager for a reply. Does he have any idea what is holding up the County Manager? He knows he has done what he can, but if a County Commissioner had sent him the same letter Mr. White would reply to it quickly and he has heard nothing about what is going on. He knows it is meaningless, but it is pretty important to the people who are being forced to take signs off of buildings when some of the major corporations in this city are not complying.

Mr. White said they will check and see where it is.

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**MANAGER'S CONFERENCE IN CHICAGO**

Mr. White said it made him feel good to walk through the hallways and have any number of our members talking to him about what is going on in Charlotte in terms of some of our innovations. One of the high points was when Chief Nowicki gave a report on community based policing and he is considered by his peers as an expert on that subject, was well attended and the people were really listening. As a side note, they wanted to let them know about our Community Safety Plan so Chief Nowicki was not supposed to talk about that subject, but he did reference it and said he had reports if anybody wanted one. When he finished his presentation and another member of the panel was talking, Chief Nowicki started taking these reports out of his box and putting them on the table. Right in the middle of the presentation members of the audience began going over to the table. It indicated to him we are doing something in just having a Community Safety Plan in this city that is unique and different. He was given a plaque and congratulations for surviving in the profession for 35 years and he didn't consider that a great deal, so he just went up and got his early and they said give Mr. White a box and he didn't know if that was a message for the future or not. Each year they have a foot race and he struggled trying to keep up with the younger members. He wants to report this year he came back with a prize, he won his age group. There was one other fellow in his age group and he was runner up.

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**U.S. CONFERENCE OF MAYORS**

Mayor Vinroot said he went to a meeting in Knoxville for the U. S. Conference of Mayors Board of Advisers. While we are worrying about our problems, as we should, it is unbelievable the things people say to him about our city and their perception of our city. He got a copy of an article from the Conference of Mayors meeting in Portland, Oregon, where the Portland newspaper focused on four cities and Portland. The cities were Austin, Texas, Tulsa, Oklahoma, Charlotte, Portland and Denver. A couple of those cities in their bio describing what they want to be said they want to be the next Charlotte. They used Charlotte as their standard and it looked at all of the statistical comparisons including the tax rate and we were by far the best of the five comparable cities. You might explain some of that on where we are in the country, unionization and many other reasons. It was real easy to pick out the winner and at least they are comparing themselves to other cities they thought were comparable cities in terms of size and not quite the Chicago's and the other places. We are lucky to be participating in government in Charlotte, we could be in Chicago.

Mr. White said he and Vi Alexander attended a meeting and they were structuring this study

which is going to take two years to do. The consultants in the group referred to what Charlotte has been doing since the 1970's in productivity measurements four times during the course of the meeting. They talked about the concept of City Within A City that we wanted to get in to in terms of measurements with something that will pull us across department lines which will be very complex to do, but that was the area of challenge they wanted to get in to. That also made him feel very good to have the authorities refer to not my work but the work that is going on, particularly in our budget shops.

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**PUBLIC TELEVISION SERIES**

**Del Borgsdorf, Assistant City Manager** said public television is doing a three part series on urban America on life choices. The first hour features cities that are on the decline, the second hour features cities that are there, and the third hour features a city that has mastered the art of urban recovery or urban revitalization. It features Charlotte and highlights two strategies, one the Carolinas Partnership with regional economic development, and City Within A City, sort of macro and micro. It is an hour long nationally televised program that will be shown in the next 60 days.

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**BUSINESS WEEK**

Mr. McCrory said in Business Week's August 15 story on the gap between the rich and the poor in America, the cities with the largest gap between the rich and the poor are Newark, Detroit, Cleveland, Buffalo, and St. Louis. The ones with the narrowest gap between the rich and the poor which means a strong middle class are Las Vegas, West Palm Beach, and Charlotte.

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## CITIZENS HEARING

The Council reconvened in the meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:35 p.m. for the Citizens Hearing and Regular Business Meeting.

**INVOCATION AND PLEDGE**

The invocation was given by Councilmember Nasif Majeed.

Councilmember Don Reid led the Council in the Pledge of Allegiance.

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**INTRODUCTIONS**

Mayor Vinroot recognized members of the Parliament in The Congo who are here visiting and looking at government. The Mayor and Council then welcomed them.

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**OCTOBER NATIONAL CRIME PREVENTION MONTH**

Mayor Vinroot recognized Deputy Police Chief G. M. Mowrey who is going to receive a proclamation for October National Crime Prevention Month.

**G. M. Mowrey, Deputy Police Chief**, said in order for any community crime prevention program to work, there has to be a strong inseparability between the department, law enforcement and the community. We are very fortunate in Charlotte-Mecklenburg. The Charlotte-Mecklenburg Crime Prevention Association is strong and it's alive. In addition to the

people in the community, the crime prevention officers are a key part of that program. We have two officers here tonight that we want to recognize and Officer Shippley make you aware of some programs that are scheduled during the month of October.

**Paula Shippley, Police Officer**, said during this month we have scheduled an ambitious training program on robbery prevention with the local fast food restaurant staff and management. We're also continuing to focus our efforts along with community policing on neighborhood watch programs. Since Halloween also comes in the month of October we will also be working with school resource officers on programs to promote safety for children. On October 22, we will join the U. S. Attorney's Office in the crime prevention display located at Eastland Mall.

Mayor Vinroot then read the proclamation and presented it to the Deputy and Officers.

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**ZONING DECISION- CARMEL\CRESCENT**

**Steve Hayes, 3816 Tablerock Road**, president of the Mountain Brook Civic Association, brought Council a verbal bouquet of roses. Last June Council denied a controversial zoning request for the Carmel/Crescent project at the corner of Carmel Road and Camilla Drive. Recently a new Carmel Crescent project was announced, a project that is in keeping with the existing zoning, a project that we feel is a real contribution to our area. This project we feel is a win, win, project. The R-3 zoning is maintained, the developer offers a new innovative product to the market and the James Family gets a project that's in keeping with their wishes for their land. We want to commend the City Council for its wisdom and fortitude in maintaining the existing zoning. It is your actions that brought about this development which basically fulfills all of the attributes credited to the original plus maintaining the character of our area. On behalf of our cohorts in Giverny, Carmel Woods, Brandon Mill, Wilton Woods and other nearby neighborhoods, we want to thank you for your patience, attention and support in addressing our concerns.

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**GROUP HOMES**

Mayor Vinroot told the citizens who came to speak that the last item on our agenda tonight is an executive session motion on the Group Homes issue and so we are going to simply listen to you and probably not respond or comment in any way

**Bob Moran, 5022 Lansing Drive**, said he is speaking to Council tonight to express his concern on an issue that would effect all Charlotte neighborhoods and not just Lansdowne. And that issue is how City Council will respond to the U.S. Department of Justices' threat to sue the City unless it amends its zoning ordinance to virtually eliminate all restrictions on Group Homes development in neighborhoods currently zoned as single family residential. He offers you four good reasons why you should not consider changing these provisions. First, legitimate Group Homes are currently allowed in residential areas of any quarter mile separation from other Group Homes. Take this restriction away and Group Homes could be established side by side or in rows if their operator so desired. This kind of intensity would defeat the ordinances intent of disbursing Group Homes more evenly so that they would better blend into residential areas. Second, changing the definition of a Group Home will allow non-residential uses resembling Group Homes to locate in single family areas. Some of these uses could be nursing homes and health care institutions, which comprise a large or wide variety of medical, clinical or intermediate care facilities, none of which are currently allowed in single family residential areas. Third, the City of Charlotte is on good legal footing to fight this issue, one of the main complainants, the Taylor Home of Charlotte has lost in every court decision and every legal action this year and last year. In three separate hearings reasonable and thoughtful citizens on the Zoning Board of Adjustment and experienced judges in superior court, and in the North Carolina Court of Appeals have all determined that the Taylor Home is not a Group Home and that the City did not discriminate through its zoning ordinance. Fourth, single family residential zones always have the highest use and are the most protected than any zoning ordinance in any city, because that's where most people live and that where they raise their families. There is

nothing inherently discriminatory in these ordinances nor in Charlotte's ordinance which only seeks to protect residential areas from inappropriate use. In closing, as you deliberate in the executive session, he asks you to reflect upon your achievement in creating a fair and even handed in ordinance that we have now to protect the quality of life in our residential neighborhoods. Those of us across Charlotte who are aware of this issue support you and urge you to stand firmly against this federal intrusion on our City's life.

**Craig Lynch, 6338 Owenby Ct.**, said his interest in this matter was peaked some time ago when he learned about a troubling prospect some of his neighbors faced. These folks faced the prospect of having a nursing home located adjacent to their property under the pretext that this was a Group Home. He doesn't think that he personally faces a similar prospect. He lives some distance from the proposed Group Home, across the street from an Elementary School, there is a parsonage next to him and his other two neighbors are planning to move anytime soon. So he personally doesn't face the prospect of having a nursing home or Group Home immediately adjacent to his property. And he says all of that to be candid with them because they may ask themselves, well Mr. Lynch you really don't have a dog in this fight, why are you here? He submits to you that he does have a dog in this fight, he thinks that he is in a position that is similar to most of the residents of single family homes here in Charlotte. Residents of single family homes, by and large oppose the kind of change that is proposed in the zoning regulations as they relate to Group Homes. Any proposed amendment would have the effect of producing wholesale changes in our neighborhood and producing degradation possibly in those neighborhoods. The prospect of this amendment is troubling to him because he placed a certain amount of faith in elected officials such as yourself when he purchased his home. And the faith his is speaking of is the faith that you would take affirmative steps to ensure the characteristics and the nature of the neighborhoods in which he purchased a home and which other people purchased homes would remain intact. It is a slippery slope that you're embarking on if you decide to change the zoning regulations. You risk intrusion of medical facilities into residential areas, the intrusion of nursing homes into these areas, you also risk converting these residential areas into quasi commercial areas. He along with many residents in this city would oppose that for the reason that we made a conscious choice about where we decided to live based on the existing characteristics in those areas. And those are the areas in which we've chosen to live to raise our families and to make the largest single investment in our lives. In conclusion he would state that he believes that all of them have a proprietary interest in maintaining the integrity of our neighborhoods. He doesn't want to see the quality of life in his neighborhood, erode and he don't believe that you would want to see the quality of life in your neighborhoods erode. And he urges you to reject any proposed amendment to zoning regulations which would have the effect of changing the provisions or definitions relating to Group Homes.

**Kelvin Matney, 822 Lansdowne Road**, said he supports the building of the home by the Brothers Foundation called The Taylor Home. He is a resident of that community and is aware of what they are doing, he does not fear this project and he supports their efforts and what they are doing. He just wanted to express that to the Council and he hopes that would be in their minds when they're talking about this over the next few days or so.

**Jane Henderson, 6720 Folger Drive**, said you our elected leaders of our community are called upon to make decisions of very complicated issues and she is thinking in particular about those related to the preservation and development of our neighborhoods. Last year she contacted the president of our neighborhood association to request that we have a panel discussion on the subject of Group Homes which would include experts on health and safety concerns and property values and other issues associated with Group Homes and that never happened. And she is very sorry that our neighborhood still seems to be divided based on fears that may or may not be true. We haven't all gotten together to discuss the issues, our world is changing so quickly and we no longer have the support systems that our families use to provide to care for our disabled brothers, sisters, parents and children and more and more we're dependent upon outside care givers such as Group Homes to take care of people that we can't take care of ourselves. Whatever the out come of the law suit, she thinks it would be in the best interest of our community to begin to discuss Group Homes in our neighborhoods so that we could better understand the needs of the residents as well as the real effects upon their immediate neighbors. It doesn't seem fair that certain areas of town have several Group Homes quite close together while other neighborhoods have few or none. As we look at the long term health and vitality of Charlotte-Mecklenburg she hopes that we will embrace diversity. She trusts that we will have

leaders of vision who will promote and foster the idea of inclusive communities. Communities that will be made up of neighborhoods in close proximity such as Dilworth and Wilmore where young and old, rich and poor, black and white, handicapped and able bodied people have the opportunity to cross paths. And where the children in that neighborhood are able to attend an integrated school without a long bus ride. This model could be replicated in the outer edges of the county. Let's consider carefully of the advice of our planners who urge us to take care of our older neighborhoods, such as Hampshire Hills and Plaza, Shamrock, with their infrastructure already in place and paid for and save them from being deserted and in favor of exclusive. And by that she means ethnically and economically isolated communities development in the outer edges of our county. Her husband, her three children and herself will welcome The Taylor Home in our neighborhood. She would hope that other people could find love and compassion for her if she was in such a situation and needed a home like that. These are difficult questions with complex answers and on the other hand it could be as simple as asking how would I feel if I were in the other person's shoes.

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**CITIZENS LAW ENFORCEMENT BOARD**

**Darrell Alleyne, 3613 Garganey Court**, said he would like to apologize to the Mayor and Mr. Reid in reference to an article in the Observer about their lack of attendance to a rally that we had. He personally knew that the Mayor was unavailable and Mr. Reid had wanted to respond to the community but had a death of a close friend. And some how the Observer had lack of misinformation concerning their lack of attendance. He is a retired Police Detective from the Police Department in New York . His department had one of the finest reputation in the world for a Law Enforcement agency. During the past 23 years he has been one of the best trained, highest paid police officers in the world. Recently his department gave an exam for entry level police officers and his department hopes to hire 1,000 officers in the next two years. In Madison Square Garden we had 35,000 applications for $50 a piece, for a chance at a job in Nassau County. We train other departments also. He is known as being an outspoken, candid, aggressive, relentless, effective detective. He is not intimidated by anybody, any force since he left boot camp at Paris Island. Presently he is a member with several community groups with the City of Charlotte, he is a active member with Citizens for Justice as a pro law enforcement agency and our goals are to be more effective with the police and at peace with the citizens. We're open to any police officer, civilian, community agency that has a problem with law enforcement that we could assist. At this time we would like for the City Council to take action for the immediate dismissal of two police officers from the Charlotte-Mecklenburg Police Department, Officers Mark Farmer and Gary McFadden. We also request an independent investigation into the conduct of the entire investigative division of the Charlotte-Mecklenburg Police Department. Any crimes or any allegations against a police officer within that department right now is currently passed on to homicide squad if the allegations are criminal. So in essence what you have is a department investigating itself. Absolute corruption, corrupts absolutely, and this is not acceptable. The reason we're asking for dismissal of these two police officers is not that they are bad people because personally he doesn't know them. But they do not fit the caliber and the expectations of the officers which make up the over all department of the police. Regarding officer Farmer, at the time when Ms. Thompson was killed he failed many times his primary obligation of protection of life and property. While Ms Thompson was stopped, the officer blocked her main entrance after a crash with a passenger side of his cruiser door of his vehicle. He failed to assist her at all as far as being injured. By his own actions and his own actions only did he place himself in fear loss of life. And then he presumes that because a car with four flat tires and disabled may have started, he assumes that if he had fallen out and ran over he would have killed, he takes deadly physical force as a action to stop that occurrence which didn't actually occur. In use of force he is a expert and if anyone on the Council has any questions about his qualifications he would be free after this meeting or set up a time to meet with you to give you names and witnesses as far as his qualifications as a investigator, use of force and a trained officer, both uniformed officers and detectives. In use of force there are two criteria, not one. You can justify anything you want to do, he has had over 1,000 arrests in 23 years. If he wanted to kill half of them or use that kind of force he justify it. The case work here is not justification, it's necessity, two things you have to have, you need necessity and justification. We are not talking about the common law man here, we're talking about police officers, they are not ordinary people. He knows from a police family and background, third

generation. He have four brothers who are police officers, and many cousins. The second issue right now involving the homicide investigation, on May 27, Sharon Love Nance was beaten to death. On June 15, Carolyn Love was reported missing. Her roommate was safe at night, a girlfriend of Henry Lewis Wallace, co-worker both working at the Taco Bells. Ms. Knight left her apartment and moved in with Mr. Wallace. At the time of her missing, Mr. Wallace had to be considered by any trained investigator to be a suspect. With a suspect, opportunity, motive and profit will give you a suspect. He was dating her roommate, he had been to the home. He knew the missing person, in fact he worked with her. For some reason at the same time he should have been a suspect, this department said he was a witness. At the same time he was cleared to be a witness, Mr. Wallace had a prior arrest, a criminal record for burglary, charged with kidnapping and raping a gun point another woman. These things for some reason were failed to be disclosed. On February 19, 1993 Shannah D. Hawks was found strangled in her tub. Ms. Hawks worked with Mr. Wallace and hired Mr. Wallace. In general the officers of the Charlotte-Mecklenburg Police Department are excellent officers, they are over worked and under paid. You need to stop having a part time department. They work off duty in uniform selling their badges and guns. The officers were killed in Charlotte because of money.

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**ROLLOUT GARBAGE AND ABANDONED BUILDING**

**Libby Glenn, 2707 Central Avenue**, said she was going to be very brief because there are two or three things she wants to speak about today. The rollout garbage for small businesses, evidently when some decided to suggest this rollout garbage they did so without any planning for small businesses. Since she is closed on Monday's she was told to place her garbage on Central Avenue on Friday. Her frontage only affords her a driveway, there is no place to put this garbage, it's picked up on Monday. She can't pick up the cans to carry them 150 feet, they have to be drug, and we need some help with this rollout garbage for small businesses. The second matter she has is concerning the pictures going around. This is an abandoned building beside her, it's been in this condition for 10 years. We've had a lot of crime because of this drug addicts, drunks, a lot of break ins. Her alarm is going off at three in the afternoon, we can't seem to get a hold of our building inspectors. We understand we are getting some help on this and they have to bring this building up to code. As you will see by the pictures these people aren't having to go by the same regulations we had to when we erected our building. There are no footings poured, the blocks are going in different directions, and there hasn't been an inspector out, and we would like for them to follow up on this. The small businesses on Central are banding together. She is real concerned about this because Charlotte Catering and Bakery does not have a gateway on Central Avenue, however we have some very important people who visit us from time to time. Some of those are Burt Reynolds, The Lone Ranger, Universal Studios, Paramount, we do all of these, these people are there and we don't like for them to see things like this in our frontage. Third, and lastly police response. Her burglar alarms have gone off at 3 in the afternoon, she calls a car, she waits 20 minutes and a car doesn't come. She goes back in and calls the police department, oh, we sent the police officer a block down the road. She would suggest to you that there must be a problem with the computer, when she dials 911 from 2707 Central Avenue it does not pick up on her address. One of her employees on Friday after work went home, his patio door was open, he shut it and went on to his second job. He came home about 3 hours later, it was ajar, his VCR gone, writing on the mirror was racial. It said we were here when you were here before. Evidently they were there and hid, which is a scary thought. The police response was 45 minutes, and someone could have been inside that apartment and someone could have been very seriously killed. They did state on the note that they started to smoke him and signed it the Asian Gang. The police department have told her that there are no gangs in Charlotte, so she guess we have a commune or tribe or something else.

Mayor Vinroot said first of all the question was asked about the small business rollout, as he recalled we have been getting a number of calls about that, and Mr. White is working up some alternative proposals for us to consider on that subject. So that will be dealt with, the first item. The abandoned building subject we got your information, we saw your pictures and we will have somebody from the staff to look into that and the third subject, the Police Chief is sitting three rows below you and heard your comments and he is sure he will be inquiring into the tardy or the delayed response to your concerns and see if we can't improve on that. That's why the

Chief is here, to hear those kinds of comments.

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**PLANNING FOR HOUSING**

**Annelle Houk, 11010 Harrowfield Road**, said she is here tonight because she is ashamed for Charlotte. Apparently the word integration is still a dirty word for some of Charlotte. How you protect against it is to get enough money to price out anybody you don't want to live next to you. To a lot of people that's the American way. However selfish citizens like that are the biggest threat to the viability of this city that we face. As the elected government for the City of Charlotte you have to think bigger than property. You're responsible for the quality of life, not only for the citizens alive in Charlotte now, but for all those who have not yet been born here or moved here. One thing you have to do is to see that services and amenities are provide equitably throughout the city. Even ordinary mortals can figure out the cost is directly related to density. The more miles of single family homes on acre lots that you stretch out from sewer and water and police, fire protection, parks, libraries and schools, the greater the cost for providing those services. Also if you want efficient mass transit, you develop corridors of dense housing, not only single family homes. If you want community spirit in neighborhood schools, you build diverse communities with centers and you connect them in communication with one another. People with single family, single income, single race, single age communities may get together to collect the money to build the wall or to fight annexation. Or to demand the services be brought to them, or to resist the taxation for any purpose not directly related to them. But they're not likely to be aware enough of the needs of the rest of the people to feel any urgent responsibility for making this city work. This Council needs to be world class enough, at least to think about the possibility that diversity is an asset to Charlotte, rather than a liability. Whom do you exclude when you refuse to consider the inclusion of affordable housing, there's your mother if she doesn't want to live with you but would like a small place near by. There is your son or daughter just out of college and starting at a low wage. You keep our riffraff like me and you must build more highways because no one who performs all the services single family developments want can walk to work or have a bus to ride. She believes that we are truly in danger of building a strangling white collar around Charlotte that will continue to demand special treatment, special services and isolation from the greater community. This very day you're feeling that pressure on your political folks. You can do as politician have in many other cities, isolate the races plus segregate social or economically, cater to the rich and then abandon both the poor and the heart of the city. Or we can embrace diversity and grow to greatness.

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**STOP SIGN PETITION**

**Lila Hauck, 6555 Deermont Court**, said she is eleven years old and she goes to Marie G. Davis Middle School. She is here to support the bus stop sign petition on Deermont and Pineborough Road. A couple of days ago she almost got hit by a car because her bus stop is on a corner of a street and there is only one stop sign, and people speed. When the bus comes and puts out their stoppers the cars go past that and a couple of weeks ago a car was speeding 75 miles per hour and ran into a tree, and left marks on the road. She would like to support the stop sign petition because she thinks that we need to put up stop signs so she and her friends will not get killed at the bus stop. If you will, please consider putting up stop signs as soon as possible.

**Dick Hauck, 6555 Deermont Court**, said his daughter didn't want to come down here until she saw all those skid marks and almost got hit by a car, but he has been trying to work on those stop signs since fall of 1992 and then around February of 1993 he was told by Randy Jones that it was on hold because of personnel problems, shortages, vacations, retirements and sick leave. Back to 1993 he wrote Stan Campbell a letter and called him on the phone and he said he would take care of it. And went through stage one trying to get some studies done and then in January, 1994 he got to the second step and it took him a couple of months to get out and spin the rubber on his heels to get the signatures necessary. So we finally got that done, then Angela Ivy went on sick leave and some more retirements, and some more vacation too, which is okay. It is now into September and he called Angela on August 22, the day the school school started their

busing, and said can't we hurry this thing up, yes we'll get it done in two weeks. Then three days later he got a phone call back saying we have to put up a flasher because the visibility is bad at that intersection. So he said great how long is that going to take, well we have to send it down there, we have to do this study, and he hasn't seen anybody out there and he wants a stop sign. Now Mr Campbell said basically he should come down here because he couldn't get it done, and maybe you can.

Mayor Vinroot said we have the folks here who can look into that and see where it is and do their best to get it before the appropriate people as soon as possible.

Councilmember Campbell thanked Mr. Hauck, and said he will be hearing very quickly from Mr. White.

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## BUSINESS MEETING

### APPROVAL OF MINUTES

[ Motion was made by Councilmember Scarborough, seconded by Councilmember Wheeler ]
[ and carried unanimously, to approve the minutes of August 22, 1994. ]

* * * * * * *

### APPROVAL OF CONSENT AGENDA

[ Motion was made by Councilmember Scarborough, seconded by Councilmember Wheeler ]
[ and carried unanimously, to approve the Consent Agenda as presented, with the exception ]
[ of Item Nos. 14I, 21F, 14D and 18. ]

**The following items were approved:**

1. Contract to the lowest bidder, Sherrill & Associates in the amount of $220,175.55 for South Boulevard Business Corridor Phase II for Engineering.

   **Summary of Bids**

| | | |
|---|---|---|
| Sherrill & Associates | Charlotte, NC | $220,175.55 |
| Showalter Construction | Charlotte, NC | $250,160.40 |
| United Construction | Charlotte, NC | $286,167.00 |

2. Contract to the lowest bidder, Hall Contracting in the amount of $674,583.00 for Charlotte-Mecklenburg Police Department Project Site Excavation for Engineering.

   **Summary of Bids**

| | | |
|---|---|---|
| Hall Contracting | Charlotte, NC | $674,583.00 |
| Blythe Construction | Charlotte, NC | $814,575.85 |
| Blythe Development Co. | Charlotte, NC | $835,222.00 |

3. Ordinance No. 135-X authorizing the use of In Rem Remedy to demolish and remove the dwelling at 3340 Amay James Avenue (Reid Park Neighborhood) which is located in the City Within A City boundaries.

   The ordinance is recorded in full in Ordinance Book 46, at Page 33.

4. Ordinance No. 136-X authorizing the use of In Rem Remedy to demolish and remove the dwelling at 2303 & 2303 1/2 Tate Street (Biddleville Neighborhood) which is located in the City Within A City boundaries.

   The ordinance is recorded in full in Ordinance Book 46, at Page 34.

kjw

5. Ordinance No. 137-X authorizing the use of In Rem Remedy to demolish and remove the dwelling at 131 Goff Street (Hoskins\Thomasboro Neighborhood) which is located in the City Within A City boundaries.

   The ordinance is recorded in full in Ordinance Book 46, at Page 35.

6. Ordinance No. 139-X authorizing the use of In Rem Remedy to demolish and remove the dwelling at 402 A & B Jones Street (Lakewood Neighborhood) which is located in the City Within a City boundaries.

   The ordinance is recorded in full in Ordinance Book 46, at Page 37.

7. Ordinance No. 140-X authorizing the use of In Rem Remedy to demolish and remove the dwelling at 4021 Grove Avenue (Derita Neighborhood) which is located in the City Within A City boundaries.

   The ordinance is recorded in full in Ordinance Book 46, at Page 38.

8. Ordinance No. 141-X authorizing the use of In Rem Remedy to demolish and remove the dwelling at 2119 Haines Street (Lincoln Heights Neighborhood) which is located in the City Within A City boundaries.

   The ordinance is recorded in full in Ordinance Book 46, at Page 39.

9. Ordinance No. 142-X authorizing the use of In Rem Remedy to demolish and remove dwelling at 2351 Olando Street (Druid Hills Neighborhood) which is located in the City Within A City boundaries.

   The ordinance is recorded in full in Ordinance Book 46, at Page 40.

10. Resolution authorizing the refund of certain taxes assessed through clerical or assessor error in the amount of $40,635.86.

    The resolution is recorded in full in Resolution Book 33, at Page 28-29.

11. Resolution to transfer maintenance responsibility for 31 streets from the North Carolina Department of Transportation (NCDOT) to the City of Charlotte.

    The resolution is recorded in full in Resolution Book 33, at Page 30-32.

12. Resolution to approve the Municipal Agreement between the City of Charlotte and the North Carolina Department of Transportation (NCDOT) for improvements to the Aberdeen, Carolina, and Western Railroad grade crossing with Tipperary Street; and to authorize the Director of the Department of Transportation to execute the Municipal Agreement.

    The resolution is recorded in full in Resolution Book 33, at Page 33.

13. Contract for three Professional Services Contracts not to exceed the amount of $150,000 each with Ogden Environmental & Engineering, Woolpert Consultants and W. K. Dickson and Company to provide surveying and design services for water and sanitary sewer main extensions.

14. Resolution accepting a Federal Aviation Administration (FAA) Grant in the amount of $10,023,116.

    The resolution is recorded in full in Resolution Book 33, at Page 34-35.

kjw

15. Ordinance No. 144-X appropriating $11,593,034 to provide funding for the second phase of the FY-94 Airport Improvements Projects, including Air Cargo Center- Phase 2; Site Preparation and Paving, FBO Expansion - Paving Taxilane and High Speed Taxiway Exits, Part 150 Noise Program, and Master Plan Land Acquisitions.

The ordinance is recorded in full in Ordinance Book 46, at Page 42.

16. Contract awarded to the lowest bidder APAC-Georgia, Inc. in the amount of $3,067,923.42 for the Air Cargo Center - Phase 2 Site Preparation and Paving and FBO Expansion -Taxilane Paving.

**Summary of Bids**

| | | |
|---|---|---|
| APAC-Georgia, Inc. | Charlotte, NC | $3,067,923.42 |
| Gilbert-Southern Co. | Charlotte, NC | $3,391,819.50 |
| English Construction Co. | Charlotte, NC | $3,584,331.00 |
| Ballenger Paving Co. | Charlotte, NC | $3,603,096.53 |

17. Contract awarded to the lowest bidder APAC-Georgia, Inc. in the amount of $2,736,746.43 for the High Speed Taxiways.

**Summary of Bids**

| | | |
|---|---|---|
| APAC-Georgia, Inc. | Charlotte, NC | $2,736.746.43 |
| English Construction Co. | Charlotte, NC | $2,793,012.60 |
| Gilbert-Southern Co. | Charlotte, NC | $2,936,094.93 |
| Ballenger Paving Co. | Charlotte, NC | $3,300,245.20 |

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**ORDINANCE NO. 138-X AUTHORIZING THE USE OF IN REM REMEDY TO DEMOLISH AND REMOVE THE DWELLING AT 328 TUCKASEEGEE ROAD (SEVERSVILLE NEIGHBORHOOD) WHICH IS LOCATED IN THE CITY WITHIN A CITY BOUNDARIES.**

Councilmember Spencer said she agrees with the policy of the housing people about working on houses, she is not complaining about that at all. But there are a class of houses that seem to be in a different kind of physical condition than our financial principal seem to account for. And this seems to her to be one of those, it's a larger or more substantial house, it was built with far better materials, it was engineered to last for years and years. In another part of town this house would be rehabed and sold and it would be a part of the streetscaping, it would be an admired part of the neighborhood. And she thinks it could be over here except that the economics won't work. Her question to Mr. Walton is, is there a way to save this house. Perhaps a deferral might be appropriate to give you some time to work. Because it seems to her that what we will be doing is taking a neighborhood that has a very fine streetscape, and some very fine old houses and we will be whittling that away systematically one by one over the next decade and taking away the character of the neighborhood which was once quite admired and which in other parts of town would be admired today.

**J. W. Walton, Director of Community Development**, said we reviewed again your request. Our analysis without a partner makes it infeasible for the City to do on mere cost. It would be too costly for the City to preserve this house, it would be more economical and cost effective to demolish the house and build a new one. He understands the preservationist philosophy, but in this particular case with no partner on this side of town and neighborhood it's just not going to be cost effective to the taxpayers to do so, with total City involvement. Because we could never get the rent to cover the expense that we will have to put into the property to bring it into code compliance.

Ms. Spencer said she doesn't disagree with what you're telling me, except that 25 years ago in Dilworth your department was doing exactly the same thing and now we have vacant lots in

places where we wish we had those old houses back. It really troubles her that some parts of town get treated differently from other parts of town. And she realizes the economics are there, but she is really concerned about that.

Mr. Walton said he doesn't disagree with her, it's really an economic social issue. Not only did it happen in Dilworth, it happened somewhat in Fourth Ward, Third Ward and Myers Park in some degree, but there was a market. And the side of town that we're speaking of there is just no market to substantiate the investment and the expense. We will be happy to work with any land owners or citizens or banks who want to move forward to partner with the City to make that a reality. But for the City to do it alone as sole entity, it would not be cost effective to the taxpayers.

Councilmember Scarborough said she just wanted to share with Ms. Spencer in reference to that, you are absolutely right in reference to historical property, but please understand that this property means being a nuisance to the neighborhood. And because there is no market out there to rehab this particular house, if it stays any longer it will continue to be a sore eye for the community and therefor not worth being any part of historical or anything else. So for the neighborhood perspective it just means they're better off without this structure there with drugs and a whole lot of other things that will happen in the neighborhood in a house like this.

Councilmember Martin asked Mr. Walton if we have heard anything from the homeowner, Ms. Scott on this thing at all. What's her position on it, she doesn't care? She lives in Miami according to this file.

Mr. Walton said the owner has not been responsive at all.

Mr. Martin do we have any complaints from the neighborhood?

Mr. Walton said as Ms. Scarborough has indicated there is an interest to having this property torn down.

[ Motion was made by Councilmember Scarborough, seconded by Councilmember]
[ McCrory, to approve the above ordinance. ]

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

YEAS: Councilmembers Baker, Cannon, Jackson, McCrory, Majeed, Martin, Reid, Scarborough and Wheeler.
NAYS: Councilmembers Campbell and Spencer.

The ordinance is recorded in full in Ordinance Book 46, at Page 36.

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**ORDINANCE NO. 143-X APPROPRIATING THE FOLLOWING FUNDS AS PREVIOUSLY AUTHORIZED BY CITY COUNCIL ON APRIL 11, 1994: $40,000 FOR THE LANDLORD-TENANT MEDIATION PROGRAM (AS MODIFIED WITH MANDATORY REFERRAL FROM SMALL CLAIMS COURT); AND $110,000 TO PROVIDE RENTAL PROPERTY OWNERS WITH ACCESS TO A ONE-TIME PER TENANT LOAN OF UP TO $1,500 FOR REIMBURSEMENT OF REPAIRS.**

Councilmember Reid said there are two parts to that particular agenda item. A is $40,000 for Landlord- Tenant Mediation, and B another item. He could vote to approve A, but he would like to speak to B.

[ Motion was made by Councilmember Cannon, seconded by Councilmember Martin, and ]
[ carried unanimously, to approve A. ]

Mr. Reid said the second item is $110,000 to provide property owners with access to one time per tenant loan of $1,500. The bottom line is this is to allow people who own low income housing a $1,500 reimbursement for damages that have been done by the tenant. And it's called

the loan to the tenant, but the loan will be forgiven if the tenant goes to some kind of counseling program. He objects to the tenant not being required to pay at least part of these repairs back. Where in the world is there any incentive for those tenants to take care of their property if indeed it costs them nothing except to go to some kind of counseling program.

Councilmember Cannon said or Jail?

Mr. Reid said all he is saying is when someone causes damages and we admit here it's their fault it seems to him that we we're not being very responsible unless we make those people a little more aware of what they've done and require them to pay some or all of that $1,500. It's our taxpayer money and this doesn't seem to be an efficient use of it. What we're doing is we're giving the low income housing owner $1,500 to repair his house when the tenant is the one who caused the damage. Only in America.

Ms. Spencer said we're not giving the whole $1,500, whatever is the accessed cost of it is what is being discussed. The maximum of it is $1,500 and she thinks that many of us discovered when we were rearing our children that we sometimes had to say things again and again before they were finally heard. Some tenants that we have had not yet learned how to be well educated as tenants. And this is a stop gap opportunity to fix up the house to keep the landlord from having to bear the cost to educate the tenant and to also remind the landlord of the opportunities to take advantage of the screening through the police department and other things. A tenant is not going to be allowed to continuously to use a program like this. This is a one shot chance for him and if he blows it then he will not be able to find places to live. This is a real opportunity to educate people.

Mr. White said this is a policy that the Council approved and worked out which he is sure that Mr. Reid is aware of, but any rate that's why it is here.

[ Motion was made by Councilmember Scarborough, seconded by Councilmember Cannon, ]
[ to approve B and the Budget Ordinance. ]

Mr. Martin said the people that we're talking about in this program that would probably be affected, what's their track recorded on paying their rent? The kind of people who might be eligible for this program, do they have a track record for paying their rent?

Mr. Walton said most of them would have a track record of paying their rent. The difficulty here is where the land owner has violations or damages to it's property caused by the tenant where the tenant have no financial means of repaying. So if you recall when Council approved this it was to assist the land owners by preventing them from going through small claims court as a tremendous cost to them and often times even getting in a judgement, the tenant would not have any means of repaying the damages. So the trade off here was to have mandatory referral, where the tenant and the land owner would negotiate and mediate, in return the City would get counseling and perhaps modification of the behavior. Second the tenant would avoid eviction.

Mr. Martin said if the tenant does not agree to take counseling or if he is actually evicted, what happens to him, does he goes into relocation work load?

Mr. Walton said no sir. The tenant doesn't get the $1,500 if it doesn't agree, or the maximum up to $1,500 if it doesn't agree to the plan. He thinks also where a tenant has the ability to repay, the City would seek the money.

Mr. Martin said is that in here, if he has the ability to pay?

Mr. Walton said this is just the ordinance, the ordinance was invertly left out of the windup, and this is not the program itself. This is just the ordinance to authorize the money.

Mr. Martin said what he is asking is in the program itself, you said if the tenant has the ability to pay, he would pay something?

Mr. Walton said yes.

Mr. Martin said and we will have a way to monitor that to see that he does pay something?

Mr. Walton said yes, there would be a loan between the tenant and the City.

Mr. Martin said suppose he doesn't pay, what will happen then, will he still get put out?

Mr. Walton said if he doesn't pay, he's not put out. There are three agreements here, one is between the tenant and the landowner, one is between the tenant and the counseling agency Family Housing Services, and then there is a loan agreement between the tenant and the City.

Mr. Martin said how much will he be required to pay back?

Mr. Walton said 30%, it is based on 30% of a person's income towards housing cost. Where they exceed their 30% there will be no repayment, where they don't exceed that then it will be a repayment.

Councilmember McCrory said he thinks Mr. Reid raised a good question. He thinks the purpose of the program is good. His concern is that we're just now talking about the ability to pay which is only related to the loan. His question is where is the ability to pay for the destruction? For example if they can pay for 10, 20, 30% of the destruction that they caused in the unit, are we at least asking for that amount of money prior to even giving them the loan? By the way it's written, we're automatically giving them a loan up to a certain amount of money with absolute with no input on whether or not the have the ability to immediately pay for the repair of the damage that they in fact caused.

Mr. Walton said it reads that way in this particular item, because the item was written as though no one will have the ability to repay. But your policies already indicate the 30% rule.

Mr. McCrory said but you're only talking about the loan part, he is talking about prior to even giving the loan, is there some evaluation as to whether or not they could pay for the damage that they incurred?

Mr. Walton said but are we in agreement here that the loan part is covering the destruction, the damage that did occur?

Mayor Vinroot said he is questioning when it's triggered, he thinks.

Mr. McCrory said when is it triggered that we give them a loan as opposed to go and ask them for the money, and money immediately to repair the damage they've caused?

Mr. Walton said it is triggered at the time of mediation. Once mediation has occurred the mediator would make a recommendation to the City, the City would take the financial information, the financial information analysis would be performed. At that time prior to any funds being disbursed.

Councilmember Baker said what's the degree of complexity of this counseling course and how many hours is it?

Mr. Walton said he doesn't know at this time how many hours.

Mr. Baker said is it something that goes down for a half hour and that's the end of it?

Mr. Walton said no sir, it's based on a case by case basis that the Family Housing Services would do a diagnostic evaluation of the family. But it's more than just showing up for 30 minutes. It's on going monitoring of the family by contract that the City has with Family Housing Services. He would be happy to follow-up and give you the exact break down of the services.

Mr. Baker said that isn't necessary, he just thought it would be not very effective if it weren't something of significance.

kjw

Mr. Walton said this particular program, Councilmembers may not recall, was in committee for some period of time and committee discussed this and recommended it. And he realizes with your busy work load it may be difficult for a reference point, but you spent many hours discussing this program and you ultimately approved a good program here. And he thinks we're coming back here saying we inadvertently left it out, we're ready to go to work if you allow us to go to work.

Ms. Scarborough said she was just going to remind Council that this was in Council Committee, that this was a recommendation that come out of the City-Within-A-City task force and it was something that this Council has already seen several times before and she would hope that we will continue to support this because this is something that will help us as we try to deal with housing in our City, so she calls for the question.

Councilmember Jackson said as far as the discussion in the committee, he thinks that the main part about this that he find redeeming in this part B is that we require that to participate in any of these programs that the landlords have to do background checks, they have to go out there and do the inspections before and after. And it's some what of an inducement that we check the quality of the tenants that get involved in the program throughout the deal and do inspections before and after, and it sort of formalizes where the City will be involved. In some of the cases where the landlords aren't responsible then we're not going to be in those programs or the tenants. They both have to agree to participate in the program which adds more structure and the members that came and spoke to us that own houses, found this as a way that they could leverage getting tenants to be more cooperative too. It is in a way that we are reimbursing the landlords, but at the same time we're requiring them to do something to participate and if they don't do it then they don't play in this particular game.

**The motion made was to approve B and the Budget Ordinance.**

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

YEAS: Councilmembers Baker, Campbell, Cannon, Jackson, Majeed, Martin, Scarborough, Spencer and Wheeler.
NAYS: Councilmembers McCrory and Reid.

The ordinance is recorded in full in Ordinance Book 46, at Page 41.

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**ORDINANCE AUTHORIZING THE USE OF IN REM REMEDY TO DEMOLISH AND REMOVE THE DWELLING AT 2624 MILTON ROAD (OAK FOREST NEIGHBORHOOD) WHICH IS NOT LOCATED IN THE CITY WITHIN A CITY BOUNDARIES DEFERRED.**

**Bill Rice, 10100 Park Cedar Drive**, said he was there to present our case against the demolition of 2624 Milton Road. After the house had been vacant for a few years while waiting for market conditions to improve, the property was sold in the Spring of 1992 to Elm Street A.M.E. Zion Church. They closed on that purchase in July of 1992 and their plans were to refurbish the property into a church and class rooms. They were a new church and since they could not afford to pay cash for the property, payment terms were worked out with them and as part of those terms the agreement was they were to bring the property up to City Code. They began work on the property immediately and removed all the windows, doors, wall boards and some floor covering for the purpose of turning it into the church. Worked then ceased that winter 1992-1993. That was because they had trouble of obtaining financing and they were having a problem of gaining the number of church members they needed to support a new church. We assisted them by getting an architect to donate his services to design the church building for them and in February of 1993 they had not made any payments on the property nor had they begun any further work. Consequently in the spring of 1993 they disbanded because they did not receive the members they needed and they wanted to give the property back to us. Since they had already disbanded they could not legally they could not give us back the property and the only way we could receive it was to commence foreclosure proceedings which we're very much against, foreclosing on a church. But we were advised that was the only way we could receive

the property back. During that time we managed to keep the grass cut and in spring 1994 we were informed that the property was being used for drugs and other types of activities so at that time we had it boarded up as you will see in the pictures that we handed out to you. We also have a maintence firm which is regularly keeping the property clean and the grass cut. At this point there are several individuals who have been looking at the property. The most viable is Ms. Mary Odom who is here this evening to speak about her plans for the property. The existing structure has been inspected by Ms. Odom and her builders and has been determined to be structurally sound although it does need extensive repairs. It is our hope that after you listen to Ms. Odom that you will agree with us that the property does not pose a threat to the area and hopefully very soon will be a viable member of the neighborhood again and therefore we will appreciate you not ordering its demolition.

Mr. Cannon asked who is the property owner?

Mr. Rice said Mr. Ralph Squires and he works for him.

**Mary Odom**, said she is interested in the property on 2624 Milton Road. Her interest is to put a Christian Daycare Center there. She sees the property would be a good place for a daycare center, a good place where you're giving quality for kids and love. She wanted to ask the community if they would work with her because she is doing a proposal with NationsBank and they are working with her. She wanted to know if Council could give her a little time to get her paper work done and come back to let them know where she is going to be with that. But she would love to make that a Christian Daycare Center because she really would like to reach out to the kids that really need the love and attention.

Ms. Scarborough said in reference to rehabing it, have you considered that it may cost you more to rehab it than just build new if it were demolished?

Ms. Odom said she was looking at that, and the G.W. instructor told her he could go in there and remodel that place. And in the future she had planned to build on. But looking at it the house is in pretty good shape for a daycare. She has change a couple of things but it is really good for a daycare, and she would hate to see the house torn down where kids could really be educated in that area.

Ms. Scarborough said you're interested in the property, you could do it if you needed to on that property.

Ms. Odom said yes.

Councilmember Wheeler said she would like Mr. Walton to respond to this and asked if the photos that Council has could be shown for the audience. The photos that were passed out, are totally different than the ones we have that Mr. Walton gave us in our packet.

Mr. Walton said normally we have slides produced to be shown, but since we've started the color pictures we no longer make the slides available to the staff here. Normally the pictures that we sent out is within 30 days, but he has not seen the pictures that have been handed to you by the representative of the developer.

Ms. Wheeler said they are mostly trees and they don't show the inside.

Mr. Walton said well our pictures were taken within 30 days of coming before you. First of all he will remind the Council that if you look into your background materials, that this request was initiated by Councilmember Roy Matthews back in 1991 and we have been working that long to try and get this before you. So it's difficult for staff to come at this time and be against a citizen's request for additional time. But normally we have bent over backwards to work with citizens prior to coming to City Council.

[ Motion was made by Councilmember Scarborough, seconded by Councilmember McCrory]
[ to approve the above ordinance. ]

Mr. Martin asked if there had been any complaints from the neighbors about this property?

kjw

Mr. Walton said he indicated that this was initiated by Councilmember Roy Matthews who had received complaints.

Mr. Martin said to Ms. Odom that she said that she was trying to work out something with NationsBank, are you at liberty to tell us something about that and what the status of it is?

Mr. Walton said he was going to speak to that, we have contacted NationsBank on behalf of the City and they referred this citizen here to and organization called SCORE, so NationsBank does not have an active application on the citizen. She was to work with this organization so that they could help develop a proposal to submit to NationsBank and that has not occurred.

Ms. Odom said she has the proposal ready and is to meet with the gentleman one day this week.

Mr. Martin said when he looks at the delinquent tax rate and the liens on this property, in his own mind he has to question whether whatever you do to come up with the sufficient money to do rehab and take care of all these liens on the property and do anything with it. He feels kind of sad about the thought of demolishing it just looking at the structure from the pictures. But he is not so sure that it is realistic. Because when he looks at what's on here, he's not sure that you could pull that off financially.

Councilmember Majeed said he passes this structure quite often and he is very familiar with it. It 's almost surrounded by apartments, it seems like demographically it grew dysfunctional to stand there alone around many apartments. It's a fine looking structure, it's sad about demolishing. He would say that if this lady can find some usage and if it can come through, that would be great, but there is potential in this property as far as the quality of the structure and he's seen it. And if for a little time if she could see if she could work it out, if not say again so many days and then go on and demolish the property. But he has always looked at that property and said it's a fine structure and it just puzzled him to say how would that property be utilized, even though it's boarded up.

Mr. McCrory asked Mr. Majeed if the zoning even allowed childcare right now?

Ms. Odom said yes.

Mr. McCrory said so what's the zoning, is it residential?

Mr. Majeed said he doesn't know.

Mr. McCrory said his concern is we could be talking a long time from now.

Mr. Majeed said it's multi-family all around.

Mr. McCrory said but if they still need to go through a zoning change you're talking about a long time. Mr. Walton may want to answer that.

Mr. Walton said the zoning will allow daycare.

[ Substitute motion was made by Councilmember Reid, seconded by Councilmember Martin]
[ to defer for 90 days to see if Ms. Odom can work out some kind of loan. ]

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

YEAS: Councilmembers Baker, Campbell, Cannon, Jackson, Majeed, Martin, Reid and Spencer.
NAYS: Councilmembers McCrory, Scarborough and Wheeler.

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kjw

**RESOLUTION OF CONDEMNATION OF 3,717 SQUARE FEET AT 1805 CLEMATIS DRIVE FROM MICHAEL J. ZUPON & WIFE LORRAINE S. ZUPON FOR $6,350 BY DEDHAM PLACE SANITARY SEWER RIGHT OF WAY, PARCEL NO. 2.**

**Mike Zupon, 1805 Clematis Drive**, said he is here to request that City Council decline to seize his property and install a sewer line. He believes that condemnation is unlawful and necessary because CMUD has two viable alternative routes for the sewer line. One of these alternatives does not require condemnation of any property. The other would involve the same number of homes as the proposed route. CMUD has explained that both of the alternative routes are feasible, but expensive or complicated. He personally does not find this acceptable. The proposed route which is to go through his back yard and cut down trees, is both expensive and complicated to him. The City is proposing to compensate him for this unnecessary seizure in an amount far less than the cost of replacing the trees, or what he paid for the land last year. He would also say that when he contracted to buy the property that he was unaware of the proposed development of this property, that he spent a considerable amount of time discussing it with the representatives of CMUD and have told them from the start that we were not interested in having the sewer line go through our property. That it was not a matter of compensation, just a matter of desire not to have our land disrupted and the future use of it including any structures that we may want to put on there. CMUD and the real estate developer both use the threat of condemnation to threaten us into involuntarily turning over our back yard. It has been a really unpleasant process for us. He believes it is unfair and unnecessary to seize the property so that the adjoining property could be developed at a profit to another individual. He requests that the property not be condemned because there are two alternative routes, again including one that does not require condemnation of any properties. He understands that it is more expensive, but you have to understand that the proposal is expensive for him and also limits the use of our property. We suggest that CMUD and the developer either pursue one of the alternative routes or agree to compensate us at a rate that we think would enable us to repair the damages.

**Rick Judson, 1105 N. Church Street**, said Mr. Tom Pearson and himself are developing the property to which Mr. Zupon is referring, four residential lots off Fairview Road. We have tried for more than a year to get sewer access. We've approached CMUD prior to buying the property, we've approached CMUD while we were developing the property and put infrastructure in exactly the right place. There are no other viable alternatives for sewer access Mr. Zupon was aware of the sewer discussion prior to his buying the property. It is in his documentation from the purchase at his closing. He refers to our going to different avenues for sewer access or compensate him accordingly. Earlier in his statement he said that it was not an economic issue, he contends that it is purely a matter of economic issue. The City has accessed the property, we have negotiated for more than a year. The City has negotiated in good faith, the property has been appraised, he's receiving top dollar for the property, for the second time in two weeks I would ask the City Council to go through with the condemnation. We have gone through all of the legal procedures, all the requirements necessary for sewer infrastructure and sewer access. So we would ask that you do proceed with the condemnation.

Mayor Vinroot asked that Mr. Bean or someone from the Utility Department to comment on this for us as essentially a third party, and give us your reaction to the debate.

**Doug Bean, CMUD Director**, said the one question he can answer is the viability of this particular route. There are two other ways that sewer possibly could be provided, we deemed both of those were not feasible. One is sewer in Fairview Road and that means you would not have to cross anybody's property. The problem is the sewer line is on the other side of a major water line and a storm sewer line and a lot of other utilities such as telephone cables and electric lines and we simply can't cross everything else to get into that sewer line, because of the elevations, number one, and number two, just because of having to go through all the utilities. The second way the sewer could be provided would mean we would have to go through another individuals yard but the damages would be greater because you will be going from a man hole in the front yard of another house and digging up the front yard and the entire side yard very close to a house. The damages for that would be much greater. This particular route goes across the back of a piece of property and it is the least disruptive and as far as property owner is concerned, it is probably the best route.

kjw

[ Motion was made by Councilmember McCrory, seconded by Councilmember Martin, to ]
[ approve the staff's recommendation. ]

Mr. Baker said he wanted to comment on that, that is pretty close to his home and he went by and took a look at it. He talked with the CMUD staff a lot and feels and empathy with Mr. Zupon because I don't think I would like to have a sewer line across my backyard. However we're offering the Zupons $6,350.00 for 1,845 square feet of right of way. And if you multiply that out that comes to $149,922 an acre that we're paying for that right of way and he felt a little less sympathy for Mr. Zupon when he found out that his house is sewered by going across somebody else lot. So he would support the motion.

Mr. Zupon said he knows that this is immaterial to your considerations, but he feels necessary to respond. He did not know about the sewer line when he contracted to buy the property. At the closing he was told that it was proposed, his attorney advised him that that would not void the contract he had to follow through and this was the alternative that he had to fight it and that's why he is here before Council today. The second is that he's been told that the line can go to Fairview Road, it would just have to be done so via pump and that would be expensive and economically undesirable. But again it is a viable option and Mr. Baker in reference to your comment, unfortunately he paid more than the sum you've quoted per acre for my property. As a matter of fact, close to twice as much, so in terms of the per square foot compensation, he thinks that is just another measure to show you that the proposed compensation is inadequate. He also has a quote that is three times that amount.

The vote was taken on the motion and carried unanimously.

The resolution is recorded in full in Resolution Book 33, at Page 40-41.

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**PUBLIC HEARING FOR A VOLUNTARY ANNEXATION OF THE IBM AND YMCA PROPERTIES.**

The scheduled public hearing was held on the subject matter. There were no speakers.

[ Motion was made by Councilmember McCrory, seconded by Councilmember Wheeler, ]
[ and carried unanimously, to close the hearing. ]

[ Motion was made by Councilmember Wheeler, and seconded by Councilmember ]
[ Scarborough, and carried unanimously, to approve voluntary annexation. ]

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**CITY MANAGER'S REPORT**

Mayor Vinroot said this week at the International City/County Management Association, a plaque in honor of 35 years or service in local government was given to Mr. O. Wendell White, and he was recognized at that time among his peers across the country for his 35 years. There are not many people who have served in city government in the City Management capacity for that period of time come Republican, Democrat, new movements of one sort and the other and done it quite so well. And he thinks in this case from our perspectives in the last 13 or so years led one of the premiere cities in this Nation in this capacity as City Manager. He simply wanted to show that to the audience, the Councilmembers and to say to Mr. White and his family, thank you for that long and very good public service in this and other communities. Mr. White started in a little town in West Virginia and ended up in the big City of Charlotte, North Carolina. Congratulations.

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kjw

**RESOLUTION IN SUPPORT OF USAIR AS A VALUED CORPORATE CITIZEN AND VITAL FORCE TO THE ECONOMY OF THE CHARLOTTE REGION.**

[ Motion was made by Councilmember Martin, seconded by Councilmember Scarborough, ]
[ to approve the above resolution. ]

Mr. Reid said this came about very simply because if you have a friend and that friend gets in trouble, he thinks it's time to rally around your friend. And certainly we have a friend, a corporate friend in Charlotte named USAIR. Not only is USAIR a friend, they play a vital role in the economy of this city based on everything he's heard and any kind of economic facts we look at. For instance they have 7,000 employees, they contribute $350 million annually to our economy, and most of all, his concern is for the 7,000 employees because they're people just like we are and they've suffered a lot. They probably have been maligned a little bit unfairly about some of the unfortunate accidents and they're still going through that. And he felt it was important that we as a City and the City Council, let those folks know that we empathize with them, we support them and anything we can do to keep USAIR the vital force in Charlotte that it is today, that we ought to be able to say that we're ready willing and want to understand and want to help. Mr. Reid then read the resolution.

The vote was taken on the motion and carried unanimously to adopt the resolution.

The resolution is recorded in full in Resolution Book 33, at Page 42-43.

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**MAYOR'S ALTERNATIVE PROPOSAL TO CREATION OF A HOUSING FOCUS GROUP**

Mayor Vinroot said he wanted to take a moment and describe what he did and what he was trying to do. As you know we had a request some months ago, from a member of the school board urging us to adopt what was described as an integrated housing plan which he thinks was probably a sort of narrow description of what he suggested. It came back to us from the Planning Liaison Committee two weeks ago and after hearing that discussion he said to you that he would like to think about it and maybe suggest an alternative that he hopes will gain support which basically is the suggestion that we take the narrow subject and make it a broader subject of dealing with racial patterns of development in this community and some of the problems associated with decaying inter-city neighborhoods and ask the Planning Commission as opposed to appointing a Housing Task Force, ask them to become more active and more specific in telling us the impact of our race neutral decisions. To the extent that they want to convene a body of people to talk about that, then they do so. He has shared this memo both with the public and with you, he has also shared it with the Chairman of the County Commission and the Chairman of the School Board, and talked to several of you about it specifically. He thinks it's a way to do and he thinks an acceptable way to do something broader than what came to Council in a fairly narrow and controversial form. So he obviously hopes that you will vote to approve this request of the Planning Commission and certainly offer to answer any questions.

Ms. Scarborough said she doesn't have any questions, she just wanted to make a statement in reference to this. It's certainly isn't any more than the Planning Commission should be doing anyway. And it's probably a part of their charge as they are functioning now so she doesn't see any difference in what they are doing in asking for this particular issue to be done, so she doesn't have a problem with it at all.

Mr. Cannon said a caveat to what Ms. Scarborough stated there. Just for public information the Planning Commission will come to us with the proposed work program in the late spring. So you're dead on target Ms. Scarborough and Mayor as far as what the commission can handle and that it would be the same thing related to what we would like to look for in how we plan where people must live and work and of their children to be bused in different areas through the City of Charlotte.

Mr. Jackson said is there a suggestion here that we have zoning decisions and a part of that zoning decision is that we might be advised or it would be the opinion of the zoning committee

that we shouldn't approve this because too many people of one race or the other might live here. Are we going to have to deal with that in the zoning decision?

Mayor Vinroot said that's not what he had in mind, nor does he thinks that's what the write up had in mind. Here's what he had in mind. Think about it this way, and these are actual experiences that he recalls as a City Councilmember. If we are inclined to permit multi-family housing, or high density housing only in certain areas of our community, that probably speaks to the lower density where you have smaller lot sizes and the multi-family housing. And in his experience we've been far more willing to permit that in some of the northeast areas and west areas than we have in the southeast area. If we just routinely approve multi-family in one side of the City and not in others, or for example if we approve zoning to permit employment type zoning in one side of the City and not in others, we will not be consciously be making a decision that affects segregated housing, but in fact that would be the result. In fact if we permit not multi-family zoning in one quadrant of the city, no employment zoning in that quadrant of the city, those are not racial decisions, those are just decisions about where you permit housing that is affordable and where you permit employment opportunities, you will end up with a more segregated city. What that paragraph has in mind as far as he is concerned, and what he intended in his memo is to ask the Planning Commission to tell us what the impact of our decisions are like that, those race neutral decisions that have unfortunately positive race implications. That's what that means, he is not suggesting, nor does he thinks the Planning Committee would suggest that they would come back to us with a you should zone to integrate, or you should zone to permit. He doesn't know how you would do that legally first or all.

Mr. Jackson said he looks at this and he sees a southeast district plan, or east or west, and you do it in an over view district where we're looking at a big picture and that's an appropriate role for that planning zoning area. But he would feel very uncomfortable if this somehow resulted and them coming here and saying these 37 houses if you let them be built because they are $270,000 or $120,000, that's racial and you shouldn't do it because that's racial and you shouldn't do it because it's racial. As long as that's not a possibility.

Mayor Vinroot said that's not what that intends.

Ms. Spencer said tonight we've had international visitors here and we've talked about a new Sister City and we're also getting an international population, a lot of them out the Central Avenue corridor. And it struck her in the last couple of months that no one is minding the store on how we assimilate and how we stretch our hand out, folks who come from different cultures don't speak English. The folks in the Central Avenue corridor for instance are very hard working, very low education and therefore very low wage. But that to her is one example that is different from the ones that have been cited before, something that needs to be addressed by us so that we know who our community is out there, what the real needs are and how we create a city that is going to work for everybody here.

Mr. Martin said he read a book called the Rage of the Black Middle Class, and one of the things that the author said in the beginning is no matter what a black person achieves in the country, if he happens to be black, then that's the most important consideration. This is not a race question that we're talking about, it's an economic question. And he would like to commend the Mayor for what he's done, he thinks he did the right thing. In this city today a black person, hispanic person, or whatever can buy a house in almost, not quite, any place he wants so if he has the economic means. And even with this Ms. Scarborough, he knows she had her reservations, that's not going to change very much. But it does in his mind put the Planning Commission on record to be more sensitized to the kinds of things that the Mayor addressed. And he personally really appreciates that and he thinks this is the way to go. The School Board piece in his judgement is one of those extreme directions and he thinks that we have to be careful in this city that we don't go extreme either left or right, liberal or conservative as we move ahead and try to become what we like to call a World Class City. So he hopes that we will support what the Mayor has done and he believes that the Planning Commission will carry out this charge and if they don't we'll ask them about it just as we have in our contracts here when we required some comment on the percentage of minority participation. And he thinks that's the sense in which the Mayor is talking about. It's only a race thing because it happens to more black people or lower income and poor for all kinds or reasons that we won't get into. But he thinks this is the right way to go. It's balanced, nonthreating and it will serve the

purpose of this city.

[ Motion was made by Councilmember Martin, seconded by Councilmember McCrory, and ]
[ carried unanimously, to approve the Mayor's Alternative proposal. ]

Mr. McCrory said Business Week Magazine which comes out weekly has an article on the gaps between the rich and poor. The cities that are having the largest gaps between the rich and the poor and also the largest gaps between job growth. And it's interesting in this article the cities where the job growth is the slowest and the gap is the widest between the rich and the poor, are Newark, Detroit, Cleveland, Buffalo, and St. Louis. The strongest cities where the gap is narrowest, is number one, Las Vegas, number two West Palm Beach, Florida, and number three Charlotte, North Carolina. That is good information, because he thinks one of the goals in which he agrees with Mr. Martin, it has nothing to do with race, one of our goals must in the city, is to protect and expand that middle class base. Some of the corridors that Ms. Spencer was talking about, the Wilkinson Boulevard corridor, Freedom Drive, Central Avenue corridor, he thinks one of our greatest challenges is to protect that middle class neighborhood and expand that middle class neighborhood into other areas to make those neighborhoods more viable. And he thinks this rewording that the Mayor has done puts more emphasis on doing just that and will maybe make us go to number one beyond Las Vegas and West Palm Beach, Florida. That's what makes Charlotte strong, is looking at protecting that strong middle class neighborhood as oppose to becoming a city of only the very rich and the very poor. And he thinks that's what the Planning Commission should do everything they can to avoid. He will make one other statement, he was not at the dinner, that we could not mislead the public in thinking that government has a huge impact on these decisions. In San Fransico, most of their neighborhoods are not created by what the government does. They are created by natural migration of either economic groups, ethnic groups and so forth. It has very little to do with government action. That's what's naturally also occurring in many neighborhoods in Charlotte. But he agrees also that there are certain governmental policies that we do enact which will have some sort of impact on that natural migration, so he agrees with the write up that the Mayor proposes.

The vote was taken on the motion and carried unanimously.

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**RESOLUTION RECOMMENDED BY THE BOND COMMITTEE WHICH ADDRESSES FINANCING OPTIONS FOR PROPOSED CAPITAL IMPROVEMENTS OF $69,110,000 IN WATER PROJECTS, $59,730,000 IN SEWER PROJECTS AND $25,000,000 IN STORM WATER PROJECTS.**

Mayor Vinroot said we have appointed a Bond Advisory Committee to explain to the public the purpose of the water, sewer and storm water bonds that we put on the agenda for a vote by the public on November 8. We have organized that committee and we've gotten wonderful leadership, namely Mr. John Boatwright who has agreed to chair that committee and Mr. Ray Farris who has agreed to be the vice chair. And we are going to hear from one or both at this time concerning the resolution before you. At supper time we had a very good discussion presented by Mr. Jim Schumacher about the bonds themselves and also about the experience this past month in this City with a huge amount of water on the storm water part of the problem. So he thinks the Council comes with a pretty good education of what we're talking about and why it's important that the community understand these bonds and why we're glad you're here to tell us a little bit about that.

**John Boatwright, NationsBank**, said the resolution that we put before you on Friday really just reaffirms your action that you took in July of putting these bonds on the agenda. It makes four essential points that he wants to point out. One, this Council has already decided on the necessity of the water, sewer and storm water bonds. The second, is that the bond amortization though they are G.O's, will be supported by the user fees which are sufficient for the amortization as well as operations and maintenance. Third, is the G.O's are proposed to the public as the cheaper of the financing alternatives. And fourth that these projects will be underwritten, whether financed by G.O's or by other financial means. We're asking the support for this resolution because we have a very short window in which to educate the public. In essence our campaign is really based on the prudent use of general obligation bonds versus

revenue bonds because of the difference in interest rate and the savings that will accrue to this city by going this route. So Council has already decided on improvements that are necessary and prudent and by this action we are just asking that you reaffirm that decision for us.

Mayor Vinroot said he wanted to say one thing that he thinks is important for the public to know. This is a bond referendum essentially on how much we get for our money. These bonds will be paid by the revenue streams of the water, sewer and storm water utilities. Fortunately for us because we're a triple A bond rated City, if we vote on them and approve them as G.O bonds, we will reduce the interest cost on the money that we will borrow to make these improvements. The difference over the life of the bond is about $4.5 million. That's $4.5 million more work we can do as oppose to paying that $4.5 million for interest on the bonds. It is going to be very important that we explain to the public that fact between now and the vote, November 8, because they are essentially the people voting on it, the rate payers themselves. And if they would vote for these bonds they would basically reduce their interest cost by $4.5 million. If they defeat these bonds the same work will get done by the rates they pay, but $4.5 million less will be spent on improvements and $4.5 million more will be spent on interest. That's the key fact we have to tell the public and we're glad you fellows are going to help us do that.

[ Motion was made by Councilmember Wheeler, seconded by Councilmember Martin, and ]
[ carried unanimously to approve the above resolution. ]

The resolution is recorded in full in Resolution Book 33, at Page 44-46.

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**GRANT APPLICATION TO THE STATE OF NORTH CAROLINA'S DEPARTMENT OF ENVIRONMENT, HEALTH AND NATURAL RESOURCES; AND ADOPT A BUDGET ORDINANCE NO. 145-X APPROPRIATING A $30,000 DONATION FROM DUKE POWER AND A $52,800 GRANT FROM THE NC DEPARTMENT OF ENVIRONMENT, HEALTH AND NATURAL RESOURCES.**

[ Motion was made by Councilmember Wheeler, seconded by Councilmember Martin, and ]
[ carried unanimously, to excuse Councilmember McCrory and Councilmember Scarborough ]
[ due to conflict of interest. ]

**Dave Cooke, Internal Consulting**, said this is a good news item in that our fleet operation is looking at many alternate fuels to help the environment. This one looks at electric cars and applying for a grant with the North Carolina Department of Environment, Health and Natural Resources. We have several partners in this venture one being Duke Power and the other being the State. We're contributing money and have set aside for the purchase of three vehicles and we also have as partners York Tech and Wells Fargo.

Mr. Jackson said the $41,900, that's what we've typically have put aside to buy the vehicles if we're buying standard gas powered vehicles or whatever?

Mr. Cooke said we're looking at a six year life for the vehicle so it looks at maintenance for six years and the purchase price. Our cost if we were looking at three cars, we will normally buy gasoline powered cars, our cost is probably in the area of $49,000 over that six year period. So this actually should work out to be cheaper. We're estimating over the life of the vehicles.

Mr. Jackson said the other thing that he noticed is that if we don't get the grant request that we might go ahead and do two on our own. What would our per unit cost be in that situation?

Mr. Cooke said one or two yes. What we'll look at again is we're not going to increase the contribution that we otherwise would have had in City dollars. So again we're looking at our $49,000 cost backing that out at a per unit cost to look at whether we could do one or two. Plus there is a possibility that if the grant doesn't come through that the other partners would increase their involvement.

Mr. Jackson said so one way or the other the City would not increase what we would have normally spent on regular vehicles?

Mr. Cooke said that's correct.

Ms. Wheeler said she is a member of the Transportation Transit Committee of 100 and the Environmental sub committee has made a recommendation that the City began testing alternative uses of fuel. It's important for the health and vitality of the future of this City. We're a nonattainment city on the bubble right now and the federal government may mandate that we use alternative fuels, so it is important that we have experience in all types of fuel and she hopes that at some point in the future the City will request a grant or work with compressed gas as well as liquified gas.

[ Motion was made by Councilmember Martin, seconded by Councilmember Wheeler, and ]
[ carried unanimously, to approve the application and adopt the budget ordinance. ]

The ordinance is recorded in full in Ordinance Book 46, at Page 43.

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**MODIFICATION TO ECONOMIC DEVELOPMENT LOAN- H.J. PROPERTIES, INC.**

[ Motion was made by Councilmember Scarborough, seconded by Councilmember Martin, ]
[ to approve the existing loan. ]

Mr. Reid said there are a couple of things he noticed about this. You said the appraised value is $725,000, he noticed the tax value of this property is only about $340,000. Are you aware of that and does that make any difference?

Mr. Washington said yes he is aware of that.

Mr. Reid said how is it so low? How in the world could you have a building that's appraised for three quarters of a million and tax valued at $340,000 or $345,000?

Mr. Washington said he can not speak to the tax value to be quite honest, but he could share with you that one of the reasons why we're just getting this item to Council is because he has requested that Dr. Jones have a new appraisal done because he wasn't quite sure that we had enough value using just the taxed value. And it is a fairly recent appraisal so that's why he had that done.

Mr. Reid said if it is worth $725,000 and he would accept that as the value now, and it has an excess value of $314,000, couldn't the owner get a loan instead of coming to the City for money? It seems to him that if it still has a value there of $314,000 that could be collateralized to some degree. And we would either A, not have to put up any money, or not as much?

Mr. Washington said actually has gone back to his bank and working through some other situations that he had to work through with the bank and his other two partners are no longer part of the partnership. And this is the amount that the bank was willing to refinance. In fact he had to go back and refinance the balance with them as well, and this is their comfort level. The amount that they were willing to refinance, versus increase the amount.

Mr. Reid said he imagines it is a comfort level for them since they're loaning $205,000 on a building that's worth $725,000, it ought to be comfortable for them. The other question he had is, this loan now will violate our City Within A City job creation goal. Because we say that we need to create a job for each $15,000 and if we divide $15,000 into the $205,000 the City is now loaning, in order to meet the requirement of the City Within A City loan we'd have to be creating 14 jobs. And you say here it's four or five jobs. So how are you rationalizing that?

Mr. Washington said initially when this loan was originally booked the goal the actually out lay of the jobs to be created was 14. In fact the five that is referenced here in the item is in reference to the jobs that were to be created by the existing or the remaining share holder. The

other jobs went away when the other two partners left the building. And at this point you're right and that's five jobs because Dr. Jones plans to hire one additional person to bring it back up to five, represents the amount that will be created as a result of his remaining there. Our main intent was to preserve the asset and we had a responsible shareholder who is looking for us to assist him in financing. So you're right and the other jobs went away with the other two partners.

Mr. Reid said what we're doing here in order to salvage this is we're renting a part of this to Central Piedmont. How many square feet are we renting to Central Piedmont?

Mr. Washington said approximately 5,000 square feet.

Mr. Reid said so what we're in essence doing is getting another City entity to bail out a City entity. It certainly doesn't fit the guidelines that we anticipated in loaning money for City Within A City to create jobs, and we're violating that and that's his big problem with it.

Mr. Washington said in reference to that, Dr. Jones took that on his own accord to attempt to bring a tenant into the building because part of the space was unleased and that he had two shareholders who quite frankly just walked away from the deal.

Mr. Reid said have we brought those shareholders out?

Mr. Washington said he has brought one of them out and continues to work with other to buy the other out.

Mr. Reid said so we're going to get into a situation where we really don't have a clean title to it, or even a clean lease?

Mr. Washington said yes we do. First of all, legally he has checked with the City's attorney and also had Dr. Jones attorney confirm that as 2/3's shareholder interest he could operate on behalf of the corporation. And secondly he is continuing to try to work to buy out the partnership interest of the third shareholder.

Mr. McCrory said follow-up to those questions, regarding the write up he appreciates Dr. Jones' work, it looks like he has been put in a tough bind with your other two partners. He is concerned about one of the partners who still owns 1/3 interest, who has run into some trouble it looks like. His concern is will she financially benefit as a result of our loan since she is still technically a partner? That is a concern that he has especially with regarding her not continuing to pay and also because of her losing her operating license due to being charged with stealing? He wanted to make sure our City loan is not benefiting financially another third partner who seems to be not wanting to participate in this.

Dr. Jones said no she will not because she has negative equity right now. To get back in she would far exceed her share of the equity.

Mr. McCrory said it mentions that Dr. Jones met with Ms. Jenkins and confirmed that Mr. Heart was not making payments. He is just curious from a City staff view point, did we know that these payments were not being made and how long of a period of that time did it occur prior to us not knowing that payments were not being made by two of the partners involved?

Mr. Washington said one of the shareholders was responsible for the payments, he is the one that we contacted and were unsuccessful in getting any positive response and we gave him some time to work through the arrangement. He and not Dr. Jones at that time, was responsible for making the payments. Therefore he was our contact.

Mr. McCrory said what was the period of time?

Mr. Washington said it was approximately three months after that we realized their payments weren't being made.

Mr. McCrory said how long were payments not being made?

Mr. Washington said at that point it was three months, but overall it was a nine month period. And after that point Dr. Jones resumed payments.

Mr. Cannon said there were some good questions already asked, but we don't actually lose out on our investment here do we?

Mr. Washington said no, we are refinancing the balance in total, so no we will not. We will be repaid the total amount due.

Mr. Martin said how many teachers are there from Central Piedmont at your place?

Dr. Jones said he is there in the afternoon when they come and he counts four so far. There may be more but he can think of four.

Mr. Martin said he would assume, we were talking about creating jobs and this is a factor in those jobs even though you're not employing them directly, the fact that they're in your building and are able to work.

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

YEAS: Councilmembers Baker, Campbell, Cannon, Jackson, McCrory, Majeed, Martin, Scarborough, Spencer and Wheeler.
NAYS: Councilmember Reid.

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**NOVEMBER CALENDAR CHANGES**

Mayor Vinroot said one suggestion is to cancel the November 7, workshop because we are going to have a City Council Retreat four days later on the 11th and 12th. The second part of the motion is to move the November 21 meeting to November 22, because on November 21, some or all of you will be at the Criminal Justice Commission Summit Meeting in Pinehurst.

[ Motion was made by Councilmember Scarborough, seconded by Councilmember Martin, ]
[ and carried unanimously, to cancel November 7, Workshop and move Zoning Meeting to ]
[ November 22, 1994. ]

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**OCTOBER 3 WORKSHOP AGENDA**

[ Motion was made by Councilmember Scarborough, seconded by Councilmember Wheeler,]
[ to approve the workshop agenda. ]

Mr. Reid said how did this 2010 Vision report get back on our agenda? He thought Council voted not to fund it.

Mayor Vinroot said we did actually fund the follow-up implementation report, it was sent out to you last Friday, and they're coming to tell you about it.

Mr. Reid said we funded that too?

Mayor Vinroot said yes, the City and the County both. You may have voted against it but we funded it, and they put out a pretty good report that they're coming to tell you about.

The vote was taken on the motion and carried unanimously.

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kjw

**EXECUTIVE SESSION**

[ Motion was made by Councilmember Martin, seconded by Councilmember Scarborough, ]
[ and carried unanimously, to hold an executive session at the conclusion of the meeting for ]
[ the purpose of conferring with the City's Attorneys concerning potential litigation against ]
[ the City, as permitted by the State's Open Meeting Law. ]

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**Council recessed for Executive Session at 8:35 p.m.**
**and reconvened at 9:45 p.m.**

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**ADJOURNMENT**

[ Motion was made by Councilmember Martin, seconded by Councilmember Wheeler, and ]
[ carried unanimously, to adjourn the meeting at 9:45 p.m. ]

Brenda R. Freeze

Brenda R. Freeze, City Clerk

Length of Meeting: 3 Hours, 5 Minutes
Minutes Completed: October 7, 1994

kjw

# Attachment

# 2

# CITY OF CHARLOTTE
## MAYOR'S OFFICE
## MEMORANDUM

**DATE:** September 14, 1994

**TO:** City Council Members

**FROM:** Mayor Richard Vinroot

**RE:** School Board & Planning Liaison Committee Requests for Creation of a "Group to Investigate & Recommend Actions to Support an Integrated Community and School System"

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As I review the original School Board resolution and more recent Planning Liaison Committee draft, I think I see why they have been characterized so controversially as an "integrated housing plan." Both talk a lot about "initiatives" to "encourage integrated housing" and call for the creation of a "Housing Focus Group" to tell us how to accomplish that result.

Although many of the goals are appealing -- such as reducing the need for crosstown busing to achieve integrated schools, revitalization of the center city and enforcement of fair-housing laws -- there is no denying that the overall tone and approach of both documents do sound like what some have labeled "social engineering". As such, neither is acceptable to me personally and I doubt seriously that they will be supported by the City Council or County Commission -- nor our community at large -- in their present form.

Accordingly, I propose an alternative approach along the lines of my comments last Monday night. What we really need to know is why some of our country's major cities have ended up with such a high incidence of poverty, crime, welfare, etc. and what public actions taken or not taken have done to contribute to their demise. Examples that readily occur to me are where public investments like airports or coliseums have been or will be located, the impact of individual zoning decisions (particularly those related to affordable housing along major corridors) and where industrial and other employment zoning is placed on housing patterns.

However, contrary to the School Board's and Planning Liaison Committee's recommendations, I do not see the need for a "Housing Focus Group" to analyze this problem and tell us what we need to do different from other cities. Instead, I propose that we ask the very entity we created for this purpose to do so: our Planning Commission. And, I suggest that they do it on a regular and on-going basis as we make decisions about public investments, zoning and others that may impact development patterns in the future.

If our Planning Commission believes that actions we are about to take will lead to a more segregated city they can tell us; and, if they believe that there are actions we should consider taking that will reduce that prospect, they can tell us that too. Indeed, they should tell us these things and as a practical matter are the folks in our community whose education, training and experience have best prepared them to do so, probably much better than any "task force" we might conceive for that purpose. Moreover, if they need additional advice from outsiders (such as bankers, realtors, homebuilders, et al. suggested as "task force" members), they can also call on them without our help.

Frankly, I believe our chances for accomplishing all of the things suggested by the School Board and Planning Liaison Committee are going to be somewhat limited. In my opinion, our community will not - and should not - take "race conscious" actions to require or "encourage" integrated neighborhoods. That is a matter of free choice and economics. We can, and should, however, be more conscious of the impact of our otherwise "race neutral" actions on those "choice" and "economic" decisions. Some of our decisions on zoning applications can have an effect on housing patterns. The same is true of our actions to build airports and coliseums etc. We will not be able to make much, if any, difference in the patterns of development that have already occurred in most parts of our city. Instead, we can, and should be more aware of why we have developed that way and what reasonable steps can be taken not to repeat our past mistakes in the future, as our city and region continue to develop.

We should also be looking for more ways to sustain our older, non-suburban neighborhoods. What is wrong with so many cities has little to do with "integrated" neighborhoods or their absence, and a lot more to do with neglect and abandonment of the central city. On this subject, as with future decisions in undeveloped areas, our Planning Commission is fully capable of advising us what we should be doing to improve these "fragile" parts of our community. Once again, what's done is done, but through corridor improvements, low interest rehabilitation loans and other reasonable means we have an ability to improve those conditions. Our Planning Commission should advise us what to do and where to do it, and do so more affirmatively.

In summary, I believe this entire debate has become something of a "tempest in a teapot" and it should not be so. We all want the same result -- a model city -- but there are limits about how we get there. I believe we're not well-served by creating task forces that aren't necessary to pursue goals that aren't realistic. Instead, I propose that we ask our Planning Commission to do what it was designed to do and help us do our jobs better. If you agree with me I will communicate our position to the School Board and County Commission and ask that they join us in requesting that the Planning Commission develop whatever mechanisms they think necessary to regularly and openly advise all of us on this subject. I have spoken with Martin Cramton and he is in full agreement that his staff and the Planning Commission are capable of responding to this request, if made, and eager to do so.